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## The Constitution (125th Amendment) Bill, 2019

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### Why in News

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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

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- **Proposed Amendments:**
  - **Village and Municipal Councils:**
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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:**

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

## 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**