

**Bill No. 253 of 2019**

**THE CONSTITUTION (AMENDMENT) BILL, 2019**

By

SHRI P.P. CHAUDHARY, M.P.

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**BILL**

*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 in the Official Gazette, appoint.

5 **2.** In article 12 of the Constitution, after the words "or other authorities", the words "or Institution of Self Government" shall be inserted.

Amendment of  
article 12.

## 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 Constitution (73rd Amendment) Act, 1992 and the Constitution (74th Amendment) Act, 1992 came into force on 24 April, 1993 and 1 June, 1993, respectively.

These amendments added two new parts to the Constitution, namely:—

(i) Part IX titled "The Panchayats" adding articles 243 to 243O dealing with Panchayats; and

(ii) Part IXA titled "The Municipalities" adding articles 243P to 243ZG dealing with Municipality.

Hence, fulfilling one of the Directive Principles of State Policy with respect to article 40, that is, 'Organisation of Village Panchayats' thereby accomplishing the vision and intent of the framers of our Constitution to ensure self government at the lowest organisational levels of governance.

Articles 243G and 243W prescribe the powers, authorities and responsibilities, etc. of Panchayats and Municipalities, respectively. The Eleventh and Twelfth Schedule to the Constitution define the matters in respect of which schemes for economic development and social justice are to be implemented by Panchayats with regard to article 243G and by Municipalities with regard to article 243W, respectively. The Constitution, hence, deals with Panchayats and Municipalities in a great detail.

The 73rd and 74th Constitutional Amendments substantially changed the Constitution 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 definition of "the State" as mentioned in article 12 of the Constitution.

Earlier, Panchayats and Municipalities were classified under "local or other authorities" under article 12, but after the 73rd and 74th Constitutional Amendments came into force, they were established as "Institution of Self Government" under the Constitution.

The definition of Panchayat and Municipality under articles 243 and 243P, respectively establishes them with respective norms as 'Institution (by whatever named called) of Self Government'.

As 'Institutions of self Government' now, Panchayat and Municipality are no 'longer local or other authorities' after the introduction of part IX and IXA to the constitution by way of the 73rd and 74th Amendment.

Article 12 has been a part of the Constitution since the original document was framed and was not amended by the 73rd and 74th Constitutional Amendments to bring it in line with the changes made by the amendments.

In view of the above, the proposed amendment Bill seeks to include the Panchayats and Municipalities within the definition of the 'State' under article 12 of the Constitution.

Hence, it has become expedient to introduce the words "or Institution of Self Government" in article 12 of the Constitution.

Hence, this Bill.

NEW DELHI;  
October 28, 2019.

P.P. CHAUDHARY

*ANNEXURE*

EXTRACT FROM THE CONSTITUTION OF INDIA

\* \* \* \* \* Definition.

12. In this part, unless the context otherwise requires, "the State" includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.

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

MGIPMRND—3027LS(S-3)—14.11.2019.