

THE CONSTITUTION (FIFTY-FIFTH AMENDMENT) ACT, 1986

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Statement of Objects and Reasons appended to the Constitution (Fifty-fifth Amendment) Bill, 1986 which was enacted as THE CONSTITUTION (Fifty-fifth Amendment) Act, 1986

STATEMENT OF OBJECTS AND REASONS

The Government of India have proposed to confer statehood on the Union territory of Arunachal Pradesh. It has also been proposed as follows:-

(i) Having regard to the sensitive location of Arunachal Pradesh, the Governor of the proposed new State shall have special responsibility with respect to law and order in the State and in the discharge of his functions thereto, the Governor shall, after consulting the Council of Ministers, exercise his individual judgment as to the action to be taken and this special responsibility of the Governor shall cease when the President by order so directs;

(ii) the Legislative Assembly of the new State of Arunachal Pradesh shall consist of forty members. But as it is proposed to make the existing thirty-member Legislative Assembly of the Union territory of Arunachal Pradesh to be the provisional Legislative Assembly for the new State of Arunachal Pradesh until elections are held on the expiry of the five year term of the existing Assembly, it is proposed to provide that the Legislative Assembly of the new State of Arunachal Pradesh shall consist of not less than thirty members.

2. In order to give effect to the above proposals, it is necessary to make special provisions in the Constitution. This Bill accordingly seeks to amend the Constitution to provide for the aforesaid matters. A separate Bill for the establishment of the new State relatable to article 2 is also being introduced.

NEW DELHI; BUTA SINGH.

The 1st December, 1986.

THE CONSTITUTION (FIFTY-FIFTH AMENDMENT) ACT, 1986

[23rd December, 1986.]

An Act further to amend the Constitution of India.

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

1. Short title and commencement.-(1) This Act may be called the Constitution (Fifty-fifth Amendment) Act, 1986.

(2) It shall come into force on such date_673 as the Central Government may, by notification in the Official Gazette, appoint.

2. Insertion of new article 371H.- After article 371G of the Constitution, the following article shall be inserted, namely:-

"371H. Special provision with respect to the State of Arunachal Pradesh.- Notwithstanding anything in this Constitution,-

(a) the Governor of Arunachal Pradesh shall have special responsibility with respect to law and order in the State of Arunachal Pradesh and in the discharge of his functions in relation thereto, the Governor shall, after consulting the Council of Ministers, exercise his individual judgment as to the action to be taken:

Provided that if any question arises whether any matter is or is not a matter as respects which the Governor is under this clause required to act in the exercise of his individual judgment, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in the exercise of his individual judgment:

Provided further that if the President on receipt of a report from the Governor or otherwise is satisfied that it is no longer necessary for the Governor to have special responsibility with respect to law and order in the State of Arunachal Pradesh, he may by order direct that the Governor shall cease to have such responsibility with effect from such date as may be specified in the order;

(b) the Legislative Assembly of the State of Arunachal Pradesh shall consist of not less than thirty members."