

THE CONSTITUTION (FOURTEENTH AMENDMENT) ACT, 1962

India

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Statement of Objects and Reasons appended to the Constitution (Fourteenth Amendment) Bill, 1962 which was enacted as THE CONSTITUTION (Fourteenth Amendment) Act, 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 Himanchal 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. An Act further to amend the Constitution of India BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:-

1. Short title.-

This Act may be called the Constitution (Fourteenth Amendment) Act, 1962.

2. Amendment of article 81.-

In article 81 of the Constitution, in sub-clause (b) of clause (1), for the words "twenty members", the

words "twenty-five members" shall be substituted.

3. Amendment of the First Schedule.-

In the First Schedule to the Constitution, under the heading "II. THE UNION TERRITORIES", after entry 8, the following entry shall be inserted, namely:- "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. Insertion of new article 239A.-

After article 239 of the Constitution, the following article shall be inserted, namely:- "239A. Creation of local Legislatures or Council of Ministers or both for certain Union territories.-(1)Parliament may by law create for any of the Union territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu, and Pondicherry-(a)a body, whether elected or partly nominated and partly elected, to function as a Legislature for the Union territory, or(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.-

In article 240 of the Constitution, in clause (1),-(a)after entry (d), the following entry shall be inserted, namely:-"(e) Pondicherry:";(b)the following proviso shall be inserted at the end, namely:-"Provided that when any body is created under article 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."

6. Amendment of the Fourth Schedule.-

In the Fourth Schedule to the Constitution, in the Table,-(a)after entry 20, the entry"21. Pondicherry1" shall be inserted;(b)for the figures "225", the figures "226" shall be substituted.

7. Retrospective operation of certain provisions.-

Section 3 and clause (a) of section 5 shall be deemed to have come into force on the 16th day of August, 1962.[The Constitution (Fourteenth Amendment) Act, 1962, provided Parliament with the power to enact laws establishing legislatures and ministerial councils in specific Union regions. The French colonies of Pondicherry, Mahé, Yanam, and Karikal officially became part of the Indian Union on August 16, 1962, following the ratification of the Treaty of Cession by France and India. Additionally, this amendment granted Parliament the power to enact laws for creating legislatures

and a council of ministers for certain union territories, namely Puducherry, Goa, Himachal Pradesh, Tripura, Daman and Diu, and Manipur. It involved changes to sections 81 and 240 and the First and Fourth Schedules to the Constitution. Furthermore, a new article 239A was proposed to be added to the Constitution. Also refer]