**Syllabus subtopic:** Parliament and State Legislatures—Structure, Functioning, Conduct of Business, Powers & Privileges and Issues Arising out of these.

**Prelims and Mains focus:** about LCs: strength, selection of members, objectives

**News:** The Andhra Pradesh government seems to be contemplating abolishing the Legislative Council going by Chief Minister Y.S. Jagan Mohan Reddy’s assertion that the “Upper House” did not deserve to exist if it rejects important Bills by violating rules.

**About Legislative Councils (LC)**

India has a **bicameral system i.e., two Houses of Parliament**. At the state level, the equivalent of the Lok Sabha is the Vidhan Sabha or Legislative Assembly; that of the Rajya Sabha is the Vidhan Parishad or Legislative Council.

A second House of legislature is **considered important for two reasons:**

1. to act as a check on hasty actions by the popularly elected House and,
2. to ensure that individuals who might not be cut out for the rough-and-tumble of direct elections too are able to contribute to the legislative process.

**Arguments in favour of LCs**

- Having a second chamber would allow for more debate and sharing of work between the Houses.
- 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 LCs**

- Rather than fulfilling the lofty objective of getting intellectuals into the legislature, the forum is likely to be used to accommodate party functionaries who fail to get elected.
- They can be used to delay progressive legislation.
- It is also an unnecessary drain on the exchequer.
- Unlike Rajya Sabha which has substantial powers to shape non-financial legislation, Legislative Councils lack the constitutional mandate to do so.
Legislative Assemblies have the power to override suggestions/amendments made to a legislation by the Council.

- While Rajya Sabha MPs can vote in the election of the President and Vice-President, members of Legislative Councils can’t. MLCs also can’t vote in the elections of Rajya Sabha members.
- As regards Money bills, only fourteen days’ delay can be caused by the Council, which is more or less a formality rather than a barrier in the way of Money Bill passed by the Assembly.

Creation of a LC:

- Under Article 169 of the constitution, Parliament may by law create or abolish the second chamber in a state if the Legislative Assembly of that state passes a resolution to that effect by a special majority.

- Currently, six states have Legislative Councils (Andhra Pradesh, Bihar, Karnataka, Uttar Pradesh, Maharashtra, Telangana).

- Jammu and Kashmir too had one, until the state was bifurcated into the Union Territories of J&K and Ladakh.

Strength of LCs

As per article 171 clause (1) of the Indian Constitution, the total number of members in the legislative council of a state shall not exceed one third of the total number of the members in the legislative Assembly of that state and the total number of members in the legislative council of a state shall in no case be less than 40.

Election of members of LCs

- 1/3rd of members are elected by members of the Assembly.
- 1/3rd by electorates consisting of members of municipalities, district boards and other local authorities in the state.
- 1/12th by an electorate consisting of teachers.
- 1/12th by registered graduates.
- The remaining members are nominated by the Governor from among those who have distinguished themselves in literature, science, art, the cooperative movement, and social service.
Legislative Councils are permanent Houses, and like Rajya Sabha, one-third of their members retire every two years.

**Powers of LCs vis-à-vis Rajya Sabha**

The constitution gives Councils limited legislative powers. Unlike Rajya Sabha which has substantial powers to shape non-financial legislation, Legislative Councils lack the constitutional mandate to do so. Legislative Assemblies have the power to override suggestions/amendments made to a legislation by the Council.