

Bill No. XXIV of 2024

THE CONSTITUTION (AMENDMENT) BILL, 2024

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BILL

further to amend the Constitution of India.

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

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| 1. | (1) This Act may be called the Constitution (Amendment) Act, 2024. | Short title and commencement. |
| 5 | (2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint. | |
| 2. | In article 164 of the Constitution, for clause (1), the following shall be substituted, namely,- | Amendment of Article 164. |
| 10 | “(1) The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office till such time they enjoy the confidence of the Legislative Assembly of the State.” | |

STATEMENT OF OBJECTS AND REASONS

The concept that the Queen reigns, but the Ministers rule, is the bedrock of the Westminster system. However, the adoption of colonial expressions that impregnates principles of constitutional monarchy into a republican Constitution can result in the said expressions being interpreted against the spirit of the Constitution. The concept of “serving during the pleasure” is archaic and a modern Constitution demands that such vestiges of colonial rule be dropped to strengthen its republican nature.

Accordingly, the Bill seeks to amend clause (1) of article 164 of the Constitution pertaining to the appointment and term of the Council of Ministers in a State by providing that they shall hold office till such time they enjoy the confidence of the Legislative Assembly of the State instead of ‘during the pleasure of the Governor’, as provided at present. This amendment will do away with the present archaic phraseology and bring it in consonance with the constitutional form of Government.

Hence this Bill.

A. A. RAHIM

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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164.(1) The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor:

Other provisions as to Ministers.

Provided that in the States of Chhattisgarh, Jharkhand, Madhya Pradesh and Odisha there shall be a Minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled Castes and backward classes or any other work.

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RAJYA SABHA

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(Shri A.A. Rahim, M.P.)