

THE CONSTITUTION (TWENTY-SECOND AMENDMENT) ACT, 1969

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Statement of Objects and Reasons appended to the Constitution (Twenty-second Amendment) Bill, 1968 (Bill No. 113 of 1968) which was enacted as THE CONSTITUTION (Twenty-second Amendment) Act, 1969

STATEMENT OF OBJECTS AND REASONS

On the 11th September, 1968, the Government of India announced the broad details of the scheme for constituting within the State of Assam an autonomous State comprising certain areas specified in Part A of the table appended to paragraph 20 of the Sixth Schedule to the Constitution. Clause 2 of the Bill seeks to insert a new article 244A in the Constitution to confer the necessary legislative power on Parliament to enact a law for constituting the autonomous State and also to provide the autonomous State with a Legislature and a Council of Ministers with such powers and functions as may be defined by that law.

Clause 3 of the Bill makes a consequential amendment to article 275 in regard to certain special grants payable to the State of Assam in respect of the areas which may form part of the autonomous State.

Clause 4 of the Bill provides for the constitution of a committee of the Assam Legislative Assembly consisting of members of that Assembly from the tribal areas aforesaid and a few other members of that Assembly, as envisaged in the scheme.

NEW DELHI; Y. B. CHAVAN.

The 12th November, 1968.

THE CONSTITUTION (TWENTY-SECOND AMENDMENT) ACT, 1969

[25th September, 1969.]

An Act further to amend the Constitution of India.

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

1. Short title.- This Act may be called the Constitution (Twenty-second Amendment) Act, 1969.

2. Insertion of new article 244A.-In Part X of the Constitution, after article 244, the following article shall be inserted, namely:-

244A.-Formation of an autonomous State comprising certain tribal areas in Assam and creation of local Legislature or Council of Ministers or both therefor.-(1) Notwithstanding anything in this Constitution,

Parliament may, by law, form within the State of Assam an autonomous State comprising (whether wholly or in part) all or any of the tribal areas specified in Part A of the table appended to paragraph 20 of the Sixth Schedule and create therefor-

(a) a body, whether elected or partly nominated and partly elected, to function as a Legislature for the autonomous State, or

(b) a Council of Ministers,

or both with such constitution, powers and functions, in each case, as may be specified in the law.

(2) Any such law as is referred to in clause (1) may, in particular,-

(a) specify the matters enumerated in the State List or the Concurrent List with respect to which the Legislature of the autonomous State shall have power to make laws for the whole or any part thereof, whether to the exclusion of the Legislature of the State of Assam or otherwise;

(b) define the matters with respect to which the executive power of the autonomous State shall extend;

(c) provide that any tax levied by the State of Assam shall be assigned to the autonomous State in so far as the proceeds thereof are attributable to the autonomous State;

(d) provide that any reference to a State in any article of this Constitution shall be construed as including a reference to the autonomous State; and

(e) make such supplemental, incidental and consequential provisions as may be deemed necessary.

(3) An amendment of any such law as aforesaid in so far as such amendment relates to any of the matters specified in sub-clause (a) or sub-clause (b) of clause (2) shall have no effect unless the amendment is passed in each House of Parliament by not less than two-thirds of the members present and voting.

(4) Any such law as is referred to in this article shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution."

3. Amendment of article 275.-In article 275 of the Constitution, after clause (1), the following clause shall be inserted, namely:-

"(1A) On and from the formation of the autonomous State under article 244A-

(i) any sums payable under clause (a) of the second proviso to clause (1) shall, if the autonomous State comprises all the tribal areas referred to therein, be paid to the autonomous State, and, if the autonomous State comprises only some of those tribal areas, be apportioned between the State of Assam and the autonomous State as the President may, by order, specify;

(ii) there shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenues of the autonomous State sums, capital and recurring, equivalent to the costs of such schemes of development as may be undertaken by the autonomous State with the approval of the Government of India for the purpose of raising the level of administration of that State to that of the administration of the rest of the State of Assam."

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

"371B. Special provision with respect to the State of Assam.-Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Assam, 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 tribal areas specified in Part A of the table appended to paragraph 20 of the Sixth Schedule and such number of other members of that Assembly as may be specified in the order and for the modifications to be made in the rules of procedure of that Assembly for the constitution and proper functioning of such committee."