

  
**भारत का राजपत्र**  
**The Gazette of India**

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 16th December, 1991:—

BILL No. 205 OF 1991

*A Bill further to amend the Customs Act, 1962.*

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Customs (Amendment) Act, 1991.  
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short  
title and  
commence-  
ment.

2. In section 27 of the Customs Act, 1962 (hereinafter referred to as the principal Act),—

Amend-  
ment of  
section 27.

(i) in sub-section (1), for the word "duty", wherever it occurs, the words "duty and interest, if any, paid on such duty" shall be substituted;

(ii) in sub-section (2), except in clause (d) and (e) of the first proviso, for the word "duty", wherever it occurs, the words "duty and interest, if any, paid on such duty" shall be substituted.

3. Section 47 of the principal Act shall be re-numbered as sub-section (1) of that section and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

Amend-  
ment of  
section 47.

"(2) where the importer fails to pay the import duty under sub-section (1) within seven days from the date on which the bill of entry

## BILL NO. 203 OF 1991

*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Seventy-fourth Amendment) Act, 1991.

(2) It shall come into force on such date as the Central Government may by notification in the Official Gazette, appoint.

2. After article 239A of the Constitution, the following articles shall be inserted, namely:—

‘239AA. (1) As from the date of commencement of the Constitution (Seventy-fourth Amendment) Act, 1991, the Union territory of Delhi shall be called the National Capital territory and the administrator thereof appointed under article 239 shall be designated as the Lieutenant Governor.

“(2) (a) There shall be a Legislative Assembly for the National Capital Territory and the seats in such Assembly shall be filled by members chosen by direct election from territorial constituencies in the National Capital Territory.

Short  
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Insertion  
of new  
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239AA  
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239AB.

Special  
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Delhi.

(b) The total number of seats in the Legislative Assembly, the number of seats reserved for Scheduled Castes, the division of the National Capital Territory into territorial constituencies (including the basis for such division) and all other matters relating to the functioning of the Legislative Assembly shall be regulated by law made by Parliament.

(c) The provisions of articles 324 to 327 and 329 shall apply in relation to the National Capital Territory, the Legislative Assembly of the National Capital Territory and the members thereof as they apply, in relation to a State, the Legislative Assembly of a State and the members thereof respectively; and any reference in articles 326 and 329 to "appropriate Legislature" shall be deemed to be a reference to Parliament.

(3) (a) Subject to the provisions of the Constitution, the Legislative Assembly shall have power to make laws for the whole or any part of the National Capital Territory with respect to any of the matters enumerated in the State List or in the Concurrent List in so far as any such matter is applicable to Union territories except matters with respect to Entries 1, 2 and 18 of the State List and Entries 64, 65 and 66 of that List in so far as they relate to the said Entries 1, 2 and 18.

(b) Nothing in sub-clause (a) shall derogate from the powers of Parliament under this Constitution to make laws with respect to any matter for a Union territory or any part thereof.

(c) If any provision of a law made by the Legislative Assembly with respect to any matter is repugnant to any provision of a law made by Parliament with respect to that matter, whether passed before or after the law made by the Legislative Assembly, or of an earlier law, other than a law made by the Legislative Assembly, then, in either case, the law made by Parliament, or, as the case may be, such earlier law, shall prevail and the law made by the Legislative Assembly shall, to the extent of the repugnancy, be void:

Provided that if any such law made by the Legislative Assembly has been reserved for the consideration of the President and has received his assent, such law shall prevail in the National Capital Territory:

Provided further that nothing in this sub-clause shall prevent Parliament from enacting at any time any law with respect to the same matter including a law adding to amending, varying or repealing the law so made by the Legislative Assembly:

(4) There shall be a Council of Ministers consisting of not more than ten per cent. of the total number of members in the Legislative Assembly, with the Chief Minister at the head to aid and advise the Lieutenant Governor in the exercise of his functions in relation to matters with respect to which the Legislative Assembly has power to make laws, except in so far as he is, by or under any law, required to act in his discretion:

Provided that in the case of difference of opinion between the Lieutenant Governor and his Ministers on any matter, the Lieutenant Governor shall refer it to the President for decision and act according to the decision given thereon by the President and pending such decision it shall be competent for the Lieutenant Governor in any case where the matter, in his

opinion, is so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary.

**(5) The Chief Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Chief Minister and the Ministers shall hold office during the pleasure of the President.**

(6) The Council of Ministers shall be collectively responsible to the Legislative Assembly.

(7) (a) Parliament may, by law, make provisions for giving effect to, or supplementing the provisions contained in the foregoing clauses and for all matters incidental or consequential thereto.

(b) Any such law as is referred to in sub-clause (a) 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.

(8) The provisions of article 239B shall, so far as may be, apply in relation to the National Capital Territory, the Lieutenant Governor and the Legislative Assembly, as they apply in relation to the Union territory of Pondicherry, the administrator and its Legislature, respectively; and any reference in that article to "clause (1) of article 239A" shall be deemed to be a reference to this article or article 239AB, as the case may be.

239AB. If the President, on receipt of a report from the Lieutenant Governor or otherwise, is satisfied—

(a) that a situation has arisen in which the administration of the National Capital Territory cannot be carried on in accordance with the provisions of article 239AA or of any law made in pursuance of that article; or

(b) that for the proper administration of the National Capital Territory it is necessary or expedient so to do.

the President may by order suspend the operation of any provision of article 239AA or of all or any of the provisions of any law made in pursuance of that article for such period as he thinks fit and make such incidental and consequential provisions as may appear to him to be necessary or expedient for administering the National Capital Territory in accordance with the provisions of article 239 and article 239AA."

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of con-  
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machinery.

## STATEMENT OF OBJECTS AND REASONS

The question of re-organisation of the administrative set-up in the Union territory of Delhi has been under the consideration of the Government for some time. The Government of India appointed on 24-12-1987 a Committee to go into the various issues connected with the administration of Delhi and to recommend measures *inter alia* for the streamlining of the administrative set-up. The Committee went into the matter in great detail and considered the issues after holding discussions with various individuals, associations, political parties and other experts and taking into account the arrangements in the national Capitals of other countries with a federal set-up and also the debates in the Constituent Assembly as also the reports by earlier Committees and Commissions. After such detailed inquiry and examination, it recommended that Delhi should continue to be a Union territory and provided with a Legislative Assembly and a Council of Ministers responsible to such Assembly with appropriate powers to deal with matters of concern to the common man. The Committee also recommended that with a view to ensuring stability and permanence the arrangements should be incorporated in the Constitution to give the National Capital a special status among the Union territories.

2. The Bill seeks to give effect to the above proposals.

NEW DELHI;

S. B. CHAVAN.

The 12th December, 1991.

## FINANCIAL MEMORANDUM

Clause 2 of the Bill confers powers on Parliament for regulating the total number of seats in the Legislative Assembly, the number of seats reserved for Scheduled Castes, the division of the National Capital Territory into territorial constituencies and other matters relating to the functioning of the Legislative Assembly. It further provides for a Council of Ministers to be appointed with the Chief Minister at the head to aid and advise the Lieutenant Governor in this exercise of his functions.

2. The proposed provisions of clause 2 will involve some expenditure to be incurred as and when the Legislative Assembly is constituted and a Council of Ministers is appointed for the National Capital Territory. The expenditure on salaries and allowances will roughly be of the order of Rs. 20 crores per annum. But there would also be a corresponding saving on account of abolition of the Metropolitan Council of Delhi to the extent of about Rs. 10 crores per annum. Though the said expenditure will ultimately be met from the Consolidated Fund of the National Capital Territory proposed to be set up under the law made in pursuance of new article 239AA, yet the said expenditure will have to be taken into account in determining the financial assistance which may be given to the National Capital Territory by way of grants from the Consolidated Fund of India.

3. The Bill does not involve any other expenditure whether of a recurring or non-recurring nature.