

# **THE CONSTITUTION (TWENTY-SEVENTH AMENDMENT) ACT, 1971**

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Statement of Objects and Reasons appended to the Constitution (Twenty-seventh Amendment) Bill, 1971 which was enacted as THE CONSTITUTION (Twenty-seventh Amendment) Act, 1971

## **STATEMENT OF OBJECTS AND REASONS**

As a part of the scheme of reorganisation of the north-eastern areas, it is proposed that the Union territory of Mizoram contemplated under the scheme should have a legislature and Council of Ministers. It is proposed to achieve this object by including the Union territory of Mizoram in article 239A of THE CONSTITUTION (clause 2).

The Study Team appointed by the Administrative Reforms Commission on the Administration of Union Territories and NEFA has recommended that the Administrator of a Union territory with legislature may have the power to promulgate ordinances when the legislature is not in session. It is proposed to accept this recommendation and include a suitable provision in the Constitution conferring on such an Administrator the power to promulgate Ordinances (clause 3).

Under paragraph 18(2) of the Sixth Schedule to the Constitution read with article 240 of the Constitution, the President is empowered to make Regulations for the North-East Frontier Agency. It is proposed to continue these powers even after the Agency becomes the Union territory of Arunachal Pradesh under the reorganisation scheme. It is also proposed to have similar powers with respect to the Union territory of Mizoram (clause 4).

When the legislature of a State is dissolved or its functioning is suspended by a proclamation under article 356 of the Constitution, the Parliament is empowered to confer legislative powers on the President in respect of that State by passing a law under article 357(1). No such provision exists in the case of Union territories with legislatures, with the result that whenever the legislature of any Union territory is dissolved or its functioning is suspended by an order of the President, all legislation relating to that Union territory has to be passed by the Parliament. It is proposed that in such circumstances the Regulation making power under article 240 should be available to the President (clause 4).

Hill Areas of Manipur are Predominantly inhabited by members of Scheduled Tribes. To safeguard their interests special provisions were made in section 562 of the Government of Union Territories Act, 1963 for a Committee of the Legislative Assembly of the Union territory of Manipur consisting of members from the Hill Areas. When the Union territory of Manipur becomes a State under the reorganisation scheme, the said section 52 will cease to be operative. It is proposed, as a part of the scheme of safeguards for the people of the Hill Areas, to continue this arrangement even after Manipur becomes a State. So, a specific provision is being made in the Constitution for the formation of such a Committee (clause 5).

This Bill seeks to give effect to the above proposals.

NEW DELHI; K. C. PANT.

The 12th December, 1971.

THE CONSTITUTION (TWENTY-SEVENTH AMENDMENT) ACT, 1971

[30th December, 1971.]

An Act further to amend the Constitution of India.

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

1. Short title and commencement.-(1) This Act may be called the Constitution (Twenty-seventh Amendment) Act, 1971.

(2) This section and section 3 shall come into force at once and the remaining provisions of this Act shall come into force on such date\_663, 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.

2. Amendment of article 239A.-In article 239A of the Constitution, in clause (1), for the words "Goa, Daman and Diu, and Pondicherry", the words "Goa, Daman and Diu, Pondicherry and Mizoram" shall be substituted.

3. Insertion of new article 239B.-After article 239A of the Constitution, the following article shall be inserted, namely:-

"239B. Power of administrator to promulgate Ordinances during recess of Legislature.-(1) If at any time, except when the Legislature of a Union territory referred to in clause (1) of article 239A is in session, the administrator thereof is satisfied that circumstances exist which render it necessary for him to take immediate action, he

may promulgate such Ordinances as the circumstances appear to him to require:

Provided that no such Ordinance shall be promulgated by the administrator except after obtaining instructions from the President in that behalf:

Provided further that whenever the said Legislature is dissolved, or its functioning remains suspended on account of any action taken under any such law as is referred to in clause (1) of article 239A, the administrator shall not promulgate any Ordinance during the period of such dissolution or suspension.

(2) An Ordinance promulgated under this article in pursuance of instructions from the President shall be deemed to be an Act of the Legislature of the Union territory which has been duly enacted after complying with the provisions in that behalf contained in any such law as is referred to in clause (1) of article 239A, but every such Ordinance-

(a) shall be laid before the Legislature of the Union territory and shall cease to operate at the expiration of six weeks from the reassembly of the Legislature or if, before the expiration of that period, a resolution disapproving it is passed by the Legislature, upon the passing of the resolution; and

(b) may be withdrawn at any time by the administrator after obtaining instructions from the President in that behalf.

(3) If and so far as an Ordinance under this article makes any provision which would not be valid if enacted in an Act of the Legislature of the Union territory made after complying with the provisions in that behalf contained in any such law as is referred to in clause (1) of article 239A, it shall be void."

4. Amendment of article 240.-In article 240 of the Constitution,-

(a) in clause (1),-

(i) after entry (e), the following entries shall be inserted, namely:-

"(f) Mizoram;

(g) Arunachal Pradesh:";

(ii) in the proviso, for the words "Union territory of Goa, Daman and Diu or Pondicherry", the words "Union territory of Goa, Daman and Diu, Pondicherry or Mizoram" shall be substituted;

(iii) after the proviso as so amended, the following further proviso shall be inserted, namely:-

"Provided further that whenever the body functioning as a Legislature for the Union territory of Goa, Daman and Diu, Pondicherry or Mizoram is dissolved, or the functioning of that body as such Legislature remains suspended on account of any action taken under any such law as is referred to in clause (1) of article 239A, the President may, during the period of such dissolution or suspension, make regulations for the peace, progress and good government of that Union territory.";

(b) in clause (2), the words "any existing law", the words "any other law" shall be substituted.

5. Insertion of new article 371C.-After article 371B of the Constitution, the following article shall be inserted, namely:-

371C. Special provision with respect to the State of Manipur.-(1) Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Manipur, provide for the constitution and functions of a committee of the Legislative Assembly of the State consisting of members of that Assembly elected from the Hill Areas of that State, for the modifications to be made in the rules of business of the Government and in the rules of procedure of the Legislative Assembly of the State and for any special responsibility of the Governor in order to secure the proper functioning of such committee.

(2) The Governor shall annually, or whenever so required by the President, make a report to the President regarding the administration of the Hill Areas in the State of Manipur and the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said areas.

Explanation.-In this article, the expression "Hill Areas" means such areas as the President may, by order, declare to be Hill Areas.'.