

CHAPTER IV

COMPOSITION OF THE LEGISLATIVE BODIES

The two Houses of the Union Parliament are known respectively as the Council of States (Rajya Sabha) and the House of the People (Lok Sabha).

The Council of States as first constituted in 1952 consisted of 216 members, 12 of whom were nominated by the President in accordance with article 80(3) of the Constitution being persons with special knowledge or practical experience in respect of such matters as literature, science, art and social service. The remaining 204 members were elected to represent the States. These seats were distributed among the various States by the Fourth Schedule to the Constitution. Madras as then constituted was allotted 27 seats. The Fourth Schedule to the Constitution was, however, amended in 1953 by the Andhra State Act, 1953. According to this amendment, the State of Andhra which was carved out of the State of Madras by that Act was allotted 12 seats in the Council of States while residuary Madras was allotted 18 seats. As a result, the total number of elective seats allotted to the States was increased from 204 to 207, the total number of seats in the House being raised to 219.

The number of elective seats in the Council of States allotted to the States and the Union Territories was further increased first to 208 by the States Re-organisation Act, 1956, and then to 211 by the Bihar and West Bengal (Transfer of Territories) Act, 1956, and finally to 220 by the Constitution (Seventh Amendment) Act, 1956. The total number of members in the Council of States has thus become 232. The elective seats have been distributed among the various States and the Union Territories as follows :—

TABLE

1. Andhra Pradesh	..	..	18
2. Assam	..	..	7
3. Bihar	..	..	22
4. Bombay	..	..	27
5. Kerala	..	..	9
6. Madhya Pradesh	..	..	16
7. Madras	..	..	17
8. Mysore	..	..	12
9. Orissa	..	..	10

10. Punjab	..	..	11
11. Rajasthan	..	..	10
12. Uttar Pradesh	..	..	34
13. West Bengal	..	..	16
14. Jammu and Kashmir	4
15. Delhi	3
16. Himachal Pradesh	2
17. Manipur	1
18. Tripura	1
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	Total	..	220
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The representatives of each State, including the State of Jammu and Kashmir, are elected by the elected members of the Legislative Assembly of the State in accordance with the system of proportional representation by means of the single transferable vote.

The representatives of each Union territory in the Council of States are elected by an electoral college constituted for the purpose. The members of the electoral college are directly elected on adult franchise. The electoral college for the Union Territory of Delhi consists of the Councillors of the Delhi Municipal Corporation and ten other persons to represent the areas within the New Delhi Municipal Committee and the Delhi Cantonment Board. These ten persons are chosen by direct election on the basis of adult franchise. The electoral college for each of the other three Union territories of Himachal Pradesh, Manipur and Tripura consists of the elected members of the territorial council constituted for the territory under the Territorial Councils Act, 1956.

The Council of States is not subject to dissolution, but as nearly as possible one-third of its members are required to retire on the expiration of every second year in accordance with the provisions of Section 154 of the Representation of the People Act, 1951. The term of office of members begins from the date on which the names of the members are notified by the Government of India in the Gazette of India.

House of the
People.

The House of the People constituted in 1952 consisted of 499 members of whom 489 were directly elected from territorial constituencies. The remaining ten seats—namely, six seats allotted to the State of Jammu and Kashmir, one to the Andaman and Nicobar Islands, one to Part B tribal areas and two to represent the Anglo-Indian community—were filled by members nominated by the President. In actual practice, however, the

six members from the State of Jammu and Kashmir were first elected by the Legislative Assembly of the State and then formally nominated by the President in consultation with the Government of that State.

Article 82 of the Constitution provides that constituencies should be delimited afresh after the population figures according to every census have been finally published. A Delimitation Commission was accordingly constituted under the Delimitation Commission Act, 1952, after the population figures of the 1951 census were available. By Final Order No. 1 made by the Delimitation Commission, the number of directly elected seats in the House of the People was increased from 489 to 493. No elections were, however, held on the basis of this Order inasmuch as fundamental and far-reaching changes in the number and geographical extent of the States took place as a result of the reorganisation of the States under the States Reorganisation Act, 1956, before the second general elections to the House of the People fell due. The number of elected seats to be allotted to each reorganised State was fixed by that Act, the total number of the elective seats being increased still further to 500. These were distributed among the various States and the Union Territories by the Third Schedule to the Act in the following manner :—

1. Andhra Pradesh	..	..	43
2. Assam	..	..	12
3. Bihar	..	..	55
4. Bombay	..	..	66
5. Kerala	..	..	18
6. Madhya Pradesh	..	..	36
7. Madras	..	..	41
8. Mysore	..	..	26
9. Orissa	..	..	20
10. Punjab	..	..	22
11. Rajasthan	..	..	22
12. Uttar Pradesh	..	..	86
13. West Bengal	..	..	34
14. Jammu and Kashmir	..	..	6
15. Delhi	..	..	5
16. Himachal Pradesh	..	..	4
17. Manipur	..	..	2
18. Tripura	..	..	2
Total	..	..	<u>500</u>

The Bihar and West Bengal (Transfer of Territories) Act, 1956, which soon followed reduced the number of seats allotted to Bihar from 55 to 53 and increased the number of seats allotted to West Bengal from 34 to 36, the total for the House of the People remaining at 500.

The President has nominated to the House of the People 6 members, two under article 331 of the Constitution to represent the Anglo-Indian community and four under sub-section (1) of section 4 of the Representation of the People Act, 1950, as amended from time to time, to represent areas which do not directly elect any members to the House of the People. These areas are (a) the Andaman and Nicobar Islands, (b) the Laccadive, Minicoy and Amindivi Islands, (c) the North-East Frontier Tract and (d) the Naga Hills—Tuensang Area and one member has been nominated to represent each of these areas.

Legislative
Councils.

The Constitution originally provided that in the States of Bihar, Bombay, Madras, Punjab, Uttar Pradesh, West Bengal and Mysore, the Legislature of each State shall consist of two Houses, namely, a Legislative Council and a Legislative Assembly, while in every other State there would be only one House, namely, a Legislative Assembly.

It was also provided by the Constitution that the number of members in the Legislative Council of a State shall not be less than 40 nor shall exceed one-fourth of the total number of members in the Legislative Assembly of the State.

Until Parliament otherwise provided by law, the composition of the Legislative Councils was determined by the provisions of article 171 of the Constitution. Under section 10 of the Representation of the People Act, 1950, the number of seats in the various Legislative Councils was fixed by Parliament as follows :—

Name of the State	Total No. of seats	No. to be elec- ted by local authori- ties	No. to be elec- ted by gradua- tes	No. to be elec- ted by teachers	No. to be elec- ted by members of Legisla- tive Assembly	No. to be nomi- nated by Governor
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1. Bihar	72	24	6	6	24	12
2. Bombay	72	24	6	6	24	12
3. Madhya Pradesh	72	24	6	6	24	12
4. Madras	72	24	6	6	24	12
5. Uttar Pradesh	72	24	6	6	24	12
6. Mysore	52	18	4	4	18	8
7. Punjab	40	13	3	3	13	8
8. West Bengal	51	17	4	4	17	9

The new State of Andhra was constituted under the Andhra State Act which provided that the State would have no Legislative Council. Andhra was carved completely out of the State of Madras which considerably shrank in area as a result. The strength of the Madras Legislative Council was accordingly reduced by the Act as follows :—

Total No. of seats	No. to be elected by local authorities	No. to be elected by graduates	No. to be elected by teachers	No. to be elected by members of Legislative Assembly	No. to be nominated by Governor
51	14	6	4	18	9

During the period 1st October, 1953, to the 21st day of April, 1954, however, the number of members to be filled by graduates and the number of members to be filled by nomination by Governor were respectively 4 and 11.

The States Reorganisation Act, 1956, provides that as and from such date as the President may by order appoint, there shall be a Legislative Council for the new State of Madhya Pradesh and that the existing Legislative Councils of Bombay, Mysore and Punjab shall be reconstituted. That Act fixed the number of members of each Legislative Council and their distribution as follows :—

Name of the State	Total No. of seats	No. to be elected by local authorities	No. to be elected by graduates	No. to be elected by teachers	No. to be elected by members of the Legislative Assembly	No. to be nominated by Governor
Bombay ..	72	24	6	6	24	12
Madhya Pradesh	72	24	6	6	24	12
Mysore ..	52	18	4	4	18	8
Punjab ..	40	13	3	3	13	8

That Act as amended by the States Reorganisation (Amendment) Act, 1956 (67 of 1956), fixed the strength of the Madras Legislative Council as follows :—

Total No. of seats	No. to be elected by local authorities	No. to be elected by graduates	No. to be elected by teachers	No. to be elected by members of the Legislative Assembly	No. to be nominated by Governor
50	16	6	4	16	8

Pending the reconstitution of the Legislative Councils of Bombay, Mysore and Punjab, the Reorganisation of States Act provided that during the interim period :—

- (1) (a) the Bombay Legislative Council shall consist of all the sitting members of the Legislative Council of the then existing State of Bombay, except those representing the Belgaum (Local Authorities), Bijapur (Local Authorities) and Dharwar (Local Authorities) constituencies; and
 - (b) 25 members to represent the territories added to the State from Madhya Pradesh, Hyderabad, Saurashtra and Kutch.
- (2) (a) The Legislative Council of Mysore shall consist of all the sitting members of the Legislative Council of the then existing State of Mysore; and
 - (b) 12 members to represent the territories transferred to Mysore from Madras, Hyderabad, Bombay and Coorg.
- (3) (a) The Legislative Council of Punjab shall consist of all the sitting members of the Legislative Council of the then existing State of Punjab; and
 - (b) six persons to represent the then existing State of Patiala and East Punjab States Union merged with Punjab.

The Bihar and West Bengal (Transfer of Territories) Act did not make any change in the composition of the Legislative Councils of Bihar and West Bengal.

It was felt that in some cases, the strength of the Legislative Council was disproportionately too small compared with the strength of the Legislative Assembly of the State. Accordingly, the Constitution (Seventh Amendment) Act, 1956, amended clause (1) of article 171 of the Constitution and provided that the number of members of the Legislative Council of a State shall not exceed one-third of the strength of the Legislative Assembly of the State instead of one-fourth as had been provided originally.

Having regard to this amendment and to the resolutions passed by the Legislative Assemblies of Andhra Pradesh, Bombay and other States, the Legislative Councils Act, 1957, was enacted by Parliament. This established a Legislative Council for

Andhra Pradesh and also increased the number of members in each of the existing Legislative Councils. The strength of the various Legislative Councils as fixed by this Act is as follows :—

Name of the State	Total No. of seats	No. to be elected by local authorities	No. to be elected by graduates	No. to be elected by teachers	No. to be elected by members of Legislative Assembly	No. to be nominated by Governor
1. Andhra Pradesh	90	31	8	8	31	12
2. Bihar	96	34	8	8	34	12
3. Bombay	108	39	9	9	39	12
4. Madhya Pradesh	90	31	8	8	31	12
5. Madras	63	21	6	6	21	9
6. Mysore	63	21	6	6	21	9
7. Punjab	51	17	4	4	18	8
8. Uttar Pradesh	108	39	9	9	39	12
9. West Bengal	75	27	6	6	27	9

The Act has further provided that while the number of members of the Legislative Councils of Bombay, Mysore and Punjab is to be increased, they are not to be reconstituted as required by the States Reorganisation Act, 1956.

Elections to a Legislative Council are held according to the system of proportional representation by means of the single transferable vote.

As in the case of the Council of States, no Legislative Council is subject to dissolution but as nearly as possible one-third of the members retire on the expiration of every second year in accordance with the provisions of section 156 of the Representation of the People Act, 1951.

During the general elections in 1951-52, elections for constituting Legislative Assemblies were held in all Part A and Part B States (except Jammu and Kashmir) and in the Part C States of Ajmer, Bhopal, Coorg, Delhi, Himachal Pradesh and Vindhya Pradesh. The Jammu and Kashmir Constituent Assembly functioned as the Legislative Assembly of that State. It was, however, not constituted under the Constitution of India and elections thereto were held in accordance with a proclamation of the then Maharaja of Kashmir.

The number of seats in the Legislative Assemblies constituted in 1951-52 was as follows :—

Name of the State	Total No. of seats
<i>Part 'A' States</i>	
1. Assam	108
2. Bihar	330
3. Bombay	315

4. Madhya Pradesh	..	..	232
5. Madras	..	..	375
6. Orissa	..	..	140
7. Punjab	..	..	126
8. Uttar Pradesh	..	..	430
9. West Bengal	..	..	238
<i>Part 'B' States</i>			
10. Hyderabad	..	..	175
11. Madhya Bharat	..	..	99
12. Mysore	..	..	99
13. Patiala and East Punjab States Union	..	..	60
14. Rajasthan	..	..	160
15. Saurashtra	..	..	60
16. Travancore-Cochin	..	..	108
<i>Part 'C' States</i>			
17. Ajmer	..	..	30
18. Bhopal	..	..	30
19. Coorg	..	..	24
20. Delhi	..	..	48
21. Himachal Pradesh	..	..	36
22. Vindhya Pradesh	..	..	60
Total	..	..	<u>3,283</u>

When the State of Andhra was formed, its Legislative Assembly was allotted 140 seats and the number of seats in the Madras Legislative Assembly was reduced from 375 to 230 while the number of seats in the Legislative Assembly of Mysore was increased from 99 to 104. [*The Andhra State Act, 1953, (30 of 1953)*].

When Chandernagore was merged with West Bengal, the number of seats in the Legislative Assembly of West Bengal was increased from 238 to 239. [*The Chandernagore Merger Act, 1954, (36 of 1954)*].

When Bilaspur was merged with Himachal Pradesh in 1954, the number of seats in the Legislative Assembly of Himachal Pradesh was increased from 36 to 41. [*The Himachal Pradesh and Bilaspur (New State) Act, 1954, (32 of 1954)*].

The Delimitation Commission set up under the Delimitation Commission Act, 1952, for adjusting the representation of the territorial constituencies in the Legislative Assembly of each State on the basis of the latest census figures determined the strength of the Legislative Assembly of each of the States as follows :—

<i>Name of the State</i>			<i>Total number of seats</i>
<i>Part 'A' States</i>			
1. Andhra	..	..	196
2. Assam	..	..	108
3. Bihar	..	..	330
4. Bombay	..	..	294
5. Madhya Pradesh	..	..	232
6. Madras	..	..	245
7. Orissa	..	..	140
8. Punjab	..	..	119
9. Uttar Pradesh	..	..	430
10. West Bengal	..	..	238
<i>Part 'B' States</i>			
1. Hyderabad	..	..	175
2. Madhya Bharat	..	..	99
3. Mysore	..	..	117
4. Patiala and East Punjab States Union	..	..	60
5. Rajasthan	..	..	168
6. Saurashtra	..	..	60
7. Travancore-Cochin	..	..	117

The position of the Part C States, however, was different, in that the States of Ajmer, Bhopal, Coorg, Delhi, Himachal Pradesh and Vindhya Pradesh, each of which had a Legislative Assembly of its own, had the strength of their assemblies fixed under the provisions of sub-section (2) of Section 3 of the Government of Part C States Act, 1951, as follows :—

<i>Name of the State</i>			<i>Total number of seats</i>
Ajmer	..	..	30
Bhopal	..	..	30
Coorg	..	..	24
Delhi	..	..	48
Himachal Pradesh	..	..	36
Vindhya Pradesh	..	..	60

The other Part C States, namely, Kutch, Manipur, Tripura and Bilaspur had no Legislative Assemblies at all.

When the States were reorganised, the number of seats assigned to the Legislative Assembly of each Part A and Part B State other than the State of Jammu and Kashmir was laid down in the Third Schedule to the States Reorganisation Act, 1956. Part C States were either merged in the neighbouring States or were formed into Union territories. It was provided that every Union territory except Delhi would have a Territorial Council. The strength of the Legislative Assemblies was fixed by the Third Schedule to the Act as follows :—

<i>Name of the State</i>			<i>Total number of seats</i>
1. Andhra Pradesh	..	..	301
2. Assam	..	..	108
3. Bihar	..	..	330
4. Bombay	..	..	396
5. Kerala	..	..	126
6. Madhya Pradesh	..	..	288
7. Madras	..	..	205
8. Mysore	..	..	208
9. Orissa	..	..	140
10. Punjab	..	..	154
11. Rajasthan	..	..	176
12. Uttar Pradesh	..	..	430
13. West Bengal	..	..	238

The number of seats allotted to Bihar was reduced from 330 to 318 and the number of seats allotted to West Bengal was increased from 238 to 252 under the Bihar and West Bengal (Transfer of Territories) Act, 1956.

For the interim period between the passing of the States Reorganisation Act and the general elections of 1957, the composition and the strength of the different assemblies affected by reorganisation were suitably adjusted and modified on an *ad hoc* basis under the Act without involving any election.

The members of every Legislative Assembly were chosen by direct election from territorial constituencies. In addition, under article 333 of the Constitution, the Governors of the following States nominated to the respective Legislative Assemblies a few members to represent the Anglo-Indian Community:—

<i>Name of the State</i>			<i>No. of members nominated</i>
Bihar	..	..	1
Bombay	..	..	2
Kerala	..	..	1

Madhya Pradesh	..	..	1
Madras	..	..	1
Mysore	..	..	1
Uttar Pradesh	..	..	1
West Bengal	..	..	4

After the second general elections a new administrative unit in the State of Assam by the name of Naga Hills-Tuensang Area was created. This comprises of the tribal areas which were known as the Naga Hills District of Assam and the Tuensang Frontier Division of the North East Frontier Agency. This unit does not elect any member to the Assam Legislative Assembly. As a result of the transfer of the Naga Hills District to this unit, the number of seats assigned to the Legislative Assembly of Assam has been reduced from 108 to 105.