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The Andhra Pradesh Assembly on Monday evening passed a resolution to abolish the state's Legislative Council, where the opposition Telugu Desam Party (TDP) has a majority. The resolution was passed under Article 169(1) of the Constitution, which allows Parliament to either create or abolish a Council in a state "if the Legislative Assembly of the State passes a resolution to that effect by a majority of the total membership of the Assembly and by a majority of not less than two-thirds of the members of the Assembly present and voting".

The TDP, which has 23 members in the Assembly, boycotted the session to indicate that the resolution to abolish the Council was passed in the absence of the Opposition.

Casualty in political war

While the YSR Congress has an overwhelming majority of 151 in the 175-member Assembly, it has only 9 MLCs in the 58-strong Upper House. The government decided to abolish the Council after the TDP's MLCs last week blocked The Andhra Pradesh Decentralisation and Inclusive Development of All Regions Bill, 2020 and The Andhra Pradesh Capital Region Development Authority Repeal Bill, 2020 — the first steps towards the establishment of three capitals for the state at Amaravatri, Visakhapatnam, and Kurnool.

Chairman of the Council Mohammed Ahmed Shariff, who belongs to the TDP, had used his discretionary powers to refer the two Bills to a Select Committee for review, tying the government's hands for at least the next three months. The position taken by the TDP in the Council had also led to two other important Bills — to establish separate commissions for Scheduled Castes and Scheduled Tribes, and to make the medium of instruction English in government schools — being stalled.

The YSRCP had last month threatened to do away with the Council after it became clear the TDP would block the latter two Bills. After the Bills to create the three capitals were blocked, Chief Minister YS Jaganmohan Reddy had said, "We need to seriously think whether we need to have such a House which appears to be functioning with only political motives."

After a Cabinet meeting on Monday morning that cleared the resolution to dissolve the Council, Finance and Legislative Affairs Minister B Rajendranath said: "People have given us a big mandate and power to take decisions in the interest of the state. But TDP is using its political clout in the Legislative Council to stall important Bills. They illegally blocked the three-capitals Bill. The TDP is not letting us carry on our work, so we have proposed to abolish the Council. We will send the resolution to the Centre for approval."

The Council's journey

The Vidhan Parishad of united Andhra Pradesh was created on July 1, 1958, and dissolved on May 31, 1985. It was resurrected after 22 years, on March 30, 2007. Ironically, it was abolished the last time by N T Rama Rao, the founder of the TDP, after the Congress blocked all the government's decisions in the Council. And it was restored by Dr Y S Rajashekara Reddy, the father of Chief Minister Jaganmohan Reddy.

Since the bifurcation of Andhra Pradesh in 2014, the Council has had 58 members. The TDP's strength fell to 28 last week after the resignation of D Manikya Varaprasad. Two Ministers in the Jaganmohan Reddy government, Deputy Chief Minister Pilli Subhash Chandra Bose, and Marketing Minister Mopidevi Venkata Ramana are members of the Council. They will have to resign when the Council is ultimately abolished.

That, however, will happen only after Parliament approves the resolution passed by the Assembly. The Union Law Ministry will prepare a Bill to be tabled in Parliament. The process may take 3-6 months, during which time the Council will continue to function.

Councils in the Constitution

Under Article 168, states can have either one or two Houses of legislature. Article 169 leaves the choice of having a Vidhan Parishad to individual states.

The Constituent Assembly was divided on having a second chamber in the states. It was argued that a second House can help check hasty actions by the directly elected House, and also enable non-elected persons to contribute to the legislative process. However, it was also felt that some of the poorer states could ill afford the extravagance of two Houses.

It has been pointed out that the Councils can be used to delay important legislation, and to park leaders who have not been able to win an election.

Under Article 171, a Council cannot have more than a third of the number of MLAs in the state, and not less than 40 members. A third of the MLCs are elected by MLAs, another third by a special electorate comprising sitting members of local government bodies such as municipalities and district boards, 1/12th by an electorate of teachers, and another 1/12th by registered graduates. The remaining members are appointed by the Governor for distinguished services in various fields.

Councils in other states

Besides Andhra Pradesh, five other states have Vidhan Parishads — Bihar (58 members), Karnataka (75), Maharashtra (78), Telangana (40), UP (100). Jammu and Kashmir had a Council until the state was bifurcated into the Union Territories of J&K and Ladakh.

In 1986, the M G Ramachandran government in Tamil Nadu abolished the Council. The DMK government passed a law to revive it, but the subsequent J Jayalalithaa-led government withdrew it after coming to power in 2010.

The Odisha Assembly has passed a resolution for a Legislative Council. Proposals to create Councils in Rajasthan and Assam are pending in Rajya Sabha.

The parliamentary panel that examined the Rajasthan Bill advocated a national policy for creation and abolition of Councils: "The status of Second Chamber cannot be of temporary in nature depending on the mood of the Government of the day nor can be abolished once created, only at the whims and fancy of a newly elected Government in the State."

Expected Questions (Prelims Exams)

1. Consider the following statements:

1. Recently the Andhra Pradesh Council of Ministers has approved the abolition of the Legislative Council.
2. In Andhra Pradesh, Amravati has been recommended as executive, Visakhapatnam as legislative and Kurnool as judicial capitals.

Which of the above statements is/are correct?

- (a) Only 1 (b) Only 2
(c) Both 1 and 2 (d) None of these

Note: Answer of Prelims Expected Question given on 27 Jan., is 1 (b)

Expected Questions (Mains Exams)

'Legislative Council is an unusable body in the State Legislature, whose abolition does not end the effectiveness of the State Legislature. Critically examine this statement. (250 words)

Note: - The question of the main examination given for practice is designed keeping in mind the upcoming UPSC main examination. Therefore, to get an answer to this question, you can take the help of this source as well as other sources related to this topic.

