

Removal of Legislative Council

May 12, 2020

Why is it in the news?

- The Andhra Pradesh assembly passed a statutory resolution seeking to abolish the state legislative council. All 133 members present in the 175-member House, when the division vote was taken, voted in favour, and the resolution under Article 169(1) of the Constitution was adopted unanimously.
- **Article 169(1)** provides for the abolition of the legislative council of a state, or for the creation of such a council, if the legislative assembly of the state passes a resolution to that effect by a majority of not less than two-thirds of the members present and voting.

Features of Legislative council

- Unlike the members of the legislative assembly, the members of the legislative council are indirectly elected.
- The maximum strength of the council is fixed at **one-third of the total strength of the assembly** and the **minimum strength is fixed at 40**.
- Like the Rajya Sabha, the legislative council is a continuing chamber. 1/3rd of its members retire on the expiration of every second year. So, a member continues as such for **six years**.
- Therefore, the ultimate power of passing an ordinary bill is vested in the assembly. At the most, the **council can detain or delay the bill for a period of four months**—three months in the first instance and one month in the second instance. The Constitution does not provide for the mechanism of joint sitting of both the

Houses to resolve the disagreement between the two Houses over a bill.