

**JAMMU AND KASHMIR STATE LEGISLATURE (DELEGATION
OF POWERS) ACT, 1992**

21 of 1992

[16th May, 1992]

CONTENTS

1. Short title
2. Definition
- 3 . Conferment on the President of the power of the State
Legislature to make laws

**JAMMU AND KASHMIR STATE LEGISLATURE (DELEGATION
OF POWERS) ACT, 1992**

21 of 1992

[16th May, 1992]

An Act to confer on the President the power of the Legislature of the State of Jammu and Kashmir to make laws Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:-

1. Short title :-

This Act may be called the Jammu and Kashmir State Legisla- ture (Delegation of Powers) Act, 1992.

2. Definition :-

In this Act, "Proclamation" means the Proclamation issued on the 18th day of July 1990, 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. 647(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 Jammu and Kashmir to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of

Parliament, is hereby conferred on the President

(2) In 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 ten members of the House of the People nominated by the Speaker and five 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 an amending Act under sub-section (2): Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended. NOTES Proclamation.-Clause (2) of Art. 357 makes it plain that the period for which a law made under Art. 356(1) remains in force is not co-terminous with the duration of the Proclamation. Nishi Kanta Mondal v. State of W.B.. (1972) 2 SCC 486.487: AIR 1972 SC 1497: 1972 SCC (Cri) 771: 1972 Cri LJ 904. Article 357(1) (a) empowers Parliament to confer on the President the power of the Legislature of the State to make laws and to authorise the President to delegate the powers so conferred to any other authority he chooses to specify. This power cannot be delegated and only Parliament can confer the requisite authority on the President. It cannot leave the decision to somebody else and authorise him to do it though that would have been the case had it not been for this express authorising. In re Art. 143, 1951 SCR 747,1116: AIR 1951 SC 332,438: 1951 Bh LR (SC) 311.