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Q5(c)

Legislative Council is a house without any effective powers. Comment.

UPSC Civil Services Mains 2022 · PSIR GS 1 · 10 marks · Indian Nationalism

Indian Nationalism: Political Strategies of India's Freedom Struggle; Perspectives on Indian National Movement; Gandhi, Tagore, Nehru, Ambedkar, and the socialists.

Core demand of the question

- **Answer the following in about 150 words:** Legislative Council is a house without any effective powers. Comment. (10 marks)

Revision summary

State Legislative Councils exist under **Article 169** and are weaker than Assemblies.

They cannot reject money bills or defeat a government.

Ordinary bills can only be delayed, then deemed passed by the Assembly.

Rajya Sabha is a stronger second chamber than a Vidhan Parishad.

The house has revising use, not effective ruling power.

Introduction

A State Legislative Council is a second chamber created under **Article 169**. Compared with the Legislative Assembly it is weak. Calling it a house without any effective powers is a half-truth: it can delay and revise, it cannot rule.

Body

What it cannot do

- Money bills originate only in the Assembly. The Council may recommend within fourteen days; the Assembly may ignore the recommendations (**Article 198**).
- On other bills it may delay, not veto. After the Assembly's second passage, the bill is deemed passed (**Article 197**).
- The Council of Ministers is responsible to the Assembly, not to the Council. No government falls in the upper house.
- Creation and abolition themselves lie with Parliament after a state resolution, so the Council's existence is politically contingent.

What remains

- A revising chamber can catch drafting errors and give a voice to teachers, graduates, and local-body members where those constituencies exist.
- Delay can matter in a thin Assembly majority or near the end of a session.
- Compared with the Rajya Sabha, which has federal and some exclusive functions (**Articles 249, 312**), a Vidhan Parishad is far weaker.

- States have abolished councils (West Bengal, Tamil Nadu at times, Punjab, Andhra debates) precisely because parties judged them costly and ineffective.

Comment

- Effective power in a parliamentary system means confidence, money, and final legislative will. The Council lacks those.
- It is not a cipher in every bill, but it is not a coequal house. The statement is substantially right if "effective" means decisive.

Flow diagram

Legislative Council -> Delay and revise
Legislative Council -> No confidence power
Legislative Council -> No money veto
Legislative Assembly -> Government and final will

Conclusion

The Legislative Council is a delaying and revising house without confidence power or a money veto. That is not zero function. It is not effective government. The comment holds for decisive powers.

Facts & figures

Article 169

Parliament may create or abolish a Council if the Assembly passes a resolution by special majority.

Article 198

Money-bill procedure: Council's recommendations are not binding on the Assembly.

Article 197

Ordinary bills: after delay, the Assembly's will prevails.

Rajya Sabha contrast

Union second chamber with federal role; not a model of the State Council's strength.