

Off with the Council!

The Andhra Pradesh Assembly has passed a resolution to abolish the state's Legislative Council (LC). Why does Chief Minister Jaganmohan Reddy want it abolished? Can he will it out of existence just like that?

D. Dr. 28/1/20

What is the Legislative Council? How did states come to have one?

The Legislative Council is the second House in states that have a bicameral legislature, the first being the Legislative Assembly. The practice of having bicameral legislatures started under the Government of India Act, 1919, when the Central Legislature was converted from unicameral to bicameral. The LC's strength cannot be lower than 40 or higher than one-third the strength of the Assembly.

Do all states have a Legislative Council?

No. Currently, only six states out of 28 have a Legislative Council. These are Andhra Pradesh, Bihar, Karnataka, Maharashtra, Telangana, Uttar Pradesh. UP with 100 members has the largest LC, while Telangana LC with 40, is the smallest. The Andhra LC has 58 members.

What is the role of the Legislative Council?

Like the Rajya Sabha at the national level, the Legislative Council in the state is the Upper House. Its members are indirectly elected, by the members of the Assembly. The Council is seen as the 'conscience-keeper' of the Legislative Assembly which, by virtue of its members being directly elected by the people, is expected to have populist tendencies.

Does it have the powers to keep a check on the Assembly?

No. The will of the people, represented by members elected by them to the Legislative Assembly, must remain supreme. Therefore, the Council cannot reject a Bill that the Assembly wants passed. The role of the Council is advisory in nature. It can nudge the Assembly to reconsider a Bill by returning it twice, but the Assembly can resend the Bill and it would be deemed passed. The Assembly, on the other hand, can reject any Bill passed by the Council. The Council cannot delay a non-Money Bill beyond four months, and a Money Bill beyond 14 days.

So, why does the Jaganmohan government want to abolish it?

The Andhra LC is currently dominated by the rival Telugu Desam Party of Chandrababu Naidu. The TDP had resisted the Reddy government's Bill to move the 'executive capital' of Andhra from Amaravati to Vishakhapatnam and to have three capital cities for the state, instead of one. The Council chairman referred the Bill to a Select Committee. Reddy wants to abolish the Council so that Naidu's party has no chance to stall any legislation. Reddy has an overwhelming majority in the Assembly, with 151 members out of 175.

Have other states abolished their Councils in the past?

This constitutional limb of state legislature has been added and amputated many times in many states, its fate being linked to the whims and fancy of the ruling party. The Andhra LC itself was in existence from 1958 to 1985, when it was abolished by the Telugu Desam under NT Rama Rao. It was restored by Jaganmohan Reddy's father YS Rajasekhara Reddy in 2007. Now, Jagan is undoing his father's move. Assam, Madhya Pradesh, Punjab, Tamil Nadu and West Bengal had abolished their Councils. These states now want them restored. Delhi, Himachal Pradesh, Odisha, Rajasthan and Uttarakhand want to have a Legislative Council. The J&K LC was disbanded when the state was converted into a Union Territory last year.

What is the process to create or abolish a second chamber in a state?

To create or to abolish a Legislative Council, the state Assembly must, with two-thirds of the members present and voting, pass a resolution by majority. This resolution must then obtain the nod of Parliament at the Centre. Parliament will have to pass a constitutional amendment to do so.

— Anand Mishra