

**Bill No.XXIII of 2024**

**THE CONSTITUTION (AMENDMENT) BILL, 2024**

A  
BILL

*further to amend the Constitution of India.*

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

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| 1.  | (1) This Act may be called the Constitution (Amendment) Act, 2024.<br><br>(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.  | Short title and<br>commencement  |
| 2.  | For article 3 of the Constitution, the following shall be substituted, namely: —   | Substitution of<br>article 3.  |
| “3. | (1) Parliament may by law—<br><br>(a) form a new State by separation of territory from any State or<br>by uniting two or more States or parts of States or by uniting<br>any territory to a part of any State;<br>(b) increase the area of any State;<br>(c) diminish the area of any State;<br>(d) alter the boundaries of any State;<br>(e) alter the name of any State; | Formation of<br>new States<br>and alteration<br>of areas,<br>boundaries or<br>names of<br>existing States. |

Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the area, boundaries or name of any of the States, the Bill has been referred by the President to the Legislative Assembly of that State for its approval within such period as may be specified in the reference. 5

(2) The Legislative Assembly of the State, to whom the Bill has been referred as per clause (1), may either approve or reject the Bill by a majority of votes of the members present and voting, within such period as may be specified in the reference. 10

(3) The Bill, so referred, if rejected by the Legislative Assembly of the State to which it had been referred by the President, shall not be introduced in either House of Parliament.

*Explanation I.*—In this article, in sub-clauses (a) to (e) of clause (1), “State” includes a Union territory, but in the proviso to clause (1) and clauses (2) and (3), “State” does not include a Union territory without legislature. 15

*Explanation II.*—The power conferred on Parliament by sub-clause (a) of clause (1) includes the power to form a new State or Union territory by uniting a part of any State or Union Territory to any other State or Union territory, subject to the provisions of clauses (2) and (3).”. 20

## STATEMENT OF OBJECTS AND REASONS

Article 3 of the Draft Constitution of India 1948 provided that a Bill which would form a new State, or increase or diminish the area of any State or alter the name or boundaries of any State shall not be introduced in either House of Parliament unless—

“(a) *Either-*

*(i) A representation in that behalf has been made to the President by a majority of the representatives of the territory in the Legislature of the State from which the territory is to be separated or excluded; or*

*(ii) A resolution in that behalf has been passed by the Legislature of any State whose boundaries or name will be affected by the proposal to be contained in the Bill; and*

*(b) Where the proposal contained in the Bill affects the boundaries or name of any State, other than a State for the time being specified in Part III of the First Schedule, the views of the Legislature of the State both with respect to the proposal to introduce the Bill and with respect to the provisions thereof have been ascertained by the President; and where such proposal affects the boundaries or name of any State for the time being specified in Part III of the First Schedule, the previous consent of the State to the proposal has been obtained.”.*

In the Constituent Assembly, Prof. K.T. Shah was of the opinion that such proposals must originate in the State Legislature itself and not in the Parliament. He rightly argued that, in a democratic regime, people affected must be consulted first and a drastic measure such as redrawing boundaries of a State must not be laid out in a top-down approach.

Dr. Ambedkar then moved an amendment which was adopted and made part of the existing article 3 of the Constitution. The proviso required that the views of the State Legislature be “ascertained” by the President –

*‘Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless–*

*(a) where the proposal contained in the Bill affects the boundaries or name of any State or States for the time being specified in Part I of the First Schedule, the views of the Legislature of the State, or as the case may be, of each of the States both with respect to the proposal to introduce the Bill and with respect to the provisions thereof have been **ascertained** by the President; and*

*(b) where such proposal affects the boundaries or name of any State or States for the time being specified in Part III of the First Schedule, the previous **consent** of the State, or as the case maybe, of each of the States to the proposal has been obtained’.*”

Dr. Ambedkar believed that Central Governments would respect federal principles and naturally consult the States first before jeopardizing their status. However, by way of the Constitution (Fifth Amendment) Act, 1955, this aspect of ascertainment of views was substituted. The amended proviso, which forms part of the existing article, provides that State Legislatures are only required to convey their views on the recommendation. The article, in its current shape and form, does not give any weightage to the views of the Legislature of the State whose boundary or name is proposed to be altered and neither does any consultation take place prior to the recommendation.

The entire exercise and the article enabling such an exercise is a clear aberration of the scheme of Cooperative Federalism.

The Bill, therefore, seeks to amend article 3 thereby providing for the President to refer the Bill to the Legislative Assembly of the State being re-organised for its approval and not merely its views. The State Legislative Assembly would have the power to either accept or reject such Bill by way of a simple majority. On rejection, the Bill would not be introduced in either House of Parliament thereby empowering the States to uphold the aspirations of the people by legitimately exercising their veto power in such proposals which they feel affect public interest.

Hence this Bill.

TIRUCHI SIVA

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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3. Parliament may by law—

- (a) form a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State;
- (b) increase the area of any State;
- (c) diminish the area of any State;
- (d) alter the boundaries of any State;
- (e) alter the name of any State:

Formation of new States and alteration of areas, boundaries or names of existing States.

Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the area, boundaries or name of any of the States, the Bill has been referred by the President to the Legislature of that State for expressing its views thereon within such period as may be specified in the reference or within such further period as the President may allow and the period so specified or allowed has expired.

*Explanation I.*—In this article, in clauses (a) to (e), “State” includes a Union territory, but in the proviso, “State” does not include a Union territory.

*Explanation II.*—The power conferred on Parliament by clause (a) includes the power to form a new State or Union territory by uniting a part of any State or Union territory to any other State or Union territory.

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RAJYA SABHA

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*(Shri Tiruchi Siva, M.P.)*