

THE CONSTITUTION (SIXTEENTH AMENDMENT) ACT, 1963

India

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Act 14 of 1963

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Statement of Objects and Reasons appended to the Constitution (Sixteenth Amendment) Bill, 1963 which was enacted as the Constitution (Sixteenth Amendment) Act, 1963

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.

An Act further to amend the Constitution of India. BE it enacted by Parliament in the Fourteenth year of the Republic of India as follows:

1. Short title.-

This Act may be called the Constitution (Sixteenth Amendment) Act, 1963.

2. Amendment of article 19.-

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.

3. Amendment of article 84.-

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;".

4. Amendment of article 173.-

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;".

5. Amendment of Third Schedule.-

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;(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/solemnly affirm that I will bear 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/solemnly affirm that I will 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/solemnly affirm that I will bear 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:--"I, A.B., having been elected (or nominated) a member of the Legislative Assembly (or Legislative Council), do swear in the name of God/solemnly affirm that I will 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." '[The Constitution (Sixteenth Amendment) Act, 1963, where it was recommended making advocacy of secession a criminal offense and empowered the state to impose further restrictions on the rights to freedom of speech and expression, to assemble peacefully, and to form associations in the interests of the sovereignty and integrity of India. The amendment included two provisions. First, the article was amended to forbid anyone from expressing anything that would endanger India's integrity. Second, it allowed for the establishment of associations in support of India's sovereignty and integrity. Additionally, it recommended that the oath forms in the Third Schedule of the Constitution be appropriately modified for this purpose. Also Refer]