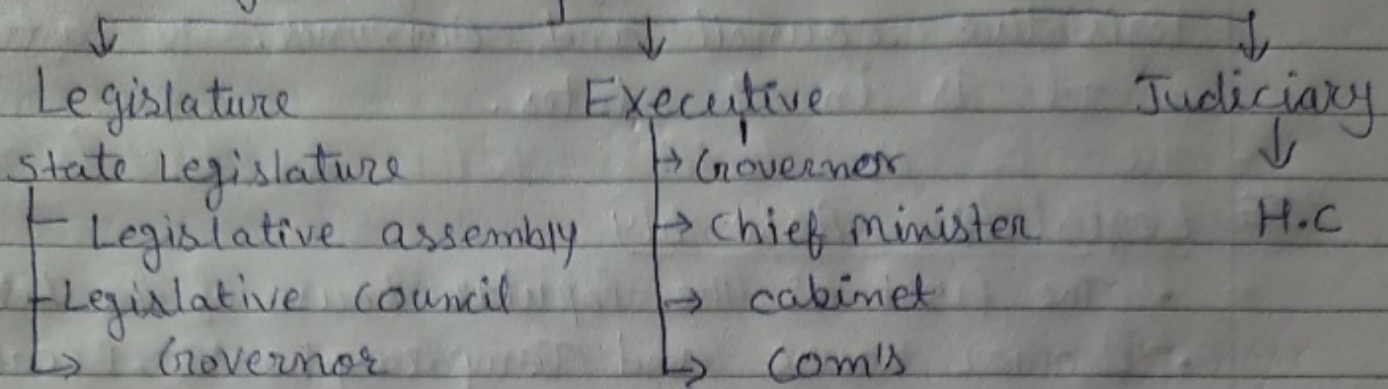


## Ch-7 State Government

### Formation of state Legislatures and their Functions

#### Organs of State Government



#### ★ State Legislature →

- According to Article 168 of Indian Constitution every states will have a legislature formed by Governor and Legislative assembly or Governor Legislative assembly and Legislative Council.
- Indian Constitution has adopted Unicameral and Bicameral legislatures for indian states.
- At Present, there are 7 states which have bicameral legislature. These states are →

1. Jammu & Kashmir
2. Uttar Pradesh
3. Bihar
4. Maharashtra
5. Karnataka
6. Andhra Pradesh
7. Telangana

• Legislature can be Unicameral or Bicameral, Depends on the number of houses.

- Unicameral Legislature → A Legislature with single house. it has a house Legislative assembly (Vidha Sabha) and Governor.



- 22 states and 2 Union Territories (Delhi & PCh) have unicameral legislature.
- 2 Bicameral legislature → A legislature with two houses. It has Legislative Assembly, Legislative Council and Governor.
- It is in 7 states.

## ## Legislative Assembly

- The first or the popular house of the legislature.
- Lower house and temporary house, because it can be dissolved any time.

### Formation

- 1 Number of members → According to Article 170 there will be maximum 500 members ~~for~~ and minimum number is 60 in Assembly.
  - Every member of legislative assembly represents the population of 75,000 people.
- 2 Reservation → According to 95<sup>th</sup> Constitutional Amendment Act of 2009, there is provision for reservation of seats for SC, ST and OBC in legislative assembly till
  - Governor can nominate one member from Anglo-Indian community to legislative assembly.
- 3 Process of Election → The members are elected directly by the vote through Universal Adult Franchise System.
4. Qualification for MLA → citizen of India
  - minimum Age 25 years.



- He should not be bankrupt or mentally disabled.
- not hold any office of Profit in Central & State Govt.
- He should fulfilled the conditions laid by state legislature.

### 5 Termination of membership of the members. →

- If a person is elected from both the houses of the state legislature then he will have to resign from either of house.
- A person can be terminated if he remains absent for continuous 60 days from the meeting of state legislature without any information.
- After being elected as a member of any house, if it is felt that the person does not have the required qualification, he can be terminate

6 Tenure → 5 years, but Governor can be dissolve even before the time on the advice of Cm.

- If President's rule is in force then Parliament can extend the tenure 1 year at one go
- Art. 356

### 7 office Bearers →

- There are two important officers, Speaker and Deputy speaker.
- They are elected from the members of assembly.
- They can be removed by a Motion passed by a Majority of house. And A Notice has to be given atleast 14 days in Advance.
- They submit their ~~self~~ resignation to each other.



## Powers & Functions of Speaker

- He presides over the meetings of state legislature
- He maintains the Law and order in the assembly
- He conducts working of the house.
- A member of house can speak only after his permission.
- The speaker decides whether the bill is money bill or not.
- He doesn't participate in voting but in case of tie he can use his "casting vote"
- He decides the sequence of proceeding of the house with the leader of house.
- He gives judgement on the petition regarding defection.
- He makes the declaration of results after the voting.

# In the absence of speaker the Deputy Speaker carries out all his functions.

## # Formation of Legislative Council

Parliament can create LC (<sup>Artical</sup> ~~Section~~ 169)

- ⇒ upper house, Permanent body.
- ⇒ Tenure - 6 years  $\frac{1}{3}$  members vacant after every 2 year
- Number of members - Minimum - 40
- maximum member -  $\frac{1}{3}^{\text{rd}}$  of Legislative assembly
- ⇒ Elected -  $\frac{5}{6}^{\text{th}}$
- Nominated -  $\frac{1}{6}^{\text{th}}$
- indirect election (single transferable method)
- $\frac{1}{3}^{\text{rd}}$  elected by local institutions (Municipal, district council etc)



- $\frac{1}{3}^{rd}$  elected by Legislative assembly.
- $\frac{1}{12}$  elected by graduate level exam and spent more than 3 years after passing it.
- $\frac{1}{12}$  elected Teachers - who have been teaching in a secondary school or in a higher edu. institute.
- $\frac{5}{6}^{th}$  Nominated by Governor (science, literature art, social services etc.)

(\*) Qualifications for the members

- Age - 30 years
- other qualifications are same to MLAs.

(\*) Office Bearers →

Chairman and vice Chairman

(\*) Powers and Functions of LC

- Law making • legislation → except the money bill all other bills can be introduced in any house of state legislature. But the bill should be passed by both the houses.
- Executive → Member of Legislative Council can be a member of cabinet. Legislative Council can be control the cabinet through questions, proposals and debates.
- Financial → The legislative Council can hold the money bill only up to 14 days.



## (\*) Power and Functions of State Legislative Assembly

- Legislative → Assembly has the right to make Law on almost all those subjects which come under State list and concurrent list.
- Financial Power → Legislative assembly has complete control on money of the State.
- Administrative Powers → Because of provision in a legislative system even in States, the Cabinet of a State is answerable to the state legislature especially - LA.
- Power to Amend the Constitution → Approval of legislative assemblies of at least half of the States need to be taken for a bill which is passed by the Parliament to amend certain sections of the Constitution. State legislature can only support or reject this type of motions.
- Election Related Powers - elected members of the State assembly take part in election of the President and the Rajya Sabha members.

② The current situation and Process for Formation of Legislative Council in Rajasthan

- \* There is only a single house of legislature - Vidhan Sabha.
- \* The legislative assembly has passed the bill for formation of legislative council and has sent this bill for approval by the Central Govt.

\* State Executive.  
Governor, Chief minister, Cabinet.