

**TAMIL NADU LEGISLATIVE COUNCIL (ABOLITION) ACT,
1986**

40 of 1986

[30th August, 1986]

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**TAMIL NADU LEGISLATIVE COUNCIL (ABOLITION) ACT,
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An Act to provide for the abolition of the Legislative Council of the State of Tamil Nadu and for matters supplemental, incidental and consequential thereto Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows :-

1. Short title and commencement :-

(1) This Act may be called the Tamil Nadu Legislative Council (Abolition) Act, 1986.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. NOTES Article 169 of the Constitution provides : 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.

2. Definitions :-

In this Act, unless the context otherwise requires,-

(a) "appropriate Government" means, as respects a law relating to a matter enumerated in List I in the Seventh Schedule to the Constitution, the Central Government, and as respects any other law, the State Government ;

(b) "article" means an article of the Constitution ;

(c) "Council" means the Legislative Council of the State of Tamil Nadu;

(d) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or any part of the State of Tamil Nadu;

(e) "Legislative Assembly" means the Legislative Assembly of the State of Tamil Nadu.

3. Abolition of the Council :-

(1) The Legislative Council of the State of Tamil Nadu is hereby abolished.

(2) On the abolition of the Council, every member thereof shall cease to be such member.

4. Amendment of Article 168 :-

In sub-clause (a) of clause (1) of Article 168, the words "Tamil Nadu", shall be omitted.

5. Amendment of Act 43 of 1950 :-

In the Representation of the People Act, 1950,-

(a) in the T'hird Schedule, entry No. 4 relating to Tamil Nadu shall

be omitted,

(b) in the Fourth Schedule, the heading "Tamil Nadu" and the entries thereunder shall be omitted.

6. Repeal of the Delimitation of Council Constituencies (Madras) Order, 1951 :-

The Delimitation of Council Constituencies (Madras) Order, 1951, is hereby repealed.

7. Provision as to pending Bills :-

(1) A Bill pending in the Council immediately before the commencement of this Act which has not been passed by the Legislative Assembly shall lapse on the abolition of the Council.

(2) A Bill pending in the Council immediately before the commencement of this Act which has been passed by the Legislative Assembly shall not lapse on the abolition of the Council, but on such abolition shall be deemed to have been passed before such commencement by both Houses of the Legislature of the State of Tamil Nadu in the form in which it was passed by the Legislative Assembly.

(3) If a Bill which having been passed by the Legislative Assembly is, before the commencement of this Act, either rejected by the Council or passed by the Council with amendments, the legislative Assembly may, after such commencement, pass the Bill again with or without such amendments, if any, as have been made by the Council and the Bill so passed shall be deemed to be a Bill introduced in and passed by the Legislative Assembly after the commencement of this Act.

8. Power to adapt laws :-

The appropriate Government may, before the expiration of one year from the commencement of this Act, by order, published in the Official Gazette, make such adaptations and modifications of any law made before such commencement whether by way of repeal or amendment as may be necessary or expedient in consequence of the abolition of the Council under Section 3, and thereupon every such law shall have effect subject to the adaptations and modifications so made.

9. Power to construe laws :-

Notwithstanding that no provision or insufficient provision has been

made under Section 8 for the adaptation or modification of a law made before the commencement of this Act, any court, tribunal or authority required or empowered to enforce such law may construe the law in such manner, without affecting the substance, as may be necessary or proper on account of the abolition of the Council, in regard to the matter before the court, tribunal or authority.