

Competitive Exams: The State Legislature

The Legislature of every State consists of the Governor and one or two Houses.

The Legislatures of Jammu and Kashmir, Bihar, Maharashtra, Karnataka and Uttar Pradesh are bicameral i.e.. Having both the Legislative Assembly and the Legislative Council. Other States have unicameral legislatures i.e.. There exists only the State Legislative Assembly.

The Legislative Council (Vidhan Parishad)

- As per the Constitution, the number of members of the Legislative Council is not to exceed one-third of the total strength of the State Assembly. However, its strength should not be less than 40 either.
- The members of the Legislative Council are derived from various sections and streams of the society:
 1. Not less than one-third to be elected by the Panchayats, Municipalities, District Boards, etc.
 2. Not less than one-third to be elected by the Legislative Assembly.
 3. Not less than one-twelfth to be elected by the graduates of three years standing residing in the State.
 4. Not less than one-twelfth to be elected by the persons having teaching experience of three years in educational institutions.
 5. The remainder one-sixth to be nominated by the Governor from among the distinguished persons of the society in the field of literature, science, arts, cooperative movement and social service.
- Just like the Upper House at the Centre, the Legislative Council of a State is never dissolved. The members are elected for a term of 6 years and 1/3rd of its members retire every two years.

Creation and Abolition of Legislative Council

The Parliament, under Art. 169, is empowered to create or abolish the Legislative Council in a State.

Where the Legislative Council is to be created or abolished, the concerned State Legislative Assembly should pass a resolution to this effect by a majority of two-third of the members present and voting.

After this, the Bill goes to the Parliament for approval, which may or may not pass it.

In Parliament, such a resolution is passed by a simple majority.

The Legislative Assembly (Vidhan Sabha)

- The Legislative Assembly is the popular House of the State Legislature where members are directly elected by the people for a term of five years, unless the House is dissolved by the Governor earlier.
- The strength of this popular House should not be less than 60 or more than 500.
- this number and, in fact, the strengths of Goa and Sikkim Legislatures are less than 60.
- The Governor may nominate one member from the Anglo-Indian community to this House, if he thinks that the community is not adequately represented.
- The sessions of the State Legislature, and its officers as well as their functions are almost similar to those at the Union level.

Legislative Procedure

In an Unicameral Legislature, the procedure is very simple. Every Bill originates in the Vidhan Sabha, duly passed by it and then sent to the Governor for his assent.

However, in a Bicameral Legislature, the process is different. The Money Bill follows the similar procedure as in the Parliament.

Financial and Ordinary Bills

The Bill should be passed by both the Houses. The Vidhan Parishad does not enjoy an equal status to that of the Vidhan Sabha, whereas in the Parliament, both the Lok Sabha and the Rajya Sabha enjoy equal status.

After a Bill has been passed by the Legislative Assembly of a State having a Legislative Council and transmitted to the Legislative Council, there are three possibilities namely:

- The Bill is rejected by the Council
- More than three months elapse from the date on which the Bill is laid before the Council without the Bill being passed by it; or
- The Bills passed by the Council with amendments, then the Bill returns to the Legislative Assembly. The Legislative Assembly may or may not accept the recommendations.

If after a Bill has been so passed for the second time by the Legislative Assembly and transmitted to the Legislative Council:

- the Bill is rejected by the Council; or

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- more than one month elapses from the date on which the Bill is laid before the Council without the Bill being passed by it; or
- the Bill is passed by the Council with amendments to which the Legislative Assembly does not agree

The Bill shall be deemed to have been passed by both the Houses in the form in which it was passed by the Legislative Assembly for the second time.

The Legislative Council has the power to introduce the bill, but if the Vidhan Sabha rejects it, that is the end of the Bill.

Unlike at the Union level, there is no provision of joint-sitting in the State Legislature for resolving deadlock over the passage of a Bill.

The two Houses meet jointly on only one occasion-the Governor's address immediately after the general election to the Vidhan Sabha or at the commencement of the first session of each year.

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