



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 \(125th Amendment\) 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:**

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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:**

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MEGHALAYA

- Khasi Hills Autonomous District Council
- Jaintia Hills Autonomous District Council
- Garo Hills Autonomous District Council

MIZORAM

- Chakma Autonomous District Council
- Lai Autonomous District Council

TRIPURA

- Mara Autonomous District Council

ASSAM

- Tripura Tribal Areas Autonomous District Council
- Dima Hasao Autonomous Council
- Karbi Anglong Autonomous 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 **73rd Amendment** to make the Panchayati Raj Institutions (PRIs) Constitutional machinery.

▪ Scheduled Areas:

- The tribal dominated states under **5th** and **6th** 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 **5th** and **6th** 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 **73rd 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 (73rd 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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