

14

**STANDING COMMITTEE ON
URBAN AND RURAL DEVELOPMENT
(1999-2000)**

THIRTEENTH LOK SABHA

**THE CONSTITUTION (EIGHTY-SIXTH
AMENDMENT) BILL, 1999**

FOURTEENTH REPORT



Presented to Lok Sabha on 26-7-2000

Laid in Rajya Sabha on 2-7-2000

**LOK SABHA SECRETARIAT
NEW DELHI**

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COMPOSITION OF THE STANDING COMMITTEE ON
URBAN AND RURAL DEVELOPMENT
(1999-2000)

Shri Anant Gangaram Geete - *Chairman*

MEMBERS

Lok Sabha

2. Shri Mani Shankar Aiyar
3. Shri Padmanava Behera
4. Shri Jaswant Singh Bishnoi
5. Shri A. Brahmanaiah
6. Shri Swadesh Chakraborty
7. Shri Haribhai Chaudhary
8. Shri Bal Krishna Chauhan
9. Shri Chinmayanand Swami
10. Prof. Kailasho Devi
11. Shrimati Hema Gamang
12. Shri Holkhomang Haokip
13. Shri R.L. Jalappa
14. Shri Babubhai K. Katara
15. Shri Madan Lal Khurana
16. Shri P.R. Kyndiah
17. Shri Bir Singh Mahato
- *18. Shri Punnu Lal Mohale
- **19. Shrimati Raneer Narah
20. Dr. Ranjit Kumar Panja
21. Shri Ramchandra Paswan
22. Shri Chandresh Patel

* Nominated *w.e.f.* 6.4.2000 *vice* Shri Vijay Goel.

** Ceased to be a member of the Committee *w.e.f.* 6th July, 2000 consequent upon her nomination to the Committee on Defence.

23. Shri Dharam Raj Singh Patel
- *24. Prof. (Shrimati) A.K. Premajam
24. Shri Rajesh Ranjan
25. Shri Nikhilananda Sar
26. Shri Maheshwar Singh
27. Shri Sunder Lal Tiwari
28. Shri D. Venugopal
29. Shri Chintaman Wanaga

Rajya Sabha

- **31. Shri S. Agni Raj
32. Shrimati Shabana Azmi
33. Shri Karnendu Bhattacharjee
- ***34. Shri Faqir Chand Mullana
35. Shri N.R. Dasari
36. Shri R.S. Gavai
37. Shri C. Apok Jamir
38. Prof. A. Lakshmisagar
39. Shri Onward L. Nongtdu
40. Shri N. Rajendran
- \$41. Shri Man Mohan Samal
42. Shri Solipeta Ramachandra Reddy
43. Shri Suryabhan Patil Vahadane
44. Shri A. Vijaya Raghavan

SECRETARIAT

- | | | | |
|----|------------------------|---|--------------------------|
| 1. | Shri S.C. Rastogi | - | <i>Joint Secretary</i> |
| 2. | Shri P.K. Grover | - | <i>Deputy Secretary</i> |
| 3. | Shrimati Sudesh Luthra | - | <i>Under Secretary</i> |
| 4. | Shri A.K. Srivastava | - | <i>Committee Officer</i> |

*Nominated *w.e.f.* 24.1.2000.

**Nominated *w.e.f.* 16.3.2000.

***Nominated *w.e.f.* 29.5.2000.

\$Nominated *w.e.f.* 16.5.2000.

INTRODUCTION

I, the Chairman of the Standing Committee on Urban & Rural Development (1999-2000) having been authorised by the Committee to submit the Report on their behalf, present the Fourteenth Report on the Constitution (Eighty-sixth Amendment) Bill, 1999.

2. The Constitution (Eighty-sixth Amendment) Bill, 1999 was introduced in Rajya Sabha on 17th December, 1999 and was referred to the Committee by the Hon'ble Speaker under rule 331E(1)(b) of the Rules of Procedure and Conduct of Business in Lok Sabha on 25th January, 2000.

3. The Committee considered the Bill at three sittings held on the 8th March, 10th May, and 8th June, 2000. In addition to obtaining written information on all the issues which have a bearing on the Bill from the Ministries of Rural Development, Home Affairs and Law, Justice and Company Affairs, oral evidence of the representatives of these Ministries was also taken by the Committee at their sittings held on the 8th March, 2000 and the 10th May, 2000. Besides, the Committee at their sitting held on 10th May, 2000 also heard the views of Shri Jarbom Gamlin, Member of Parliament, Lok Sabha from Arunachal Pradesh on the provisions of the Bill.

4. The Committee at their sitting held on 21st July, 2000 considered and adopted the Report.

5. The Committee wish to express their thanks to the officers of the Ministries of Rural Development, Home Affairs and Law, Justice & Company Affairs who appeared before the Committee and placed their considered views. They also wish to thank the said Ministries for furnishing the requisite material on the points raised by the Committee in connection with the examination of the said Bill.

6. The Committee also express their thanks to Shri Jarbom Gamlin, Member of Parliament from Arunachal Pradesh for appearing and placing his considered views before the Committee.

7. The Committee would like to place on record their sense of deep appreciation for the invaluable assistance rendered to them by the officials of the Lok Sabha Secretariat attached to the Committee.

NEW DELHI;
25 July, 2000
3 Sravana, 1921 (Saka)

ANANT GANGARAM GEETE,
Chairman,
Standing Committee on
Urban and Rural Development.

REPORT

PART I

BACKGROUND OF THE BILL

The Constitution (Eighty-sixth Amendment) Bill, 1999 was introduced in the Rajya Sabha on the 17th December, 1999.

1.2 The Statement of Objects and Reasons of the Bill *inter alia* states as under:

“Article 243 D provides for reservation for the Scheduled Castes and Scheduled Tribes in every Panchayat.

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Since no Scheduled Castes exist in the State and the State of Arunachal Pradesh is singularly free from the caste system, it is proposed to insert a new clause (3A) in article 243 M of the Constitution of India, to exempt the State of Arunachal Pradesh from the application of article 243 D relating to the reservation of seats in Panchayats for the Scheduled Castes”

1.3 The only operative clause of the Bill reads as under:

“In article 243M of the Constitution, after clause(3), the following clause shall be inserted, namely:-

‘(3A) Nothing in article 243D, relating to reservation of seats for the Scheduled Castes, shall apply to the State of Arunachal Pradesh’.”

[A copy of the Bill is appended as *Appendix-I*]

1.4 While tracing the legislative history of the Bill, the Department of Rural Development in the Ministry of Rural Development had informed the Committee that the Constitution (Seventy-third Amendment) Act, 1992 which inserted Part IX in the Constitution of India providing for matters relating to “Panchayats”, was brought into force with effect from the 24th April, 1993. The said Constitution Amendment Act provided that, within one year from the date of commencement of the Act, all the States shall amend their local Panchayat laws to bring them in conformity with the provisions of newly inserted provisions of Part IX of the Constitution. That exercise was to be completed before the 23rd April, 1994. As the deadline was to be adhered to, the Governor of Arunachal Pradesh on the 18th April, 1994 promulgated the Arunachal Pradesh Panchayat Raj Ordinance, 1994. Till then, the provisions of North East Frontier Agency Panchayat Raj Regulation, 1967 governed the matters relating to Panchayats in Arunachal Pradesh. On the 9th September, 1994 the Arunachal

Pradesh Legislative Assembly passed the Arunachal Pradesh Panchayat Raj Bill, 1994 for replacing the said Ordinance by an Act of the State Legislature. The Governor of Arunachal Pradesh reserved the Constitution Bill for the consideration of the President under Article 200 of the Constitution on the ground that the Bill did not provide for reservation for Scheduled Castes in Panchayats in Arunachal Pradesh. The Arunachal Pradesh, Panchayat Raj Bill, 1994 underwent further examination by the Central Government. Certain inadequacies to the extent that the Bill did not comply with the provisions of Part IX of the Constitution were identified. The inadequacies included the Bill's non-compliance with Article 243D of the Constitution relating to provision of reservation for Scheduled Castes and Scheduled Tribes in Panchayats. The Department of Rural Development had brought those inadequacies to the notice of the Arunachal Pradesh Government. The President of India on the 2nd September, 1996 under proviso to article 201 of the Constitution, returned the Bill to the Legislature of the State of Arunachal Pradesh together with a message that the Legislature might reconsider the Bill and suitably amend it to provide for the following:

- “(1) setting up of Gram Sabha as envisaged in article 243 (B) of the Constitution and to entrust it with powers and functions, as envisaged in article 243 A of the Constitution;
- (2) reservation of seats for the Scheduled Castes as enshrined in article 243D of the Constitution;
- (3) direct election to Panchayats from the territorial constituencies, as per article 243C(2) of the Constitution. Provisions for nomination of members to the Anchal Samiti and Zilla Parishad and the nominee to the Anchal Samiti becoming President of the Village Panchayat should also be reconsidered accordingly; and
- (4) the name of the State Election Commission should uniformly appear as such in all places in the Bill.”

1.5 The Arunachal Pradesh Legislature Assembly reconsidered the Arunachal Pradesh Panchayat Raj Bill, 1994, as returned by the President of India, on the 18th and 19th March, 1997 and incorporated all the points mentioned by the President in his message except the point relating to reservation of seats for Scheduled Castes in Panchayats. The Bill was passed by the Assembly as the Arunachal Pradesh Panchayat Raj Bill, 1997. The Governor of Arunachal Pradesh again reserved the Bill for the consideration of the President. The Arunachal Pradesh Panchayat Raj Bill, 1997 is currently pending with the President for this assent.

1.6 The Department of Rural Development had informed that after due consideration, the Government of India had accepted the point of view of the State of Arunachal Pradesh and decided to exempt the State from the requirement of making provision for reservation of seats for Scheduled Castes in Panchayats of Arunachal

Pradesh. In an opinion tendered to the Government on the issue, on the 24th October, 1997, the Department of Legal Affairs had *inter alia* stated as under:

“The Arunachal Pradesh Panchayat Raj Bill, 1997, as passed by the State Legislature, does not provide for reservation for Scheduled Castes as provided under Article 243D of the Constitution. Certain exceptions have been made in this regard in the case of States of Nagaland, Meghalaya, Mizoram and certain territories of Manipur and West Bengal under article 243M of the Constitution. The State of Arunachal Pradesh has left out of the scope of Article 243M. The Bill in the present form does not conform to the provisions of Article 243D of the Constitution. Unless the State Government provides for reservation for Scheduled Castes as mandated by the Constitution, the assent of the President cannot be given. Any exception in the case of State of Arunachal Pradesh would require an amendment in the Constitution.”

[A copy of the opinion dated 24th October, 1997 of the Department of Legal Affairs is appended as *Appendix-II*].

1.7 The Government had accordingly introduced the Constitution (Eighty-sixth Amendment) Bill, 1999 in Rajya Sabha on the 17th December, 1999. The Bill, as introduced in Rajya Sabha, was referred to this Committee on the 25th January, 2000.

1.8 The Committee considered the Bill at three sittings held on the 8th March, 10th May, and 8th June, 2000. In addition to obtaining written information on all issues which have a bearing on the Bill from the Department of Rural Development (Ministry of Rural Development), Ministry of Home Affairs, Legislative Department and Department of Legal Affairs (Ministry of Law, Justice and Company Affairs), **oral evidence of the representatives of these Departments/Ministry** was also taken by the Committee at their sittings held on the 8th March, 2000 and the 10th May, 2000. Besides the Committee also heard the views of Shri Jarbom Gamlin, Member of Parliament, Lok Sabha from Arunachal Pradesh on the provisions of the Bill at their sitting held on 10th May, 2000.

PART II

ANALYSIS OF THE CONSTITUTION (EIGHTY-SIXTH AMENDMENT) BILL, 1999

2.1 Having considered the Bill, the Committee have certain observation on the said Bill as enumerated in the succeeding paragraphs:

Mandatory provision for reservation of seats for the Scheduled Castes and Scheduled tribes in the respective State Panchayat Acts enacted by the respective State Legislatures

2.2 As per article 243D of the Constitution seats shall be reserved for the Scheduled Castes and Scheduled Tribes in every Panchayat and the number of seats so reserved shall bear, as nearly may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

2.3 As asked whether it is mandatory for the State Governments to make provision for Scheduled Castes and Scheduled Tribes in the Panchayat Acts enacted by the respective State legislatures in pursuance of article 243 D of the Constitution irrespective of the number of Scheduled Castes and Scheduled Tribes population in that State, it has been clarified in the written note furnished by the Ministry of Rural Development that article 243 D of the Constitution mandates reservation for Scheduled Castes and Scheduled Tribes in Panchayats in all States/Union Territories except the States like States of Nagaland, Meghalaya and Mizoram and the State of Jammu and Kashmir and NCT of Delhi where part IX of the Constitution has not been made applicable so far. Further the Ministry of Law, Justice and Company Affairs *vide* their note dated the 31st March, 2000 clarified as follows:

“The Bill has to conform to the provisions of article 243D irrespective of whether Scheduled Castes population exist or not. The effect of operation ultimately resulting in zero reservation would not take the said Bill in conformity with the Constitutional provisions contained in article 243D. In other words, if the operation of the provisions of article 243D results in nil reservation, it would not mean that there would not be any necessity of making provision in the Bill for reservation for Scheduled Castes as per article 243D as the Bill has to conform to the Constitutional provisions irrespective of whether ultimately in the operation of the provision reservation comes to nil or not. Therefore, we are of the view that if a provision for reservation in any State legislation under article 243D is not to be kept, then a Constitutional amendment is necessary.”

(A copy of the opinion is appended as *Appendix III*).

2.4 When asked whether the Arunachal Pradesh Panchayat Raj Bill, 1997 as passed by the Arunachal Pradesh Legislative Assembly without an enabling Constitution provision was Constitutionally valid, it has been stated in the written note furnished by the Ministry of Rural Development that Ministry of Law have opined that the Bill under consideration being in violation of the Constitutional provision contained in article 243D may be regarded as void *ab-initio*.

2.5 Further the Committee found that the Panchayat Acts enacted by Haryana and Punjab State Legislatures do not contain the provision for reservation of seats for Scheduled Tribes in their respective Panchayat Acts.

2.6 When asked why the Haryana and Punjab Panchayat Acts should not be regarded as void *ab-initio* on the same analogy as in the said Acts also article 243D has been complied with exceptions, the following opinion was furnished in the written note furnished by the Ministry of Rural Development.

“Although Ministry of Law have opined that article 243D does not empower State Legislatures to limit or restrict in any way the scope of article 243D or to carve out any exception thereto, States of Punjab and Haryana have complied with article 243D with exceptions on the ground of non-availability of Scheduled Tribes. The situation in Arunachal Pradesh has been different in view of the listing of certain Scheduled Castes. This situation does not obtain in States such as Punjab and Haryana. In other States/UTs where there may be insufficient or nil Scheduled Castes/Scheduled Tribes in certain Panchayat areas, the States/UTs as a whole should have Scheduled Castes/Scheduled Tribes and therefore these States/UTs must provide for reservation in their laws.”

2.7 It was further clarified by the Secretary, Legislative Department during the course of oral evidence as below:-

“I would like to clarify some points. As Hon’ble Members are aware, our Constitution is the supreme law of the land. All our actions, whether legislative or executive or judicial have to conform to the Constitution. Then only the sanctity of the Constitution can be maintained. We have been taking a view that there is a need to conform to Article 243(D). The basis on which we have taken this view is also indicated in our first opinion given in 1997 in the note recorded by Shri Dange and was seen by the then Secretary in which we have clearly stated that as the Ministry of Welfare has conveyed that since Scheduled Castes are residing in Arunachal Pradesh for decades and 16 castes have already been listed as Scheduled Castes in Arunachal Pradesh, they cannot support the proposal of the State Government to exclude reservation of seats for Scheduled Castes. That is the view which is explained by the Ministry. That is the basis on which we have proceeded. I will analyse the constitutional provision in the light of this. As you are aware, in Article 366 of our Constitution, Clauses 24 and 25, the definitions of Scheduled Castes and Scheduled Tribes are given as follows:-

- (24) “Scheduled Castes” means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes for the purposes of this Constitution.

The other clauses relating to “Tribes” are not relevant. The relevant article 342 says:

The President may with respect to any State or Union Territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union Territory, as the case may be.

In exercise of this power in 1951 a Presidential notification was issued under this Article. In the Scheduled Castes (Union Territory) Order, 1995 against Arunachal Pradesh, 16 castes have been prescribed under the Constitutional provision as Scheduled Castes. This is the Constitutional position. When Arunachal Pradesh was actually constituted, it was given Statehood in 1986 by Arunachal Pradesh Act of 1986. This entry was deleted and an entry in the Constitution which relates to other States was added to the State of Arunachal Pradesh Act, 1986.

The Third Schedule of the Act clearly say: “In the Schedule after part 17 the following part shall be inserted, namely part 18, Arunachal Pradesh”. The same 16 castes have been prescribed by Parliamentary norms as Scheduled Castes in relation to Arunachal Pradesh. It is a question of fact but so far as the Constitutional position goes, I can say that there are Scheduled Castes and Parliament has also taken a decision. In relation to Haryana and Punjab, by way of passing observation, I may clarify that no caste has been prescribed as the Schedule Tribe in Haryana and Punjab under this Constitutional provision whereas this has been done as regards Arunachal Pradesh. I am not concerned whether it has been done by way of mistake. I can only point out the legal position. So, in this context, we have given an opinion that when castes are prescribed, there is a provision, 243(D), which is mandatory. So, you have no option but to make a provision in the law. In a particular city, if there is no Scheduled Caste, by operation the reservation will be nil. Suppose in a city no Scheduled Caste or Scheduled Tribe is there, by way of operational position, the reservation will become nil. Since the Scheduled Castes have been prescribed by Parliamentary law also in relation to Arunachal Pradesh and they also do not deny that their population exists, there is no doubt of that, so, I cannot say that it is totally baseless. I will proceed on the Constitutional position. So long as the Scheduled Castes continue to be prescribed, we have no option but to comply with the mandatory provision contained in article 234(D).”

The status of Scheduled Castes population in Arunachal Pradesh

2.8 As per the Statement of Objects and Reasons of the Bill, Arunachal Pradesh is a State inhabited by indigenous tribal people. No Scheduled Caste exists in that State, whereas as per the information furnished by the representatives of the Ministry of Home Affairs during the course of oral evidence, as per 1991 census, the total population of Arunachal Pradesh was 8,64,558 out of which the tribal population was 5,50,531 and non-tribal population was, 3,14,207. Further as per 1991 census, the Scheduled Castes population was 4052.

2.9 When asked for the basis of stating Arunachal Pradesh a State inhabited fully by indigenous tribal people, the Ministry of Rural Development in their written note have clarified that under section 7 of the Bengal Eastern Frontier Regulation 1873, it is not lawful for any person, not being a native of the State to acquire any interest in land or the product of land beyond the Inner Line without the sanction of the State Government. Further it has been stated that it was the contention of Arunachal Pradesh Government that the notification by the Government of India of Scheduled Castes in the State (the same list of Scheduled Castes as was notified for Assam) at the time of the formation of the State was a mistake as there were no indigenous Scheduled Castes in the State. The State Government had been repeatedly representing to the Government of India for deletion of this list. It was for this reason that the State Government was not willing to make any reference to Scheduled Castes in their legislation.

2.10 The Committee were informed by the representative of the Ministry of Home Affairs during the course of oral evidence that they had been informed by the Ministry of Tribal Affairs that the proposal to delete the Scheduled Castes from the State of Arunachal Pradesh had been concurred in both by the Registrar General of India as well as by the National Commission for Scheduled Castes and Scheduled Tribes. The Ministry of Tribal Affairs would be shortly bringing a proposal to this effect before the Cabinet for approval and thereafter the necessary legislation in Parliament. The Committee have further been informed by the Ministry of Rural Development that it was opined by the Department of Legal Affairs that if the said list of Scheduled Castes was deleted by an Act of Parliament thereby declaring that no castes are recognised as Scheduled Castes in the State of Arunachal Pradesh, there would not be any need to carve out any exception to article 243D as in proposed by the Constitution (Eighty-sixth Amendment) Bill, 1999.

2.11 When asked whether the Constitution (Eighty-sixth Amendment) Bill would seem superfluous after the deletion of the said list of Scheduled Castes, it has been opined by the Department of Legal Affairs that the exception as proposed to be carved out under article 243D by the Constitution (Eighty-sixth Amendment) Bill would continue to be relevant even after the list of Scheduled Castes in relation to the State of Arunachal Pradesh is deleted, as any caste may be recognised in future as Scheduled Caste. In other words, though a caste may be recognised as Scheduled Caste, it would not get reservation in Panchayats if the Constitution (Eighty-sixth Amendment) Bill is passed. Thus both the concepts are different as the same involve two distinct considerations of policy.

Non-indigenous tribals to participate in the democratic process

2.12 As per the Statement of Objects and Reasons of the Bill, only the indigenous tribals are allowed to participate in democratic processes. However, as per the written replies furnished by the Ministry of Rural Development, all Indian citizens, including non-indigenous tribals temporarily residing in the State of Arunachal Pradesh, who are enrolled in Electoral Rolls, are entitled to vote in Assembly and Parliamentary elections. Further it has been mentioned in the written replies furnished by the Ministry of Rural Development that there is no provision in the Bengal Eastern Frontier Regulation of 1873 dealing with participation in democratic processes.

The opinion expressed before the Committee by Shri Jarbom Gamlin, Member of Parliament, Lok Sabha from Arunachal Pradesh

2.13 The Committee heard the views of Shri Jarbom Gamlin, Member of Parliament, Lok Sabha from Arunachal Pradesh on the provisions contained in the Constitution (Eighty-sixth Amendment) Bill, 1999 at their sitting held on the 10th May, 1999. While expressing his considered views before the Committee Shri Jarbom Gamlin stated as below:-

“Since 1967 for 30 years, the Panchayat system worked in Arunachal Pradesh. But in 1997, the President refused to give his assent. For the last three years, there is no Panchayat system. That is why the money which is being sent from the Department of Rural Development for the people of Arunachal Pradesh is not percolating down to the grassroots level. Therefore, I would request the Committee to pass it earlier so that development comes to the people at the grassroots level.”

2.14 The Committee after studying the legislative history of the Constitution (Eighty-sixth Amendment) Bill, 1999, as given in detail in Part I of the Report, find that Panchayati Raj System which had been found working successfully in Arunachal Pradesh remained suspended since 1997, as the Arunachal Pradesh Panchayat Raj Bill, 1997 was reserved by the Governor of Arunachal Pradesh for the consideration of the President of India under article 200 of the Constitution on the ground that the Bill did not comply with the provisions of article 243D of the Constitution. After considering the detailed information as furnished by the Ministries of Rural Development, Law, Justice and Company Affairs and Home Affairs and the clarifications given by the representatives of the said Ministries during the course of oral evidence, the Committee endorse the Constitution (Eighty-sixth Amendment) Bill, 1999. While endorsing the said Bill, the Committee recommend that Parliament may consider to pass the said Bill at the earliest so that the Panchayati Raj System in Arunachal Pradesh could be started as quickly as possible.

2.15 While endorsing the Constitution (Eighty-sixth Amendment) Bill, 1999, the Committee make the following general observations:-

- (i) **The Committee deplore the inordinate delay on the part of the Central Government to take decision on the issue of deletion of the list of Scheduled Castes in the case of Arunachal Pradesh as it had been the contention of the State Government that the said list of Scheduled Castes as notified for Assam at the time of formation of the State was a mistake and they had been representing to the Central Government for deletion of the said list. The Committee observe that had the timely decision been taken in this regard and the said list deleted, the case of Arunachal Pradesh would have been at par with the States of Haryana and Punjab and there would not have been any need to carve out any exception to article 243D as proposed in the Constitution (Eighty-sixth Amendment) Bill, 1999. In view of it, the Arunachal Pradesh Panchayat Raj Bill, 1997 would have been valid and there would have been no need to bring out the Constitution (Eighty-sixth Amendment) Bill, 1999 as has been admitted by the Ministry of Law, Justice and Company Affairs in their written replies. The Committee feel that the inordinate delay on the part of the Central Government has not only suspended the successful working of Panchayati Raj System in Arunachal Pradesh but had also affected the developmental work in the State by total denial of democratic rights at the grassroot level to the people of Arunachal Pradesh.**
- (ii) **The Committee further note that the Statement of Objects and Reasons appended to a Bill state in brief and simple language the purposes for which the legislation has been brought forward. It also helps the common man to understand the salient features of the proposed legislation. But the Committee find that the Statement of Objects and Reasons appended to the Constitution (Eighty-sixth Amendment) Bill, 1999 does not reflect truly the ground situation as could be observed from the written replies and the evidence tendered by the representatives of the Ministries of Rural Development, Law, Justice and Company Affairs and Home Affairs. The Committee, therefore, make the following observations in this regard:**
- (a) **In the Statement of Objects and Reasons of the Bill, it has been stated that Arunachal Pradesh is a State inhabited fully by indigenous tribal people and it has further been stated that no Scheduled Castes exist in the State. However as per the written replies furnished by the Government as given in the preceding paragraphs of the report, as per 1991 census, the Scheduled Castes population in the State was 4052 that constitute 0.47% of the total population of the State.**
- (b) **It has been further mentioned in the Statement of Objects and Reasons of the Bill that the Arunachal Pradesh is a State inhabited fully by indigenous tribal**

people. However, as per the written information furnished by the Government and the evidence tendered by the representatives of the Ministry of Home Affairs, as per 1991 census, out of 8,64,558 population 3,13,207 *i.e.* 36.34% of population was non-tribal.

- (c) As per the Statement of Objects and Reasons of the Bill, it has been mentioned that only the indigenous tribal people are allowed to participate in the democratic processes. However the Committee were informed by the Ministry of Rural Development that all eligible citizens are entitled to exercise their right to vote in an election of the Legislative Assembly and Parliament. Further there is no express provision in The Bengal Eastern Frontier Regulation of 1873, applicable to Arunachal Pradesh to bar the participation of non-tribals in the local panchayat elections.

2.16 The Committee, therefore, feel that the above facts should have been reflected in the Statement of Objects and Reasons of the Bill.

2.17 The Committee further observe that as the Statement of Objects and Reasons of a Bill not only helps the common man to comprehend the provisions of the Bill but also helps in the case of doubt in interpreting the intention of the law makers, utmost care should be taken in drafting the Statement of Objects and Reasons of a Bill so that it is truly reflective of the objectives of the Bill.

NEW DELHI;
25 July, 2000
3 Sravana, 1922 (Saka)

ANANT GANGARAM GEETE,
Chairman,
Standing Committee on
Urban and Rural Development,

APPENDIX I

Bill No.XLVI of 1999

THE CONSTITUTION (EIGHTY-SIXTH AMENDMENT) BILL, 1999

A

BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Fiftieth year of the Republic of India as follows:-

Short title.

1. This Act may be called the Constitution (Eighty-sixth Amendment) Act, 1999.

Amendment of article 243M.

2. In article 243M of the Constitution, after clause (3), the following clause shall be inserted, namely:-

“(3A) Nothing in article 243D, relating to reservation of seats for the Scheduled Castes, shall apply to the State of Arunachal Pradesh.”

STATEMENT OF OBJECTS AND RESONS

The Constitution (Seventy-third Amendment) Act, 1992 was brought into force with effect from the 24th April, 1993. The said Act provided that within one year from the date of commencement of that Act, all the States shall amend their local laws to bring them in conformity with the new provisions under the Constitution. This exercise was required to be completed before the 23rd April, 1994.

2. Article 243D provides for reservation for the Scheduled Castes and the Scheduled Tribes in every Panchayat. Arunachal Pradesh is a State inhabited fully by indigenous tribal people. No Scheduled Castes exist in the State. No reservation of seats for the Scheduled Castes has been made in the State Legislative Assembly and no provisions exist under any law to that effect. There is also no reservation for the Scheduled Castes in State Government services.

3. The Bengal Eastern Frontier Regulation, 1873 and the Chin Hills Regulation, 1896 provide special protection and safeguard for the peaceful existence of the indigenous tribal people of Arunachal Pradesh. The laws prohibit the entry of outsiders in the tribal area without "Inner Line Permit". Only the indigenous tribal people are allowed to participate in the democratic processes.

4. The tribal society in Arunachal Pradesh is casteless where social equality among men and women has prevailed over centuries and ages. Since no Scheduled Castes exists in the State and the State of Arunachal Pradesh is singularly free from the caste system, it is proposed to insert a new clause (3A) in article 243M of the Constitution of India, to exempt the State of Arunachal Pradesh from the application of article 243D relating to the reservation of seats in Panchayats for the Scheduled Castes.

5. This will provide a legal and constitutional basis for Panchayat Raj Institutions in Arunachal Pradesh in accordance with the socio-political ethos of the State.

6. The Bill seeks to achieve the aforesaid objective.

NEW DELHI;
The 16th December, 1999

SUNDER LAL PATWA

APPENDIX II

THE COPY OF THE OPINION DATED 24TH OCTOBER, 1997 OF THE DEPARTMENT OF LEGAL AFFAIRS REGARDING APPLICABILITY OF ARTICLE 243D

MINISTRY OF LAW & JUSTICE DEPARTMENT OF LEGAL AFFAIRS

Ministry of Home Affairs have sent us a Note for the Cabinet soliciting Cabinet's approval to the proposal to advise the President to accord his assent to the Arunachal Pradesh Panchayat Raj Bill, 1997 (DFA).

2. It is stated that the Governor of Arunachal Pradesh had reserved the Arunachal Pradesh Panchayat Raj Bill (hereinafter mentioned as the bill) as passed by the State Legislature for the consideration of the President under Article 200 read with Article 254(2) of the Constitution (flag 'A' of the linked file) on the ground *inter alia*, that no provision has been made for reservation for Scheduled Castes in the bill.

3. Consequently, the bill was examined in different Ministries. MHA had observed that no provision has been made in the bill for reservation of seats in favour of Scheduled Castes in the Panchayats of the State, though, the provision relating to reservation of seats for Scheduled Castes in every Panchayat is a constitutional requirement. The bill was returned to the State Government on 3.9.1996 with the message of the President, duly vetted by this Ministry vide notes at page 12/n and 28/n (flag 'O' and 'OO'), suggesting to provide for reservation of seats for Scheduled Castes as enshrined in Article 243 of the Constitution.

4. The State Government of Arunachal Pradesh has considered the message and did not accept the modifications suggested and got passed the bill. The Governor has again reserved the bill for consideration of the President.

5. The State Government has detailed several reasons for not providing reservation for Scheduled Castes. It is stated that Arunachal Pradesh is a State inhabited fully by indigenous tribal people. No Scheduled Castes exist in the State. No reservation for seats for Scheduled Castes has been made in the State Legislative Assembly and no provisions exist under any law to that effect. There is no reservation for Scheduled Castes in State Government services also. It is also stated that people come from outside the State for employment, business or for doing labour work are allowed to stay within the State till the contractual obligations exist and not thereafter. Such a 'floating' population cannot claim any right at the cost of the rights of the indigenous local tribal people. The percentage of this floating population is a negligible 0.47% and is found in the urban areas only. The tribal society in Arunachal Pradesh is casteless where social equality among men and women has prevailed over centuries and ages.

6. Ministry of Welfare had conveyed that since Scheduled Castes are residing in Arunachal Pradesh for decades and 16 castes have already been listed as Scheduled Castes in Arunachal Pradesh, they cannot support the proposal of the State Government to exclude reservation of seats for Scheduled Castes in the bill.

7. The NE Division of MHA has recommended that in view of the overwhelming tribal population in Arunachal Pradesh and the ongoing resentment against the settlement of Chakma and Hajong refugees, it will not be advisable to insist upon reservation in the Panchayat for the Scheduled Castes persons.

8. The Constitution (73rd Amendment) Act 1992 made it mandatory to provide in all the State Panchyat laws, reservation in respect of certain categories and for conferment of financial powers on all the three Panchayat levels. The new Article 243D of this amendment Act provides for reservation of seats for SC and ST in every Panchayat in proportion to their respective population and also for reservation of seats to the extent of 1/3rd of total number of such reserved seats for women members. The Arunachal Pradesh Panchayat Raj Bill, 1997 as passed by the State Legislature, does not provide for reservation for Scheduled Castes as provided under Article 243D of the Constitution. Certain exceptions have been made in this regard in the case of State of Nagaland, Meghalaya, Mizoram and certain territories of Manipur and West Bengal under Article 243M of the Constitution. The State of Arunachal Pradesh has been left out of the scope of Article 243M. The bill in the present form does not conform to the provisions of Article 243D of the Constitution. Unless the State Government provides for reservation for Scheduled Castes and mandated by the Constitution, the assent of the President cannot be given. Any exception in the case of State of Arunachal Pradesh would require an amendment in the Constitution.

9. Subject to the observations made in the preceding paragraph, we may concur in the Note for the Cabinet.

10. JS & LA may kindly see.

Sd/-
(Dr. Y.P.C. Dangay)
Additional Legal Adviser
21.10.1997

Dy. No.3596/97

APPENDIX III

THE COPY OF THE OPINION DATED 31ST MARCH, 2000 OF THE DEPARTMENT OF LEGAL AFFAIRS REGARDING APPLICABILITY OF ARTICLE 243D

MINISTRY OF LAW, JUSTICE & CO. AFFAIRS DEPARTMENT OF LEGAL AFFAIRS

Dy. No.31062/2000/B

FR is a D.O. No. N.12012/1/95-PR dated 31st March, 2000, addressed to Law Secretary, from the Joint Secretary, Department of Rural Development which relates to the Constitution (86th Amendment) Bill which was introduced in the Rajya Sabha on 17th December, 1999 with a view to exempt the State of Arunachal Pradesh from the provisions of Article 243D of the Constitution.

2. The above Bill has been referred to the Standing Committee of Parliament on Urban & Rural Development. The Standing Committee has desired to know the need to bring the Constitution (86th Amendment) Bill, 1999. I had briefly discussed the above matter with Joint Secretary, Smt. Sudha Pillai, in the Department of Rural Development in the light of our earlier opinion dated 27.10.97 which has been annexed with FR. Our aforesaid opinion is self contained. The aforesaid opinion was given by us while concurring with the draft Note for the Cabinet containing the proposal to advise the President of India to accord his assent to the Arunachal Pradesh Panchayat Raj Bill, 1997. In the aforesaid note, we had opined as follows:-

“The Constitution (73rd Amendment) Act, 1992 made it mandatory to provide in all the States Panchayat laws, reservation in respect of certain categories and for conferment of financial powers on all the three Panchayat levels. The new Article 243D of this amendment Act provides for reservation of seats for SC and ST in every Panchayat in proportion to their respective population and also for reservation of seats to the extent of 1/3rd of total number of such reserved seats for women members. The Arunachal Pradesh Panchayat Raj Bill, 1999 as passed by the State Legislature, does not provide for reservation for Scheduled Castes as provided under Article 243D of the Constitution. Certain exceptions have been made in this regard in the case of State of Nagaland, Meghalaya, Mizoram and certain territories of Manipur and West Bengal under Article 243M of the Constitution. The State of Arunachal Pradesh has been left out of the scope of Article 243M. The Bill in the present form does not conform to the provisions of Article 243D of the Constitution. Unless the State Government provides for reservation for Scheduled Castes as mandated by the Constitution, the assent of the President cannot be given. Any exception in the case of State of Arunachal Pradesh would require an amendment in the Constitution.”

3. This issue was further examined *vide* our U.O. Note Dy. No.30150/98 dated 6.2.1998 and the above views were reiterated at the level of MLJ & CA that useless

the State Government provides for the SC reservation as mandated in the Constitution under Article 243D, assent of the President cannot be given and that any exception in the case of Arunachal Pradesh would require an amendment of the Constitution.

4. The aforesaid views were given with the approval of MSLJ & CA. The opinion seems to be correct interpretation of the provisions of the Constitution. If approved, we may once again reiterate the same.

Sd/-

(K.D. Singh)
JS & LA)
31.3.2000

Law Secretary

I agree but would like to amplify that the issue raised by the learned Member pertains to the operational aspect of article 243D of the Constitution. While operating the provisions of this article, if the reservation comes to nil having regard to the non-existent population, then it becomes altogether a different issue which may be true for the other States also, but the real issue is whether the Arunachal Pradesh Panchayat Raj Bill, 1997 ought to provide reservation for SCs or not. As already stated, unless the Constitution makes an exception in this regard, the Bill has to conform to the provisions of article 243D irrespective of whether SC population exists or not. The effect of operation ultimately resulting to zero reservation would not make the said Bill in conformity with the constitutional provisions contained in article 243D. In other words, if the operation of the provisions of article 243D results in nil reservation, it would not mean that there should not be any necessity of making provision in the Bill for reservation for SCs as per article 243D as the Bill has to conform to the constitutional provisions irrespective of whether ultimately in the operation of the provision reservation comes to nil or not. Therefore, we are of the view that if a provision for reservation in any State Legislation under article 243D is not to be kept, then a constitutional amendment is necessary.

Sd/-

(R.L. MEENA)
Law Secretary
31.3.2000

Dept. of Rural Development (Smt. Sudha Pillai, J.S.)

APPENDIX IV

COMMITTEE ON URBAN AND RURAL DEVELOPMENT (1999-2000)

MINUTES OF THE 6TH SITTING OF THE COMMITTEE HELD ON WEDNESDAY, THE 8TH MAY, 2000

The Committee sat from 1500 hrs. to 1600 hrs. in Committee Room 'E' Parliament House Annexe, New Delhi.

PRESENT

Shri Anant Gangaram Geete - *Chairman*

MEMBERS

Lok Sabha

2. Shri Mani Shankar Aiyar
3. Shri Padamanava Behera
4. Shri Jaswant Singh Bishnoi
5. Shri Swadesh Chakraborty
6. Shri Haribhai Chaudhary
7. Shri Swami Chinmayanand
8. Prof. Kailasho Devi
9. Shri Vijay Goel
10. Shrimati Hema Gamang
11. Shri R.L. Jalappa
12. Shri Babubhai K. Katara
13. Shri Madan Lal Khurana
14. Shri P.R. Kyndiah
15. Shri Bir Singh Mahato
16. Shrimati Ranee Narah
17. Dr. Ranjit Kumar Panja
18. Shri Dharam Raj Singh Patel
19. Shri Nikhilananda Sar
20. Shri D. Venugopal
21. Shri Chintaman Wanaga

Rajya Sabha

22. Shrimati Shabana Azmi
23. Shri N.R. Dasari
24. Shri C. Apok Jamir
25. Shri Onkar Singh Lakhawat
26. Prof. A. Lakshmisagar
27. Shri Onward L. Nongtdu
28. Shri A. Vijaya Raghavan

SECRETARIAT

1. Shri S.C. Rastogi - *Joint Secretary*
2. Shrimati Sudesh Luthra - *Under Secretary*
3. Shri P.V.L.N. Murthy - *Assistant Director*

**Representatives of the Ministries of rural
Development and Home Affairs**

1. Shri Arun Bhatnagar - Secretary, Department of Rural Development
2. Smt. Sudha Pillai - Joint Secretary, Department of Rural Development
3. Dr. B.K. Thapliyal - Director, NIRD, North Eastern Regional Centre, Guwahati
4. Shri G.K. Pillai - Joint Secretary (ME), Ministry of Home Affairs

**Representatives of the Ministry of Law,
Justice & Company Affairs**

1. Shri Shiv Prakash - Additional Secretary,
Department of Legal
Affairs
2. Shri K.D. Singh - Joint Secretary and Legal
Adviser, Department of
Legal Affairs
3. Dr. S.D. Singh - D.L.C., Legislative
Department

2. At the outset, the Chairman welcomed the representatives of the Ministries of Rural Development (Department of Rural Development) and Home Affairs to the sitting and drew their attention to the provision of Direction 55(1) of the Directions by the Speaker. The Committee also welcomed the representatives of the Ministry of Law, Justice & Company Affairs present at the sitting to assist the Committee.

3. The representatives of the Ministry of Rural Development (Department of Rural Development) explained the reasons for bringing the Constitution (Eighty-Sixth Amendment) Bill, 1999. The Committee then took the oral evidence of the representatives of the Ministry of Rural Development (Department of Rural Development) on the said Bill. The evidence remained inconclusive as the representatives of the Ministry sought some time to supply the information asked for by the Committee.

4. The verbatim record of the proceedings of the sittings was kept.

The Committee then adjourned.

APPENDIX V

COMMITTEE ON URBAN AND RURAL DEVELOPMENT (1999-2000)

MINUTES OF THE SEVENTEENTH SITTING OF THE COMMITTEE HELD ON WEDNESDAY, THE 10TH MAY, 2000

The Committee sat from 1500 hrs. to 1635 hrs. in Committee Room 'E' Parliament House Annexe, New Delhi.

PRESENT

Shri Anant Gangaram Geete - *Chairman*

MEMBERS

Lok Sabha

2. Shri Mani Shankar Aiyar
3. Shri A. Brahmanaiah
4. Shri Haribhai Chaudhary
5. Shri Bal Krishna Chauhan
6. Shrimati Hema Gamang
7. Shri Holkhomang Haokip
8. Shri Madan Lal Khurana
9. Shri P.R. Kyndiah
10. Shri Bir Singh Mahato
11. Shri Punnu Lal Mohale
12. Shrimati Ranee Narah
13. Dr. Ranjit Kumar Panja
14. Shri Chandresh Patel
15. Shri Dharam Raj Singh Patel
16. Shri Sunder Lal Tiwari
17. Shri D. Venugopal

Rajya Sabha

18. Shri S. Agni Raj
19. Shri N.R. Dasari
20. Shri C. Apok Jamir

21. Shri Solipeta Ramachandra Reddy
22. Shri A. Vijaya Raghavan

SECRETARIAT

1. Shri R. Kothandaraman - *Deputy Secretary*
2. Shrimati Sudesh Luthra - *Under Secretary*

WITNESSES

Member of Parliament (Lok Sabha) from State of Arunachal Pradesh

1. Shri Jarbom Gamlin

**Representatives from Ministry of Rural Development
(Department of Rural Development)**

1. Shri Arun Bhatnagar, Secretary
2. Smt. Sudha Pillai, Joint Secretary

**Representatives of Ministry of Law, Justice and Company Affairs
(Department of Legal Affairs)**

1. Shri R.L. Meena, Secretary
2. Shri K.D. Singh, Joint Secretary and Legal Adviser

**Representatives of Ministry of Law, Justice and Company Affairs
(Legislative Department)**

1. Dr. S.C. Jain, Secretary
2. Shri N.L. Meena, JS&LC

Representatives of Ministry of Home Affairs

1. Shri Kamal Pande, Secretary
2. Shri G.K. Pillai, Joint Secretary
3. Shri Durga Das Gupta, Joint Secretary

Representative of Government of Arunachal Pradesh

1. Shri K.A. Pravakar Rao, Law Secretary, Government of Arunachal Pradesh

2. At the outset, the Chairman welcomed Shri Jarbom Gamlin, Member of Parliament (Lok Sabha) called to give his views on the Constitution (Eighty-sixth Amendment) Bill, 1999. The Committee heard the views.

(Shri Gamlin then withdrew).

3. The Committee thereafter welcomed the representatives of the Ministry of Rural Development (Department of Rural Development), Ministry of Home Affairs, Ministry of Law, Justice and Company Affairs (Department of Legal Affairs and Legislative Department) and Government of Arunachal Pradesh to the sitting and drew the attention of the witnesses to the provision of direction 55(1) of the Directions by the Speaker.

4. The Committee took the oral evidence of the representatives of the said Ministries and the Government of Arunachal Pradesh on the Constitution (Eighty-sixth Amendment) Bill, 1999.

5. The verbatim record of the proceedings of the sitting was kept.

The Committee then adjourned.

APPENDIX VI

COMMITTEE ON URBAN AND RURAL DEVELOPMENT (1999-2000)

MINUTES OF THE SEVENTEENTH SITTING OF THE COMMITTEE HELD ON WEDNESDAY, THE 8TH JUNE, 2000

The Committee sat from 1500 hrs. to 1600 hrs. in Committee Room 'E' Parliament House Annexe, New Delhi.

PRESENT

Shri Anant Gangaram Geete - *Chairman*

MEMBERS

Lok Sabha

2. Shri Mani Shankar Aiyar
3. Shri Padmanava Behera
4. Shri Jaswant Singh Bishnoi
5. Shri A. Brahmanaiah
6. Shri Swadesh Chakraborty
7. Shri Bal Krishna Chauhan
8. Shrimati Hema Gamang
9. Shri Holkhomang Haokip
10. Shri Madan Lal Khurana
11. Shri Bir Singh Mahato
12. Shrimati Ranee Narah
13. Dr. Ranjit Kumar Panja
14. Prof. (Shrimati) A.K. Premajam
15. Shri Nikhilananda Sar
16. Shri Sunder Lal Tiwari
17. Shri Chintaman Wanaga

Rajya Sabha

18. Shri S. Agni Raj
19. Shri Faqir Chand Mullana
20. Shri N.R. Dasari

APPENDIX VII

COMMITTEE ON URBAN AND RURAL DEVELOPMENT (1999-2000)

MINUTES OF THE SEVENTEENTH SITTING OF THE COMMITTEE HELD ON FRIDAY, THE 21ST JULY, 2000

The Committee sat from 1400 hrs. to 1430 hrs. in Committee Room '139', Parliament House Annexe, New Delhi.

PRESENT

Shri Anant Gangaram Geete - *Chairman*

MEMBERS

Lok Sabha

2. Shri Jaswant Singh Bishnoi
3. Shri Swadesh Chakraborty
4. Shrimati Hema Gamang
5. Shri Holkhomang Haokip
6. Shri Madan Lal Khurana
7. Shri Bir Singh Mahato
8. Shri Ramchandra Paswan
9. Shri Dharam Raj Singh Patel
10. Shri Nikhilananda Sar
11. Shri Sunder Lal Tiwari

Rajya Sabha

12. Shri Karnendu Bhattacharjee
13. Shri Faqir Chand Mullana
14. Shri R.S. Gavai
15. Shri N. Rajendran
16. Shri Man Mohan Samal
17. Shri Solipeta Ramachandra Reddy
18. Shri A. Vijaya Raghavan

SECRETARIAT

1. Shri S.C. Rastogi - *Joint Secretary*
2. Shri P.K. Grover - *Deputy Secretary*
3. Shrimati Sudesh Luthra - *Under Secretary*

2. At the outset Chairman, welcomed Shri R.S. Gavai who had been nominated as a member of the Committee, w.e.f. 16th May, 2000.

3. The Committee then took up for consideration the draft Report on the Constitution (Eighty-sixth Amendment) Bill, 1999.

4. After some consideration, the Committee adopted the aforesaid Report, without any amendments.

5. The Committee thereafter authorised the Chairman to finalise the Report after getting it factually verified from the Department of Rural Development (Ministry of Rural Development) and present the same to the Houses of Parliament.

The Committee then adjourned.

APPENDIX VIII

STATEMENT OF RECOMMENDATIONS/OBSERVATIONS

Sl.No.	Para No.	Recommendations/Observations
1	2	3
1.	2.14	<p>The Committee after studying the legislative history of the Constitution (Eighty-sixth Amendment) Bill, 1999, as given in detail in Part I of the Report, find that Panchayati Raj System which had been found working successfully in Arunachal Pradesh remained suspended since 1997, as the Arunachal Pradesh Panchayat Raj Bill, 1997 was reserved by the Governor of Arunachal Pradesh for the consideration of the President of India under article 200 of the Constitution on the ground that the Bill did not comply with the provisions of article 243D of the Constitution. After considering the detailed information as furnished by the Ministries of Rural Development, Law, Justice and Company Affairs and Home Affairs and the clarifications given by the representatives of the said Ministries during the course of oral evidence, the Committee endorse the Constitution (Eighty-sixth Amendment) Bill, 1999. While endorsing the said Bill, the Committee recommend that Parliament may consider to pass the said Bill at the earliest so that the Panchayati Raj System in Arunachal Pradesh could be started as quickly as possible.</p>
2.	2.15	<p>While endorsing the Constitution (Eighty-sixth Amendment) Bill, 1999, the Committee make the following general observations:-</p> <p>(i) The Committee deplore the inordinate delay on the part of the Central Government to take decision on the issue of deletion of the list of Scheduled Castes in the case of Arunachal Pradesh as it had been the contention of the State Government that the said list of Scheduled Castes as notified for Assam at the time of formation of the State was a mistake and they had been representing to the Central Government for deletion of the said list. The Committee observe that had the timely decision been taken in this regard and the said list deleted, the case of Arunachal Pradesh would have been at par with the States of Haryana and Punjab and there would not have been any need to carve out any exception to article 243D as proposed in the Constitution (Eighty-sixth Amendment) Bill, 1999. In view of it, the Arunachal</p>

Pradesh Panchayat Raj Bill, 1997 would have been valid and there would have been no need to bring out the Constitution (Eighty-sixth Amendment) Bill, 1999 as has been admitted by the Ministry of Law, Justice and Company Affairs in their written replies. The Committee feel that the inordinate delay on the part of the Central Government has not only suspended the successful working of Panchayati Raj System in Arunachal Pradesh but had also affected the developmental work in the State by total denial of democratic rights at the grassroot level to the people of Arunachal Pradesh.

- (ii) The Committee further note that the Statement of Objects and Reasons appended to a Bill state in brief and simple language the purposes for which the legislation has been brought forward. It also helps the common man to understand the salient features of the proposed legislation. But the Committee find that the Statement of Objects and Reasons appended to the Constitution (Eighty-sixth Amendment) Bill, 1999 does not reflect truly the ground situation as could be observed from the written replies and the evidence tendered by the representatives of the Ministries of Rural Development, Law, Justice and Company Affairs and Home Affairs. The Committee, therefore, make the following observations in this regard:
 - (a) In the Statement of Objects and Reasons of the Bill, it has been stated that Arunachal Pradesh is a State inhabited fully by indigenous tribal people and it has further been stated that no Scheduled Castes exist in the State. However as per the written replies furnished by the Government as given in the preceding paragraphs of the report, as per 1991 census, the Scheduled Castes population in the State was 4052 that constitute 0.47% of the total population of the State.
 - (b) It has been further mentioned in the Statement of Objects and Reasons of the Bill that the Arunachal Pradesh is a State inhabited fully by indigenous tribal people. However, as per the written information furnished by the Government and the evidence tendered by the representatives of the Ministry of Home Affairs,

as per 1991 census, out of 8,64,558 population 3,13,207 *i.e.* 36.34% of population was non-tribal.

(c) As per the Statement of Objects and Reasons of the Bill, it has been mentioned that only the indigenous tribal people are allowed to participate in the democratic processes. However the Committee were informed by the Ministry of Rural Development that all eligible citizens are entitled to exercise their right to vote in an election of the Legislative Assembly and Parliament. Further there is no express provision in The Bengal Eastern Frontier Regulation of 1873, applicable to Arunachal Pradesh to bar the participation of non-tribals in the local panchayat elections.

3. 2.16 The Committee, therefore, feel that the above facts should have been reflected in the Statement of Objects and Reasons of the Bill.
4. 2.17 The Committee further observe that as the Statement of Objects and Reasons of a Bill not only helps the common man to comprehend the provisions of the Bill but also helps in the case of doubt in interpreting the intention of the law makers, utmost care should be taken in drafting the Statement of Objects and Reasons of a Bill so that it is truly reflective of the objectives of the Bill.