

## State Legislature

### Constitutional Provisions

- Covered under **Part VI (Articles 168–212)** of the Constitution.
- Article 168 → Constitution of State Legislature.

State Legislature consists of:

- **Governor**
- Legislative Assembly (Vidhan Sabha)
- Legislative Council (Vidhan Parishad) – *in some states*

### Structure of State Legislature

#### A. Unicameral System

- Only the Legislative Assembly
- The majority of states follow this model

#### B. Bicameral System

- Legislative Assembly (Lower House)
- Legislative Council (Upper House)

Creation/abolition of Legislative Council:

- Article 169
- Parliament can create/abolish a State Assembly resolution (special majority)

### Composition

#### Legislative Assembly (Vidhan Sabha)

- Directly elected
- Maximum: 500 members
- Minimum: 60 (exceptions: smaller states)
- Tenure: 5 years (unless dissolved earlier)

Minimum age: 25 years

### *Legislative Council (Vidhan Parishad)*

- Permanent body
- 1/3 members retire every 2 years
- Maximum strength: 1/3 of the Assembly
- Minimum: 40 members

Minimum age: 30 years

Composition:

- 1/3 elected by local bodies
- 1/12 by graduates
- 1/12 by teachers
- 1/3 by Assembly members
- Remaining nominated by the Governor (experts in literature, science, art, and social service)

### *Qualifications (Article 173)*

A person must:

- Be a citizen of India
- Take an oath before an authorised person
- Age:
  - 25 years (Assembly)
  - 30 years (Council)
- Possess qualifications prescribed by Parliament

Under **Representation of the People Act, 1951:**

- Must be an elector in the concerned state
- SC/ST candidate required for reserved seats
- For Council nomination → Resident of the state

### *Disqualifications*

#### *A. Constitutional (Article 191)*

A person is disqualified if:

- Holds office of profit
- Unsound mind (declared by the court)
- Undischarged insolvent
- a Not a citizen of India
- Disqualified under parliamentary law

Decision:

- Governor decides (Article 192)
- Must act on the advice of the Election Commission

### **B. Disqualification on Ground of Defection**

- Under **Tenth Schedule of the Constitution of India**
- Decision:
  - Speaker (Assembly)
  - Chairman (Council)
- Subject to judicial review (SC 1992)

### **C. Disqualification under RPA 1951**

- Conviction (2+ years imprisonment)
- Corrupt electoral practices
- Failure to file election expenses
- Government contract interest
- Promoting enmity, bribery
- Social offences (untouchability, dowry, sati)

### **Oath or Affirmation**

- Before a Governor or person appointed
- Cannot vote or participate without oath
- Penalty: ₹500 per day for sitting without oath

### **Vacation of Seats (Article 190)**

Seat becomes vacant if:

#### **1. Double Membership**

- a Cannot be member of both Houses simultaneously

#### **2. Disqualification**

- If subject to any disqualification

#### **3. Resignation**

- To Speaker (Assembly) / Chairman (Council)
- Effective upon acceptance

#### **4. Absence**

- 60 days without permission

### 5. Other Cases

- Election declared void
- The expulsion by the House
- Elected President/Vice-President
- Appointed Governor

### Powers & Functions

#### A. Legislative Powers

- State List subjects
- Concurrent List (subject to Article 254)

#### B. Financial Powers

- Money Bill introduced only in Assembly
- A Council has an advisory role (14-day limit)

#### C. Executive Control

- The Council of Ministers is collectively responsible to the Assembly

#### D. Constitutional Amendment

- Ratification role (where required)

### Privileges (Article 194)

- Freedom of speech in the House
- Immunity from court proceedings
- Publication privilege

### Comparison: Assembly vs Council

<b>Feature</b>	<b>Assembly</b>	<b>Council</b>
<i>Nature</i>	<i>Temporary</i>	<i>Permanent</i>
<i>Dissolution</i>	<i>Yes</i>	<i>No</i>
<i>Minimum Age</i>	<i>25</i>	<i>30</i>
<i>Money Bill Power</i>	<i>Dominant</i>	<i>Advisory</i>
<i>Executive Responsibility</i>	<i>Yes</i>	<i>No</i>