

AS INTRODUCED IN THE RAJYA SABHA
ON THE 3RD DECEMBER, 2021

Bill No. XXVI of 2020

THE CONSTITUTION (AMENDMENT) BILL, 2020

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BILL

further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Amendment) Act, 2020. Short title and commencement.
2. It shall come into force on such date as the Central Government may, by notification
5 in the Official Gazette, appoint.
3. Article 248 of the Constitution shall be omitted. Omission of article 248.

Amendment of
Seventh
Schedule.

4. In the Seventh Schedule to the Constitution,—

(a) in List I—Union List, entry 97 shall be omitted;

(b) in List II—State List,

(i) After entry 18, the following entry shall be inserted, namely;—

"18A Education including technical education, medical education 5
and Universities, subject to the provisions of entries 63, 64, 65 and 66 of
List—I;"

(ii) After entry 66, the following entry shall be inserted, namely;—

"67. Any other matter not enumerated in List-I or List-III including
any tax not mentioned in either of those lists." 10

(c) in List III—Concurrent List, entry 25, shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The forefathers of our Constitution had a vision for a strong State and a strong Centre. India is a federal State. By reserving all the residuary subjects in the Union List, the States are not empowered to function even in the subjects allotted to them under the State list. In the Constitution of Australia, the residuary powers are vested with the States. In the United States of America also, the residuary powers have gone towards the States.

India is a living example of unity in diversity. Dr. Ambedkar, the founder of Constitution of India had said: "It is agreed that our Constitution, notwithstanding many provisions which are contained in it whereby the Centre has been given powers to override the provinces, nonetheless is a federal Constitution and when we say that the Constitution is a federal Constitution, it means that the provinces are as sovereign in their field, which is left to them by the Constitution, as the Centre is in its field which is assigned to them."

The Bill provides for the transfer of residuary subjects from the Union List to the State List. Further, education including technical education, medical education and Universities are the subjects which were originally in the State List, when the Constitution was adopted in 1950. However, these subjects were transferred to the Concurrent List by the Constitution 42nd Amendment Act, 1976. With the result, when many States are having their own system of education, thrusting on them common syllabus, common entrance test and other regulations create problems for the States and the people at large.

Hence, this Bill.

VAIKO

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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248. Residuary powers of legislation.—(1) Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or State List.

(2) Such power shall include the power of making any law imposing a tax not mentioned in either of those Lists.

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SEVENTH SCHEDULE (Article 246)

List I—Union List

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97. Any other matter not enumerated in List II or List III including any tax not mentioned in either of those Lists.

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List III—Concurrent List

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25. Education, including technical education, medical education and universities, subject to the provisions of entries 63, 64, 65 and 66 of List I; vocational and technical training of labour.

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(Shri Vaiko, M.P.)