



Mains Practice Question

Q. What is the procedure for the formation of State Legislative Council? Also examine its relevance vis-a-vis legislative assembly. (250 words)

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Approach

- Introduce by mentioning the constitutional provision related to Legislative Councils.
- Explain the process of formation of Legislative Councils.
- Mention both, its importance as well as the limitations of having Legislative Councils.
- Conclude by mentioning how the second chamber is important for representative democracy.

Introduction

Legislative Council or Vidhan Parishad is the upper house in bicameral legislatures in some states of India. Article 169 of the constitution of India deals with the creation or abolition of State Legislative Councils.

Body

Process of formation of State Legislative Council

- The power of abolition and creation of the State legislative council is vested in **Parliament of India** as per article 169. To create or to abolish a state legislative council, **the state legislative assembly must pass a resolution**, which must be supported by majority of the strength of the house and 2/3rd majority of the present and voting (Absolute + Special Majority).
- When a legislative council is created or abolished, the Constitution of India is also changed. However, still, such type of law is not considered a Constitution Amendment Bill under Article 368.
- The resolution to create and abolish a state legislative council is to be assented by the President also.

Relevance of State Legislative Councils viz-a-viz State Legislative Assemblies:

Legislative Councils are performing a very minor role in decision making. This can be seen as:

- Only a handful of states have Legislative Councils. This includes Uttar Pradesh, Bihar, Maharashtra, Karnataka, Andhra Pradesh and Telangana.
- Legislative Councils don't have enough powers.
 - For ex: They have negligible role in introduction and passage of money bills. They can only delay it by 14 days.
 - The final power of passing an ordinary bill also lies with the assembly.
 - The council can only discuss the budget but cannot vote on the demands for grants (which is the exclusive privilege of the assembly).
 - The council has no effective say in the ratification of a constitutional amendment bill.
- Finally, the very existence of the council depends on the will of the assembly. The council can be abolished by the Parliament on the recommendation of the assembly.

Hence, it can be said that they are not much relevant when compared with Legislative Assembly.

However, they serve as an important tool of checks and balances.

- It prevents Legislative Assembly from exercising too much legislation or executive authority.
- A bicameral legislature provides an opportunity for proper deliberations on important laws and budgets which require careful drafting and sufficient time.
- It provides a platform for diverse representation. It acts as a forum for academicians and intellectuals, who are arguably not suited for the rough and tumble of electoral politics.
- They had a track record of sincere work, relevant amendments brought, non-confrontational attitude vis-à-vis legislative assembly, decorum and restraint in proceedings and drawing the attention of both government and public to matters of public interest.

Conclusion

Having a second chamber is important in representative democracy. Bicameralism looks beyond adult franchise for a more successful democracy. Hence, the Legislative Councils serve as an important platform of deliberation.

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