

Bill No. 20 of 2022

THE CONSTITUTION (AMENDMENT) BILL, 2022

By

SHRI JAYANT SINHA, M.P.

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BILL

further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.

Short title and
commencement.

(2) It shall come into force with immediate effect.

5 2. For article 85 of the Constitution, the following article shall be substituted,
namely:—

Substitution of new
article for article 85.

“85. (1) The President shall from time to time summon each House of Parliament to
meet at such time and place as he thinks fit, but three months shall not intervene

Sessions of
Parliament,
prorogation and
dissolution.

between its last sitting in one session and the date appointed for its first sitting in the next session:

Provided that the number of sittings in each session of each House of Parliament shall not be less than thirty days.

(2) The President may from time to time— 5

(a) prorogue the Houses or either House;

(b) dissolve the House of the People.

(3) Notwithstanding anything contained in sub-clause (b) of clause (2), if the House of the People fails to sit for the minimum number of sittings as prescribed in clause (1) for two consecutive years, it shall be dissolved by the President.”. 10

Substitution of new article for article 174.

3. For article 174 of the Constitution, the following article shall be substituted, namely:—

Sessions of the State Legislature, prorogation and dissolution.

“174. (1) The Governor shall from time to time summon the House or each House of Legislature of the State to meet at such time and place as he thinks fit, but three months shall not intervene between the last sitting in one session and the date appointed for its first sitting in the next session: 15

Provided that the number of sittings in each session of each House of the Legislature of the State shall not be less than fifteen days.

(2) The Governor may from time to time—

(a) prorogue the Houses or either House; 20

(b) dissolve the Legislative Assembly.

(3) Notwithstanding anything contained in sub-clause (b) of clause (2), if the Legislative Assembly fails to sit for the minimum number of sittings as prescribed in clause (1) for two consecutive years, it shall be dissolved by the Governor.”.

Insertion of new article 361AA.

4. After article 361A of the Constitution, the following article shall be inserted, namely:— 25

Digitization and Publication of Proceedings of Parliament and State Legislatures.

“361AA. All Bills, discussions, debates, duration of work, committee reports, parliamentary proceedings and any other document laid on the table of the either House of Parliament or either House of the Legislature of a State, as the case may be, at the particular date of the sitting, shall be digitized and put in the public domain within five days of such sitting.”. 30

STATEMENT OF OBJECTS AND REASONS

Over the last few years, there has been a steep decline in the number of sittings of the Legislature, the State Legislative Assemblies and the House of Parliament.

Since 1961, on a decadal basis, there has been a progressive decline in the average number of sitting days of Lok Sabha from one hundred fifteen to sixty-five days per year. Between the year, twenty-one out of the thirty-one Legislative Assemblies sat for an average of twenty-seven days. These trends are alarming as they dilute the 'separation of powers' structure of our democracy.

Disruptions caused by parties for political gain damage the sanctity of the legislative system, and waste the invaluable time of the Assemblies and the Parliament. Due to this, laws are passed without adequate deliberation, and matters of public importance are overlooked and ignored.

There is a need to allocate sufficient time for discussions and debates in order to enhance the productivity of the Legislature. Presently, there is no rule to prescribe the minimum number of days the Legislature should function for. In Parliamentary democracies like Canada, conducting one hundred twenty days of sittings in the House of Commons, and sixty days of sittings at a provincial level is the standard practice.

While there have been attempts at setting minimum standards of productivity in the past for States, they have been ignored without consequences. These standards have been prescribed in Rules of Procedures, but not in the Constitution, allowing Assemblies to circumvent them.

The Constitution continues to be a living document, and should be adapted to leverage the digital revolution to seek greater transparency in the functioning of the Legislature by mandating the publishing of all Legislative Assembly and Parliament records and documents.

In light of the above, the present Bill seeks to amend the Constitution with a view provide for,—

(a) the maximum gap between two sessions of each House of the Legislature of a State or each House of Parliament to be not more than three months;

(b) each session of the either House of the Parliament not to sit for less than thirty days;

(c) each session of the either House of the Legislature of a State not to sit for less than fifteen days; and

(d) digitization and publication of proceedings of each House of Parliament and each House of the Legislature of a State.

The Bill seeks to achieve these objectives.

NEW DELHI;
December 20, 2021.

JAYANT SINHA

EXTRACTS FROM THE CONSTITUTION OF INDIA

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85. (1) The President shall from time to time summon each House of Parliament to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(a) prorogue the Houses or either House;

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174.(I) The Governor shall from time to time summon the House or each House of the Legislature of the State to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next Session.

(a) prorogue the Houses or either House;

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361A. (1) No person shall be liable to any proceedings, civil or criminal, in any court in respect of the publication in a newspaper of a substantially true report of any proceedings of either House of Parliament or the Legislative Assembly, or, as the case may be, either House of the Legislature, of a State, unless the publication is proved to have been made with malice:

Provided that nothing in this clause shall apply to the publication of any report of the proceedings of a secret sitting of either House of Parliament or the Legislative Assembly, or, as the case may be, either House of the Legislature, of a State.

(2) Clause (1) shall apply in relation to reports or matters broadcast by means of wireless telegraphy as part of any programme or service provided by means of a broadcasting station as it applies in relation to reports or matters published in a newspaper.

Explanation.—In this article, “newspaper” includes a news agency report containing material for publication in a newspaper.

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(Shri Jayant Sinha, M.P.)