



STATE LEGISLATURE

Articles 168 to 212

Part VI of the Constitution

ESP IV

By

ACH

Part VI of the Indian Constitution from Article 168 to Article 212 deal with the

- **organization**
- **composition**
- **duration**
- **officers**
- **procedures**
- **privileges**
- **powers**

for a term of **5** years, unless the house is dissolved by Governor. (may be extended in case of a proclamation of emergency by the President)

and so on of the state legislature.

- Legislative powers
- Financial powers
- Executive powers
- Amendment powers

Limitations on the Powers of State Legislature

Without the previous sanction of the Indian President, certain bills cannot be moved in the Legislative Assembly

Bill that seeks to alter the boundaries of the states and names of the states

President's assent is required to operate certain bills passed by the State Legislature after being reserved for the President's consideration by the governor of the respective State.

Parliament can frame laws for any part of the Indian territory or the whole State concerning matters listed in the State List. However, the proclamation of emergency is in operation

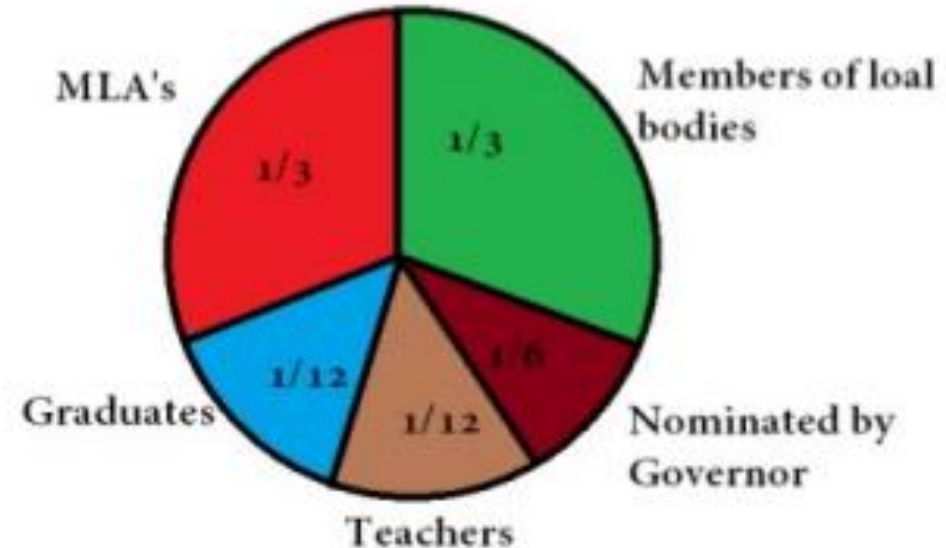
During the operation to break down the Constitutional machinery, the legislative competence of the Parliament can extend its subject to be listed in the State list

Legislative Assembly Members – maximum 500
Minimum – Not less than 40

Maximum No of strength – $\frac{1}{3}^{\text{rd}}$ of Total no of Legislative

Composition of Legislative council - Vidhan Parishad

The total number of members in the Vidhan Parishad of a State should not exceed one-third of the total number of members of Vidhan Sabha but this number should not be less than 40.



Qualification for Membership

- a) Citizen of India
- b) Legislative **Assembly**, not less than 25 years of age
- c) Legislative **Council**, not less than 30 years of age
- d) possesses such other qualifications as may be prescribed in that behalf by or under any law made by the Parliament.

Disqualifications

- (a) holds any office of profit under the Government of India or the Government of any State, other than that of a minister for Indian Union or for a State or an office declared by a law of the State not to disqualify its holder;
- (b) is of unsound mind as declared by a competent court;
- (c) is an undischarged insolvent;
- (d) is not a citizen of India or has voluntarily acquired the citizenship of a foreign state or is under any acknowledgement of allegiance or adherence to a foreign State;
- (e) is so disqualified by or under any law made by Parliament

SIMILARITY

1. ELECTION OF LOK SABHA AND LEGISLATIVE ASSEMBLY → assembly consists of representatives **directly elected** by the people on the basis of universal adult franchise.
2. PRESIDING OFFICER → Speaker
Deputy speaker
3. QUORAM
4. PROROGUE
5. SUMMON
6. INDIVIDUAL PRIVILEGE
7. COLLECTIVE PRIVILEGE
8. PROCEDURE IN THE HOUSE
9. READING OF THE BILL
10. TENURE OF THE HOUSE

Difference

| Union legislature | State legislature |
|---|---|
| Bicameral | May be unicameral also |
| Joint session in case of ordinary bill dead lock | No joint session because no dead lock |
| R.S has almost equal status with L.S | Legislative council has subordinate status |
| 6 months time to second house in case of ordinary bill | 3 months time in case of ordinary bill to the second house |
| NOMINATED AND ELECTED MEMBERS ARE DIFFERENT | NOMINATED AND ELECTED MEMBERS ARE DIFFERENT |

Indian States with Bicameral Legislature



6 STATES

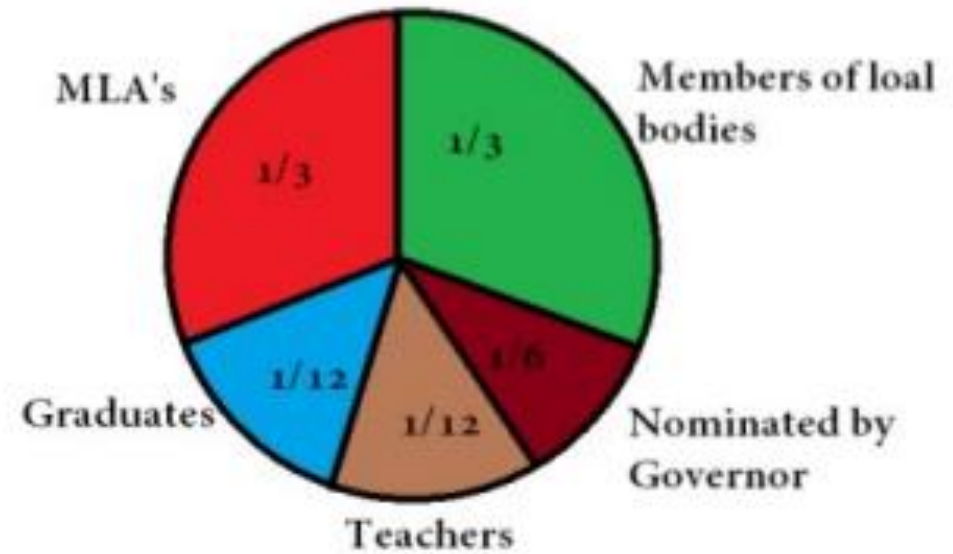
- ❖ BIHAR
- ❖ UTTAR PRADESH
- ❖ MAHARASTRA
- ❖ KARNATKA
- ❖ ANDHRA PRADESH
- ❖ TELANGANA

Previously it was 7 states having Bicameral Legislature. Now Jammu- Kashmir is not in that list as it become Union Territory status.

The Constitution has provided a specific procedure for creation or abolition of second chamber (State Legislative Council) under Article 169

Composition of Legislative council - Vidhan Parishad

The total number of members in the Vidhan Parishad of a State should not exceed one-third of the total number of members of Vidhan Sabha but this number should not be less than 40.



Maximum No of strength – $\frac{1}{3}^{\text{rd}}$ of Total no of Legislative Assembly Members

Minimum – Not less than 40

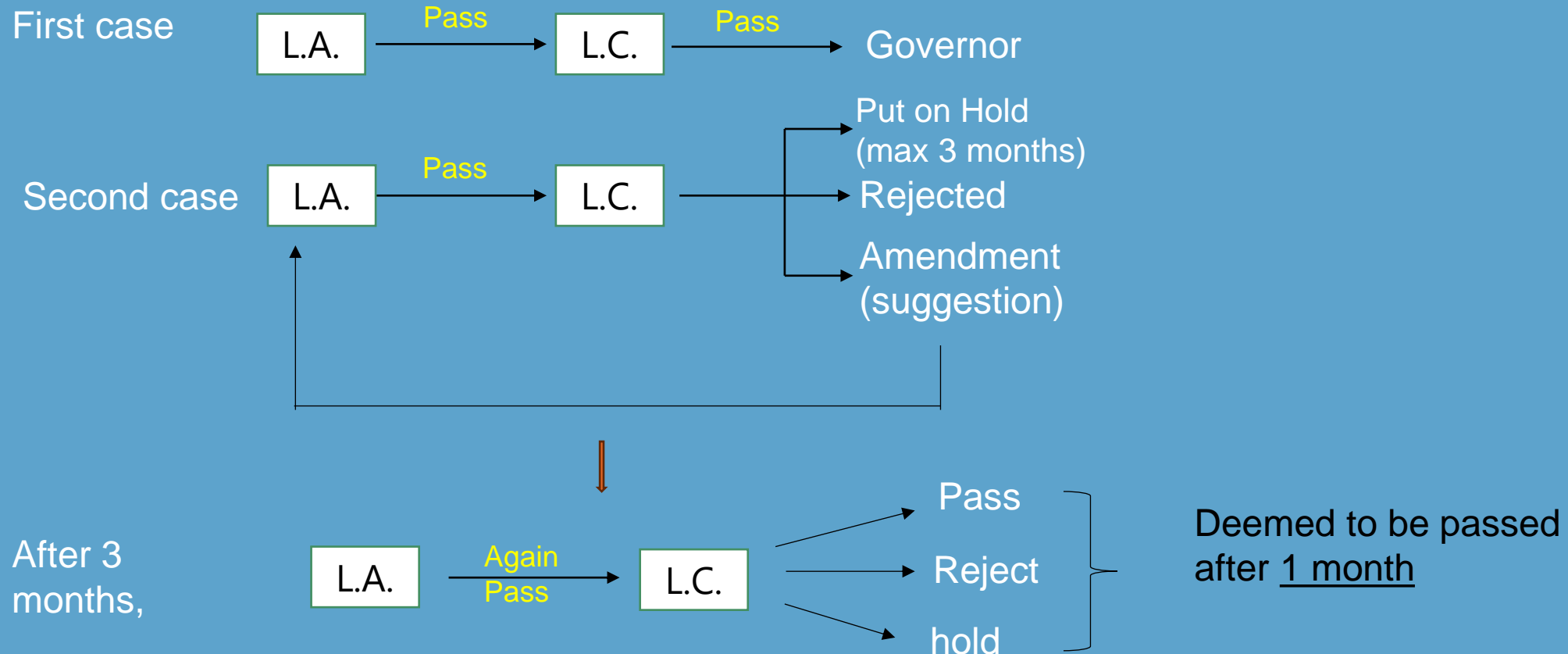
DIFFERENCE BETWEEN R.S AND L.C

| RAJYA SABHA | LEGISLATIVE COUNCIL |
|--|---|
| <u>SECOND HOUSE NOT SECONDARY HOUSE</u> | SECONDARY HOUSE NOT SECOND HOUSE |
| REPRESENTS FEDERALISM | DOES NOT REPRESENTS FEDERALISM |
| IT CAN'T BE REMOVED | CAN BE REMOVED |
| IT IS IN BASIC STRUCTURE DOCTRINE | IT IS NOT IN BASIC STRUCTURE DOCTRINE |
| NOMINATED MEMBERS ARE FIXED (12) | NOMINATED FRACTION IS FIXED(1/6TH) |
| COOPERATIVE MOVEMENT IS NOT THE BASE FOR NOMINATION | COOPERATIVE MOVEMENT IS ALSO BASE FOR NOMINATION |
| CHAIRMAN IS NOT AMONGST MEMBERS | CHAIRMAN IS MEMBER OF L.C |

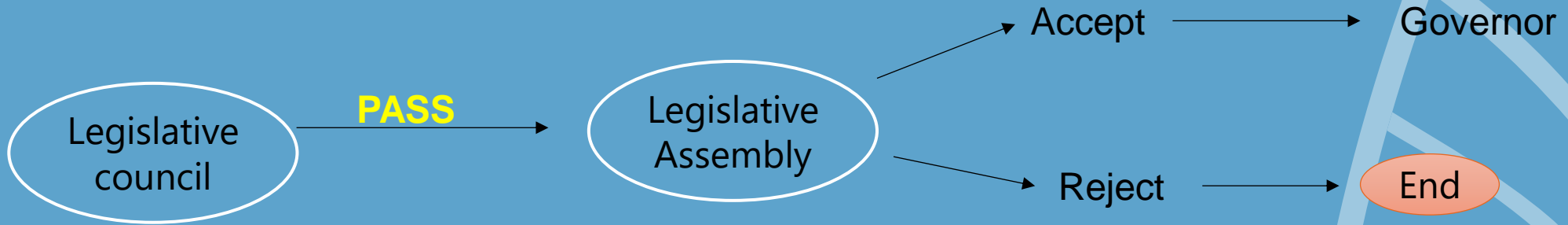
Why legislative council is considered as secondary house?

WHY Not Second House ?

Ordinary Bill : If It is Introduced in legislative Assembly.



If Introduced in legislative Council



In case of **MONEY BILL**

