

THE CONSTITUTION (SEVENTY-SECOND AMENDMENT) ACT, 1992

India

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Act 062 of 1992

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Statement of Objects and Reasons appended to the Constitution (Seventy-fifth Amendment) Bill, 1991 (Bill No. 209 of 1991) which was enacted as THE CONSTITUTION (Seventy-second Amendment) Act, 1992

STATEMENT OF OBJECTS AND REASONS

For restoring peace and harmony in the areas of the State of Tripura where disturbed conditions prevailed, a Memorandum of Settlement was signed by the Government of India with Tripura National Volunteers on 12-8-1988. The said Memorandum provides for a greater share of tribals in the governance of the State. The said Memorandum envisages amendment of the Constitution to provide that notwithstanding anything contained in the Constitution, the number of seats in the Legislative Assembly of the State of Tripura reserved for Scheduled Tribes shall be, such number of seats as bears to the total number of seats, a proportion not less than the number, as on the date of coming into force of the Constitutional amendment, of members belonging to the Scheduled Tribes in the existing Assembly bears to the total number of seats in the existing Assembly. It also provides that the amendments shall not affect any representation in the existing Assembly of the State of Tripura until its dissolution.

2. In order to implement the said Memorandum, action is to be taken to determine the seats which are to be reserved for Scheduled Tribes in the State of Tripura. Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assembly of any State is governed by the provisions of article 332 of the Constitution. Having regard to the special circumstances obtaining in the State of Tripura, it is proposed to further amend article 332 of the Constitution for making a temporary provision for the determination of the number of seats reserved for Scheduled Tribes until the re-adjustment of seats on the basis of the first census after the year 2000 under article 170 of

the Constitution for the State of Tripura.

3. The Bill seeks to achieve the aforesaid objects.

An Act further to amend the Constitution of IndiaBE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:-

1. Short title and commencement.-(1) This Act may be called the Constitution (Seventy-second Amendment) Act, 1992.

(2)It shall come into force on such date_679 as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of article 332.- (I) In article 332 of the Constitution, after clause (3A), the following clause shall be inserted, namely:-

"(3B) Notwithstanding anything contained in clause (3), until the re-adjustment, under article 170, takes effect on the basis of the first census after the year 2000, of the number of seats in the Legis-lative Assembly of the State of Tripura, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly shall be, such number of seats as bears to the total number of seats, a proportion not less than the number, as on the date of coming into force of THE CONSTITUTION (Seventy-second Amendment) Act, 1992, of members belonging to the Scheduled Tribes in the Legislative Assembly in existence on the said date bears to the total number of seats in that Assembly.".(2)The amendment made to article 332 of the Constitution by sub-section (I) shall not affect any representation in the Legislative Assembly of the State of Tripura until the dissolution of the Legislative Assembly existing at the commencement of this Act.[The Constitution (Seventy-second Amendment) Act, 1992, provides the reservation of seats to the Scheduled tribes (ST) in the legislative assembly of the State of Tripura. It is valid till the date of re-adjustment of seats based on the first census after the year 2000, as provided for in Article 170 of the Indian Constitution for the state of Tripura.Also Refer]