

AS INTRODUCED IN THE RAJYA SABHA
ON THE 4TH FEBRUARY, 2022

Bill No. I of 2022

THE CONSTITUTION (AMENDMENT) BILL, 2022

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BILL

further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.

Short title and
commencement.

(2) It shall come into force with immediate effect.

5 2. For article 168 of the Constitution, the following article shall be substituted,
namely:—

Substitution of
new article for
article 168.

"168 For every State, there shall be a Legislature which shall consist of the Governor
and two Houses to be known respectively as the Legislative Council and the Legislative
Assembly."

Constitution of
Legislatures in
States.

10 3. Article 169 of the Constitution shall be omitted.

Omission of
article 169.

STATEMENT OF OBJECTS AND REASONS

The Parliament, as an institution, occupies a very central role in our democracy. It has three primary roles. Firstly, it is responsible for legislation. Secondly, it must ensure accountability of governments to the people. Lastly, it should engage in discourse and debate on issues that concern the nation and its citizens. In order to effectively perform these functions, a bicameral legislature is instituted in the Parliament to provide an institutional opportunity to deliberate and engage in fruitful discourse. It also acts as a chamber of checks and balances and prevents majoritarian governments from passing legislation without much debate.

At the State level, the existence of Legislative Councils in a few states and its absence in other States, acts as an impediment to our vibrant democracy; it produces disproportionate legislative processes in some states and acts as a barrier to effective and meaningful discourse. A constitutional mandate for establishing Legislative Councils in every State will bring down these barriers.

Hence this Bill.

DR. FAUZIA KHAN

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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168. (1) For every State there shall be a Legislature which shall consist of the Governor, and—

Constitution of Legislatures in States.

(a) in the States of Andhra Pradesh, Bihar, Madhya Pradesh, Maharashtra, Karnataka, Tamil Nadu, Telangana and Uttar Pradesh, two Houses;

(b) in other States, one House.

(2) Where there are two Houses of the Legislature of a State, one shall be known as the Legislative Council and the other as the Legislative Assembly, and where there is only one House, it shall be known as the Legislative Assembly.

169. (1) Notwithstanding anything in article 168, Parliament may by law provide for the abolition of the Legislative Council of a State having such a Council or for the creation of such a Council in a State having no such Council, if the Legislative Assembly of the State passes a resolution to that effect by a majority of the total membership of the Assembly and by a majority of not less than two-thirds of the members of the Assembly present and voting.

Abolition or creation of Legislative Councils in States.

(2) Any law referred to in clause (1) shall contain such provisions for the amendment of this Constitution as may be necessary to give effect to the provisions of the law and may also contain such supplemental, incidental and consequential provisions as Parliament may deem necessary.

(3) No such law as aforesaid shall be deemed to be an amendment of this Constitution for the purposes of article 368.

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RAJYA SABHA

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further to amend the Constitution of India.

(Dr. Fauzia Khan, M.P.)