

Legislative Council-Composition, Prorogation and dissolution

Description

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Composition of Legislative Council

According to Article 171(1), the total number of members of the Legislative Council of a State shall not exceed one-third of the total number of members of the Legislative Assembly of that State. Provided that the total number of members of the Legislative Council of a state shall not be less than 40 in any case but the number of members in Jammu and Kashmir is 36.

The members of the Legislative Council are elected indirectly in the following manner:

1. The 1/3rd members of the Legislative Council are constituted by an electoral college consisting of members of local bodies, municipalities, district boards, etc. of the state.
2. 1/3rd of the members shall be elected by the elected member of the Legislative Assembly of the State.
3. 1/6th member will be nominated by the Governor who is associated with art, literature, science, social service and cooperation of the state.

4. 1/12 of the member state shall elect university graduates residing in the state who have graduated at least 3 years ago.
5. 1/12th of the members will be elected by those teachers who have been teaching in higher secondary schools or higher education institutions of the state for at least 3 years.

Prorogation and dissolution of sessions of the Legislative Council

Article 174 provides for session, prorogation and dissolution.

1. The Legislative Council of the state has 3 sessions like Parliament, there will be no gap of more than 6 months between the last meeting of one letter and the first meeting of the second session.

Powers and Functions of the Legislative Council

1. The Legislative Council can stop a money bill only for 14 days.
2. An ordinary bill can be introduced by the Legislative Council but the final power on an ordinary bill rests

with the Assembly.

3. In the first instance, the Legislative Council can stop the bill passed by the Legislative Assembly for 3 months, if the Legislative Assembly passes the bill again after 3 months, then the Legislative Council can stop the normal bill for 1 month, thus the Legislative Council can stop a bill for a maximum of 4 months.
4. The amendment bills in which the support of the state legislature is required and the legislative council also participates

Officers of the Legislative Council

President

Members of the Legislative Council become the Chairman from among themselves, the Chairman can step down in the following three cases:

1. His membership should end.
 2. Give a written resignation letter to the Deputy Chairman.
 3. If the then members present in the Legislative Council pass a resolution to remove it by majority, such a motion can be brought only after a prior notice of 14 days.
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2. As the presiding officer, the functions and powers of the Chairman of the Council are similar to that of the Speaker of the Assembly.
 3. These are charged on the Consolidated Fund of the State and hence cannot be voted on annually by the State Legislature.

Deputy Chairman

The Deputy Chairman is also elected by the members from among themselves, the Deputy Chairman can resign in the following three cases:

1. If he gives a written resignation letter to the Chairman.
 2. If his membership ends.
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3. If the then members present in the Legislative Council pass a resolution to remove it by majority, such a motion can be brought only after a prior notice of 14 days.
 4. The Deputy Chairman presides over the meetings if the Chairman is absent.

Qualifications of Member of Legislative Council

According to Article 173, the following qualifications have been prescribed for the members of the Legislative

Council:

1. He is a citizen of India.
2. Possesses other qualifications as may be prescribed by Parliament.
3. Must have completed 30 years of age.
4. Not declared insane bankrupt by any court.
5. Not disqualified from the Legislative Assembly by any law made by Parliament.
6. Also, for eligibility to be a member of the State Legislature, his name should be in the electoral roll of any assembly constituency of the state.

Duration of Legislative Council

1. The Legislative Council is a permanent house, its members are elected for a term of 6 years. indicating before
2. After 2 years, 1/3rd of the members retire and new members are elected in their place.
3. If a person is elected to fill an accidental vacancy caused by death or resignation, he shall be a member for the remainder of that person or member's term.

Pay & Allowances

The members of the Legislative Council get the same salary and allowances as the State Legislature determines by law.

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