

**Bill No. 72 of 2020**

**THE CONSTITUTION (AMENDMENT) BILL, 2020**

By

DR. THOL. THIRUMAAVALAVAN, M.P.

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BILL

*further to amend the Constitution of India.*

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2020.

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 243C of the Constitution,—

Amendment  
of article  
243C

(a) in clause (1), in the proviso, for the words, "territorial area", the words "territorial area and proportional representation" shall be substituted;

(b) for clause (2), the following clause shall be substituted, namely:—

"(2) All seats in a Panchayat shall be filled by persons elected by universal, direct, free, equal and secret election by the rules of proportional representation from multi-member territorial constituencies in the Panchayat area and, for this purpose, each Panchayat area shall be divided into constituencies of proportional representation-open list and multi-member territorial constituencies of two members in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as proportional and practicable, be the same throughout the Panchayat area"; and

(c) for clause (4), the following clause shall be substituted, namely:—

"(4) The Chairperson of a Panchayat and other members of a Panchayat whether or not elected by universal, direct, free, equal and secret election from constituencies of proportional representation-open list and multimember territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayats."

Amendment  
of article  
243D.

3. In article 243D of the Constitution, for the words "direct election" wherever they occur, the words "universal, direct, free, equal and secret election from constituencies of proportional representation-open list and multi-member territorial constituencies of two member" shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

Having ratified the International Bill of Human Rights viz. UDHR 1948, ICCPR 1966 and ICESCR 1966 and other Human Rights International Law treat obligations like ICERD 1965, CEDAW 1979 have made it obligatory upon 'Indian State' within the meaning and scope of Article 51(c), 253 and entries 12, 13 of Union List of V Schedule to make such necessary changes in our electoral system and outcomes.

Signing of Inter Parliamentary Union (IPU) Declarations by India of which she is a member on Free and Fair Elections (Paris Declaration 1994) and Universal Declaration on Democracy (Cairo Declaration 1997) and the various resolutions adopted by UNGA, in this regard, the best practices and designs in the electoral system and outcomes across the world, and the letter and spirit of our Great Constitution which enshrines Justice, Liberty, Equality and Fraternity assuring the dignity of individual has made these long standing 'comprehensive electoral reforms' overdue.

The need is to amend the Constitution with an objective of bringing in a 'free, fair, and equitable' "electoral system, laws, methods, process and outcomes", to realize the principle of our Parliamentary Democracy One Citizen One Vote, One Vote One Value and make our Democracy truly representative and participatory for all Indians in letter and spirit.

The Bill, therefore, seeks to amend article 243C and 243D of the Constitution with a view to introduce a plural electoral system of proportional representative-open list and multi-member territorial constituencies of two member in the Panchayats to achieve the objectives of 'free, fair and equitable, elections, by laying the rules and design of "electoral system and outcomes", for our local self government bodies as well as to guarantee our 'electoral system and outcomes' as envisaged above from Parliament to Panchayats.

Hence, this Bill.

NEW DELHI;  
February 10, 2020.

THOL. THIRUMAVALAVAN

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

Composition of Panchayats.

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243C. (1) Subject to the provisions of this Part, the Legislature of a State may, by law, make provisions with respect to the composition of Panchayats:

Provided that the ratio between the population of the territorial area of a Panchayat at any level and the number of seats in such Panchayat to be filled by election shall, so far as practicable, be the same throughout the State.

(2) All the seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and, for this purpose, each Panchayat area shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Panchayat area.

(3) The Legislature of a State may, by law, provide for the representation—

(a) of the Chairpersons of the Panchayats at the village level, in the Panchayats at the intermediate level or, in the case of a State not having Panchayats at the intermediate level, in the Panchayats at the district level;

(b) of the Chairpersons of the Panchayats at the intermediate level, in the Panchayats at the district level;

(c) of the members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level, in such Panchayat;

(d) of the members of the Council of States and the members of the Legislative Council of the State, where they are registered as electors within—

(i) a Panchayat area at the intermediate level, in Panchayat at the intermediate level;

(ii) a Panchayat area at the district level, in Panchayat at the district level.

(4) The Chairperson of a Panchayat and other members of a Panchayat whether or not chosen by direct election from territorial constituencies in the Panchayat area shall have the right to vote in the meetings of the Panchayats.

(5) The Chairperson of—

(a) a panchayat at the village level shall be elected in such manner as the Legislature of a State may, by law, provide; and

(b) a Panchayat at the intermediate level or district level shall be elected by, and from amongst, the elected members thereof.

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Reservation of seats.

243D. (1) Seats shall be reserved for—

(a) the Scheduled Castes; and

(b) the Scheduled Tribes,

in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes

in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State: Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women: Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

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*(Dr. Thol. Thirumaavalavan, M.P.)*

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