

Bill No. XVIII of 2010

THE CONSTITUTION (AMENDMENT) BILL, 2010

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further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2010.

Short title and
commencement.

(2) It shall come into force at once.

2. After article 371I of the Constitution, the following article shall be inserted,
5 namely:—

Insertion of
new article
371J.

“371J. (1) Parliament may, by law, declare the State of Uttrakhand, to be a
special category State for the purpose of overall development of the State.

Special status
to the State of
Uttrakhand.

(2) Law made by Parliament under clause (1) shall—

(a) provide for special financial assistance to the State of Uttrakhand to
10 meet the costs of such schemes of development, as may be undertaken by the

State with the approval of Government of India for the purpose of promoting the welfare of people of the State, particularly those belonging to economically weaker sections and for proper utilisation and exploitation of the resources of the State, and

**(b) provide for funds from pool of non-lapsable funds, originally created 5
for the North-Eastern States to the State of Uttrakhand with such transfer of
additional funds to the pool as may be specified by Government of India for
speedy development of projects and schemes undertaken in the States by the
Central and State Governments."**

STATEMENT OF OBJECTS AND REASONS

Uttarakhand had been part of the State of Uttar Pradesh and the region, prior to becoming an independent State had been economically and socially backward. Keeping this in view, the State has been granted the status of Special Category State, though no legislative measure has been initiated to this effect.

Notwithstanding special category status conferred on the State, Uttarakhand still continues to be economically backward state in many respects. Problems poverty, unemployment and illiteracy in the State need to be addressed on priority basis. Due to hilly state, many parts or regions of the state lie in strategic zones where infrastructural development at faster pace is the need of the hour. Still, many people living in remote areas are to be brought in the mainstream of development. The State Government has launched many ambitious schemes and projects for promotion of welfare of the people of the State, particularly those belonging to economically backward section. These projects and schemes entail huge funding.

The North-Eastern States enjoy the benefit of Non-lapsable Central pool of resources for funding specific infrastructural projects and programmes for economic and social upliftment of these states. This pool has been created by transferring the difference of the allocation earmarked for North-Eastern States by all the Central Ministries/Departments and the actual expenditure incurred on the region. Uttarakhand, which also has the similar features, needs the same kind of financial assistance for its overall/allround development.

It is, therefore, felt that suitable provisions should be incorporated in the Constitution to enable Parliament to make law for providing legislative backing to the special category status given to the state of Uttarakhand and provide special financial assistance and extension of the central pool of non-lapsable funds to the State on the pattern of the North-Eastern States.

Hence this Bill.

BHAGAT SINGH KOSHIYARI

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides special financial assistance to the State of Uttarakhand to meet the cost of such schemes of development undertaken by the State with the approval of the Government of India. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

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371-I. Special provision with respect to the State of Goa.—

Notwithstanding anything in the Constitution, the Legislative Assembly of the State of Goa shall consist of not less than thirty members.

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RAJYA SABHA

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further to amend the Constitution of India.

(Shri Bhagat Singh Koshiyari, M.P.)