

Bill No. XIV of 2014

THE CONSTITUTION (AMENDMENT) BILL, 2014

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BILL

further to amend the Constitution of India

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2014.

(2) It shall come into force at once.

2. In article 324, clause (1), of the Constitution, after the following proviso shall be
5 inserted, namely:—

“Provided that notwithstanding any judgement or order of any court, nothing in clause (1) of article 324 shall authorise the Election Commission to pass any order or issue any instruction covering a substantial area of law with respect to which Parliament has the legislative competence.”.

Short title
and
Commence-
ment.

Amendment
of article
324.

STATEMENT OF OBJECTS AND REASONS

Under article 324(1) of the Constitution of India, Election Commission of India has power of superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the legislature of every State and of elections to the offices of President and Vice-President held under this Constitution shall be vested in a Commission.

However, at times the Commission issues instructions and orders purportedly under the above clause, which cover substantive area of law. India has two substantive laws relating to the subject, namely, the Representation of the People Act, 1950 and the Representation of the People Act, 1951. These legislations are exhaustive in nature and no other legislations are needed to conduct elections in free and fair manner. The Central Government, in fact, should constitute a Committee to examine the orders and instructions issued by the Commission from time to time and identify such orders and instructions which fall within the jurisdiction of Parliament of India. Even presuming that certain reforms are needed in the two legislations referred to above, failure on the part of the Government to carry out any reforms, by way of amendments, does not entitle Commission to step in into the shoes of Parliament, when the two legislations cover each and every aspect related to elections.

Hence, this Bill.

SHANTARAM NAIK

RAJYA SABHA

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(Shri Shantaram Naik, M.P.)