



**QUICK REVISION MODULE
(UPSC PRELIMS 2024) POLITY**

STATE LEGISLATURE

Constitutional Status



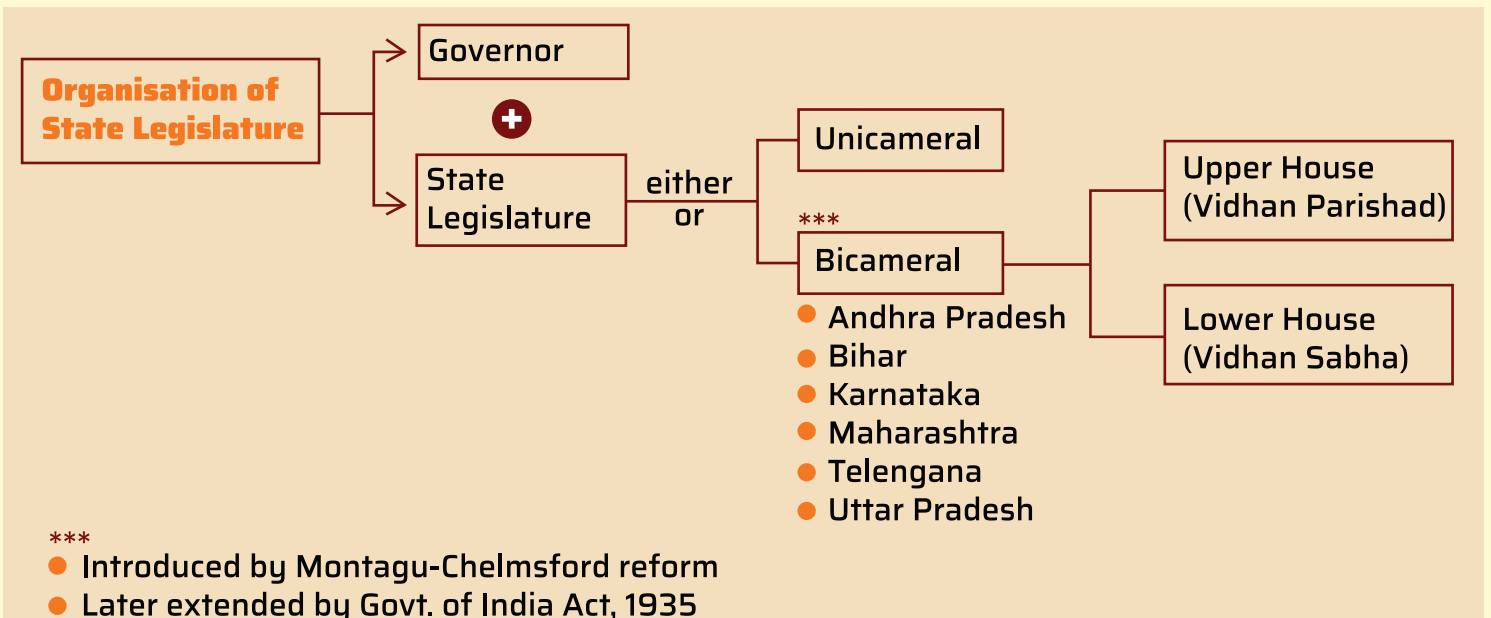
- **India** → Federal State + Parliamentary form of Government
 ↳ **Legislature** → Union level and State level
- **Part VI, Article 168 to 212** → The organisation, composition, duration, officers, powers & so on of State Legislature.



IMPORTANT ARTICLES

Article No.	Subject Matter
168	Constitution of legislatures in states.
169	Abolition or creation of legislative councils in states.
170	Composition of the Legislative Assemblies.
171	Composition of the Legislative Councils.
172	Duration of state legislatures.
173	Qualification for membership of the state legislature.
175	Right of Governor to address and send message to the house or houses.

177	Rights of Minister and Advocate-General.
Related to Officers of the State Legislature	
178	The speaker and Deputy Speaker of Legislative Assembly.
179	Vacation and resignation of and removal from, the offices of speaker and Dy. speaker.
182	The Chairman and Dy. Chairman of the Legislative council.
Disqualification of Members	
190	Vacation of seats.
191	Disqualification for membership.
Powers, privileges and Immunities of State legislature and their members	
194	Powers, privileges, etc of the House of legislatures and of the members & committee thereof.
Legislative procedure	
196	Provisions as to introduction and passing of Bills.
197	Restriction on powers of Legislative Council as to Bills other than Money Bills.
198	Special procedure in respect of Money Bill.
199	Definition of "Money Bills".
200	Assent to Bills.
201	Bills reserved for consideration.
Procedure in Financial Matters	
202	Annual Financial Statement.
Legislative powers of the Governor	
213	Power of Governor to promulgate ordinances.



Creation and Abolition of Second Chambers in States



- Article 169** State Legislative Assembly can pass a resolution with **Special Majority**.
 - a majority of the total membership of the Assembly
 - +
 - 2/3rd of members present and voting.
- The process does not involve amendment of the Constitution. Parliament can abolish a legislative Council or create it by a simple majority, if L.A passes resolution.

Composition of two houses



Basis	Legislative Assembly	Legislative Council
<ul style="list-style-type: none"> Strength 	<ul style="list-style-type: none"> Minimum- 60 Maximum-500 <u>Exception for Minimum</u> Arunachal Pradesh } 30 Sikkim } Goa } Mizoram-40 Nagaland-46 	<ul style="list-style-type: none"> Minimum- 40 Maximum- 1/3rd of the total strength of Legislative Assembly. Actual strength of a council is fixed by parliament.
<ul style="list-style-type: none"> Election of members 	Election by people on the basis of Universal Adult franchise.	<ul style="list-style-type: none"> 1/3rd- By the members of local body(Municipalities, District boards, etc). 1/3rd- By the members of State legislative Assembly. 1/12th- By graduates of three yrs. standing & residing within the state. 1/12th- By teachers of three yrs. standing in the state, not lower in standard than secondary school.
<ul style="list-style-type: none"> Governor's nomination 	1 member of Anglo Indian community. Note: 104 th CAA removed the nominated seats for the Anglo- Indian community both in Lok Sabha and State assemblies.	1/6th of the total strength.
<ul style="list-style-type: none"> Duration 	Normal term-5yrs. However, <ol style="list-style-type: none"> Governor can dissolve the assembly at any time. can be extended for one year at a time (for any length of time) during national emergency by a law of the parliament. 	<ul style="list-style-type: none"> A continuing chamber and thus not subject to dissolution. 1/3rd of members retire every second year.

Membership of State Legislature



Qualification for the members of the State legislature

By the Constitution

- Citizen of India.
- make and subscribe to an oath or affirmation before the person authorised by the Election Commission.
- ≥ 25 yrs. of age for L.A.
≥ 30 yrs. of age for L.C.

By the parliament under RPA (1951)

- Must be an elector for an assembly constituency in the concerned state.
- For Governor's nomination must be a resident in the concerned state.
- To contest a seat reserved for SCs or STs, the person must be an SC or ST respectively.

Disqualifications for being chosen as and for being a member of State legislature

Under the Constitution

If he holds any office of profit under the union or State Government.
If he is of unsound mind and stands so declared by a court.
Undischarged insolvent
Not a citizen of India.
or
Voluntarily acquired the citizenship of a foreign state.

By the parliament under RPA, 1951

Similar to those for Parliament.

On the ground of Defection

Under the provision of **Tenth Schedule.**

Question of disqualification to be decided by (subject to Judicial Review).

In case of Legislative Council

By the Chairman

In case of Legislative Assembly

By the Speaker

Vacation of Seats

Double membership

- Can not be a member of both houses at the same time.
- If elected to both, seat in one house falls vacant.

Disqualification

- If Subject to any of the disqualification, his seat becomes vacant.

Resignation

- To the speaker in case of L.A.
- To the Chairman in case of L.C.

Absence

- If absent from all its meeting for a period of sixty days without its permission.

Other Cases

- If his election is declared void by the court.
- If he is expelled by the house.
- If he is elected to the office of president or office of vice president.
- If he is appointed to the office of Govt.

Presiding officers of State Legislature



State Legislative Assembly

Basis	Speaker of the Assembly	Dy. Speaker of the Assembly
● Election	● From Amongst its members.	● Amongst its members.
● Term	● During the Life of the Assembly.	● During the life of the Assembly.
● Vacation of office before Expiry of term	<ul style="list-style-type: none"> ● If he ceases to be a member of the Assembly. ● If he resigns by writing to the Deputy Speaker. ● If he is removed by a resolution passed by a majority of all the then members of the assembly. Note: 14 days advance notice is required.	<ul style="list-style-type: none"> ● If he ceases to be a member of 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. Note: 14 days advance notice is required.

The Deputy Speaker performs the duties of speaker

→ If speaker's office is vacant

→ If the speaker is absent

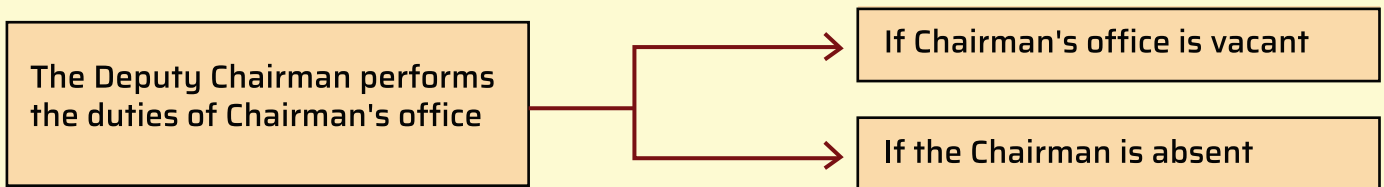
Note :

1. In both the cases, Dy speaker has all the powers of speaker.
2. If both speaker and Dy speaker is absent - Assembly is presided by one of the chairperson (from panel of chairperson) who are nominated by speaker from amongst the member. Chairperson while presiding has the same power as that of speaker.

State Legislative Council

same	Chairman of the council	Deputy Chairman of the council
<ul style="list-style-type: none"> ● Election 	<ul style="list-style-type: none"> ● From Amongst its members 	<ul style="list-style-type: none"> ● From amongst its members
<ul style="list-style-type: none"> ● Vacation of office 	<ul style="list-style-type: none"> ● If he ceases to be a member of the council ● If he resigns by writing to the deputy chairman ● If he is removed by a resolution passed by a majority of all the then members of the council. <p>Note : 14 days advance notice is required</p>	<ul style="list-style-type: none"> ● If he ceases to be a member of the council. ● If he resigns by writing to the chairman. ● If he is removed by a resolution passed by a majority of all the then member of the council. <p>Note: 14 days advance notice is required.</p>

- The powers of the chairman are similar to those of the speaker Except when the speaker decides about the Money Bill.



- Note :**
1. In both cases, deputy Chairman has all the powers of the chairman.
 2. If the chairman & Deputy Chairman both are absent - Any member from a panel of Vice-Chairpersons who are nominated from amongst the member.
- Vice-Chairperson while presiding has same power as that of the chairman.

Duration of House

State Legislative Assembly	State Legislative council
<p style="text-align: center;">5 Yrs, Except</p> <ul style="list-style-type: none"> ● The Governor may dissolve it sooner than five years. ● In case of proclamation of Emergency <ul style="list-style-type: none"> » The term of 5 years can be extended » For one year at a time » Till 6 month after the, proclamation ceases to have effect. 	<ul style="list-style-type: none"> ● Not Subject to dissolution ● 1/3rd of its member retire on expiry of every second year. ● Legislative council is permanent body like Rajya Sabha.

Sessions of State Legislature - Similar to those of Union Parliament

Legislative procedure in State Legislature



Broadly **SIMILAR** to that in parliament except certain **DIFFERENCES**.

1. Difference with regards to Money Bills

Parliament	State Legislative
<ul style="list-style-type: none"> After passing of Money Bill presented to The President. <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="border: 1px solid black; padding: 5px; width: 30%;">Give his Assent.</div> <div style="border: 1px solid black; padding: 5px; width: 30%;">With hold his Assent.</div> <div style="border: 1px solid black; padding: 5px; width: 30%;">Can NOT return the Bill for Reconsideration.</div> </div>	<ul style="list-style-type: none"> After passing of Money Bill (by Legislative Assembly) presented to The Governor. <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="border: 1px solid black; padding: 5px; width: 22%;">Give his Assent.</div> <div style="border: 1px solid black; padding: 5px; width: 22%;">With hold his Assent.</div> <div style="border: 1px solid black; padding: 5px; width: 22%;">Can NOT return the Bill for Reconsideration.</div> <div style="border: 1px solid black; padding: 5px; width: 22%;">Reserve the Bill for President's Assent.</div> </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="border: 1px solid black; padding: 5px; width: 30%;">Give his Assent.</div> <div style="border: 1px solid black; padding: 5px; width: 30%;">With hold his Assent.</div> <div style="border: 1px solid black; padding: 5px; width: 30%;">can NOT return the Bill for Reconsideration.</div> </div>

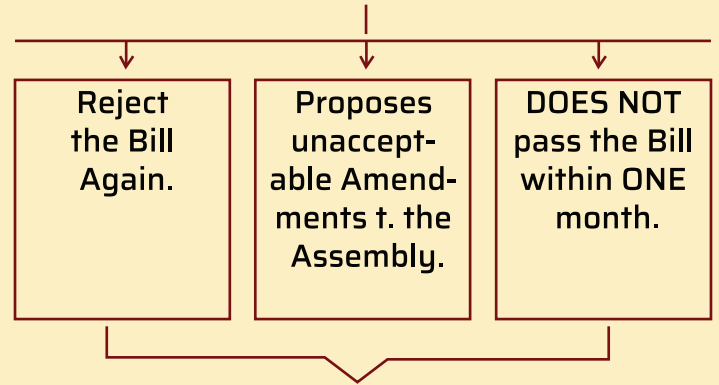
2. Differences with regards to Bills other than Money Bills

Parliament	State Legislature
<ul style="list-style-type: none"> Deadlock between the two houses. <p>When the second house, after receiving a bill passed by the first house.</p> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="border: 1px solid black; padding: 5px; width: 30%;">Rejects the Bill.</div> <div style="border: 1px solid black; padding: 5px; width: 30%;">Proposes amendments unacceptable to the first house.</div> <div style="border: 1px solid black; padding: 5px; width: 30%;">Does not pass the Bill within 6 months.</div> </div>	<ul style="list-style-type: none"> Deadlock between the two houses. <p>When the Legislative council after receiving the bill passed by the legislative Assembly.</p> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="border: 1px solid black; padding: 5px; width: 30%;">Rejects the Bill.</div> <div style="border: 1px solid black; padding: 5px; width: 30%;">Proposes amendments unacceptable to the Legislative Assembly.</div> <div style="border: 1px solid black; padding: 5px; width: 30%;">Does not pass the Bill within 3 months.</div> </div>

- The Constitution provides for a mechanism to RESOLVE the deadlock between the two houses i.e. joint sitting.
- The Lok Sabha can NOT override the Rajya Sabha by passing the Bill for the second time and vice versa.

- The mechanism of Joint sitting is available irrespective of the house in which the bill originates.

- The Constitution DOES NOT provide for the mechanism of joint sitting of two houses to resolve a deadlock.
- The legislative Assembly CAN override the legislative council by passing the Bill for the second time.
- When a bill is passed by the assembly for the second time and transmitted to the legislative council and **if legislative council.**



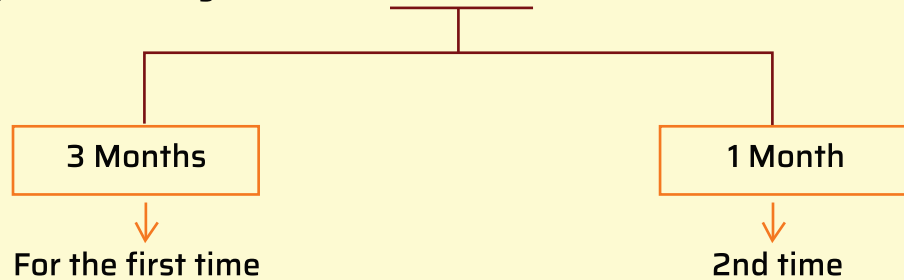
The Bill is deemed to have been passed by both the house.

- The mechanism of passing the bill for the second time to resolve a deadlock applies to a bill originating in the legislative Assembly only. If the bill originated in the council and sent to the assembly and assembly rejects the bill.

The bill ends and becomes dead.

Note :

The council can delay the passage of the bill by a maximum of 4 months



Governor's power of veto



After the passage of the Bill by both the houses

Bill is presented before the Governor

Steps that Governor may take

1. May give his assent to the bill.

2. May withhold his assent.

3. In case of a bill other than money bill, he may return the bill with a message.

4. May reserve the bill for the consideration of the President. The reservation is COM-PULSORY in case the law in question would diminish the powers of the High court.

In case of a state bill received for President's consideration, he can take the following steps.

1. Money Bill

Can give his assent or withholds his assent.

2. Any other Bill

Can give his assent or withholds his assent.

Return the bill for reconsideration.

The state legislative must reconsider the Bill within 6 months.

If it is passed again with or without amendments.

Needs to be presented to the President directly.

The President is NOT bound to give his assent.

Note :

Once the Governor reserves a bill for the President's consideration, the subsequent enactment of the bill is in the hands of the President and the Governor plays no parts in its career.

Privileges of State Legislature

Artilece 194 - Identical to that of the privileges of the Union parliament (Article 105).

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