

AS INTRODUCED IN THE RAJYA SABHA  
ON THE 3RD JULY, 2009

**Bill No. XXXVII of 2008**

THE CONSTITUTION (AMENDMENT) BILL, 2008

A

BILL

*further to amend the Constitution of India.*

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

- |   |  |                               |
|---|--|-------------------------------|
|   | 1. (1) This Act may be called the Constitution (Amendment) Act, 2008.  | Short title and commencement. |
|   | (2) It shall come into force at once.  |                               |
| 5 | 2. In article 54 of the Constitution, in clauses (a) and (b), the word 'elected' shall be deleted.                 | Amendment of article 54.      |
|   | 3. In article 55 of the constitution, in clause (2), the word "elected" occurring at five places shall be deleted. | Amendment of article 55.      |

## STATEMENT OF OBJECTS AND REASONS

As per article 54 of the Constitution, the President of India is elected by the members of an electoral college consisting of (a) the elected members of both the Houses of Parliament and (b) the elected members of the Legislative Assemblies of the States. Accordingly, 12 members of the Rajya Sabha nominated by the President under Article 80(1) (a), and two members of the Lok Sabha from Anglo Indian community nominated by the President under Article 331 and Anglo Indian members of State Assemblies nominated by the respective Governors under Article 333 have been excluded from the electoral college. The provisions of Article 333, under which members of Anglo Indian Community are nominated to the State Assemblies shall cease after sixty years from the commencement of the constitution that is with effect from the 26th January 2010. Thereafter, only nominated members of Parliament will stand excluded from the Electoral College. These 14 nominated members of Parliament are members of the Electoral College, which elects the Vice-President and in other respects also, there is no difference between them and the elected members. The nominated members of Lok Sabha can even vote in a no-confidence motion and the nominated members of the Rajya Sabha are eligible to vote in a joint sitting of both the Houses of Parliament convened to decide the fate of a Bill in the event of a dead lock between the two Houses.

It is, therefore, felt that the exclusion of the nominated members of the both the Houses of Parliament and States Assemblies from the Electoral College under Article 54 is not proper and reasonable and needs to be rectified. Consequential amendments have been suggested in article 55 also.

Hence this bill.

RAJEEV CHANDRASEKHAR

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

\*\*\*                   \*\*\*                   \*\*\*                   \*\*\*                   \*\*\*                   \*\*\*

54. The President shall be elected by the members of an electoral college consisting of—

- (a) the elected members of both Houses of Parliament; and
- (b) the elected members of the Leigslative Assemblies of the States.

\*\*\*                   \*\*\*                   \*\*\*                   \*\*\*                   \*\*\*                   \*\*\*

55. (1) As far as practicable, there shall be uniformity in the scale of representation of the different States at the election of the President.

(2) For the purpose of securing such uniformity among the States *inter se* as well as parity between the States as a whole and the Union, the number of votes which each elected member of Parliament and of the Legislative Assembly of each State is entitled to cast at such election shall be determined in the following manner:—

(a) every elected member of the Legislative Assembly of a State shall have as many votes as there are multiples of one thousand in the quotient obtained by dividing the population of the State by the total number of the elected members of the Assembly;

(b) if, after taking the said multiples of one thousand, the remainder is not less than five hundred, then the vote of each member referred to in sub-clause (a) shall be further increased by one;

(c) each elected member of either House of Parliament shall have such number of votes as may be obtained by dividing the total number of votes assigned to the members of the Legislative Assemblies of the States under sub-clauses (a) and (b) by the total number of the elected members of both Houses of Parliament, fractions exceeding onehalf being counted as one and other fractions being disregarded.

(3) The election of the President shall be held in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot.

\*\*\*                   \*\*\*                   \*\*\*                   \*\*\*                   \*\*\*                   \*\*\*

RAJYA SABHA

---

A

**BILL**

further to amend the Constitution of India.

---

*(Shri Rajeev Chandrasekher, M.P.)*