



Legislative Council

Why in News

Recently, the **West Bengal** government has decided to set up a **Legislative Council (Vidhan Parishad)**.

- **For setting up** the Council, a **Bill** has to be introduced in the **Assembly** and then a **nod from the Governor** is required. The Legislative Council in the State was abolished in 1969.

Key Points

▪ Basis of Formation:

- India has a **bicameral system** of legislature.
- **Just as Parliament** has two Houses, **the states can also** have a **Legislative Council** in addition to the **Legislative Assembly** through **Article 169 of the Constitution**.

- **Six States having a Legislative Council:** Andhra Pradesh, Telangana, Uttar Pradesh, Bihar, Maharashtra, Karnataka.

- In **2020, Andhra Pradesh** Legislative Assembly passed the **resolution for abolition** of the Legislative Council. This resolution is **yet to be cleared by the Parliament of India** to finally abolish the council.
- In **2019, the Jammu & Kashmir Legislative Council** was **abolished** through the J&K Reorganisation Bill, 2019, which reduced the State of J&K to the **Union Territories of J&K and Ladakh**.

▪ Article 169 (Creation and Abolition):

- The **Parliament** can **abolish** a Legislative Council (where it already exists) or **create** it (where it does not exist) **by a simple majority**, that is, a majority of the members of each House present and voting, **if the legislative assembly of the concerned state, by a special majority, passes a resolution** to that effect.
- **Special majority** implies
 - A majority of the total membership of the assembly and
 - A majority of not less than two-thirds of the members of the assembly present and voting.

▪ Composition:

- Under **Article 171** of the Constitution, the Legislative Council of a state **shall not have more than one-third of the total strength of the State Assembly**, and **not less than 40 members**.
- Like the Rajya Sabha, the legislative council is a **continuing chamber**, that is, it is a permanent body and is **not subject to dissolution**. The **tenure of a Member of the Legislative Council (MLC) is six years**, with one-third of the members retiring every two years.

▪ Manner of Election:

- One-third of the MLCs are elected by the state's MLAs,
- Another 1/3rd by a special electorate comprising sitting members of local governments such as municipalities and district boards,
- 1/12th by an electorate of teachers and another 1/12th by registered graduates.
- The remaining members are appointed by the Governor for distinguished services in various fields namely, literature, science, art, cooperative movement and social service.

▪ **LC vis-à-vis Rajya Sabha:**

- The **legislative power of the Councils are limited.** Unlike Rajya Sabha which has substantial powers to shape non-financial legislation, Legislative Councils lack a constitutional mandate to do so.
- Assemblies can override suggestions/amendments made to legislation by the Council.
- Again, unlike Rajya Sabha MPs, **MLCs cannot vote in elections for the President and Vice President.** The Vice President is the Rajya Sabha Chairperson while a member from the Council itself is chosen as the Council Chairperson.

▪ **Role of Legislative Council:**

- It can **ensure individuals** who might not be cut out for the elections are able to contribute to the legislative process (like artists, scientists, etc).
- It can **keep an eye on hasty decisions** taken by the Legislative Assembly.

▪ **Arguments Against Legislative Council:**

- It can delay legislation, also it is considered a burden on the state budget.
- It can also be used to park leaders who have not been able to win an election.

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