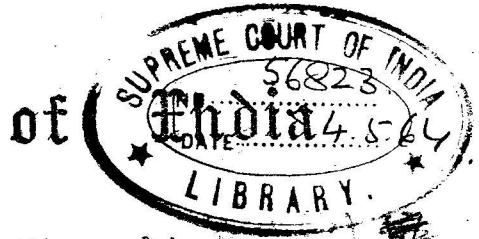


The Gazette



EXTRAORDINARY
PART II—Section 2
PUBLISHED BY AUTHORITY

Act No 4/63

No. 1] NEW DELHI, MONDAY, JANUARY 21, 1963/MAGHA 1, 1884

LOK SABHA

37

The following Bill was introduced in Lok Sabha on the 21st January, 1963:—

BILL NO. I OF 1963

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 (Sixteenth Amendment) Act, 1963. Short title.
- 5 2. In article 19 of the Constitution,—
 - (a) in clause (2), after the words "in the interests of", the words "the sovereignty and integrity of India," shall be inserted;
 - (b) in clauses (3) and (4), after the words "in the interests of", the words "the sovereignty and integrity of India or" shall be inserted. Amendment of article 19.
- 10 3. In article 84 of the Constitution, for clause (a), the following clause shall be substituted, namely:—
 - "(a) is a citizen of India, and makes and subscribes before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule;" Amendment of article 84.
- 15 4. In article 173 of the Constitution, for clause (a), the following clause shall be substituted, namely:—
 - "(a) is a citizen of India, and makes and subscribes before some person authorized in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule;" Amendment of article 173.
- 20 5. In the Third Schedule to the Constitution,—
 - (a) in Form I, after the words "Constitution of India as by law established", the words "that I will uphold the sovereignty and integrity of India," shall be inserted; Amendment of Third Schedule.
- 25

(b) for Form III, the following shall be substituted, namely:—

‘III

A

Form of oath or affirmation to be made by a candidate for election to Parliament:—

“I, A.B., having been nominated as a candidate to fill a seat in the Council of States (or the House of the People) do swear in the name of God that I will bear solemnly affirm true faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India.”

B

Form of oath or affirmation to be made by a member of Parliament:—

“I, A.B., having been elected (or nominated) a member of the Council of States (or the House of the People) do swear in the name of God that I will solemnly affirm bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter.”;

(c) in Forms IV, V and VIII, after the words “the Constitution of India as by law established”, the words “that I will uphold the sovereignty and integrity of India”, shall be inserted;

(d) for Form VII, the following shall be substituted, namely:—

‘VII

A

Form of oath or affirmation to be made by a candidate for election to the Legislature of a State:—

“I, A.B., having been nominated as a candidate to fill a seat in the Legislative Assembly (or Legislative Council), do swear in the name of God that I will bear solemnly affirm true faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India.”

B

Form of oath or affirmation to be made by a member of the Legislature of a State:—

5 "I, A.B., having been elected (or nominated) a member of the Legislative Assembly (or Legislative Council), do swear in the name of God that I will bear true faith solemnly affirm and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon 10 which I am about to enter."

A.B.

A.B.

STATEMENT OF OBJECTS AND REASONS

The Committee on National Integration and Regionalism appointed by the National Integration Council recommended that article 19 of the Constitution be so amended that adequate powers become available for the preservation and maintenance of the integrity and sovereignty of the Union. The Committee were further of the view that every candidate for the membership of a State Legislature or Parliament, and every aspirant to, and incumbent of, public office should pledge himself to uphold the Constitution and to preserve the integrity and sovereignty of the Union and that forms of oath in the Third Schedule to the Constitution should be suitably amended for the purpose. It is proposed to give effect to these recommendations by amending clauses (2), (3) and (4) of article 19 for enabling the State to make any law imposing reasonable restrictions on the exercise of the rights conferred by sub-clauses (a), (b) and (c) of clause (1) of that article in the interests of the sovereignty and integrity of India. It is also proposed to amend articles 84 and 173 and forms of oath in the Third Schedule to the Constitution so as to provide that every candidate for the membership of Parliament or State Legislature, Union and State Ministers, Members of Parliament and State Legislatures, Judges of the Supreme Court and High Courts and the Comptroller and Auditor-General of India should take an oath to uphold the sovereignty and integrity of India.

2. The Bill seeks to achieve these objects.

A. K. SEN.

NEW DELHI;

The 18th January, 1963.

M. N. KAUL,
Secretary.

CORRIGENDA

In the Gazette of India Extraordinary, Part II—Section 2—

1. No. 38A, dated the 10th November, 1962:—

Page 800i, line 12 from the top, *underline* figure 11.

2. No. 41, dated the 13th November, 1962:—

Page 822, line 5 from the bottom, for '1961' read '1962'.

3. No. 43, dated the 15th November, 1962:—

(i) Page 859, marginal heading to clause 40, for 'Export goods n be loade unless du passed by proper officer.' read 'Export goods not to be loaded unless duly passed by proper officer.';

(ii) Page 867, marginal heading to clause 70, for 'viatile' read 'volatile';

(iii) Page 875, marginal heading to clause 100, for 'on' read 'or';

(iv) Page 894, *underline* 'or more.' appearing at the end; and

(v) Page 899, line 21 from the top, for 'or' read 'of'.

4. No. 45, dated the 16th November, 1962:—

(i) Page 909, in the foot-note, for 'uncommanded' read 'recommended';

(ii) Page 928, read 'MORARJI DESAI' at the end;

(iii) Page 946, line 6 from the bottom, for 'of, and' read 'of, any';

(iv) Page 952, line 17 from the bottom, for 'privillages' read 'privileges'; and

(v) Page 965, marginal heading to clause 37, for 'or' read 'for'.

5. No. 46, dated the 19th November, 1962:—

(i) Page 1007, line 12 from the top, for 'of' read 'or';

(ii) Page 1023, in the long title of the Bill, after 'A Bill' read 'further'; and read '* The President has, in pursuance of clause (1) of article 117 of the Constitution of India, recommended to Lok Sabha the introduction of the Bill' as foot-note; and

(iii) Page 1025, line 17 from the top, for '(35), 72(36) and 72(37)' read '72(35), 72(36) and 72(37)'.

6. No. 50, dated the 23rd November, 1962:—

- (i) Page 1073, in the foot-note, for 'clause (i)' read 'clause (1)';
- (ii) Page 1106, marginal heading to clause 75, after 'Discharge' read 'of';
- (iii) Page 1107, marginal heading to clause 76, for 'Power Board make regulations.' read 'Power of Board to make regulations.';
- (iv) Page 1113, marginal heading to clause 93, for 'Working' read 'Works'; and
- (v) Page 1122, marginal heading to clause 122, for 'Cent' read 'Central'.

7. No. 53, dated the 3rd December, 1962:—

Page 1195, read 'Repeal.' as marginal heading to clause 24.

8. No. 54, dated the 5th December, 1962:—

- (i) Page 1228, line 2 from the bottom, read '5 of 1898.' as marginal reference;
- (ii) Page 1255, line 13 from the top, after 'scorched earth' read 'or'; and
- (iii) Page 1273, line 29 from the top, for '2 of 1956.' read '1 of 1956.' as marginal reference.