



# Polity Class Notes for IAS and PCS

## Chapter No 24: State Legislature

<b>State – Legislature</b>	
➤	At Present, there are 6 states have Bicameral (two house –legislative assembly and legislative council), Maharashtra, Karnataka, Uttar Pradesh, Bihar, J and K and Andhra Pradesh.
➤	Total member in LA 500 and should Min 60. But in Sikkim, Goa, and Mizoram & Nagaland have less than 60.
➤	Legislative Assembly (LA)→ Vidhansabha → First chamber → Popular house
➤	Legislative Council (LC)→ Vidhan prishad → second chamber →house of elder
➤	If LA passes a bill for formation of LC, it passed like as simple majority in Parliament & it is not under 368 Article.
➤	Member nominated by Governor from Anglo Community in LA.
➤	Maximum strength of LC = $\frac{1}{3} \times \text{Total strength of LA}$
➤	Minimum strength of LC is fixed at 40.
➤	Total no. of seat in Assembly of each state based on Division of each state into Territorial constituencies.
➤	Both determined by Parliament by – Delimitation commission act 1952, 1962, 1972, 2002.
➤	42th Amendment 1976 – election based on 1971 census till 2000
➤	84 <sup>th</sup> Amendment of 2001 – election based on 1991 census till 2001
➤	87 <sup>th</sup> Amendment of 2003 – election based on 2001 census
<b>Manner of Election of legislative council (LC)</b>	
➤	$\frac{1}{3}$ member of legislative council elected by Municipalities, district Bond
➤	$\frac{1}{12}$ member of legislative council elected by Graduated
➤	$\frac{1}{12}$ member of legislative council elected by teacher (Not lower secondary school)
➤	$\frac{1}{3}$ member of legislative council elected by Legislative Assembly Member
➤	$\frac{1}{6}$ member of legislative council elected by Governor from area of
	<ul style="list-style-type: none"> <li>• Art and culture</li> <li>• Science</li> <li>• Cooperative moment</li> <li>• Social service</li> <li>• Literature</li> </ul>
➤	So, $\frac{5}{6}$ member of legislative council elected by Indirectly

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- Remaining  $\frac{1}{6}$  member of legislative council by directed (Nominated) elected [By (G)]

- $\frac{1}{3}$  Of its member retire on expiration of every 2 year.
- Vacant seats are filled by fresh election & nominated by governor at beginning of every 3 year.
- Retiring member are also eligible for election & re – nomination any no. of times
- Eligibility age of LC is 30

### Disqualification of any Member

- decision of Speaker of LA final regarding to 10<sup>th</sup> schedule – Anti defection law
- decision of Chairman of LC final regarding to 10<sup>th</sup> schedule – Anti defection law
- Speaker of LA is final but under “Judicial Review”.
- If a member absent for 60 days without its permission, membership will be ceased.
- Presiding officer of LA – Speaker & Deputy speaker.
- Presiding officer of LC – Chairman & Deputy chairman.
- Speaker can resign by writing to deputy speaker

### Power of Speaker

- He is final interprets of provision of
  - Rules of Procedure & conduct of Business of Assembly
  - Legislative precedents
- Secret meeting
- Casting vote in case of tie.
- Decide bill is Money Bill or not.
- Disqualification of member – 10<sup>th</sup> Schedule
- He is chairman of
  - All committees of Assembly & supervise their functions in LA
  - Himself chairman of Business Advisory Committee & Rule Committee, General Purpose committee in LA

### Note

- If speaker & deputy speaker absent – speaker nominate from amongst the panel member
- Salaries & allowance of chairman & speaker fixed by SL & they are charged on the consolidation fund of state. There are not subject to annual vote of state legislature.
- LA usually time 5 year, After 5 year – It automatically dissolved but LA period can be extension 1 year (any time) during national emergency. But re – election of (LA) should be After 6 months revoke of emergency.
- In LC, It is permanent body. Their chairman elected from member of LC.

### Session of State legislature

- **Summoning**
  - Max gap ‘6 months’ – 2 times meet per year
  - Governor from time to time summons each house of SL to meet.
- **Adjournment**



- Suspend the work for hour, days, week.
- Adjournment sine – die – means terminating a sitting of SL for an indefinite period.
- Both powers reside with speaker.
- **Prorogation**
  - Adjourn Sine die – declare session is computed within next few days. govt issue a notification for prorogation of same. It terminates the session.
- **On Dissolution**
  - On direction of LA – Lapsing the bill
  - Bill pending in Assembly lapses
  - Bill passed by assembly but pending in council lapse.
  - A bill pending in council but both house pending are not of Governor or President, not lapse.
  - A bill passed by both – return by President – Not lapse.
- **Quantum**
  - 1/10 of total member
- **Casting vote**
  - Speaker not allowed to vote in Parliament, but in case of tie – he can vote
- **Language in SL**
  - The SL is authorized to decide, whether to continue or discontinue English as a floor language of computing of 15 year from commencement of
- A minister can participate in proceeding of house of which he is not a member.
- A minister who not member of any house – can participate in proceeding of both houses.
- If bill a passed by (LA) & send to (LC) – then in 1st time (LC) delay 8 months
- Again bill passed by (LA) & send to (LC) – then 2nd time (LC) and delay 1 month of that bill deemed to passed – total – 4 months (LC) can delay the bill
- No joint provision at state level
- But joint provision at centre level Lok sabha, Raj Sabha
- **Money Bill**
  - Can't introduced in LC, only in LA, on the recommendation of Governor
  - LC – have to return money bill to LA within 14 days
  - If the bill reserve recommendation from Govt. to President, then in this case president can't return money bill to state legislature.
- Max delay in Bill – 4 months (3 month in first time and 1 in second time)
- No joint sitting at state level



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DAILY MAINS PRACTICE QUESTION	<a href="http://raheineducation.com/daily-mains-question-practise/">http://raheineducation.com/daily-mains-question-practise/</a>
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