

# State Legislature

There are two houses in the state legislature: the legislative assembly, also called Vidhan Sabha, and the legislative council, also called Vidhan Parishad. The council of ministers of the state Legislature consists of the chief minister and other ministers who are appointed by the governor on the chief minister's advice.

An essential function of the State Legislative Assembly is to act as the highest lawmaking organ of the State. However, the bill must pass through the Legislative Council to become an act.

## Powers and Functions of State Legislature

The State Legislative Assembly is the most potent association for running the machinery of the State legislature. The Functions and powers of the Legislative council of the State are only advisory. However, if the legislative assembly rejects a bill passed by the Legislative Council, then it is reconsidered in the Legislative Council. The State Legislative Assembly has Legislative, executive, Financial, Amendment, and electoral powers. These are explained as follows:

- **Legislative powers** - The Legislative council is less powerful in making laws than the State Legislative assembly. A bill has to pass through the Legislative assembly first then it is forwarded to the Legislative council.
- **Financial powers** - With respect to the money bills, the Legislative Assembly of the State holds the supreme power. The State's finances are sanctioned and controlled by the Legislative Assembly of the State. Along with this, the state legislative assembly is responsible for managing the annual budget of the State.
- **Executive powers** - The legislative assembly has the position of authority and holds the right to question its members. Also, the State legislative assembly has the power to reject any government policy (of the State) that can lead to a no-confidence motion.
- **Amendment powers** - In agreement with the State legislature, the Parliament can make some constitutional amendments. E.g., The Parliament has to seek the opinion of the State legislative assembly to decide to alter the State's boundaries.

The Legislative Council of the State legislature holds the right to delay the non-money bill by 3 months and a money bill by 14 days. If delayed, that bill is sent back for rework by 1 month. Also, the member of the Legislative Council doesn't have the right to elect the President of the country. Some other powers of the State Legislative Assembly are as follows-

- The State Legislative Assembly can elect its Deputy Speaker and the Speaker. However, in certain chances, it can remove the Speaker and Deputy Speaker from their respective positions by a no-confidence vote.
- The members of the Legislative Assembly can participate in electing the President of the country.
- The reports presented by the State Public Service Commission, Auditor-General, and similar agencies are considered by the State Legislative Assembly.

## Limitations on the Powers of State Legislature

The State Legislative Assembly is similar to the Lok Sabha's functioning. However, there are certain limitations on the powers of the State Legislature. These are as follows:

- Without the previous sanction of the Indian President, certain bills cannot be moved in the Legislative Assembly

- President's assent is required to operate certain bills passed by the State Legislature after being reserved for the President's consideration by the governor of the respective State.
- Parliament can frame laws for any part of the Indian territory or the whole State concerning matters listed in the State List. However, the proclamation of emergency is in operation.
- During the operation to break down the Constitutional machinery, the legislative competence of the Parliament can extend its subject to be listed in the State list.

## Composition of State Legislature

India is a legislative body with two bodies. Its State Legislature includes the Legislative Assembly and Legislative Council. Both these houses share the implementation and administration of the laws. These two bodies of the State Legislature are explained below.

### State Legislative Assembly

The popularly elected chamber of the State legislature is the Legislative assembly and is considered the real chamber of the State. The total number of members of the State Legislative Assembly can not exceed 500, while the minimum number cannot exceed 60. However, states like Goa, Arunachal Pradesh, and Sikkim are the exceptions, as they are allowed to have comparatively smaller Assemblies. But, the ratio between the State's population and the number of seats in the State Legislature should be the same for all the states.

### State Legislature – Legislative Council

The maximum number of members in the Legislative council should not exceed 1/3rd Legislative Assembly's members, while the lower number should be 40 members only and not less than that. However, the least number of Legislative council members is only 36 in Jammu and Kashmir. The composition of the State Legislative Council is provided by the Indian Constitution. However, it is not final, and the final power is enjoyed by the Union's Parliament.

### Qualification for the members of the State Legislative Assembly-

- They must be a citizen of India.
- Twenty-five years old for the Legislative Assembly and 30 years for the Legislative Council.
- Must possess the qualifications prescribed by the Parliament.