

EXTRACTS FROM THE GOVERNMENT OF UNION TERRITORIES ACT, 1963

(20 OF 1963)

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PART I
PRELIMINARY

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2. Definitions and interpretation.—(1) In this Act, unless the context otherwise requires,—

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¹[(h) "Union territory" means the Union territory of Pondicherry.]

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PART II
LEGISLATIVE ASSEMBLIES**3. Legislative Assemblies for Union territories and their composition.**—(1) There shall be a Legislative Assembly for each Union territory.²[(2) The total number of seats in the Legislative Assembly of ³[the Union territory] to be filled by persons chosen by direct election shall be thirty.](3) The Central Government may nominate not more than three persons, not being persons in the service of Government, to be members of the Legislative Assembly of ³[the Union territory.]⁴[(4) Seats shall be reserved for the Scheduled Castes in the Legislative Assembly of the Union territory.](5) The number of seats reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Assembly ⁵[of ⁶[the Union territory]] [under sub-section] (4) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the Union territory or of the scheduled tribes in the Union territory, as the case may be, in respect of which seats are so reserved, bears to the total population of the Union territory.⁷[*Explanation.*—In this sub-section, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published:Provided that the reference in this *Explanation* to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census.]

1. Subs. by Act 18 of 1987, s. 65, for cl. (h) (w.e.f. 30-5-1987).

2. Subs. by the State of Himachal Pradesh (Adaptation of Laws on Union Subjects) Order, 1973, for sub-section (2) (w.e.f. 25-1-1971).

3. Subs. by Act 18 of 1987, s. 65, for "a Union territory" (w.e.f. 30-5-1987).

4. Subs. by s. 65, *ibid.*, for sub-section (4) (w.e.f. 30-5-1987).

5. Subs. by Act 86 of 1976, s. 2, for "of the Union territory of Pondicherry" (w.e.f. 30-9-1976).

6. Subs. by Act 18 of 1987, s. 65, for "any Union territory" (w.e.f. 30-5-1987).

7. Ins. by Act 19 of 1984, s. 2.

Extracts from the Government of Union Territories Act, 1963
(PART II. —Acts of Parliament)

¹[(6) Notwithstanding anything in sub-section (4), the reservation of seats for the Scheduled Castes in the Legislative Assembly of the Union territory shall cease to have effect on the same date on which the reservation of seats for the Scheduled Castes in the House of the People shall cease to have effect under article 334:

Provided that nothing in this sub-section shall affect any representation in the Legislative Assembly of the Union territory until the dissolution of the then existing Assembly.]

4. Qualification for membership of Legislative Assembly.—A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of ²[the Union territory] unless he—

(a) is a citizen of India and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the First Schedule;

(b) is not less than twenty-five years of age; and

(c) possesses such other qualifications as may be prescribed in that behalf by or under any law.

5. Duration of Legislative Assemblies.—The Legislative Assembly of ²[the Union territory] unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly:

Provided that the said period may, while a Proclamation of Emergency issued under clause (1) of article 352 is in operation, be extended by the President by order for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

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13. Vacation of seats.—(1) No person shall be a member both of Parliament and of the Legislative Assembly of ²[the Union territory] and if a person is chosen a member both of Parliament and of such Assembly, then, at the expiration of such period as may be specified in the rules made by the President, that person's seat in Parliament shall become vacant, unless he has previously resigned his seat in the Legislative Assembly of the Union territory.

(2) If a member of the Legislative Assembly of ²[the Union territory] —

(a) becomes subject to any disqualification mentioned in ³[section 14 or section 14A] for membership of the Assembly, or

(b) resigns his seat by writing under his hand addressed to the Speaker,

his seat shall thereupon become vacant.

(3) If for a period of sixty days a member of the Legislative Assembly of ²[the Union territory] is without permission of the Assembly absent from all meetings thereof, the Assembly may declare his seat vacant:

Provided that in computing the said period of sixty days, no account shall be taken of any period during which the Assembly is prorogued or is adjourned for more than four consecutive days.

14. Disqualifications for membership.—(1) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly of ²[the Union territory]—

¹ Subs. by Act 18 of 1987, s. 65, for sub-section (6) (w.e.f. 30-5-1987).

² Subs. by s. 65, *ibid.*, for "a Union territory" (w.e.f. 30-5-1987).

Extracts from the Government of Union Territories Act, 1963
(PART II.—Acts of Parliament)

(a) if he holds any office of profit under the Government of India or the Government of any State or the Government of ¹[the Union territory], other than an office declared by law made by Parliament or by the Legislative Assembly of the Union territory], not to disqualify its holder; or

(b) if he is for the time being disqualified for being chosen as, and for being, a member of either House of Parliament under the provisions of sub-clause (b), sub-clause (c) or sub-clause (d) of clause (I) of article 102 or of any law made in pursuance of that article.

(2) For the purposes of this section, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State or the Government of ¹[the Union territory] by reason only that he is a Minister either for the Union or for such State or Union territory.

(3) If any question arises as to whether a member of the Legislative Assembly of ²[the Union territory] has become disqualified for being such a member under the provisions of sub-section (I), the question shall be referred for the decision of the President and his decision shall be final.

(4) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion.

³**14A. Disqualification on ground of defection for being a member.**—The provisions of the Tenth Schedule to the Constitution shall, subject to the necessary modifications (including modifications for construing references therein to the Legislative Assembly of a State, article 188, article 194 and article 212 as references, respectively, to the Legislative Assembly of ²[the Union territory], section 11, section 16 and section 37 of this Act), apply to and in relation to the members of the Legislative Assembly of ²[the Union territory] as they apply to and in relation to the members of the Legislative Assembly of a State, and accordingly, —

(a) the said Tenth Schedule as so modified shall be deemed to form part of this Act; and

(b) a person shall be disqualified for being a member of the Legislative Assembly of ²[the Union territory] if he is so disqualified under the Tenth Schedule as so modified.]

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39. Assembly constituencies.—For the purpose of elections to the Legislative Assembly of ²[the Union territory], the Union territory shall be divided into single-member assembly constituencies in accordance with the provisions of this Part in such manner that the population of each of the constituencies shall, so far as practicable, be the same throughout the Union territory.

40. Representation of Pondicherry in the House of the People.—There shall be allotted one seat to the Union territory of Pondicherry in the House of the People and that union territory shall form one parliamentary constituency.

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51. Provision in case of failure of constitutional machinery.—If the President, on receipt of a report from the Administrator of ²[the Union territory] or otherwise, is satisfied,--

(a) that a situation has arisen in which the administration of the Union territory cannot be carried on in accordance with the provisions of this Act, or

¹ Subs. by Act 18 of 1987, s. 65, for "any Union territory" (w.e.f. 30-5-1987).

² Subs. by s. 65, *ibid.*, for "a Union territory" (w.e.f. 30-5-1987).

Extracts from the Government of Union Territories Act, 1963
(PART II.—Acts of Parliament)

(b) that for the proper administration of the Union territory it is necessary or expedient so to do,

the President may, by order, suspend the operation of all or any of the provisions of this Act for such period as he thinks fit and make such incidental and consequential provisions as may appear to him to be necessary or expedient for administering the Union territory in accordance with the provisions of article 239.

¹[**52. Authorisation of expenditure by President.**—Where the Legislative Assembly of²[the Union territory] is dissolved, or its functioning as such Assembly remains suspended, on account of an order under section 51, it shall be competent for the President to authorise when the House of the People is not in session expenditure from the Consolidated Fund of that Union territory pending the sanction of such expenditure by Parliament.]

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¹ Ins. by Act 1 of 1980, s. 2 (w.e.f. 25-9-1979).

² Subs. by Act 18 of 1987, s. 65, for "a Union territory" (w.e.f. 30-5-1987).

