

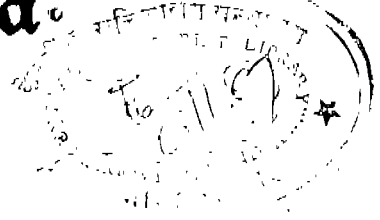


भारत का राजपत्र The Gazette of India.

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
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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

LOK SABHA

The following Bills were introduced in Lok Sabha on 26th August, 1987:—

BILL NO. 93 OF 1987

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Fifty-eighth Amendment) Act, 1987.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. (1) In article 332 of the Constitution, after clause (3), the following clause shall be inserted, namely:—

“(3A) Notwithstanding anything contained in clause (3), until the taking effect, under article 170, of the re-adjustment, on the basis of the first census after the year 2000, of the number of seats in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly of any such State shall be,—

(a) if all the seats in the Legislative Assembly of such State in existence on the date of coming into force of the Constitution

Short title and commencement.

Amendment of article 332.

(Fifty-eighth Amendment) Act, 1987 (hereafter in this clause referred to as the existing Assembly) are held by members of the Scheduled Tribes, all the seats except one;

(b) in any other case, such number of seats as bears to the total number of seats, a proportion not less than the number (as on the said date) of members belonging to the Scheduled Tribes in the existing Assembly bears to the total number of seats in the existing Assembly.”.

(2) The amendment made to article 332 of the Constitution by subsection (1) shall not affect any representation in the Legislative Assembly of the State of Arunachal Pradesh or the Legislative Assembly of the State of Meghalaya or the Legislative Assembly of the State of Mizoram or the Legislative Assembly of the State of Nagaland until the dissolution of the Legislative Assembly of the State of Arunachal Pradesh or the Legislative Assembly of the State of Meghalaya or the Legislative Assembly of the State of Mizoram or the Legislative Assembly of the State of Nagaland existing at the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS

The Constitution (Fifty-first Amendment) Act, 1984 was enacted to provide for reservation of seats in the House of the People for the Scheduled Tribes in Nagaland, Meghalaya, Mizoram and Arunachal Pradesh and also for reservation of seats for Scheduled Tribes in the Legislative Assemblies of Nagaland and Meghalaya by suitably amending articles 330 and 332. Even though these States are predominantly tribal areas, the underlying objective of the aforesaid Act was to ensure that the members of the Scheduled Tribes in these areas do not fail to secure a minimal representation because of their inability to compete with the advanced sections of the people.

2. The Constitution (Fifty-first Amendment) Act, though formally enforced, cannot be fully implemented unless parallel action is taken to determine the seats which are to be reserved for Scheduled Tribes in these areas. The number of seats reserved for Scheduled Castes and Scheduled Tribes in the Legislative Assembly of any State under article 332 of the Constitution will have to be determined having regard to the provisions of article 332(3) of the Constitution. However, in view of the historical background with respect to the areas comprised in the North-Eastern States, the circumstances obtained in these areas in the state of development of the Scheduled Tribes in these areas and other relevant considerations, it is considered necessary to provide for special arrangements with regard to the reservation for Scheduled Tribes in these areas for a temporary period so as to facilitate easy transition of these areas to the normal arrangements as envisaged in the Constitution. It is, therefore, proposed to further amend article 332 of the Constitution for making a temporary provision, until the re-adjustment of seats on the basis of the first census after the year 2000 under article 170 of the Constitution for these States, for the determination of the number of seats reserved for Scheduled Tribes.

3. The proposed amendment seeks to provide that if all the seats in the Legislative Assembly of such States in existence on the date of coming into force of this Constitution Amendment Act are held by the members of the Scheduled Tribes, all the seats except one shall be reserved for Scheduled Tribes and in any other case such number of seats as bears to the total number of seats a proportion not less than the number of members belonging to the Scheduled Tribes in the existing Assembly bears to the total number of seats in the existing Assembly.

4. The Bill seeks to achieve the above object.

NEW DELHI;

The 25th August, 1987.

BUTA SINGH.