



# The Constitution (125th Amendment) Bill, 2019

## Why in News

Recently, the **Ministry of Home Affairs (MHA)** informed the Lok Sabha that presently, there is no proposal to implement **Panchayati Raj System** in **Sixth Schedule** areas of Assam.

- In January 2019, **the Constitution (125<sup>th</sup> Amendment) Bill, 2019** was introduced in the Rajya Sabha to **amend** the provisions related to the **Finance Commission** and the **Sixth Schedule of the Constitution**.
- The **Sixth Schedule** relates to the **administration of tribal areas** in the states of **Assam, Meghalaya, Tripura and Mizoram**.

## Key Points

### ▪ Proposed Amendments:

#### ◦ Village and Municipal Councils:

##### • Village and Municipal Councils:

- It provides for **Village and Municipal Councils in addition to the District and Regional Councils**. Village Councils will be established for villages or groups of villages in rural areas, and Municipal Councils will be established in urban areas of each district.

##### • Structure of the Village and Municipal Councils:

- The **District Councils may make laws** on various issues, including:
  - Number of Village and Municipal Councils to be formed, and their composition,
  - Delimitation of constituencies for election to the Village and Municipal Councils.
  - Powers and functions of Village and Municipal Councils.

##### • Rules for Devolution of Powers:

- **Governor may make rules** for devolution of powers and responsibilities to the Village and Municipal Councils.
- Such rules may be framed in relation to:
  - Preparation of plans for economic development.
  - Implementation of land reforms.
  - Urban and town planning.
  - Regulation of land-use, among other functions.

#### ◦ State Finance Commission:

- The Bill provides the appointment of a Finance Commission for these states, to review the financial position of District, Village, and Municipal Councils.

- The Commission will make recommendations regarding:
  - Distribution of taxes between states and District Councils.
  - Grants-in-aid to District, Village, and Municipal Councils from the Consolidated Fund of the state.

- **Elections to Councils:**

- All elections to the District Councils, Regional Councils, Village Councils, and Municipal Councils will be conducted by the **State Election Commission** appointed by the Governor, for these four states.

- **Disqualification of Members of Councils:**

- The Sixth Schedule provides that the Governor may make rules for the constitution of District and Regional Councils, including qualifications for being elected as members of these councils.
- The Bill adds that the **Governor may make rules for the disqualification of such members on the grounds of [defection](#).**

- **Sixth Schedule:**

- **About:**

- The Sixth Schedule was originally intended for the predominantly tribal areas (tribal population over 90%) of undivided Assam, which was categorised as “excluded areas” under the **[Government of India Act, 1935](#)** and was under the direct control of the Governor.
- It **provides for the administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram** to safeguard the rights of the tribal population in these states.

- This special provision is provided under **Article 244 (2)** and **Article 275 (1)** of the Constitution.

- It **provides for autonomy in the administration of these areas** through **[Autonomous District Councils \(ADCs\)](#).**

- ADCs are **empowered to make laws in respect of areas under their jurisdiction**, which cover the land, forest, cultivation, inheritance, indigenous customs and traditions of tribals, etc. and also to collect land revenues and certain other taxes.
- ADCs are like **miniature states having specific powers and responsibilities** in respect of all the three arms of governance: Legislature, executive and judiciary.

- **Autonomous Districts:**

- **About:**

- The Governor is empowered to **organise and re-organise the autonomous districts**. Thus, he can **increase or decrease their areas or change their names or define their boundaries** and so on.
- If there are different tribes in an autonomous district, the **governor can divide the district into several autonomous regions**.

- **Composition:**

- Each autonomous district has a district council consisting of **30 members**, of whom **four are nominated by the governor** and the remaining **26 are elected on the basis of adult franchise** and they hold office for five years.
- Each autonomous region also has a **separate regional council**.

- The district and regional councils administer the areas under their

jurisdiction.

- The **district and regional councils within their territorial jurisdictions can constitute village councils** or courts for trial of suits and cases between the tribes. They hear appeals from them.
- The jurisdiction of the high court over these suits and cases is specified by the Governor.

- **Sixth Schedule Areas:**

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<b>MEGHALAYA</b> <ul style="list-style-type: none"><li>• Khasi Hills Autonomous District Council</li><li>• Jaintia Hills Autonomous District Council</li><li>• Garo Hills Autonomous District Council</li></ul>	<ul style="list-style-type: none"><li>• Mara Autonomous District Council</li></ul>
<b>MIZORAM</b> <ul style="list-style-type: none"><li>• Chakma Autonomous District Council</li><li>• Lai Autonomous District Council</li></ul>	<b>TRIPURA</b> <ul style="list-style-type: none"><li>• Tripura Tribal Areas Autonomous District Council</li></ul>
	<b>ASSAM</b> <ul style="list-style-type: none"><li>• Dima Hasao Autonomous Council</li><li>• Karbi Anglong Autonomous Council</li><li>• Bodoland Territorial Council</li></ul>

## Panchayati Raj Institutions

### ▪ About:

- Panchayats were included in **Article 40** under the [Directive Principles of the Constitution](#) of India.
- Government in 1992 introduced the **73<sup>rd</sup> Amendment** to make the Panchayati Raj Institutions (PRIs) Constitutional machinery.

### ▪ Scheduled Areas:

- The tribal dominated states under [5<sup>th</sup>](#) and [6<sup>th</sup>](#) schedules of the Constitution were, however, **given the option either to introduce Panchayati Raj institutions or to continue with their traditional self-government institutions.**
- All the states of India including [5<sup>th</sup>](#) and [6<sup>th</sup>](#) schedule states **except Jammu & Kashmir, Nagaland, Meghalaya, Mizoram** and the **autonomous areas of Assam and Tripura** amended their Panchayati Raj Act to accommodate the provisions of the 73<sup>rd</sup> Amendment Act.

### ▪ Provisions of PRIs:

- Establishment of a **three-tier structure** (Village Panchayat, Panchayat Samiti or intermediate level Panchayat and Zilla Parishad or district level Panchayat).
- Establishment of Gram Sabhas at the village level. **Regular elections to Panchayats every five years.**
- Proportionate seat [reservation](#) for **SCs/STs.**
- Reservation of not less than **1/3 seats for women.**
- Constitution of [State Finance Commissions](#) to recommend measures to improve the finances of Panchayats.

### ▪ Power to Panchayats:

- The Constitution (73<sup>rd</sup> Amendment) Act, 1992 vests power in the State Government to

endow Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government such as:

- **Preparation of plans and their execution** for economic development and social justice in relation to 29 subjects listed in the **XI schedule** of the Constitution.
- To **levy, collect and appropriate taxes, duties, tolls and fees**. Transfer of taxes, duties, tolls and fees collected by the States to Panchayats.

[Source:TH](#)

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