

AS INTRODUCED IN THE RAJYA SABHA
ON THE 3RD MAY, 2010

Bill No. XV of 2010

THE CONSTITUTION (AMENDMENT) BILL, 2010

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BILL

further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2010.

Short title
and
commencement.

(2) It shall come into force at once.

2. In article 145 of the Constitution, for clause (2) the following shall be substituted, namely:—

Amendment
of article 145.

(2) Subject to the provisions of clause (3), the minimum number of judges who are to sit for deciding any case shall be three and the Supreme Court may by rules provide for the power exercisable by a single judge:

Provided that in every case, heard by three or more judges, the Court shall deliver only one unanimous or majority judgment.

3. After article 225 of the Constitution, the following article shall be inserted, namely:—

Insertion of
new article
225A.

225A. In every case heard by three or more judges, the High Court shall deliver only one unanimous or majority judgment.

Judgment by
High Court.

STATEMENT OF OBJECTS AND REASONS

In many cases heard by three or more judges more than one Judgments are being written on several occasions even when there is unanimity or majority. As a result, while arguing cases relying on such judgments considerable time is wasted and in case of inconsistency on one or two points, among the several judgments it might become necessary to resolve the conflict by a large bench. Further when such concurring judgments are relied on in the lower courts, it becomes difficult for the lower courts to reconcile these points. Hence it is desirable in all cases heard by three or more judges, in the Supreme Court or the High Court, in the interest of clarity they should deliver one unanimous or majority judgment.

Secondly, as most of the cases decided by the High Courts which come in appeal before the Supreme Court are decided by a division bench of two judges and writ petitions filed before the Supreme Court are for enforcement of fundamental rights and the Supreme Court is the final court of appeal, it would be better if such matters are decided by a minimum number of three judges to give effect in these provisions, amendments to the constitution are felt necessary.

Hence this Bill.

M. RAMA JOIS

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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145. (2) Subject to the ¹[provisions of 2 clause (3)], rules made under this article may fix the minimum number of Judges who are to sit for any purpose, and may provide for the powers of single Judges and Division Courts.

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(Shri M. Rama Jois, M.P.)