

AS INTRODUCED IN THE RAJYA SABHA  
ON 5TH AUGUST, 2011

**Bill No. XVI of 2011**

THE CONSTITUTION (AMENDMENT)  
BILL, 2011

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BILL

*further to amend the Constitution of India.*

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2011.

Short title  
and com-  
mencement.

(2) It shall come into force on such date as the Central Government may, by notification  
5 in the Official Gazette, appoint.

2. In the Tenth Schedule of the Constitution,—

Amendment  
of the Tenth  
Schedule.

(i) for sub-paragraph (a) of paragraph 1, the following sub-paragraph shall be  
substituted, namely:—

10       "(a) 'House' means either House of Parliament or the Legislative Assembly  
or as the case may be, either House of the Legislature of a State and includes  
Regional and District Council constituted under the Sixth Schedule of the  
Constitution;"

15       (ii) in paragraph 5, after the words "the Deputy Speaker of the Legislative  
Assembly of a State", the words "the Chairman or Deputy Chairman of the Council  
formed under the Sixth Schedule of the Constitution" shall be inserted.

(iii) after sub-paragraph (2) of paragraph 6, the following sub-paragraph shall be inserted, namely: —

"(3) The proceedings of the Council constituted under the Sixth Schedule shall not be called in question in any court on the ground of any alleged irregularity of procedure."

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(iv) after sub-paragraph (1) of paragraph 8, the following proviso shall be inserted, namely:—

"Provided that the rules for the Council constituted under the Sixth Schedule shall be framed with the approval of the Governor of the concerned State".

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## STATEMENT OF OBJECTS AND REASONS

There are several autonomous regions in India to which Central Government has given varying degrees of autonomy within the state legislature. The establishment and functions of these autonomous councils are based on the Sixth Schedule to the Constitution of India.

The Sixth Schedule contains provisions as to the administration of tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram. This law gives enormous freedom to the autonomous regions and districts in terms of legislative and executive power. The law provides that each autonomous region shall have its own Autonomous Regional Council and every autonomous district shall have its own *Autonomous District Council* in which the administration of as autonomous district and region shall be vested respectively. The District Councils are Autonomous bodies with the objectives of framing laws to safeguard the rights and interest of the indigenous Tribal people within their jurisdiction.

The Elections to these Autonomous District Council are held at every five years interval and the elections to each and every constituency of the District Councils are intensely contested by the political parties of respective States. The national parties also take a keen interest in the Autonomous District Council elections and often do have a prominent presence in these autonomous council bodies. The results of the District Council elections are often clear indicators to the political atmosphere of the State and are considered to be a preview to the Assembly and Parliamentary elections.

For many years and even in recent times, many of the Autonomous District Councils have witnessed unfortunate experiences of horse-trading, defections and members' switching of loyalties from one political party to another political party because the anti-defection law under the Tenth Schedule of the Constitution is not applicable to the Members of the Districts Council(s). As a result, the aspirations of the local indigenous people and mandate of the public are clearly ignored and the selfish interests of the elected members take precedence.

In the absence of the Anti-defection law in the District Councils, the elected members have the liberty to leave the political party under whose principles and symbol he or she was elected; then chose to join any other political party which is presently in power and return to his or her parent party at whim, or join some other party which is likely to come to power.

These actions of the elected members create instability in the District Councils and the very purpose of safeguarding the rights, traditions, practices, culture and laws of each region for which the powers of the Autonomous District Councils were vested upon, are now defeated. Therefore, it is felt that the Anti-defection law under the Tenth Schedule of our Constitution should also be extended to the Autonomous District Councils.

Hence, this Bill.

THOMAS SANGMA

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

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TENTH SCHEDULE

[Articles 102 (2) and 191 (2)]

**Provisions as to disqualification on ground of defection**

I. Interpretation. In this Schedule, unless the context otherwise requires,—

(a) "House" means either House of Parliament or the Legislative Assembly or, as the case may be, either House of the Legislature of a State;

\* \* \* \* \*

5. Exemption. Notwithstanding anything contained in this Schedule, a person who has been elected to the office of the Speaker or the Deputy Speaker of the House of the People or the Deputy Chairman of the Council of States or the Chairman or the Deputy Chairman of the Legislative Council of a State or the Speaker or the Deputy Speaker of the Legislative Assembly of a State, shall not be disqualified under this Schedule,—

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*(Shri Thomas Sangma, M.P.)*