

AS INTRODUCED IN THE RAJYA SABHA
ON THE 26TH JULY, 2019

Bill No. XXIV of 2019

THE CONSTITUTION (AMENDMENT) BILL, 2019

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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. (1) This Act may be called the Constitution (Amendment) Act, 2019.

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 the Constitution, for article 282, the following shall be substituted namely;

Substitution of new article for article 282.

"282. The Union or a State may make any grants for any public purpose, notwithstanding that the purpose is not one with respect to which Parliament or the Legislature of the State, as the case may be, may make laws:

Expenditure defrayable by the Union or a State out of its revenues.

10 "Provided that the Union Government or a State Government, shall not announce or introduce any new scheme or programme to incur any expenditure under the provisions of this article, if the general election to the House of the People or election to the Legislative Assembly of a State, as the case may be, is due within a period of six months."

"Provided further that in case of a scheme or programme already commenced by the Union Government or a State Government under the provisions of this article but the initial transfer of benefits to the eligible beneficiaries under that scheme or programme has not commenced prior to six months of the general election to the House of the People or an election to the Legislative Assembly of a State, the transfer of such benefits shall not be commenced till the completion of the process of such elections." 5

STATEMENT OF OBJECTS AND REASONS

Nowadays, the political parties and persons contesting various elections promise and boast of distribution of freebies to electors as a short route to please them and seek electoral mandate in their favour. There is a tendency of choosing this freebie distribution just before general elections from government treasuries under various popular schemes and programmes for public purpose under article 282 of Constitution. The reality cannot be ruled out that distribution of freebies of any kind, undoubtedly, influences all people. It shakes the root of free and fair elections to a large degree and vitiates the electoral process. These freebies are gifts that have no other purpose than to induce voters to vote for a particular party or person. The attempt of each party to outdo the other has taken a vicious form of competitive populism. If not curtailed, this will ruin the State financially.

Article 282 was incorporated in the Constitution with a noble aim to give power to Union and States to spend public money for public purpose in the emergent contingencies and special situations. This article is source of spending funds for the public purpose and is normally meant for special, temporary or adhoc schemes apart from normal government spending enshrined under article 275. But spending under the provision of this article shall be subject to other constitutional requirements. Freebie distribution by parties should be considered as a corrupt practice as defined under section 123 of Representation of People's Act, 1951.

It is necessary to prevent misuse of this article just before the general elections. Announcement of a new scheme or program before general election within six months and commencing distribution of freebies under already announced schemes before six months when general elections are due, needs to be curtailed to ensure a level playing field to all contestants of election and to promote free and fair election.

This Bill seeks to further amend the Constitution to put a check on distribution of freebies under the garb of provisions of article 282 just before general elections by the Union and the State from the Government treasuries.

K.V.P. RAMACHANDRA RAO

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

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RAJYA SABHA

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(*Dr. K.V.P. Ramachandrarao, M.P.*)