

TO BE INTRODUCED IN LOK SABHA

Bill No. 102 of 2004

THE ANDHRA PRADESH LEGISLATIVE COUNCIL BILL, 2004

A

BILL

to provide for the creation of Legislative Council for the State of Andhra Pradesh and for matters supplemental, incidental and consequential thereto.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Andhra Pradesh Legislative Council Act, 2004.

Short title.

2. In this Act, unless the context otherwise requires, each of the words and expressions used herein and not defined but defined in the Representation of the People Act, 1950, shall have the same meaning as in that Act.

43 of 1950.

Definitions.

3. (1) As from such date as the President may by order appoint, there shall be a Legislative Council for the State of Andhra Pradesh; and as from that date, in sub-clause (a) of clause (1) of article 168, after the words “States of”, the words “Andhra Pradesh”, shall be inserted.

Creation of
Legislative
Council for
Andhra
Pradesh.

(2) In the said Council, there shall be 90 seats of which—

(a) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 31, 8 and 8 respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Andhra Pradesh in accordance with the provisions of sub-clause (d) of the said clause shall be 31; and

(c) the number to be filled by persons nominated by the Governor of Andhra Pradesh in accordance with the provisions of sub-clause (e) of that clause shall be 12.

(3) As soon as may be after the commencement of this Act, the President, after consultation with the Election Commission, shall, by order, determine—

(a) the constituencies into which the State of Andhra Pradesh shall be divided for the purpose of elections to the said Council under each of the sub-clauses (a), (b) and (c) of clause (3) of article 171;

(b) the extent of each constituency; and

(c) the number of seats to be allotted to each constituency.

(4) As soon as may be after such determination, steps shall be taken to constitute the said Council in accordance with the provisions of this Act, the Representation of the People Act, 1950 and the Representation of the People Act, 1951.

43 of 1950
43 of 1951.

Amendment of
Third Schedule
and Fourth
Schedule of Act
43 of 1950.

4. In the Representation of the People Act, 1950,—

(a) in the Third Schedule, before entry No. 2 relating to Bihar, the following entry shall be inserted, namely:—

“1. Andhra Pradesh 90 31 8 8 31 12”;

(b) in the Fourth Schedule, before the heading “BIHAR”, the following heading and entries shall be inserted, namely:—

“ANDHRA PRADESH

1. Municipal Corporations.
2. Municipalities.
3. Nagar Panchayats.
4. Cantonment Boards.
5. Zila Praja Parishads.
6. Mandal Praja Parishads.”.

Amendment
of section
15A of Act 43
of 1951.

5. In section 15A of the Representation of the People Act, 1951, for the words and figures “under the Legislative Councils Act, 1957”, the words and figures “under the Andhra Pradesh Legislative Council Act, 2004” shall be substituted.

37 of 1957.

STATEMENT OF OBJECTS AND REASONS

Under article 169(1) of the Constitution, Parliament may, by law, provide for the creation of a Legislative Council in a State having no such Council, 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 Legislative Assembly of the State of Andhra Pradesh passed a resolution on the 8th July, 2004 in terms of article 169(1) of the Constitution for the creation of Legislative Council in that State. It is accordingly proposed to provide for the creation of Legislative Council for the State of Andhra Pradesh. The said Council will have the same number of seats as it had when it was abolished by the Andhra Pradesh Legislative Council (Abolition) Act, 1985, with effect from the 1st June, 1985.

2. The Bill seeks to achieve the said objects and also provides for matters supplemental, incidental and consequential to the creation of such Council.

NEW DELHI;

H.R. BHARDWAJ.

The 3rd December, 2004.

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

* * * * *

CHAPTER III.—THE STATE LEGISLATURE

General

Constitution
of
Legislatures in
States.

and

168. (1) For every State there shall be a Legislature which shall consist of the Governor,

(a) in the States of Bihar, Maharashtra, Karnataka and Uttar Pradesh, two Houses;

* * * * *

EXTRACT FROM THE REPRESENTATION OF THE PEOPLE ACT 1951

(43 OF 1951)

* * * * *

Notification
for certain
elections to
Legislative
Councils.

15A. For the purpose of constituting the Legislative Council of the State of Madhya Pradesh under the States Reorganisation Act, 1956 and constituting the Legislative Council of the State of Andhra Pradesh under the Legislative Councils Act, 1957, the Governor of each of the aforesaid States shall, by one or more notifications published in the Official Gazette of the State on such date or dates as may be recommended by the Election Commission, call upon the members of the Legislative Assembly of the State and all the Council constituencies to elect members in accordance with the provisions of this Act and of the rules and orders made thereunder.

37 of 1956.

37 of 1957.

* * * * *

LOK SABHA

A

BILL

to provide for the creation of Legislative Council for the State of Andhra Pradesh and for matters supplemental, incidental and consequential thereto.

(Shri H. R. Bhardwaj, Minister of Law and Justice)