

Bill No. LXVI of 2013

THE ASSAM LEGISLATIVE COUNCIL BILL, 2013

A

BILL

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

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

1. This Act may be called the Assam Legislative Council Act, 2013.

Short title.

43 of 1950. 5 used herein and not defined but defined in the Representation of the People Act, 1950, shall have the same meaning as in that Act.

Definition.

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

Creation of Legislative Council for Assam.

(2) In the said Council, there shall be 42 seats of which—

10 (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 14, 4 and 4 respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Assam in accordance with the provisions of sub-clause (d) of the said clause shall be 14; and

15 (c) the number to be filled by persons nominated by the Governor of Assam in accordance with the provisions of sub-clause (e) of that clause shall be 6.

(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 Assam 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.

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

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

(a) in the Third Schedule, after entry No.1 relating to Andhra Pradesh, the following entry shall be inserted, namely:—

“1A. Assam 42 14 4 4 14 6”;

(b) in the Fourth Schedule, after the heading “ANDHRA PRADESH” and the entries thereunder, the following heading and entries shall be inserted, namely:—

“ASSAM

1. Municipal Corporations.

2. Municipal Councils.

3. Town Committees.

4. Zilla Parishads.

5. Anchalik Panchayats.

6. Gaon Panchayats.

7. Autonomous Councils constituted under the relevant State Acts.

8. Sixth Schedule Councils.”.

Amendment of
section 15A of
Act 43 of
1951.

5. In section 15A of the Representation of the People Act, 1951, after the words and figures “and constituting the Legislative Council of the State of Andhra Pradesh under the Andhra Pradesh Legislative Council Act, 2005”, the words and figures “and constituting the Legislative Council of the State of Assam under the Assam Legislative Council Act, 2013” shall be inserted.

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43 of 1950.
43 of 1951.

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1 of 2006.

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STATEMENT OF OBJECTS AND REASONS

Clause (1) of article 169 of the Constitution provides that Parliament may, by law, provide for the abolition of the Legislative Council of a State having such a Council or for the creation of such a 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.

2. On 14th July, 2011, the Assam Legislative Assembly passed a resolution as required under clause (1) of article 169 of the Constitution for the creation of Legislative Council in that State. It is, accordingly, proposed to enact a legislation providing for the creation of Legislative Council for the State of Assam with forty-two members paving the way for giving better opportunity for people's participation in governance and decision making.

3. The Bill seeks to achieve the above objects and also provides for matters supplemental, incidental and consequential to the creation of the Legislative Council for the State of Assam.

NEW DELHI;
The 3rd December, 2013

KAPIL SIBAL

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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CHAPTER III.—THE STATE LEGISLATURE

General

Constitution of Legislatures in States.

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

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

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EXTRACT FROM THE REPRESENTATION OF THE PEOPLE ACT, 1950

(43 OF 1950)

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THE THIRD SCHEDULE

(See section 10)

Allocation of Seats in the Legislative Councils

Name of State	Total number of seats	Number to be elected or nominated under article 171(3)				
		Sub-clause (a)	Sub-clause (b)	Sub-clause (c)	Sub-clause (d)	Sub-clause (e)
		1	2	3	4	5
1. Andhra Pradesh	90	31	8	8	31	12
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EXTRACT FROM THE REPRESENTATION OF THE PEOPLE ACT, 1951

(43 OF 1951)

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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 Andhra Pradesh Legislative Council Act, 2005, and constituting the Legislative Council of the State of Tamil Nadu under the Tamil Nadu Legislative Council Act, 2010 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.
1 of 2006.
16 of 2010.

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RAJYA SABHA

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BILL

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

(Shri Kapil Sibal, Minister of Law and Justice)