

Bill No. III of 2017

THE CONSTITUTION (AMENDMENT) BILL, 2017

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further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Amendment) Act, 2017.

Short title.

2. After article 275 of the Constitution, the following article shall be inserted, namely:—

Insertion of
new article
275A.

5 **"275A. Notwithstanding anything in article 275, there shall be paid out of the consolidated Fund of India as grants-in-aid of the revenues of the State of West Bengal such capital and recurring sums as may be necessary to enable the State to meet the costs of such schemes of development as may be undertaken by it for the purpose of promoting the welfare of the Scheduled Tribes in that State or raising**
10 **the level of administration of the Scheduled Areas therein to that of the Administration of the rest of the areas of that State:**

Grants from
the Union to
the State of
West Bengal.

Provided that there shall be paid out of the Consolidated Fund of India a sum of rupees ninety thousand crore as one time grants-in-aid of the revenues of the State of West Bengal and a sum of rupees thirty thousand crore every year to that state:

Provided further that such grants-in-aid shall be in addition to the annual allocation made by the Finance Commission to the State of West Bengal and such other financial assistance as may be provided by the Government of India to that State:

Provided also that the grants-in-aid referred to in this article may be reviewed by the Government of India on the expiration of a period of five years from the commencement of this Act."

Insertion of
new article
371K.

3. After article 371 of the Constitution, the following article shall be inserted, namely:—

Special
Provision with
respect to the
State of West
Bengal.

"371K. Notwithstanding anything in this Constitution, the President may by order made with respect to the State of West Bengal, having regard to the requirements of the States as a whole for development, poverty, alleviation, employment opportunities and other welfare measures for the people of the State, provide for:—

(a) restructuring public debt of the State Government;

(b) implementation of long term schemes for the accelerated development of the State;

(c) an integrated scheme for drinking water supply and irrigation in the drought prone areas of the State;

(d) long term schemes for the development of infrastructure such as roads, highways, electricity, industries sanitation, health care and such other projects;

(e) adequate facilities for technical education, vocational training, equitable opportunities for employment in services under the control of the Government and in private sector;

(f) free housing facilities for the population lying below the poverty line;

(g) waiving off agricultural farmers' and plantation labourers, loan and educational loan taken by them for their wards;

(h) large proportion of fund allocation under any Central Governments, welfare and development schemes, in comparison to the other states.

STATEMENT OF OBJECTS AND REASONS

The fourth most populous state, West Bengal, located in East India, is strategically one of the most important states of the Indian Union. It is blessed ecologically and shares international borders with three neighbouring countries, namely Bangladesh, Nepal and Bhutan. Though the state's GDP has risen significantly since 1990 after economic liberalization, West Bengal is currently a debt-ridden state with Rs. 3 trillion as debt. This has become the biggest hindrance for the state's governance to undertake long-term ambitious developmental projects in scheduled areas and other poorer sections of the society. The proposed Bill aims to address all such hindrances through constitutional amendments so as to furnish adequate resources to the state, thereby helping it to craft better prospects for the marginalized sections of the society.

The above mentioned prevailing economic conditions have various detrimental effects on the holistic development of various tribal communities residing in the State. It has been a well known fact that a very small number in the tribal community have benefitted from the Centre's policies and programmes meant for their development. Of the total tribal population of 5.2 million in the State, more than 92% belong to rural areas. This raises the need for improving infrastructure with regard to roads, highways, electricity, sanitation, healthcare and other social development projects. Through this Bill, a new article 275A shall be inserted in the Constitution to provide for grants to the state of Bengal. This additional fund will help the state Government carry out the necessary developmental activities in the Scheduled Areas. Also, despite unprecedented economic progress within some parts of the State, it continues to suffer from holistic progress in social indicators, which encompass education, health and living conditions, as a whole. Thus, the State of West Bengal is in dire need of sustained financial assistance through provisional amendments in the Constitution. To address this, the Bill shall also insert a new article 371 K to provide for restructuring of the State's debt and other targeted allocation of funds from the Centre for schemes relating to the overall development of the State.

Though the State Government is optimally utilizing the available financial resources for holistic socio-economic growth, financial assistance from the Centre will help the State to come out of the debt trap easily. In a federal structure, the Central should take an active role in supporting States, as they are the ultimate drivers of India's growth story.

Hence this Bill.

VIVEK GUPTA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for grant-in-aid of the revenues of the State of West Bengal for development activities. It also provides for one time grant-in-aid to the tune of rupees ninety thousand crore and rupees thirty thousand crore as recurring annual expenditure. Clause 3 provides for special provision for the development of the State of West Bengal. The Bill, therefore, if enacted, will involve a recurring expenditure of rupees thirty thousand crore per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees ninety thousand crore is also likely to be involved.

RAJYA SABHA

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further to amend the Constitution of India.

(Shri Vivek Gupta, M.P.)