

The Legislative Councils Act, 1957

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Act 37 of 1957

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Central Government ActThe Legislative Councils Act, 1957THE LEGISLATIVE COUNCILS ACT, 1957ACT NO. 37 OF 1957[18th September, 1957.]An Act to provide for the creation of a Legislative Council for theState of Andhra Pradesh and the increasing of the strength of theLegislative Councils of the States having such Councils and formatters connected therewith.BE it enacted by Parliament in the Eighth Year of the Republic ofIndia as follows:--

1. Short title. This Act may be called the Legislative Councils Act, 1957 .

2. Definitions. In this Act, unless the context otherwise requires,--(a) each of the words and expressions defined in the Representation of the People Act, 1950 (43 of 1950), but not defined in this Act, shall have the same meaning as in that Act;

(b)" sitting member" means a person who immediately before the commencement of this Act is a member of a Legislative Council.¹

1. Omitted by Act 34 of 1985, s. 6 (w. e. f. 1- 6- 1985).

4. Increase in the strength of the Bihar Legislative Council.(1) The total number of seats in the Legislative Council of Bihar shall be increased from 72 to 96 and of those seats--(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 34, 8 and 8 respectively;

(b)the number to be filled by persons elected by members of the Legislative Assembly of Bihar in accordance with the provisions of sub- clause (d) of the said clause shall be 34; and(c)the number to

be filled by persons nominated by the Governor of Bihar in accordance with the provisions of sub-clause (e) of that clause shall be 12.(2)The Delimitation of Council Constituencies (Bihar) Order, 1951 , shall, until other provision is made by law, have effect subject to the modifications directed by the First Schedule.(3)As soon as may be after the commencement of this Act, elections shall be held to fill--(a) the additional seats allotted to the several council constituencies by the said Orders as modified by this Act; and(b)the additional seats to be filled by the persons referred to in clause (b) of sub- section (1), as if those seats had become vacant.(4)In order that, as nearly as may be, one- third of the members of the said Council may retire on the 6th May, 1958 , and on the expiration of every second year thereafter, the Governor of Bihar shall, after consultation with the Election Commission, make by ordersuch provisions as he thinks fit in regard to the terms of office of the members to be elected to fill the additional seats under sub- section (3).

5. Increase in the strength of the Bombay Legislative Council.(1) The total number of seats in the Legislative Council of Bombay shall be increased to 108 and of those seats--(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 36, 9 and 9, respectively;

(b)the number to be filled by persons elected by the members of the Legislative Assembly of Bombay in accordance with the provisions of sub- clause (d) of the said clause shall be 42; and(c)the number to be filled by persons nominated by the Governor of Bombay in accordance with the provisions of sub- clause (e) of that clause shall be 12.(2)As from the commencement of this Act, the Delimitation of Council Constituencies (Bombay) Order, 1951 , shall, until other provision is made by law, have effect subject to the modifications directed by the Second Schedule and in the said Order as so modified, any reference to the State of Bombay shall be construed as a reference to that State as formed by section 8 of the States Reorganisation Act, 1956 (37 of 1956).(3)As from the commencement of this Act--(a) every sitting member of the said Council representing immediately before such commencement any council constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the council constituency specified against that constituency in column 2 of the said Table if immediately before such commencement, he is an elector for an assembly constituency in the State of Bombay; TABLE

1. 2 Bombay City (Graduates).. Greater Bombay (Graduates). Ahmedabad City (Graduates).. Gujarat (Graduates). Northern Division (Graduates).. Poona City (Graduates)... Maharashtra (Graduates). Southern Division (Graduates). Bombay City (Teachers)... Poona City (Teachers)... Greater Bombay- cum- Maharashtra Central Division (Teachers).. (Teachers). Southern Division (Teachers)..

Ahmedabad City (Teachers).. Gujarat (Teachers). Northern Division (Teachers).. Bombay City (Local Authorities). Greater Bombay- cum- Maharashtra West (Local Authorities). Ahmedabad City (Local Authorities) Ahmedabad District (Local Authori- ties). Gujarat North (Local Authorities).

Mehsana- cum- Banas Kantha (Local Authorities). Baroda- cum- Amreli (Local Authorities). Broach- cum- Panch Mahals (Local Authorities). Gujarat South (Local Authorities). Kaira (Local Authorities).. Surat (Local Authorities).. East Khandesh (Local Authorities). Nasik (Local Authorities).. Maharashtra North (Local Ahmednagar- cum- West Khandesh Authorities). (Local Authorities).. Poona City (Local Authorities).. Poona (Local Authorities).. Maharashtra South (Local Sholapur (Local Authorities).. Authorities). North Satara (Local Authorities). Kolaba- cum- Thana (Local Authorities). Ratnagiri- cum- Kanara (Local Authorities)... Maharashtra North (Local Authorities). Kolhapur- cum- South Satara (Local Authorities).

999999. (b) every sitting member of the said Council elected by the members of the Legislative Assembly of the former State of Bombay and every sitting member of the said Council chosen in pursuance of clause (b) of sub-section (2) of section 34 of the States Reorganisation Act, 1956 (37 of 1956), shall be deemed to have been duly elected by the members of the Legislative Assembly of the present State of Bombay if immediately before such commencement he is an elector for an assembly constituency in the State of Bombay. (4) Every sitting elected member of the said Council who is not deemed to have been elected thereto by virtue of clause (a) or clause (b) of sub- section (3) shall, as from the commencement of this Act, cease to be a member of the said Council. (5) As soon as may be after such commencement, elections shall be held to fill such of the seats allotted to the several Council constituencies by the Delimitation of Council Constituencies (Bombay)

Order, 1951 , as modified by this Act and such of the seats to be filled by persons referred to in clause (b) of sub- section (1) as are then vacant, as if those seats had then become vacant.(6)The said Council shall be deemed to have been first constituted on the date on which the Legislative Council of the former State of Bombay was first constituted.(7)In order that, as nearly as may be, one- third of the members of the said Council may retire on the 24th April, 1958 , and on the expiration of every second year thereafter, the Governor of Bombay shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the sitting members chosen in pursuance of clause (b) of sub- section (2) of section 34 of the States Reorganisation Act, 1956 (37 of 1956), and of the members to be elected under sub- section (5) of this section.(8)Section 34 of the States Reorganisation Act, 1956 , shall be amended, and shall be deemed always to have been amended, as follows:- (a) in sub- section (2), for the words, brackets and figures 'Until the said Council has been reconstituted in accordance with the provisions of sub-sections (4) and (5) of this section and summoned to meet for the first time', the words 'Until otherwise provided by law' shall be substituted;(b)sub- sections (3), (4) and (5) shall be omitted.(9)In this section, the expression 'the former State of Bombay' means the State of Bombay as it existed immediately before the 1st day of November, 1956 .

6. Increase in the strength of the Madhya Pradesh Legislative Council.(1) The total number of seats in the Legislative Council for the State of Madhya Pradesh to be constituted under section 33 of the States Reorganisation Act, 1956 (37 of 1956 .), shall be increased from 72 as fixed by sub- section (2) of that section to 90.

(2)The said section shall be amended as follows:-- in sub- section (2),--(i) for the figures" 72", the figures" 90" shall be substituted;(ii)in clause (a), for the figures and word" 24, 6 and 6", the figures and word" 31, 8 and 8" shall be substituted;(iii)in clause (b), for the figures" 24", the figures" 31" shall be substituted;(b) in sub- section (3), for the words" this Act", the words and figures" the Legislative Councils Act, 1957 " shall be substituted; and(c)in sub- section (4),--(i)for the words" the appointed day", the words" such commencement" shall be substituted; and(ii)the proviso shall be omitted.

7. Increase in the strength of the Madras Legislative Council.(1) The total number of seats in the Legislative Council of Madras shall be increased from 50 to 63 and of those seats--(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 21, 6 and 6 respectively;

(b)the number to be filled by persons elected by the members of the Legislative Assembly of Madras in accordance with the provisions of sub- clause (d) of the said clause shall be 21; and(c)the number to be filled by persons nominated by the Governor of Madras in accordance with the provisions of sub- clause (e) of that clause shall be 9.(2)The Delimitation of Council Constituencies (Madras) Order, 1951 , shall, until other provision is made by law, have effect subject to the modifications directed by the Third Schedule.(3)As soon as may be after the commencement of this Act,--(a) elections shall be held to fill--(i) the additional seats allotted to the local authorities' constituencies and the teachers' constituency by the said Order as modified by this Act; and(ii)the additional seats, to be filled by the persons referred to in clause (b) of sub- section (1), as if those seats had become vacant;(b)one person shall be nominated by the Governor of Madras to fill the additional seat under clause (c) of the said sub- section.(4)In order that, as nearly as may be, one- third of the members of the said Council may retire on the 20th April, 1958 , and on the expiration of every second year thereafter, the Governor of Madras shall, after consultation with the Election Commission, make by order, such provisions as he thinks fit in regard to the terms of office of the members to be elected under clause (a) of sub- section (3) and of the member to be nominated under clause (b) of that sub- section.

8. Increase in the strength of the Mysore Legislative Council.(1) The total number of seats in the Legislative Council of Mysore shall be increased to 63 and of those seats--(a) the numbers to be filled by persons elected by electorates referred to in sub- clauses (a), (b) and (c) of clause (3) of article

171 shall be 21, 6 and 6 respectively;

(b)the number to be filled by persons elected by the members of the Legislative Assembly of Mysore in accordance with the provisions of sub- clause (d) of the said clause shall be 21; and(c)the number to be filled by persons nominated by the Governor of Mysore in accordance with the provisions of sub- clause (e) of that clause shall be 9.(2)As from the commencement of this Act, the Delimitation of Council Constituencies (Mysore) Order, 1951 , shall, until other provision is made by law, have effect subject to the modifications directed by the Fourth Schedule, and in the said Order as so modified, a reference to the State of Mysore shall be construed as a reference to that State as formed by section 7 of the States Reorganisation Act, 1956 (37 of 1956 .).(3)As from the commencement of this Act,--(a) every sitting member of the said Council representing immediately before such commencement a council constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the council constituency specified against that constituency in column 2 of the said Table:-- TABLE

1. 2 Mysore (Graduates) constituency. Mysore South (Graduates) constituency. Mysore (Teachers) constituency. Mysore South (Teachers) constituency. Kolar (Local Authorities) constituency. Tumkur (Local Authorities) constituency. Mysore South East (Local Authorities) constituency. Bangalore (Local Authorities constituency. Hassan (Local Authorities) constituency. Mandya (Local Authorities) constituency. Mysore South (Local Authorities) constituency. Mysore (Local Authorities) constituency. Chickmagalur (Local Authorities) constituency. Shimoga (Local Authorities) constituency. Mysore South West (Local Authorities) constituency. Chitaldrug- cum- Bellary (Local Authorities) constituency.

(b)every sitting member of the said Council elected by the members of the Legislative Assembly of the former State of Mysore, every sitting member of the said Council chosen in pursuance of clause (b) of sub- section (2) of section 36 of the States Reorganisation Act, 1956 (37 of 1956 .), and the sitting member of the said Council specified by the Chairman of the Legislative Council of Madras under sub- rule (7) of rule 4 of the States Reorganisation (Elections to Provisional State Legislatures) Rules, 1956 , shall be deemed to have been duly elected by the members of the Legislative Assembly of the present State of Mysore; and(c)every sitting member of the said Council nominated by the Rajpramukh of the former State of Mysore shall be deemed to have been nominated to the said Council by the Governor of the present State of Mysore.(4)The three members who, immediately before the 1st November, 1956 , were members of the Legislative Council of Bombay and became on that date members of the Legislative Council of Mysore by virtue of sub- rule (7) of rule 4 of the States Reorganisation (Elections to Provisional State Legislatures) Rules, 1956 , shall be deemed to have been elected to the Legislative Council of Mysore by the Mysore North West (Local Authorities) constituency.(5)As soon as may be after the commencement of this Act, elections shall be held to fill such of the seats allotted to the several council constituencies by the Delimitation of Council Constituencies (Mysore) Order, 1951 , as modified by this Act and such

of the seats to be filled by persons referred to in clause (b) of sub-section (1) as are then vacant, as if those seats had then become vacant.(6)As soon as may be after such commencement, the vacancies in the seats allotted under clause (c) of sub-section (1) shall be filled by nomination by the Governor.(7)The said Council shall be deemed to have been first constituted on the date on which the Legislative Council of the former State of Mysore was first constituted.(8)In order that, as nearly as may be, one-third of the members of the said Council may retire on the 13th May, 1958], and on the expiration of every second year thereafter, the Governor of Mysore shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the sitting members chosen in pursuance of clause (b) of sub-section (2) of section 36 of the States Reorganisation Act, 1956 (37 of 1956), and of

1. Subs. by Act 58 of 1960, s. 3 and Sch. II, for" 26th April, 1958" (retrospectively).

the members to be elected and nominated under sub-sections (5) and (6) of this section.(9)Section 36 of the States Reorganisation Act, 1956 (37 of 1956), shall be amended, and shall be deemed always to have been amended, as follows:--(a) in sub-section (2) for the words, brackets and figures" Until the said Council has been reconstituted in accordance with the provisions of sub-sections (3) and (4) of this section and summoned to meet for the first time", the words" Until otherwise provided by law" shall be substituted; and(b)sub-sections (3) and (4) shall be omitted.(10)In this section, the expression' the former State of Mysore' means the State of Mysore as it existed immediately before the 1st day of November, 1956 .

9. Increase in the strength of the Punjab Legislative Council.(1) The total number of seats in the Legislative Council of Punjab shall be increased to 51 and of those seats--(a) the numbers to be filled by persons elected by electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 17, 4 and 4 respectively;

(b)the number to be filled by persons elected by the members of the Legislative Assembly of Punjab in accordance with the provisions of sub-clause (d) of the said clause shall be 18; and(c)the number to be filled by persons nominated by the Governor of Punjab in accordance with the provisions of sub-clause (e) of that clause shall be 8.(2)As from the commencement of this Act, the Delimitation of Council Constituencies (Punjab) Order, 1951 , shall, until other provision is made by law, have effect subject to the modifications directed by the Fifth Schedule, and in the said Order as so modified, any reference to the State of Punjab shall be construed as a reference to that State as formed by section 11 of the States Reorganisation Act, 1956 (37 of 1956).(3)As from the commencement of this Act,--(a) every sitting member of the said Council representing immediately before such commencement any local authorities' constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the local authorities' constituency specified against that constituency in column 2 of the said Table:-- TABLE

1. 2 Ambala- cum- Karnal (Local Autho- Punjab South (Local Authorities) constituency. constituency. Gurgaon- cum- Rohtak- cum- Hissar- Punjab South (Local Authorites) cum- Simla (Local Authorites) constituency. constituency. Hoshiarpur- cum- Kangra- cum- Gur- Punjab North (Local Authorities) daspur (Local Authorities) con- constituency. stituency. Jullundur- cum- Ferozepur- cum- Punjab North (Local Authorities) Amritsar- cum- Ludhiana (Local constituency. Authorities) constituency.

(b)every sitting member of the said Council representing immediately before such commencement the graduates' constituency or the teachers' constituency shall be deemed to have been elected to the said Council by that constituency as altered by virtue of sub- section (2):(c)every sitting member of the said Council elected by the members of the Legislative Assembly of the former State of Punjab and every sitting member of the said Council elected under clause (b) of sub- section (2) of section 37 of the States Reorganisation Act, 1956 (37 of 1956), shall be deemed to have been duly elected by the members of the Legislative Assembly of the present State of Punjab.(4)As soon as may be after such commencement, elections shall be held to fill--(a) the additional seats allotted to the several council constituencies by the Delimitation of Council Constituencies (Punjab) Order, 1951 , as modified by this Act;(b)the additional seats to be filled by persons referred to in clause (b) of sub- section (1), as if those seats had become vacant.(5)The said Council shall be deemed to have been first constituted on the date on which the Legislative Council of the former State of Punjab was first constituted.(6)In order that, as nearly as may be, one- third of the members of the said Council may retire on the 26th April 1958 , and on the expiration of every second year thereafter the Governor of Punjab shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the sitting members elected under clause (b) of sub- section (2) of section 37 of the States Reorganisation Act, 1956 (37 of 1956 .), and of the members to be elected under sub- section (4) of this section.(7)Section 37 of the States Reorganisation Act, 1956 (37 of 1956), shall be amended, and shall be deemed always to have been amended, as follows:--(a) in sub- section (2), for the words, brackets and figures" Until the said Council has been reconstituted in accordance with the provisions of sub- sections (3) and (4) of this section and of any other law for the time being in force and has been summoned to meet for the first time", the words" Until otherwise provided by law" shall be substituted;(b)sub- sections (3) and (4) shall be omitted.(8)In this section the expression" the former State of Punjab" means the State of Punjab as it existed immediately before the 1st day of November, 1956 .

10. Increase in the strength of the Uttar Pradesh Legislative Council.(1) The total number of seats in the Legislative Council of Uttar Pradesh shall be increased from 72 to 108 and of those seats--(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 39, 9 and 9 respectively;

(b)the number to be filled by persons elected by the members of the Legislative Assembly of Uttar Pradesh in accordance with the provisions of sub- clause (d) of the said clause shall be 39; and(c)the

number to be filled by persons nominated by the Governor of Uttar Pradesh in accordance with the provisions of sub- clause (e) of that clause shall be 12.(2)The Delimitation of Council Constituencies (Uttar Pradesh) Order, 1951 , shall, until other provision is made by law, have effect subject to the modifications directed by the Sixth Schedule.(3)As from the commencement of this Act--(a) every sitting member of the said Council representing immediately before such commencement a graduates'constituency or a teachers' constituency the extent of which is altered by virtue of sub- section (2) shall be deemed to have been elected to the said Council by that constituency as so altered;(b)every sitting member of the said Council representing immediately before such commencement any local authorities' constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the local authorities' constituency specified against that constituency in column 2 of the said Table:--

Column 1	Column 2
Uttar Pradesh North- West (Local Meerut (Local Authorities) Authorities) constituency.	constituency.
Uttar Pradesh North- East (Local Rohilkhand (Local Authorities) Authorities) constituency.	constituency.
Uttar Pradesh West (Local Autho- Agra (Local Authorities) Con- rities) constituency.	situency.
Uttar Pradesh Central (Local Auth- Lucknow (Local Authorities) orities) constituency.	constituency.
Uttar Pradesh South (Local Autho- Allahabad (Local Authorities) rities) constituency.	constituency.
Uttar Pradesh East (Local Autho- Varanasi (Local Authorities) rities) constituency.	constituency.

(4)As soon as may be after such commencement, elections shall be held to fill--(a) the additional seats allotted to the several council constituencies by the said Order as modified by this Act; and(b)the additional seats to be filled by persons referred to in clause (b) of sub- section (1), as if those seats had become vacant.(5)In order that, as nearly as may be, one- third of the members of the said Council may retire on the 5th May, 1958 , and on the expiration of every second year thereafter, the Governor of Uttar Pradesh shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the members to be elected under sub- section (4).

11. Increase in the strength of the West Bengal Legislative Council.(1) The total number of seats in the Legislative Council of West Bengal shall be increased from 51 to 75 and of those seats--(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 27, 6 and 6 respectively;

(b)the number to be filled by persons elected by the members of the Legislative Assembly of West Bengal in accordance with the provisions of sub- clause (d) of the said clause shall be 27; and(c)the number to be filled by persons nominated by the Governor of West Bengal in accordance with the provisions of sub- clause (e) of that clause shall be 9.(2)The Delimitation of Council Constituencies (West Bengal) Order, 1951 , shall, until other provision is made by law, have effect subject to the modifications directed by the Seventh Schedule.(3)As from the commencement of this Act,--(a) every sitting member of the said Council representing immediately before such commencement the Calcutta (Graduates) constituency and every such member representing the Calcutta (Teachers) constituency, the extent of which is altered by virtue of sub- section (2) shall be deemed to have been elected to the said Council respectively by the Calcutta (Graduates) constituency and the Calcutta (Teachers) constituency as so altered;(b)every sitting member of the said Council representing

immediately before such commencement any of the council constituencies specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the council constituency specified against that constituency in column 2 of the said Table:--

Column 1	Column 2
West Bengal South (Graduates) constituency.	West Bengal South (Graduates) constituency.
West Bengal West (Graduates) constituency.	West Bengal West (Graduates) constituency.
West Bengal North (Graduates) constituency.	West Bengal North (Graduates) constituency.
Burdwan Division (Teachers) constituency.	Burdwan Division (Teachers) constituency.
Presidency Division South (Teachers) constituency.	Presidency Division South (Teachers) constituency.
Presidency Division North (Teachers) constituency.	Presidency Division North (Teachers) constituency.
Darjeeling (Local Authorities) constituency.	Darjeeling (Local Authorities) constituency.
West Bengal North (Local Authorities) constituency.	West Bengal North (Local Authorities) constituency.
Nadia- Murshidabad (Local Authorities) constituency.	Nadia- Murshidabad (Local Authorities) constituency.
Calcutta- 24-Parganas (Local Authorities) constituency.	Calcutta- 24-Parganas (Local Authorities) constituency.
Hooghly- Howrah (Local Authorities) constituency.	Hooghly- Howrah (Local Authorities) constituency.
West Bengal Central (Local Authorities) constituency.	West Bengal Central (Local Authorities) constituency.
Burdwan Division North (Local Authorities) constituency.	Burdwan Division North (Local Authorities) constituency.
West Bengal West (Local Authorities) constituency.	West Bengal West (Local Authorities) constituency.

(4) As soon as may be after such commencement, elections shall be held to fill--(a) the additional seats allotted to the several council constituencies by the said Order as modified by this Act; and (b) the additional seats to be filled by persons referred to in clause (b) of sub-section (1), as if those seats had become vacant. (5) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 4th June, 1958, and on the expiration of every second year thereafter the Governor of West Bengal shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the members elected under sub-section (4).

12. [Amendment of Act 43 of 1950 .] Rep. by the Repealing and Amending Act, 1960 (58 of 1960), s. 2 and Sch. I.

13. [Amendment of Act 43 of 1951 .] Rep. by s. 2 and Sch. I, ibid.