

Bill No. 227 of 2022

THE CONSTITUTION (AMENDMENT) BILL, 2022

By

SHRI P.P. CHAUDHARY, M.P.

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further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.

Short title and
commencement.

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

Amendment of
article 58.

2. In article 58 of the Constitution, in clause (2), for the words “local or other authority”, the words “local or other authority or institution of self-government” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The 73rd and 74th Constitutional Amendments passed by Parliament in 1992 introduced local self governance throughout the territory of India. The Acts came into force as the Constitution (73rd Amendment) Act, 1992 on April 24, 1993 and the Constitution (74th Amendment) Act, 1992 on June 1, 1993.

These amendments added two new parts to the Constitution, namely,–

- 73rd Amendment added Part IX titled “The Panchayats” adding Articles 243 to 243 (O) dealing with Panchayats; and
- 74th Amendment added Part IXA titled “The Municipalities” adding Articles 243(P) to 243 (ZG) dealing with Municipality.

Articles 243(G) and 243(W) prescribe the powers, authorities and responsibilities etc. of Panchayats and Municipalities respectively. The XI and XII schedule of the Constitution define the matters in respect of which schemes for economic development and social justice are to be implemented by Panchayats with regards to Article 243(G) and by Municipalities with regards to Article 243(W) respectively. The Constitution, hence, deals with Panchayats and Municipalities in great detail.

The 73rd and 74th Constitutional Amendments substantially changed the Constitution of India and the manner in which representation of the citizens, governance and devolution of powers in the nation was to be conducted.

However, while monumental in themselves, the amendments failed to change the qualifications for the election of the President of the Union of India.

Article 58(2) states the ineligibility for election as President of India by cause of holding an Office of Profit and the above two chapters were introduced without reflecting within the article the change in the makeup of the State as undertaken by the institution of the third level of governance under Panchayats and Municipalities by these amendments.

The inclusion of Panchayats and Municipalities as separate and distinct bodies in the Constitution as established by the 73rd and 74th Constitutional Amendments requires their inclusion as a disqualification under Office of Profit for the election to the nation’s Presidency. This is because the highest holder of office in the nation should not be influenced in any manner by any authority in the discharge of his/her duties.

Now in view of the above mentioned proposed amendment the Panchayats and Municipalities will also be enshrined within the executive offices of the State as offices of profit for the Presidency of the nation as distinct bodies rather than their present inclusion under ‘any local or other authority’.

Hence it has become expedient to introduce the words “or Institution of self-government” within Article 58(2) of the Constitution of India.

Hence this Bill.

NEW DELHI;
23 *November*, 2022.

P.P. CHAUDHARY

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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58. (1) * * * *

(2) A person shall not be eligible for election as President if he holds any office of profit under the Government of India or the Government of any State or under any local or other authority subject to the control of any of the said Governments.

Qualifications
for election as
President.

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(Shri P.P. Chaudhary, M.P.)