

Bill No. LXI of 2018

THE CONSTITUTION (AMENDMENT) BILL, 2018

A

BILL

further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2018.

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.

5 2. In article 85 of the Constitution, for sub-clause (1), the following shall be substituted, namely:—

Amendment of
article 85.

“(1). The President shall summon each House of Parliament to meet for three sessions in a year commencing in the first or second week of February, July and November respectively:

10 Provided that the President may from time to time summon each House of Parliament to meet for additional sessions, as he may deem necessary, at such time and place as he thinks fit:

Provided further that each House of Parliament shall meet for not less than one hundred days in a year.”

STATEMENT OF OBJECTS AND REASONS

Parliamentary convention has evolved in such a manner that Parliament usually meets for three sessions in a year - Budget Session (February-May), Monsoon Session (July-August) and Winter Session (November-December). However, the Constitution does not provide for a fixed calendar of sittings or a minimum number of sittings. While the idea of a fixed calendar was explored by the General Purposes Committee of the Lok Sabha in 1955, the importance of having a minimum number of sittings was highlighted by the National Commission to Review the Working of the Constitution in 2002.

Enshrining the parliamentary convention in the body of the Constitution of India itself will ensure that the Government of the time cannot evade the accountability of the legislature by delaying the commencement of a session. It will also allow Members of Parliament to plan their parliamentary agenda around the fixed schedule to fully take advantage of every mechanism of parliamentary oversight and law-making. Furthermore, to address the decline in the number of sittings, it has been proposed that a minimum of 100 days be incorporated within the Constitution.

The healthy functioning of a representative democracy requires a careful scrutiny of legislation and regular parliamentary engagement on issues of public importance. To achieve this objective, it is imperative that a fixed calendar for parliamentary sessions along with a minimum number of sittings is established.

Hence, this Bill.

DEREK O'BRIEN

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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85. Sessions of Parliament, prorogation and dissolution.—(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 day appointed for its first sitting in the next session.

(2) The President may from time to time—

(a) prorogue the Houses or either House;

(b) dissolve the House of the People.

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RAJYA SABHA

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further to amend the Constitution of India.

(Shri Derek O'Brien, M.P.)