

State Legislature Part VI [articles 168- 212]

- **Article 168 - 212** in Part VI of the Constitution deals with the organization, composition, duration, officers, procedures etc of the state legislature

Constitution of legislatures in state [article 168]

- **Article 168** provides that for every state there **shall** be a **legislature** which shall consist of the Governor and
- in the states of **Andhra Pradesh, Bihar, Madhya, Maharashtra, Karnataka, Tamil Nadu, Telangana and Uttar Pradesh two houses;**
- in other states **one house**
- Where there are two houses of Legislature or state, one shall be known as **Legislative Council and other as legislative assembly** and where there is only one house it shall be known as Legislative Assembly.

Abolition of creation of Legislative Council in state article 169

- **Article 169** provides that Parliament may by law or provide for abolition or creation of the Legislative Council of a state if the Legislative Assembly of the state passes a resolution to that effect by a majority of total membership of the assembly and by a majority of not less than two third 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.

Composition of Legislative assemblies article 170

- **Article 170** provides that 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.

Composition of Legislative Council article 171

- **Article 171** provides that the total number of members in Legislative Council of a state having such a Council shall **not exceed one third** of total number of members in the Legislative Assembly of the state. **[1/3]**
- The total number of members in Legislative Council of a state shall in no case be **less than 40.**
- Of the total number of members of the Legislative council of a State
- as nearly as may be, **one third** shall be elected by electorates consisting of members of municipalities, district boards and such other local authorities in the State as Parliament may by law specify; . **[1/3]**
- as nearly as may be, **one twelfth shall** be elected by electorates consisting of persons residing in the State who have been for at least three years graduates of any university in the territory of India or have been for at least three years in possession of qualifications prescribed by or under any law made by Parliament as equivalent to that of a graduate of any such university;. **[1/12]**
- as nearly as may be, **one twelfth** shall be elected by electorates consisting of persons who have been for at least three years engaged in teaching in such educational institutions within the State, not lower in standard than that of a secondary school, as may be prescribed by or under any law made by Parliament; **[1/12]**
 - a) as nearly as may be, **one third** shall be elected by the members of the Legislative Assembly of the State from amongst persons who are not members of the Assembly; **[1/3]**
 - b) the remainder shall be nominated by the Governor

- The members to be nominated by the Governor shall consist of persons having special knowledge or practical experience in respect of such matters as **literature, science, arts, Cooperative movement, social service.**

Duration of state legislature article 172

- **Article 172** provides that every Legislative Assembly of every state **unless sooner dissolved shall continue for a period of five years** from the date appointed for the first meeting.
- The said period may while a proclamation of emergency is in Operation be extended by Parliament by law for a period not exceeding **one year** at a time and not exceeding in any case beyond the period of six months after the proclamation has ceased to operate.
- The Legislative Council of a state shall not be subject to dissolution but as nearly as possible **one third** of the members thereof shall retire as soon as may be on expiration of every second year in accordance with the provisions made in that behalf by the Parliament by law.

Qualification for membership of state legislature article 173

- **Article 173** provides that 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 and make and subscribe before some person authorized in that behalf by the election commission and oath or affirmation according to the form set out for the purpose in the third schedule
 - b. In the case of a state in Legislative Assembly not less than 25 years of age and in the case of seat of Legislative Council not less than 30 years of age

c. Possesses such other qualifications as may be prescribed when that behalf by or under any law made by parliament.

The speaker and the deputy speaker of Legislative Assembly [article 178]

- **Article 178** provides that every Legislative Assembly of a state shall as soon as may choose two members of assembly to be respectively speaker and deputy speaker

The Chairman and Deputy Chairman of Legislative Council article 182

- **Article 182** provides that Legislative Council of every state having such Council shall as soon as may be choose two members of Council to be respectively Chairman and Deputy Chairman

LEGISLATIVE PROCEDURE

[Article 197] Restriction on powers of Legislative Council as to Bills other than Money Bills.—(1) If after

A Bill has been passed by the **Legislative Assembly** of a State having a Legislative Council and **transmitted** to the **Legislative Council**—

(a) The Bill is rejected by the Council; or

(b) 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

(c) The Bill is passed by the Council with amendments to which the Legislative Assembly does not agree;

The Legislative Assembly may, pass the Bill again in the same or in any subsequent session with or without such amendments, if any, as have been made, suggested or

agreed to by the Legislative Council and then transmit the Bill as so passed to the Legislative Council.

(2) If after a Bill has been so passed for **the second time by the Legislative Assembly** and transmitted to the Legislative Council—

(a) The Bill is rejected by the Council; or

(b) 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

(c) 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 the Houses of the Legislature of the State in the form in which it was passed by the Legislative Assembly for the second time with such amendments, if any, as have been made or suggested by the Legislative Council and agreed to by the Legislative Assembly.

(3) Nothing in this article shall apply to a Money Bill.

[Article 198] Special procedure in respect of Money Bills.—

(1) **A Money Bill shall not be introduced in a Legislative Council.**

(2) After a Money Bill has been passed by the Legislative Assembly of a State having a Legislative Council, it shall be transmitted to the Legislative Council for its recommendations, and the Legislative Council shall within a period of fourteen days from the date of its receipt of the Bill return the Bill to the Legislative Assembly with its recommendations, and the Legislative Assembly may thereupon either accept or reject all or any of the recommendations of the Legislative Council.

(3) If the Legislative Assembly accepts any of the recommendations of the Legislative Council, the Money Bill shall be deemed to have been passed by both Houses with the amendments recommended by the Legislative Council and accepted by the Legislative Assembly.

(4) If the Legislative Assembly does not accept any of the recommendations of the Legislative Council, the Money Bill shall be deemed to have been passed by both Houses in the form in which it was passed by the Legislative Assembly without any of the amendments recommended by the Legislative Council.

(5) If a Money Bill passed by the Legislative Assembly and transmitted to the Legislative Council for its recommendations is not returned to the Legislative Assembly within the said period of fourteen days, it shall be deemed to have been passed by both Houses at the expiration of the said period in the form in which it was passed by the Legislative Assembly.

200. Assent to Bills.—When a Bill has been passed by the Legislative Assembly of a State or, in the case of a State having a Legislative Council, has been passed by both Houses of the Legislature of the State, it shall be presented to the Governor and the Governor shall declare either that

a) He **assents to the Bill or**

b) **He withholds assent or that**

c) **He reserves the Bill for the consideration of the President**

If the Bill is passed again by the House or Houses with or without amendment and presented to the Governor for assent, the Governor shall not withhold assent

Provided further that the Governor shall not assent to, but shall reserve for the **consideration of the President**, any Bill which in the opinion of the Governor would, if it became law, so derogate from the powers of the High Court as to endanger the position which that Court is by this Constitution designed to fill.

201. Bills reserved for consideration.—When a Bill is reserved by a Governor for the consideration of the President, **the President shall declare either that he assents to the Bill or that he withholds assent**

a) Provided that, where the Bill is not a Money Bill, the President may direct the Governor to return the Bill to the House or,

b) When a Bill is returned, the House or Houses shall reconsider it accordingly within a **period of six months from the date of receipt** of such message and, if it is again passed by the House or Houses with or without amendment, it shall be **presented again to the President for his consideration.**