

THE CONSTITUTION (FORTY-NINTH AMENDMENT)

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Statement of Objects and Reasons appended to the Constitution (Fifty-first Amendment) Bill, 1984 which was enacted as THE CONSTITUTION (Forty-ninth Amendment) Act, 1984

STATEMENT OF OBJECTS AND REASONS

The Tripura Legislative Assembly passed a resolution on the 19th March, 1982 and again on the 11th February, 1983, urging the Government of India to apply the provisions of the Sixth Schedule to the Constitution to the tribal areas of the State of Tripura. The State Government of Tripura, therefore, recommended amendment of the Constitution for the purpose. Though under the Tripura Tribal Areas Autonomous District Council Act, 1979, an autonomous District Council has been functioning in the State, it was considered necessary to give it Constitutional sanctity with a view to meet the aspirations of the tribal population. The Council is expected to ensure rapid development of tribal areas and self-governance by the tribals.

2. The Bill seeks to achieve the above objects.

NEW DELHI; P. V. NARASIMHA RAO.

The 14th August, 1984.

THE CONSTITUTION (FORTY-NINTH AMENDMENT) ACT, 1984

[11th September, 1984.]

An Act further to amend the Constitution of India.

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

1. Short title and commencement.- (1) This Act may be called the Constitution (Forty-ninth Amendment) Act, 1984.

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

2. Amendment of article 244.- In article 244 of the Constitution, in clauses (1) and (2), for the words "and Meghalaya", the words ",Meghalaya and Tripura" shall be substituted.

3. Amendment of the Fifth Schedule.- In the Fifth Schedule to the Constitution, in paragraph 1, for the words "and Meghalaya", the words ",Meghalaya and Tripura" shall be substituted.

4. Amendment of the Sixth Schedule.- In the Sixth Schedule to the Constitution,-

(a) in the heading, for the words "and Meghalaya", the words ", Meghalaya and Tripura" shall be substituted;

(b) in sub-paragraph (1) of paragraph I, for the words and figures "Parts I and II", the words, figures and letter "Parts I,II and IIA" shall be substituted;

(c) after paragraph 12A, the following paragraph shall be inserted, namely:-

"12AA. Application of Acts of Parliament and of the Legislature of the State of Tripura to the autonomous district and autonomous regions in the State of Tripura.-Notwithstanding anything in this Constitution,-

(a) if any provision of a law made by the District or a Regional Council in the State of Tripura with respect to any matter specified in sub-paragraph (1) of paragraph 3 of this Schedule or if any provision of any regulation made by the District Council or a Regional Council in that State under paragraph 8 or paragraph 10 of this Schedule, is repugnant to any provision of a law made by the Legislature of the State of Tripura with respect to the matter, then, the law or regulation made by the District Council or, as the case may be, the Regional Council whether made before or after the law made by the Legislature of the State of Tripura, shall, to the extent of repugnancy, be void and the law made by the Legislature of the State of Tripura shall prevail;

(b) the President may, with respect to any Act of Parliament, by notification, direct that it shall not apply to the autonomous district or an autonomous region in the State of Tripura, or shall apply to such district or region or any part thereof subject to such exceptions or modifications as he may specify in the notification and any such direction may be given so as to have retrospective effect.";

(d) in paragraph 17, after the words "or Meghalaya", at both the places where they occur, the words "or Tripura" shall be inserted;

(e) in paragraph 20,-

(i) in sub-paragraph (1),-

(A) after the words and figures "in Parts I, II", the figures and letter ", IIA" shall be inserted;

(B) after the words "the State of Meghalaya", the words ", the State of Tripura" shall be inserted;

(ii) in sub-paragraph (2), for the words "Any reference in the table below", the words and figures "Any reference in Part I, Part II or Part III of the table below" shall be substituted;

(iii) after sub-paragraph (2), the following sub-paragraph shall be inserted, namely:-

`(3) The reference in Part IIA in the table below to the "Tripura Tribal Areas District" shall be construed as a reference to the territory comprising the tribal areas specified in the First Schedule to the Tripura Tribal Areas Autonomous District Council Act, 1979.');

(f) in the Table, after Part II and the entries relating thereto, the following Part shall be inserted, namely:-

"PART

IIA

Tripura Tribal Areas District."