रजिस्ट्री सं० डी० 221 REGISTERED NO. D. 221

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 1
PART II—Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 98] नई दिल्ली, शुक्रवार, दिसम्बर 31, 1971/पौष 10, 1893
No. 98] NEW DELHI, FRIDAY, DECEMBER 31, 1971 PAUSA 10, 1893

इस भाग में भिन्न 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.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 31st December, 1971/Pausa 10, 1893 (Saka)

The following Act of Parliament received the assent of the President on the 30th December, 1971, and is hereby published for general information:—

THE GOVERNMENT OF UNION TERRITORIES (AMENDMENT) ACT, 1971

No. 83 OF 1971

[*30th December*, 1971]

An Act further to amend the Government of Union Territories Act, 1963 and also further to amend the Sixth Scheduled to the Constitution and the Representation of the People Act, 1950.

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

Short title and commencement.

1. (*1*) This Act may be called the Government of Union Territories (Amendment) Act, 1971.

(2) It shall come into force on such date, being a date not earlier than the day appointed under clause (*b*) of section 2 of the North-Eastern Areas (Reorganisation) Act, 1971, as the Central Government may, by notification in the Official Gazette, appoint.

20 of 1968.

Amendment of section 1.

2. In section 1 of the Government of Union Territories Act, 1963 (hereinafter referred to as the principal Act), in sub-section (*2*),—

(*i*) before the existing proviso, the following proviso shall be inserted, namely:—

"Provided that it shall come into force in the Union territory of Mizoram on such date, being a date not earlier than the date of commencement of the Government of Union Territories (Amendment) Act, 1971, as the Central Government may, by notification in the Official Gazette, appoint.";

(*ii*) in the existing proviso, for the words "Provided that", the words "Provided further that" shall be substituted.

Amendment of section 2.

3. In section 2 of the principal Act, in sub-section (*1*), in clause (*h*), for the words "Goa, Daman and Diu, and Pondicherry", the words "Goa, Daman and Diu, Pondicherry and Mizoram" shall be substituted.

Amendment of section 3.

4. In section 3 of the principal Act,—

(*i*) in sub-section (*4*), for the words "in the Legislative Assembly of every Union territory other than the Union territory of Goa, Daman and Diu", the words "in the Legislative Assembly of the Union territory of Pondicherry" shall be substituted;

(*ii*) in sub-section (*5*), for the words "of any Union territory", the words "of the Union territory of Pondicherry" shall be substituted;

(*iii*) in sub-section (*6*), for the words "in the Legislative Assemblies of the Union territories", the words "in the Legislative Assembly of the Union territory of Pondicherry" shall be substituted.

Amendment of section 20.

5. Section 20 of the principal Act shall be re-numbered as sub-section (*1*) thereof and after sub-section (*1*) as so re-numbered, the following sub-section shall be inserted, namely:—

"(*2*) The provisions of article 304 shall, with the necessary modifications, apply in relation to any law passed by the Legislative Assembly of a Union territory with respect to any of the matters referred to in that article as they apply in relation to any law passed by the Legislature of a State with respect to those matters.".

Substitution of new section for section 21

6. For section 21 of the principal Act, the following section shall be substituted, namely:—

Inconsistency between laws made by Parliament and laws made by Legislative Assembly

"21. (*1*) If any provision of a law made by the Legislative Assembly of a Union territory is repugnant to any provision of a law made by Parliament, then, subject to the provisions of sub-section (*2*), the law made by Parliament, whether passed before or after the law made by the Legislative Assembly of the Union territory, shall prevail and the law made by the Legislative Assembly of the Union territory shall, to the extent of the repugnancy, be void.

(*2*) Where a law made by the Legislative Assembly of a Union territory with respect to any of the matters enumerated in the Concurrent List or the State List in the Seventh Schedule to the Constitution contains any provision repugnant to the provisions of an earlier law made by Parliament with respect to that matter, or where a law made by the Legislative Assembly of a Union territory with respect to any matter enumerated in the Concurrent List aforesaid is repugnant to the provisions of any earlier law, other than a law made by Parliament, with respect to that matter, then, in either case, the law so made by the Legislative Assembly of the Union territory shall, if it has been reserved for the consideration of the President and has received his assent, prevail in that Union territory:

Provided that nothing in this sub-section 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 of the Union territory.".

Substitution of new sections for section 25.

7. For section 25 of the principal Act, the following sections shall be substituted, namely:—

Assent to Bills.

"25. When a Bill has been passed by the Legislative Assembly of a Union territory, it shall be presented to the Administrator and the Administrator shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President:

Provided that the Administrator may, as soon as possible after the presentation of the Bill to him for assent, return the Bill if it is not a Money Bill together with a message requesting that the Assembly will reconsider the Bill or any specified provisions thereof, and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the Assembly will reconsider the Bill accordingly, and if the Bill is passed again with or without amendment and presented to the Administrator for assent, the Administrator shall declare either that he assents to the Bill or that he reserves the Bill for the consideration of the President:

Provided further that the Administrator shall not assent to, but shall reserve for the consideration of the President, any Bill which,—

(*a*) in the opinion of the Administrator would, if it became law, so derogate from the powers of the High Court as to endanger the position which that Court is, by the Constitution, designed to fill; or

(*b*) relates to any of the matters specified in clause (1) of article 31A; or

(*c*) the President may, by order, direct to be reserved for his consideration; or

(*d*) relates to matters referred to in sub-section (5) of section 7 or section 17 or section 34 or sub-section (6) of section 45 or in entry 1 or entry 2 of the State List in the Seventh Schedule to the Constitution:

Provided also that without prejudice to the provisions of the second proviso, the Administrator shall not assent to, but shall reserve for the consideration of the President, any Bill which has been passed by the Legislative Assembly of the Union territory of Mizoram and which relates to any area comprised in any autonomous district in that Union territory under the Sixth Schedule to the Constitution.

Explanation.—For the purposes of this section and section 25A, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the matters specified in sub-section (*1*) of section 23 or any matter incidental to any of those matters and, in either case, there is endorsed thereon the certificate of the Speaker of the Legislative Assembly signed by him that it is a Money Bill.

Bills reserved for consideration.

25A. When a Bill is reserved by an Administrator for the consideration of the President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom:

Provided that where the Bill is not a Money Bill, the President may direct the Administrator to return the Bill to the Legislative Assembly together with such a message as is mentioned in the first proviso to section 25 and, when a Bill is so returned, the Assembly shall reconsider it accordingly within a period of six months from the date of receipt of such message and, if it is again passed by the Assembly with or without amendment, it shall be presented again to the President for his consideration.".

Amendment of section 33.

8. To sub-section (2) of section 33 of the principal Act, the following proviso shall be added, namely:—

'Provided that the provisions of this sub-section shall apply in relation to the Legislative Assembly of the Union territory of Mizoram as if for the words "the State of Uttar Pradesh", the words "the State of Assam" had been substituted.'.

Amendment of section 33.

9. In section 38 of the principal Act,—

(*i*) in clause (*a*), the words, figures and letter "or with the Election Commission under section 43A" shall be added at the end;

(*ii*) after clause (*b*), the following clause shall be inserted, namely:—

'(*bb*) "Election Commission" means the Election Commission appointed by the President under article 324;'.

Insertion of new section 43A.

10. After section 43 of the principal Act, the following section shall be inserted, namely:—

Special provision for delimitation of constituencies of Mizoram Legislative Assembly.

"43A. (1) The provisions of sections 39 to 43 (both inclusive) shall not apply to the delimitation of constituencies for the purpose of elections to the Legislative Assembly of the Union territory of Mizoram.

(2) The Election Commission shall, in the manner herein provided, distribute the seats assigned to the Legislative Assembly of the Union territory of Mizoram under sub-section (2) of section 3 to single member assembly constituencies and delimit them on the basis of the latest census figures having regard to the provisions of the Constitution and to the following provisions:—

(*a*) all constituencies shall, as far as practicable, be geographically compact areas;

(*b*) in delimiting the constituencies, regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience.

(3) For the purpose of assisting in the performance of its functions under sub-section (2), the Election Commission shall associate with itself as associate members—

(*a*) all the persons who, having been elected to the Legislative Assembly of the State of Assam from the Lungleh, Aijal East and Aijal West territorial constituencies, are members of that Assembly immediately before the day appointed under clause (*b*) of section 2 of the North-Eastern Areas (Reorganisation) Act, 1971; and

(*b*) such three elected members of the District Council of the Mizo District as the Chairman thereof may nominate:

Provided that none of the associate members shall have a right to vote or sign any decision of the Election Commission.

(4) If, owing to death or resignation, the office of an associate member falls vacant, it shall be filled, if practicable, in accordance with the provisions of sub-section (3).

(5) The Election Commission shall—

(a) publish its proposals for the delimitation of constituencies, together with the dissenting proposals, if any, of any associate member who desires publication thereof in the Official Gazette and in such other manner as the Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;

(b) consider all objections and suggestions which may have been received by it before the date so specified;

(c) after consideration of objections and suggestions which may have been received by it before the date so specified, determine by one or more orders the delimitation of constituencies and cause such order or orders to be published in the Official Gazette; and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.

(6) The Election Commission may, from time to time, by notification in the Official Gazette,—

(a) correct any printing mistake in any order made under sub-section (5) or any error arising therein from inadvertent slip or omission;

(b) where the boundaries or name of any territorial division mentioned in any such order or orders are or is altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.

(7) Every order made under sub-section (5) and every notification issued under sub-section (6) shall be laid as soon as may be after it is made or issued before the Legislative Assembly of the Union territory of Mizoram.

(8) All things done, and all steps taken, before the commencement of this Act in the Union territory of Mizoram with a view to delimiting the territorial constituencies of that Union territory for purposes of elections to the Legislative Assembly of that Union territory shall, in so far as they are in conformity with the foregoing provisions of this section, be deemed to have been done or taken under those provisions as if those provisions were in force at the time such things were done or such steps were taken.".

11. In section 44 of the principal Act,— Amendment of section 44.

(a) to sub-section (1), the following further proviso shall be added, namely:—

"Provided further that in the Union territory of Mizoram every decision taken by a Minister or by the Council of Ministers in relation to any matter concerning any area comprised in any autonomous district in that Union territory under the Sixth Schedule to the Constitution shall be subject to the concur-

rence of the Administrator and nothing in this sub-section shall be construed as preventing the Administrator in case of any difference of opinion between him and his Ministers from taking such action in respect of the administration of such area as he, in his discretion, considers necessary.";

(*b*) after sub-section (*1*) as so amended, the following sub-section shall be inserted, namely:—

"(*2*) In the exercise of his functions, the Administrator of the Union territory of Mizoram shall have special responsibility for the security of the border and for that purpose he may issue such directions and take such measures as he may think necessary.".

Substitution of new section for section 54.

12. For section 54 of the principal Act, the following section shall be substituted, namely:—

Transitional provisions for administration of justice in certain areas in the Union territory of Mizoram.

"54. On and from the commencement of this Act in the Union territory of Mizoram and until other provisions in this behalf are made by a competent Legislature or other competent authority, the administration of justice in those areas of that Union territory which are not comprised in any autonomous district under the Sixth Schedule to the Constitution shall be carried on, so far as may be, in accordance with the provisions of paragraphs 4 and 5 of that Schedule, as if those areas were comprised in an autonomous district under that Schedule and the provisions of the said paragraphs were in force in those areas and for this purpose,—

(*i*) all powers and functions of a District Council under the provisions of the said paragraph 4 shall be exercised and discharged by the Administrator or any officer appointed by him in this behalf;

(*ii*) the said paragraph 5 shall have effect as if references to the District Council, the Regional Council and the courts constituted by the District Council, by whatever form of words, had been omitted therefrom; and

(*iii*) references to Governor in the said paragraphs 4 and 5 shall be construed as references to the Administrator.".

Amendment of Sixth Schedule to the Constitution.

13. On and from the day on which the Legislative Assembly of the Union territory of Mizoram has been duly constituted under and in accordance with the provisions of the principal Act, in the Sixth Schedule to the Constitution,—

(*i*) for paragraph 12B, the following paragraph shall be substituted, namely:—

"12B. **Application of Acts of Parliament and of the Legislature of the Union territory of Mizoram to autonomous districts and autonomous regions in the Union territory of Mizoram.**— Notwithstanding anything in this Constitution,—

(*a*) if any provision of a law made by a District Council or a Regional Council in the Union territory of Mizoram with respect to any matter specified in sub-paragraph (1) of paragraph 3 of this Schedule or if any provision of any regulation made by a District Council or a Regional Council in that Union territory under paragraph 8 or paragraph 10 of this Schedule,

is repugnant to any provision of a law made by the Legislature of the Union territory of Mizoram with respect to that matter, then, the law or regulation made by the District Council or, as the case may be, the Regional Council, whether made before or after the law made by the Legislature of the Union territory of Mizoram, shall, to the extent of repugnancy, be void and the law made by the Legislature of the Union territory of Mizoram shall prevail;

(b) the President may with respect to any Act of Parliament, by notification, direct that it shall not apply to an autonomous district or an autonomous region in the Union territory of Mizoram, or shall apply to such district or region or any part thereof subject to such exceptions or modifications as he may specify in the notification and any such direction may be given so as to have retrospective effect.";

(*ii*) in paragraph 20, in Part III of the table, the words "The Mizo District" shall be omitted;

(*iii*) for paragraph 20A, the following paragraphs shall be substituted, namely:—

'20A. **Dissolution of the Mizo District Council.**—(1) Notwithstanding anything in this Schedule, the District Council of the Mizo District existing immediately before the prescribed date (hereinafter referred to as the Mizo District Council) shall stand dissolved and cease to exist.

(2) The Administrator of the Union territory of Mizoram may, by one or more orders, provide for all or any of the following matters, namely:—

(a) the transfer, in whole or in part, of the assets, rights and liabilities of the Mizo District Council (including the rights and liabilities under any contract made by it) to the Union or to any other authority;

(b) the substitution of the Union or any other authority for the Mizo District Council, or the addition of the Union or any other authority, as a party to any legal proceedings to which the Mizo District Council is a party;

(c) the transfer or re-employment of any employees of the Mizo District Council to or by the Union or any other authority, the terms and conditions of service applicable to such employees after such transfer or re-employment;

(d) the continuance of any laws, made by the Mizo District Council and in force immediately before its dissolution, subject to such adaptations and modifications, whether by way of repeal or amendment, as the Administrator may make in this behalf, until such laws are altered, repealed or amended by a competent Legislature or other competent authority;

(e) such incidental, consequential and supplementary matters as the Administrator considers necessary.

Explanation.—In this paragraph and in paragraph 20B of this Schedule, the expression "prescribed date" means the date on which the Legislative Assembly of the Union territory of Mizoram is duly constituted under and in accordance with the provisions of the Government of Union Territories Act, 1963.

20 of 1963.

20B. **Autonomous regions in the Union territory of Mizoram to be autonomous districts and transitory provisions consequent thereto.**—(1) Notwithstanding anything in this Schedule,—

(*a*) every autonomous region existing immediately before the prescribed date in the Union territory of Mizoram shall, on and from that date, be an autonomous district in that Union territory (hereafter referred to as the corresponding new district) and the Administrator thereof may, by one or more orders, direct that such consequential amendments as are necessary to give effect to the provisions of this clause shall be made in paragraph 20 of this Schedule (including Part III of the table appended to that paragraph) and thereupon the said paragraph and the said Part III shall be deemed to have been amended accordingly;

(*b*) every Regional Council of an autonomous region in the Union territory of Mizoram existing immediately before the prescribed date (hereafter referred to as the existing Regional Council) shall, on and from that date and until a District Council is duly constituted for the corresponding new district, be deemed to be the District Council of that district (hereafter referred to as the corresponding new District Council).

(2) Every member whether elected or nominated of an existing Regional Council shall be deemed to have been elected or, as the case may be, nominated to the corresponding new District Council and shall hold office until a District Council is duly constituted for the corresponding new district under this Schedule.

(3) Until rules are made under sub-paragraph (7) of paragraph 2 and sub-paragraph (4) of paragraph 4 of this Schedule by the corresponding new District Council, the rules made under the said provisions by the existing Regional Council and in force immediately before the prescribed date shall have effect in relation to the corresponding new District Council subject to such adaptations and modifications as may be made therein by the Administrator of the Union territory of Mizoram.

(4) The Administrator of the Union territory of Mizoram may, by one or more orders, provide for all or any of the following matters, namely:—

(*a*) the transfer in whole or in part of the assets, rights and liabilities of the existing Regional Council (including the rights and liabilities under any contract made by it) to the corresponding new District Council;

(*b*) the substitution of the corresponding new District Council for the existing Regional Council as a party to the legal proceedings to which the existing Regional Council is a party;

(*c*) the transfer or re-employment of any employees of the existing Regional Council to or by the corresponding new District Council, the terms and conditions of service applicable to such employees after such transfer or re-employment;

(*d*) the continuance of any laws made by the existing Regional Council and in force immediately before the pres-

cribed date, subject to such adaptations and modifications, whether by way of repeal or amendment, as the Administrator may make in this behalf until such laws are altered, repealed or amended by a competent Legislature or other competent authority;

(*e*) such incidental, consequential and supplementary matters as the Administrator considers necessary.

20C. **Interpretation.**—Subject to any provision made in this behalf, the provisions of this Schedule shall, in their application to the Union territory of Mizoram, have effect—

(1) as if references to the Governor and Government of the State were references to the Administrator of the Union territory appointed under article 239, references to State (except in the expression "Government of the State") were references to the Union territory of Mizoram and references to the State Legislature were references to the Legislative Assembly of the Union territory of Mizoram;

(2) as if—

(*a*) in sub-paragraph (5) of paragraph 4, the provision for consultation with the Government of the State concerned had been omitted;

(*b*) in sub-paragraph (2) of paragraph 6, for the words "to which the executive power of the State extends", the words "with respect to which the Legislative Assembly of the Union territory of Mizoram has power to make laws" had been substituted;

(*c*) in paragraph 13, the words and figures "under article 202" had been omitted.'.

Amendment of Act 43 of 1950

14. On and from the day on which the Legislative Assembly of the Union territory of Mizoram has been duly constituted under and in accordance with the provisions of the principal Act, in section 27A of the Representation of the People Act, 1950,—

(*i*) in sub-section (4), for the words "The electoral college for the Union territory of Pondicherry", the words "The electoral college for each of the Union territories of Pondicherry and Mizoram" shall be substituted;

(*ii*) in sub-section (5), for the words "to each of the Union territories of Mizoram and Arunachal Pradesh", the words "to the Union territory of Arunachal Pradesh" shall be substituted.

Elections to the Legislative Assembly of Mizoram.

15. As soon as may be after the commencement of this Act, elections shall be held in the Union territory of Mizoram in accordance with the provisions of the principal Act as amended by this Act for constituting a Legislative Assembly for that Union territory and every endeavour shall be made to hold such elections within a period of four months of such commencement.

N. D. P. NAMBOODIRIPAD,
Joint Secy. to the Govt. of India.

IndiaCode

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI, 1971