

Quadrant II – Transcript and Related Materials

Programme: Bachelor of Arts (T.Y.B.A.)

Subject: Political Science

Paper Code: POC 109

Paper Title: 'Government and Politics of Goa (Union Territory Phase 1961-1987)'

Unit: Unit 2

Module Name: 'Union Territory Act'

Module No:06

Name of the Presenter: Ms. Tricia Vaz e Borges

Notes

Unit 2 : Post-Colonial Transition - Union Territory Act

The Constitution (Twelfth Amendment Act,1962)

The act was introduced by PM Jawaharlal Nehru and passed by Parliament on June 20 1962. It incorporated Goa, Daman and Diu as the 8th Union Territory of India, by amending the First Schedule of the Constitution. It amended Clause (1) of Article 240 of the Constitution to confer power on the President to make regulations for the peace, progress and good government of Goa, Daman and Diu.

The Government of Union Territories Act, 1963

This act was introduced in the Lok Sabha by Home Minister Lal Bahadur Shastri and passed on 04th May 1963. It is also called the Union Territory Act, 1963. It was extended to Goa, Daman and Diu w.e.f. 13th May 1963. It was amended in 1971- Gave additional powers to the Administrators to assent Bills, issue ordinances in certain cases.

1. Legislative Assembly

Composition: Total seats - 30 (Direct Election). Central Government may nominate not more than 03 persons. Seats shall be reserved for Scheduled Castes in the Legislative Assembly in proportion to their population.

2. Qualifications for Membership :

Citizen of India

Not less than 25 years of age

Possesses such other qualifications as may be prescribed in that behalf by or under any law.

3. Disqualifications for Membership

A member may be disqualified if he holds an office of profit under the Government of India/State/Union Territory.

He is disqualified under Article 102 of the Indian Constitution.

4. Vacancy of Seats

No person can be a member of both Parliament and Legislative Assembly.

Member is disqualified

Resignation

Absent without permission for Legislative meetings for a period of 60 days

5. Duration of Legislative Assembly

Five years

Term can be extended during Proclamation of Emergency under Article 352.

6. Sessions of Legislative Assembly

Administrator – has power to summon, prorogue or dissolve the Assembly.

Six months shall not intervene between 2 sessions.

7. Speaker and Deputy Speaker

The members should choose two among them as Speaker and Deputy Speaker.

Vacancy in the office of Speaker/Deputy Speaker may arise if he ceases to be a member of the Assembly, due to resignation or removal from office.

7. Rights of Administrator

Address the Legislative Assembly.

Send messages to the Assembly.

8. Rights of Ministers

Right to speak/take part in proceedings of Assembly/ Legislative Committees.

9. Powers and Privileges of Members

Freedom of Speech in the Legislative Assembly.

Immunity from court proceedings in respect of anything said or any vote given in Assembly.

10. Extent of legislative power

Laws can be made by the Assembly in matters enumerated in the State List & Concurrent List.

Restrictions in law making imposed by Articles 286, 287 and 288.

Laws made by Parliament will prevail over laws made by the Assembly in cases of inconsistency.

Sanction of Administrator required for certain legislative proposals like financial bills.