



SNS COLLEGE OF TECHNOLOGY

**Coimbatore-35
An Autonomous Institution**

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DEPARTMENT OF INFORMATION TECHNOLOGY

23HST103- INDIAN CONSTITUTION I B.TECH – AIML”B” / I SEMESTER

UNIT 3 – STRUCTURE AND FUNCTION OF STATE GOVERNMENT

TOPIC 3 – State Legislature & Judicial System



STATE LEGISLATURE



- State Legislature consists of the Governor and the Legislative Assembly except that in some States there are two Houses-the Legislative Assembly and the Legislative Council.
- At present only, Andhra Pradesh, Bihar, Uttar Pradesh, Maharashtra, Tamil Nadu and Karnataka States have a Legislative Council.
- Under the Constitution of India, the Legislative Assembly of a State shall consist of not more than 500 and not less than 60 members chosen by direct election from territorial constituencies.
- The Legislative Council shall not exceed one third of the total membership of the Legislative Assembly of that State subject to a minimum of 40.
- One third of the members shall be elected by municipalities, district boards and other local authorities as specified by Indian Parliament by law, one twelfth shall be elected by graduates` constituency, one twelfth by the teachers` constituency, one third by members of the Legislative Assembly and the remainder, i.e. one sixth, shall be nominated by the Governor.
- Elections to the Council are to be held by the system of proportional representation by single transferable vote.



STATE LEGISLATURE



- The term of the Legislative Assembly shall be five years.
- The Council shall be a continuing House and it is not subject to dissolution but one third of its members shall retire every two years.
- In order to be eligible for membership a person must be a citizen of India, must take an oath to the Constitution of India, must be not less than 25 years of age in case of the Assembly and not less than 30 years in case of the Council (article 173) as on the date of nomination.
- The house or each house of the State Legislature in India is from time to time summoned by the Governor who may also prorogue the house or either house and dissolve the Legislative Assembly.
- The period for which the house should meet or the required duration of the sessions is not laid down in the Constitution but the gap between two sessions must be less than six months.
- The State Legislature has exclusive jurisdiction to legislate on items in the State List and concurrent jurisdiction in respect of items in List III.



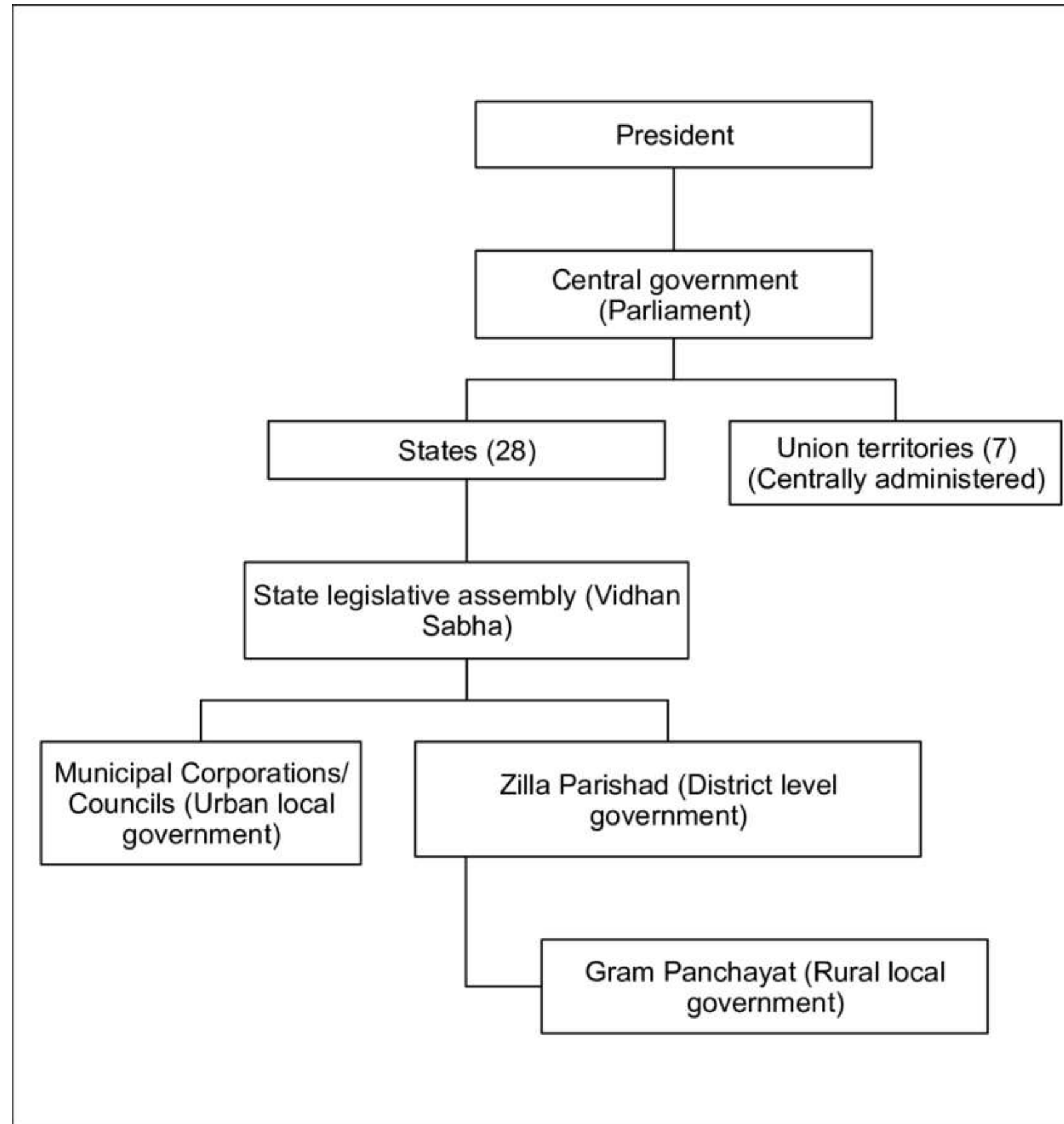
STATE LEGISLATURE



- The assembly has a Speaker and a Deputy Speaker elected by the House.
- The Council, however, also has a Chairman and Deputy Chairman elected by the Council.
- General rules for conduct of business in the Legislative Assembly/Council (articles 188 and 189), provisions regarding disqualification of members, vacation of seats, penalty for unauthorized sitting in the house (articles 190-193), powers, privileges and immunities for houses of legislatures and members and committees (article 194), salaries and allowances of members (article 195), Legislative procedure including that for passing Money Bills and other Bills (articles 196-200 and 208-212), procedure in financial matters (articles 202-207) are all very similar to corresponding provisions in regard to the Union Parliament.
- Articles 200 and 201 however, inter alia provide for the Governor reserving some Bills for the consideration of the President and then the Indian President assenting to the Bills or withholding assent.
- Corresponding to the President's power under article 123, the Governor also enjoys power to issue ordinances.



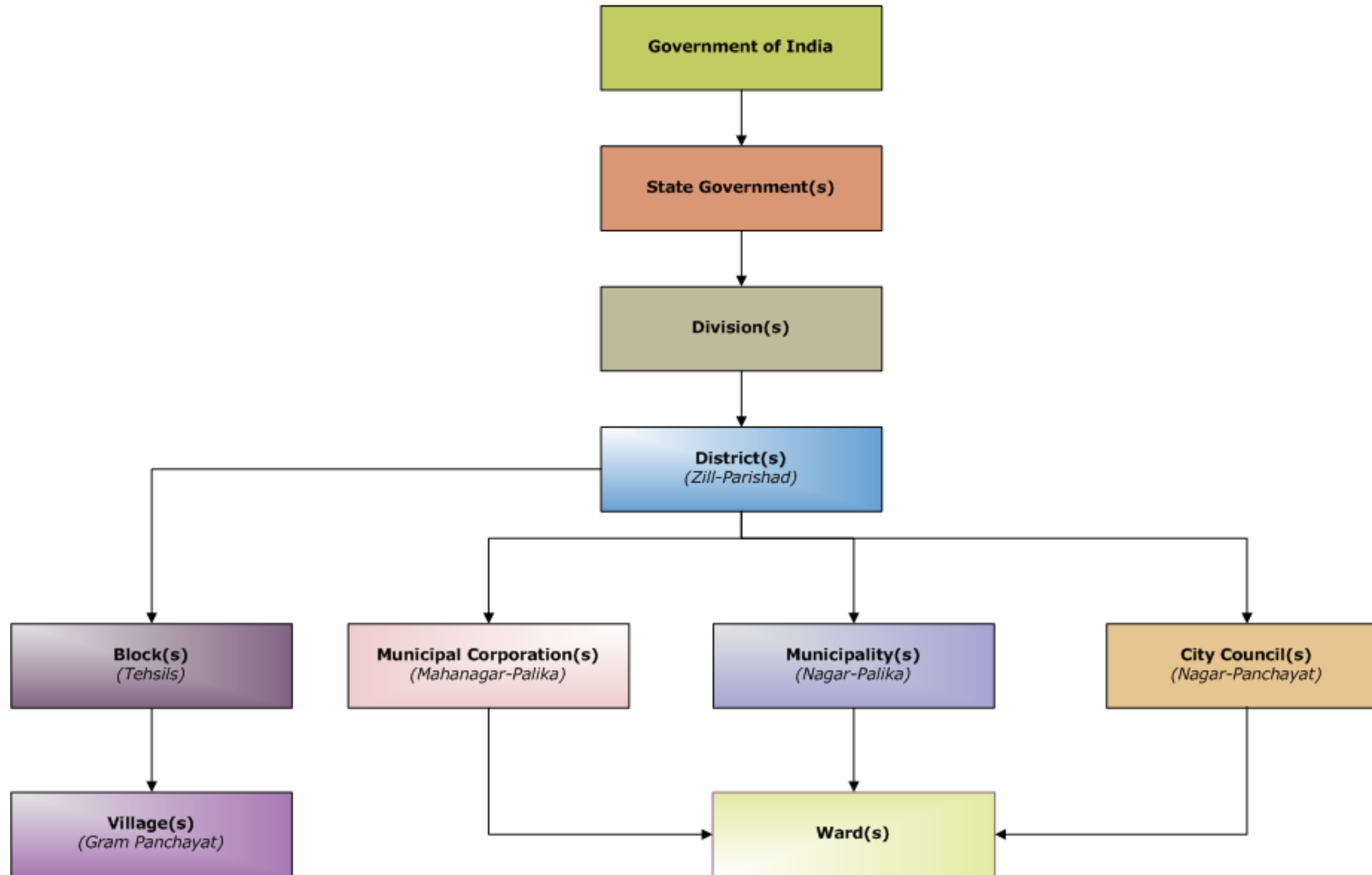
STATE LEGISLATURE





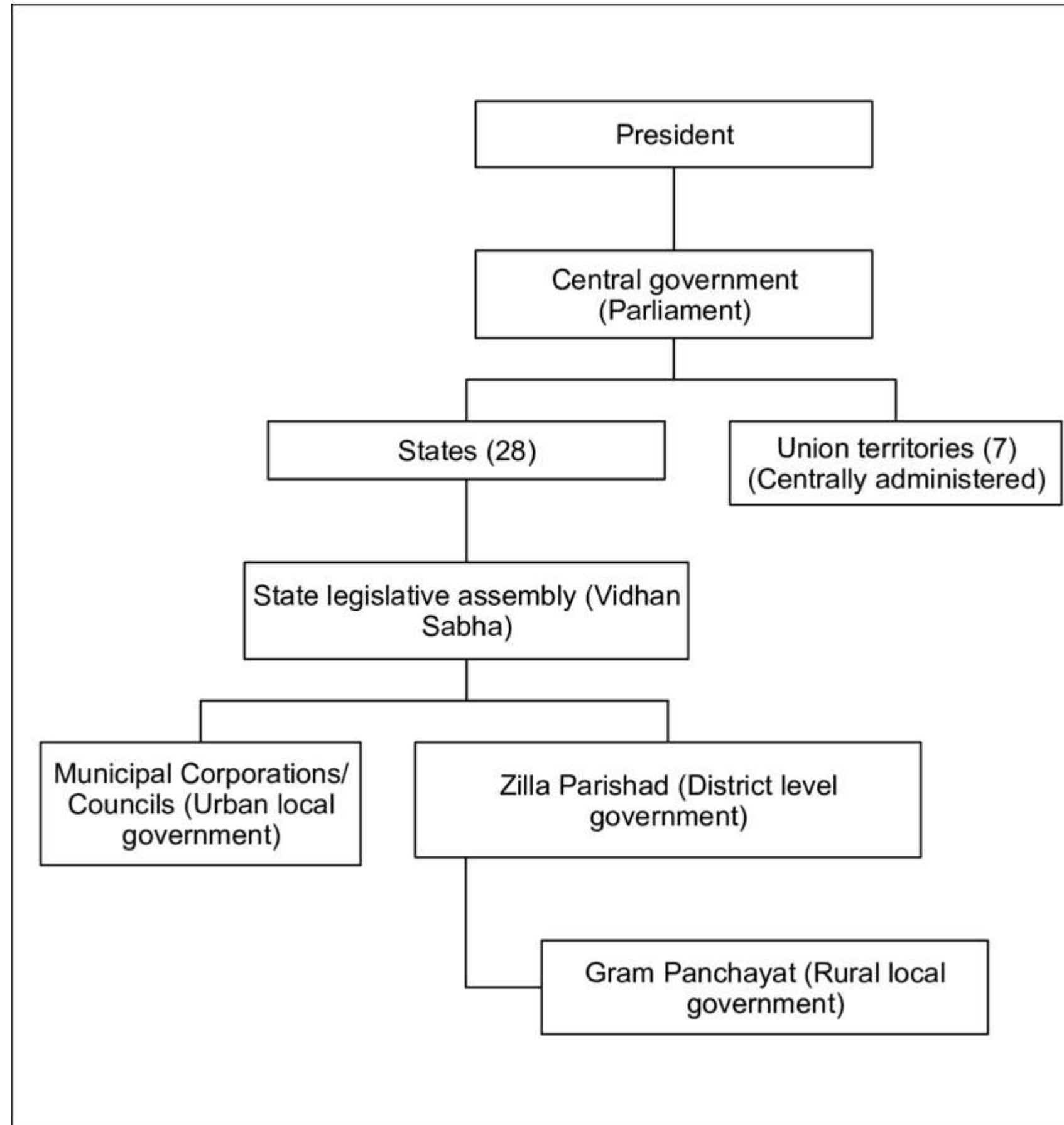
STATE LEGISLATURE

Administrative structure of India





STATE LEGISLATURE





JUDICIARY OF INDIA



- The Indian Judiciary is partly a continuation of the British legal system established by the English in the mid-19th century based on a typical hybrid legal system known as the Common Law System, in which customs, precedents and legislative are all components of the law.
- The Constitution of India is the supreme legal document of the country.
- There are various levels of judiciary in India – different types of courts, each with varying powers depending on the tier and jurisdiction bestowed upon them.
- They form a strict hierarchy of importance, in line with the order of the courts in which they sit, with the Supreme Court of India at the top, followed by High Courts of respective states with district judges sitting in District Courts and Magistrates of Second Class and Civil Judge (Junior Division) at the bottom.
- Courts hear criminal and civil cases, including disputes between individuals and the government.
- The Indian judiciary is independent of the executive and legislative branches of government according to the Constitution.