

AS INTRODUCED IN THE RAJYA SABHA  
ON THE 10TH MARCH, 2017

**Bill No. V of 2017**

**THE CONSTITUTION (AMENDMENT) BILL, 2017**

A

**BILL**

*further to amend the Constitution of India.*

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

**1. (1)** This Act may be called the Constitution (Amendment) Act, 2017.

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.

**2.** After article 121 of the Constitution, the following new article shall be inserted, namely:—

10

“121A. (1) Notwithstanding anything contained in the rules and standing orders regulating the procedure of Houses of Parliament, if the Prime Minister or any Minister in the Council of Ministers during the proceedings in either House of the Parliament, gives any assurance, the Minister concerned shall within fifteen working days, issue an executive order to give effect to the assurance given, wherever required, after taking necessary approvals from the appropriate authorities in such manner as Parliament may by law determine.

Insertion of new article 121A.

Procedure in respect of assurances in Parliament.

(2) If the implementation of the assurance given in either House of Parliament warrants a law under the provisions of the Constitution, the Minister concerned shall within thirty working days, introduce a Bill to that effect in the relevant House of Parliament as per the provisions of the Constitution if the Parliament is in Session or cause to send the proposal for promulgation of an Ordinance under article 123 of the Constitution in such manner as Parliament may by law determine:

5

Provided if, no executive order is issued nor any legislative proposal is introduced in the relevant House of Parliament nor any Ordinance is promulgated on the assurances given in the Parliament either due to resignation or removal of Council of Ministers or due to dissolution of the House of People or due to imposition of President's rule, whatsoever, the Council of Ministers subsequently appointed under article 74 of Constitution shall take required steps under clauses (1) and (2) within the prescribed period to be counted from the next day of taking oath as the Council of the Ministers:

10

Provided further that if, an executive order is not issued under clause (1) due to operation of election model code of conduct, the executive order shall be issued within the period prescribed under clause (1) from the day on which the election model code of conduct ceases to operate."

15

**3.** After article 211 of the Constitution, the following new article shall be inserted, namely:—

Insertion of  
new article  
211A.

Procedure in  
respect of  
assurances in  
Legislature of  
a State.

"211A. (1) Notwithstanding anything contained in the rules and standing orders regulating the procedure of the Legislature of a State, if the Chief Minister or any Minister in the Council of Ministers during the proceedings in the State Legislative Assembly or Legislature Council, gives any assurance, the Minister concerned shall within fifteen working days, issue an executive order to give effect to the assurance given, wherever required, after taking necessary approvals from the appropriate authorities in such manner as the legislature of the state may by law determine.

20

(2) If the implementation of the assurance given in the State Legislative Assembly or Legislature Council warrants a law under the provision of the Constitution, the Minister concerned shall within thirty working days, introduce a Bill to that effect in the State Legislative Assembly or Legislature Council as per the provisions of the Constitution if the State Legislature is in Session or caused to send the proposal for promulgation of an Ordinance under article 213 of the Constitution in such manner as the Legislature of the State may by law determine:

30

Provided if, no executive order is issued nor any legislative proposal is introduced in the State Legislative Assembly nor Legislature Council or any Ordinance is promulgated on the assurances given in the State Legislature either due to resignation or removal of Council of Ministers or due to dissolution of the State Assembly or due to imposition of President's rule, whatsoever, the Council of Ministers subsequently appointed under article 163 of Constitution shall take required steps under clauses (1) and (2) within the prescribed period to be counted from the next day of taking oath as the Council of the Ministers:

35

Provided further that if, an executive order is not issued under clause (1) due to operation of election model code of conduct, the executive order shall be issued within the period prescribed under clause (1) from the day on which the election model code of conduct ceases to operate."

40

45

## STATEMENT OF OBJECTS AND REASONS

The Parliament is supreme legislative body in our Country and Parliament is vested with power to make laws and rules in the interest of public by Constitution of India. Further, the Parliament is also vested with power to amend even the Constitution of India duly following the envisaged procedure. As such, both the Houses of Parliament debate, discuss and deliberate on various issues of public importance and make laws and rules from time to time. During these discussions or debates, the Council of Ministers, including the Prime Minister usually make certain promises and give certain assurances to the House, when the Members express certain doubts on the proposed legislations. It is the bounden duty of the Council of Ministers, *i.e.*, the Government to fulfill these promises and assurances to ensure the dignity of Parliament in the eyes of common people. If the Government fails to implement the promises or assurances given in the supreme legislative body of the Country, the people will lose faith in the parliamentary system, which is detrimental to the interest of a democratic country. Particularly, the people for whose benefit the assurances were given feel that they were betrayed by their own government and dissatisfaction will grow in their mind which can become a threat to sovereignty of the Country.

Over a period of time, the Political Parties winning the public mandate and forming the Government are ignoring the promises made or assurances given by their predecessor Governments thinking that those promises or assurances were not given by their own party without considering the fact that those assurances were given in the supreme legislative body of the country and not fulfilling them will tamper the image of parliamentary system of democracy.

Therefore, the present Bill seeks to provide the constitutional guarantee to the assurances given or promises made by the Council of Ministers including the Prime Minister in either House of Parliament either during the debate or discussion on any issue or while answering any question or responding to any notice or motion or in response to any matter raised by any Member under the prescribed rules, by issuing an executive order to give effect to the promises made or assurances given, so that the successor Governments cannot escape from implementing it.

Similarly, this Bill seeks to provide the Constitutional guarantee to the assurances given or promises made by the Council of Ministers including the Chief Minister in the State Legislatures.

Hence, the Bill.

DR. K.V.P. RAMACHANDRA RAO

RAJYA SABHA

---

A  
**BILL**

further to amend the Constitution of India.

---

(*Dr. K.V.P. Ramachandra Rao, M.P.*)