

# **Role of Member of Legislative Assembly (MLA)**

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The most important function of the Legislature is law making. The State Legislature has the power to make laws on all items on which Parliament cannot legislate. Some of these items are police, prisons, irrigation, agriculture, local governments, public health, pilgrimages, burial grounds etc. Some items on which both Parliament and states can make laws are education, marriage and divorce, forests, protection of wild animals and birds etc.

As regards Money Bill, the position is the same. Bills can originate only in the Legislative Assembly. The Legislative Council can either pass the bill within 14 days from the date of the receipt of the Bill or suggest changes in it within 14 days. But these changes may or may not be accepted by the Assembly.

The State Legislature besides making laws also has one electoral power in electing the President of India. Elected members of the Legislative Assembly along with the elected members of Parliament are involved in this process.

We have seen that some parts of the Constitution can be amended by Parliament with the approval of half of State Legislatures. Thus the State legislatures take part in the process of amendment of our Constitution.

## **What are the responsibilities of an MLA?**

*As Defined by the Constitution of India - Seventh Schedule (Article 246)*

### **List II—State List**

1. Public order (but not including the use of any naval, military or air Force).
2. Police (including railway and village police)
3. Officers, servants of the High Court; procedure in rent and revenue courts; fees taken in all courts except the Supreme Court.
4. Prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein; arrangements with other States for the use of prisons and other institutions.
5. Local government, that is to say, the constitution and powers of municipal corporations, improvement trusts, districts boards, mining settlement authorities and other local authorities for the purpose of local self government or village administration.
6. Public health and sanitation; hospitals and dispensaries.
7. Pilgrimages, other than pilgrimages to places outside India.
8. Intoxicating liquors, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors.

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9. Relief of the disabled and unemployable.
10. Burials and burial grounds; cremations and cremation grounds.
11. Libraries, museums and other similar institutions controlled or financed by the State; ancient and historical monuments and records.
12. Communications, that is to say, roads, bridges, ferries, and other means of communication, municipal tramways; ropeways; inland waterways and traffic thereon.
13. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases.
14. Preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice.
15. Pounds and the prevention of cattle trespass.
16. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power.
17. Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans; colonization.
18. Fisheries.
19. Courts of wards; encumbered and attached estates.
20. Regulation of mines and mineral development.
21. Industries.
22. Gas and gas-works.
23. Trade and commerce within the State.
24. Production, supply and distribution of goods subject to the provisions
25. Markets and fairs.
26. Money-lending and money-lenders; relief of agricultural indebtedness.
27. Inns and inn-keepers.
28. Incorporation, regulation and winding up of corporations, and universities; unincorporated trading, literary, scientific, religious and other societies and associations; co-operative societies.
29. Theatres and dramatic performances; cinemas, sports, entertainments and amusements.
30. Betting and gambling.
31. Works, lands and buildings vested in or in the possession of the State.
32. Elections to the Legislature of the State subject to the provisions of any law made by Parliament.
33. Salaries and allowances of members of the Legislature of the State, of the Speaker and Deputy Speaker of the Legislative Assembly and, if there is a Legislative Council, of the Chairman and Deputy Chairman thereof.
34. Powers, privileges and immunities of the Legislative Assembly and of the members and the committees thereof, and, if there is a Legislative Council, of that Council and of the

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- members and the committees thereof; enforcement of attendance of persons for giving evidence or producing documents before committees of the Legislature of the State.
35. Salaries and allowances of Ministers for the State.
  36. State public services; State Public Service Commission.
  37. State pensions, that is to say, pensions payable by the State or out of the Consolidated Fund of the State.
  38. Public debt of the State.
  39. Treasure trove.
  40. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights, and alienation of revenues.
  41. Taxes on agricultural income.
  42. Duties in respect of succession to agricultural land.
  43. Estate duty in respect of agricultural land.
  44. Taxes on lands and buildings.
  45. Taxes on mineral rights subject to any limitations imposed by Parliament by law relating to mineral development.
  46. Duties of excise on the following goods manufactured or produced in the State and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in India:—
    - (a) alcoholic liquors for human consumption;
    - (b) opium, Indian hemp and other narcotic drugs and narcotics; but not including medicinal and toilet preparations containing alcohol or any substance included in subparagraph (b) of this entry.
  47. Taxes on the entry of goods into a local area for consumption, use or sale therein.
  48. Taxes on the consumption or sale of electricity.
  49. Taxes on the sale or purchase of goods other than newspapers.
  50. Taxes on advertisements other than advertisements published in the newspapers and advertisements broadcast by radio or television.
  51. Taxes on goods and passengers carried by road or on inland waterways.
  52. Taxes on vehicles, whether mechanically propelled or not, suitable for use on roads, including tramcars subject to the provisions of entry 35 of
  53. Taxes on animals and boats.
  54. Tolls.
  55. Taxes on professions, trades, callings and employments.
  56. Capitation taxes.
  57. Taxes on luxuries, including taxes on entertainments, amusements, betting and gambling.
  58. Rates of stamp duty in respect of documents with regard to rates of stamp duty.
  59. Offences against laws with respect to any of the matters in this List.

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60. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List.
61. Fees in respect of any of the matters in this List, but not including fees taken in any court.

## **List III—Concurrent List**

1. Criminal law, including all matters included in the Indian Penal Code at the commencement of this Constitution but excluding offences against laws with respect to any of the matters specified in List I or List II and excluding the use of naval, military or air forces or any other armed forces of the Union in aid of the civil power.
2. Criminal procedure, including all matters included in the Code of Criminal Procedure at the commencement of this Constitution.
3. Preventive detention for reasons connected with the security of a State, the maintenance of public order, or the maintenance of supplies and services essential to the community; persons subjected to such detention.
4. Removal from one State to another State of prisoners, accused persons and persons subjected to preventive detention for reasons specified in entry 3 of this List.
5. Marriage and divorce; infants and minors; adoption; wills, intestacy and succession; joint family and partition; all matters in respect of which parties in judicial proceedings were immediately before the commencement of this Constitution subject to their personal law.
6. Transfer of property other than agricultural land; registration of deeds and documents.
7. Contracts, including partnership, agency, contracts of carriage, and other special forms of contracts, but not including contracts relating to agricultural land.
8. Actionable wrongs.
9. Bankruptcy and insolvency.
10. Trust and Trustees.
11. Administrators-general and official trustees.

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- 11A. Administration of Justice; constitution and organization of all courts, except the Supreme Court and the High Courts.
12. Evidence and oaths; recognition of laws, public acts and records, and judicial proceedings.
13. Civil procedure, including all matters included in the Code of Civil Procedure at the commencement of this Constitution, limitation and arbitration.
14. Contempt of court, but not including contempt of the Supreme Court.
15. Vagrancy; nomadic and migratory tribes.
16. Lunacy and mental deficiency, including places for the reception or treatment of lunatics and mental deficient.
17. Prevention of cruelty to animals.
- 17A. Forests.
- 17B. Protection of wild animals and birds.
18. Adulteration of foodstuffs and other goods.
19. Drugs and poisons, subject to the provisions of entry 59 of List I with respect to opium.
20. Economic and social planning.
- 20A. Population control and family planning.
21. Commercial and industrial monopolies, combines and trusts.
22. Trade unions; industrial and labour disputes.
23. Social security and social insurance; employment and unemployment.
24. Welfare of labour including conditions of work, provident funds, employers' liability, workmen's compensation, invalidity and old age pensions and maternity benefits.

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25. Education, including technical education, medical education and universities, subject to the provisions of entries 63, 64, 65 and 66 of List I; vocational and technical training of labour.

26. Legal, medical and other professions. 1Ins. by the Constitution (Forty-second Amendment) Act, 1976, s. 57 (w.e.f. 3-1-1977).

27. Relief and rehabilitation of persons displaced from their original place of residence by reason of the setting up of the Dominions of India and Pakistan.

28. Charities and charitable institutions, charitable and religious endowments and religious institutions.

29. Prevention of the extension from one State to another of infectious or contagious diseases or pests affecting men, animals or plants.

30. Vital statistics including registration of births and deaths.

31. Ports other than those declared by or under law made by Parliament or existing law to be major ports.

32. Shipping and navigation on inland waterways as regards mechanically propelled vessels, and the rule of the road on such waterways,

and the carriage of passengers and goods on inland waterways subject to the provisions of List I with respect to national waterways.

33. Trade and commerce in, and the production, supply and distribution of,—

(a) the products of any industry where the control of such industry by the Union is declared by Parliament by law to be expedient in the

public interest, and imported goods of the same kind as such products; (b) foodstuffs, including edible oilseeds and oils;

(c) cattle fodder, including oilcakes and other concentrates;

(d) raw cotton, whether ginned or unginned, and cotton seed; and

(e) raw jute.]

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- 33A. Weights and measures except establishment of standards.
34. Price control.
35. Mechanically propelled vehicles including the principles on which taxes on such vehicles are to be levied.
36. Factories.
37. Boilers.
38. Electricity.
39. Newspapers, books and printing presses.
40. Archaeological sites and remains other than those 1[declared by or under law made by Parliament] to be of national importance.
41. Custody, management and disposal of property (including agricultural land) declared by law to be evacuee property.
42. Acquisition and requisitioning of property.
43. Recovery in a State of claims in respect of taxes and other public demands, including arrears of land-revenue and sums recoverable as such arrears, arising outside that State.
44. Stamp duties other than duties or fees collected by means of judicial stamps, but not including rates of stamp duty.
45. Inquiries and statistics for the purposes of any of the matters specified in List II or List III.
46. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List.
47. Fees in respect of any of the matters in this List, but not including fees taken in any court.