

THE TAMIL NADU LEGISLATIVE COUNCIL
(ABOLITION) ACT, 1986

No. 40 OF 1986

[30th August, 1986.]

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:—

Short
title and
commence-
ment.

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

(2) It shall come into force on¹ such date as the Central Government may, by notification in the Official Gazette, appoint.

Defini-
tions.

2. 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.

Abolition
of the
Council.

3. (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.

Amend-
ment of
article
168.

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

Amend-
ment of
Act 43 of
1950.

5. In the Representation of the People Act, 1950,—

(a) in the Third Schedule, entry No. 4 relating to Tamil Nadu shall be omitted;

¹ 1-11-1986 : *Vide* Notification No. G. S. R. 1154 (E), dated 20-10-1986, Gazette of India, 1986, Extraordinary, Part II, Section 3 (i).

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

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 The Delimitation of Council Constituencies (Madras) Order, 1951, is hereby repealed.

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

7. (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.

Provision as to pending Bills.

(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. 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.

Power to adapt laws.

9. 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.

Power to construe laws.