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**STANDING COMMITTEE ON
URBAN DEVELOPMENT
(2009-2010)**

FIFTEENTH LOK SABHA

**MINISTRY OF URBAN
DEVELOPMENT**

**THE CONSTITUTION (ONE HUNDRED AND
TWELFTH AMENDMENT) BILL, 2009**

EIGHTH REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

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TWELFTH AMENDMENT) BILL, 2009

Presented to Speaker, Lok Sabha on 25.06.2010

Presented to Lok Sabha on _____

Laid in Rajya Sabha on _____



LOK SABHA SECRETARIAT
NEW DELHI

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COMPOSITION OF THE STANDING COMMITTEE ON
URBAN DEVELOPMENT (2009-2010)

Shri Sharad Yadav — *Chairman*

MEMBERS

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3. Shri Praveen Singh Aron
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SECRETARIAT

1. Shri T.K. Mukherjee — *Joint Secretary*
2. Shri K.D. Muley — *Director*
3. Ms. Amita Walia — *Deputy Secretary*

INTRODUCTION

I, the Chairman, Standing Committee on Urban Development having been authorized by the Committee to present the report on their behalf, present this Eighth Report (Fifteenth Lok Sabha) on 'The Constitution (One Hundred and Twelfth Amendment) Bill 2009' pertaining to the Ministry of Urban Development.

2. One of the functions of the Standing Committee on Urban Development as laid down in Rule 331E(1)(b) of 'The Rules of Procedure and Conduct of Business in Lok Sabha' is to examine such Bills pertaining to the concerned Ministries as are referred to the Committee by the Chairman, Rajya Sabha or the Speaker, Lok Sabha, as the case may be, and make Report thereon. In pursuance of this Rule, 'The Constitution (One Hundred and Twelfth Amendment) Bill 2009', introduced in Lok Sabha was referred by the Hon'ble Speaker to this Committee on 29th December, 2009 for examination and Report.

3. The Committee then decided to have the views of the State Governments/Union Territories and also of some experts in the field of urban affairs to enable the Members to have an in-depth knowledge about various clauses of the Bill. Fifteen States and two Union Territories, namely; Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Gujarat, Haryana, Jharkhand, Karnataka, Maharashtra, Meghalaya, Mizoram, Orissa, Sikkim, Tripura, Himachal Pradesh, Chandigarh and Puducherry have forwarded their views/suggestions to the Committee.

4. The Committee had a briefing from the representatives of the Ministry of Urban Development and Ministry of Law and Justice on the Bill on 28th January, 2010 on the bill and took the oral evidence of the representatives of Ministry of Urban Development on 14th May, 2010.

5. The Committee also heard the views of the experts on urban affairs *viz.*, Shri Chetan Vaidya, Director, National Institute of Urban Affairs, Prof. Nishith Rai, Director, Regional Centre for Urban and

Environmental Studies, Shri Lojy Thomas, Regional Director, All India Institute of Local Self Government and Shri Akshay Anand, Associate Project Director, All India Institute of Local Self Government (PRUDA) on 14th May, 2010 and had detailed discussions with them on various provisions of the Bill.

6. The Committee express their thanks to the State Governments and the experts who gave their valuable suggestions/views to enable the Committee to arrive at consensual decision on various clauses of the Bill. The Committee also express their thanks to the officials of the Ministry of Urban Development for placing before them the material and information desired from time to time in connection with examination of the Bill.

7. The Committee also place on record their appreciation for the invaluable assistance rendered to them by the officials of the Lok Sabha Secretariat attached to the Committee in connection with examination of the Bill and drafting of the Report thereon.

8. The Committee (2009-2010) considered and adopted the Report at their sitting held on 11th June, 2010.

9. For facility of reference, the observations/recommendations of the Committee have been printed in bold letters and placed as Part III of the report.

NEW DELHI;
11 June, 2010
21 Jyaishta, 1932 (Saka)

SHARAD YADAV,
Chairman,
Standing Committee on Urban Development.

REPORT

PART I

BACKGROUND OF 'THE CONSTITUTION (112TH AMENDMENT) BILL, 2009'

Urban areas in the country present a number of challenges to policy makers and implementers in India today due to rapid rise in the urban population. As per 2001 Census, 27.8 percent of the total population lived in urban areas, of which women constituted nearly 47 per cent. However, India still has second largest urban population in the world as about 285 million persons are living in urban areas. Urban population is expected to rise to about 40 per cent by the year 2020. Number of cities with a million plus population, which were just 35 as of 2005, are likely to increase to 53. Therefore, there is a tremendous pressure on Cities' Governments to provide infrastructure in the cities. The role of Urban Local Bodies assumes great significance in this context.

1.2 Parliament through The Constitution (Seventy-fourth Amendment) Act enacted in 1992, inserted "Part IX A" in the Constitution relating to Municipalities. The 74th Amendment which took effect in the year 1993 accorded constitutional recognition to the third layer of the Government that is the Urban Local Bodies. Article 243T of the Constitution provides for reservation of seats for the Scheduled Castes and the Scheduled Tribes and also 33 per cent reservation of seats for women in Urban Local Bodies. The States have since passed compliance legislations and as on 2002, the total number of elected representatives was 67,990 of which 22,665 were women. However, the expected empowerment of women in decision-making process has not fully materialized.

1.3 Many issues relating to urban governance have specific implications for women empowerment. Since women constitute nearly 50 per cent of population, successful implementation of any programme

would gain from women's participation in policy formulation and decision making. Increased representation of women in Urban Local Bodies would go a long way in ensuring their participation at grass root level and mainstreaming of gender concerns in governance and decision making including those related to basic municipal services like water supply, sanitation, solid waste management, health and education.

1.4 In recognition of this concern, the Hon'ble President of India in her address to Parliament on June 4, 2009 stated that a Bill providing 50 per cent reservation for women in the Panchayats and Urban Local Bodies would be moved by the Government within 100 days as women suffer multiple deprivations of class, caste and gender and enhancing reservation in Urban Local Bodies would lead to more women entering the public sphere. This is only desirable since women constitute nearly half of the population.

1.5 In the aforesaid background, the Constitution (112th Amendment) Bill, 2009 was introduced in Lok Sabha on 24 November, 2009 and referred to the Standing Committee on Urban Development on 29th December, 2009 for examination and report to Parliament. As stated in the Objects and Reasons of the Bill, the proposed legislation seeks to enhance mainstream gender concerns in governance and decision making process. To achieve the aforesaid objective, the proposed legislation seeks to amend Article 243T of the Constitution.

1.6 As stated above, the Constitution (112th Amendment) Bill, 2009 was referred to the Standing Committee on Urban Development on 29th December, 2009 for examination and making report to Parliament. The Committee accordingly obtained written information on various issues which might have a direct bearing on the Bill from the nodal ministry *i.e.*, the Ministry of Urban Development. The preliminary meeting of the Committee was held on 28th January, 2010 whereby the representatives of the nodal ministry briefed about the various provisions of the Bill. During the deliberations, the nodal Ministry was assisted by the representatives of the Ministry of Law and Justice, who clarified various legal provisions. The Committee at their sitting held on 28th January, 2010 decided to invite the views of the State

Governments and the Union Territories Administrations with the permission of the Hon'ble Speaker, Lok Sabha in pursuance of the Direction 60 of the Directions by the Speaker, Lok Sabha.

1.7 For wider consultations, the Committee invited the views of the experts, organizations and public at large through print and electronic media on the aforesaid legislation. Accordingly, six experts/organizations submitted memoranda. The Committee took evidence of three experts as well as the representatives of the Nodal Ministry at their sitting held on 14th May 2010.

1.8 The Committee deliberated the various provisions of the Bill in detail. The details about the deliberations have been given in Part-II and the suggested amendments have been given in Part-III of the Report.

PART II

DELIBERATIONS HELD BY THE COMMITTEE ON THE CONSTITUTION (112TH AMENDMENT) BILL

1.9 So far as the existing Constitutional provisions are concerned, Article 243T of the Constitution reads as under:

“243T. Reservation of seats

- (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality;
- (2) Not less than one third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes;
- (3) Not less than one third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality;
- (4) The offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide;

- (5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334;
- (6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Municipality or offices of Chairpersons in the Municipalities in favour of backward class of citizens."

1.10 The Constitution (One Hundred and Twelfth Amendment) Bill, 2009 seeks to amend Article 243T. The operative clauses of the Bill read as under:

"In article 243T of the Constitution,—

- (i) in clause (2), for the word "one-third", the word "one-half" shall be substituted;
- (ii) in clause (3), for the word "one-third", the word "one-half" shall be substituted;
- (iii) for clause (4), the following shall be substituted, namely:—

"(4) The offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Municipalities in any State shall bear, as nearly as may be, the same proportion to the total number of such offices as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of that State:

Provided further that not less than one-half of the total number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Municipalities shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes:

Provided also that not less than one-half of the total number of offices of Chairpersons (including the number of offices reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) in the Municipalities shall be reserved for women:

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Municipalities.”.

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

Views of the States and UT Administrations/Experts on clauses (2) and (3) of the Bill:—

1.11 The Ministry of Urban Development in their written material provided to the Committee had stated that out of 35 States and Union Territories only 15 have responded to the issue concerning enhancement of reservation for women to fifty percent in Urban Local Bodies. Besides, only 10 out of the 15 States/UTs have supported the idea of enhancing the prescribed reservation for women from one-third to one half. When asked whether there was enough support to get the Bill passed, the Ministry in their written statement replied as under:

“10 States/UTs had earlier supported for enhancement of reservation for women to 50 percent in Urban Local Bodies. Subsequently major States like Uttar Pradesh, Madhya Pradesh and Andhra Pradesh have now supported the proposal and no State/UT has opposed the same except Government of Arunachal Pradesh and Sikkim. In case of Government of Sikkim, it has already enhanced the reservation for women from 33% to 40% of the total seats in Urban Local Bodies and supported maintaining the current level of reservation.”

1.12 The 74th Amendment Act had favoured one-third reservation for SC/ST women in Urban Local Bodies. However, it is yet to be implemented by all States & UTs. Despite this the Constitution (One Hundred and Twelfth Amendment) Bill, 2009 suggesting a rise in the

said reservation has been proposed. When the Ministry of Law and Justice was asked to clarify on the issue they replied as under:—

“...The ground that certain States have yet to implement the existing provisions need not become a ground in providing a better percentage of reservation in favour of women as the ultimate aim is the achievement of women empowerment. Hence, there is no legal impediment in providing any change in the level of reservation. The increase in reservation of seats for women is a matter of policy.”

1.13 In response to the views elicited by the Committee on the aforesaid Bill **14** State Governments *viz.* Jharkhand, Sikkim, Mizoram, Meghalaya, Orissa, Bihar, Maharashtra, Assam, Haryana, Tripura, Andhra Pradesh, Arunachal Pradesh, Karnataka and Gujarat and **02** Union Territories, namely Lakshadweep and Chandigarh, responded in writing to the Committee.

1.14 On the question of increasing the prescribed reservation for women in Urban Local Bodies up to 50 percent, all States/UTs, except the State of Meghalaya and Arunachal Pradesh, have favoured the increase in the quantum of reservation for women up to 50 percent. The State Government of Meghalaya in principle does not oppose the policy of increasing the reservation for women up to 50 percent in the Urban Local Bodies. They have stated that since as on date provisions of reservation for women does not exist in the State and the provision for providing 33 percent reservation is under process, the increase or decrease is subject to the impact assessment in the future. The State Government of Arunachal Pradesh have suggested that the one-third reservation for women should be continued.

1.15 On the question of supporting the overall policy of the Government of India in providing reservation to women in Urban Local Bodies, each and every State/UT has expressed their support to the overall policy of providing reservation to women in Urban Local Bodies. In fact many of these States had already tendered their concurrence when their views were solicited in the matter while preparing the background of the proposed amendment Bill by the Government of India. As stated in the

Objects and Reasons of the Bill, the State Governments of Himachal Pradesh, West Bengal, Bihar, Tamil Nadu, Kerala, Madhya Pradesh and Andhra Pradesh have supported the proposal for providing fifty per cent reservation for women in Urban Local Bodies. The State Governments of Bihar, Himachal Pradesh and Madhya Pradesh have already provided for fifty per cent reservation for women in Urban Local Bodies.

1.16 So far as the amendment to clauses (2) and (3) of Article 243T relating to reservation of not less than one half of the total number of seats reserved for women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be, of the total number of seats reserved for women is concerned, there has been consensus among all experts who have tendered their views/suggestions that enhancement of reservation for women in the Urban Local Bodies from one third percent to fifty percent is necessary for increasing the participation and representation of women in governance and decision making process.

Clause 4 of Article 243T

1.17 As regards amendment to clause 4 of Article 243T, the underlined principle as stated in Clause (1) of Article 243T is that the seats shall be reserved for Scheduled Castes and Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality. However, the proviso to Clause (4) as proposed in the Bill provides that the number of Offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Municipalities in any State shall bear, as nearly as may be, the same proportion to the total number of such offices as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of that State and not according to the total urban population of the State.

1.18 When asked about the opinion of the Ministry if in proviso (i) of Clause 4 line 5 the word "urban" is added in between

“total” and “population”, the Ministry of Urban Development in the written reply stated as under:

“The present proviso given in draft is in order. If word ‘urban’ is added in between ‘total’ and ‘population’ in proviso (i) of Clause (4) line (5), the representation of SCs and STs at the level of Offices of Chairpersons in the Municipalities to the total number of such offices shall not be in proportion of their population in the State and would become skewed. Assuming that the population of SCs and STs in urban areas is lower than rural areas in the State, this would mean lesser number of Chairpersons in urban areas which would require related amendment in respect of rural areas (Article 243D) so as to address the imbalance. In order to have a holistic approach in the matter, consultations with the Ministry of Panchayati Raj and Ministry of Law would be necessary.”

1.19 All the experts who had tendered their views/suggestions have in principle favoured the basic idea of providing for reservation of seats for the Scheduled Castes, the Scheduled Tribes and women for the offices of Chairpersons in the Municipalities. The Director, Regional Centre for Urban and Environmental Studies, Hyderabad in written submission has stated:

“...In the Constitution (Seventy-fourth Amendment) Act, the manner of reservation was left to the discretion of the State Legislatures. But, the proposed Amendment Bill has clearly specified the manner of reservation. These provisions are clearer not leaving any ambiguity for State Legislatures for interpretation.”

1.20 The Chief Planner, Town and Country Planning Organization in his written submission stated as under:

“ In para 2 of section (2) it has been stated that the number of offices of Chairpersons reserved for Scheduled Castes and Scheduled Tribes in the Municipalities in any State shall bear as nearly as may be the same proportion to the total number of such offices as the population of Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of that State. In this

regard it is felt that reservation for SCs/STs may be in proportion to their population in the respective city/town”.

A similar view was tendered by the Director, Regional Centre for Urban and Environmental Studies, Lucknow in his written submission stated:

“In proviso (i) of clause (4) the word ‘urban’ may be added in between ‘total’ and ‘population’. This would reflect the real population of SC and ST in place of whole State.”

1.21 The Committee sought further clarification in the above matter from the Legislative Department of the Ministry of Law and Justice. In their written correspondence, the Legislative Department clarified as under:—

“After carefully considering the proposal, Legislative Department is of the opinion that there is a rationale behind the provision proposed by the Committee and we feel that the proposed amendment is in consonance with the underlying principle embodied in Article 243T of the Constitution. However, this being a matter of policy, the administrative Ministry and the Department of Legal Affairs may be consulted before any action in the matter is taken.”

Other Backward Classes

1.22 The Committee also deliberated the issue pertaining to the provision for reservation of seats for the ‘Other Backward Classes (OBCs)’ in the Urban Local Bodies. Almost all the States have unanimously suggested that the matter may be left to the State Governments to decide the issue of reservation of extending the provisions of reservation for women belonging to the ‘Other Backward Classes’ category. In fact, some States like Bihar, Maharashtra and Orissa have already made statutory provisions for providing reservation to women belonging to OBC category.

1.23 On being asked as to why the issue of reservation for the OBCs has been left to the States and the impact it would have if the same

is provided in the proposed Bill itself, the Ministry of Urban Development in their written reply stated as under:—

“Since the Seventy-fourth Amendment Act provided for an enabling provision to Legislature of the State, to consider for reservation of seats for Backward Class citizens in Municipalities, it has been proposed to leave the matter relating to providing enhanced reservation for women belonging to OBCs in the Municipalities and offices of the Chairpersons of Municipalities to the State legislatures.”

The Secretary, Ministry of Urban Development while briefing the Committee about the proposed Bill stated as under:

“As per the policy of the Governments, the decision has been that as was before it will continue with the States.”

Further elaborating on this issue during the oral evidence he submitted that Article 243(d) provides as under:

“... The Constitution already provides for a provision that States can decide on this basis. ... ‘Nothing in this part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat of Offices of Chairpersons in Panchayat at any level in favour of backward class of citizens.’ So, that is the provision which is available at the State level. The same is the provision for the urban local bodies also.”

1.24 Further, clarifying on the issue, the Secretary, Ministry of Urban Development in his oral submission before the Committee stated as under:—

“The provisions for providing reservation to the Other Backward Classes women have been left for the State Government to do it. ...The intention is to provide 50 per cent reservation but as far as the provision for Other Backward Classes women is concerned, the Constitution itself gives the option to the State Governments. We made an analysis of how the State Governments have exercised this function. Our review shows that the State Governments have taken

note of this provision and there are varying arrangements made by different State Governments like Andhra Pradesh has provided for 33 per cent reservation for OBCs. That is one extreme. Madhya Pradesh has provided for 25 per cent, Maharashtra and Orissa have provided 27 per cent. Rajasthan has provided 12 per cent and there are some States which have not made a provision; like Tamil Nadu and West Bengal. So, there is a varying situation. The intention at that time was to leave it to the State Governments to take note of the requirement of that particular State and accordingly make a provision in their respective urban legislations. This analysis shows that they have taken into account their State specific situation and provided for it in the respective legislation. As I mentioned, there are varying situations. There are some States which have not made a provision like the North Eastern States have not made a provision separately for the OBCs. So, this itself demonstrates the fact that a national representation may not be appropriate. It is better left to the States and the Constitution mandates the States to take note of this. They have accordingly taken note of how it should be incorporated in their legislations. That is why we felt that, that is not the issue to be addressed through this amendment. What we are basically trying to do through this amendment is provide for women participation in this scheme of things.”

1.25 When the Ministry of Law was asked to specify the reasons for non-inclusion of the provision of reservation for women belonging to OBC category in the proposed amendment Bill, the Secretary, Legislative Department, Ministry of Law during the oral evidence stated as under:

“The Legislative Department is concerned with translating the policies of the concerned administrative Ministry to the legislations. So, probably the administrative Ministry has already submitted the policy of the Government in this regard.”

When further asked to specify the reasons for not specifically providing for reservation to OBCs women in Urban Local Bodies and

whether it would be possible to include a proviso to this extent, the Ministry in their written statement replied that this is a matter of policy. The drafting of any provisions in this regard would depend on the policy of the Government.

1.26 When the similar question was posed to the experts, they also unanimously opined that there is an enabling provision in the Act itself which provides that nothing shall prevent the States from making any provision for reservation of seats in any Municipality or offices of Chairpersons in the Municipalities in favour of Backward Classes of citizens.

Rotation of Seats

1.27 The Committee while discussing the provisions of the Bill came across the fact that there is no inter-State parity so far as the rotation of reserved seats in each and every State is concerned. The Ministry of Urban Development when asked to tender their views on the rotation of reserved seats in Urban Local Bodies in their written statement stated as under:—

“In terms of the Seventy-Fourth Amendment Act, this matter was left with the State Governments as details of the different constituencies and the representation of SC/ST and women, etc. are available with the State Government. Hence, in the proposed Bill also it is proposed to leave the matter relating to the rotation of seats, prescribing of term etc., to the discretion of State Government.”

1.28 Deliberating on the issue, the Director, Regional Centre of Urban and Environmental Studies, Hyderabad in his written reply stated as under:—

“Similar to the earlier 74th Constitution Amendment Act, the proposed Amendment also provides for allocation of the reserved seats by rotation. Though there is no problem with rotation, the Amendment is silent on the period of rotation. Because of this, the State Governments adopted different methods for rotation of the council members as well as the chairpersons. For instance, the Municipal Acts in Andhra Pradesh, Karnataka and Kerala provided

for the rotation of the reserved seats without mentioning the period. But, the States have adopted a policy of rotation of reserved seats including the chairpersons every term. However, in Tamil Nadu, rotation takes place every two terms. The research findings of the RCUES study reveal that the council members in the States of Andhra Pradesh and Kerala are not happy with the rotation every term. They feel that this will de-motivate them to focus on their ward level development as they are not sure as to which ward is in allocation for them in the next elections. This uncertainty makes them a bit indifferent to the local level issues and problems. This is true especially for the ward councillors who want to serve for longer years from the same ward. Many of the councillors feel that, a two term rotation method may be adopted for developing their political careers. In Tamil Nadu, the councillors feel that they are happy with the two term rotation. In Karnataka, the councillors are happy with rotation every term rotation saying that it gives opportunity for many people to serve.”

1.29 Further, the Director, Regional Centre for Urban and Environmental Studies, Lucknow has in his written suggestion has stated as under:

“The State Governments have been taking the decision in this regard. The seats are rotated in every election. The term should be specified. We are of the opinion that the minimum rotation period should be 10 years. It would provide an opportunity to the women councillors for long term planning and commitment. Rotation after every election may inculcate disinterest amongst the councillors towards the development of their ward/city. Albeit exceptions may be there. Many of the women have been re-elected even after rotation.”

Training of Women Councillors

1.30 The Committee during deliberations found that new set of persons altogether with little or no experience of the working and functioning of the Urban Local Bodies and with very little knowledge

of the rights, responsibilities as well as their duties as members of Urban Local Bodies are likely to enter the political arena with this proposed enhancement of reservation for the women and SCs/STs. The proposed Bill after becoming an Act would lead to new set of untrained persons entering the electoral fray thus leading to their greater representation in these Urban Local Bodies. When asked as to how does the Government plan to address this issue given the fact that Urban Local Bodies are already being criticized for not performing well due to lack of trained pool of persons representing these bodies, the Ministry clarified as under:

“As the women are becoming increasingly conscious of their rights and desirous of contributing in the decision making towards various urban issues concerning them, the proposed Bill is a significant step in that direction. Further, as regards untrained persons entering the electoral fray, the same would be taken care by giving them adequate training about various aspects of municipal governance, its acts and rules etc. and thereby making them more competent to handle the different urban issues which arise from time to time.”

1.31 When asked about the measures that exist to impart training to the elected representatives of Urban Local Bodies and whether there are sufficient number of personnel qualified enough to impart such training, the Ministry of Urban Development in their written statement submitted as under:—

“Yes. Training of women Councillors is an important programme of the Ministry of Urban Development under which 100% assistance is provided to the State Governments. In addition various training programmes are conducted by the different Regional Centres of Urban and Environmental Studies, All India Institute of Local Self Government, NIUA and other training institutes in various States. These institutes have adequate capacity to provide training even if representation of the women is increased to fifty percent.”

1.32 In this regard, the Director, Regional Centre of Urban and Environmental Studies, Lucknow, in his written statement stated as under:

“There has been a special package of orienting women councillors. Under this initiative the Government of India has fixed a sum of Rs.1000/- per day per head for organizing residential orientation programmes for the elected women councillors. The cost is equally shared between the Government of India and the State Government. Many State Governments have not shown any interest in this package for want of specific budget allocation at the State level. ... The Union Government should develop a package of rapid training programmes for all the women representatives of Urban Local Bodies. Such an endeavour must be centrally financed, otherwise, State Governments would not show their interests in training due to lack of fund for the purpose. Even many NGOs/VOs are imparting training to prospective candidates.”

1.33 The Director, Regional Centres for Urban and Environmental Studies, Hyderabad, in his written statement further suggested that, different strategies should be adopted to mainstream women and achieve the gender balance in the governance process such as preparing the potential women representatives through training in skills like running and managing election campaigns and enhancing their political knowledge and awareness levels, networking of women working in different sectors and focused capacity building initiatives.

PART III

RECOMMENDATIONS/OBSERVATIONS

Clauses (2) and (3) of Article 243T

The Committee note that Article 243T of the Constitution (Seventy Fourth Amendment) Act, 1992 provides for reservation of seats for Scheduled Castes and Scheduled Tribes and also women in Urban Local Bodies. Clause (2) of Article 243T provides that not less than one-third of the total number of seats reserved under clause (1) of the said Article shall be reserved for women belonging to Scheduled Castes or as the case may be, Scheduled Tribes. Similarly, clause (3) of the Article 243T provides that not less than one-third (including the number of seats reserved for women belonging to Scheduled Castes and Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality. Further clause (4) of Article 243T provides that the offices of Chairpersons in the Municipalities shall be reserved for Scheduled Castes, Scheduled Tribes and women in such manner as the legislature of a State may, by law, provide.

2. The Committee find that the proposed, 'Constitution (112th Amendment) Bill, 2009' seeks to amend Article 243T clauses (2) (3) and (4) thereby increasing the women representation including Scheduled Castes and Scheduled Tribes women, in Urban Local Bodies from existing one-third to one-half and making provisions for reservation of offices of Chairpersons for Scheduled Castes and Scheduled Tribes and women.

3. The Committee while agreeing to the amendments in clauses (2) and (3) of the proposed Bill feel that enhancement of reservation for women in Urban Local Bodies would not only ensure their increased representation and participation in Urban Local

Bodies, but would also go a long way in articulating the voice of women who constitute almost fifty per cent of the population and thus ensure that their concerns are reflected in various policies and programmes related to urban governance which are implemented at a decentralized level.

Clause (4) of article 243T

4. The Committee note that in the Constitution (Seventy-Fourth Amendment) Act, 1992, the manner in which the reservation for Scheduled Castes and Scheduled Tribes and women in so far as it relates to the offices of Chairperson was to be applied was left to the discretion of the State Legislatures. But, the proposed Amendment Bill has clearly specified the manner in which the reservation has to be applied in future.

The Committee while deliberating the aforesaid provision thread bare came across the fact that there is no consonance between Article 243 T (1) and proposed clause 4 proviso (i) of the Bill. The Committee note that Article 243T (1) provides for reservation of seats for SCs/STs in proportion to their population in the concerned Municipal Area. In the present Bill, in clause (4) which provides for reservation for the offices of Chairpersons in the Municipalities, four provisos have been added. Proviso (1) provides for reservation of offices of Chairpersons in Municipalities for SC or ST or as the case may be in proportion to their population in the whole State. The Committee fail to understand the rationale behind two separate sets of rules viz. one for electing the councillors in a Municipality and another for electing Chairpersons from amongst them. When all the seats in a Municipality are reserved in proportion to the SC/ST population in that Municipal Area, while electing the Chairperson, the population of whole State is proposed to be taken into consideration. The Committee are of the view that a true demographic representation should be taken into account for electing the Chairperson also. The Committee find that the present Proviso (1) of Clause (4) is not in consonance with the underlying principle embodied in Article 243 T (1) of the Constitution. During the

evidence, while discussing the issue of demographic representation as per population of urban areas, the Secretary informed that they have not come across any such instance where any State has raised it as an issue. The Committee would like to point out that earlier no such proviso existed in Article 243T clause (4) as inserted by Constitution (Seventy-Fourth Amendment) Act, 1992. It was simply left to the State Government to decide the manner in which they wanted to implement the Clause (4) of Article 243T. The proviso (1) to Clause (4) has been proposed to be inserted in the present Constitution (One Hundred and Twelfth Amendment) Bill, 2009. It is, therefore, evident that the question of any complaint being raised by any of the State Governments could not arise earlier. Moreover, the Legislative Department (Ministry of Law and Justice) has also supported the concerns of the Committee in this regard as per their written communication dated 20th May, 2010. The Committee, therefore, strongly feel that the offices of Chairpersons for SC or ST should also be reserved on the basis of their total urban population in that State (i.e. by calculating total population of all the Municipalities in a given State).

5. Accordingly, the Committee recommend that proviso (1) of Clause (4) of the Bill should be amended as under:

“Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Municipalities in any State shall bear, as nearly as may be, the same proportion to the total number of such offices as the population of the Scheduled Castes in Urban Areas or of the Scheduled Tribes in Urban Areas bears to the total Urban population of that State.”

6. The Committee understand that this suggested amendment would also require corresponding amendment in Article 243(D)(4), which relates to reservation of seats for Chairpersons in the Panchayati Raj Institutions in rural areas, so as to address any imbalance created and accordingly give actual representation to SC or to ST as the case may be, as per their actual population in the

respective urban or rural areas. The Committee desire that the Ministry of Urban Development to decide the matter in consultation with Ministry of Panchayati Raj and Ministry of Law in this regard.

Rotation of Seats

7. The issue of rotation of seats while providing reservations in Municipalities and Offices of Chairpersons also engaged the attention of the Committee. The Committee note that in terms of the Constitution (Seventy-Fourth Amendment) Act, 1992, this matter was left to the State Governments as details of the different constituencies and representation of SC/ST and women are available with them only. The Committee find that the present Bill also leaves this matter of rotation of seats and prescribing its term etc. to the discretion of State Governments. The Committee find that the States have adopted different methods and terms for rotation. For instance the municipal Acts in Andhra Pradesh, Karnataka and Kerala provide for the rotation of the reserved seats without mentioning the period but have adopted the policy of rotation in every term. Whereas in Tamil Nadu, the rotation takes place after every two terms. The Committee feel that restricting the term of reserved seats including the Chairpersons to one term actually demotivate them to focus on their developmental works. This uncertainty makes them a bit indifferent to the local level issues and problems. As such, the Committee desire that the rotation cycle of reservation of seats for women may be extended to two terms and strongly feel that there needs to be a uniformity across the States. The Committee, therefore, urge that the Government to bestow more thought on this aspect by inviting views from all the States so as to ensure uniformity in term of rotation of seats for at least two term in Municipalities of all the States.

Status of OBCs

8. The Committee note that the present Bill does not mention about reservation of women belonging to Other Backward Class category in Municipalities. Article 243T(6) of The Constitution (Seventy-Fourth Amendment), Act, 1992 states that 'Nothing in this

part shall prevent the legislature of State from making any provision for reservation of seats in any municipality or offices of Chairpersons in the municipalities in favour of backward class of citizens'. Views sought from various State Governments on issue reveal that States like Orissa, Bihar, Maharashtra have already provided reservation to OBCs women in municipalities. All the States/UTs were also of the view that the issue of reservation for OBCs in municipalities should best be left with State Governments only. Experts who have furnished their comments and appeared before the Committee also favoured that the State Governments are the best judge to decide the issue as the population as well as categories of OBCs differ from State to State. Since the population of OBC category women and their socio-economic position in that particular State varies from State to State, therefore, the decision regarding implementation of reservation to OBCs women and also its modalities and the manner in which it has to be done in a particular State should be left with that State depending on their local needs. The Committee is also of the considered opinion that since the reservation for backward classes is an enabling provision in view of Article 243T(6) the matter relating to the reservations for OBC category women may be left with State Governments do decide on the basis of the local socio-economic structure and situations in their particular States. The Committee find that there is no such need to interfere with the present arrangement which empowers the State to act according to their local conditions.

Training for Women Councillors

9. The Committee note that off late women in India have become increasingly conscious of their rights and duties. They strongly desire to contribute in the decision making process on various urban issues concerning them. The Committee are happy to note that the proposed Bill is a significant step in that direction. The Committee, nevertheless, cannot overlook the fact that women in the absence of proper training and guidance, if enter electoral fray would only act as proxy representatives. In the socio-economic set up of the country that the patriarchal society which exists in

the country, the proxy representation is inevitable. The Committee are of the view that to obviate such proxy representation the Government should initiate and develop a package of rapid training programme for all women representatives of Urban Local Bodies. Needless to say that such an endeavour must be centrally financed directly or through various regional centres working in the field otherwise States would not be showing their interest in training on the pretext of lack of funds for the purpose. Capacity building for women representatives is a pre-requisite for providing reservation to them. The number of training personnel is also required to be increased in proportion to the enhanced women representation. The Committee, therefore, urge the Government to ensure adequate funds and proper training to the women councillors for capacity building particularly SC/ST and backward classes so that the objectives of the Bill are achieved in letter and spirit.

10. The Committee have arrived at various conclusions made in the Report after exhaustive deliberations with various Union Ministries, State Governments and other stakeholders. The Committee strongly recommend that due consideration should be given to the various recommendations/observations of the Committee and amendments as suggested brought before the Parliament when the legislation is taken up for consideration by the Parliament.

NEW DELHI;
11 June, 2010

21 Jyaishta, 1932 (Saka)

SHARAD YADAV,
Chairman,
Standing Committee on Urban Development.

ANNEXURE I

LOK SABHA

A

BILL

further to amend the Constitution of India

(Shri S. Jaipal Reddy, Minister of Urban Development)

Bill No. 100 of 2009

THE CONSTITUTION (ONE HUNDRED AND TWELFTH
AMENDMENT) BILL, 2009

A

BILL

further to amend the Constitution of India

BE it enacted by Parliament in the Sixtieth Year of the
Republic of India as follows:—

Short title
and
commencement.

1. (1) This Act may be called the Constitution
(One Hundred and Twelfth Amendment) Act, 2009.

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

Amendment of
article 243T.

2. In article 243T of the Constitution,—

(i) in clause (2), for the word “one-third”, the word
“one-half” shall be substituted;

(ii) in clause (3), for the word “one-third”, the word
“one-half” shall be substituted;

(iii) for clause (4), the following shall be substituted,
name:—

“(4) The offices of Chairpersons in the
Municipalities shall be reserved for the Scheduled
Castes, the Scheduled Tribes and women in such

manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Municipalities in any state shall bear, as nearly as may be, the same proportion to the total number of such offices as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of that State:

Provided further that not less than one-half of the total number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Municipalities shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes:

Provided also that not less than one-half of the total number of offices of Chairpersons (including the number of offices reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) in the Municipalities shall be reserved for women:

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Municipalities."

STATEMENT OF OBJECTS AND REASONS

Parliament enacted the Constitution (Seventy-fourth Amendment) Act in 1992. This Act has inserted "Part IXA" in the Constitution relating to Municipalities. Article 243T of the Constitution provides for reservation of seats for the Scheduled Castes and the Scheduled Tribes and also for women in Urban Local Bodies. Clause (2) of Article 243T provides that not less than one-third of the total number of seats reserved under clause (1) of the said article shall be reserved for women belonging to the Scheduled Castes or, as the case may be the Scheduled Tribes. Similarly, clause (3) of article 243T provides that not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality. Further clause (4) of article 243T provides that the offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide.

2. The Hon'ble President of India in her address to Parliament on June 4, 2009 stated that a Bill providing fifty per cent reservation for women in the Urban Local Bodies would be moved by the Government as women suffer multiple deprivations of class, caste and gender and enhancing reservation in Urban Local Bodies will lead to more women entering the public sphere. Enhancement of reservation for women in Urban Local Bodies will not only ensure their increased representation and participation in Urban Local Bodies but also mainstream gender concerns in governance and decision making process, particularly, those related to women's issues such as water supply, sanitation, solid waste management, health and education. This is only desirable since women constitute nearly half of the population.

3. Accordingly, a Bill has been prepared after inter-Ministerial consultations and the State Governments. The State Governments of Himachal Pradesh, West Bengal, Bihar, Tamil Nadu, Kerala, Madhya Pradesh and Andhra Pradesh have supported the proposal for providing fifty per cent reservation for women in Urban Local Bodies. The State Governments of Bihar, Himachal Pradesh and Madhya Pradesh have already provided for fifty per cent reservation for women in Urban Local Bodies.

4. The Bill seeks to achieve the aforesaid objectives.

NEW DELHI;
The 10th November, 2009.

S. JAIPAL REDDY.

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

* * * * *

Reservation of seats. **243T. (1)** * * * *

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.

(4) The offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide.

* * * * *

ANNEXURE II

List of Experts on urban affairs who had tendered written submission/oral evidence before the Committee during the examination of 'The Constitution (One Hundred and Twelfth Amendment) Bill, 2009'

Sl. No.	Name of the Expert/ organisation	Tendered written submission	Tendered oral submission
1	2	3	4
1.	Shri K.K. Pandey, Chairman, Centre of Urban Studies, Indian Institute of Public Administration, New Delhi	Yes	No
2.	Prof. Bhupatthi Rav Director, Regional Centre for Urban and Environmental Studies, Osmania University, Hyderabad	Yes	No
3.	Shri J.B. Kshirsagar, Chief Planner, Town and Country Planning Organisation E Block, Vikas Bhawan, New Delhi	Yes	No
4.	Shri Ranjit S. Chavan, Director-General, All India Institute of Local Self- Government, Bandra (East), Mumbai	Yes	No

1	2	3	4
5.	Shri Chetan Vaidya, Director, National Institute of Urban Affairs, Indian Habitat Centre, New Delhi	Yes	Yes
6.	Prof. Nishith Rai, Director, Regional Centre for Urban and Environmental Studies, Lucknow, Uttar Pradesh	Yes	Yes
7.	Shri Lojy Thomas, Regional Director, All India Institute of Local Self- Government, AIILSG, New Delhi	No	Yes
8.	Shri Akshay Anand, Associate Project Director, (PRUDA), AIILSG, New Delhi	No	Yes

ANNEXURE III

List of States/Union Territories that have forwarded their replies/
suggestions on the examination of 'The Constitution (One
Hundred and Twelfth Amendment) Bill, 2009'

Sl. No.	Name of the States/Union Territories
1	2
1.	Government of Sikkim, Urban Development and Housing Department
2.	Government of Mizoram, Urban Development and Poverty Alleviation Department
3.	Government of Meghalaya, Urban Affairs Department
4.	Government of Orissa, Housing and Urban Development Department
5.	Government of Bihar, Urban Development and Housing Department
6.	Government of Maharashtra, Urban Development Department
7.	Government of Assam, Urban Development Department
8.	Government of Haryana, Urban Local Bodies, Haryana
9.	Government of Tripura, Directorate of Urban Development
10.	Government of Andhra Pradesh, Municipal Administration and Urban Development (Elec-II) Department

11. Government of Arunachal Pradesh,
Urban Development Department
 12. Government of Karnataka,
Urban Development Department
 13. Government of Gujarat,
Urban Development Department
 14. Government of Jharkhand,
Department of Urban Development
 15. Administration of the Union Territory of Lakshadweep,
(Department of Panchayats)
 16. Chandigarh Administration,
Local Government Department
-

APPENDIX I

STANDING COMMITTEE ON URBAN DEVELOPMENT (2009-2010)
MINUTES OF THE SIXTH SITTING OF THE COMMITTEE HELD ON
THURSDAY, 28th JANUARY, 2010

The Committee sat from 1130 hrs. to 1210 hrs. in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Shri Sharad Yadav — *Chairman*

MEMBERS

Lok Sabha

2. Shri Parveen Singh Aron
3. Shri Partap Singh Bajwa
4. Shri Mohinder Singh Kaypee
5. Shri Ramesh Kumar
6. Dr. Sanjeev Ganesh Naik
7. Shri Sonawane Pratap Narayanrao
8. Dr. (Prof.) Ramashankar
9. Shri Kadir Rana
10. Dr. Kirit Premjibhai Solanki
11. Shri Adagooru H. Vishwanath

Rajya Sabha

12. Shri Parvez Hashmi
13. Shri Rajiv Shukla
14. Shri Krishan Lal Balmiki
15. Shri Amir Alam Khan
16. Shri Gireesh Kumar Sanghi

SECRETARIAT

1. Shri T.K. Mukherjee — *Joint Secretary*
2. Shri K.D. Muley — *Director*
3. Smt. Anita B. Panda — *Additional Director*
4. Ms. Amita Walia — *Under Secretary*

Representatives of the Ministry of Urban Development

1. Dr. M. Ramachandran, Secretary (UD)
2. Shri A.K. Mehta, Joint Secretary (UD)
3. Mrs. E.P. Nivedita, Director

Representatives of the Ministry of Law and Justice

1. Shri V.K. Bhasin, Secretary (Law and Justice)
2. Shri N.K. Nampoothiry, Joint Secretary (LC)
3. Dr. M. Vijaywargiya, Addl. L.C.
4. Shri N.R. Battu, Addl. L.C.

2. At the outset, the Chairman welcomed the members and representatives of the Ministry of Urban Development and the Ministry of Law and Justice to the sitting of the Committee. The Chairman then requested the Secretary, Ministry of Urban Development and Law and Justice to give a brief presentation on 'The Constitution (One Hundred and Twelfth Amendment) Bill, 2009'. He also drew the attention of the representatives of the Ministry to the provisions of direction 55(1) of Directions by the Speaker.

3. The Secretary, Ministry of Urban Development thereafter briefly explained the various provisions of the Bill. The Committee then discussed in detail various issues related to the examination of the Bill. The representatives of the both Ministry also clarified to the queries raised by the Members.

4. It was decided by the Committee to call for the comments from the respective state governments and public opinion on the proposed bill.

5. A verbatim record of the proceedings was kept.

The Committee then adjourned.

APPENDIX II

STANDING COMMITTEE ON URBAN DEVELOPMENT (2009-2010)

MINUTES OF THE ELEVENTH SITTING OF THE COMMITTEE
HELD ON FRIDAY, 14th MAY, 2010

The Committee sat from 1100 hrs. to 1200 hrs. in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Shri Sharad Yadav — *Chairman*

MEMBERS

Lok Sabha

2. Shri Gajanan D. Babar
3. Smt. Priya Dutt
4. Shri Sakti Mohan Malik
5. Shri Kailash Joshi
6. Shri Mohinder Singh Kaypee
7. Shri Ramesh Kumar
8. Shri Radhe Mohan Singh
9. Dr. Kirit Premjibhai Solanki

Rajya Sabha

10. Shri Surendra Motilal Patel
11. Shri Rajiv Shukla
12. Shri Amir Alam Khan
13. Shri Parvez Hashmi
14. Shri Gireesh Kumar Sanghi

SECRETARIAT

1. Shri T.K. Mukherjee — *Joint Secretary*
2. Shri K.D. Muley — *Director*
3. Ms. Amita Walia — *Deputy Secretary*
4. Smt. Emma C. Barwa — *Under Secretary*

WITNESSES

Sl.No.	Name	Designation
1.	Shri Chetan Vaidya	Director, National Institute of Urban Affairs, Indian Habitat Centre, New Delhi
2.	Prof. Nishith Rai	Director, Regional Centre for Urban and Environmental Studies, Lucknow, Uttar Pradesh
3.	Shri Lojy Thomas,	Regional Director, All India Institute of Local Self-Government, AIILSG, New Delhi
4.	Shri Akshay Anand	Associate Project Director, (PRUDA), AIILSG, New Delh

2. At the outset, the Hon'ble Chairman welcomed the members and experts on the urban affairs to the sitting of the Committee. The Chairman then requested the experts to give a brief presentation on 'The Constitution (One Hundred and Twelfth Amendment) Bill, 2009'. He also drew the attention of the experts to the provisions of Direction 55(1) of 'Directions by the Speaker'.

3. The experts briefly explained the various provision of the Bill. The Committee, thereafter, discussed in detail various issues related to the examination of 'The Constitution (One Hundred and Twelfth Amendment) Bill, 2009'. The experts then clarified to the queries raised by the Members relating to these provisions of the Bill.

4. A verbatim record of the proceedings was kept.

The Committee then adjourned.

APPENDIX III

STANDING COMMITTEE ON URBAN DEVELOPMENT (2009-2010)
MINUTES OF THE TWELFTH SITTING OF THE COMMITTEE HELD
ON FRIDAY, 14th MAY, 2010

The Committee sat from 1200 hrs. to 1250 hrs. in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Shri Sharad Yadav — *Chairman*

MEMBERS

Lok Sabha

2. Shri Gajanan D. Babar
3. Smt. Priya Dutt
4. Shri Sakti Mohan Malik
5. Shri Kailash Joshi
6. Shri Mohinder Singh Kaypee
7. Shri Ramesh Kumar
8. Shri Radhe Mohan Singh
9. Dr. Kirit Premjibhai Solanki

Rajya Sabha

10. Shri Surendra Motilal Patel
11. Shri Rajiv Shukla
12. Shri Amir Alam Khan
13. Shri Parvez Hashmi
14. Shri Gireesh Kumar Sanghi

SECRETARIAT

1. Shri T.K. Mukherjee — *Joint Secretary*
2. Shri K.D. Muley — *Director*
3. Ms. Amita Walia — *Deputy Secretary*
4. Smt. Emma C. Barwa — *Under Secretary*

WITNESSES

Sl.No.	Name	Designation
1.	Dr. M. Ramachandran	Secretary (UD)
2.	Shri A.K. Mehta	Joint Secretary (UD)
3.	Mrs. E.P. Nivedita	Director (LSG)

2. At the outset, the Hon'ble Chairman welcomed the Members and representatives of the Ministry of Urban Development to the sitting of the Committee. The Chairman then requested the Secretary, Ministry of Urban Development to give a brief presentation on 'The Constitution (One Hundred and Twelfth Amendment) Bill, 2009'. He also drew the attention of the representatives of the Ministry of the provisions of Direction 55(1) of 'Directions by the Speaker'.

3. The Secretary, Ministry of Urban Development, thereafter, briefly explained the overall position with regard to various provisions of 'The Constitution (One Hundred and Twelfth Amendment) Bill, 2009'. The Committee then took oral evidence of the representatives. The Committee, thereafter, discussed in detail various issues such as inclusion of OBC, demography of the local areas to give proper representations, rotation of seats etc. related to the examination of 'The Constitution (One Hundred and Twelfth Amendment) Bill, 2009'. The representatives of the Ministry clarified to the queries raised by the Members. The evidence was concluded.

4. A verbatim record of the proceedings was kept.

5. The witnesses then withdrew.

The Committee then adjourned.

APPENDIX IV

STANDING COMMITTEE ON URBAN DEVELOPMENT (2009-2010)

MINUTES OF THE THIRTEENTH SITTING OF THE COMMITTEE
HELD ON FRIDAY, 11th JUNE, 2010

The Committee sat from 1100 hrs. to 1200 hrs. in Room No. 53
Parliament House, New Delhi.

PRESENT

Shri Sharad Yadav — *Chairman*

MEMBERS

Lok Sabha

2. Shri Gajanan D. Babar
3. Shri Partap Singh Bajwa
4. Shri Ambica Banerjee
5. Shri Mohinder Singh Kaypee
6. Shri Ramesh Kumar
7. Shri Eknath M. Gaikwad
8. Shri Kailash Joshi
9. Shri Sanjeev Ganesh Naik
10. Shri Sonawane Pratap Narayanrao
11. Shri Baijayant 'Jay' Panda
12. Dr. (Prof.) Ramashankar
13. Shri Adagooru H. Vishwanath

Rajya Sabha

14. Shri Parvez Hashmi
15. Shri Rajiv Shukla
16. Shri Surendra Motilal Patel
17. Shri Khekiho Zhimomi

SECRETARIAT

1. Shri T.K. Mukherjee — *Joint Secretary*
2. Shri K.D. Muley — *Director*
3. Smt. Emma C. Barwa — *Under Secretary*

2. At the outset, the Chairman welcomed the Members to the sitting of the Committee. The Committee then took up for consideration the draft Report on examination of 'The Constitution (One Hundred and Twelfth Amendment) Bill, 2009'. The Committee adopted the draft Report without any changes.

3. The Committee then authorized the Chairman to present the Report to Lok Sabha.

4. *** *** **** ****

The Committee then adjourned.

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