

The Punjab Legislative Council (Abolition) Act, 1969

PUNJAB

India

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Act 46 of 1969

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1295.

Under article 169 of the Constitution, Parliament may, by law, provide for abolition of the Legislative Council of a State having such a Council, if the Legislative Assembly and by a majority of not less than two-thirds of the Assembly present and voting. On 24th April, 1969, the Legislative Assembly of the State of Punjab has passed a resolution, in term of article 169 of the Constitution for the abolition of the Legislative Council of that State. In pursuance of this resolution, it is proposed to abolished the Legislative Council of the State of Punjab. The Bill seeks to give effect to the object and also provides for matters supplemental incidental and consequential to such abolition-Gazette of India, 25-7-1969, Pt. II, Section 2 , Ext., p. 614.[27th December, 1969]An Act to provide for the abolition of the Legislative Council of the State of Punjab and for matters supplemental, incidental and consequential thereto.BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:--

1. Short title and commencement.

(1)This Act may be called the Punjab Legislative Council (Abolition) Act, 1969.(2)It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

Enforced w.e.f. 7th January, 1970 : vide Notification No. G.S.R. 72, dated 7th January, 1970, Gazette of India, Extraordinary, Pt. II, Section 3 (i), p. 13.

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 Punjab;(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 Punjab;(e)"Legislative Assembly" means the Legislative Assembly of the State of Punjab.

3. Abolition of the Council.

(1)The Legislative Council of the State of Punjab 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 word ", Punjab", shall be omitted.

5. Amendment of Act 43 of 1950.

-In the Representation of the People Act, 1950,-(a)in the Third Schedule, entry No. 7 relating to Punjab shall be omitted;(b)in the Fourth Schedule, the heading "Punjab" and the entries thereunder shall be omitted.

6. Repeal of Delimitation of Council Constituencies (Punjab) Order, 1951.

-The Delimitation of Council Constituencies (Punjab) 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 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 Punjab in the form in which it was passed by the Legislative Assembly.(3)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, 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 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 law made before the commencement of this Act, any court, tribunal or authority required or empowere 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.