

The State Legislature

These notes are your ultimate revision weapon to revise The State Legislature. We've distilled years of previous exam questions (PYQs) into one powerful, concise resource. Everything you need to know, nothing you don't.

- **PYQs, Decoded:** All key concepts from past exams, organized and simplified.
- **Revise in Record Time:** Short, precise, and designed for last-minute review.
- **Focus on What Matters:** Master high-probability topics and boost your confidence.

State Executive: The Governor, Chief Minister, and Council of Ministers



1. The Governor

- A formal part of the state legislature.
- **Powers and Duties:**
 - Appoints the Chief Minister (Article 164).
 - Appoints other Ministers on the advice of the Chief Minister.
 - Appoints the Chief Secretary on the advice of the Chief Minister.
 - Nominates members to the Legislative Council (1/6th of its total membership) who must have special knowledge in literature, science, art, the cooperative movement, or social service.
 - Their recommendation is mandatory for introducing a Money Bill in the Legislative Assembly.
 - Addresses the house at the commencement of the first session each year.
 - Has the power to prorogue the State Legislative Assembly.
 - Operates the state's Contingency Fund.

2. The Chief Minister (CM)

- **Appointment:**
 - Formally appointed by the Governor (Article 164).
 - The Governor does not select the CM; the CM is chosen by the members of the majority party in the Legislative Assembly. The Governor's appointment is a formality.
- **Tenure:** Holds office during the pleasure of the Governor.
- **Role and Duties:**
 - Generally presides over Cabinet meetings.
 - Constitutional duties (under Article 167) include:
 - Communicating all decisions of the Council of Ministers to the Governor.
 - Furnishing information on administration and legislation to the Governor when required.
 - Submit any ministerial decision for cabinet consideration if the Governor requires it.
- **Historical Note:** Sucheta Kriplani was the first woman Chief Minister of an Indian state (Uttar Pradesh, 1963).

3. The Council of Ministers

- **Appointment:** Other Ministers are appointed by the Governor on the advice of the Chief Minister.
- **Tenure:** Hold office during the pleasure of the Governor.
- **Membership Rule:** A Minister who is not a member of the State Legislature must get elected within **six months** to continue in office.

4. The Chief Secretary

- The head of the state's administrative system.
- Appointed by the Governor on the advice of the Chief Minister.
- Does not have a fixed tenure.

State Legislature: Composition and Types

1. General Composition

- The Legislature of a State consists of **the Governor and one or two Houses**.
- In a bicameral system, it consists of the Governor, the Legislative Assembly, and the Legislative Council.

2. The Two Houses

- **Legislative Assembly (Vidhan Sabha):** The Lower House. It exists in **all** states.
- **Legislative Council (Vidhan Parishad):** The Upper House. It exists only in **some** states.

3. States with a Bicameral Legislature (i.e., with a Legislative Council)

- **Current Six States:** Andhra Pradesh, Bihar, Karnataka, Maharashtra, Telangana, and Uttar Pradesh.
- **Historical Note:** In 1956, seven states had bicameral legislatures (U.P., Bihar, Bombay, Madras, Mysore, Punjab, and West Bengal).
- **States Confirmed as Unicameral:** Tamil Nadu, Madhya Pradesh, Chhattisgarh, Kerala, Himachal Pradesh, Haryana, and Uttarakhand. Delhi (a UT with a legislature) is also unicameral.

The Legislative Assembly (Vidhan Sabha)

1. Composition

- Consists of not more than **500** and not less than **60** members elected from territorial constituencies (Article 170).
- **Exception:** Sikkim has only **32** members.
- The minimum age for qualification for election is **25 years**.

2. Functions & Participation

- Participates in the election of:
 - The President of India.
 - Members of the Rajya Sabha.
 - Members of the State's own Legislative Council (if it exists).

3. Procedures

- **Quorum:** Ten members or one-tenth of the total membership of the House, **whichever is greater**.
- **Governor's Address:** At the commencement of the first session each year, the Governor makes a customary address.
- **Adjournment Motion:** For a motion on a matter of public importance:
 - The **Speaker's consent is necessary**.
 - Must be restricted to a **specific matter of recent occurrence**.
 - **Not more than one** such motion can be made at the same sitting.
- **Rules of Procedure:** On matters where the State Legislature lacks its own rules, it follows the rules of procedure of the Lok Sabha.

4. Money Bills

- A Money Bill **can only be introduced** in the Legislative Assembly.
- It **cannot be introduced** without the **prior recommendation of the Governor**.

5. The Speaker

- The Speaker continues in office until immediately before the first sitting of the new Assembly constituted after a dissolution.

6. Dissolution

- The Governor has the power to dissolve the Assembly.
- **Historical Fact:** Following the Ayodhya incident in 1992, the State Assemblies of Uttar Pradesh, Madhya Pradesh, Himachal Pradesh,

and Rajasthan were dissolved. The Assembly of Bihar was **not** dissolved at that time.

The Legislative Council (Vidhan Parishad)

1. Constitutional Basis & Nature

- Provision for its creation is under **Article 169**.
- Its composition is defined under **Article 171**.
- It is a **permanent body** that is **not subject to dissolution** (like the Rajya Sabha). It can only be **abolished**.

2. Creation & Abolition

- It can be created or abolished by an act of Parliament.
- The process requires a **resolution** passed by the **State's Legislative Assembly** by a **special majority** (a majority of the total membership and at least two-thirds of the members present and voting).
- Passing this resolution **does not obligate** the Union Government to initiate the law in Parliament; it merely enables Parliament to do so.

3. Composition & Membership

- **Size Limitation:**
 - Total membership **cannot exceed one-third** of the total membership of the Legislative Assembly.
 - Total membership **cannot be less than 40**.
- **Breakdown of Membership (Election/Nomination):**
 - 1/3rd are elected by the **State Legislative Assembly** (from persons who are not its members).
 - 1/3rd are elected by **local bodies** (e.g., Municipalities, District Boards).
 - 1/12th are elected by **graduates** residing in the state.
 - 1/12th are elected by **teachers** (of secondary school level and above).
 - 1/6th are **nominated by the Governor**.

- **Note:** The number of nominated members is **1/6th** of the total strength (also described as 1/10th in one note, but 1/6th is the constitutional figure per Article 171(3)(e)).

4. Tenure & Elections

- The tenure of its members is **6 years**.
- Similar to the Rajya Sabha, **1/3rd of its members retire every two years**.

5. Leadership

- The **Chairman and Deputy Chairman** are **elected by the Council itself** from amongst its members. They are **not** nominated by the Governor.

6. Powers

- It is a **weak house**.
- It can detain a **non-money bill** passed by the Assembly for a maximum of **4 months** (3 months first time + 1 month second time).
- It has **very limited power** regarding Money Bills (mainly to make recommendations, which the Assembly may reject).

State Finance & Special Provisions

1. Finance

- The pay and allowances of state ministers are determined by the **State Legislative Assembly**.
- The State Legislature establishes the state's **Contingency Fund**.
- The **Comptroller and Auditor General of India (CAG)** controls the accounts of the states.

2. Special Status and Laws

- **Goa** is the only state in India to have a **Common Civil Code** (inherited from the Portuguese Civil Code of 1867).
- **Andhra Pradesh** has proposed reservations for Muslims in jobs and education (a matter under review by the Supreme Court).

3. Jammu & Kashmir (Pre-2019 Reorganisation)

- **Note:** The Jammu and Kashmir Reorganisation Act, 2019, changed its status to a union territory, and the Legislative Council was abolished.
- **Historical Facts:**
 - The tenure of the Chief Minister was **5 years**.
 - The title of the executive head was changed from *Sadar-e-Riyasat* to **Governor** in 1965 by the 6th Amendment of the J&K state constitution.

Know More About The State Legislature:

- [The State Legislature – Old Year Questions](#)
- [The State Legislature One Liner Questions & Answers](#)