

**Bill No. 262 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.

2. In the Seventh Schedule to Constitution, in List II-State List, after entry 41, the following entry shall be inserted, namely:—

Amendment  
of the  
Seventh  
Schedule.

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"41A. Services of the institutions of self-government and self-government Service Selection Board."

## STATEMENT OF OBJECTS AND REASONS

Article 40 of the Constitution provides for organization of Village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of Self-Government. Keeping in view this Constitutional mandate of the Directive Principles of State Policy, Part IX relating to panchayats was incorporated by 73rd amendment in the Constitution. Article 243(d) defines "panchayat" as "an institution (by whatever name called) of self-government constituted under article 243B for rural areas".

State legislatures are competent to endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government in relation to the matters enumerated in the Eleventh Schedule to the Constitution. The matters enumerated in entries 17, 18 and 19 of the Eleventh Schedule are "education including primary and secondary schools; technical training and vocational education; and adult and non-formal education", respectively. As per article 246(3), the legislature of any State has exclusive power to make laws with respect to any of the matters enumerated in List II-State List in the Seventh Schedule to the Constitution.

However, in the State List, there is no entry providing for the services of institutions of self-government and constitution of Service Selection Board for conducting recruitment for services of institutions of self-government. Hence, State Legislatures do not have legislative competence with respect to services of institutions of self-government and constitution of Service Selection Board.

In view of the above, it is necessary to empower State legislatures to legislate with respect to the services of the institutions of the self-government.

The Bill, therefore, seeks to amend the Seventh Schedule to the Constitution with a view to insert a new entry 41A in List II-State List of the Seventh Schedule relating to the services of the institutions of self-government and Constitution of the Service Selection Board to conduct examinations/interviews for appointment to services of the institutions of self-government in the States.

Hence this Bill.

NEW DELHI;  
October 28, 2019

P. P. CHAUDHARY

*ANNEXURE*

EXTRACT FROM THE CONSTITUTION OF INDIA

\* \* \* \* \*

**List II-State List**

\* \* \* \* \*

41. State public services, State Public Service Commission.

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