

The Tamil Nadu Legislative Council Act, 2010

(ACT NO. 16 OF 2010)

[*As on the* 1*st September*, 2026]

LIST OF ABBREVIATIONS USED

G.S.R.	*for*	Statutory Order.
S.O.	,,	General Statutory Rules.
Notifn.	,,	Notification.

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THE TAMIL NADU LEGISLATIVE COUNCIL ACT, 2010

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title.
2. Definition.
3. Creation of Legislative Council for Tamil Nadu.
4. Amendment of Third Schedule and Fourth Schedule to Act 43 of 1950.
5. Amendment of section 15A of Act 43 of 1951.

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THE TAMIL NADU LEGISLATIVE COUNCIL ACT, 2010

ACT NO. 16 OF 2010

[18*th May*, 2010.]

An Act to provide for the creation of Legislative Council for the State of Tamil Nadu and for matters supplemental, incidental and consequential thereto.

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

1. Short title.—This Act may be called the Tamil Nadu Legislative Council Act, 2010.

2. Definition.—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 (43 of 1950) shall have the same meaning as in that Act.

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

(*2*) In the said Council, there shall be 78 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 26, 7 and 7 respectively;

(*b*) the number to be filled by persons elected by the members of the Legislative Assembly of Tamil Nadu in accordance with the provisions of sub-clause (*d*) of the said clause shall be 26; and

(*c*) the number to be filled by persons nominated by the Governor of Tamil Nadu 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 Tamil Nadu 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 (43 of 1950) and the Representation of the People Act, 1951 (43 of 1951).

4. Amendment of Third Schedule and Fourth Schedule to Act 43 of 1950.—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. Tamil Nadu 78 26 7 7 26 12";

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

"TAMIL NADU

1. Municipalities, as referred to in article 243Q of the Constitution.

2. Panchayat Union Councils.

3. Cantonment Boards.

4. District Panchayats referred to in the Tamil Nadu Panchayat Act, 1994 (Tamil Nadu Act 21 of 1994).".

5. Amendment of section 15A of Act 43 of 1951.—In section 15A of the Representation of the People Act, 1951, after the words and figures "under the Andhra Pradesh Legislative Council Act, 2005 (1 of 2006)", the words and figures "and constituting the Legislative Council of the State of Tamil Nadu under the Tamil Nadu Legislative Council Act, 2010" shall be inserted.

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STATEMENT OF OBJECTS AND REASONS

Article 168 of the Constitution, inter alia, provides for constitution of two Houses in six States and one House in other States. Where there are two Houses of the Legislature of a State, one is known as Legislative Council and other as Legislative Assembly. At the commencement of article 168 of the Constitution, a Legislative Council for the erstwhile State of Madras was envisaged. The State was renamed as the State of Tamil Nadu vide the Madras State (Alteration of Name) Act, 1968. However, the Tamil Nadu Legislative Council was abolished with effect from the 1st November, 1986 vide the Tamil Nadu Legislative Council (Abolition) Act, 1986.

2. 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.

3. On the 26th July, 1996, the Tamil Nadu Legislative Assembly passed a resolution for creation of a Legislative Council in the State and a Bill, namely, the Legislative Council Bill, 1997 which provided for creation of a Legislative Council in the States of Punjab and Tamil Nadu was introduced in Lok Sabha on the 14th August, 1997 but the Bill lapsed on the dissolution of the Eleventh Lok Sabha. However, the Tamil Nadu Legislative Assembly passed another resolution on the 12th September, 2001 rescinding its earlier resolution dated the 26th July, 1996 and hence no further action for revival of the proposal could be taken.

4. On the 12th April, 2010, the Tamil Nadu 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 Tamil Nadu with seventy-eight members paving way for giving better opportunity to people's participation in governance and decision making. The expenditure in respect of the Legislative Council will have to be borne by the Government of Tamil Nadu.

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

M. VEERAPPA MOILY.

NEW DELHI;
The 4th May, 2010