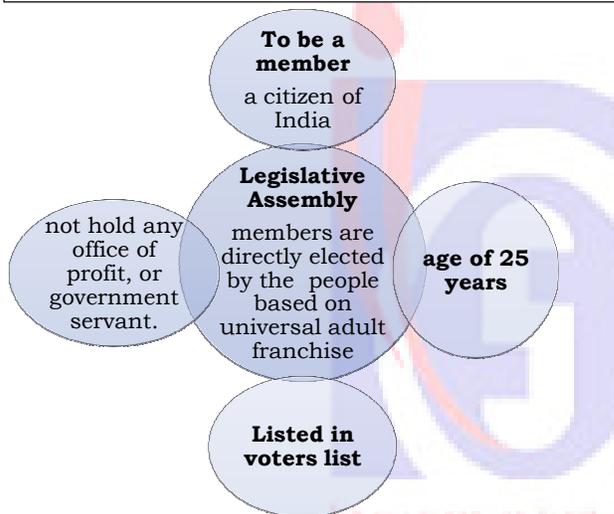


Lesson 14

STATE LEGISLATURE

Summary -

In most of the States we have unicameral Legislatures. The State Legislatures consist of the Governor and the Legislative Assembly. The Parliament is empowered to set up or abolish the Vidhan Parishad in a State. The Vidhan Parishad is partly indirectly elected and partly nominated. It is permanent House like the Rajya Sabha & never get dissolved. The tenure of its members is six years. One third members retire after every two years.



Legislative Assembly (Vidhan Sabha) -

- ✚ Vidhan Sabha members cannot be more than 500 and not less than 60.
- ✚ Governor of the State has the power to nominate one member of Anglo-Indian community.
- ✚ Tenure of Vidhan Sabha is five years, it may be dissolved by the President.
- ✚ In case of constitutional emergency proclaimed under Article 356 of the constitution

can extend the term for a period not exceeding one year at a time.

Presiding Officer -

Speaker presides over the meetings of the House & conducts the proceedings.

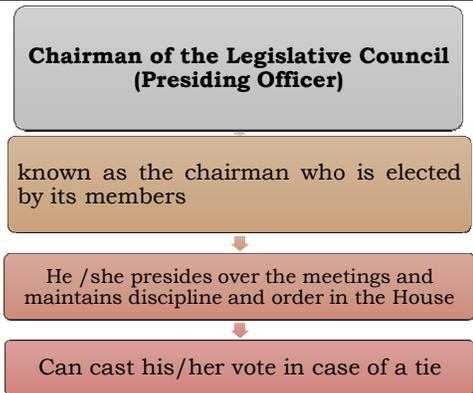
- ✚ Maintains order in the House, allows the members to ask questions and speak, he puts bills & other measures to vote and announces the result of voting.
- ✚ Total number of members should not exceed one-third of the total number of members of Vidhan Sabha, but this number should not be less than 40.
- ✚ To be a member the person should, be a citizen of India, have attained the age of 30 years, be a registered voter in the State, not hold any office of profit.
- ✚ Vidhan Parishad is partly elected and partly nominated. Most of the members are indirectly elected in accordance with the

Principle of proportional representation by means of single transferable vote system.

The composition of the Legislative Council is as follows:

- 1) One-third members of the Council are elected by the members of the Vidhan Sabha.
- 2) One-third of the members of the Vidhan Parishad are elected by the electorates consisting of members of Municipalities District Boards and other local bodies in the State.
- 3) One-twelfth members are elected by the electorate consisting of graduates in the State with a standing of three years.
- 4) One-twelfth members are elected by the electorate consisting of teachers of educational institutions.
- 5) One-sixth members are nominated by the Governor persons having special knowledge in the sphere of literature, science, arts, co-operative movement, and social service.

- ✚ The tenure of members is six years. One-third of its members retire after every two



Sessions of The State Legislature-

- ✚ Twice a year.
- ✚ The interval between two sessions cannot be more than six months.
- ✚ The Governor summons and prorogues the sessions of State Legislature.

Powers and Functions -

Law Making Function-

- ✚ The primary function is law-making on State List & Concurrent List, Money bill is first introduced in the Vidhan Sabha.
- ✚ The Governor can issue an ordinance on the State subjects, legislature passes a regular bill to become a law to replace the ordinance.
- ✚ This is done within six weeks after reassembly of Legislature.

Financial Powers-

- ✚ A money bill is introduced first only in the Vidhan Sabha.
- ✚ Speaker of the Vidhan Sabha certifies that a particular bill is a money bill.
- ✚ Then it is sent to the Vidhan Parishad, and it must return within 14 days with or without its recommendations.
- ✚ The Governor cannot withhold his assent as money bills are introduced with his prior approval.

Control over the Executive-

- ✚ State Legislature keeps control over the executive.
- ✚ The Council of Ministers is responsible to Vidhan Sabha collectively and remains in the office so long as it enjoys the confidence of the Vidhan Sabha.
- ✚ The Council is removed if the Vidhan Sabha adopts a vote of no-confidence or when it rejects a government bill.

Electoral Functions –

- ✚ The elected members of the Vidhan Sabha are members of the Electoral College for the election of the President.
- ✚ The members of the Vidhan Sabha also elect members of the Rajya Sabha from their respective States.
- ✚ One-third members of the Vidhan Parishad are also elected by the members of the Vidhan Sabha.

Constitutional Functions –

- ✚ An Amendment requires special majority of each House of the Parliament and ratification by not less than half of the States relating to Federal subjects.

Limitation of the powers of the State Legislature - Limitations on law-making power:

In case the State law on a subject in the Concurrent list conflicts with the Union law the law made by the Parliament shall prevail

reserve his assent to a bill passed by the State Legislature and send it for the consideration of the President

It cannot make laws which violate the fundamental rights of the people

During national emergency Parliament has the control on the State List and can make laws to carry on its international responsibility

Comparison of the two Houses of the State Legislature –

Legislative Assembly like the Lok Sabha occupies a dominant position.

In Relation to Ordinary Bills –

- ✚ An ordinary bill can originate in either House yet both Houses have unequal powers, if a bill is passed in the Vidhan Sabha it is transmitted to the Vidhan Parishad for consideration.
- ✚ When it is passed by Vidhan Parishad without any amendment the bill is sent to the Governor for his assent.

In Relation to Money Bills-

money bill is introduced first in Vidhan Sabha, after the bill is passed, it is sent to the Vidhan Parishad,

- ✚ Vidhan Parishad gets 14 days' time to consider the bill. If the Parishad passes the bill, it is sent to the Governor for his assent. If the bill is not returned by the Vidhan Parishad within 14 days, it is deemed to have been passed by the Vidhan Parishad.

Control Over the Executive-

The Council of Ministers of the State is responsible to the Vidhan Sabha only and remains in the office so long as it enjoys the confidence of the Assembly.

Electoral Functions-

Elected members of the Vidhan Sabha can participate in the election of the President, Members of the Rajya Sabha from each State are elected only by the members of Assembly and not of the Council.

Evaluate yourself -

1. Write a short note on the powers and functions of State Legislature in your own words.
2. Make a comparative list of the power of Vidhan Sabha and Vidhan Parishad.
3. Presiding Officer (the Speaker) plays a vital role in the house, in context to this write down your opinion in your own words.