

Bill No. IX of 2009

THE CONSTITUTION (AMENDMENT) BILL, 2009

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further to amend the Constitution of India.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2009.

Short title and
commencement.

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

2. In the article 371-I of the Constitution the following proviso shall be inserted,
5 namely,—

Amendment
of Article
371-I.

"Provided that notwithstanding anything contained in this Constitution or in
any other law for the time being in force or in any judgement or order, the Legislative
Assembly of Goa shall be competent to enact any legislation—

10 (i) to regulate ownership and transfer of land in the State of Goa in public
interest and in the interest and on grounds of duration of residence in the State,
social, economic and environment needs of the State, and such other public
interest, as may be specified by the State by law;

(ii) to regulate influx of migrants considering available resources specially
land, water, power, etc. and sanitation also and environmental aspects; and

15 (iii) to opt for any of the two types of panchayats from village, intermediate
and district level.

STATEMENT OF OBJECTS AND REASONS

Land is becoming a scarce resource more particularly in small States. Land mafia as well as foreigners are landing in States like Goa with tons of money buying huge areas creating social and economic chaos. Some of the buyers have the potential to buy a whole village in a smaller State like Goa. Persons engaged in real estate in the country too, are resorting to similar purchases and disturbing the social fabric in the State.

Rights existing under the Constitution should not be so unfettered so as to change economic scenario of a smaller State particularly its villages, much to the disadvantage of the State and its people. Anti-social elements which become a part of such uncontrolled transaction are proving disastrous for a State like Goa. Therefore, States have to be empowered to enact appropriate legislations to bring in restrictions on transfer of land and other immovable properties on grounds of duration of residence requirements in the State, social and economic needs of the State, environment and public interest, etc. as may be specified by the law.

Similarly, in the State of Goa, consisting of hardly 3,702 square meters of land with a population of roughly fourteen lakhs, increasing number of migrant population has reached to an unmanageable proportions. While it is the fundamental right of every citizen under article 19 of the Constitution to move freely throughout the territory of India, it is also the fundamental right of the others to live a decent life with basic amenities provided by the State. In order to safeguard the basic rights of those Goans and also non-Goans who are settled in Goa for a number of years, further inflow of population has to be regulated to avoid a virtual stampede in the near future.

Article 243B of the Constitution provides for the constitution of the village, intermediate and district level panchayats in the State. However, in a State like Goa having smaller size of population less than twenty lakh this objective can not be achieved because an intermediate level panchayat can not be constituted by a State with a population not exceeding twenty lakh. Hence, it is felt that suitable amendments may be made in the Constitution in order to make eligible even for the smaller State like Goa to constitute intermediate level panchayat. Since there are provisions in the Constitution which come in the way of achieving above objectives, special provisions are required to be made by amending article 371-I.

Hence, this Bill.

SHANTARAM LAXMAN NAIK

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

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371-I. Special provision with respect to the State of Goa—

Notwithstanding anything in this Constitution, the Legislative Assembly of the State of Goa shall consist of not less than thirty members.

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RAJYA SABHA

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(Shri Shantaram Laxman Naik, M.P.)