

**Himachal Pradesh State Legislature (Delegation of Powers)  
Act, 1993**

**5 of 1993**

**[30th March, 1993]**

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**Himachal Pradesh State Legislature (Delegation of Powers)  
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An Act to confer on the President the power of the Legislature of the State of Himachal Pradesh to make laws Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:-

**1. Short title :-**

This Act may be called the Himachal Pradesh State Legislature (Delegation of Powers) Act, 1993.

**2. Definition :-**

In this Act, "Proclamation" means the Proclamation issued on the 15th day of December, 1992, under Article 356 of the Constitution, by the President and published with the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 928(E) of the said date.

**3. Conferment on the President of the power of the State Legislature to make laws :-**

(1) The power of the Legislature of the State of Himachal Pradesh to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is hereby

conferred on the President.

(2) In exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact, as President's Act, a Bill containing such provisions as he considers necessary: Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a Committee constituted for the purpose, consisting of ten members of the House of the People nominated by the Speaker and five members of the Council of States nominated by the Chairman.

(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament.

(4) Either House of Parliament may, by resolution passed within thirty days from the date on which the Act has been laid before it under sub-section (3), which period may be comprised in one session or in two successive sessions, direct any modifications to be made in the Act and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeeding, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2): Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended.

NOTES It is true that the President's rule came to an end recently, but under Art. 357(2) of the Constitution an Act passed by the President thereunder remains in force for one year after the Proclamation made under Art. 356 has ceased to operate. The operation of such an Act is not coterminus with the subsistence of the said Proclamation. There is a distinction between the necessity for the Act and its legal competency. Even though the circumstances owing to which the Act was enacted no longer subsist, that is a matter primarily for the Legislature and not for a Court of law to consider. *Mohd. Salim Khan v. C.C. Bose*, (1972) 2 SCC 607: AIR 1972 SC 1670: 1973 SCC (Cri) 35: 1972 Cri LJ 1020.