

## Fourth Schedule – UPSC Notes

The Fourth Schedule of the Indian Constitution deals with the **Allocation of seats in the Council of States**. The number of members varies from State to State. In other words, the Fourth Schedule to the Constitution provides for the allocation of seats to various States and Union Territories with respect to Rajya Sabha.

### Fourth Schedule of Indian Constitution

- According to **Article 80(2)**, the allocation of seats in the Council of States to be filled by representatives of the States and of the Union territories shall be in accordance with the provisions in that behalf contained in the Fourth Schedule.

#### Note:

- The representatives of States are elected by the elected members of the Legislative Assemblies of the respective States in accordance with the system of proportional representation by means of the single transferable vote.
- The representatives of the Union Territories are chosen in such manner as Parliament may, by law, prescribe.
- Part IVA of the Representation of the People Act, 1950, provides for the manner of filling seats in the Rajya Sabha allocated to Union territories.
- Section 27A of that Act provides that for the purpose of filling any seat or seats in the Council of States allotted to any Union territory in the Fourth Schedule to the Constitution, there shall be an electoral college for each such territory.

- The State of Uttar Pradesh has the maximum number of members (31).
- The States of Arunachal Pradesh, Goa, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura have got only 1 member each.
- Consequent to the reorganisation of States and the formation of new States, the number of elected seats in the Rajya Sabha allotted to States and Union Territories has changed from time to time since 1952.
- The Union territories of Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli, Daman and Diu and Chandigarh do not have any representatives in the Rajya Sabha.

**Allocation of seats in Rajya Sabha to each State/Union Territory - Fourth Schedule**

State/Union Territory	Number of Seats
Andhra Pradesh	11
Arunachal Pradesh	1
Assam	7
Bihar	16
Chhattisgarh	5
Goa	1
Gujarat	11
Haryana	5
Himachal Pradesh	3
Jharkhand	6
Karnataka	12
Kerala	9
Madhya Pradesh	11
Maharashtra	19
Manipur	1
Meghalaya	1
Mizoram	1
Nagaland	1
Odisha	10

Punjab	7
Rajasthan	10
Sikkim	1
Tamil Nadu	18
Telangana	7
Tripura	1
Uttar Pradesh	31
Uttarakhand	3
West Bengal	16
National Capital Territory of Delhi	3
Puducherry	1
Jammu & Kashmir	4
Nominated Members	12
<b>Total</b>	<b>245</b>

## History of Fourth Schedule

The fourth schedule of the Indian Constitution has evolved over the years, and it has been briefly discussed below:

- When the Constitution was adopted in 1949, the Rajya Sabha was to consist of 217 members, of which 12 members were to be nominated by the President and the remaining 205 elected to represent the States.
- When the Constitution came into force on 26 January 1950, the Rajya Sabha was to consist of 216 members, of which 12 members were to be nominated by the President and the remaining 204 elected to represent the States.

- The Fourth Schedule was amended by the Andhra State Act, 1953, the States Reorganisation Act, 1956, and the Bihar and West Bengal (Transfer of Territories) Act, 1956.
- The total number of elective seats increased from 204 to 207 in 1954 and from 207 to 220 in 1956 (addition of thirteen seats).
- Similarly, the Fourth Schedule was amended every time when a new state is formed or any amendment is made to the existing acts.
- Finally, the present strength, however, is 245 members of whom 233 are representatives of the States and Union territories and 12 are nominated by the President.

## Frequently Asked Questions about Fourth Schedule

### What is the maximum strength of Rajya Sabha?

According to Article 80, the maximum strength of Rajya Sabha is 250 Members, of which 238 are to be elected and 12 are to be nominated by the President of India.

### What is the present strength of Rajya Sabha?

At present, there are 238 members and out of this, there are 12 nominated members. Moreover, there exists 7 vacant seats.

### Should a member be a domicile of the State from which he is elected to Rajya Sabha?

No. He has to be an elector in a parliamentary constituency anywhere in India.