

The Gazette  of India

EXTRAORDINARY

PART II—Section 2

PUBLISHED BY AUTHORITY

No. 15] NEW DELHI, WEDNESDAY, APRIL 18, 1956

LOK SABHA

The following Bills were introduced in the Lok Sabha on 18th April, 1956:—

Bill* No. 28 of 1956.

A Bill to provide for the extension of certain laws to the State of Jammu and Kashmir

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Jammu and Kashmir (Extension of Laws) Act, 1956. Short title and commencement.
- 5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. (1) The Acts and Ordinance mentioned in the Schedule and all rules, orders, and regulations made thereunder are hereby extended to, and shall be in force in, the State of Jammu and Kashmir. Extension and amendment of certain laws.
- 10 (2) With effect from the commencement of this Act, the Acts and Ordinance mentioned in the Schedule shall be amended as specified therein.
3. Any reference in any Act or in the Ordinance mentioned in the Schedule to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a Construction of references to laws not in force in Jammu and Kashmir.
- 15 reference to the corresponding law, if any, in force in that State.

*The President has, in pursuance of clauses (1) and (3) of article 117 of the Constitution of India, recommended to Lok Sabha, the introduction and consideration of the Bill.

Bill No. 29 of 1956

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Ninth Amendment) Act, 1956.

Short title
and com-
mencement.

6 (2) It shall come into force on the 1st day of October, 1956.

2. (1) In article 1 of the Constitution,—

Amendment
of article 1
and First
Schedule.

(a) for clause (2), the following clause shall be substituted, namely:—

10 “(2) The States and the territories thereof shall be as specified in the First Schedule” and

(b) in clause (3), for sub-clause (b), the following sub-clause shall be substituted, namely:—

“(b) the Union territories specified in the First Schedule; and”.

(2) For the First Schedule to the Constitution, the following Schedule shall be substituted, namely:—

“FIRST SCHEDULE

[Articles 1 and 4]

I. THE STATES

5

<i>Name</i>	<i>Territories</i>
1. Andhra-Telangana	. The territories specified in sub-section (1) of section 3 of the Andhra State Act, 1953 and the territories specified in sub-section (1) of section 3 of the States Reorganisation Act, 1956. 10
2. Assam The territories which immediately before the commencement of this Constitution were comprised in the Province of Assam, the Khasi States and the Assam Tribal Areas, but excluding the territories specified in the Schedule to the Assam (Alteration of Boundaries) Act, 1951. 15
3. Bihar The territories which immediately before the commencement of this Constitution were either comprised in the Province of Bihar or were being administered as if they formed part of that Province. 20
4. Gujarat The territories specified in sub-section (1) of section 10 of the States Reorganisation Act, 1956. 25
5. Kerala The territories specified in sub-section (1) of section 5 of the States Reorganisation Act, 1956.
6. Madhya Pradesh The territories specified in sub-section (1) of section 11 of the States Reorganisation Act, 1956. 30
7. Madras The territories which immediately before the commencement of this Constitution were either comprised in the Province of Madras or were being administered as if they formed part of that Province and the territories specified in section 4 of the States Reorganisation Act, 1956, but excluding the territories specified in sub-section (1) of section 3 and sub-section (1) of section 4 of the Andhra State Act, 1953 and the territories specified in clause (b) of sub-section (1) of section 5, section 6 and clause (d) of sub-section (1) of section 7 of the States Reorganisation Act, 1956. 40
8. Maharashtra The territories specified in sub-section (1) of section 9 of the States Reorganisation Act, 1956. 45

	<i>Name</i>	<i>Territories</i>
	9. Mysore	The territories specified in sub-section (x) of section 7 of the States Reorganisation Act, 1956.
5	10. Orissa	The territories which immediately before the commencement of this Constitution were either comprised in the Province of Orissa or were being administered as if they formed part of that Province.
10	11. Punjab	The territories specified in section 13 of the States Reorganisation Act, 1956.
	12. Rajasthan	The territories specified in section 12 of the States Reorganisation Act, 1956.
15	13. Uttar Pradesh	The territories which immediately before the commencement of this Constitution were either comprised in the Province known as the United Provinces or were being administered as if they formed part of that Province.
20	14. West Bengal	The territories which immediately before the commencement of this Constitution were either comprised in the Province of West Bengal or were being administered as if they formed part of that Province and the territory of Chandernagore as defined in clause (o) of section 2 of the Chandernagore (Merger) Act, 1954.
25		
30	15. Jammu and Kashmir	The territory which immediately before the commencement of this Constitution was comprised in the Indian State of Jammu and Kashmir.

II. THE UNION TERRITORIES

	<i>Name</i>	<i>Extent</i>
35	1. Bombay	The territory specified in section 8 of the States Reorganisation Act, 1956.
	2. Delhi	The territory which immediately before the commencement of this Constitution was comprised in the Chief Commissioner's Province of Delhi.
40	3. Himachal Pradesh	The territories which immediately before the commencement of this Constitution were being administered as if they were Chief Commissioners' Provinces under the names of Himachal Pradesh and Bilaspur.
45		

<i>Name</i>	<i>Extent</i>
4. Manipur	The territory which immediately before the commencement of this Constitution was being administered as if it were a Chief Commissioner's Province under the name of Manipur. 5
5. Tripura	The territory which immediately before the commencement of this Constitution was being administered as if it were a Chief Commissioner's Province under the name of Tripura. 10
6. The Andaman and Nicobar Islands.	The territory which immediately before the commencement of this Constitution was comprised in the Chief Commissioner's Province of the Andaman and Nicobar Islands. 15
7. The Laccadive, Minicoy and Amindivi Islands.	The territory specified in section 6 of the States Reorganisation Act, 1956." 15

Amendment of article 80 and Fourth Schedule.

3. (1) In article 80 of the Constitution,—
- (a) in sub-clause (b) of clause (1), after the word "States", 20
the words "and of the Union territories" shall be added;
- (b) in clause (2), after the words "of the States", the words
"and of the Union territories" shall be inserted;
- (c) in clause (4), the words and letters "specified in Part
A or Part B of the First Schedule" shall be omitted; and 25
- (d) in clause (5), for the words and letter "States specified
in Part C of the First Schedule", the words "Union territories"
shall be substituted.
- (2) For the Fourth Schedule to the Constitution, the following
Schedule shall be substituted, namely:— 30

"FOURTH SCHEDULE

[Articles 4(1) and 80(2)]

Allocation of seats in the Council of States

To each State or Union territory specified in the first column of the following table, there shall be allotted the number of seats 35 specified in the second column thereof opposite to that State or that Union territory, as the case may be.

TABLE

1. Andhra-Telangana	.. 18	
2. Assam	.. 7	40

	3. Bihar	..	23
	4. Gujarat	..	11
	5. Kerala	..	9
	6. Madhya Pradesh	..	16
5	7. Madras	..	17
	8. Maharashtra	..	17
	9. Mysore	..	12
	10. Orissa	..	10
	11. Punjab	..	11
10	12. Rajasthan	..	10
	13. Uttar Pradesh	..	34
	14. West Bengal	..	15
	15. Jammu and Kashmir	..	4
	16. Bombay	..	3
15	17. Delhi	..	2
	18. Himachal Pradesh	..	1
	19. Manipur	..	1
	20. Tripura	..	1
		TOTAL	222"

20 4. For articles 81 and 82 of the Constitution, the following articles shall be substituted, namely:—

Substitution of new articles for articles 81 and 82.

"81. (1) Subject to the provisions of article 331, the House of the People shall consist of—

Composition of the House of the People.

25 (a) not more than five hundred members chosen by direct election from territorial constituencies in the States, and

(b) not more than twenty members to represent the Union territories, chosen in such manner as Parliament may by law provide.

30 (2) For the purposes of sub-clause (a) of clause (1),—

(a) there shall be allotted to each State a number of seats in the House of the People in such manner that the ratio between that number and the population of the State is, so far as practicable, the same for all States; and

(b) each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it is, so far as practicable, the same throughout the State.

(3) In this article, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published. 5

Readjustment after each census.

82. Upon the completion of each census, the allocation of seats in the House of the People to the States and the division of each State into territorial constituencies shall be readjusted 10 by such authority and in such manner as Parliament may by law determine:

Provided that such readjustment shall not affect representation in the House of the People until the dissolution of the then existing House." 15

Amendment of article 131.

5. In article 131 of the Constitution, for the proviso, the following proviso shall be substituted, namely:—

"Provided that the said jurisdiction shall not extend to a dispute arising out of any treaty, agreement, covenant, engagement, *sanad* or other similar instrument which, having been 20 entered into or executed before the commencement of this Constitution, continues in operation after such commencement or which provides that the said jurisdiction shall not extend to such a dispute."

Amendment of article 153.

6. To article 153 of the Constitution, the following proviso shall 25 be added, namely:—

"Provided that nothing in this article shall prevent the appointment of the same person as Governor for two or more States."

Amendment of article 153.

7. (1) In clause (1) of article 168 of the Constitution, in sub- 30 clause (a), the word "Bombay" shall be omitted and after the word "Madras", the word "Mysore" shall be inserted.

(2) In the said sub-clause, as from such date as the President may, by public notification appoint, after the word "Bihar", the words "Madhya Pradesh" shall be inserted. 35

Substitution of new article for article 170.

8. For article 170 of the Constitution, the following article shall be substituted, namely:—

Composition of the Legislative Assemblies.

"170. (1) Subject to the provisions of article 333, the Legislative Assembly of each State shall consist of not more than five hundred, and not less than sixty, members chosen by direct 40 election from territorial constituencies in the State.

(2) For the purposes of clause (1), each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the State.

Explanation.—In this clause, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published.

(3) Upon the completion of each census, the total number of seats in the Legislative Assembly of each State and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine:

Provided that such readjustment shall not affect representation in the Legislative Assembly until the dissolution of the then existing Assembly.”.

9. In clause (1) of article 171 of the Constitution, for the word “one-fourth”, the word “one-third” shall be substituted. Amendment of article 171.

10. In article 216 of the Constitution, the proviso shall be omitted. Amendment of article 216.

11. In article 217 of the Constitution, in clause (1), for the words “shall hold office until he attains the age of sixty years”, the following words and figures shall be substituted, namely:— Amendment of article 217.

“shall hold office, in the case of an additional or acting Judge, as provided in article 224, and in any other case, until he attains the age of sixty years”.

12. For article 220 of the Constitution, the following article shall be substituted, namely:— Substitution of new article for article 220.

“220. No person who, after the commencement of this Constitution, has held office as a permanent Judge of a High Court shall plead or act in any court or before any authority in India except the Supreme Court and the other High Courts.”. Restriction on practice after being a permanent Judge.

13. In article 222 of the Constitution,—

(a) in clause (1), the words “within the territory of India” shall be omitted; and

(b) clause (2) shall be omitted.

Amendment of article 222.

Substitution of new article for article 224. 14. For article 224 of the Constitution, the following article shall be substituted, namely:—

Appointment of additional and acting Judges.

“224. (1) If by reason of any temporary increase in the business of a High Court or by reason of arrears of work therein, it appears to the President that the number of the Judges of that Court should be for the time being increased, the President may appoint duly qualified persons to be additional Judges of the Court for such period not exceeding two years as he may specify. 5

(2) When any Judge of a High Court other than the Chief Justice is by reason of absence or for any other reason unable to perform the duties of his office or is appointed to act temporarily as Chief Justice, the President may appoint a duly qualified person to act as a Judge of that Court until the permanent Judge has resumed his duties.”. 15

Substitution of new articles for articles 230, 231 and 232. 15. For articles 230, 231 and 232 of the Constitution, the following articles shall be substituted, namely:—

Extension of jurisdiction of High Courts to Union territories.

“230. (1) Parliament may by law extend the jurisdiction of a High Court to, or exclude the jurisdiction of a High Court from, any Union territory. 20

(2) Where the High Court of a State exercises jurisdiction in relation to a Union territory,—

(a) nothing in this Constitution shall be construed as empowering the Legislature of the State to increase, restrict or abolish that jurisdiction; and 25

(b) the reference in article 227 to the Governor shall, in relation to any rules, forms or tables for subordinate courts in that territory, be construed as a reference to the President.

Establishment of a common High Court for two or more States.

231. (1) Notwithstanding anything contained in the preceding provisions of this Chapter, Parliament may by law establish a common High Court for two or more States or for two or more States and a Union territory. 30

(2) In relation to any such High Court,—

(a) the reference in article 217 to the Governor of the State shall be construed as a reference to the Governors of all the States in relation to which the High Court exercises jurisdiction; 35

(b) the reference in article 227 to the Governor shall, in relation to any rules, forms or tables for subordinate courts be construed as a reference to the Governor of the State in which the subordinate courts are situate; and

5 (c) the references in articles 219 and 229 to the State shall be construed as a reference to the State in which the High Court has its principal seat:

10 Provided that if such principal seat is in a Union territory, the references in articles 219 and 229 to the Governor, Public Service Commission, Legislature and Consolidated Fund of the State shall be construed respectively as references to the President, Union Public Service Commission, Parliament and Consolidated Fund of India.”.

16. In Part VIII of the Constitution,—

Amendment
of Part VIII.

15 (a) for the heading “THE STATES IN PART C OF THE FIRST SCHEDULE”, the heading “THE UNION TERRITORIES” shall be substituted; and

(b) for articles 239 and 240, the following articles shall be substituted, namely:—

20 “239. Every Union territory shall be administrated by the President acting, to such extent as he thinks fit, through a Chief Commissioner or other authority to be appointed by **him**; Administration of Union territories.

25 Provided that the President may by regulation made under article 240 constitute for any such territory a council of advisers to the Chief Commissioner or other authority with such functions as may be specified in the regulation.

30 240. The President may make regulations for the peace and good government of any Union territory and any regulation so made may repeal or amend any law made by Parliament or any existing law which is for the time being applicable to any such territory and, when promulgated by the President shall have the same force and effect as an Act of Parliament which applies to such territory.”. Power of President to make regulations for Union territories.

35 17. After article 258 of the Constitution, the following article shall be inserted, namely:— Insertion of new article 258A.

40 “258A. Notwithstanding anything in this Constitution, the Governor of a State may, with the consent of the Government of India, entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of the State extends.”. Power of the States to entrust functions to the Union.

Insertion of new article 290A.

18. After article 290 of the Constitution, the following article shall be inserted, namely:—

Annual payment to the Travancore Devaswom Board.

“290A. A sum of forty-six lakhs and fifty thousand rupees shall be charged on, and paid out of, the Consolidated Fund of the State of Kerala every year to the Travancore Devaswom Board.” 5

Substitution of new article for article 298.

Power to carry on trade, etc.

19. For article 298 of the Constitution, the following article shall be substituted, namely:—

“298. The executive power of the Union and of each State shall extend to the carrying on of any trade or business and 10 to the acquisition, holding and disposal of property and the making of contracts for any purpose:

Provided that—

(a) the said executive power of the Union shall, in so far as such trade or business or such purpose is not one 15 with respect to which Parliament may make laws, be subject in each State to legislation by the State; and

(b) the said executive power of each State shall, in so far as such trade or business or such purpose is not one with respect to which the State Legislature may make 20 laws, be subject to legislation by Parliament.”.

Insertion of new article 350A.

20. After article 350 of the Constitution, the following article shall be inserted, namely:—

Facilities for instruction in mother-tongue at primary stage.

“350A. It shall be the endeavour of every State and of every local authority within the State to provide adequate 25 facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities.”. 30

Substitution of new article for article 371.

Special provision with respect to the States of Andhra-Telangana and Punjab.

21. For article 371 of the Constitution, the following article shall be substituted, namely:—

“371. Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Andhra-Telangana or Punjab, provide for the constitution and 35 functions of regional committees of the Legislative Assembly of the State, for the modifications to be made in the rules of business of the Government and in the rules of procedure of the

Legislative Assembly of the State and for any special responsibility of the Governor in order to secure the proper functioning of the regional committees.”

22. In the Second Schedule to the Constitution,—

Amendment
of the Second
Schedule.

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(a) in the heading of Part D, the words and letter “in States in Part A of the First Schedule” shall be omitted; and

(b) in paragraph 10,—

(i) for sub-paragraph (1), the following sub-paragraph shall be substituted, namely:—

10

(1) There shall be paid to the Judges of High Courts, in respect of time spent on actual service, salary at the following rates per mensem, that is to say,—

15

A. In the case of any High Court other than the High Court of Kerala, Mysore or Rajasthan—

	Rs.
The Chief Justice	4,000
Any other Judge	3,500

B. In the case of the High Courts of Kerala, Mysore or Rajasthan—

20

The Chief Justice	3,000
Any other Judge	2,500

25

Provided that if a Judge of any such High Court at the time of his appointment is in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Government of India or any of its predecessor Governments or under the Government of a State or any of its predecessor Governments, his salary in respect of service in the High Court shall be reduced by the amount of that pension.”;

30

(ii) sub-paragraphs (3) and (4) shall be omitted.

23. In the Seventh Schedule to the Constitution, entry 33 of the Union List and entry 36 of the State List shall be omitted and for entry 42 of the Concurrent List, the following entry shall be substituted, namely:—

Modification
of entries in
the Lists rela-
ting to acqui-
sition and re-
quisitioning
of property.

“42. Acquisition and requisitioning of property.”

35

Amendment of certain provisions relating to ancient and historical monuments, etc.

24. In each of the following provisions of the Constitution, namely:—

- (i) entry 67 of the Union List,
- (ii) entry 12 of the State List,
- (iii) entry 40 of the Concurrent List, and
- (iv) article 49,

5

for the words "declared by Parliament by law", the words "declared by or under law made by Parliament" shall be substituted.

Amendment of entry 24 of State List.

25. In the Seventh Schedule to the Constitution, in entry 24 of the State List, for the word and figures "entry 52", the words and figures "entries 7 and 52" shall be substituted.

Consequential and minor amendments and repeals and savings.

26. (1) The consequential and minor amendments and repeals directed in the Schedule shall be made in the Constitution and in the Constitution (Removal of Difficulties) Order, No. VIII, made under article 392 of the Constitution.

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(2) Notwithstanding the repeal of article 243 of the Constitution by the said Schedule, all regulations made by the President under that article and in force immediately before the commencement of this Act shall continue in force until altered or repealed or amended by a competent Legislature or other competent authority.

20

THE SCHEDULE

(See section 26)

CONSEQUENTIAL AND MINOR AMENDMENTS AND REPEALS IN THE CONSTITUTION

Article 3.—In the proviso, omit "specified in Part A or Part B of the First Schedule".

Article 31A.—In sub-clause (a) of clause (2), for "Travancore-Cochin" substitute "Kerala".

Article 58.—In the *Explanation*, omit "or Rajpramukh or Uparajpramukh".

30

Article 66.—In the *Explanation*, omit "or Rajpramukh or Uparajpramukh".

Article 72.—In clause (3), omit "or Rajpramukh".

Article 73.—In the proviso to clause (1), omit "specified in Part A or Part B of the First Schedule".

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Article 101.—In clause (2), omit "specified in Part A or Part B of the First Schedule", and for "such a State" substitute "a State".

Article 112.—In sub-clause (d) (iii) of clause (3), for “a Province corresponding to a State specified in Part A of the First Schedule”, substitute “a Governor’s Province of the Dominion of India”.

Article 151.—In clause (2), omit “or Rajpramukh”.

5 *Part VI.*—In the heading, omit “IN PART A OF THE FIRST SCHEDULE”.

Article 152.—For “means a State specified in Part A of the First Schedule” substitute “does not include the State of Jammu and Kashmir”.

10 *Article 208.*—Omit clause (2) and renumber clause (3) as clause (2).

Article 209.—Omit “or with any rule or standing order having effect in relation to the Legislature of the State under clause (2) of that article”.

15 *Article 214.*—Omit “(1)” and clauses (2) and (3).

Article 219.—Omit “in a State”.

Article 229.—In the proviso to clause (1) and in the proviso to clause (2), omit “in which the High Court has its principal seat”.

Omit Part VII.

20 *Article 241.*—(a) In clause (1), for “State specified in Part C of the First Schedule”, substitute “Union territory”, and for “such State”, substitute “such territory”.

(b) For clauses (3) and (4), substitute—

25 “(3) Subject to the provisions of this Constitution and to the provisions of any law of the appropriate Legislature made by virtue of powers conferred on that Legislature by or under this Constitution, every High Court exercising jurisdiction immediately before the commencement of the Constitution (Sixth Amendment) Act, 1956, in relation to any Union territory shall
30 continue to exercise such jurisdiction in relation to that territory after such commencement.

(4) Nothing in this article derogates from the power of Parliament to extend or exclude the jurisdiction of a High Court for a State to, or from, any Union territory or part thereof.”.

35 *Omit article 242.*

Omit Part IX.

Article 244.—Omit “specified in Part A or Part B of the First Schedule”.

Article 246.—In clauses (2) and (3), omit “specified in Part A or Part B of the First Schedule” and in clause (4), for “in Part A or Part B of the First Schedule” substitute “in a State”.

Article 254.—In clause (2), omit “specified in Part A or Part B of the First Schedule”. 5

Article 255.—Omit “specified in Part A or Part B of the First Schedule”.

Omit article 259.

Article 264.—For article 264, substitute—

Interpreta-
tion.

264. In this Part, ‘Finance Commission’ means a Finance Commission constituted under article 280.” 10

Article 267.—In clause (2), omit “or Rajpramukh”.

Article 268.—In clause (1), for “State specified in Part C of the First Schedule” substitute “Union territory”.

Article 269.—In clause (2), for “States specified in Part C of the First Schedule” substitute “Union territories”. 15

Article 270.—In clauses (2) and (3), for “States specified in Part C of the First Schedule” substitute “Union territories”.

Omit article 278.

Article 280.—In clause (3), omit sub-clause (c) and re-letter sub-clause (d) as sub-clause (c). 20

Article 283.—In clause (2), omit “or Rajpramukh”.

Article 291.—Omit “(1)” and clause (2).

Article 299.—In clause (1), omit “or the Rajpramukh”, and in clause (2), omit “nor the Rajpramukh”. 25

Omit article 306.

Article 308.—For “means a State specified in Part A or Part B of the First Schedule” substitute “does not include the State of Jammu and Kashmir”.

Article 309.—Omit “or Rajpramukh”. 30

Article 310.—In clause (1), omit “or, as the case may be, the Rajpramukh”, and in clause (2), omit “or Rajpramukh” and “or the Rajpramukh”.

Article 311.—In clause (2), omit “or Rajpramukh”.

Article 315.—In clause (4), omit “or Rajpramukh”.

Article 316.—In clauses (1) and (2), omit “or Rajpramukh”.

Article 317.—In clause (2), omit “or Rajpramukh”.

Article 318.—Omit “or Rajpramukh”.

5 *Article 320.*—In clause (3), omit “or Rajpramukh” and “or Rajpramukh, as the case may be”, and in clause (5), omit “or Rajpramukh”.

Article 323.—In clause (2), omit “or Rajpramukh” and “or Rajpramukh, as the case may be”.

10 *Article 324.*—In clause (6), omit “or Rajpramukh”.

Article 332.—In clause (1), omit “specified in Part A or Part B of the First Schedule”.

Article 333.—Omit “or Rajpramukh”.

Article 337.—Omit “specified in Part A or Part B of the First
15 Schedule”.

Article 339.—In clause (1), omit “specified in Part A and Part B of the First Schedule” and in clause (2), for “any such State” substitute “a State”.

Article 341.—In clause (1), after “any State” insert “or Union
20 territory”, omit “specified in Part A or Part B of the First Schedule”, omit “or Rajpramukh” and after “that State” insert “or Union territory, as the case may be”.

Article 342.—In clause (1), after “any State” insert “or Union
25 territory”, omit “specified in Part A or Part B of the First Schedule”, omit “or Rajpramukh” and after “that State” insert “or Union territory, as the case may be”.

Article 348.—Omit “or Rajpramukh”.

Article 356.—In clause (1), omit “or Rajpramukh” and “or
Rajpramukh, as the case may be”.

30 *Article 361.*—In clauses (2), (3) and (4), omit “or Rajpramukh” and in clause (4), omit “or the Rajpramukh”.

Article 366.—Omit clause (21), and for clause (30), substitute—

35 “(30) ‘Union territory’ means any Union territory specified in the First Schedule and includes any other territory comprised within the territory of India but not specified in that Schedule”.

Article 367.—In clause (2), omit “specified in Part A or Part B of the First Schedule” and “or Rajpramukh”.

Article 368.—Omit “specified in Parts A and B of the First Schedule”.

Omit articles 379 to 391, both inclusive.

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Second Schedule.—(a) In the heading of Part A and in paragraph 1, omit “specified in Part A of the First Schedule”;

(b) in paragraph 2, omit “so specified”;

(c) in paragraph 3, for “such States” substitute “the States”;

(d) in the heading of Part B, omit “in Part A and Part B of the 10 First Schedule”;

(e) in paragraph 6, omit “specified in Part A or Part B of the First Schedule”;

(f) in the heading of Part C, omit “of a State in Part A of the First Schedule”, and for “any such State” substitute “a State”; and 15

(g) in paragraph 8, omit “of a State specified in Part A of the First Schedule”, and for “such State” substitute “a State”.

Fifth Schedule.—(a) In paragraph 1, omit “means a State specified in Part A or Part B of the First Schedule but”;

(b) in paragraph 3, omit “or Rajpramukh”;

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(c) in paragraph 4, in sub-paragraph (2), omit “or Rajpramukh, as the case may be” and in sub-paragraph (3), omit “or Rajpramukh”.

(d) in paragraph 5, in sub-paragraphs (1) and (2), omit “or Rajpramukh, as the case may be”, in sub-paragraph (3), omit “or Rajpramukh” and in sub-paragraph (5), omit “or the Rajpramukh”. 25

Seventh Schedule.—In List I,—

(a) in entry 32, omit “specified in Part A or Part B of the First Schedule”; and

(b) for entry 79, substitute,—

• “79. Extension of the jurisdiction of a High Court to, and 30 exclusion of the jurisdiction of a High Court from, any Union territory.”

CONSEQUENTIAL AMENDMENTS IN THE CONSTITUTION (REMOVAL OF
DIFFICULTIES) ORDER No. VIII

In the Constitution (Removal of Difficulties) Order No. VIII, for sub-paragraphs (1), (2) and (3) of paragraph 2, substitute—

“(1) In article 81,—

(a) in sub-clause (b) of clause (1), after the words “Union territories”, the words, letter and figures “and the tribal areas specified in Part B of the Table appended to paragraph 20 of the Sixth Schedule” shall be inserted; and

(b) to clause (2), the following proviso shall be added, namely:—

“Provided that the constituencies into which the State of Assam is divided shall not comprise the tribal areas specified in Part B of the Table appended to paragraph 20 of the Sixth Schedule.”

(2) In clause (2) of article 170, after the words “throughout the State” the following proviso shall be inserted, namely:—

“Provided that the constituencies into which the State of Assam is divided shall not comprise the tribal areas specified in Part B of the Table appended to paragraph 20 of the Sixth Schedule.””

STATEMENT OF OBJECTS AND REASONS

In order to implement the scheme of States reorganisation, it is necessary to make numerous amendments in the Constitution with effect from the 1st October, 1956. This Bill seeks to make these amendments and also some other amendments to certain provisions of the Constitution relating to the High Courts and High Court Judges, the executive power of the Union and the States, and a few entries in the legislative lists. The reasons for making the amendments are indicated below.

Clause 2.—The reorganisation scheme involves not only the establishment of new States and alterations in the area and boundaries of the existing States, but also the abolition of the three categories of States (Part A, Part B and Part C States) and the classification of certain areas as Union territories. Article 1 has to be suitably amended for this purpose and the First Schedule completely revised.

Clause 3.—The amendments proposed in article 80 are formal and consequential. The territorial changes and the formation of new States and Union territories as proposed in Part II of the States Reorganisation Bill, 1956, involve a complete revision of the Fourth Schedule of the Constitution by which the seats in the Council of States are allocated to the existing States. The present allocation is made on the basis of the population of each State as ascertained at the census of 1941 and the number of seats allotted to each Part A and Part B State is according to the formula, one seat per million for the first five millions and one seat for every additional two millions or part thereof exceeding one million. It is proposed to revise the allocation of seats on the basis of the latest census figures, but according to the same formula as before.

Clause 4.—The abolition of Part C States as such and the establishment of Union territories make extensive amendment of articles 81 and 82 inevitable. The provision in article 81(1) (b) that “the States shall be divided, grouped or formed into territorial constituencies” will no longer be appropriate, since after reorganisation each of the States will be large enough to be divided into a number of constituencies and will not permit of being grouped together with other States for this purpose or being “formed” into a single territorial constituency. Clause (2) of article 81 and article 82 will require to be combined and revised in order to make suitable provision for Union territories. Instead of amending the articles piecemeal, it is proposed to revise and simplify them. Incidentally, it is proposed in clause (1) (b) of the revised article 81 to fix a maximum for the total number of representatives that may be assigned to the Union territories by Parliament.

Clause 5.—The proposed revision of the proviso to article 131 is consequential on the disappearance of Part B States as such. The two parts of the existing proviso have been combined.

Clause 6.—Article 153 provides that there shall be a Governor for each State. Since it may be desirable in certain circumstances to appoint a Governor for two or more States, it is proposed to add a proviso to this article to remove any possible technical bar to such an appointment.

Clause 7.—Sub-clause (a) of clause (1) of article 168 provides for bi-cameral legislatures in certain States. It is proposed that, among the reorganised States, Punjab and Mysore should continue to have such a legislature, and that the enlarged Madhya Pradesh should also be provided with one. Since the constitution of a Legislative Council for Madhya Pradesh will necessarily take time, it is proposed to bring the relevant amendment of article 168 (1) (a) into force from a future date by means of a public notification of the President.

Clause 8.—This seeks to revise article 170 mainly with a view to bringing it into line with articles 81 and 82 as revised by clause 4.

Clause 9.—Under clause (1) of article 171, the maximum strength of the Legislative Council of a State is fixed at one-fourth of the strength of the Legislative Assembly of that State. Although in the larger States, like Uttar Pradesh and Bihar, this maximum is adequate, it leads to difficulties in the case of the smaller States. It is, therefore, proposed to alter the maximum to one-third of the strength of the Legislative Assembly.

Clause 10.—Article 216 empowers the President to appoint to a High Court as many judges as he may from time to time deem it necessary and also to fix the maximum number of judges for each High Court by a separate order. The proviso is of little significance from the practical point of view, since the order fixing the maximum may be changed by the President whenever necessary. The appointment of additional and acting judges for which provision is sought to be made in clause 14 will also involve either frequent modifications in the order or a fixation of the maximum number at a high figure. It is, therefore, proposed to omit the proviso to article 216.

Clause 11.—The amendment of clause (1) of article 217 proposed in this clause is consequential on the proposal to provide for the appointment of additional and acting judges for limited periods.

Clause 12.—An important factor affecting the selection of High Court Judges from the bar is the total prohibition contained in article 220 on practice after their retirement from the bench. It is proposed to revise the article so as to relax this complete ban and permit a retired judge to practise in the Supreme Court and in any High Court other than the one in which he was a permanent judge.

Clause 13.—Article 222 empowers the President to transfer judges from one High Court to another. Clause (2) of this article goes on to provide that when a judge is so transferred he shall be entitled to receive in addition to his salary a compensatory allowance. It is felt that there is no real justification for granting such an allowance and it is accordingly proposed to omit clause (2).

Clause 14.—The provision in article 224 for recalling retired judges to function on the bench of a High Court for short periods has been found to be neither adequate nor satisfactory. It is, therefore, proposed to replace this article by a provision for the appointment of additional judges to clear off arrears and for the appointment of acting judges in temporary vacancies.

Clause 15.—It is proposed to revise and simplify articles 230, 231 and 232 having regard to the constitutional position of States and Union territories after reorganisation. While under article 214 there will normally be a separate High Court for each State, power will be required to establish common High Courts for two or more States. Power will also be required to extend the jurisdiction of a High Court to a Union territory, wherever necessary, and to exclude the jurisdiction of a High Court from such territory. The revised articles 230 and 231 are designed to make these provisions.

Clause 16.—Part VIII of the Constitution provides for the administration of Part C States and Part IX for the administration of Part D territories. It is proposed to amend Part VIII to provide for the administration of Union territories and to repeal Part IX.

Clause 17.—While the President is empowered by article 258 (1) to entrust Union functions to a State Government or its officers there is no corresponding provision enabling the Governor of a State to entrust State functions to the Central Government or its officers. This lacuna has been found to be of practical consequence in connection with the execution of certain development projects in the States. It is proposed to fill the lacuna by a new article 258A.

Clause 18.—Article VIII of the Covenant entered into by the Rulers of Travancore and Cochin in May, 1949, for the formation of the United State of Travancore and Cochin provided that Travancore's obligation to contribute annually a sum of Rs. 51 lakhs to

the Travancore Devaswom Fund should continue as an obligation of the United State. This arrangement was confirmed by article 238(10) (ii) of the Constitution. It is proposed that the existing arrangement should be continued even after the formation of the new State of Kerala, but the contribution to the Travancore Devaswom Board from the Consolidated Fund of that State should, in view of the transfer of territory from Travancore-Cochin to Madras, be reduced from Rs. 51 lakhs to Rs. 46.5 lakhs.

Clause 19.—In this clause it is proposed to revise and amplify the scope of article 298, mainly to make it clear that the Union Government, as well as the State Governments, are competent to carry on any commercial or industrial undertaking, whether or not it is related to a matter within the legislative competence of the Union, or, as the case may be, of the State. Similarly, the holding, acquisition and disposal of property and the making of contracts by the Union or a State could be for any purpose without constitutional impropriety. At the same time, the revised article provides that this extended executive power of the Union and of the States will be subject, in the former case, to legislation by the State, and in the latter case, to legislation by Parliament.

Clause 20.—The new article 350A proposed in this clause is designed to implement one of the States Reorganisation Commission's important recommendations regarding safeguards for linguistic minorities in the States after reorganisation.

Clause 21.—It is proposed to replace article 371 by another article making a special provision with respect to the States of Andhra and Punjab. This article will enable the President to constitute regional committees of the State Legislative Assembly and secure their proper functioning by directing suitable modifications to be made in the rules of business of Government and in the rules of procedure of the Assembly.

Clause 22.—The High Court of Travancore-Cochin will, as from the appointed day, become the High Court for the new State of Kerala and the High Courts of Mysore and Rajasthan will continue, respectively, as the High Courts for the enlarged "new" States with the same names. Taking into account the level of income at the bar and salaries payable to the judicial services in these States, it is considered that there is no need to increase the salaries payable to the Judges of these High Courts to the level of the other High Courts. It is proposed to amend sub-paragraph (1) of paragraph 10 of the Second Schedule to the Constitution providing for a salary of Rs. 3,000 to the Chief Justices, and Rs. 2,500 to the other Judges, of these three High Courts.

Sometimes it becomes necessary to appoint a retired district judge as a judge of a High Court. In the absence of a legal provision for withholding the pension due to such a judge, it has been the practice to obtain from him an undertaking that he would not claim the pension for the period for which he serves as a High Court judge. Since this is obviously unsatisfactory, it is proposed to add a proviso to paragraph 10(1) of the Second Schedule on the same lines as the proviso to paragraph 9(1) thereof regulating the salary of a judge of the Supreme Court in similar circumstances.

Sub-paragraphs (3) and (4) of paragraph 10 are no longer required, since appropriate provision has been made in the High Court Judges (Conditions of Service) Act, 1954.

Clause 23.—The existence of three entries in the legislative lists (33 of List I, 36 of List II and 42 of List III) relating to the essentially single subject of acquisition and requisitioning of property by the Government gives rise to unnecessary technical difficulties in legislation. In order to avoid these difficulties and simplify the constitutional position, it is proposed to omit the entries in the Union and State List and replace the entry in the Concurrent List by a comprehensive entry covering the whole subject.

Clause 24.—Entry 67 of the Union List refers to “ancient and historical monuments and records, and archæological sites and remains, declared by Parliament by law to be of national importance”. A large number of ancient monuments, archæological sites, etc., have been declared to be of national importance by an Act of Parliament. It requires another Act of Parliament to make the slightest alteration in, or addition to, the lists in that Act, which seems to be an unduly cumbrous procedure. It is, therefore, proposed to amend the entry substituting for the words “declared by Parliament by law”, the words “declared by or under law made by Parliament”. The same amendment is also proposed to be made in the connected provisions, entry 12 of the State List, entry 40 of the Concurrent List and article 49.

Clause 25.—Although the Union List has two entries 7 and 52, relating to industries, the latter alone is referred to in entry 24 of List II. The omission of entry 7 of List I appears to be due to an oversight and is sought to be rectified in this clause.

Clause 26 and the Schedule.—These contain the consequential and minor amendments and repeals proposed to be made in the Constitution and in the Constitution (Removal of Difficulties) Order No. VIII pertaining to the Assam tribal areas.

GOVIND BALLABH PANT.

NEW DELHI;
The 14th April, 1956.