

State Legislative Council

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Composition:

According to the constitution the number of members of the legislative council cannot be more than one third if the membership of the legislative assembly.

- One third shall be elected by electorates of local authorities,
- One-twelfth shall be elected by university graduates of the state,
- One-twelfth shall be elected by the teaching population of the state who teaches secondary level education or higher,
- One-third shall be elected by the members of the legislative assembly and the rest of the members are nominated by the governor of the state.
- The composition of the legislative council should be 1/3rd members of the legislative assembly. In no case shall the total number of members in the council be less than 40 members.
- 1/6th of the council is nominated by the governor.

The council is a permanent Body, though each member of the council remains in office for 6 years.

Qualification

- The member should be a citizen of India.
- The member should not be less than 30 years of age.
- The member should not hold any office of profit.

Creation of a Legislative Council

India has adopted a bicameral legislature. Provisioned and empowered by Article 169 of the Indian Constitution, states can create a legislative council.

Process of creation of a State Legislative Council

Step 1: Presenting a bill in the legislative assembly of the respective state

Step 2: After the bill is introduced in the legislative assembly, a meeting is called upon for voting on the same

Step 3: Voting is conducted. For the bill to be approved, a special majority is needed at the legislative assembly voting.

The special majority denotes the following:

A majority of total members of the assembly,

Not less than two-thirds of the members present and voting in favour of the bill.

Step 4: If and when a special majority is obtained, the legislative council can be established.

Step 5: The bill along with the resolution is sent to the Governor for his assent.

Step 7: If and when the Governor assents, the bill is passed.

Step 8: The bill then goes to the Parliament for approval

Dissolution of a Legislative Council

A state legislative council is a continuing chamber, meaning, it is a permanent body and hence, cannot be dissolved. Members stay in power for a term of six years and one-third of such members retire every two years, but the house is never dissolved.

Main Powers of the State Legislative Council

The three main powers of the state legislative council are as follows: (i) Legislative Powers (ii) Financial Powers (iii) Control over the Executive. (iv) Constituent Powers

(i) Legislative Powers:

An ordinary or non-money bill can be introduced in either House of the State Legislature. It is required to be passed by both the Houses for becoming a law. If the bill is moved in the Legislative Assembly in the first instance, it goes to the Legislative Council after having been passed by the Assembly. When the bill is sent for the first time, the council can retain the bill for a period of up to 3 months and not beyond that. When the bill is sent for the second time, and if it has already been passed by the assembly, the bill shall be deemed to be passed by the council if it retains the bill for any longer than a month.

(ii) Financial Powers:

The council does not have much financial powers. After a money bill is passed by the legislative assembly it is sent to the legislative council. The council can delay a bill for at most 14 days. It may reject a bill or may not take any action for 14 days however in both these cases the bill is deemed to be passed by the council.

(iii) Control over the Executive:

The legislative council has no right to participate in the formation or dissolution of the government. A no-confidence motion cannot be initiated in a legislative council. Although the council does not exercise legislative control over the state executive like the legislative assembly does, debates can take place in a legislative council and it can also ask questions to the executive ministers.

(iv) Constituent Power:

Some amendments of the constitution need to be ratified by the state legislatures. When such an amendment bill comes to a bicameral state legislature, the bill has to be passed by both Houses of the state legislature. But like ordinary bills, the Legislative Council can delay the passage of the amendment bill, but in case of difference of opinion between the two Houses, the voice of the Legislative Assembly shall prevail.

Role of a Legislative Council

The role of the state legislative council is essentially advisory in nature. Its core function is to give suggestions, and recommendations and hold discussions on matters, bills and policies presented to it or that have been sent to it for suggestions, recommendations and discussions by the legislative assembly. The Legislative Council is a very weak chamber and it devoid of any real authority.