



State Legislature:

Bicameral and Unicameral States

What is a Unicameral State?

It is a form of the legislature where only one house (one central unit) exists to make and implement laws for the state/country.

What is a Bicameral State?

It is a legislative body with two houses. India is one such example where there are two houses both at union and also at 6 of its 28 states. In a bicameral legislature, the function to administer and implement the laws are shared between the two houses.

For the detailed [difference between a Unicameral Legislature and a Bicameral Legislature](#), visit the linked page.

Though a uniform pattern of Government is prescribed for the States, it is not so in the matter of the composition of the Legislature. While the Legislature of every State shall consist of the [Governor](#) and the State Legislature, in some of the States, the Legislature shall consist of two Houses, namely, the Legislative Assembly and the Legislative Council, while in the rest, there shall be only one House, namely the legislative assembly.

1. The constitution provides for the abolition of the second chamber in a state where it exists as well as for the creation of such a chamber in a state where there is none at present.
2. If a state Legislature passes a resolution by an absolute majority, together with not less than two-thirds of the members actually present and voting in favour of the creation of the second chamber and if Parliament gives concurrence to such a resolution, the concerned State can have two Houses in the Legislature.
3. Similar is the procedure for the abolition of the Upper houses. The State of Punjab and West Bengal abolished the second chambers in 1969 and 1970 respectively. Legislative Council in Tamil Nadu was abolished in 1986.
4. The State Legislature which has only one House is known as the Legislative Assembly (Vidhan Sabha) and in the State which has two houses, the Upper House is known as the Legislative Council (Vidhan Parishad) and the lower House is known as the Legislative Assembly (Vidhan Sabha).
5. Owing to changes introduced since the inauguration of Constitution, in accordance with the procedure laid down in Article 169, the States having two Houses are Bihar, Maharashtra, Karnataka, Andhra Pradesh, Telangana and Uttar Pradesh.

State Legislature – Legislative Assembly



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The Legislative Assembly is the popularly elected chamber and is the real Centre of power in a State. The maximum strength of an assembly must not exceed 500 or its minimum strength fall below 60. But some of the States have been allowed to have smaller Legislative Assemblies, e.g. Sikkim, Arunachal Pradesh, Goa, etc.

The territorial constituencies demarcation should be done as far as possible, such that the ratio between the population of each constituency and the number of seats allotted to it is the same all over the State.

Apart from these general provisions, there are also special provisions with respect to the representation of SC and ST. In case the Governor feels that the Anglo-Indian community is not adequately represented, he can nominate one member of that community to the assembly.

State Legislature – Legislative Council

The Legislative Council of a State Comprises not more than one-third of the total number of members in the Legislative Assembly of the State and in no case less than 40 members. However, in Jammu and Kashmir, the strength is only 36. The system of the composition of the Council as provided for in the Constitution is not final. The final power is given to the Parliament of the Union. But until the Parliament legislates on the subject, it shall be as provided for in the Constitution, which is described below:

Duration of Legislative Assembly & Legislative Council

It will be a partly nominated and partly elected body, the election being an indirect one and in accordance with the principle of proportional representation by the single transferable vote. The members being drawn from various sources, the Council shall have a variegated composition. Broadly speaking 5/6 of the total number of members of the Council shall be indirectly elected and 1/6 will be nominated.

The duration of the Legislative Assembly is five years. The Governor has the power to dissolve the Assembly even before the expiry of its term. The period of five years, may, while a proclamation of emergency is in operation, be extended by the Parliament by law for a period not exceeding one year at a time and not extending in any case beyond a period of six months after proclamation has ceased to operate (Article 172(1)). Unlike the Legislative Assembly, the Legislative Council is not subject to dissolution. It is a permanent body unless abolished by the Legislative Assembly and Parliament by the due procedure. But no person



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can be a permanent member of the Council as one-third of the members of the Council retire on the expiry of every second year. It amounts to a term of six years for each member. There is no bar on a member getting re-elected on the expiry of his term.

- (a) one-third of the total number of members of the Council would be elected by electorates consisting of members of local bodies like the municipalities and the district boards.
- (b) one-twelfth of the members would be elected by electorates comprising of graduates of the standing of three years dwelling in that particular state.
- (c) one-twelfth of the members would be elected by electorates consisting of teachers who have been in the teaching profession for at least 3 years in educational institutes in that state, which are not lower than secondary schools in the standard.
- (d) one-third would be elected by members of the Legislative Assembly from amongst people who are not Assembly members.
- (e) The rest would be nominated by the Governor from persons having knowledge or practical experience in matters like science, literature, cooperative movement, art and social service. (The Courts can't question the propriety or bonafide of the Governor's nomination.)

Qualifications of Members of Legislative Assembly

A person shall not be qualified to be selected to occupy a seat in the Legislature of a State unless he/she

- (a) is an Indian citizen;
- (b) is 25 years or above for Legislative Assembly, and is 30 or above for Legislative Council, and
- (c) possess such other qualifications as may be prescribed by the Parliament.

Thus, the Representation of the People Act, 1951, has provided that a person shall not be elected either to the Legislative Assembly or the Council unless he is himself an elector for any Legislative Assembly constituency in that State. A person can be disqualified for being selected as and for being a member of the Legislative Assembly or Legislative Council of a State if he/she

- (a) holds an office of profit under GOI or any State Government, other than that of a Minister at the centre or any state or an office declared by a law of the State not to disqualify its holder (many States have passed such laws declaring certain offices to be offices the holding of which does not disqualify its holder for being a member of the Legislature of that States)
- (b) is mentally unsound as declared by a competent Court



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- (c) is an undischarged insolvent
- (d) is not an Indian citizen or has voluntarily got the citizenship of a foreign State or is under any acknowledgement of adherence/allegiance to a foreign nation
- (e) is so disqualified by or under any law made by Parliament

Thus, the Representation of the People Act, 1951, has laid down some grounds of disqualification, like conviction by a Court, having been found guilty of electoral malpractice, being a manager or director of a corporation in which Government possesses a financial interest. Article 192 says that if any question arises as to whether a member of a House of the Legislature of a State has become subject to any of the disqualifications mentioned above, the matter will be referred to the Governor of the state who has to act in accordance with the opinion of the Election Commission. His decision is final and not liable to be questioned in Court.