रजिस्ट्री सं० डी-(डी)-72 REGISTERED No. D-(D)-72

भारत का राजपत्र
The Gazette of India

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

सं० 32] नई दिल्ली, बृहस्पतिवार, मई 22, 1975/ज्येष्ठ 1, 1897
No. 32] NEW DELHI, THURSDAY, MAY 22, 1975/JYAISTHA 1, 1897

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.

## MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

### (Legislative Department)

*New Delhi, the 22nd May, 1975/Jyaistha 1, 1897 (Saka)*

The following Act of Parliament received the assent of the President on the 22nd May, 1975, and is hereby published for general information:—

# THE GOVERNMENT OF UNION TERRITORIES (AMENDMENT) ACT, 1975

## No. 29 OF 1975

[22*nd May*, 1975]

An Act further to amend the Government of Union Territories Act, 1963, the Representation of the People Act, 1950 and the Representation of the People Act, 1951 and also to amend the North-Eastern Council Act, 1971.

BE it enacted by Parliament in the Twenty-sixth 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, 1975.

(*2*) It shall come into force on such date, being a date not earlier than the date of commencement of the Constitution (Thirty-Seventh Amendment) Act, 1975, as the Central Government may, by notification in the Official Gazette, appoint.

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),— 20 of 1963

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

"Provided further that it shall come into force in the Union territory of Arunachal Pradesh on such date, being a date not earlier than the date of commencement of the Government of Union Territories (Amendment) Act, 1975, as the Central Government may, by notification in the Official Gazette, appoint:";

(ii) in the second proviso, for the words "Provided further that", the words "Provided also that, subject to the preceding provisos," 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 "Pondicherry and Mizoram", the words "Pondicherry, Mizoram and Arunachal Pradesh" shall be substituted.

Substitution of new section for section 21.

4. 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. If any provision of a law made by the Legislative Assembly of a Union territory with respect to any matter enumerated in the State List in the Seventh Schedule to the Constitution 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 of the Union territory, or, if any provision of a law made by the Legislative Assembly of a Union territory with respect to any matter enumerated in the Concurrent List in the Seventh Schedule to the Constitution is repugnant to any provision of any earlier law, other than a law made by the Legislative Assembly of the Union territory, with respect to that matter, 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 of the Union territory shall, to the extent of the repugnancy, be void:

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

Provided further that nothing in this 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 terrtory.".

Amendment of section 26.

5. In section 26 of the principal Act, for the words "by the President", the words "by the Administrator, or, on being reserved by the Administrator for the consideration of the President, by the President" shall be substituted.

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6. In section 33 of the principal Act, in the proviso to sub-section (2), for the words "the Legislative Assembly of the Union territory of Mizoram", the words "the Legislative Assemblies of the Union territories of Arunachal Pradesh and Mizoram" shall be substituted. Amendment of section 33.

7. In section 38 of the principal Act, in clause (*a*), for the words, figures and letter "under section 43A", the words, figures and letters "under section 43A or section 43C" shall be substituted. Amendment of section 38.

8. After section 43A of the principal Act, the following sections shall be inserted, namely:— Insertion of new sections 43B and 43C.

"43B. In the House of the People to be constituted after the general election to that House to be held after the commencement of the Government of Union Territories (Amendment) Act, 1975 and thereafter, there shall be allotted two seats to the Union territory of Arunachal Pradesh and the First Schedule to the Representation of the People Act, 1950 shall be deemed to have been amended accordingly. Representation of Arunachal Pradesh in the House of the People.

43 of 1950.

43C. (*1*) The provisions of sections 39 to 43 (both inclusive) shall not apply to the delimitation of parliamentary constituencies in the Union territory of Arunachal Pradesh or to the delimitation of constituencies for the purpose of elections to the Legislative Assembly of that Union territory. Special provisions for delimitation of parliamentary constituencies in Arunachal Pradesh and constituencies of Arunachal Pradesh Legislative Assembly.

(*2*) The Election Commission shall divide the Union territory of Arunachal Pradesh into two single-member parliamentary constituencies on the basis of the latest census figures.

(*3*) The Election Commission shall also, in the manner herein provided, distribute the seats assigned to the Legislative Assembly of the Union territory of Arunachal Pradesh 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 following provisions:—

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

(*b*) every assembly constituency shall be so delimited as to fall only within one parliamentary constituency;

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

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

(*a*) the member of the House of the People representing the Union territory of Arunachal Pradesh;

(*b*) such five members of the Legislative Assembly of the Union territory of Arunachal Pradesh as the Speaker of that

Assembly shall, having regard to the composition of the Legislative Assembly, nominate:

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

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

(6) 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.

(7) 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 (6) 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.

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

(9) All things done, and all steps taken, before the commencement of this Act in the Union territory of Arunachal Pradesh 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 conformity with the foregoing provisions of this section, be deemed to have been done or taken under those provisions as if these provisions were in force at the time such things were done or such steps were taken.".

Amendment of section 44

9. In section 44 of the principal Act, in sub-section (2), for the words "the Administrator of the Union territory of Mizoram", the words "the Administrator of each of the Union territories of Arunachal Padesh and Mizoram" shall be substituted.

Insertion of new section 54A.

10. After section 54 of the principal Act, the following section shall be inserted, namely:—

Provision as to provisional Legislative Assembly of Arunachal Pradesh.

"54A. (1) Notwithstanding anything contained in this Act (including provisions relating to the strength of the Legislative Assembly of the Union territory of Arunachal Pradesh), until the Legislative Assembly of the Union territory of Arunachal Pradesh has been duly constituted and summoned to meet for the first session under and in accordance with the provisions of this Act, there shall be a provisional Legislative Assembly which shall consist of members, being those persons referred to in clauses (b), (c) and (d) of section 3 of the North-East Frontier Agency (Administration) Supplementary Regulation, 1971 and who are functioning, immediately before the commencement of this Act in the Union territory of Arunachal Pradesh, as members of the Pradesh Council constituted under the said section 3.

4 of 1971.

(2) The term of office of the members of the provisional Legislative Assembly shall expire immediately before the first meeting of the Legislative Assembly duly constituted after the first general election to that Assembly.

(3) The provisional Legislative Assembly constituted under this section shall, for so long it is in existence, be deemed to be the Legislative Assembly duly constituted under this Act and accordingly the other provisions of this Act, so far as may be, apply in relation to the provisional Legislative Assembly as they apply in relation to the Legislative Assembly.".

Amendment of Act 43 of 1950.

11. In the Representation of the People Act, 1950,—

(i) in section 4,—

(a) sub-section (1) shall be omitted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) All the seats in the House of the People allotted to the States under section 3 shall be seats to be filled by persons chosen by direct election from parliamentary constituencies in the States.";

(ii) in section 27A,—

(a) in sub-section (1), for the words, brackets and figure "Subject to the provisions of sub-section (5), for the purpose of filling any seat", the words "For the purpose of filling any seat" shall be substituted;

(b) in sub-section (4), for the words "The electoral college for each of the Union territories of Pondicherry and Mizoram",

the words "The electoral college for each of the Union territories of Arunachal Pradesh, Mizoram and Pondicherry" shall be substituted;

(c) sub-section (5) shall be omitted.

Amendment of Act 43 of 1951.

**12.** In the Representation of the People Act, 1951, in section 4, in the opening portion, the words "other than a seat allotted to the Union territory of Arunachal Pradesh" shall be omitted.

Provision as to sitting members in the House of the People and the Council of States.

**13.** Notwithstanding anything contained in sections 11 and 12—

(a) the member representing, immediately before the commencement of this Act, the Union territory of Arunachal Pradesh in the present House of the People shall continue to represent that Union territory until the dissolution of the present House of the People and so often as before such dissolution the seat allotted to that Union territory in the present House of the People becomes vacant, it shall be filled by a person nominated by the President and that person shall represent that Union territory in the present House of the People until its dissolution;

(b) the member representing, immediately before the commencement of this Act, the Union territory of Arunachal Pradesh in the Council of States shall continue to represent that Union territory until the expiry of his term of office.

Amendment of Act 84 of 1971.

**14.** In the North-Eastern Council Act, 1971, in section 3, in sub-section (1),—

(a) in clause (b), for the words "and of the Union territory of Mizoram", the words "and of the Union territories of Arunachal Pradesh and Mizoram" shall be substituted;

(b) clause (c) shall be omitted;

(c) in the proviso, for the words, brackets and letter "in any State referred to in clause (b) or in the Union territory referred to in that clause", the words, brackets and letter "in any State or Union territory referred to in clause (b)" shall be substituted.

Repeal of Regulation 4 of 1971.

**15.** As from the commencement of the principal Act, in the Union territory of Arunachal Pradesh, the North-East Frontier Agency (Administration) Supplementary Regulation, 1971 shall stand repealed.

K. K. SUNDARAM,

*Secy. to the Govt. of India.*

*CORRIGENDA*

In the Finance Act, 1975 (25 of 1975) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 12th May, 1975:—

1. At page 141, in the marginal heading to section 1, *for* "Short title." *read* "Short title".

2. At page 147, in line 16, *for* "th eprevious" *read* "the previous".

3. At page 148, in line 5, *for* "empoyees" *read* "employees".

4. At page 149,—

(i) in line 35, *for* "debenutres," *read* "debentures,";

(ii) in the penultimate line, *for* "busienss" *read* business".

5. At page 154, in line 9, *for* "heerinbefore" *read* "hereinbefore".

6. At page 158, in line 7 from bottom,—

(i) after "Electricity" *omit* ",";

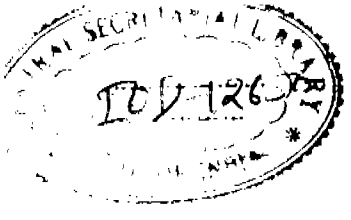
(ii) *for* "the Electricty" *read* "the Electricity".

7. At page 169, in line 3, *for* ";" *read* ":".

8. At page 184, in line 3 from bottom, *for* "67" *read* "'67".

9. At page 186, in line 12, *for* "manufac" *read* "manufac-".

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PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1975

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