

CHAPTER III  
THE STATE LEGISLATURE  
*General*

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

(a) in the States of <sup>37</sup>[Andhra Pradesh] Bihar, <sup>38</sup>[\* \* \*] <sup>39</sup>[<sup>40</sup>[\* \* \*]], <sup>41</sup>[Maharashtra], <sup>42</sup>[Karnataka], <sup>42a</sup>[Tamil Nadu, Telangana], <sup>43</sup>[\* \* \*] <sup>44</sup>[and Uttar Pradesh], two houses;

(b) in other Statate, one House.

(2) Where there are two Houses of the Legislature of a State, one shall be known as the Legislative Council and the other as the Legislative Assembly, and where there is only one House, it shall be known as the Legislative Assembly.

**169. Abolition or creation of Legislative Councils in States.**—(1) Notwithstanding anything in article 168, 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) Any law referred to in clause (1) shall contain such provisions for the amendment of this Constitution as may be necessary to give effect to the provisions of the law and may also contain such supplemental, incidental and consequential provisions as Parliament may deem necessary.

(3) No such law as aforesaid shall be deemed to be an amendment of this Constitution for the purposes of article 368.

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36. Cl. (4) omitted by the Constitution (Forty-fourth Amendment) Act, 1978, S. 23 (w.e.f. 20-6-1979). Earlier Cl. (4) was inserted by the Constitution (Forty-second Amendment) Act 1976, S.28 (w.e.f. 3-1-1977).
37. Inserted by the Andhra Pradesh Legislative Council Act, 2005(1 of 2006), s. 3(w.e.f. 11-1-2006).
38. The word “Bombay,” omitted by the Bombay Reorganisation Act, 1960 (11 of 1960), S. 20 (w.e.f. 1-5-1960).
39. No date has been appointed under S. 8(2) of the Constitution (Seventh Amendment) Act, 1956, for the insertion of the words “Madhya Pradesh” in this sub-clause.
40. The words “Tamil Nadu,” omitted by the Tamil Nadu Legislative Council (Abolition) Act, 1986 (40 of 1986), S.4 (w.e.f. 1-11-1986).
41. Inserted by the Bombay Reorganisation Act, 1960 (11 of 1960), S. 20 (w.e.f. 1-5-1960)
42. Substituted by the Mysore State (Alteration of Name) Act, 1973 (31 of 1973), S. 4 for “Mysore” (w.e.f. 1-11-1973) which was inserted by the Constitution (Seventh Amendment) Act 1956, S. 8.
- 42a. Substituted by the Andhra Pradesh Reorganisation Act, 2014 (6 of 2014), S. 96. for “Tamil Nadu” (w.e.f. 2-6-2014).
43. The word “Punjab,” omitted by the Punjab Legislative Council (Abolition) Act, 1969 (46 of 1969), S. 4 (w.e.f. 7-1-1970).
44. Substituted by the West Bengal Legislative Council (Abolition) Act, 1969 (20 of 1969), S. 4. for “Uttar Pradesh and West Bengal” (w e f. 1-8-1969).
45. Substituted by the Constitution (Seventh Amendment) Act, 1956. S. 9, for Art. 170.

<sup>45</sup>**[170. Composition of the Legislative Assemblies.]**—(1) Subject to the provisions of article 333, the Legislative Assembly of each State shall consist of not more than five hundred, and not less than sixty members chosen by direct election from territorial constituencies in the State.

(2) For the purposes of clause (1), each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the State.

<sup>46</sup>[*Explanation.*—In this clause, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published.

Provided that the reference in this *Explanation* to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year <sup>47</sup>[2026] have been published, be construed as a reference to the <sup>48</sup>[2001] census.]

(3) Upon the completion of each census, the total number of seats in the Legislative Assembly of each State and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine:

Provided that such readjustment shall not affect representation in the Legislative Assembly until the dissolution of the then existing Assembly:]

<sup>49</sup>[Provided further that such readjustment shall take effect from such date as the President may, by order, specify and until such readjustment takes effect, any election to the Legislative Assembly may be held on the basis of the territorial constituencies existing before such readjustment:

Provided also that until the relevant figures for the first census taken after the year <sup>47</sup>[2026] have been published, it shall not be necessary to <sup>50</sup>[readjust—

(i) the total number of seats in the Legislative Assembly of each State as readjusted on the basis of the 1971 census; and

(ii) the division of such State into territorial constituencies as may be readjusted on the basis of the <sup>51</sup>[2001] census under this clause.]

**171. Composition of the Legislative Councils.**—(1) The total number of members in the Legislative Council of a State having such a Council shall not exceed <sup>52</sup>[one-third] of the total number of members in the Legislative Assembly of that State.

Provided that the total number of members in the Legislative Council of a State shall in no case be less than forty.

46. Substituted by the Constitution (Forty-second Amendment) Act, 1976, S. 29, for the *Explanation* (w.e.f. 3-1-1977).

47. Substituted by the Constitution (Eighty-fourth Amendment) Act, 2001, S. 5, for “2000” (w.e.f. 21-2-2002).

48. Substituted by the Constitution (Eighty-seventh Amendment) Act, 2003, S. 2, for “1991” (w.e.f. 22-6-2003). Earlier it was substituted by the Constitution (Eighty-fourth Amendment) Act, 2001, S. 5 (w.e.f. 21-2-2002).

49. Inserted by the Constitution (Forty-second Amendment) Act, 1976, S. 29 (w.e.f. 10-1-1977).

50. Substituted by the Constitution (Eighty-fourth Amendment) Act, 2001, S. 5, for certain words (w.e.f. 21-2-2002).

51. Substituted by the Constitution (Eighty-seventh Amendment) Act, 2003, S. 4, for “1991” (w.e.f. 22-6-2003).

52. Substituted by the Constitution (Seventh Amendment) Act, 1956, S. 10, for “one fourth”.

(2) Until Parliament by law otherwise provides, the composition of the Legislative Council of a State shall be as provided in clause (3).

(3) Of the total number of members of the Legislative Council of a State—

(a) as nearly as may be, one-third shall be elected by electorates consisting of members of municipalities, district boards and such other local authorities in the State as Parliament may by law specify;

(b) as nearly as may be, one-twelfth shall be elected by electorates consisting of persons residing in the State who have been for at least three years graduates of any university in the territory of India or have been for at least three years in possession of qualifications prescribed by or under any law made by Parliament as equivalent to that of a graduate of any such university;

(c) as nearly as may be, one-twelfth shall be elected by electorates consisting of persons who have been for at least three years engaged in teaching in such educational institutions within the State, not lower in standard than that of a secondary school, as may be prescribed by or under any law made by Parliament;

(d) as nearly as may be, one-third shall be elected by the members of the Legislative Assembly of the State from amongst persons who are not members of the Assembly;

(e) the remainder shall be nominated by the Governor in accordance with the provisions of clause (5).

(4) The members to be elected under sub-clauses (a), (b) and (c) of clause (3) shall be chosen in such territorial constituencies as may be prescribed by or under any law made by Parliament, and the elections under the said sub-clauses and under sub-clause (d) of the said clause shall be held in accordance with the system of proportional representation by means of the single transferable vote.

(5) The members to be nominated by the Governor under sub-clause (e) of clause (3) shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely:—

Literature, Science, Art, Co-operative Movement and Social Service.

**172. Duration of State Legislatures.**—(1) Every Legislative Assembly of every State, unless sooner dissolved, shall continue for <sup>53</sup>[five years] from the date appointed for its first meeting and no longer and the expiration of the said period of <sup>53</sup>[five years] shall operate as a dissolution of the Assembly.

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53. Substituted by the Constitution (Forty-fourth Amendment) Act, 1978, S. 24 for “six years” (w.e.f. 6-9-1979). Earlier these words were substituted by the Constitution (Forty-second Amendment) Act, 1976, S. 30 (w.e.f. 3-1-1977).