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LOK SABHA

The following Bills were introduced in Lok Sabha on the 30th August, 1962:—

*BILL NO. 86 OF 1962.

A Bill further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Fourteenth Amend- Short title.
ment) Act, 1962.

5 2. In article 81 of the Constitution, in sub-clause (b) of clause (1), Amendment
for the words "twenty members", the words "twenty-five members" of article 81.
shall be substituted.

3. In the First Schedule to the Constitution, under the heading Amendment
"II. THE UNION TERRITORIES", after entry 8, the following entry of the First
Schedule.
10 shall be inserted, namely:—

15 "9. Pondicherry. The territories which immediately before
the sixteenth day of August, 1962, were
comprised in the French Establishments
in India known as Pondicherry, Karikal,
Mahe and Yanam."

4. After article 239 of the Constitution, the following article Insertion of
shall be inserted, namely:— new article
239A.

20 "239A. (1) Parliament may by law create for any of the Creation of
Union territories of Himachal Pradesh, Manipur, Tripura, Goa, local Legis-
Daman and Diu, and Pondicherry— latures or
Council of
20 (a) a body, whether nominated or elected or partly Ministers or
both for
nominated and partly elected, to function as a Legislature certain
Union terri-
for the Union territory, or tories.

*The President has, in pursuance of clause (3) of article 117 of the Constitution of India, recommended to Lok Sabha the consideration of the Bill,

(b) a Council of Ministers,

or both with such constitution, powers and functions, in each case, as may be specified in the law.

(2) Any such law as is referred to in clause (1) shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution." 5

Amendment
of article
240.

5. In article 240, in clause (1),—

(a) after entry (d), the following entry shall be inserted, 10
namely:—

“(e) Pondicherry.”;

(b) the following proviso shall be inserted at the end,
namely:—

“Provided that when any body is created under article 15
239A to function as a Legislature for the Union territory of
Goa, Daman and Diu or Pondicherry, the President shall not
make any regulation for the peace, progress and good
government of that Union territory with effect from the date
appointed for the first meeting of the Legislature.” 20

Amendment
of the
Fourth
Schedule.

6. In the Fourth Schedule, in the Table,—

(a) after entry 20, the entry

“21. Pondicherry... 1” shall be inserted;

(b) for the figures “225”, the figures “226” shall be substi-
tuted. 25

Retrospec-
tive opera-
tion of
certain
provisions.

7. Section 3 and clause (a) of section 5 shall be deemed to have
come into force on the 16th day of August, 1962.

STATEMENT OF OBJECTS AND REASONS

With the ratification of the Treaty of Cession by the Governments of India and France, on the 16th August, 1962, the French establishments of Pondicherry, Karikal, Mahe and Yanam became territories of the Indian Union with effect from that date. This Bill provides for these territories being specified in the Constitution itself as a Union territory called 'Pondicherry'. Under article 81(1)(b) of the Constitution, not more than twenty members are to represent the Union territories in the House of the People. This maximum has already been reached. The Bill accordingly seeks to increase this number to twenty-five to enable representation being given immediately to Pondicherry in the House of the People and to provide for future contingencies. The Bill also provides for representation of the territory in the Council of States.

It is proposed to create Legislatures and Councils of Ministers in the Union territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu and Pondicherry broadly on the pattern of the scheme which was in force in some of the Part C States before the reorganisation of the States. The Bill seeks to confer necessary legislative power on Parliament to enact laws for this purpose through a new article 239A which follows generally the provisions of article 240 as it stood before the reorganisation of the States.

LAL BAHADUR.

NEW DELHI;

The 25th August, 1962.

FINANCIAL MEMORANDUM

The Bill provides for—

(a) the maximum number of seats in the House of the People for members representing the Union territories being raised from twenty to twenty-five (clause 2);

(b) the French establishments in India known as Pondicherry, Karikal, Mahe and Yanam being specified in the Constitution itself as a Union territory (clause 3);

(c) powers being conferred on Parliament to create by law legislatures and Councils of Ministers for the Union territories (clause 4); and

(d) allocation of one seat in the Rajya Sabha to the Union territory of Pondicherry (clause 6).

2. The provision at (a), when it is fully utilised, and the provision at (d) will altogether involve an expenditure of Rs. 60,000 per annum from the Consolidated Fund of India on account of salaries and allowances of Members of Parliament.

3. Consequent on the agreement reached between the Governments of India and France regarding *de facto* transfer of former French Establishments of Pondicherry, Karikal, Mahe and Yanam, the administration of these territories was vested in the Government of India with effect from 1st November, 1954. Since that date all expenditure connected with the administration of these territories is being met out of the Consolidated Fund of India.

4. During the current budget year, the revenue of the former French establishments has been estimated at Rs. 2,31,05,500 and expenditure at about Rs. 4,45,32,000, showing a deficit of Rs. 2,14,26,500. With the integration of these areas into the Indian Union as a Union territory, the financial administration of the territory will undergo some changes. It is not, however, possible at this stage to estimate the result of such possible changes. Generally, it is estimated that a substantial part of the expenditure on the territory will continue to be met by the Union Government from the Central revenues for some years to come.

5. Some expenditure will be incurred as and when legislatures and Councils of Ministers are created for the five Union territories in pursuance of the provisions of clause 4 of the Bill. It is not possible to estimate precisely this amount but it is likely to be of the order of about Rs. 20 lakhs per annum. This expenditure will initially be met from the Consolidated Fund of the territory concerned. However, it will have to be taken into account in determining the financial assistance which may be given to these territories by way of grants from the Consolidated Fund of India.