



# MP - PSC

State Civil Services

**PRE**

**Madhya Pradesh Public Service Commission**

**Volume - 4**

**Constitutional System, Economy  
of Madhya Pradesh & ICT**



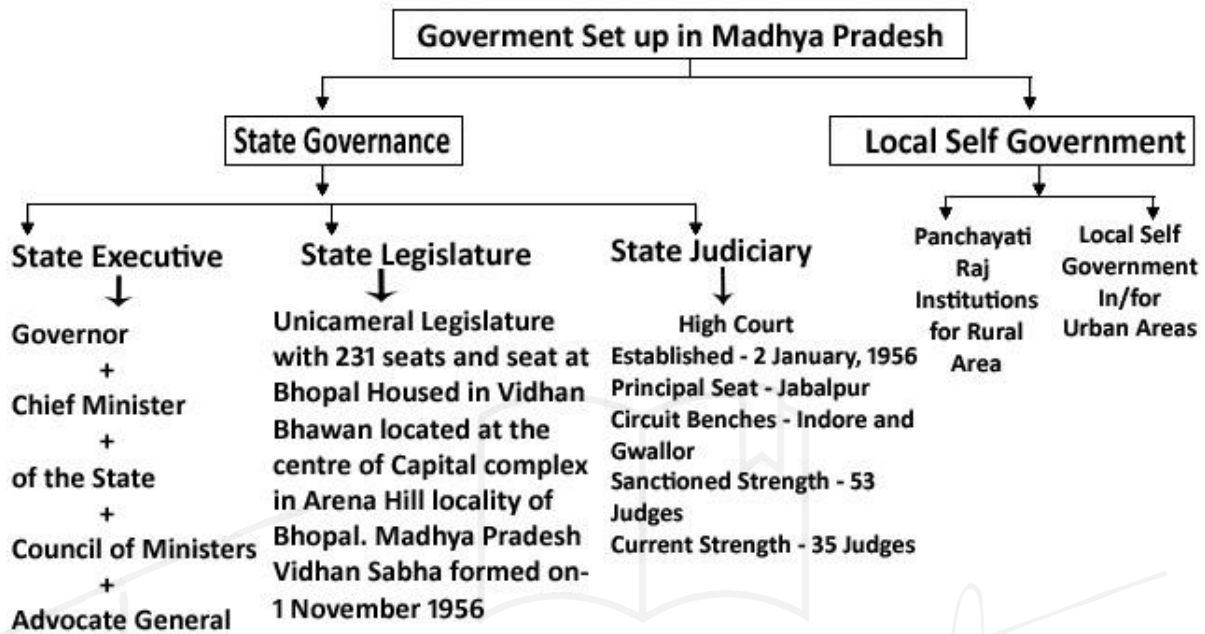
# MP-PSC PRE

## CONSTITUTIONAL SYSTEM, ECONOMY OF MP & ICT

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# 1 CHAPTER

# Constitutional System of Madhya Pradesh



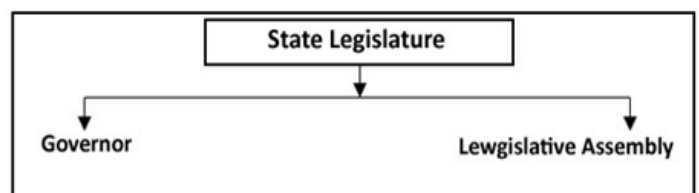
## State Legislature

- Articles 168-177 of the Indian constitution are related to the state Legislature.
- There is a unicameral state Legislature (Legislative Assembly) in Madhya Pradesh

### Development of state Legislature in the state

- The Legislative Assembly was formed in the year 1957 after the formation of Madhya Pradesh in the year 1956.
- The initial number of members Legislative Assembly was 288, of which 43 seats were reserved for Scheduled Castes and 54 seats for Scheduled Tribes.
- The number of Legislative Assembly members was increased to 296 in 1976 while in 1999 it was further increased to 320. After the reorganization of Madhya Pradesh in 2000 and the creation of Chhattisgarh, the number of seats in the Madhya Pradesh Legislative Assembly was reduced to 230, out of which 148 members are elected from Unreserved/General Category, 35 members from Scheduled Castes, and 47 members from Scheduled Tribe.

Year	Legislative Assembly (Elected +Nominated)	Reserved
1957	288	43(SC),54(ST)
1976	296	
1999	320	
2000	230+1=231	35(SC),47(ST)
2020	230	(104 <sup>th</sup> Amendment Act 2020)



- In addition, under Article 333, a member of the Anglo-Indian community is nominated by the Governor. This provision was abolished under the 104th Constitutional Amend Act 2020.

## Governor of Madhya Pradesh

### Constitutional Provisions

- Articles: 153 to 161 of the constitution of India



- **Part: VI of the constitution of India**
- **Important Articles related to Governor**

Article	Provisions
153	Governors of State
154	Executive Power of State
155	Appointment of Governor
156	Term of office of Governor
157	Qualifications for appointment as Governor
158	Conditions of Governor's Office
159	Oath and affirmation by the Governor
160	Discharge of the functions of the Governor in certain contingencies.
161	Power of Governor to grant pardons, etc., and to suspend, remit or commute sentences in certain cases

### Constitutional Position

- **Dual role:**
  - State Government's **constitutional head**
  - A **link between the central and state governments.**
- Executive leader of a state
- Operates on the **recommendation of the Council of Ministers of State.**
- All state **executive activities are formally taken in the Governor's name.**
- **Represents the Centre in the State** as a nominee of the President
- **Serves as a channel of communication** and interaction between the State and the Centre.
- Responsible to **keep the center up to date** on the state's activities.

### Appointment of Governor

- **Appointed by:** The President by warrant under his hand and seal.
- **Article 153:** Each state should have its own governor.
- **7th amendment Act 1956:** Appointment of the same individual as Governor of one or more states.
  - He acts on the **recommendations of the Council of Ministers of individual states** while acting as governor for one or more states.

### Qualifications

In order to be appointed as Governor, a person

- Must be a **citizen of India.**
- Must have completed the **age of 35 years.**

In addition, there are **two conventions** with regard to the appointment of the Governor:

- He **Must not belong to the state where he is appointed**
- **Consult the CM of the state where to be appointed.**

### Term of Office

- **Term: 5 years** at the **pleasure of the President.**
  - He may be requested to stay on for longer than the usual five years until his replacement takes up.
- **Transfer:** The President can also transfer the Governor from one state to another.
- **Resignation:** By writing to the President, the Governor may resign at any time.
- **Unforeseen Circumstances:** The Constitution makes no provision, such as the death of the Governor, the President may make whatever measures he deems appropriate for the fulfillment of the Governor's tasks (Article 160).
- The **Rajasthan HC** has ruled that the **Governor's powers might be temporarily delegated to the Chief Justice of the HC.**

### Conditions of Governor's Office

- **Cannot be a member of Parliament** or a State Legislature, and if he or she is, then has to vacate his seat before joining as Governor.
- **Prohibited from holding any other office of Profit**
- **Official residence without rent.**

- Entitled to the **emoluments, allowances, and privileges that Parliament may designate.**
  - Governor of **two or more states, his emoluments are divided** among them in the proportions determined by the President.
  - **During his term of service**, his emoluments and allowances shall **not be reduced.**
- **Must take an oath** or affirmation **administered by the Chief Justice of the respective state HC**, or in his absence, the most senior judge of that court available.

### Salary

- Draws a **salary** of Rs.3,50,000 per month charged on **the Consolidated Fund of the State**
- Entitled to a **rent-free official residence** and other allowances.
- **Not subject to the vote** of the State Legislature.

### Immunities to Governor

The Constitution grants certain immunities to a Governor, such as

- **Article 361: not liable to any court for the exercise and performance of his powers and duties**, or for any act done or said to be done in the exercise and performance of such powers and responsibilities.
- During his tenure
  - **No criminal proceedings can be initiated** or continued in any court.
  - **No process for his arrest** or imprisonment can be issued by any court.
- **Civil proceedings against a Governor** in which relief is requested can be brought in court while the Governor is still in office, but **only after two months have passed after he was given adequate notice in writing of the proceedings in full.**

### Powers and Functions of the Governor

#### # Executive Powers

- **In charge of the state's executive power:** In conformity with the Constitution, he **exercises it himself** or via an officer's subordinate to him.
- **Extends to all subjects** over which the State Legislature has legislative authority.
- **Subject to the President's executive authority** on subjects stated in the **Concurrent List.**
- **All executive Measures** of the state government are in his name.
- **Authority to establish procedures** for the authentication of orders and instructions issued and implemented in his name.
- **Establishes standards for** the efficient conduct of **government operations** and the distribution of responsibilities among ministers.



#### Powers with respect to Some States:

Jharkhand, Madhya Pradesh, Chhattisgarh and Odisha	94th Constitutional Amendment Act, 2006	ensure that a Minister is appointed to oversee <b>tribal care.</b>
Assam	Sixth Schedule	<b>administration of tribal territories</b>

- **Appointment and patronage rights:**
  - **Advocate General of the State**
  - **Chairman and members of State Public Service Commission** (can be removed by the President only)
  - **State Election Commission and the State Finance Commission (Article 243K) (243I).**
- **Can demand any information from the CM** of the State regarding administrative matters and legislative measures.
- **Submits a report to the President**, along with suggestions, on the **breakdown of constitutional machinery** and the **imposition of President's Rule** in a State
- Serves as the **Chancellor of State Universities.**
- **Ministers hold office** during the pleasure of the Governor.
- **Bring to the Council of Minister any topic** for reconsideration
- It is **the CM's responsibility to report to the Governor any decisions of the Council of Minister pertaining to the administration** of the State and legislative measures, as well as to supply any information requested by the Government.

#### # Legislative Powers

- **Nominate one member** to the **State's Lower House** and a **few members** to the **State's Upper House.**

- **One member of the Anglo-Indian community** to the State Legislative Assembly if they are underrepresented in that body.
- **One-sixth** of the total number of **members** of the State Legislative Council
- Can call a **special session of the State Legislature**, prorogue one or both Houses, or dissolve the Legislative Assembly.
- **Addresses the House or Houses of the State Legislature** singly or jointly
  - Make a **speech** at the start of each **new session** and immediately following a general election to the Assembly, in which he lays out his **Government's strategy for the coming year**.
- Can **communicate with any House** of the State Legislature.
- Before becoming law, **every bill enacted by the State Legislature must gain the Governor's consent**. the Governor can:
  - He **can give his consent** to the Bill;
  - **Withholds assent**; or
  - He may **reserve the Bill for the consideration of the President** if:
    - **Ultra-vires**, that is, **against** the provisions of the **Constitution**.
    - **Opposed** to **DPSPs**.
    - **Against** the larger **interest of the country**.
    - Of **grave national importance**.
    - Dealing with compulsory acquisition of property
  - He **can return it to the Legislature**, if it is not a Money Bill, for reconsideration, suggesting alterations and modifications in part or in the whole.
    - But such **Bills when passed again** by the Legislature **must receive the assent** of the Governor, which means that the Governor cannot withhold his assent to a Bill if it is passed a second time by the State Legislature (**Article 200**).
- In the state legislature **presents reports of**:
  - **State Public Service Commission (Article 323)**
  - **State Finance Commission (Article 243(1))**
  - **Comptroller and Auditor General (Article 151)**
- May resolve a subject pertaining to the **disqualification of a member of the Legislature** on the recommendation of the **Election Commission** if that person's **election is contested through a petition** by some voter or voters in his State (**Article 192**).

### # Financial Powers

- **No Money Bill or Financial Bill can be introduced** in the state legislature **without the Governor's recommendations**.
- Only on his suggestion may a **request for a grant be made in the Legislative Assembly**.
- **responsible for** preparing and presenting the **annual budget to the State Legislature**, which includes the expected revenue and expenditures for the year as well as **supplementary budgets** for the State.
- In the **event of an unplanned expenditure**, the **Governor can make advances from the State's Contingency Fund**, pending approval by the Legislature.
- Every five years, **he appoints a Finance Commission** to assess the financial situation of the **Panchayats and municipalities**.

### # Judicial Powers

- **Pardoning Power (Art.161)**: can award **pardons, reprieves, respites, and remissions of penalty**, as well as **suspend, remit, and commute** the sentences of anybody guilty of laws pertaining to the state.

Difference between President's Pardoning Power	
President	Governor
Can commute death sentences	Cannot commute
Can pardon penalties imposed by court martial	Cannot pardon such penalties
Pardoning power for anybody guilty under central laws	Guilty under state laws

- **Judicial Appointments**: The President consults the Governor to **appoint the justices of the State HC**.
  - Makes **district judge** nominations, postings, and promotions **with the help of the State HCs**.
  - Selects people to the **state's judicial service**, other than district judges, after **consulting with the State HC and the State Public Service Commission**.

## # Ordinance Making Power of Governor

- **Article 213:** can issue an Ordinance **when one or both Houses of the State Legislature are not in session**. It has the force of a law.
- Can **promulgate Ordinance** when he is satisfied that circumstances exist where **immediate action is required**.
  - **Prohibited from promulgating Ordinances** that contain provisions, which **require the previous sanction of the President for introduction** in the State Legislature or which are to be **reserved for the assent of the President**.
    - In such conditions **can promulgate** an Ordinance **after obtaining permission from the President**.
- An Ordinance issued by the Governor **ceases to be in operation six weeks after the re-assembly of the Legislature** unless approved earlier.
  - **May withdraw an Ordinance** any time before it expires.

<b>Difference between Ordinance Making Powers of the President and Governor:</b>	
<b>President</b>	<b>Governor</b>
Can issue ordinances <b>only on those subjects on which the Parliament can make laws</b> .	Can issue ordinances <b>only on those subjects on which the state legislature can make laws</b> .
Same force and effect as an <b>act of the Parliament</b> .	Same force and effect as an <b>act of the state legislature</b> .
<b>Invalid</b> beyond the legislative limits of Parliament	Invalid beyond legislative limits of state legislature
<b>Can promulgate or withdraw</b> an ordinance <b>only on the advice of the Council of Minister headed by the PM</b> .	<b>Can promulgate or withdraw</b> an ordinance <b>only on the advice of the state Council of Minister headed by the CM of the state</b>
Should be laid before <b>both the Houses of Parliament</b> when it reassembles.	Should be laid before the <b>legislative assembly or both the Houses of the state legislature</b> (in case of a bicameral legislature) when it reassembles.

## # Emergency Powers

- **Report to the President** whenever he believes that a situation has arisen in which the State's government cannot be carried out in accordance with the Constitution's provisions (**Article 356**), thereby **inviting the President to assume** all or part of **the State's government functions (President's Rule)**
  - Becomes an "**agent of the Union Government in the State**."
  - He takes **administration in his own hands** and, with the help of the civil service, administers the state.

## # Discretionary Powers of the Governor

- **lynchpin of constitutional democracy** in the States.
- **If there is any doubt** as to whether a topic is one for which the Governor has discretionary authority, the **Governor's judgment is definitive**.

### Governor has the following Constitutional discretionary powers:

- **Reserve a bill** for consideration by the President
- Recommend **President's Rule**
- serves as the **administrator of a bordering Union Territory**.
- Under **Schedule VI**, determines the **royalty paid to the Tribal District Council** accruing from licenses for **mineral exploration by Assam, Meghalaya, Tripura, and Mizoram**
- **Seeking information from the CM** with regard to the administrative and legislative matters of the state.

### Governor has the following situational discretionary powers:

- **Appointment of CM** when no party has a clear-cut majority in the state legislative assembly or when he dies suddenly and there is no obvious successor.
- **Dismissal of the Council of Ministers** when it cannot prove the confidence of the state legislative assembly.
- **Dissolution of the state legislative assembly** if the Council of Ministers has lost its majority.

### Governor has the following discretionary powers as directed by the President:

- **Maharashtra:** Establish **separate development boards** for Vidarbha and Marathwada and Rest of Maharashtra. (**Art. 371**)
- **Gujarat:** Establish **separate development boards** for Saurashtra and Kutch. (**Art. 371**) Chief Minister
- **Nagaland:** to maintain **law and order** in the wake of **internal disturbance** in the Naga Hills-Tuensang Area. (**Art. 371A**)
- **Assam:** administration of the **tribal areas (Art.371B)**

- **Manipur:** administration of the **Hill areas in the state. (Art. 371C)**
- **Andhra Pradesh:** **regional development** of Andhra Pradesh (**Art.371D**)
- **Sikkim:** For peace and for ensuring social and economic advancement of the different sections of the population. (**Art. 371F**)
- **Arunachal Pradesh:** maintaining the **law and order** in the state. (**Art. 371H**).
- **Karnataka:** development of **Hyderabad-Karnataka region. (Art.371J;** added by 98th Constitutional Amendment Act, 2012)

### Governors of MP

S. No.	Name	Period
1.	Shri Bhograju Pattabhi Sitaramayya	01.11.1956 to 13.06.1957
2.	Padma Vibhushan Shri Hari Vinayak Pataskar	14.06.1957 to 10.02.1965
3.	Shri Kyasamballi Chengalrao Reddy	11.02.1965 to 02.02.1966
4.	Justice P. V. Dixit (Acting)	03.02.1966 to 09.02.1966
5.	Shri Kyasamballi Chengalrao Reddy	10.02.1966 to 07.03.1971
6.	Shri Satyanarayan Sinha	08.03.1971 to 13.10.1977
7.	Shri Niranjana Nath Wanchoo	14.10.1977 to 16.08.1978
8.	Shri Cheppudira Muthana Punacha	17.08.1978 to 29.04.1980
9.	Dr. Bhagwat Dayal Sharma	30.04.1980 to 25.05.1981
10.	Justice G. P. Singh (Acting)	26.05.1981 to 09.07.1981
11.	Dr. Bhagwat Dayal Sharma	10.07.1981 to 20.09.1983
12.	Justice G. P. Singh (Acting)	21.09.1983 to 07.10.1983
13.	Dr. Bhagwat Dayal Sharma	08.10.1983 to 14.05.1984
14.	Shri K. M. Chandy	15.05.1984 to 30.11.1987
15.	Justice N. D. Ojha (Acting)	01.12.1987 to 29.12.1987
16.	Shri K. M. Chandy	30.12.1987 to 30.03.1989
17.	Smt. Sarla Grewal (1st Women)	31.03.1989 to 05.02.1990
18.	Shri Kunwar Mahmood Ali Khan	06.02.1990 to 23.06.1993
19.	Dr. Mohd. Shafi Qureshi	24.06.1993 to 21.04.1998
20.	Dr. Bhai Mahavir	22.04.1998 to 06.05.2003
21.	Shri Ram Prakash Gupta	07.05.2003 to 01.05.2004
22.	Shri Krishna Mohan Seth (Acting)	02.05.2004 to 29.06.2004
23.	Dr. Bal Ram Jakhar	30.06.2004 to 29.04.2009
24.	Shri Rameshwar Thakur	30.06.2009 to 07.09.2011
25.	Shri Ram Naresh Yadav	08.09.2011 to 07.09.2016
26.	Shri Om Prakash Kohli (additional charge)	08.09.2016 to 23.01.2018
27.	Smt. Anandiben Patel	23.01.2018 to 29.07.2019
28.	Late. Shri Lalji Tandon	29.07.2019 to 21.06.2020
29.	Smt. Anandiben Patel	01.07.2020 to 08.07.2021
30.	Mangubhai Patel	08.07.2021 Onwards

### Important Facts

FACTS	MINISTER
The <b>total number of individuals</b> serving as Governors so far	30
The <b>number of occasions</b> acting Governors was appointed	04
The <b>only Governor</b> was sworn outside the Raj Bhavan	Dr. B. P. Sitaramayya (Sworn in at Minto Hall)
The <b>youngest</b> Governor on appointment	Smt Sarla Grewal (61 years)
The <b>eldest</b> Governor on appointment	Shri Ram Naresh Yadav (83 years)
Only Governor <b>born in the State</b>	Shri N. N. Wanchoo (Satna)
Only Governor <b>born outside present India</b>	Dr. Bhai Mahavir (Lahore)



Only Governor <b>recipient of a public title</b>	Shri H. V. Pataskar (Padma Vibhushan)
The <b>longest-serving</b> full-time Governor	Shri H. V. Pataskar (7 yrs 7 months 27 days)
The <b>shortest-serving</b> full-time Governor	Dr. B. P. Sitaramayya (7 months 12 days)
The <b>longest-serving acting Governor</b>	Shri O.P.Kohli (16 months 14 days)
The <b>shortest serving acting Governor</b>	Justice G. P. Singh (6 days)
The <b>1st Governor</b> with a <b>Civil Service background</b>	Shri N. N. Wanchoo
The <b>1st female</b> Governor	Smt Sarla Grewal
<b>First Governor</b> to <b>impose President's rule</b> in MP	Shri S. N. Sinha
<b>Only Governor</b> with a <b>Chartered Accountancy qualification</b>	Shri Rameshwar Thakur
<b>Only Governor</b> who was a <b>medical practitioner</b>	Dr. B. P. Sitaramayya
<b>Only Governor</b> who <b>didn't know Hindi</b>	Shri K. C. Reddy
Only Governor who <b>expired while in office</b>	Shri R. P. Gupta
Governors who have <b>been Governors of other States</b>	<b>Total: 09</b> <ul style="list-style-type: none"> <li>• Shri N. N. Wanchoo (Kerala)</li> <li>• Shri C. M. Poonacha (Orissa)</li> <li>• Dr. B. D. Sharma (Orissa)</li> <li>• Shri K. M. Chandy (Gujarat)</li> <li>• Dr. Mohammad Shafi Qureshi (Bihar)</li> <li>• Dr. Bal Ram Jakhar (Gujarat)</li> <li>• Shri Rameshwar Thakur (Orissa, Andhra Pradesh, Karnataka)</li> <li>• Smt Ram Naresh Yadav</li> <li>• Smt Anandiben Patel (Chhattisgarh)</li> <li>• Shri Lal Ji Tandon (Bihar)</li> </ul>
Only Governor who has been <b>Governor of 3 other States</b>	<b>Shri Rameshwar Thakur</b> <ul style="list-style-type: none"> <li>• Orissa</li> <li>• Andhra Pradesh</li> <li>• Karnataka</li> </ul>
Governors who have <b>been Chief Ministers</b> of other States	<b>Total: 05</b> <ul style="list-style-type: none"> <li>• Shri K. C. Reddy (Mysore)</li> <li>• Shri C. M. Poonacha (Coorg)</li> <li>• Dr. B. D. Sharma (Haryana)</li> <li>• Shri R. P. Gupta (U.P.)</li> <li>• Shri Ram Naresh Yadav (U.P.)</li> </ul>
Governors who have <b>been both Governors and CMs of other States</b>	<b>Total: 03</b> <ul style="list-style-type: none"> <li>• Shri C. M. Poonacha</li> <li>• Governor - Orissa</li> <li>• CM - Coorg (Mysore)</li> <li>• Dr. B. D. Sharma</li> <li>• Governor - Orissa</li> <li>• CM - Haryana</li> <li>• Smt. Anandiben Patel</li> <li>• Governor (Acting) - Chhattisgarh CM - Gujarat</li> </ul>
<b>Only Governor</b> who has <b>been Speaker of the Lok Sabha</b>	Dr. Bal Ram Jakhar (7th and 8th Lok Sabha)
<b>Only Governors</b> who received <b>State and National Level Best Teacher Awards</b>	Smt Anandi Ben Patel
Number of <b>Governors</b> who were <b>members of the Constituent Assembly</b>	<b>Total: 04</b> <ul style="list-style-type: none"> <li>• Dr. B. P. Sitaramayya</li> <li>• Shri H. V. Pataskar</li> </ul>

	<ul style="list-style-type: none"> <li>• Shri K. C. Reddy</li> <li>• Shri C. M. Poonacha</li> </ul>
Governors who have <b>authored books</b>	<b>Total: 04</b> <ul style="list-style-type: none"> <li>• Dr. B. P. Sitaramayya</li> <li>• Dr. Bal Ram Jakhar</li> <li>• Shri Ram Naresh Yadav</li> <li>• Smt. Anandiben Patel</li> </ul>
<b>Only Governor</b> having received an <b>international scholarship</b>	Smt. S. Grewal (British Council, for London School of Economics)

## Legislative Assembly

### Composition

#### Strength

- **Representatives directly chosen by the people** on the basis of universal adult franchise make up the legislative assembly.
- **Maximum strength:** 500
- **Minimum strength:** 60 depending on the state's Population.

#### Territorial Constituencies

- Split into **geographical seats** for the purpose of direct elections to the parliament.
- Done in such a way that the **ratio of each constituency's population to the number of seats** given to it is consistent across the state.

#### # Reservation of seats for SCs and STs

- Based on population ratios.
- Under the **95th Amendment Act of 2009**, this reservation is to **last until 2020**.

#### # Readjustment after each census

- The **Parliament** has the **authority to decide on the authority and how** it will be exercised.
- **According to the 84th Constitutional Amendment Act, 2001**, the **seats allocated** to the State Legislative Assembly will be **reallocated** on the **basis of Census after 2026**.
- The **number of State Legislative Assembly members** in Madhya Pradesh is **231** (230 elected + 1 nominated), in **which 82 seats** have been **reserved** for **Scheduled Castes** and **Scheduled Tribes** under Article 332.
- The **first assembly of Madhya Pradesh** was formed on **November 1, 1956**, and was **dissolved** on **March 5, 1957**.
- Its **first and final sittings** were **concluded on 17 December 1956 and 17 January, 1957**, respectively.
- The second assembly was formed on April 1, 1957, which was dissolved on March 7, 1962.

### Duration

- **Term:** 5 years; from the date of its first meeting following general elections.
- **Dissolution:**
  - **Automatic:** Expiry of 5 years
  - **Governor:** can dissolve the assembly at any time and conduct fresh elections
- **Emergency:** Terms can be **extended during the period of national emergency** by a law of Parliament **for 1 year at a time** (for any length of time).
  - **Term of Extension:** **cannot continue beyond a period of six months** after the emergency has ceased to operate.
    - the **assembly should be re-elected within six months** after the revocation of the emergency.

## Membership of State Legislature

### Qualifications

#### As Per the Constitution of India

- He must be an **Indian citizen**.
- He must **take an oath or affirmation** before a person designated by the Election Commission for this purpose.
  - True faith and allegiance to the Indian Constitution.



- To protect India's sovereignty and territorial integrity
- In the case of the **legislative assembly**, he must be at least **25 years** old.
- He must also meet the **requirements set down by Parliament**.

### Disqualifications

**As Per Constitution:** if he is

- on a **profit-making position** in the Central or state government (unless as a minister or other position exempted by the state legislature),
- of **unsound mind** and has been **declared so by a court**,
- an **undischarged insolvent**,
- **not a citizen of India** or has voluntarily acquired the citizenship of a foreign state or is subject to any acknowledgment of allegiance to a foreign state,
- **disqualified under any law** passed by Parliament.

## Oath or Affirmation

A member of the state legislature swears:

- To bear true faith and allegiance to the Constitution of India;
- To uphold the sovereignty and integrity of India;
- To faithfully discharge the duty of his office.

**If he Doesn't take the oath:** He cannot vote and participate in the proceedings of the House and does not become eligible to the privileges and immunities of the state legislature

## Vacation of Seats

- **Disqualification:** If any of the disqualifications apply to a member of the state legislature, his seat falls vacant.
- **Resignation:** A member can resign his or her position by writing to the Chairman of the Legislative Council or the Speaker of the Legislative Assembly, depending on the situation. When the resignation is accepted, the seat becomes vacant.
- **Absence:** A House of the state legislature has the authority to declare a member's seat empty if he fails to attend all of its meetings for a period of sixty days without permission.
- **Other Cases:** A member of the state legislature must resign from one of the two houses.
  - If his election is deemed unlawful by a court,
  - He is expelled by the House,
  - He is elected to the office of president or vice president,
  - If he gets appointed to the office of the governor of a state.

## Presiding Officers of the State Legislatures

### Speaker of Assembly

- **Election:** The Speaker is chosen from among the members of the assembly.
- **Term:** Typically, the Speaker serves for the duration of the assembly. In any of the following three situations, however, he vacates his office sooner:
  - If he **ceases to be a member** of the assembly;
  - If he **resigns in writing to the deputy speaker**;
  - If he is **removed from office by a resolution** voted by a majority of the assembly's members. A resolution like this may only be **moved after 14 days of notice**.

### # Powers of Speaker

- He **keeps the assembly in order and maintains decorum** in order to conduct business and regulate activities. This is his main responsibility, and he has the last say on the matter.
- He is the **final arbiter of**
  - The Indian Constitution's provisions.
  - The rules of procedure and conduct of the business of Assembly,
  - The legislative precedents, within the assembly.
- In the **absence of a quorum, he adjourns or suspends the assembly**.
- In the first case, he does not vote. In the **event of a tie, he can cast the deciding vote**.
- On the leader of the House's request, he can **authorize a secret sitting of the House**.
- He is the one who **determines whether a bill is a Money Bill or not**, and his judgment is definitive.



- He decides whether a member of the assembly should be disqualified for defection under the provisions of the Tenth Schedule.
- He picks the chairman of all of the assembly's committees and oversees their operations.
- The Business Advisory Committee, the Rules Committee, and the General-Purpose Committee are all chaired by him.

### Deputy Speaker of Assembly

**Election:** Elected by the assembly itself from amongst its members.

He is elected after the election of the Speaker has taken place.

**Term:** Like the Speaker, the Deputy Speaker remains in the office usually during the life of the assembly.

- He also vacates his office earlier in any of the following three cases:
  - If he ceases to be a member of the assembly;
  - If he resigns by writing to the speaker;
  - If he is removed by a resolution passed by a majority of all the then members of the assembly.
    - Such a resolution can be moved only after giving 14 days' advance notice.

### # Powers and Duties

- When the Speaker's office is vacant, the Deputy Speaker assumes those responsibilities.
- When the Speaker is unable to attend a meeting of the Assembly, he fills in for him.
- He possesses all of the Speaker's authority in both situations.
- A panel of the chairman is Nominated by the Speaker from among the members.
  - In the absence of the Speaker or the Deputy Speaker, any of them might preside over the assembly.
  - When presiding, he has the same powers as the speaker.
  - He will remain in office until a new chairman panel is appointed.

Madhya Pradesh Legislative Assembly Speakers				
S.NO.	Name	Tenure		
1.	Pt. Kunjilal Dubey	01 November 1956	-	01 July 1957
2.	Pt. Kunjilal Dubey	02 July 1957	-	26 March 1962
3.	Pt. Kunjilal Dubey	27 March 1962	-	07 March 1967
4.	Shri Kashiprasad Pandey	24 March 1967	-	24 March 1972
5.	Shri Tejlal Tembhare	25 March 1972	-	15 August 1972
6.	Shri Gulsher Ahmad	16 August 1972	-	14 July 1977
7.	Shri Mukund Sakharam	15 July 1977	-	02 July 1980
8.	Shri YagyaDatt Sharma	03 July 1980	-	19 July 1983
9.	Shri Ram Kishore Shukla	05 March 1984	-	13 March 1985
10.	Shri Rajendra Prasad Shukla	16 March 1985	-	04 March 1990
11.	Prof. Brijmohan Mishra	20 March 1990	-	22 December 1993
12.	Shri Srinivas Tiwari	24 December 1993	-	01 February 1999
13.	Shri Srinivas Tiwari	02 February 1999	-	11 December 2003
14.	Shri Ishwardas Rohani	16 December 2003	-	04 January 2009
15.	Shri Ishwardas Rohani	07 January 2009	-	05 December 2013
16.	Dr. Sitasharan Sharma	09 January 2014	-	07 January 2019
17.	N.P. Prajapati	8 January 2019	-	23 March 2020
18.	Jagdish Devrg	24 March 2020	-	02 July 2020
19.	Rameshwar Sharma	02 July 2020	-	21 February 2021
20.	Girish Gautam	21 February 2021-		Till Now

### Important Facts

- **Pt. Kunjilal Dubey** was the **First Speaker** of Madhya Pradesh Legislative Assembly and He **remained** in the office **for the Longest duration**.
- **Vishnu Vinayak sarwate** was the **first Deputy Speaker** of Madhya Pradesh legislative Assembly

- **Bherulal Patidar** remained in the office of **deputy speaker for the longest duration**

### Madhya Pradesh: Assembly Hall

- The building of **Madhya Pradesh Legislative Assembly** is located in **Bhopal (Arera Hills)**.
- **Earlier**, meetings were held in **Minto Hall in 1909**. The Minto Hall was **built by Shah Jahan Begum**.
- The **Construction work** of **new assembly hall** began on **14 September 1984**. It was **inaugurated** by the then **President Dr. Shankardayal Sharma** on **03 August 1996**.
- This **building** was named as **Indira Gandhi Legislative Assembly**, where **architect** was **Charles Correa**.
- At the **entrance** of the assembly, a **huge painting** named **Jeevan Vriksha** has been **painted**, in which the **historical sites** of the **state** have been **displayed** and the **structure of the Kund** is **engraved** on its **main entrance**. The **walls** of the entrance has been **painted by the famous painter Jangarh Singh Shyam**.
- This **new Assembly building** has also received the **world famous Aga Khan Award** in the field of **architecture**.

## Chief Minister of Madhya Pradesh



### Constitutional Provisions

- **Elected head** of the State
- **Important articles related to Chief Minister:**

Article	Provision
163	Aid and advise Governor as head of State Council of Minister
164	Governor to appoint CM
167(a)	Communicate to the governor all decisions of the Council of Minister related to the management of the state's affairs and legislative measures
167(b)	Provide the governor with any facts or ideas for legislation relevant to the management of the state's affairs
167(c)	Present to the Council of Minister for consideration any item on which a minister has made a decision

### Appointment of CM

- **Art. 164:** governor must appoint the CM from the majority party in the state legislative assembly.
- When **no one party has a clear majority** in the legislature, the governor may choose and appoint the CM at his discretion.
  - Selects the leader of the **assembly's biggest party or coalition**, and instructs him to **seek a vote of confidence** in the House **within a month**.

### Oath

- **Governor administers the oaths** of office and secrecy to the CM:
  - **Have genuine faith** and devotion to the Indian Constitution,
  - To **protect India's sovereignty** and territorial integrity
  - To do out his **responsibilities truthfully and conscientiously**, and
  - To **treat all persons with respect** and decency, in conformity with the Constitution and the law, without fear or favour, affection or malice.
- He will **not communicate or divulge** to any person(s) anything that is presented before him or becomes known to him as a state minister, save as may be needed for the proper fulfilment of his responsibilities as such minister.

### Term

- **Not fixed**, he serves at the **discretion of the governor**.
- **Can't be removed** by the governor as long as he **enjoys majority** in the legislature (Ruled by SC in **SR Bommai v. Union of India case, 1994**)
- However, if the **assembly loses confidence** in him, **he must resign** or face dismissal by the governor.

### Salary and allowances

- **State legislature determines** the CM's salary and allowances.
- He receives a **sumptuary allowance, free housing, travel allowance, medical facilities, and other benefits in addition to his salary** and allowances as a member of the state legislature.

### Powers of Chief minister

## # In relation to State Council of Ministers

As chairman of the state council of ministers

- Proposes governor to whom to select as **minister**
- **Distributes and reshuffles ministerial portfolios.**
- In case of a disagreement, **can ask the minister to quit or urge the governor to fire him.**
- He **presides over the Council of Minister' meetings** and has a say in its decisions.
- He **directs, oversees, and organises all of the ministers' operations.**
- The **Council of Minister is automatically dissolved** if he resigns or dies.
  - Any other minister's resignation or death, on the other hand, simply creates a vacancy, which the CM may or may not fill.

## # In relation to Governor

- **Communicate** to the Governor of the state all **decisions of the Council of Minister** relating to the administration of the state's affairs and proposals for legislation;
- **Advises the governor on the nomination of significant authorities** such as the advocate general, chairman, and state public service members.

## # In relation to State Legislature

As the **head of the house:**

- **Advises the governor on the summoning and proroguing** of the state legislature's sessions.
- **Recommend** to the governor the **dissolution of the legislative assembly** at any moment.
- On the floor of the House, **he announces the government's policies.**

## Functions

- **State Planning Board's chairman.**
- By rotation, **serves as vice-chairman of the concerned zonal council**, holding office for one year at a time.
- Member of the PM's **Inter-State Council and the Governing Council of NITI Aayog.**
- State government's **main spokesman.**
- In times of crisis, **serves as the principal crisis manager** at the political level.
- **Interacts with diverse groups of people** and gets memoranda from them on their issues, among other things.
- **Services' political leader.**

## Relationship with Governor

- **Article 163:** A **Council of Minister, with the CM as its chairman**, to assist and advise the governor in the discharge of his duties, save when he is compelled to exercise all or part of his duties in his discretion.
- **Article 164:**
  - (a) **Governor shall appoint the CM**, and other ministers appointed by the Governor on the CM's advice;
  - (b) Ministers shall serve at the **governor's pleasure**;
  - (c) Council of Minister shall be **collectively responsible to the state's legislative assembly.**
- **Article 167:** It is the **CM's responsibility** to:
  - (a) **Convey** to the governor of the state **all decisions of the Council of Minister** related to the management of the state's affairs and legislative measures;
  - (b) **Provide** the governor **with any facts or ideas for legislation** relevant to the management of the state's affairs;
  - (c) If the governor so directs, to **present to the Council of Minister** for consideration any item on which a minister has made a decision but which has not been considered by the council.

## List of Chief Ministers (CM) of Madhya Pradesh (MP)

S.No.	Chief Ministers Name	From	To	Party Name
1.	Pt. Ravishankar Shukla	1 November 1956	31 December 1956	INC
2.	Bhagwant rao Mandloi	1 January 1957	30 January 1957	INC
3.	Kailash Nath Katju	31 January 1957	14 March 1957	INC
4.	Kailash Nath Katju	14 March 1957	11 March 1962	INC

5.	Bhagwant rao Muandloi	12 March 1962	29 September 1963	INC
6.	Dwarka Prasad Mishra	30 September 1963	8 March 1967	INC
7.	Dwarka Prasad Mishra	9 March 1967	29 July 1967	INC
8.	Govind Narayan Singh	30 July 1967	12 March 1969	INC
9.	Raja Naresh Chandra Singh	13 March 1969	25 March 1969	INC
10.	Shyama Charan Shukla	26 March 1969	28 January 1972	INC
11.	Prakash Chandra Sethi	29 January 1972	22 March 1972	INC
12.	Prakash Chandra Sethi	23 March 1972	22 December 1975	INC
13.	Shyama Charan Shukla	23 December 1975	29 April 1977	INC
<b>14.</b>	<b>President's rule</b>	<b>29 April 1977</b>	<b>25 June 1977</b>	
15.	Kailash Chandra Joshi	26 June 1977	17 January 1978	Janata Party
16.	Virendra Kumar Saklecha	18 January 1978	19 January 1980	Janata Party
17.	Sunderlal Patwa	20 January 1980	17 February 1980	Janata Party
<b>18.</b>	<b>President's rule</b>	<b>18 February 1980</b>	<b>8 June 1980</b>	
19.	Arjun Singh	8 June 1980	10 March 1985	INC
20.	Arjun Singh	11 March 1985	12 March 1985	INC
21.	Motilal Vora	13 March 1985	13 February 1988	INC
22.	Arjun Singh	14 February 1988	24 January 1989	INC
23.	Motilal Vora	25 January 1989	8 December 1989	INC
24.	Shyama Charan Shukla	9 December 1989	4 March 1990	INC
25.	Sunderlal Patwa	5 March 1990	15 December 1992	BJP
<b>26.</b>	<b>President's rule</b>	<b>16 December 1992</b>	<b>6 December 1993</b>	
27.	Digvijay Singh	7 December 1993	1 December 1998	INC
28.	Digvijay Singh	1 December 1998	8 December 2003	INC
29.	Uma Bharti	8 December 2003	23 August 2004	BJP
30.	Babulal Gaur	23 August 2004	29 November 2005	BJP
31.	Shivraj Singh Chauhan	29 November 2005	11 December 2008	BJP
32.	Shivraj Singh Chauhan	12 December 2008	12 December 2013	BJP
33.	Shivraj Singh Chauhan	13 December 2013	16 December 2018	BJP
34.	Kamal Nath	17 December 2018	23 March 2020	INC
35.	Shivraj Singh Chauhan	23 March 2020	Present	BJP

### Chief Minister: Important Facts

- **The first Chief Minister of Madhya Pradesh: Shri Ravi Shankar Shukla**
- **The first lady Chief Minister:** Ms. Uma Bharti.
- **The Chief Minister for the shortest tenure (one day):** Mr. Arjun Singh
- **First tribal Chief Minister of the state:** Shri Raja Naresh Chandra Singh was 13 days (Shortest Duration for Tribal CM)
- **Bhopal Gas Tragedy/surrender of Female Bandit Phoolan Devi:** During the **tenure of Chief Minister Shri Arjun Singh**, (1984)
- **The first Chief Minister to serve the full two terms as the Chief Minister of Madhya Pradesh.:** **Digvijay Singh**
- **longest serving Chief Minister of Madhya Pradesh:** Shivraj Singh Chauhan (BJP) holds the record for 13 years from November 2005 to December 2018 (3 tenures) and was re-elected for the fourth time in March 2020.

### Leader of Opposition

- Leader of Opposition Party is known as the **Leader of the opposition**, who **monitors** the **working** of the ruling Party and **asks Questions** on the **activities** of **ruling Party** in the assembly.
- Mr. Vishwanath Yadavrao Tamsakar was first leader of Opposition in the Madhya Pradesh Legislative Assembly
- The First Lady Leader of Opposition in the Madhya Pradesh Legislative

## Council of Ministers of Madhya Pradesh

### Constitutional Provisions

- **Articles:** 163, 164, 166, 167 and 177 of the Constitution of India
- **Part:** VI of the constitution of India
- **Rights of Ministers as respects the Houses**

Article	Provisions
163	Council of Minister to aid and advise the Governor.
164	Other provisions as to Ministers
167	Duties of the CM as respects the furnishing of information to the Governor, etc.
177	Rights of Ministers and Advocate-General as respects the Houses.

### Composition of ministers

- **Constitutional Status:** not specify the size of the state Council of Minister or the ranking of ministers.
- **Determined by CM** as per the needs of the moment and the circumstances.
- **Made up of three types of ministers:**
  - **Cabinet Ministers:** In-charge of key state government departments such as home, education, finance, agriculture, and so on.
    - Attend **cabinet meetings** and have a **key role in policymaking** spanning the whole state government.
  - **Ministers of State:** Can be assigned to departments independently or be connected to cabinet ministers.
    - **Not members of the cabinet** and do not attend cabinet sessions unless they are specifically invited when issues relating to their departments are discussed.
  - **Deputy Ministers:** **not in command** of departments on their own; work closely with cabinet ministers, assisting them with administrative, political, and parliamentary responsibilities.
    - **Not cabinet members** and do not participate in cabinet sessions.

### Appointment

- **Art. 164:** Appointed by Governor on advice of the CM of the state

#### 91st Constitutional Amendment Act, 2003

- **Number of ministers in a state's Council of Minister**, including the CM, **should not >15% of the entire strength** of that state's legislative assembly.
- Must not be <12.
- A member of either House who is **disqualified for defection becomes ineligible to be appointed as a minister.**

- Serve at the **pleasure of the Governor**
- **Ceases to be a minister** if he or she is not a member of the state legislature for **six months** in a row.
- **Ministers are usually appointed Among members of the Legislature**, either the Legislative Assembly or the Legislative Council.
  - A **minister can be appointed even if he or she is not a member of either House of Legislature.**
  - However, he **must become a member of either House of Legislature** (either by election or nomination) **within six months**, or he will lose his position as a minister.
- A **minister** who is a **member of one House** of Legislature has the **right to speak and participate in the proceedings of the other House as well**, but he can only vote in that House.

### Oath

- **Art. 164: Administered by: The governor** (The oaths of office and secrecy)
  - To bear true faith and allegiance to the Constitution of India,
  - To uphold the sovereignty and integrity of India,
  - To faithfully and conscientiously discharge the duties of his office,
  - To do right to all manner of people in accordance with the Constitution and the law, without fear or favour, affection or ill-will
- Will not communicate or divulge to any person(s) anything that is brought to his attention or becomes known to him as a state minister, save as may be needed for the proper fulfilment of his responsibilities as such minister.



## Salary

**Art. 164: Determined by: State Legislature** on regular basis

- A minister is paid the **same salary** and benefits as a **member of the state legislature**.
- He also **receives a stipend** (based on his position), **free housing, a travel allowance, and medical care, among other benefits**.

## Responsibility of Ministers

### # Collective Responsibility

- **Article 164: collectively responsible** to the Legislative assembly of the state i.e. **all ministers share accountability** for all their actions of omission and commission in front of the state Assembly.
- When the Assembly approves a **no-confidence resolution against the Council of Minister**, all ministers, including those from the Legislative council, must resign.
- The Council of Minister **can recommend to the Governor that the Assembly be dissolved** and new elections held because **the House does not authentically represent the opinions of the public**. The **Governor may refuse to comply** with a Council of Minister that has lost the State Assembly's confidence.

### # Individual Responsibility

- **Article 164: ministers serve at the discretion of the Governor**, which means that the **Governor can dismiss a minister even if the state COM has the confidence of the Assembly**.
- solely on the CM's suggestion.

### # Legal Responsibility

- **No provision** for legal accountability.
- **Order of the Governor** for a public act does **not need to be countersigned by a minister**.
- **Courts are prohibited from investigating** the nature of the ministers' recommendations to the Governor.

### # Aid and Advice to Governor

**Article 163:** Council of Minister to aid and advise the Governor.

- In the **performance of his powers**, except when he is obliged to exercise his functions in his discretion.
- Advice so given is **not subject to scrutiny in any court**.

### # Rights of Ministers

**Article 177:**

- **Right to speak and participate** in the proceedings of the Assembly and any State Legislature Committee to which he may be nominated.
- **Not able to vote**.

## Cabinet

- The **core of the Council of Minister** is a smaller group known as the cabinet.
- It is made up **entirely of cabinet ministers**.
- In the state government, it is the **true seat of power**.  
It has the following functions:
  - In a state's political administrative structure, it is the **highest decision-making power**.
  - It is the state **government's primary policy-making body**.
  - It is the **state government's highest executive power**.
  - It is the **state's primary administrative coordinator**.
  - It **serves as a governor's advisory committee**.
  - As the principal crisis manager, **it is responsible for all emergency situations**.
  - It is **responsible for all key legislative and financial issues**.
  - It has **authority over higher-ranking officials**, such as constitutional authorities and senior secretariat administrators.

