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Q14

Explain the constitutional provisions under which Legislative Councils are established. Review the working and current status of Legislative Councils with suitable illustrations.

UPSC Civil Services Mains 2021 · GS II · 15 marks · Indian Constitution

Indian Constitution - historical underpinnings, evolution, features, amendments, significant provisions and basic structure.

Core demand of the question

- Explain the constitutional provisions under which Legislative Councils are established. Review the working and current status of Legislative Councils with suitable illustrations
- Honour the official stem. Centre **Article 169** and the living State list of Councils
- Keep the explanation within a 15-mark length

Revision summary

Article 169 lets Parliament create or abolish a Legislative Council only after a special-majority Assembly resolution.

Article 171 sets size and a mixed electoral-nominated composition; **Articles 197-198** keep it a delaying House.

- **Working is mixed:** some revision, much patronage and cost.

Current map is a few **bicameral States** (UP, Bihar, Maharashtra, Karnataka, Andhra Pradesh, Telangana) against a unicameral majority.

Andhra's abolition-revival politics and Tamil Nadu's history show Councils are optional instruments, not essential federal organs.

Introduction

A Legislative Council is the optional second House of a State. **Articles 168, 169 and 171** tell Parliament how to create or abolish it and how to compose it. Working has been mixed: a revising chamber in some States, a parking lot for politicians in others, which is why the current map keeps changing.

Body

Constitutional provisions

- **Article 168** says a State legislature may be unicameral or bicameral; a Council exists only where the Constitution or Parliament so provides.
- **Article 169 is the establishment and abolition clause:** if the Legislative **Assembly passes** a resolution by a majority of the total membership and by a two-thirds majority of members present and voting, Parliament may by law create or abolish the Council. No Assembly resolution, no Council.

- That parliamentary law is not a constitutional amendment under **Article 368**; it is an ordinary law with a special State trigger, which keeps the Union from imposing a Council on an unwilling Assembly.
- **Article 171** caps the Council at one-third of the Assembly (and not less than forty), and mixes elected MLAs' votes, local-body seats, graduates, teachers, and Governor's nominees for literature, science, art, cooperative movement and social service.
- Money bills and the ordinary-bill delay rules (**Articles 197-198**) make the Council a revising, not a blocking, House: it can delay, suggest, and debate; it cannot permanently kill an Assembly majority's will.

Working in practice

- In theory the Council is a place for experienced persons and for second thought on hasty bills, like a State-level Rajya Sabha without the Union's federal function.
- In practice graduate and teacher constituencies have low turnouts and a narrow class base; nominated seats can become patronage; defeated MLAs sometimes reappear as MLCs, which hurts the revising-house claim.
- Useful working is visible when a Council committee or a nominated expert catches a drafting error, or when a government without a Council majority must negotiate a delay - a modest check, not a veto.
- Cost of a second House, duplicate staff, and delayed legislation are the standing criticisms in every abolition debate.

Current status and illustrations

- Councils exist in a handful of States, including Uttar Pradesh, Bihar, Maharashtra, Karnataka, Andhra Pradesh and Telangana; most Indian States remain unicameral, which is the Republic's default.
- Andhra Pradesh has swung between abolition politics and revival politics around **Article 169**, illustrating that the Council is a live partisan object, not a frozen heritage.
- Tamil Nadu's long history of abolition and later steps toward revival, and proposals from States such as Rajasthan, Assam or Odisha at various times, show demand is political and fiscal, not a uniform federal need.
- Jammu and Kashmir had a Council under its earlier special frame; reorganisation ended that State legislature, which is a status illustration of how Union law can erase a second House with the State itself.
- **Recommendation:** if a Council is kept, reform **Article 171**'s graduate/teacher seats toward local-government and skilled-profession representation, and publish a delay-and-amendment scorecard so working can be judged, not only sloganised.

Flow diagram

Art 168 bicameral option -> Art 169 Assembly special resolution
 Art 169 Assembly special resolution -> Parliament law create or abolish
 Parliament law create or abolish -> Legislative Council
 Legislative Council -> Art 171 composition
 Legislative Council -> Arts 197 198 delay not veto

Conclusion

Legislative Councils are established under **Article 169** on a special Assembly resolution, composed under **Article 171**, and limited to a delaying role by **Articles 197-198**. Their working as revising chambers is uneven; patronage and cost dominate the public argument. Current status is a short list of **bicameral States** amid a unicameral majority, with Andhra Pradesh and Tamil Nadu as the clearest illustrations that Councils come and go with politics, not with a fixed constitutional destiny.

Facts & figures

Article 169

Creation or abolition of a Legislative Council by parliamentary law after a special Assembly resolution.

Article 171

Composition: MLAs, local bodies, graduates, teachers, and Governor's nominees; size cap relative to the Assembly.

Articles 197-198

Ordinary bills and money bills: Council may delay and recommend, not finally override the Assembly.

Bicameral States (illustrative)

Uttar Pradesh, Bihar, Maharashtra, Karnataka, Andhra Pradesh, Telangana among those with Councils in recent years.

Andhra Pradesh / Tamil Nadu

Illustrations of abolition, revival attempts, and partisan use of **Article 169**.