

BYE ELECTIONS TO THE LEGISLATIVE COUNCILS

Prelims: Polity- Parliament, State Legislature

Mains: GS-II- Parliament and State Legislatures - structure, functioning, conduct of business, powers & privileges and issues arising out of these.

Why in News?

- » There are casual vacancies created in the Legislative Council of Andhra Pradesh, Telangana, Rajasthan and Uttar Pradesh.

Casual Vacancy:

- » When the seat of a member elected to a legislative house becomes vacant, due to resignation, death, etc. Then this causes casual vacancy and a bye-election is held within six months from the date of the occurrence of the vacancy.

Legislative Councils:

- » Our constitution does not force a bicameral legislature on states.
- » It gives states the option of having a second House. As of today, seven states have Legislative Councils. These are Jammu and Kashmir, Bihar, Uttar Pradesh, Maharashtra, Karnataka, Andhra Pradesh and Telangana. 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.

Election to Legislative Councils:

- » Membership may vary, but the Legislative Council must not have more than a third of the total membership of the Assembly of that state, and in no case fewer than 40 members.
- » The exception is J&K, where the Legislative Council has 36 members vide Section 50 of the constitution of the state. About 1/3rd of members are elected by members of the Assembly
- » another 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 and 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.