

# THE CONSTITUTION (NINETY-EIGHTH AMENDMENT) ACT, 2012

India

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### Act 98 of 2012

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An Act further to amend the Constitution of IndiaBe it enacted by Parliament in the Sixty-third Year of the Republic of India as follows-Prefatory Note-Statement of Object and Reasons.-The Legislative Assembly of Karnataka passed a resolution on 17-3-2010 and the Legislative Council of the State also passed a similar resolution on 18-3-2010, to make special provisions for the Hyderabad-Karnataka areas of the State of Karnataka. The Government of Karnataka has also endorsed the need for special provisions for the region. The resolutions seek to accelerate development of the most backward region of the State and promote inclusive growth with a view to reducing inter-district and inter-regional disparities in the State.

**2. The special provisions aim to establish an institutional mechanism for equitable allocation of funds to meet the development needs over the said region, as well as to enhance human resources and promote employment from the region by providing for local cadres in service and reservation in educational and vocational training institutions by an amendment to the Constitution of India.**

**3. It is accordingly proposed to insert a new Article 371-J in the Constitution to provide for special provisions for the erstwhile Hyderabad-Karnataka areas of the State of Karnataka which consist of the districts of Gulbarga, Bidar, Raichur, Koppal and Yadgir and additionally include the Bellary District. The article in the form of a special provision seeks to provide for-**

(a) establishment of a separate Development Board for the aforesaid region mentioned above; (b) provide for equitable allocation of funds for development over the said region subject to the requirements of the State as a whole; (c) provide reservation in public employment through the constitution of local cadres for domiciles of the region; and (d) provide for reservation in education

and vocational training institutions for domiciles of the region.

#### **4. The Bill seeks to achieve the above objectives.**

##### **1. Short title and commencement.-**

(1) This Act may be called the Constitution (Ninety-eighth Amendment) Act, 2012. (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

##### **2. Insertion of new Article 371-J.-**

After Article 371-I of the Constitution, the following article shall be inserted, namely-"371-J. Special provisions with respect to State of Karnataka.-(1) The President may, by order made with respect to the State of Karnataka, provide for any special responsibility of the Governor for-(a) establishment of a separate development board for Hyderabad-Karnataka region with the provision that a report on the working of the board will be placed each year before the State Legislative Assembly; (b) equitable allocation of funds for developmental expenditure over the said region, subject to the requirements of the State as a whole; and (c) equitable opportunities and facilities for the people belonging to the said region, in matters of public employment, education and vocational training, subject to the requirements of the State as a whole. (2) An order made under sub-clause (c) of clause (1) may provide for-(a) reservation of a proportion of seats in educational and vocational training institutions in the Hyderabad-Karnataka region for students who belong to that region by birth or by domicile; and (b) identification of posts or classes of posts under the State Government and in any body or organisation under the control of the State Government in the Hyderabad-Karnataka region and reservation of a proportion of such posts for persons who belong to that region by birth or by domicile and for appointment thereto by direct recruitment or by promotion or in any other manner as may be specified in the order." [The Constitution (Ninety-eighth Amendment) Act, 2012, was an important step towards providing a separate administration for the Hyderabad-Karnataka region of the State of Karnataka. Article 371-J provided special provisions for the people of the said region. Provisions were put in place under Article 317-J for reservations of a certain proportion of seats in educational institutions, vocational training institutions, public employment, etc. A separate Development Board was also established to prioritize the progress of the region under this amendment act. Also Refer]