

Bill No. XXI of 2012

THE TAMIL NADU LEGISLATIVE COUNCIL (REPEAL) BILL, 2012

A

BILL

to provide for the repeal of the Tamil Nadu Legislative Council Act, 2010 and to make consequential amendments in the Representation of the People Act, 1950 and the Representation of the People Act, 1951 and for matters incidental and consequential thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. This Act may be called the Tamil Nadu Legislative Council (Repeal) Act, 2012.

Short title.

2. The Tamil Nadu Legislative Council Act, 2010 is hereby repealed.

Repeal of Act
16 of 2010.

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

5 (a) in the Third Schedule, entry No. 7 relating to Tamil Nadu shall be omitted;

Amendment
of Act 43 of
1950.

 (b) in the Fourth Schedule, the heading “TAMIL NADU” and the entries there-
under shall be omitted.

4. In section 15A of the Representation of the People Act, 1951, the words and figures
“and constituting the Legislative Council of the State of Tamil Nadu under the Tamil Nadu
10 Legislative Council Act, 2010” shall be omitted.

Amendment
of section
15A of Act
43 of 1951.

Repeal of
Delimitation
of Council
Constituencies (Tamil
Nadu) Order,
2010.

5. The Delimitation of Council Constituencies (Tamil Nadu) Order, 2010 made by the President in pursuance of sub-section (3) of section 3 of the Tamil Nadu Legislative Council Act, 2010 published vide S.O. 2399 (E), dated the 30th September, 2010 in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) is hereby repealed. 16 of 2010.

STATEMENT OF OBJECTS AND REASONS

In pursuance of the resolution passed by the Tamil Nadu Legislative Assembly on the 12th April, 2010 under clause (1) of article 169 of the Constitution, the Tamil Nadu Legislative Council Act, 2010 was enacted by Parliament to provide for the creation of Legislative Council for the State of Tamil Nadu and for matters supplemental, incidental and consequential thereto.

2. Clause (1) of article 169 of the Constitution provides that 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 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.

3. Before the Legislative Council could be constituted in accordance with the aforesaid Act, the Tamil Nadu Legislative Assembly passed another resolution on the 7th June, 2011 to the effect that the decision to create Legislative Council in the State of Tamil Nadu be withdrawn and that the necessary legislation may be passed containing such provisions for the amendment of the Constitution and such other laws as may be necessary to give effect to the said decision as the Parliament may deem necessary.

4. In view of the aforesaid, it is proposed to repeal the Tamil Nadu Legislative Council Act, 2010 and the Delimitation of Council Constituencies (Tamil Nadu) Order, 2010 and to make consequential amendments in the Representation of the People Act, 1950 and the Representation of the People Act, 1951.

5. Article 168 of the Constitution contains provision for constitution of two Houses of the Legislatures in the States mentioned therein *i.e.*, Legislative Council and the Legislative Assembly. Section 3 of the Tamil Nadu Legislative Council Act, 2010 confers power upon the President for issuing an order appointing a date on which the name of State of Tamil Nadu shall be inserted in sub-clause (a) of clause (1) of article 168 of the Constitution for the purpose of constitution of Legislative Council in that State. The President has so far not issued any order for the said purpose. After repeal of the Tamil Nadu Legislative Council Act, 2010, there would be no need to amend article 168 of the Constitution as the State of Tamil Nadu has not been included in the said article for the purpose of constitution of the Legislative Council in that State, as the aforesaid Order is yet to be issued.

6. The Bill seeks to achieve the above objects and also provides for matters incidental and consequential to such repeal.

NEW DELHI;
The 24th April, 2012.

SALMAN KHURSHID

ANNEXURE

EXTRACTS FROM THE REPRESENTATION OF THE PEOPLE ACT, 1950

(43 OF 1950)

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THE THIRD SCHEDULE

(See section 10)

Allocation of Seats in the Legislative Councils

Name of State	Number to be elected or nominated under article 171(3)					
	Total number of seats	Sub-clause (a)	Sub-clause (b)	Sub-clause (c)	Sub-clause (d)	Sub-clause (e)
1	2	3	4	5	6	7
*	*	*		*		*
7. Tamil Nadu	78	26	7	7	26	12

THE FOURTH SCHEDULE

[See Section 27(2)]

Local authorities for purposes of elections to Legislative Councils

TAMIL NADU

1. Municipalities, as referred to in article 243Q of the Constitution.
2. Panchayat Union Councils.
3. Cantonment Boards.
4. District Panchayats referred to in the Tamil Nadu Panchayat Act, 1994.

Tamil Nadu Act 21 of 1994.

EXTRACT FROM THE REPRESENTATION OF THE PEOPLE ACT, 1951

(43 OF 1951)

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Notification for certain elections to Legislative Councils.

15A. For the purpose of constituting the Legislative Council of the State of Madhya Pradesh under the States Reorganisation Act, 1956, and constituting the Legislative Council of the State of Andhra Pradesh and Constituting the Legislative Council of the State of Tamil Nadu and the Tamil Nadu Legislative Council Act, 2010, the Governor of each of the aforesaid States shall, by one or more notifications published in the Official Gazette of the State on such date or dates as may be recommended by the Election Commission, call upon the members of the Legislative Assembly of the State and all the Council constituencies to elect members in accordance with the provisions of this Act and of the rules and orders made thereunder.

37 of 1956.

16 of 2010.

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RAJYA SABHA

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BILL

to provide for the repeal of the Tamil Nadu Legislative Council Act, 2010 and to make consequential amendments in the Representation of the People Act, 1950 and the Representation of the People Act, 1951 and for matters incidental and consequential thereto.

(Shri Salman Khurshid, Minister of Law and Justice)