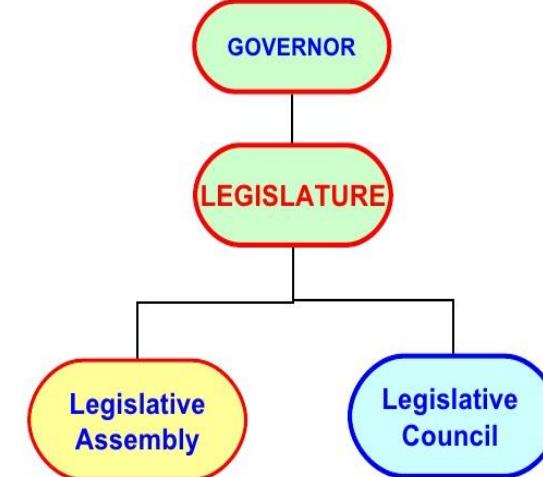


STATE LEGISLATURE



The State Executive



THE CHIEF MINISTER & STATE LEGISLATURE

Concept – UK

Nature – Basically Bicameral like Union Legislature
but some of the states have unicameral body also

Bicameral - Two Chambered legislature

Part – VI

Chapter - III

Article – 168 – 212

List – State List

Total number of State Legislature in India – 31

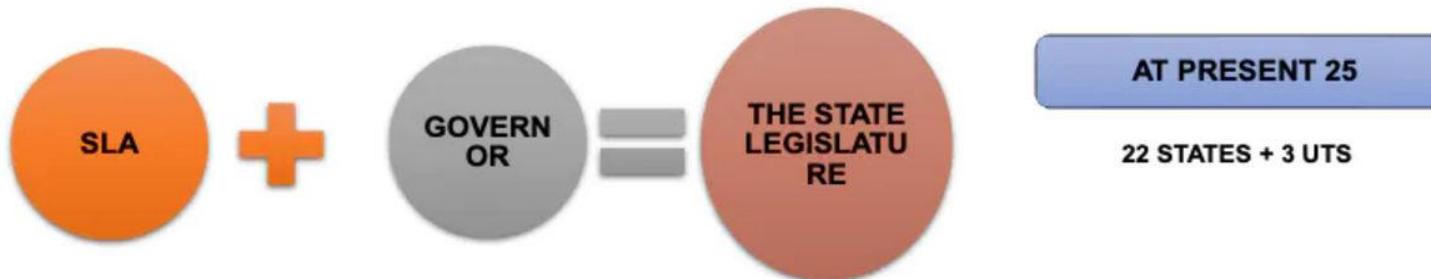
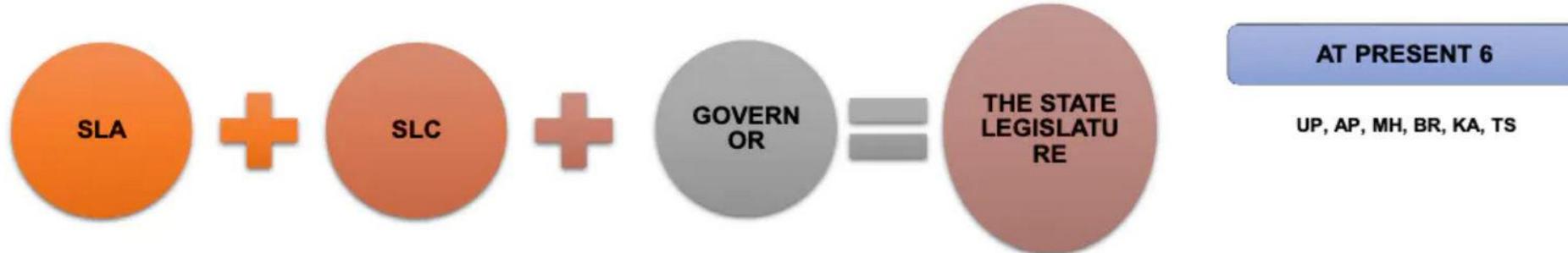


THE CHIEF MINISTER & STATE LEGISLATURE

Article 168 - Composition of the State Legislature:

The State Legislature consists of the State Legislative Assembly(SLA), the State Legislative Council(SLC) & the Governor or only State Legislative Assembly(SLA) and the Governor of the State.

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- Upper House
- State Legislative Council
- Unpopular Chamber
- 2nd Chamber

SLC



- Lower House
- State Legislative Assembly
- Popular Chamber
- 1st Chamber

SLA

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Article 169:- Creation or abolition of the SLC –
The Parliament of India can create or abolish the
SLC by law by **simple majority** if the SLA of that
state pass such resolution by **2/3rd majority**.

- The SLC of WB was abolished on 01.08.1969
by the Parliament on the recommendation of
SLA (21.03.1969).
- The APSLA unanimously passed a resolution
on 27.01.2020 to abolish the SLC. The proposal
will now be sent to the centre for further action.



THE CHIEF MINISTER & STATE LEGISLATURE

Article 170:- Composition of SLA :

Strength of Members : **60-500**. Out of this maximum 1 members were nominated by the Governor of the State from Anglo-Indian Community(1950-2020) & rest of all are directly elected by the people of the State.

Exception: Goa - 40

Mizoram – 40

Sikkim – 32

Puducherry – 30

Strength

- The Legislative Assembly consists of representatives **directly elected by the people on the basis of universal adult franchise.**
- Its **maximum strength is fixed at 500** and **minimum strength at 60**. It means that its strength varies from 60 to 500 depending on the **population size of the state.**
- However, in case of **Arunachal Pradesh, Sikkim** and **Goa**, the minimum number is fixed at 30 and in case of **Mizoram** and **Nagaland**, it is 40 and 46 respectively.
- Further, some members of the Legislative Assemblies in **Sikkim** and **Nagaland** are also elected indirectly.

Nominated Member

- The Governor can nominate **1 member** from the **Anglo-Indian community**, if the community is not adequately represented in the assembly. Originally, this provision was to operate for ten years (ie, upto 1960). But this duration has been extended continuously since then by 10 years each time. Now, under the 95th Amendment Act of 2009, this is to last until 2020.

Territorial Constituencies

- For the purpose of holding direct elections to the assembly, each state is divided into territorial constituencies.
- The demarcation of these constituencies is done in such a manner that the **ratio between the population of each constituency and the number of seats allotted to it is the same** throughout the state.
- In other words, the Constitution ensures that there is **uniformity of representation** between different constituencies in the state.

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Article 171:- Composition of SLC :

Strength of Members : **40- Not more than 1/3rd of SLA**. Out of this 1/6th members are nominated by the Governor of the State from various field (CLASS) & rest of all are indirectly elected by elected MLAs(1/3rd), an Electoral College which is consist of members of Local Self Government(1/3rd),the Teachers with at least 3 years experienced in at least secondary school (1/12th),the Graduates who was done their degree before 3 years(1/12th).

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No	Province (State/UT)	SLA	SLC
1.	Andhra Pradesh	175	90
2.	Arunachal Pradesh	60	
3.	Assam	126	
4.	Bihar	243	75
5.	Chhattisgarh	90	
6.	Goa	40	
7.	Gujrat	182	
8.	Haryana	90	

THE CHIEF MINISTER & STATE LEGISLATURE

No	Province (State/UT)	SLA	SLC
9.	Himachal Pradesh	68	
10.	Uttar Pradesh	403	100
11.	Jharkhand	81	
12.	Karnataka	224	75
13.	Kerala	140	
14.	Madhya Pradesh	230	
15.	Maharashtra	288	78

THE CHIEF MINISTER & STATE LEGISLATURE

No	Province (State/UT)	SLA	SLC
16.	Manipur	60	
17.	Meghalaya	60	
18.	Mizoram	40	
19.	Nagaland	60	
20.	Odisha	147	
21.	Punjab	117	
22.	Rajasthan	200	

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No	Province (State/UT)	SLA	SLC
23.	Sikkim	32	
24.	Tamil Nadu	234	
25.	Telangana	119	40
26.	Tripura	60	
27.	Uttarakhand	70	
28.	Delhi	70	
29.	Puducherry	30	
30.	Jammu & Kashmir	83+4+2	

Manner of Election

- Of the total number of members of a Legislative Council:
 1. 1/3 are **elected** by the members of local bodies in the state like municipalities, district boards, etc.,
 2. 1/12 are **elected** by graduates of three years standing and residing within the state,
 3. 1/12 are **elected** by teachers of three years standing in the state, not lower in standard than secondary school,
 4. 1/3 are **elected** by the members of the Legislative Assembly of the state from amongst persons who are not members of the assembly, and
 5. the remainder are **nominated** by the Governor from amongst persons who have a special knowledge or practical experience of literature, science, art, cooperative movement and social service.

- Thus, 5/6 of **the total number of members of a Legislative Council are indirectly elected and 1/6 are nominated by the Governor**. The members are elected in accordance with the system of proportional representation by means of a single transferable vote. The bonafide or propriety of the Governor's nomination in any case cannot be challenged in the courts.
- This scheme of composition of a Legislative Council as laid down in the Constitution is tentative and not final.
- **The Parliament is authorised to modify or replace the same.**
However, it has not enacted any such law so far.

THE CHIEF MINISTER & STATE LEGISLATURE

SLA

DURATION (Article 172)– 5
YEARS

PRESIDING OFFICER–The
Speaker

VICE PRESIDING OFFICER– The
Deputy Speaker

ELECTORAL SYSTEM– First
Past the Post
Electoral System

SLC

DURATION (Article 172)– NO
DURATION

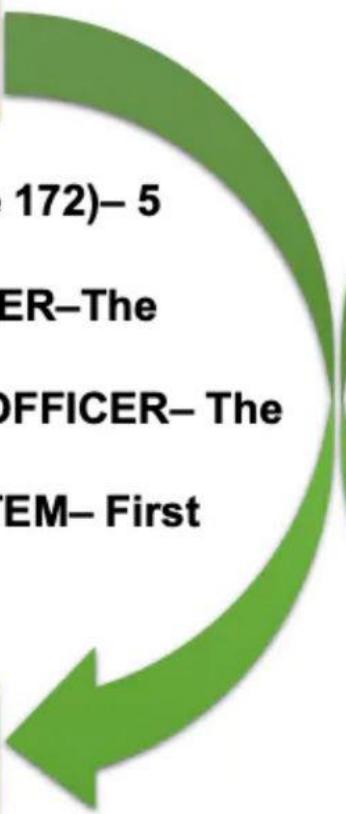
PRESIDING OFFICER–The
Chairman

VICE PRESIDING OFFICER– The
Deputy Chairman

ELECTORAL SYSTEM– Single
Transferrable Vote System

MLA

MLC



THE CHIEF MINISTER & STATE LEGISLATURE

MLA

TERM – 5 YEARS

QUALIFICATION (Article 173) – i)

Indian Citizenship, ii) At least 25 y of age

OATH – Taken by the Governor of the State

SALARY – Determined by State Legislature & charged on PAFS (Public Accounts Fund of the State)

RESIGNATION – To the Speaker of SLA

MLC

TERM – 6 YEARS

QUALIFICATION (Article 173) – i) Indian Citizenship, ii) At least 30 y of age

OATH – Taken by the Governor of the State

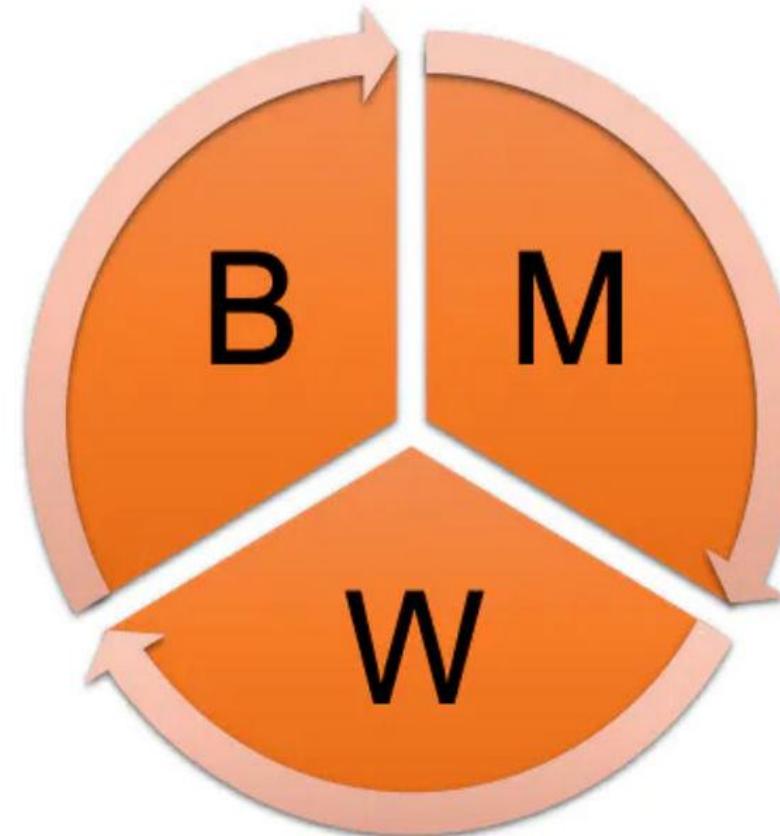
SALARY – Determined by State Legislature & charged on PAFS (Public Accounts Fund of the State)

RESIGNATION – To the Chairman of SLC

THE CHIEF MINISTER & STATE LEGISLATURE

Session of the State Legislature:-

- The session of SL is summoned by the Governor of the State.
- The maximum gap between the session shall not more than 6 months.
- At least two sessions in a year is mandatory in the State Legislature.
- There is no provision for the Joint Session of the State Legislature.
- The quorum of the houses of the State Legislature: 10% of the present strength of the house including presiding officer.



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#Traditionally three sessions are held in a year. These are –

1. Budget Session ,
2. Monsoon Session &
3. Winter Session

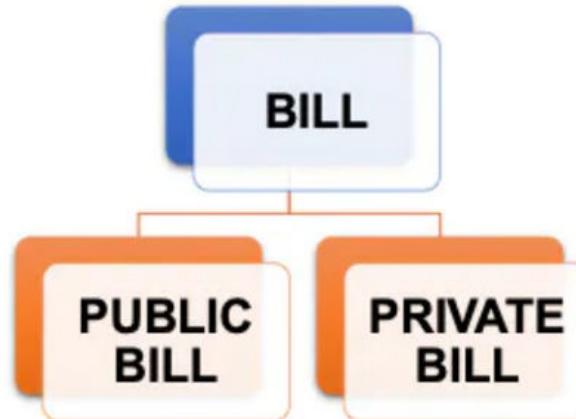


THE CHIEF MINISTER & STATE LEGISLATURE

Bills of the State Legislature :

A bill is a proposal for legislation and it becomes an act or law when duly enacted.

On the basis of that , who initiates the bill, there are two types – Public Bill & Private Bill.



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Bills of the State Legislature –

There are three types of bills passed by the state legislature.

1. Money Bill (Article 198 & 199) ,
2. Ordinary Bill (196)
3. Financial Bill (Article 207)

The State also play an important role in the Amendment of the Constitution under Article 368.

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- A Money Bill **introduce in SLA** after taking permission of the Governor of the state. Because no bills can be introducing in SLA without the permission of the Governor of the state & always the Money bill introducing in the lower house.
- An Ordinary bill can be **introducing in either house** of the state legislature.
- An **Ordinary bill can be rejected by SLA only.**
- SLC have **no power to reject the bill.**
- An Ordinary bill can be hold by either house for **maximum 3 months**(first time) & **1 month**(second time).

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- ❑ A Money bill can be held by SLC for maximum 14 days. After such period it was taken that it was passed by the SLC also in the manner that it was already passed in SLA.
- ❑ The Governor of the State is bound to sign on a Money Bill (Article 200)
- ❑ The Governor of the state can **send back an Ordinary Bill** for only one time. If such bill passed again by the State Legislature by simple majority, the Governor is bound to sign it.
- ❑ The Governor of the State can issue an Ordinance during the recess of state legislature(Article 213). The Ordinance must be passed in State Legislature with 6 weeks in reassemble.

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- If any MLA or MLC is continuously absent in the house without any inform to the presiding officer of the house for 60 days or more, the seats shall become vacant(Article 190).
- The President of India can issue an **Ordinance** when the Parliament is not in session (Article 123).
- Governor can hold his/her assent for indefinite period.
- The Governor can reserve a bill for the consideration of the President of India(Article 201)

THE CHIEF MINISTER & STATE LEGISLATURE

Reservation of State Bill :

There are certain bills, which after having been passed by the State Legislature, can be reserved by the Governor for the consent of the President. After that Governor has no role to pass such bill. Such bill become laws **only after the President** has given his/her assent.

- It can be happened in the case of ordinary bill or money bill.

Practice Question

1. How many State legislature are there in India as on October 2021?
 - A. 28
 - B. 31**
 - C. 33
 - D. 27

2. Out of the below States , which doesn't has any State Legislative Council?

- A. Bihar
- B. Maharastra
- C. Chattishgarh
- D. Karnataka

3. Which Article of Indian Constitution has the provision of Abolition or Creation of Legislative council of the states?

- A. Article 168
- B. Article 169**
- C. Article 170
- D. Article 171

4. What is the maximum period between two session of state Legislative assembly?

- A. **6 months**
- B. 1 month
- C. 3 months
- D. 5 months

5. How many State Legislature are there in Goa?

- A. 40
- B. 50
- C. 45
- D. 60

THANK YOU