

Bill No. XLIV of 2013

THE RAJASTHAN LEGISLATIVE COUNCIL BILL, 2013

A

BILL

*to provide for the creation of the Legislative Council for the State of Rajasthan
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 Rajasthan Legislative Council Act, 2013.

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.

Definition.

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

Creation of
Legislative
Council for
Rajasthan.

(2) In the said Council, there shall be 66 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 22, 6 and 6 respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Rajasthan in accordance with the provisions of sub-clause (d) of the said clause shall be 22; and

(c) the number to be filled by persons nominated by the Governor of Rajasthan in accordance with the provisions of sub-clause (e) of that clause shall be 10.

(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 Rajasthan 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) Every order made under sub-section (3) shall be laid before each House of Parliament as soon as may be after it is made, and shall be subject to such modifications as Parliament may make on a motion made within twenty days from the date on which the order is so laid.

(5) 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
to Act 43 of 1950.

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

(a) in the Third Schedule, after entry No. 6 relating to Karnataka, the following entry shall be inserted, namely:—

"7. Rajasthan 66 22 6 6 22 10";

(b) existing entries 7 and 8 shall be renumbered as entries 8 and 9, respectively;

(c) in the Fourth Schedule, after the heading "KARNATAKA" and the entries thereunder, the following heading and entries shall be inserted, namely:—

"RAJASTHAN

1. Municipal Corporations.

2. Municipal Councils.

3. Municipal Boards.

4. Cantonment Boards .

5. Gram Panchayats.

6. Panchayat Samitis.

7. Zila Parishads."

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 Tamil Nadu under the Tamil Nadu Legislative Council Act, 2010", the words and figures "and constituting the Legislative Council of the State of Rajasthan under the Rajasthan Legislative Council Act, 2013" shall be inserted.

16 of 2010.

Amendment of
section 15A of
Act 43 of 1951.

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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 the 18th April, 2012, the Rajasthan Legislative Assembly passed a resolution in terms of clause (1) of article 169 of the Constitution for the creation of Legislative Council in that State. It is, accordingly, proposed to enact a law providing for the creation of Legislative Council for the State of Rajasthan with sixty-six members paving way for giving better opportunity to 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 Rajasthan.

NEW DELHI;
The 24th June, 2013.

KAPIL SIBAL

ANNEXURE

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

Number to be elected or nominated under article 171(3)						
Name of State	Total number of seats	Sub-clause (a)	Sub-clause (b)	Sub-clause (c)	Sub-clause (d)	Sub-clause (e)
1	2	3	4	5	6	7
*	*	*	*	*	*	*

THE FOURTH SCHEDULE

[See section 27(2)]

Local authorities for purposes of elections to Legislative Councils

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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 Councils 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.

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RAJYA SABHA

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BILL

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

(Shri Kapil Sibal, Minister of Law and Justice)