

Bill No. 51 of 2021

THE CONSTITUTION (AMENDMENT) BILL, 2021

By

SHRI MANISH TEWARI, M.P.

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BILL

further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Amendment) Act, 2021.

Short title.

Amendment of article 80.

2. In article 80 of the Constitution, in clause (5), the following proviso shall be added at the end, namely:—

“Provided that the representative of the Union territory of Chandigarh in the Council of States shall be elected by an electoral college consisting of elected members of the Municipal Corporation of Chandigarh constituted under the Punjab Municipal Corporation (Extension to Chandigarh) Act, 1994.”

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45 of 1994

Amendment of the Fourth Schedule.

3. In the Fourth Schedule to the Constitution, in the Table—

(a) after entry 31, the following entry shall be inserted, namely:—

“32. Chandigarh..... 1”;

(b) for the figures “233”, the figures “234” shall be substituted.

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STATEMENT OF OBJECTS AND REASONS

Article 79 of the Constitution provides for the constitution of Parliament. Article 80 stipulates the Composition of the Council of States. Article 80 (5) states that the representatives of the (Union territories) in the Council of States shall be chosen in such manner as Parliament may by law prescribe. The words “States specified in Part C of the First Schedule” were omitted and replaced by Union territories by section 3 (1) (d) of the Constitution (Seventh) Amendment Act 1956 with effect from the 1st day of November, 1956.

The Union territories of Puducherry, Jammu and Kashmir and the National Capital territory of Delhi find representation in the Council of States. While the Union territories of Ladakh, Chandigarh, Dadra & Nagar Haveli – Daman and Diu, Andaman and Nicobar Islands and Lakshadweep are unrepresented in the Council of States.

A special law in terms of article 80 (5) of the Constitution therefore needs to be enacted to provide representation to the unrepresented Union territories in the Council of States. The proposed Bill is however specific to providing representation to the Union territory of Chandigarh in the Council of States.

The Bill provides that one person shall be elected to the Council of States from Chandigarh. Just as the Delhi Metropolitan Council served as the electoral college for electing three persons to the Council of States from Delhi from 1966 to 1990, similarly it is proposed that an electoral college consisting of the elected members of the Municipal Corporation of Chandigarh as brought into existence by an Ordinance, namely, the Punjab Municipal Corporation Act, 1976 as extended to Union territory Chandigarh by the Punjab Municipal Corporation Law (Extension to Chandigarh) Ordinance, 1994 and promulgated by the President of the India with effect from the 24th day of May, 1994 bringing the said Municipal Corporation of Chandigarh into existence, shall for the purposes of providing representation to Chandigarh in the Council of States constitute the electoral college for the same.

The said ordinance was replaced by the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994 as further amended by the Punjab Municipal Corporation Law (Extension to Chandigarh) Amendment Act, 2017.

The Bill seeks to amend the Constitution with a view to provide one seat to Union territory of Chandigarh in the Council of States. The representative would be elected by an electoral college consisting of elected members of the Municipal Corporation of Chandigarh constituted under the Punjab Municipal Corporation (Extension to Chandigarh) Act, 1994.

Hence this Bill.

NEW DELHI;
February 11, 2021.

MANISH TEWARI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for allocation of one seat in the Council of States to the Union territory of Chandigarh. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees two lakhs from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

*	*	*	*	*	*	*
80. (1)	The Council of States shall consist of—					Composition of the Council of States.
(a)	*	*	*	*	*	
(b)	*	*	*	*	*	
(2)	*	*	*	*	*	
(3)	*	*	*	*	*	
(4)	*	*	*	*	*	
(5)	The representatives of the Union territories in the Council of States shall be chosen in such manner as Parliament may by law prescribe.					
*	*	*	*	*	*	*

FOURTH SCHEDULE

[ARTICLE 4(1) AND 80(2)]

ALLOCATION OF SEATS IN THE COUNCIL OF STATES

To each State or Union territory specified in the first column of the following table, there shall be allotted the number of seats specified in the second column thereof opposite to that State or that Union territory, as the case may be:

TABLE

	1. Andhra Pradesh	11
*	*	*
*	*	*
	31. Jammu and Kashmir	4
Total		233
*	*	*
*	*	*

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(Shri Manish Tewari, M.P.)