

**Bill No. 74 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 66 of the Constitution, in clause (4), after the words "or other authority", the words "or Institution of Self Government" shall be inserted. Amendment of article 66.

## 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 come 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 243 ZG dealing with Municipality.

Hence fulfilling one of the Directive Principles of State Policy with respect to article 40, that is, 'Organisation of Village Panchayats' and 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 Schedules to 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 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 qualifications for the election of the Vice-President of the Union of India.

Article 66(4) states that a person shall not be eligible for election as Vice-President if he holds any office of profit under the Government of India or Government of any State or under any local or other authority.

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 election to the office of Vice-President. This is because the second highest office in the nation should not be influenced in any manner by any authority in the discharge of his duties.

In view of the above, the proposed amendment Bill seeks to include the Panchayats and Municipalities as distinct bodies rather than their present inclusion under 'any local or other authority' as offices of profit for election to the office of the Vice-President.

Hence, it has become expedient to introduce the words "or Institution of Self Government" within article 66(4) of the Constitution.

NEW DELHI;  
June 6, 2019.

P.P. CHAUDHARY

*ANNEXURE*

EXTRACT FROM THE CONSTITUTION OF INDIA

\* \* \* \* \*

**66. (1)** \* \* \* \* \* Election of Vice-President.

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

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