

Bill No. 232 of 2019

THE CONSTITUTION (AMENDMENT) BILL, 2019

By

SHRI ASADUDDIN OWAISI, M.P.

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further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2019. Short title, and commencement.
- (2) It shall come into force on such date as the Central Government may, by notification
5 in the Official Gazette, appoint.
2. After article 371-J of the Constitution, the following article shall be inserted, namely:— Insertion of new article 371-K.

Special provisions with respect to State of Bihar.

"371-K. (1) The President may, by order made with respect to the State of Bihar, provide for special responsibility of the Governor to establish a separate development council for the Seemanchal region to be known as the Seemanchal Regional Developmental Council (hereinafter referred to as the Council) to exercise the powers conferred on and to perform the functions assigned to it under this article.

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(2) The Council shall be a body corporate having perpetual succession and a common seal, with the powers to acquire, hold and dispose of both movable and immovable property, to enter into and execute contracts, to sue or be sued, as well as any other power in connection with or ancillary to the above and further to the objectives of the Council, including those specifically mentioned in this article.

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(3) The office of the Council shall be at such place within the Seemanchal Region as the Council may think fit:

Provided that the Council may establish such number of offices at such places, as it deems necessary to discharge its functions and fulfil its objectives.

(4) The Council shall consist of—

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(a) a Chairperson;

(b) one whole time member to be elected by way of the adoption of a resolution to that effect by the House of the People;

(c) not less than four members and maximum six members excluding the Chairperson, to be appointed by the Governor of the State of Bihar, of which—

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(i) at least two shall be members having special knowledge of or professional experience in either one or more subjects of rural development, urban planning, irrigation and public works, public health, health management, engineering, conservation and environmental sciences, agricultural sciences, public administration and service delivery, finance, law, education, infrastructure development, and any other subject as may be deemed useful for the Council to perform its functions and fulfil its objectives under this article; and

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(ii) two shall be whole time members elected by electorates consisting of representatives of municipalities, district boards and other such local authorities in the Seemanchal region; and

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(d) all elected members of the House of the People and legislative Assembly of State of Bihar representing Seemanchal region *ex-officio* members.

(5) Every members of the Council shall be a whole-time member, and shall hold office for a term of five years from the date on which he enters office, or up to the age of sixty-five years, whichever is earlier.

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(6) The Governor shall, before appointing any person as a Chairperson or a member of the Council, except for the whole time member elected under clause (b) of sub-section (4), reasonably verify that such person has no financial or other interest in the Council as is likely to affect prejudicially his functions as a Chairperson or member, as the case may be.

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(7) The Council shall,—

(a) conduct quarterly public hearings for residents of Seemanchal region;

(b) provide equitable opportunity to persons residing in the Seemanchal region to access education, health services and employment;

(c) provide for the infrastructure necessary for accessing education, health services, employment, flood risk management, connectivity, communication, irrigation and bridges in the Seemanchal region;

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(d) ensure that adequate training is imparted for gainful employment to persons residing in the Seemanchal region;

5 (e) provide for the basic care, including nutrition, shelter, clean environment, and proper sanitation facilities for persons residing in the Seemanchal region;

(f) ensure children below the age of seventeen years are not employed in any kind of labour in the Seemanchal region;

10 (g) ensure protection to, and make special provision for, women, children, economically backward classes, persons with disabilities, persons who were displaced due to environmental causes or developmental efforts or persons saved from human from trafficking or any other form of exploitation;

(h) encourage opportunities for investment, entrepreneurship, research and innovation in the Seemanchal region;

15 (i) provide for equitable access to governance, access to justice and legal aid, and delivery of all public services to the persons residing the Seemanchal region;

(j) provide for civic development, potable water and electricity in the Seemanchal region; and

(k) provide access to banking and financial services to any persons residing in the Seemanchal region.

20 (8) The Council shall prepare and cause to be published—

(a) a Strategic Development Plan once in every three years setting out the development priorities of the Council for the next three years; and

25 *Explanation.*—The Strategic Development Plan shall include such research, analysis and proposed measures as are necessary for the execution of the objectives of the Council.

(b) a Seemanchal Annual Development Report, consisting of the measures undertaken or to be undertaken by the Council including the manner of allocation of financial and human resources.

30 (9) The Council shall have the power to, call for information, inspect, recommend and monitor in relation to executing its objectives as specified in clause 8, including—

(a) conducting research, collecting data and analysing information;

(b) monitoring the implementation of the Strategic Development Plan and the Seemanchal Development Report;

35 (c) formulating, approving, financing and implementing any plans, programmes, projects and schemes for the Seemanchal region or any part thereof, including providing financial support through grants;

(d) coordinating with any other public authority for inter-regional and intra-regional development;

40 (e) raising awareness and undertaking advocacy measures for the promotion of practices that are beneficial for the overall well being of the persons residing in the Seemanchal region;

(f) consulting experts for executing the objectives of the Council;

(g) making requisite rules, regulations, orders and byelaws as may be deemed necessary by the Council; and

45 (h) all other acts as may be deemed necessary for executing the objectives of the Council.

(10) For the purpose of this article there shall be constituted a Fund to be called as the Seemanchal Regional Developmental Council Fund to which shall be credited all monies realised, realisable or received respectively by or on behalf of the Council whilst carrying out its objectives and powers as conferred upon it by this article and be utilised by the Council for the payment of all sums, charges and costs necessary for carrying out the objectives and functions of the Council under this article. 5

(11) The Council shall, within one hundred and twenty days from the date of its constitution, prescribe regulations for carrying out the provisions of this article.

(12) The Council shall make bye-laws for the management of the Seemanchal Regional Developmental Council Fund and for the procedure to be followed in respect of maintenance of accounts of Fund, auditing of Fund, payment of money into the said Fund, withdrawal of moneys therefrom, the custody of moneys therein and any other matter incidental thereto or connected therewith. 10

(13) The President shall, in consultation with the Council, by order, made in relation to the State of Bihar, provide for— 15

(a) reservation of a proportion of seats in school, colleges, technical education and vocational training institutions in the State of Bihar for students belonging to Seemanchal region by birth or by domicile; and

(b) identification of posts or classes of posts under the State Government and in any body or organisation under the control of the State Government of Bihar and reservation of a proportion of such posts for persons belonging to Seemanchal region by birth or by domicile and for appointment thereto by direct recruitment or by promotion or in any other manner as may be specified in the order. 20

(14) The Parliament, shall, by law make such provisions as are necessary to give effect to the purposes of this article." 25

STATEMENT OF OBJECTS AND REASONS

It has been recognised that the region of Seemanchal in Bihar ranks lower on all development indices than other parts of the State of Bihar. As per the Ministry of Statistics and Programme Implementation, not only is the per capita income of people of the State of Bihar the lowest in the nation at rupees thirty-one thousand one hundred and ninety nine, the per capita incomes in the major districts in Seemanchal region is far lower than that average as well (Purnea-rupees ten thousand and ninety nine, Kishanganj-rupees nine thousand nine hundred and twenty eight, Araria-rupees eight thousand seven hundred and seventy six, Katihar-rupees eleven thousand two hundred and seventy eight). In terms of the State literacy rate, as determined by the 2011 Census, the districts making up the Seemanchal Area (Purnia-51.08%, Katihar 52.24%, Araria-53.53% and Kishanganj-55.46%) lag significantly behind the literacy rate of the State of Bihar (61.80%), itself behind the national literacy rate (74.04%). This situation of under development is seen across a number of indicators, as is seen from a baseline survey conducted by the Indian Council for Social Science Research in 2008 that found that all four districts lag behind the national average in eight indicators of socio-economic development and amenities based on 2001 census data, as identified by the Ministry of Minority Affairs, namely, electricity connection, *pucca* housing, water closet latrines, literacy rate especially female literacy rate, and also additionally measured level of vaccination, and other health facilities. Therefore, special provisions are required to accommodate the needs of the Seemanchal region.

The special provisions are required to establish an institutional framework for the identification of development needs of the said region, and ensuring capacity building and efficient allocation of resources in order to meet such development needs as well as enhance the socio-economic welfare of the persons belonging to the region. The need is also to promote livelihood opportunities for people from the region by providing for local cadres in service and reservation in educational and vocational training institutions by an amendment to the Constitution of India.

It is accordingly proposed to insert a new Article 371K in the Constitution to provide for special provisions for the region of Seemanchal in Bihar, which shall consist of the districts of Araria, Purnea, Kishanganj, Supaul and Katihar. The proposed article seeks to provide for:—

- (a) establishment of a separate Development Council for the Seemanchal region;
- (b) identification of specific objectives to be undertaken by the Development Council in furtherance of the development of the Seemanchal region, including infrastructure and access to public services;
- (c) sufficient allocation of funds for development over the Seemanchal region, in accordance with the recommendations and suggested measure identified by the Development Council;
- (d) reservation in public employment through the constitution of local cadres for domiciles of the region; and
- (e) reservation in educational and vocational training institutions for domiciles of the region.

The Bill seeks to achieve the above objectives.

NEW DELHI;
July 1, 2019.

ASADUDDIN OWAISI

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the constitution of Seemanchal Regional Development Council. It also provides for the constitution of the Seemanchal Regional Development Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees twenty crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill empowers the Seemanchal Regional Development Council to make regulations for carrying out the purposes of the Bill. It also empowers the Council to make bye-laws for the management of the Fund, etc. Since the regulations and bye-laws will relate to matters of detail only, the delegation of legislative power is of a normal character.

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(Shri Asaduddin Owaisi, M.P.)