



Legislative Council

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Why in News

There is a resolution by Odisha Legislative Assembly for the formation of a second chamber — the State Legislative Council. However, the resolution is pending with the Central Government.

- **Base For 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.

Recently, the Jammu & Kashmir Legislative Council has been abolished through the J&K Reorganisation Bill, 2019, which reduced the State of J&K to the **Union Territories of J&K and Ladakh.**

- **Abolition or Creation - Article 169**

- 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.
- **Arguments in Favour**
 - A Legislative Council can help check hasty actions by the directly elected House.
 - The Legislative Council also enables non-elected individuals to contribute to the legislative process.
- **Arguments Against**
 - Legislative Council can delay legislation.
 - It can also be used to park leaders who have not been able to win an election.

Source: IE