

MADRAS LEGISLATIVE ASSEMBLY

**A REVIEW
1952-1957**

SECTION - I

CHAPTER - I

CONSTITUTIONAL EVOLUTION OF THE STATE LEGISLATURES

The first conscious advance in the direction of responsible Government was the Reform of 1919, which introduced Dyarchy in the Provinces. The Intention was to establish within a definite range responsibility to an elected legislature.

This Act of 1919 created a bi-cameral Legislature at the centre, the Lower Chamber called the Legislative Assembly and the Upper Chamber, the Council of States. These Houses consisted of both elected and nominated members. The Legislative Assembly had a tenure of three years and the Council of States five; years. But the Governor-General could dissolve either Chamber earlier or extend its tenure.

A greater advance was made in the case of Provinces despite the general supremacy of the Centre. Responsibility for certain subjects was delegated to the Provinces. But these subjects were divided into two categories, viz. "Reserved " and "Transferred" The " Reserved "subjects were Irrigation, European Education, Land Revenue, Famine Relief, Police, Newspapers, Loans and Factories and they were under the administrative control of the Governor's Council of four Members or less. The "Transferred" subjects were Local Self-Government. Public Health, Indian Education, Public Works, Agriculture and Fisheries, Co-Operative Societies, Excise and Industrial Development and they were under the control of the Ministers who, though selected by the Governor, were responsible to the Provincial Legislatures. Each Province had triennial single chamber Legislature consisting of from 53 members in Assam to 132 in Madras. In Madras, the Governor nominated 34 members and the rest were elected. Franchise was granted to those who paid rates or taxes. Women were enabled to vote at elections for all Legislatures created by the Act except the Council of States. While in the Transferred field there was considerable degree of control by the elected Legislature, its powers and those of the Ministers were trammled in financial matters. The Governor could restore a demand for grant refused by the Legislature; he could certify a rejected Bill on a reserved subject as essential for the discharge of his responsibility whereupon it could normally be laid before the British Parliament before being presented for the King's assent. But it became law immediately, if he further certified a state of emergency. The Governor could also stop discussion on any Bill.

GOVERNMENT OF INDIA ACT OF 1935

A further advance was made when the Government of India Act of 1935 was passed. Bi-cameral Legislatures were created in certain Provinces. The executive authority of a Province was to be exercised on behalf of the King by the Governor in whose name all executive action was taken, but with important exceptions. The Governor was to act on the advice of a Council of Ministers. But the powers of the Ministers were 'trammled', by the safeguards. The Act imposed on the Governor a special responsibility for certain matters and required him to act in such matters in accordance with his 'individual judgment' and in regard to other matters he was required to act 'in his discretion'. In matters for which the Governor had a special responsibility, he was not obliged to consult his Ministers. His functions with regard to such matters could chiefly be exercised through officials acting under his orders. In the discretionary field, the Governor was obliged to consult his Ministers, but need not necessarily accept their advice.

The new Provincial Legislatures were bi-cameral in Madras, Bombay, Bengal, United Provinces, Bihar and Assam, but consisted of a single chamber in other Provinces. The Upper Chamber in the Provinces wherever there was one, was called the Legislative Council; it was a permanent body, one-third or its Members retiring and being replaced every three years. The Lower Chamber was called the Legislative Assembly and was to be elected every five years unless dissolved earlier.

Bills imposing taxes or directing expenditure out of Provincial revenues or dealing with borrowing of money could be introduced only in the Legislative Assembly. Other Bills could be introduced in the Legislative Council. The Budget was to be presented on the recommendation of the Governor. Certain items were excluded from the vote of the Legislative Assembly, but were subject to discussion by the Assembly.

Apart from the Governor's powers to veto a Bill or to transmit it for the consideration of the Governor-General, the Governor could return a Bill passed by the Legislature for the consideration of amendments suggested by him. The previous sanction of the Governor-General was required before any Bill could be introduced in the Legislature which was repugnant to the British Parliament or the Governor-General's legislation or which affected the special responsibility in the discretionary field of the Governor-General or which affected the Criminal Procedure in respect of Europeans. Similarly, the previous sanction of the Governor was necessary in regard to certain Bills. The Governor could stay the proceedings of any Bill before or after its introduction on a certificate that it or any proposed amendment affected the discharge of his special responsibility for the peace and tranquility of the Province. The Governor could, in an emergency, if the Legislature was not in session, legislate by Ordinance. In similar but less urgent circumstances, he could pass a Governor's Act and transmit it to the Legislatures with the reasons therefore. Finally, if the circumstances made it impossible to work the constitution, the Governor could proclaim that all or any of the functions of the Legislature would be exercised by him in his discretion and assume all powers other than that of the High Court. If the Assembly refused a demand for grant in the Budget the Government could, if he anticipated that this would affect the due discharge of his special responsibilities, certify a sum not exceeding the original demand and it would then be deemed to have been voted.

The qualifications to vote at elections to Legislative Assemblies differed from Province to Province, as it was based on payment of taxes, possession of property or certain

standard of education or previous service in the Armed Forces. Women if literate could vote. There were general constituencies, special communal constituencies for Muslims, Sikhs, Anglo-Indians, Europeans, Indian Christians and special constituencies representing Commerce, Landholders, Universities, Labour and Women.

The number of Members in the Madras Assembly was 215 and 56 in the Legislative Council of whom 10 were nominated by the Governor.

Legislative powers were distributed between the Centre and the Provinces. There were three lists, one relating to subjects where the Centre had exclusive competence, the second to subjects over which the Provinces had exclusive competence and the third to subjects over which legislative power was concurrent. The Governor General in his discretion could allot subject not mentioned in the lists.

In March 1937, the Congress Party in the Provincial Legislatures formed the Governments after obtaining the assurance that the special responsibilities of the Governor would not entitle him to intervene at random in the administration of the Provinces. The Ministries functioned under the 1935 Act till October 1939. Thereafter, there was no Legislature functioning due to the proclamation of emergency by the Governor under the Act.

The Federal structure contemplated by the Government of India Act, 1935, however, never came into being in the Centre, for it was optional with the Indian States to join the proposed Federation and they never gave this consent. The Government of India Act of 1919 continued to be in force as far as the Central Legislature was concerned.

THE INDIAN INDEPENDENCE ACT 1947

After various attempts and many protracted efforts, the Indian Independence Act of 1947 created two Dominions out of India one the Indian Union and the other Pakistan. The Indian Legislatures became sovereign subject only to some surviving provisions of the 1935 Act. In the Provincial Legislatures, the European seats were abolished and they functioned under the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947. His Majesty's Government announced cessation of all further responsibility for the Government on India. The powers of the Federal Legislature were to be exercised by the Indian Constituent Assembly. This sat since November 1946, and framed the Indian Constitution, which came into force from 26th January 1950. It created autonomous Provinces with sovereign Legislatures subject to certain reservations in the interest of security, finance and peace.

STATE LEGISLATURE UNDER THE NEW CONSTITUTION

When the Constitution came into force, the then existing Legislature was allowed to function as Provisional Legislature.

The first Legislature of our State under the Constitution of India was constituted in May 1952. The Legislature consists of the Governor and two Houses known as the Legislative Council and the Legislative Assembly.

The Legislative Assembly shall, unless sooner dissolved, continue for five years from the date appointed for its first meeting. The Legislative Council is not subject to dissolution, but, as nearly as possible, one-third of the Members thereof shall retire, as soon as may be, on the expiration of every second year in accordance with the provisions made in this behalf.

Besides these, every Minister and Advocate-General of the State has a right to speak in and otherwise take part in the Proceedings of both the Houses and speak in and otherwise take part in the proceedings of any Committee of the Legislature of which he may be named a Member, but will not be entitled to vote.

GENERAL ELECTIONS AND AFTER

The first General Elections on the basis of adult suffrage were held early in 1952. According to the Delimitation of Parliamentary and Assembly Constituencies (Madras) Order, 1951, made by the President under sections 6 and 9 of the Representation of the People Act, 1950, the Madras Legislative Assembly consisted of 375 seats to be filled by election, distributed in 309 constituencies -243 single-members constituencies, 62 double-member constituencies in each of which a seat had been reserved for Scheduled Castes and four two-member constituencies in each of which a seat had been reserved for Scheduled Tribes. Three seats were uncontested. The elections were contested only in respect of the remaining 372 seats.

In all, 2,507 persons filed their nominations-2,472 men and 35 women. Of these, the nominations were rejected in respect of 79 candidates-78 men and one woman. Seven hundred and fifty-one candidates withdrew their nominations in time-741 men and 10 women.

Out of the 1,677 contesting candidates, 1,302 were unsuccessful and of the latter, 789 forfeited their deposits. Of the 375 seats, the Congress secured 152 seats, the Communists 62 seats, the Kisan-Majdoor-Praja Party 35, the Tamilnad Toilers' Party 19, the Socialist Party 13, the Krishikar Lok Party 15, the Commonweal Party 6, the Madras State Muslim League 5, the Forward Bloc (Marxists) Party 3, the Scheduled Castes Federation; 2, the Justice Party 1 and Independents 62.

No member of the Scheduled Castes or Scheduled Tribes was elected to any General (unreserved) seat.

One Member was nominated by the Governor, under Article 333 of the Constitution, to represent the Anglo-Indians.

The distribution of parties in the Legislative Assembly on its formation was as shown in Section II- [Table No. I](#). In accordance with the established Parliamentary convention, the Governor asked the leader of the Congress Legislature Party, which had the largest following; to form the Government.

The Andhra State consisting of the Telugu-speaking areas of the composite Madras State was formed on the 1st October 1953 and the Kannada-speaking area of the former Bellary district was also merged with the Mysore State with effect from the same date. The

number of Members of the Madras Legislative Assembly was, as a consequence, reduced to 231.

During the year 1955, the following changes in the alignment of parties took place. The Independent Progressive Bloc was dissolved and a new party called the Dravidian Parliamentary Party was formed. Twelve members of the Tamilnad Toilers' Party joined the Congress as associate members and two of them joined the Dravidian Parliamentary Party. One solitary member continued to represent the Tamilnad Toilers' Party.

Consequent on the States Reorganization Act, 1956, coming into effect on the 1st November 1956, the number of members of the Assembly was again reduced to 190. As the Travancore-Cochin Legislative Assembly had been dissolved earlier, the territories transferred from Travancore-Cochin consequent on the reorganisation of States were not represented in the Assembly.

According to the new Delimitation of Parliamentary and Assembly Constituencies Order, 1956, made by the Delimitation Commission, India, under the provisions of the States Reorganisation Act, 1956, there are 205 seats in the Madras Legislative Assembly, distributed in 167 territorial Constituencies-37 two member constituencies in each of which a seat is reserved for Scheduled Castes and one two-member constituency in which a seat is reserved for Scheduled Tribes.

From the beginning of the first Assembly till 1956, six vacancies were caused due to deaths of members, 8 by resignations and 9 by the elections of members being declared void by Election Tribunals. These vacancies were duly filled up through bye-elections. The details regarding bye-elections are given in Section II-[Table No.II](#).

In June 1956, the Election Commission notified that in view of the impending General Elections early in 1957, casual vacancies need not be filled up.

In February 1957, subsequent to the issue of the notification calling upon all the Assembly constituencies in the State to elect members to the Legislative Assembly, one member resigned his seat in the Assembly, two members were elected to the Legislative Council to fill two vacancies in the Local Authorities Constituencies which arose as a result of the reorganisation of the State and 8 members resigned their seats consequent being elected to the House of the People.

The list of members of the Assembly from 1952 to 1957 together with the constituencies and the changes in the membership are given in Section II-[Table No.III](#).

The distribution of parties, (i) on the formation of the Assembly, (2) on the eve of the formation of the Andhra State, (3) after the formation of the Andhra State, (4) on the eve of the reorganisation of the State and (5) after the reorganization of the state is given in Section II-[Table Nos. I to I-D](#).

