(As passed by the Houses of Parliament
Lok Sabha on 6 May, 2015
Rajya Sabha on 3 August, 2016

Amendments made by Rajya Sabha
agreed to by Lok Sabha on 8 August, 2016)

**Bill No. 192-F of 2014**

# THE CONSTITUTION (ONE HUNDRED AND TWENTY-SECOND AMENDMENT) BILL, 2014

(As passed by the Houses of Parliament)

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BILL

*further to amend the Constitution of India.*

Be it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

**1.** (*1*) This Act may be called the Constitution (One Hundred and First Amendment) Act, 2016. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the commencement of that provision.

**2.** After article 246 of the Constitution, the following article shall be inserted, namely:— Insertion of new article 246A.

"246A. (1) Notwithstanding anything contained in articles 246 and 254, Parliament, and, subject to clause (2), the Legislature of every State, have power to make laws with respect to goods and services tax imposed by the Union or by such State. Special provision with respect to goods and services tax.

(2) Parliament has exclusive power to make laws with respect to goods and services tax where the supply of goods, or of services, or both takes place in the course of inter-State trade or commerce.

*Explanation.*—The provisions of this article, shall, in respect of goods and services tax referred to in clause (5) of article 279A, take effect from the date recommended by the Goods and Services Tax Council.''.

Amendment of article 248.

**3.** In article 248 of the Constitution, in clause (1), for the word "Parliament", the words, figures and letter "Subject to article 246A, Parliament" shall be substituted.

Amendment of article 249.

**4.** In article 249 of the Constitution, in clause (1), after the words "with respect to", the words, figures and letter" goods and services tax provided under article 246A or" shall be inserted.

Amendment of article 250.

**5.** In article 250 of the Constitution, in clause (1), after the words "with respect to", the words, figures and letter "goods and services tax provided under article 246A or" shall be inserted.

Amendment of article 268.

**6.** In article 268 of the Constitution, in clause (1), the words "and such duties of excise on medicinal and toilet preparations" shall be omitted.

Omission of article 268A.

**7.** Article 268A of the Constitution, as inserted by section 2 of the Constitution (Eighty-eighth Amendment) Act, 2003 shall be omitted.

Amendment of article 269.

**8.** In article 269 of the Constitution, in clause (1), after the words "consignment of goods", the words, figures and letter "except as provided in article 269A" shall be inserted.

Insertion of new article 269A.

**9.** After article 269 of the Constitution, the following article shall be inserted, namely:—

Levy and collection of goods and services tax in course of inter-State trade or commerce.

''269A. (1) Goods and services tax on supplies in the course of inter-State trade or commerce shall be levied and collected by the Government of India and such tax shall be apportioned between the Union and the States in the manner as may be provided by Parliament by law on the recommendations of the Goods and Services Tax Council.

*Explanation.*—For the purposes of this clause, supply of goods, or of services, or both in the course of import into the territory of India shall be deemed to be supply of goods, or of services, or both in the course of inter-State trade or commerce.

(2) The amount apportioned to a State under clause (1) shall not form part of the Consolidated Fund of India.

(3) Where an amount collected as tax levied under clause (1) has been used for payment of the tax levied by a State under article 246A, such amount shall not form part of the Consolidated Fund of India.

(4) Where an amount collected as tax levied by a State under article 246A has been used for payment of the tax levied under clause (1), such amount shall not form part of the Consolidated Fund of State.

(5) Parliament may, by law, formulate the principles for determining the place of supply, and when a supply of goods, or of services, or both takes place in the course of inter-State trade or commerce.''.

Amendment of article 270.

**10.** In article 270 of the Constitution,—

(*i*) in clause (1), for the words, figures and letter "articles 268, 268A and 269", the words, figures and letter "articles 268, 269 and 269A" shall be substituted;

(*ii*) after clause (1), the following clauses shall be substituted, namely:—

''(1A) The tax collected by the Union under clause (1) of article 246A shall also be distributed between the Union and the States in the manner provided in clause (2).

(1B) The tax levied and collected by the Union under clause (2) of article 246A and article 269A, which has been used for payment of the tax levied by the Union under clause (1) of article 246A and the amount apportioned to the Union under clause (1) of article 269A, shall also be distributed between the Union and the States in the manner provided in clause (2).''.

Amendment of article 271.

**11.** In article 271 of the Constitution, after the words ''in those articles'', the words, figures and letter ''except the goods and services tax under article 246A,'' shall be inserted.

**12. After article 279 of the Constitution, the following article shall be inserted, namely:—**

Insertion of new article 279A.

"279A. (1) **The President shall, within sixty days from the date of commencement of the Constitution (One Hundred and First Amendment) Act, 2016, by order, constitute a Council to be called the Goods and Services Tax Council.**

Goods and Services Tax Council.

(2) **The Goods and Services Tax Council shall consist of the following members, namely:—**

(*a*) **the Union Finance Minister..... Chairperson;**

(*b*) **the Union Minister of State in charge of Revenue or Finance..... Member;**

(*c*) **the Minister in charge of Finance or Taxation or any other Minister nominated by each State Government.....Members.**

(3) **The Members of the Goods and Services Tax Council referred to in sub-clause (*c*) of clause (2) shall, as soon as may be, choose one amongst themselves to be the Vice-Chairperson of the Council for such period as they may decide.**

(4) **The Goods and Services Tax Council shall make recommendations to the Union and the States on—**

(*a*) **the taxes, cesses and surcharges levied by the Union, the States and the local bodies which may be subsumed in the goods and services tax;**

(*b*) **the goods and services that may be subjected to, or exempted from the goods and services tax;**

(*c*) **model Goods and Services Tax Laws, principles of levy, apportionment of Goods and Services Tax levied on supplies in the course of inter-State trade or commerce under article 269A and the principles that govern the place of supply;**

(*d*) **the threshold limit of turnover below which goods and services may be exempted from goods and services tax;**

(*e*) **the rates including floor rates with bands of goods and services tax;**

(*f*) **any special rate or rates for a specified period, to raise additional resources during any natural calamity or disaster;**

(*g*) **special provision with respect to the States of Arunachal Pradesh, Assam, Jammu and Kashmir, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, Himachal Pradesh and Uttarakhand; and**

(*h*) **any other matter relating to the goods and services tax, as the Council may decide.**

(5) **The Goods and Services Tax Council shall recommend the date on which the goods and services tax be levied on petroleum crude, high speed diesel, motor spirit (commonly known as petrol), natural gas and aviation turbine fuel.**

(6) **While discharging the functions conferred by this article, the Goods and Services Tax Council shall be guided by the need for a harmonised structure of goods and services tax and for the development of a harmonised national market for goods and services.**

(7) **One half of the total number of Members of the Goods and Services Tax Council shall constitute the quorum at its meetings.**

(8) **The Goods and Services Tax Council shall determine the procedure in the performance of its functions.**

(9) **Every decision of the Goods and Services Tax Council shall be taken at a meeting, by a majority of not less than three-fourths of the weighted votes of the members present and voting, in accordance with the following principles, namely:—**

(*a*) **the vote of the Central Government shall have a weightage of one-third of the total votes cast, and**

(*b*) **the votes of all the State Governments taken together shall have a weightage of two-thirds of the total votes cast,**

**in that meeting.**

(10) **No act or proceedings of the Goods and Services Tax Council shall be invalid merely by reason of—**

(*a*) **any vacancy in, or any defect in, the constitution of the Council; or**

(*b*) **any defect in the appointment of a person as a Member of the Council; or**

*(c)* **any procedural irregularity of the Council not affecting the merits of the case.**

(11) **The Goods and Services Tax Council shall establish a mechanism to adjudicate any dispute—**

**(*a*) between the Government of India and one or more States; or**

**(*b*) between the Government of India and any State or States on one side and one or more other States on the other side; or**

**(*c*) between two or more States,**

**arising out of the recommendations of the Council or implementation thereof.”.**

Amendment of article 286.

**13.** In article 286 of the Constitution,—

*(i)* in clause (1),—

*(A)* for the words "the sale or purchase of goods where such sale or purchase takes place", the words "the supply of goods or of services or both, where such supply takes place" shall be substituted;

*(B)* in sub-clause *(b)*, for the word “goods”, at both the places where it occurs the words “goods or services or both” shall be substituted;

*(ii)* in clause (2), for the words "sale or purchase of goods takes place", the words "supply of goods or of services or both" shall be substituted;

*(iii)* clause (3) shall be omitted.

Amendment of article 366.

**14.** In article 366 of the Constitution,—

*(i)* after clause (12), the following clause shall be inserted, namely:—

‘(12A) “goods and services tax” means any tax on supply of goods, or services or both except taxes on the supply of the alcoholic liquor for human consumption;’;

*(ii)* after clause (26), the following clauses shall be inserted, namely:—

‘(26A) “Services” means anything other than goods;

(26B) “State” with reference to articles 246A, 268, 269, 269A and article 279A includes a Union territory with Legislature;’.

Amendment of article 368.

**15.** In article 368 of the Constitution, in clause (2), in the proviso, in clause (*a*), for the words and figures “article 162 or article 241”, the words, figures and letter “article 162, article 241 or article 279A” shall be substituted.

Amendment of Sixth Schedule.

**16.** In the Sixth Schedule to the Constitution, in paragraph 8, in sub-paragraph (3),—

*(i)* in clause *(c)*, the word "and" occurring at the end shall be omitted;

*(ii)* in clause *(d)*, the word "and" shall be inserted at the end;

*(iii)* after clause *(d)*, the following clause shall be inserted, namely:—

"*(e)* taxes on entertainment and amusements.".

**17.** In the Seventh Schedule to the Constitution,— Amendment of Seventh Schedule.

(*a)* in List I—Union List,—

*(i)* for entry 84, the following entry shall be substituted, namely:—

"84. Duties of excise on the following goods manufactured or produced in India, namely:—

*(a)* petroleum crude;

*(b)* high speed diesel;

*(c)* motor spirit (commonly known as petrol);

*(d)* natural gas;

*(e)* aviation turbine fuel; and

*(f)* tobacco and tobacco products.";

*(ii)* entries 92 and 92C shall be omitted;

*(b)* in List II—State List,—

*(i)* entry 52 shall be omitted;

*(ii)* for entry 54, the following entry shall be substituted, namely:—

"54. Taxes on the sale of petroleum crude, high speed diesel, motor spirit (commonly known as petrol), natural gas, aviation turbine fuel and alcoholic liquor for human consumption, but not including sale in the course of inter-State trade or commerce or sale in the course of international trade or commerce of such goods.";

*(iii)* entry 55 shall be omitted;

*(iv)* for entry 62, the following entry shall be substituted, namely:—

"62. Taxes on entertainments and amusements to the extent levied and collected by a Panchayat or a Municipality or a Regional Council or a District Council.".

**19.** Parliament shall, by law, on the recommendation of the Goods and Services Tax Council, provide for compensation to the States for loss of revenue arising on account of implementation of the goods and services tax for a period of five years. Compensation to States for loss of revenue on account of introduction of goods and services tax.

**20.** Notwithstanding anything in this Act, any provision of any law relating to tax on goods or services or on both in force in any State immediately before the commencement of this Act, which is inconsistent with the provisions of the Constitution as amended by this Act shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until expiration of one year from such commencement, whichever is earlier. Transitional provisions.

**21.** (*1*) If any difficulty arises in giving effect to the provisions of the Constitution as amended by this Act (including any difficulty in relation to the transition from the provisions of the Constitution as they stood immediately before the date of assent of the President to this Act to the provisions of the Constitution as amended by this Act), the President may, Power of President to remove difficulties.

by order, make such provisions, including any adaptation or modification of any provision of the Constitution as amended by this Act or law, as appear to the President to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of three years from the date of such assent.

(*2*) Every order made under sub-section (*1*) shall, as soon as may be after it is made, be laid before each House of Parliament.

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# BILL

further to amend the Constitution of India.

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*(As passed by the Houses of Parliament)*

GMGIPMRND—2299LS—08.08.2016.

**LOK SABHA**

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# CORRIGENDA

**to**

# THE CONSTITUTION (ONE HUNDRED AND TWENTY-SECOND AMENDMENT) BILL, 2014

**[As passed by Houses of Parliament]**

1. Page 5, line 28, -

   for "**19.**"

   read "**18.**"

2. Page 5, line 31, -

   for "**20.**"

   read "**19.**"

3. Page 5, line 37, -

   for "**21.**"

   read "**20.**"

**NEW DELHI;**

**August 10, 2016**
**Shravana 19, 1938 (Saka)**

**LOK SABHA**

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# SECOND CORRIGENDUM

**to**

# THE CONSTITUTION (ONE HUNDRED AND TWENTY-SECOND AMENDMENT) BILL, 2014

**[As passed by the Houses of Parliament]**

1. Page 2, line 39,-

for "substituted"

read "inserted".

**NEW DELHI;**

**August 23, 2016**
**Bhadrapada 1, 1938 (Saka)**