

THE CONSTITUTION (SEVENTH AMENDMENT) ACT, 1956

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Statement of Objects and Reasons appended to the Constitution Ninth Amendment) Bill, 1956 (Bill No. 29 of 1956) which was enacted as THE CONSTITUTION (Seventh Amendment) Act, 1956

STATEMENT OF OBJECTS AND REASONS

In order to implement the scheme of States reorganisation, it is necessary to make numerous amendments in the Constitution with effect from the 1st October, 1956. This bill seeks to make these amendments and also some other amendments to certain provisions of the Constitution relating to the High Courts and High Court Judges, the executive power of the Union and the States, and a few entries in the legislative lists. The reasons for making the amendments are indicated below:-

Clause 2.-The reorganisation scheme involves not only the establishment of new States and alterations in the area and boundaries of the existing States, but also the abolition of the three categories of States (Part A, Part B and Part C States) and the classification of certain areas as Union territories. Article 1 has to be suitably amended for this purpose and the First Schedule completely revised.

Clause 3.-The amendments proposed in article 80 are formal and consequential. The territorial changes and the formation of new states and Union territories as proposed in Part II of the States Reorganisation Bill, 1956, involve a complete revision of the Fourth Schedule to the Constitution by which the seats in the Council of States are allocated to the existing States. The present allocation is made on the basis of the population of each State as ascertained at the census of 1941 and the number of seats allotted to each Part A and Part B State is according to the formula, one seat per million for the first five millions and one seat for every additional two millions or part thereof exceeding one million. It is proposed to revise the allocation of seats on the basis of the latest census figures, but according to the same formula as before.

Clause 4.-The abolition of Part C States as such and the establishment of Union territories make extensive amendment of articles 81 and 82 inevitable. The provision in article 81(1)(b) that "the States shall be divided, grouped or formed into territorial constituencies" will no longer be appropriate, since after reorganisation each of the States will be large enough to be divided into a number of constituencies and will not permit of being grouped together with other States

for this purpose or being "formed" into a single territorial constituency. Clause (2) of article 81 and article 82 will require to be combined and revised in order to make suitable provision for Union territories. Instead of amending the articles piecemeal, it is proposed to revise and simplify them. Incidentally, it is proposed in clause (1)(b) of the revised article 81 to fix a maximum for the total number of representatives that may be assigned to the Union territories by Parliament.

Clause 5.-The proposed revision of the proviso to article 131 is consequential on the disappearance of Part B States as such. The two parts of the existing proviso have been combined.

Clause 6.-Article 153 provides that there shall be a Governor for each State. Since it may be desirable in certain circumstances to appoint a Governor for two or more States, it is proposed to add a proviso to this article to remove any possible technical bar to such an appointment.

Clause 7.-Sub-clause (a) of clause (1) of article 168 provides for bi-cameral legislatures in certain States. It is proposed that, among the reorganised States, Punjab and Mysore should continue to have such a legislature, and that the enlarged Madhya Pradesh should also be provided with one. Since the constitution of a Legislative Council for Madhya Pradesh will necessarily take time, it is proposed to bring the relevant amendment of article 168(1)(a) into force from a future date by means of a public notification of the President.

Clause 8.-This seeks to revise article 170 mainly with a view to bringing it into line with articles 81 and 82 as revised by clause 4.

Clause 9.-Under clause (1) of article 171, the maximum strength of the Legislative Council of a State is fixed at one-fourth of the strength of the Legislative Assembly of that State. Although in the larger States, like Uttar Pradesh and Bihar, this maximum is adequate, it leads to difficulties in the case of the smaller States. It is, therefore, proposed to alter the maximum to one-third of the strength of the Legislative Assembly.

Clause 10.-Article 216 empowers the President to appoint to a High Court as many judges as he may from time to time deem it necessary and also to fix the maximum number of judges for each High Court by a separate order. The proviso is of little significance from the practical point of view, since the order fixing the maximum may be changed by the President whenever necessary. The appointment of additional and acting judges for which provision is sought to be made in clause 14 will also involve either frequent modifications in the order or a fixation of the maximum number at a high figure. It is, therefore, proposed to omit the proviso to article 216.

Clause 11.-The amendment of clause (1) of article 217 proposed in this clause is consequential on the proposal to provide for the appointment of additional and acting judges for limited periods.

Clause 12.-An important factor affecting the selection of High Court judges from the bar is the total prohibition contained in article 220 on practice after their retirement from the bench. It is proposed to revise the article so as to relax this complete ban and permit a retired judge to practise in the Supreme Court and in any High Court other than the one in the which he was a permanent judge.

Clause 13.-Article 222 empowers the President to transfer judges from one High Court to another. Clause (2) of this article goes on to provide that when a judge is so transferred he shall be entitled to receive in addition to his salary a compensatory allowance. It is felt that there is no real justification for granting such an allowance and it is accordingly proposed to omit clause (2).

Clause 14.-The provision in article 224 for recalling retired judges to function on the bench of a High Court for short periods has been found to be neither adequate nor satisfactory. It is, therefore, proposed to replace this article by a provision for the appointment of additional judges to clear off arrears and for the appointment of acting judges in temporary vacancies.

Clause 15.-It is proposed to revise and simplify articles 230, 231 and 232 having regard to the constitutional position of States and Union territories after reorganisation. While under article 214 there will normally be a separate High Court for each State, power will be required to establish common High Courts for two or more States. Power will also be required to extend the jurisdiction of a High Court to a Union territory, wherever necessary, and to exclude the jurisdiction of a High Court from such territory. The revised articles 230 and 231 are designed to make these provisions.

Clause 16.-Part VIII of the Constitution provides for the administration of Part C States and Part IX for the administration of Part D territories. It is proposed to amend Part VIII to provide for the administration of Union territories and to repeal Part IX.

Clause 17.-While the President is empowered by article 258 (1) to entrust Union functions to a State Government or its officers, there is no corresponding provision enabling the Governor of a State to entrust State functions to the Central Government or its officers. This lacuna has been found to be of practical consequence in connection with the execution of certain development projects in the States. It is proposed to fill the lacuna by a new article 258A.

Clause 18.-Article VIII of the Covenant entered into by the Rulers of Travancore and Cochin in May, 1949, for the formation of the United State of Travancore and Cochin provided that Travancore's obligation to contribute annually a sum of Rs. 51 lakhs to the Travancore Devaswom Fund should continue as an obligation of the United State. This arrangement was confirmed by article 238(10) (ii) of the Constitution. It is proposed that the existing arrangement should be continued even after the formation of the new State of Kerala , but the contribution to the Travancore Devaswom Board from the Consolidated Fund of that State should, in view of the transfer of territory from Travancore-Cochin to Madras, be reduced from Rs. 51 lakhs to Rs. 46.5 lakhs.

Clause 19.-In this clause it is proposed to revise and amplify the scope of article 298, mainly to make it clear that Union Government, as well as the State Governments, are competent to carry on any commercial or industrial undertaking, whether or not it is related to a matter within the legislative competence of the Union, or, as the case may be, of the State. Similarly , the holding, acquisition and disposal of property and the making of contracts by the Union or a State could be for any purpose without constitutional impropriety. At the same time, the revised article provides that this extended executive power of the Union and of the States will be subject, in the former case, to legislation by the State, and in the latter case, to legislation by Parliament.

Clause 20.-The new article 350A proposed in this clause is designed to implement one of the States Reorganisation Commission's important recommendations regarding safeguards for linguistic minorities in the States after reorganisation.

Clause 21.-It is proposed to replace article 371 by another article making a special provision with respect to the States of Andhra and Punjab. This article will enable the President to constitute regional committees of the State Legislative Assembly and secure their proper functioning by directing suitable modifications to be made in the rules of business of Government and in the rules of procedure of the Assembly.

Clause 22.-The High Court of Travancore-Cochin will, as from the appointed day, become the High Court for the new State of Kerala and the High Courts of Mysore and Rajasthan will continue, respectively, as the High Courts for the enlarged "new" States with the same names. Taking into account the level of income at the bar and salaries payable to the judicial services in these States, it is considered that there is no need to increase the salaries payable to the Judges of these High Courts to the level of the other High Courts. It is proposed to amend subparagraph (1) of paragraph 10 of the Second Schedule to the Constitution providing for a salary of Rs. 3,000 to the Chief Justices, and Rs. 2,500 to the other Judges, of these three High Courts.

Sometimes it becomes necessary to appoint a retired district judge as a judge of a High Court . In the absence of a legal provision for withholding the pension due to such a judge, it has been the practise to obtain from him an undertaking that he would not claim the pension for the period for which he serves as a High Court judge. Since this is obviously unsatisfactory, it is proposed to add a proviso to paragraph 10(1) of the Second Schedule on the same lines as the proviso to paragraph 9(1) thereof regulating the salary of a judge of the Supreme Court in similar circumstances.

Sub-paragraphs (3) and (4) of paragraph 10 are no longer required, since appropriate provision has been made in the High Court Judges (Conditions of Service) Act, 1954.

Clause 23.-The existence of three entries in the legislative lists (33 of List I, 36 of List II and 42 of List III) relating to the essentially single subject of acquisition and requisitioning of property by the Government gives rise to unnecessary technical difficulties in legislation. In order to avoid these difficulties and simplify the constitutional position, it is proposed to omit the entries in the Union and State List and replace the entry in the Concurrent List by a comprehensive entry covering the whole subject.

Clause 24.-Entry 67 of the Union List refers to "ancient and historical monuments and records, and archaeological sites and remains ,declared by Parliament by law to be of national importance". A large number of ancient monuments, archaeological sites, etc., have been declared to be of national importance by an Act of Parliament. It requires another Act of Parliament to make the slightest alteration in, or addition to, the lists in that Act, which seems to be an unduly cumbrous procedure. It is, therefore, proposed to amend the entry substituting for the words "declared by Parliament by law", the words "declared by or under law made by Parliament". The same amendment is also proposed to be made in the connected provisions, entry 12 of the State List, entry 40 of the Concurrent List and article 49.

Clause 25.-Although the Union List has two entries 7 and 52, relating to industries, the latter alone is referred to in entry 24 of List II. The omission of entry 7 of List I appears to be due to an oversight and is sought to be rectified in this clause.

Clause 26 and the Schedule.-These contain the consequential and minor amendments and repeals proposed to be made in the Constitution and in the Constitution (Removal of Difficulties) Order No. VIII pertaining to the Assam tribal areas.

NEW DELHI; GOVIND BALLABH PANT.
The 14th April, 1956.

THE CONSTITUTION (SEVENTH AMENDMENT) ACT, 1956

[19th October, 1956.]

An Act further to amend the Constitution of India.

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

Short title and commencement.- (1) This Act may be called the Constitution (Seventh Amendment) Act, 1956.

(2) It shall come into force on the 1st day of November, 1956.

2. Amendment of article 1 and First Schedule.- (1) In article 1 of the Constitution,-

(a) for clause (2), the following clause shall be substituted, namely:-

"(2) The States and the territories thereof shall be as specified in the First Schedule."; and

(b) in clause (3), for sub-clause (b), the following sub-clause shall be substituted, namely:-

"(b) the Union territories specified in the First Schedule; and".

(2) For the First Schedule to the Constitution as amended by the States Reorganisation Act, 1956, and the Bihar and West Bengal (Transfer of Territories) Act, 1956, the following Schedule shall be substituted, namely:-

I. THE STATES

----- Name Territories -----

----- 1. Andhra Pradesh..... The territories specified in sub-section (1) of section 3 of the Andhra State Act, 1953 and the territories specified in sub-section (1) of section 3 of the States Reorganisation Act, 1956.

2. Assam.....The territories which immediately before the commencement of this Constitution were comprised in the Province of Assam, the Khasi States and the Assam Tribal Areas, but excluding the territories specified in the Schedule to the Assam (Alteration of Boundaries) Act, 1951.

3. Bihar..... The territories which immediately before the commencement of this Constitution were either comprised in the Province of Bihar or were being administered as if they formed part of that Province, but excluding the territories specified in sub-section (1) of section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956.
4. Bombay..... The territories specified in sub-section (1) of section 8 of the States Reorganisation Act, 1956.
5. KeralaThe territories specified in sub-section (1) of section 5 of the States Reorganisation Act, 1956.
6. Madhya Pradesh....The territories specified in sub-section (1) of section 9 of the States Reorganisation Act, 1956.
7. Madras..... The territories which immediately before the commencement of this Constitution were either comprised in the Province of Madras or were being administered as if they formed part of that Province and the territories specified in section 4 of the States Reorganisation Act, 1956, but excluding the territories specified in sub-section (1) of section 3 and sub-section (1) of section 4 of the Andhra State Act, 1953 and the territories specified in clause (b) of sub-section (1) of section 5, section 6 and clause (d) of sub-section (1) of section 7 of the States Reorganisation Act, 1956.
8. Mysore..... The territories specified in sub-section (1) of section 7 of the States Reorganisation Act, 1956.
9. Orissa..... The territories which immediately before the commencement of this Constitution were either comprised in the Province of Orissa or were being administered as if they formed part of that Province.
10. Punjab..... The territories specified in section 11 of the States Reorganisation Act, 1956.
11. Rajasthan..... The territories specified in section 10 of the States Reorganisation Act, 1956.
12. Uttar Pradesh.. The territories which immediately before the commencement of this Constitution were either comprised in the Province known as the United Provinces or were being administered as if they formed part of that Province.
13. West Bengal.... The territories which immediately before the commencement of this

Constitution were either comprised in the Province of West Bengal or were being administered as if they formed part of that Province and the territory of Chandernagore as defined in clause (c) of section 2 of the Chandernagore (Merger) Act, 1954, and also the territories specified in sub-section (1) of section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956.

14. Jammu and..... The territory which immediately before the Kashmir commencement of this Constitution was comprised in the Indian State of Jammu and Kashmir.

II. THE UNION TERRITORIES

----- Name Extent -----

----- 1. Delhi..... The territory which immediately before the commencement of this Constitution was comprised in the Chief Commissioner's Province of Delhi.

2. Himachal.....The territories which immediately before the Pradesh commencement of this Constitution were being administered as if they were Chief Com- missioner's Provinces under the names of Himachal Pradesh and Bilaspur.

3. Manipur..... The territory which immediately before the commencement of this Constitution was being administered as if it were a Chief Com- missioner's Province under the name of Manipur.

4. Tripura.....The territory which immediately before the commencement of this Constitution was being administered as if it were a Chief Commissioner's Province under the name of Tripura.

5. The Andaman and...The territory which immediately before the Nicobar Islands commencement of this Constitution was compri- sed in the Chief Commissioner's Province of the Andaman and Nicobar Islands.

6. The Laccadive,.....The territory specified in section 6 of the Minicoy and States Reorganisation Act, 1956.". Amindivi Islands.

3. Amendment of article 80 and Fourth Schedule.-(1) In article 80 of the Constitution,-

(a) in sub-clause (b) of clause (1), after the word "States", the words "and of the Union territories" shall be added;

(b) in clause (2), after the words "of the States", the words "and of the Union territories" shall be inserted;

(c) in clause (4), the words and letters "specified in Part A or Part B of the First Schedule" shall be omitted; and

(d) in clause (5), for the words and letter "States specified in Part of the First Schedule", the words "Union territories" shall be substituted.

(2) For the Fourth Schedule to the Constitution as amended by the States Reorganisation Act, 1956, and the Bihar and West Bengal (Transfer of Territories) Act, 1956, the following Schedule shall be substituted, namely:-

"FOURTH SCHEDULE

[Articles 4(1) and 80(2)]

ALLOCATION OF SEATS IN THE COUNCIL OF STATES

To each State or Union territory specified in the first column of the following table, there shall be allotted the number of seats specified in the second column thereof opposite to that State or that Union territory, as the case may be.

TABLE

1. Andhra Pradesh	18	2.	
Assam.....	7	3.	
Bihar.....	22	4.	
Bombay.....	27	5.	
Kerala.....	9	6.	Madhya
Pradesh.....	16	7.	Madras.....
			17
8. Mysore.....	12	9.	
Orissa.....	10	10.	
Punjab.....	11	11.	
Rajasthan.....	10	12.	Uttar
Pradesh.....	34	13.	West
Bengal.....	16	14.	Jammu and
Kashmir.....	4	15.	Delhi.....
			3
Himachal Pradesh.....	2	16.	
			17.

Manipur.....	1	18.
Tripura.....	1	

----- Total .. 220". -----

4. Substitution of new articles for articles 81 and 82.-For articles 81 and 82 of the Constitution, the following articles shall be substituted, namely:-

"81. Composition of the House of the People.-(1) Subject to the provisions of article 331, the House of the People shall consist of-

(a) not more than five hundred members chosen by direct election from territorial constituencies in the States, and

(b) not more than twenty members to represent the Union territories, chosen in such manner as Parliament may by law provide.

(2) For the purposes of sub-clause (a) of clause (1),-

(a) there shall be allotted to each State a number of seats in the House of the People in such manner that the ratio between that number and the population of the State is, so far as practicable, the same for all States; and

(b) each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it is, so far as practicable, the same throughout the State.

(3) In this article, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

82. Readjustment after each census.-Upon the completion of each census, the allocation of seats in the House of the People to the States and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine:

Provided that such readjustment shall not affect representation in the House of the People until the dissolution of the then existing House."

5. Amendment of article 131.-In article 131 of the Constitution, for the proviso, the following

proviso shall be substituted, namely:-

"Provided that the said jurisdiction shall not extend to a dispute arising out of any treaty, agreement, covenant, engagement, sanad or other similar instrument which, having been entered into or executed before the commencement of this Constitution, continues in operation after such commencement, or which provides that the said jurisdiction shall not extend to such a dispute."

6. Amendment of article 153.-To article 153 of the Constitution, the following proviso shall be added, namely:-

"Provided that nothing in this article shall prevent the appointment of the same person as Governor for two or more States."

7. Amendment of article 158.-In article 158 of the Constitution, after clause (3), the following clause shall be inserted, namely:-

"(3A) Where the same person is appointed as Governor of two or more States, the emoluments and allowances payable to the Governor shall be allocated among the States in such proportion as the President may by order determine."

8. Amendment of article 168.- (1) in clause (1) of article 168 of the Constitution, in sub-clause (a), after the word "Madras", the word "Mysore" shall be inserted.

(2) In the said sub-clause, as from such date as the President may, by public notification, appoint, after the word "Bombay", the words "Madhya Pradesh" shall be inserted.

9. Substitution of new article for article 170.-For article 170 of the Constitution, the following article shall be substituted, namely:-

"170. Composition of the Legislative Assemblies.- (1) Subject to the provisions of article 333, the Legislative Assembly of each State shall consist of not more than five hundred, and not less than sixty, members chosen by direct election from territorial constituencies in the State.

(2) For the purposes of clause (1), each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the State.

Explanation.-In this clause, the expression "population" means the population as ascertained at

the last preceding census of which the relevant figures have been published.

(3) Upon the completion of each census, the total number of seats in the Legislative Assembly of each State and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine:

Provided that such readjustment shall not affect representation in the Legislative Assembly until the dissolution of the then existing Assembly."

10. Amendment of article 171.-In clause (1) of article 171 of the Constitution, for the word "one-fourth", the word "one-third" shall be substituted.

11. Amendment of article 216.-In article 216 of the Constitution, the proviso shall be omitted.

12. Amendment of article 217.-In article 217 of the Constitution, in clause (1), for the words "shall hold office until he attains the age of sixty years", the following words and figures shall be substituted, namely:-

"shall hold office, in the case of an additional or acting Judge, as provided in article 224, and in any other case, until he attains the age of sixty years".

13. Substitution of new article for article 220.-For article 220 of the Constitution, the following article shall be substituted, namely:-

"220. Restriction on practice after being a permanent Judge.-No person who, after the commencement of this Constitution, has held office as a permanent Judge of a High Court shall plead or act in any court or before any authority in India except the Supreme Court and the other High Courts.

Explanation.-In this article, the expression "High Court" does not include a High Court for a State specified in Part B of the First Schedule as it existed before the commencement of the Constitution (Seventh Amendment) Act, 1956."

14. Amendment of article 222.-In article 222 of the Constitution,---

(a) in clause (1), the words "within the territory of India" shall be omitted; and

(b) clause (2) shall be omitted.

15. Substitution of new article for article 224.-For article 224 of the Constitution, the following article shall be substituted, namely:-

"224. Appointment of additional and acting Judges.-(1) If by reason of any temporary increase in the business of a High Court or by reason of arrears of work therein, it appears to the President that the number of the Judges of that Court should be for the time being increased, the President may appoint duly qualified persons to be additional Judges of the Court for such period not exceeding two years as he may specify.

(2) When any Judge of a High Court other than the Chief Justice is by reason of absence or for any other reason unable to perform the duties of his office or is appointed to act temporarily as Chief Justice, the President may appoint a duly qualified person to act as a Judge of that Court until the permanent Judge has resumed his duties.

(3) No person appointed as an additional or acting Judge of a High Court shall hold office after attaining the age of sixty years.".

16. Substitution of new articles for articles 230, 231 and 232.- For articles 230, 231 and 232 of articles the Constitution, the following shall be substituted, namely:-

"230. Extension of jurisdiction of High Courts to Union territories.- (1) Parliament may by law extend the jurisdiction of a High Court to, or exclude the jurisdiction of a High Court from, any Union territory.

(2) Where the High Court of a State exercises jurisdiction in relation to a Union territory,-

(a) nothing in this Constitution shall be construed as empowering the Legislature of the State to increase, restrict or abolish that jurisdiction; and

(b) the reference in article 227 to the Governor shall, in relation to any rules, forms or tables for subordinate courts in that territory, be construed as a reference to the President.

231. Establishment of a common High Court for two or more States.- (1) Notwithstanding anything contained in the preceding provisions of this Chapter, Parliament may by law establish a common High Court for two or more States or for two or more States and a Union territory.

(2) In relation to any such High Court,-

(a) the reference in article 217 to the Governor of the State shall, be construed as a reference to the Governors of all the States in relation to which the High Court exercises jurisdiction;

(b) the reference in article 227 to the Governor shall, in relation to any rules, forms or tables for subordinate courts, be construed as a reference to the Governor of the State in which the subordinate courts are situate; and

(c) the references in articles 219 and 229 to the State shall be construed as a reference to the State in which the High Court has its principal seat:

Provided that if such principal seat is in a Union territory, the references in articles 219 and 229 to the Governor, Public Service Commission, Legislature and Consolidated Fund of the State shall be construed respectively as references to the President, Union Public Service Commission, Parliament and Consolidated Fund of India."

17. Amendment of Part VIII.-In Part VIII of the Constitution,-

(a) for the heading "THE STATES IN PART C OF THE FIRST SCHEDULE", the heading "THE UNION TERRITORIES" shall be substituted; and

(b) for articles 239 and 240, the following articles shall be substituted namely:-

"239. Administration of Union territories.- (1) Save as otherwise provided by Parliament by law, every Union territory shall be administered by the President acting, to such extent as he thinks fit, through an administrator to be appointed by him with such designation as he may specify.

(2) Notwithstanding anything contained in Part VI, the President may appoint the Governor of a State as the administrator of an adjoining Union territory, and where a Governor is so appointed, he shall exercise his functions as such administrator independently of his Council of Ministers.

240. Power of President to make regulations for certain Union territories.- (1) The President may make regulations for the peace, progress and good government of the Union territory of-

(a) the Andaman and Nicobar Islands;

(b) the Laccadive, Minicoy and Amindivi Islands.

(2) Any regulation so made may repeal or amend any Act made by Parliament or any existing law which is for the time being applicable to the Union territory and, when promulgated by the President, shall have the same force and effect as an Act of Parliament which applies to that territory."

18. Insertion of new article 258A.- After article 258 of the Constitution, the following article shall be inserted, namely:-

"258A Power of the States to entrust functions to the Union.-Notwithstanding anything in this Constitution, the Governor of a State may, with the consent of the Government of India, entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of the State extends."

19. Insertion of new article 290A.-After article 290 of the Constitution, the following article shall be inserted, namely:-

"290A. Annual payment to certain Devaswom Funds.-A sum of forty-six lakhs and fifty thousand rupees shall be charged on, and paid out of, the Consolidated Fund of the State of Kerala every year to the Travancore Devaswom Fund; and a sum of thirteen lakhs and fifty thousand rupees shall be charged on, and paid out of, the Consolidated Fund of the State of Madras every year to the Devaswom Fund established in that State for the maintenance of Hindu temples and shrines in the territories transferred to that State on the 1st day of November, 1956, from the State of Travancore-Cochin."

20. Substitution of new article for article 298.- For article 298 of the Constitution, the following article shall be substituted, namely:-

"298. Power to carry on trade, etc.-The executive power of the Union and of each State shall extend to the carrying on of any trade or business and to the acquisition, holding and disposal of property and the making of contracts for any purpose:

Provided that-

(a) the said executive power of the Union shall, in so far as such trade or business or such purpose is not one with respect to which Parliament may make laws, be subject in each State to legislation by the State; and

(b) the said executive power of each State shall, in so far as such trade or business or such purpose is not one with respect to which the State Legislature may make laws, be subject to

legislation by Parliament."

21. Insertion of new articles 350A and 350B.-After article 350 of the Constitution, the following articles shall be inserted, namely:---

"350A. Facilities for instruction in mother-tongue at primary stage.-It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups; and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities.

350B. Special Officer for linguistic minorities.-(1) There shall be a Special Officer for linguistic minorities to be appointed by the President.

(2) It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under this Constitution and report to the President upon those matters at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament, and sent to the Governments of the States concerned."

22. Substitution of new article for article 371.-For article 371 of the Constitution, the following article shall be substituted, namely:-

"371. Special provision with respect to the States of Andhra Pradesh, Punjab and Bombay.-

(1) Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Andhra Pradesh or Punjab, provide for the constitution and functions of regional committees of the Legislative Assembly of the 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 the regional committees.

(2) Notwithstanding anything in this Constitution, the President may by order made with respect to the State of Bombay, provide for any special responsibility of the Governor for-

(a) the establishment of separate development boards for Vidarbha, Marathwada. the rest of Maharashtra, Saurashtra, Kutch and the rest of Gujarat with the provision that a report on the working of each of these boards will be placed each year before the State Legislative Assembly;

(b) the equitable allocation of funds for developmental expenditure over the said areas, subject

to the requirements of the State as a whole; and

(c) an equitable arrangement providing adequate facilities for technical education and vocational training, and adequate opportunities for employment in services under the control of the State Government, in respect of all the said areas, subject to the requirements of the State as a whole."

23. Insertion of new article 372A.-After article 372 of the Constitution, the following article shall be inserted, namely:-

"372A. Power of the President to adapt laws.-(1) For the purposes of bringing the provisions of any law in force in India or in any part thereof, immediately before the commencement of the Constitution (Seventh Amendment) Act, 1956, into accord with the provisions of this Constitution as amended by that Act, the President may by order made before the 1st day of November, 1957, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and provide that the law shall, as from such date as may be specified in the order, have effect subject to the adaptations and modifications so made, and any such adaptation or modification shall not be questioned in any court of law.

(2) Nothing in clause (1) shall be deemed to prevent a competent legislature or other competent authority from repealing or amending any law adapted or modified by the President under the said clause."

24. Insertion of new article 378A.-After article 378 of the Constitution, the following article shall be inserted, namely:-

"378A. Special provision as to duration of Andhra Pradesh Legislative Assembly.-Notwithstanding anything contained in article 172, the Legislative Assembly of the State of Andhra Pradesh as constituted under the provisions of sections 28 and 29 of the State Reorganisation Act, 1956, shall, unless sooner dissolved, continue for a period of five years from the date referred to in the said section 29 and no longer and the expiration of the said period shall operate as a dissolution of that Legislative Assembly."

25. Amendment of Second Schedule.-In the Second Schedule to the Constitution,-

(a) in the heading of Part D, the words and letter "in States in Part A of the First Schedule" shall be omitted;

(b) in sub-paragraph (1) of paragraph 9, for the words "shall be reduced by the amount of that pension", the following shall be substituted, namely:-

"shall be reduced-

(a) by the amount of that pension, and

(b) if he has, before such appointment, received in lieu of a portion of the pension due to him in respect of such previous service the commuted value thereof, by the amount of that portion of the pension, and

(c) if he has, before such appointment, received a retirement gratuity in respect of such previous service, by the pension equivalent of that gratuity"; and

(c) in paragraph 10-

(i) for sub-paragraph (1), the following sub-paragraph shall be substituted, namely:-

"(1) There shall be paid to the Judges of High Courts, in respect of time spent on actual service, salary at the following rates per mensem, that is to say,-

The Chief Justice .. 4,000 rupees

Any other Judge .. 3,500 rupees:

Provided that if a Judge of a High Court at the time of his appointment is in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Government of India or any of its predecessor Governments or under the Government of a State or any of its predecessor Governments, his salary in respect of service in the High Court shall be reduced-

(a) by the amount of that pension, and

(b) if he has, before such appointment, received in lieu of a portion of the pension due to him in respect of such previous service the commuted value thereof, by the amount of that portion of the pension, and

(c) if he has, before such appointment, received a retirement gratuity in respect of such previous service, by the pension equivalent of that gratuity."; and

(ii) for sub-paragraphs (3) and (4), the following sub-paragraph shall be substituted, namely:-

"(3) Any person who, immediately before the commencement of the Constitution (Seventh Amendment) Act, 1956 was holding office as the Chief Justice of the High Court of a State specified in Part B of the First Schedule and has on such commencement become the Chief Justice of the High Court of a State specified in the said Schedule as amended by the said Act, shall, if he was immediately before such commencement drawing any amount as allowance in addition to his salary, be entitled to receive in respect of time spent on actual service as such Chief Justice, the same amount as allowance in addition to the salary specified in sub-paragraph (1) of this paragraph.".

26. Modification of entries in the Lists relating to acquisition and requisitioning of property.- In the Seventh Schedule to the Constitution, entry 33 of the Union List and entry 36 of the State List shall be omitted and for entry 42 of the Concurrent List, the following entry shall be substituted, namely:-

"42. Acquisition and requisitioning of property.".

27. Amendment of certain provisions relating to ancient and historical monuments, etc.-In each of the following provisions of the Constitution, namely:-

(i) entry 67 of the Union List,

(ii) entry 12 of the State List,

(iii) entry 40 of the Concurrent List, and

(iv) article 49,

for the words "declared by Parliament by law", the words "declared by or under law made by Parliament" shall be substituted.

28. Amendment of entry 24 of State List.-In the Seventh Schedule to the Constitution, in entry 24 of the State List, for the word and figures "entry 52", the words and figures "entries 7 and 52" shall be substituted.

29. Consequential and minor amendments and repeals and savings.- (1) The consequential and minor amendments and repeals directed in the Schedule shall be made in the Constitution and

in the Constitution (Removal of Difficulties) Order, No. VIII, made under article 392 of the Constitution.

(2) Notwithstanding the repeal of article 243 of the Constitution by the said Schedule, all regulations made by the President under that article and in force immediately before the commencement of this Act shall continue in force until altered or repealed or amended by a competent Legislature or other competent authority.

THE SCHEDULE (See section 29)

CONSEQUENTIAL AND MINOR AMENDMENTS AND REPEALS IN THE CONSTITUTION

Article 3.-In the proviso, omit "specified in Part A or Part B of the First Schedule".

Article 16.-In clause (3), for "under any State specified in the First Schedule or any local or other authority within its territory any requirement as to residence within that State" substitute-

"under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory".

Article 31A.-In sub-clause (a) of clause (2), for "Travancore-Cochin" substitute "Kerala".

Article 58.-In the Explanation, omit "or Rajpramukh or Uparajpramukh".

Article 66.-In the Explanation, omit "or Rajpramukh or Uparajpramukh".

Article 72.-In clause (3), omit "or Rajpramukh".

Article 73.-In the proviso to clause (1) omit "specified in Part A or Part B of the First Schedule".

Article 101.-In clause (2), omit "specified in Part A or Part B of the First Schedule", and for "such a State" substitute "a State".

Article 112.-In sub-clause (d) (iii) of clause (3), for "a Province corresponding to a State specified in Part A of the First Schedule", substitute "a Governor's Province of the Dominion of India".

Article 143.-In clause (2), omit "clause (i) of" and for "said clause" substitute "said proviso".

Article 151.-In clause (2), omit "or Rajpramukh".

Part VI.-In the heading, omit "IN PART A OF THE FIRST SCHEDULE".

Article 152.-For "means a State specified in Part A of the First Schedule" substitute "does not include the State of Jammu and Kashmir".

Article 214.-Omit "(1)" and clauses (2) and (3).

Article 217.-In sub-clause (b) of clause (2), omit "in any State specified in the First Schedule".

Article 219.-Omit "in a State."

Article 229.-In the proviso to clause (1) and in the proviso to clause (2), omit "in which the High Court has its principal seat".

Omit Part VII.

Article 241.- (a) In clause (1), for "State specified in Part C of the First Schedule" substitute "Union territory", and for "such State" substitute "such territory".

(b) For clauses (3) and (4), substitute-

"(3) Subject to the provisions of this Constitution and to the provisions of any law of the appropriate Legislature made by virtue of powers conferred on that Legislature by or under this Constitution, every High Court exercising jurisdiction immediately before the commencement of THE CONSTITUTION (Seventh Amendment) Act, 1956, in relation to any Union territory shall continue to exercise such jurisdiction in relation to that territory after such commencement.

(4) Nothing in this article derogates from the power of Parliament to extend or exclude the jurisdiction of a High Court for a State to, or from, any Union territory or part thereof."

Omit article 242.

Omit Part IX.

Article 244.-Omit "specified in Part A or Part B of the First Schedule".

Article 246.-In clauses (2) and (3), omit "specified in Part A or Part B of the First Schedule" and in clause (4), for "in Part A or Part B of the First Schedule" substitute "in a State".

Article 254.---In clause (2), omit "specified in Part A or Part B of the First Schedule".

Article 255.---Omit "specified in Part A or Part B of the First Schedule".

Omit article 259.

Article 264.-For article 264, substitute-

264. Interpretation.-In this Part, "Finance Commission" means a Finance Commission constituted under article 280.!

Article 267.-In clause (2), omit "or Rajpramukh".

Article 268.-In clause (1), for "State specified in Part C of the First Schedule", substitute "Union territory".

Article 269.-In clause (2), for "States specified in Part C of the First Schedule" substitute "Union territories".

Article 270.--In clauses (2) and (3), for "States specified in Part C of the First Schedule" substitute "Union territories".

Omit article 278.

Article 280.-In clause (3), omit sub-clause (c) and re-letter sub-clause (d) as sub-clause (c).

Article 283.-in clause (2), omit "or Rajpramukh".

Article 291.-Omit "(1)" and clause (2).

Article 299.-In clause (1), omit "or the Rajpramukh", and in clause (2), omit "nor the Rajpramukh".

Article 304.-In clause (a) after "other States", insert "or the Union territories".

Article 308.-For "means a State specified in Part A or Part B of the First Schedule", substitute "does not include the State of Jammu and Kashmir".

Article 309.-Omit "or Rajpramukh".

Article 310.-In clause (1), omit "or, as the case may be, the Rajpramukh", and in clause (2), omit "or Rajpramukh" and "or the Rajpramukh".

Article 311.-In clause (2), omit "or Rajpramukh".

Article 315.-In clause (4), omit "or Rajpramukh".

Article 316.-In clauses (1) and (2), omit "or Rajpramukh".

Article 317.-In clause (2), omit "or Rajpramukh".

Article 318.-Omit "or Rajpramukh".

Article 320.-In clause (3), omit "or Rajpramukh" and "or Rajpramukh, as the case may be", and in clause (5), omit "or Rajpramukh".

Article 323.-In clause (2), omit "or Rajpramukh" and "or Rajpramukh, as the case may be".

Article 324.-In clause (6), omit "or Rajpramukh".

Article 330.-In clause (2), after "State" wherever it occurs, insert "or Union territory".

Article 332.-In clause (1), omit "specified in Part A or Part B of the First Schedule".

Article 333.-Omit "or Rajpramukh".

Article 337.-Omit "specified in Part A or Part B of the First Schedule".

Article 339.-In clause (1), omit "specified in Part A and Part B of the First Schedule" and in clause (2), for "any such State" substitute "a State".

Article 341.-In clause (1), after "any State" insert "or Union territory", omit "specified in Part

A or Part B of the First Schedule", omit "or Rajpramukh" and after "that State" insert "or Union territory, as the case may be".

Article 342.---In clause (1), after "any State" insert "or Union territory", omit "specified in Part A or Part B of the First Schedule", omit "or Rajpramukh" and after "that State" insert "or Union territory, as the case may be".

Article 348.---Omit "or Rajpramukh".

Article 356.---In clause (1), omit "or Rajpramukh" and "or Rajpramukh, as the case may be".

Article 361.---In clauses (2), (3) and (4), omit "or Rajpramukh" and in clause (4), omit "or the Rajpramukh".

Article 362.---Omit "clause (1) of".

Article 366.---Omit clause (21), and for clause (30), substitute---

"(30) 'Union territory' means any Union territory specified in the First Schedule and includes any other territory comprised within the territory of India but not specified in that Schedule."

Article 367.---In clause (2), omit "specified in Part A or Part B of the First Schedule" and "or Rajpramukh".

Article 368.---Omit "specified in Parts A and B of the First Schedule".

Omit articles 379 to 391, both inclusive.

Second Schedule.---(a) In the heading of Part A and in paragraph 1, omit "specified in Part A of the First Schedule";

(b) in paragraph 2, omit "so specified";

(c) in paragraph 3, for "such States" substitute "the States";

(d) omit Part B;

(e) in the heading of Part C, omit "of a State in Part A of the First Schedule" and for "any such State" substitute "a State";

(f) in paragraph 8, omit "of a State specified in Part A of the First Schedule", and for "such State" substitute "a State".

Fifth Schedule.---(1) In paragraph 1, omit "means a State specified in Part A or Part B of the First Schedule" but";

(b) in paragraph 3, omit "or Rajpramukh";

(c) in paragraph 4, in sub-paragraph (2), omit "or Rajpramukh, as the case may be" and in sub-paragraph (3), omit "or Rajpramukh";

(d) in paragraph 5, in sub-paragraphs (1) and (2) omit "or Rajpramukh, as the case may be", in sub-paragraph (3), omit "or Rajpramukh" and in sub-paragraph (5), omit "or the Rajpramukh".

Sixth Schedule.---In paragraph 18, in sub-paragraph (2), for "Part IX" substitute "article 240", and for "territory specified in Part D of the First Schedule" substitute "Union territory specified in that article".

Seventh Schedule.---In List I,---

(a) in entry 32, omit "specified in Part A or Part B of the First Schedule"; and

(b) for entry 79, substitute,---

"79. extension of the jurisdiction of a High Court to, and exclusion of the jurisdiction of a High Court from, any Union territory.".

CONSEQUENTIAL AMENDMENTS IN THE CONSTITUTION (REMOVAL OF DIFFICULTIES) ORDER No. VIII.

In the Constitution (Removal of Difficulties) Order NO. VIII, for sub-paragraphs (1), (2) and (3) of paragraph 2, substitute-

(1) In article 81,-

(a) in sub-clause (b) of clause (1), after the words "Union territories", the words, letter and figures" and the tribal areas specified in Part B of the Table appended to paragraph 20 of the Sixth Schedule" shall be inserted; and

(b) to clause (2), the following proviso shall be added, namely:-

"Provided that the constituencies into which the State of Assam is divided shall not comprise the tribal areas specified in Part B of the Table appended to paragraph 20 of the Sixth Schedule."

(2) In clause (2) of article 170, after the words "throughout the State", the following proviso shall be inserted, namely:-

"Provided that the constituencies into which the State of Assam is divided shall not comprise the tribal areas specified in Part B of the Table appended to paragraph 20 of the Sixth Schedule."'