

**Bill No. XXVII of 2012**

THE CONSTITUTION (AMENDMENT) BILL, 2012

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BILL

*further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-third Year of the Republic of India.

1. (1) This Act may be called the Constitution (Amendment) Act, 2012.

(2) It shall come into force at once.

2. In article 243G of the Constitution,—

5 (i) for the words “may contain provisions for the devolution of powers and responsibilities upon Panchayats”, the words “shall contain provisions for the devolution of powers and responsibilities upon Panchayats” shall be substituted.

(ii) In sub-clause (b) after the words “Eleventh Schedule” the words “by the year 2012” shall be inserted.

10 3. In article 243W of the Constitution,—

(i) for the words “may contain provisions for the devolution of powers and responsibilities upon Municipalities”, the words “shall contain provisions for the devolution of powers and responsibilities upon Municipalities,” shall be substituted.

15 (ii) In sub-clause (a)(ii) after the words “Twelfth Schedule” the words “by the year 2012” shall be inserted.

Short title  
and  
commence-  
ment.

Amendment  
of article  
243G.

Amendment  
of article  
243W.

## STATEMENT OF OBJECTS AND REASONS

After the 73rd and 74th constitutional amendments came into force, most of the states enacted their respective legislations governing Panchayats and Municipal Bodies, in line with the Constitutional amendments.

While some states have enumerated the powers to be exercised by Panchayats, by enumerating the subjects mentioned in the XIth schedule of the Constitution in the respective legislations and have allotted them to the Zilla, Tehsil and Village Panchayats and, similarly, the State Governments have allotted the subjects mentioned in the XIIth schedule to the various types of municipal bodies. These enumerations are rather cosmetic in nature and necessary notifications, to actually allot these subjects to the respective Panchayats and Municipal bodies have not been issued.

It is in this context, that the present Bill seeks to make devolution of powers constitutionally mandatory by substituting the word “may” by the word “shall”, in the respective articles.

Some State Governments have given undertakings for the devolution of such powers by signing Memoranda of Understanding with the Government of India. However, a firm constitutional requirement is the need of the hour if the dream of former Prime Minister Late Shri Rajiv Gandhi, who was inspired by the ideals of Mahatma Gandhi of “Gram Rajya”, is to be achieved.

Hence this Bill.

SHANTARAM NAIK

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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**243G. Powers, authority and responsibilities of Panchayats.**— Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to—

(a) the preparation of plans for economic development and social justice;

(b) the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule.

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**243W. Powers, authority and responsibilities of Municipalities, etc.**— Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow—

(a) the Municipalities with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Municipalities, subject to such conditions as may be specified therein, with respect to—

(i) the preparation of plans for economic development and social justice;

(ii) the performance of functions and the implementation of schemes as may be entrusted to them including those in relation to the matters listed in the Twelfth Schedule;

(b) the Committees with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them including those in relation to the matters listed in the Twelfth Schedule.

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RAJYA SABHA

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*(Shri Shantaram Naik, M.P.)*