

**TAMIL NADU STATE LEGISLATURE (DELEGATION OF
POWERS) ACT, 1988**

21 of 1988

[8th April, 1988]

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**TAMIL NADU STATE LEGISLATURE (DELEGATION OF
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An Act to confer on the President the power of the Legislature of the State of Tamil Nadu to make laws Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :-

1. Short title :-

This Act may be called the Tamil Nadu State Legislature (Delegation of Powers) Act, 1988.

2. Definition :-

In this Act, "Proclamation" means the Proclamation issued on the 30th January, 1988 under Art.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. 66(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 Tamil Nadu to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of the Parliament, is hereby conferred on the President.

NOTES Where powers and duties are interconnected and it is not possible to separate one from the other in such case the powers may be delegated while duties are retained and vice versa, the delegation of powers takes with it the duties. *Syed Shah v. Commr. of Wakfs, W.B.*, (1961) 3 SCR 759; also see *State of Bombay v. Shivbalak*, (1965) 1 SCC 211 ; *Dalmarn v. Asstt. Commr.*, (1964) 2 SCR 286.

(2) In the exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact, as a 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 forty members of the House of the People nominated by the Speaker and twenty 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 and amending Act under sub-section (2) : Provided that nothing in this sub-section shall effect the validity of the Act or of any action taken thereunder before it is so amended.