

AS INTRODUCED IN THE RAJYA SABHA
ON THE 25TH FEBRUARY, 2011

Bill No. LXXII of 2010

THE CONSTITUTION (AMENDMENT) BILL, 2010

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BILL

further to amend the Constitution of India.

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

1. (1) The Act may be called the Constitution (Amendment) Act, 2010.

Short title and
commencement.

(2) It shall come into force, at once.

2. In article 53 of the Constitution, after clause (3), the following clause shall be inserted,
5 namely:—

Amendment
of article 53.

“(4) Schemes approved and implemented by the Union Government providing for allotment of finances and for carrying developmental works, shall be deemed to be approved and implemented under the executive powers of the Union:

Provided that no scheme involving an expenditure of more than rupees fifty crore shall be approved and implemented by the Union Government under its executive powers, and that, Parliament may by law provide for enactment of all such schemes.”

STATEMENT OF OBJECTS AND REASONS

The Union Government has rightly enacted a scheme known as Members of Parliament Area Development (MPLAD) Scheme which is running very effectively. The Members of the apex legislature of this great democracy were virtually powerless before the enactment of the scheme in 1993. The Scheme, now involves disbursement of crore of rupees towards the developmental projects recommended by MPs. Despite the magnitude of the scheme, there is no law to regulate the scheme. No doubt, the Government has issued some guidelines which, however, are vague and confusing. Further, there are hundreds of District Magistrates who are in-charge of the schemes in various States and each one of them, interpreting the scheme in his own way.

There is no system of getting clarification over a procedural or legal point of dispute from the Directorate of MPLAD Scheme in New Delhi through electronic mechanism in 48 hours, which should have been the case when we are in an era of e-governance. Although the State Governments could have enacted a special procedure to implement MPLAD projects, State Governments have failed to do it. They have preferred to follow the Public Works Departments Manual, which is also at times confusing. Union Government could have provided in their guidelines a shorter procedure but the guidelines, do not provide for any procedure.

Schemes are only executive orders. They are not legislations. Besides, Parliament enacts laws for everyone and on every subject. Why should not the members enact an ideal law to regulate MPLAD, in their own interest and, more particularly, to bring in transparency in the matter? After the law is enacted laying down the fundamentals, necessary rules can be framed and a scheme be prepared.

Hence this Bill.

SHANTARAM LAXMAN NAIK

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for allotment of finances for schemes approved by Central Government and for carrying out the developmental works to the tune of rupees fifty crore. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure to the tune of rupees two crore per member per year is likely to be involved. Non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

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(Shri Shantaram Laxman Naik, M.P.)