

# STATE LEGISLATURE



## Part VI of Indian Constitution

**Chapter I:** General (Art 152)

**Chapter II:** State Executive (Art 153–167)

**Chapter III:** State Legislature (Art 168–212)

**Chapter IV:** Legislative power of the Governor (Ordinance) (Art 213)

**Chapter V:** High Courts (Art 214–232)

**Chapter VI:** Subordinate Courts (Art 233–237)

### Article 153: Governor of States

- There shall be a Governor for each State

### Article 154: Executive Power of State

- The executive power of the State shall be vested in the Governor and shall be exercised by him either directly or through officers subordinate to him in accordance with this Constitution

### Article 155: Appointment of Governor

- The Governor of a state shall be appointed by the President by warrant under his hand and seal

### Article 156: Term of Office of Governor

(1) The Governor shall hold office during the pleasure of the President

(2) The Governor may, by writing under his hand addressed to the President, resign his office

(3) Subject to the foregoing provisions of this article, a Governor shall hold office for a term of 5 years from the date on which he enters upon his office

### Article 157: Qualifications for Appointment as Governor

- No person shall be eligible for appointment as Governor, unless he is a citizen of India and has completed the age of 35 years

### Article 158: Conditions of Governor's Office

(1) Governor shall not be a member of any House in the Parliament or State Legislature, if so, he must vacate his seat before entering office of Governor

(2) Governor shall not hold any office of profit

• **7th CA, 1956:** Two or more states can have a common Governor

(3) The Governor shall be entitled without payment of rent to the use of his official residences and shall be also entitled to such emoluments, allowances and privileges as may be determined by Parliament by law

(3A) Where the same person is appointed as Governor of two or more States, the emoluments and allowances payable to the Governor shall be allocated among the States in such proportion as the President may by order determine

(4) The emoluments and allowances of the Governor shall not be diminished during his term of office

7th CA, 1956: Two or more states can have common Governor

Article 159: Oath or Affirmation by the Governor

Governor has to take oath in the presence of Chief Justice of high court. If he is absent, then governor has to take oath in presence of seniormost judge of high court available

Article 160: Discharge of Functions of Governor in Certain Contingencies

The president of India can appoint someone to take over the functions of a state's governor in certain situations

Article 161: Power of Governor to Grant Pardons, etc., and to Suspend, Remit or Commute Sentences in Certain Cases

The Governor of a State shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence

Difference in pardoning power of President and Governor

1. Governor cannot pardon death sentence
2. Governor cannot use pardoning power against a sentence handed down by Martial Court

Article 162: Extent of Executive Power of State (TRICK: Art 73 (Part V) + Art 89: Art 162)

The executive power of a state extends to matters where the state's Legislature has the power to make laws

Article 163: Council of Ministers to Aid and Advise Governor (TRICK: Art 74 (Part V) + Art 89: Art 163)

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Advice of Council of Ministers is not binding on Governor

Article 164: Other Provision as to Ministers (TRICK: Art 75 (Part V) + Art 89: Art 164)

(1) The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor

(2) The Council of Ministers shall be collectively responsible to the Legislative Assembly of the State

(3) Before a Minister enters upon his office, the Governor shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the Third Schedule

(4) A Minister who for any period of 6 consecutive months is not a member of the Legislature of the State shall at the expiration of that period cease to be a Minister

(5) The salaries and allowances of Ministers shall be such as the Legislature of the state may from time to time by law determine and, until the Legislature of the State so determines, shall be as specified in the Second Schedule

Article 165: The Advocate-General for the State (TRICK: Art 76 (Part V) + Art 89: Art 165)

(1) Appointment

(2) Duty

(3) Hold office till the pleasure of Governor

Article 166: Conduct of Business of Government of a State (TRICK: Art 77 (Part V) + Art 89: Art 166)

Article 167: Duties of Chief Minister as respects the Furnishing of Information to Governor, etc (TRICK: Art 78 (Part V) + Art 89: Art 167)

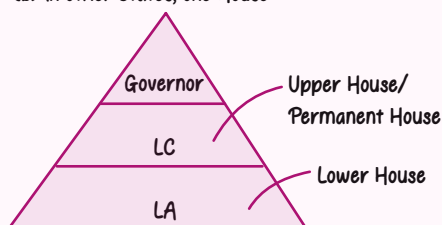
COMs → CM → Governor

Article 168: Constitution of Legislatures in States (TRICK: Art 79 (Part V) + Art 89: Art 168)

(1) For every State there shall be a Legislature which shall consist of the Governor

(a) In the States of Andhra Pradesh, Bihar, Telangana, Maharashtra, Karnataka and Uttar Pradesh, two Houses;

(b) In other States, one House



• All states in India do not have Legislative Council, only 6 states do

TRICK to Remember — K A B U T M

- **K**: Karnataka
- **A**: Andhra Pradesh
- **B**: Bihar
- **U**: Uttar Pradesh
- **T**: Telangana
- **M**: Maharashtra

(2) Where there is two houses one shall be known as Legislative Council and other is Legislative Assembly; If there is only one house it must be Legislative Assembly

Article 169: Abolition or Creation of Legislative Councils in States (TRICK: Art 80 (Part V) + Art 89: Art 169)

(1) Under article 168, Parliament can create or abolish Legislative Council of a state, after passing a resolution from Legislative Assembly (LA) with 2/3rd of present and voting members of LA, if the Legislative Assembly of the State passes a resolution to that effect by a majority of the total membership of the Assembly and by a majority of not less than 2/3rd of the members of the Assembly present and voting

No such law as aforesaid shall be deemed to be an amendment of this Constitution for the purposes of article 368

Article 170: Composition of the Legislative Assemblies (TRICK: Art 81 (Part V) + Art 89: Art 170)

(1) Subject to the provisions of Art 333, the Legislative Assembly of each State shall consist of not more than 500, and not less than 60, members chosen by direct election from territorial constituencies in the State

(2) For the purposes of clause (1), each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the State

• **Exception:** Minimum number of seats in Legislative Assemblies of Sikkim, Goa, and Arunachal Pradesh is 30

(3) The total number of seats in the Legislative Assembly of each State and the division of each State into territorial constituencies shall be readjusted, upon completion of each Census

Article 171: Composition of the Legislative Councils (TRICK: Art 82 (Part V) + Art 89: Art 171)

(1) The total number of members in the Legislative Council of a State having such a Council shall not exceed 1/3rd of the total number of members in the Legislative Assembly of that State — Not less than 40

(2) Until Parliament by law otherwise provides, the composition of the Legislative Council of a State shall be as provided in clause (3)

(3) Of the total number of members of the Legislative Council of a State:—

(a) 1/3rd elected by electorate consisting members of Municipalities, District Boards & other local authorities

(b) 1/12th - Person residing in the state who have been for at least 3 years graduates of any universities in India

(c) 1/12th - Person engaged in teaching for at least 3 years

(d) 1/3rd - By members of Legislative Assembly

(e) Remaining 1/6th nominated by Governor - person having special knowledge or practical experience in Literature, Science, Art, Co-operative movement & Social Science — Li S A S + Cooperative movement

Article 172: Duration of State Legislatures (TRICK: Art 83 (Part V) + Art 89: Art 172)

(1) Every Legislative Assembly of every State, unless sooner dissolved, shall continue for 5 years from the date appointed for its first meeting

(2) The Legislative Council of a State shall not be subject to dissolution, but as nearly as possible 1/3rd of the members thereof shall retire as soon as may be on the expiration of every second year

Article 173: Qualification for Membership of the State Legislature (TRICK: Art 84 (Part V) + Art 89: Art 173)

A person shall not be qualified to be chosen to fill a seat in the Legislature of a State unless he:—

(a) Is a Citizen of India

(b) Is in the case of a seat in the Legislative Assembly, not less than 25 years of age and, in the case of a seat in the Legislative Council, not less than 30 years of age

(c) Possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament

Article 174: Sessions of the State Legislature, Prorogation and Dissolution (TRICK: Art 85 (Part V) + Art 89: Art 174)

(1) The governor may summon house of the legislature to meet at such time as he thinks fit, but 6 month shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session

(2) The Governor may from time to time:-

(a) Prorogue the House or either House

(b) Dissolve the Legislative Assembly

Article 175: Right of Governor to Address and Send Messages to the House or Houses (TRICK: Art 86 (Part V) + Art 89: Art 175)

(1) Governor may address Legislative Assembly or Legislative Council (if there) or Both Houses Assembled together

(2) The Governor may send messages to the House or Houses of the Legislature of the State, whether with respect to a Bill then pending in the Legislature

Article 176: Special Address by the Governor (TRICK: Art 87 (Part V) + Art 89: Art 176)

(1) At the commencement of the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year, the Governor shall address the Legislative Assembly and Council (if there)

(2) Provision shall be made by the rules regulating the procedure of the House or either House for the allotment of time for discussion of the matters referred to in such address

Article 177: Rights of Ministers and Advocate General as respects the Houses (TRICK: Art 88 (Part V) + Art 89: Art 177)

Every Minister and the Advocate-General for a State shall have the right to speak in or take part in the proceedings of, the Legislative Assembly or Council (if there), but cannot vote

Article 178: The Speaker and Deputy Speaker of the Legislative Assembly (TRICK: Art 89 (Part V) + Art 89: Art 178)

Article 179: Vacation and Resignation of, and Removal from, the offices of Speaker and Deputy Speaker (TRICK: Art 90 (Part V) + Art 89: Art 179)

Article 180: Power of the Deputy Speaker or other Person to perform the Duties of the Office of, or to act as, Speaker (TRICK: Art 91 (Part V) + Art 89: Art 180)

Article 181: The Speaker or the Deputy Speaker not to Preside while a Resolution for his Removal from Office is under Consideration (TRICK: Art 92 (Part V) + Art 89: Art 181)

Article 182: The Chairman and Deputy Chairman of the Legislative Council (TRICK: Art 93 (Part V) + Art 89: Art 182)

Article 183: Vacation and Resignation of, and Removal from, the Offices of Chairman and Deputy Chairman (TRICK: Art 94 (Part V) + Art 89: Art 183)

Article 184: Power of the Deputy Chairman or other Person to Perform the Duties of the Office of, or to act as, Chairman (TRICK: Art 95 (Part V) + Art 89: Art 184)

Article 185: The Chairman or the Deputy Chairman not to Preside while a Resolution for his Removal from office is under Consideration (TRICK: Art 96 (Part V) + Art 89: Art 185)

Article 186: Salaries and allowances of the Speaker and Deputy Speaker and the Chairman and Deputy Chairman (TRICK: Art 97 (Part V) + Art 89: Art 186)

Article 187: Secretariat of State Legislature (TRICK: Art 98 (Part V) + Art 89: Art 187)

Article 188: Oath and Affirmation by Members (TRICK: Art 99 (Part V) + Art 89: Art 188)

Article 189: Voting in Houses, Power of Houses to act notwithstanding Vacancies and Quorum (TRICK: Art 100 (Part V) + Art 89: Art 189)

Article 190: Vacation of Seats (TRICK: Art 101 (Part V) + Art 89: Art 190)

Article 191: Disqualification of Membership (TRICK: Art 102 (Part V) + Art 89: Art 191)

Article 192: Decision on Questions as to Disqualification of Members (TRICK: Art 103 (Part V) + Art 89: Art 192)

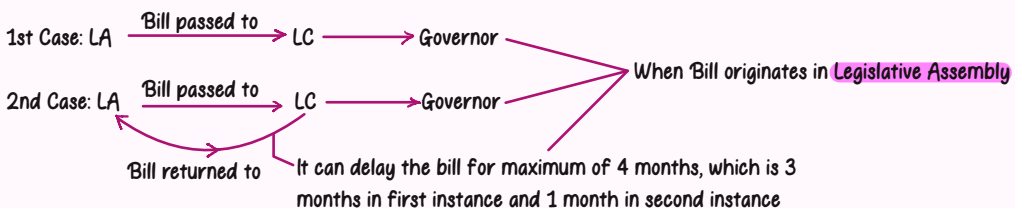
Article 193: Penalty for Sitting and Voting before making Oath or Affirmation under Article 188 or when not Qualified or when Disqualified (TRICK: Art 104 (Part V) + Art 89: Art 193)

Article 194: Powers, Privileges, etc., of the Houses of Legislatures and of the Members and Committees thereof (TRICK: Art 105 (Part V) + Art 89: Art 194)

Article 195: Salaries and Allowances of Members (TRICK: Art 106 (Part V) + Art 89: Art 195)

Article 196: Provisions as to Introduction and Passing of Bills (TRICK: Art 107 (Part V) + Art 89: Art 196)

In case of Ordinary Bills, Legislative Assembly has more power in comparison to Legislative Council



When a bill originates in the Legislative Council, and the Legislative Assembly, says no, the bill lapses, and there is no provision of Joint Sitting in Part VI

Article 197: Restriction on powers of Legislative Council as to Bills other than Money Bills (TRICK: Art 108 (Part V) + Art 89: Art 197)

The article states that if a bill, other than a money bill, has been passed by the Legislative Assembly and transmitted to the Legislative Council, and the Council has certain restrictions, it can:-

(1) Rejects the bill; or

(2) Does not pass the bill within a period of three months from the date of its receipt; or

(3) Passes the bill with amendments to which the Legislative Assembly does not agree (The legislative Council cannot further delay or block a bill, and the decision of Legislative Assembly must be considered final)

Article 198: Special Procedure in Respect of Money Bills (TRICK: Art 109 (Part V) + Art 89: Art 198)



A bill can only originate in LA

LC only has recommendatory power for amendments, it cannot make any recommendation on Money Bill (However, if the bill is passed by Legislative Assembly and sent to legislative council for review, the Legislative Council has 14 days to return the bill to LA with recommendations)

Article 199: Definition of Money Bill (TRICK: Art 110 (Part V) + Art 89: Art 199)

Article 200: Assent to Bills (TRICK: Art 111 (Part V) + Art 89: Art 200)

### Veto Power

Absolute Veto: Bill rejected — Cannot be rejected for the 2nd time

Suspensive Veto: Bill returned — Assent is mandatory in returned bill (Not in case of Money Bill)

Pocket Veto: No reaction

Article 201: Bills Reserved for Consideration

A governor can reserve the bill for the President   
No work of Governor here

Article 202: Annual Financial Statement (TRICK: Art 112 (Part V) + Art 90: Art 202)

Article 203: Procedure in Legislature with Respect to Estimates (TRICK: Art 113 (Part V) + Art 90: Art 203)



Article 204: Appropriation Bills (TRICK: Art 114 (Part V) + Art 90: Art 204)

Article 205: Supplementary, Additional or excess Grants (TRICK: Art 115 (Part V) + Art 90: Art 205)

Article 206: Votes on Account, Votes of Credit and Exceptional Grants (TRICK: Art 116 (Part V) + Art 90: Art 206)

Article 207: Special Provisions as to Financial Bills (TRICK: Art 117 (Part V) + Art 90: Art 207)

Article 208: Rules of Procedure (TRICK: Art 118 (Part V) + Art 90: Art 208)

Article 209: Regulation by Law of Procedure in the Legislature of the State in relation to Financial Business (TRICK: Art 119 (Part V) + Art 90: Art 209)

Article 210: Language to be used in the Legislature (TRICK: Art 120 (Part V) + Art 90: Art 210)

Article 211: Restriction on Discussion in the Legislature (TRICK: Art 121 (Part V) + Art 90: Art 211)

Article 212: Courts not to Inquire into Proceedings of the Legislature (TRICK: Art 122 (Part V) + Art 90: Art 212)

Article 213: Power of Governor to Promulgate Ordinances during Recess of Legislature (TRICK: Art 123 (Part V) + Art 90: Art 213)