

Bill No. 89 of 2019

THE CONSTITUTION (AMENDMENT) BILL, 2019

By

SHRI RAVNEET SINGH, 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. This Act may be called the Constitution (Amendment) Act, 2019.

Short title.

2. For article 248 of the Constitution the following shall be substituted, namely:—

Substitution of
new article for
article 248.

5 “248. (1) Subject to article 246A, the Legislature of any State shall have the exclusive power to make any law with respect to any matter not enumerated in the Union List, State List or Concurrent List.

Residuary
powers of
legislation.

(2) Notwithstanding anything in clause (1), Parliament shall have the exclusive power to make any law imposing a tax with respect to any matter not enumerated in the Union List, State List or Concurrent List.”

Amendment
of the Seventh
Schedule.

3. In the Seventh Schedule to the Constitution,—

(i) in List I-Union List, for entry 97, the following entry shall be substituted, namely:—

“97. Any tax not mentioned in List II or List III.”.

(ii) in List II-State List, after entry 66, the following entry shall be added, namely:—

“67. Any other matter not enumerated in List I or List III subject to entry 97 of List I.”.

STATEMENT OF OBJECTS AND REASONS

Article 248 grants residuary powers of legislation and taxation to the Centre. It has been increasingly noticed that with residuary powers vested in Parliament, our Constitution lean more towards a unitary structure, rather than, a federal structure as was intended by the Constitution makers. Although the Constitution envisioned a strong Centre, the arbitrary legislative powers embedded within it are too powerful and goes against the increasingly decentralised structure which has worked for the country.

The present Bill is not only in keeping with other decentralised countries such as the United States of America, which directs that residuary power of legislation shall vest in the States, but, it also follows the recommendations of the Sarkaria Commission which submitted its report in 1988.

The Bill seeks to amend article 248 and the Seventh Schedule to the Constitution by removing the residuary power of legislation (except taxation) from the Union List and transferring it to the State List.

Hence this Bill.

NEW DELHI;

June 10, 2019.

RAVNEET SINGH

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

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248. Residuary powers of legislation:

(1) Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or State List.

(2) Such power shall include the power of making any law imposing a tax not mentioned in either of those Lists.

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SEVENTH SCHEDULE (Article 246)

LIST I- UNION LIST

97. Any other matter not enumerated in List II or List III including any tax not mentioned in either of those Lists.

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(Shri Ravneet Singh, M.P.)