

Bill No. XLVIII of 2023

THE CONSTITUTION (AMENDMENT) BILL, 2023

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BILL

further to amend the Constitution of India.

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

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| | 1. (1) This Act may be called the Constitution (Amendment) Act, 2023. | Short title and commencement. |
| | (2) It shall come into force immediately. | |
| 5 | 2. In article 111 of the Constitution,— | Amendment of article 111. |
| | (i) after the words "President shall", the words "within a period of fifteen days" shall be inserted; | |
| | (ii) in the proviso,— | |
| | (a) for the words "as soon as possible", the words "within a period of fifteen days" shall be substituted; | |
| 10 | (b) for the words "the President shall not withhold assent therefrom", the words "the President shall give his assent therefrom" shall be substituted. | |
| | 3. In article 200 of the Constitution,— | Amendment of article 200. |
| 15 | (i) after the words "Governor shall", the words "within a period of fifteen days" shall be inserted; | |

(ii) in the first proviso, for the words "as soon as possible", the words "within a period of fifteen days" shall be substituted;

(iii) in the second proviso, after the words "for the consideration of the President", the words "within a period of fifteen days from the date of receipt of the Bill" shall be inserted.

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Amendment of
article 201.

4. In article 201 of the Constitution,—

(i) after the words "the President shall", the words "within a period of fifteen days" shall be inserted;

(ii) in the proviso, after the words "his consideration", the words "by the Governor within a period of fifteen days" shall be inserted.

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STATEMENT OF OBJECTS AND REASONS

Article 111 of the Constitution grants the President the power to assent to Bills passed by both the Houses of Parliament. This power of the President applies to ordinary Bills, not Money Bills or Constitutional Amendment Bills. Under this article, the President can either assent to the Bill, withhold his assent or send the Bill for reconsideration of the Houses. However, the article does not specify the time period within which the President has to declare his intention regarding assent, withholding assent or sending the Bill for reconsideration. In fact, in 1986, a Bill passed by both the Houses of Parliament was sent for reconsideration of the Houses after a gap of more than four years. It is unlikely that the founding fathers of our Constitution intended to grant an indefinite time to the President to declare his intention.

Similar provisions exist in article 200 of the Constitution, wherein the Governor has been given the same powers in relation to legislature of a State as have been given to the President in relation to the Parliament. Recently, there have been many examples where the Governors in many of the States have not given assent to Bills passed by the State legislatures for indefinite period without taking any decision, which amounts to defeating the will of the people. This is not a good sign for a healthy democracy.

It is therefore felt that the lack of a specific time limit for the President or the Governor to declare their intention regarding the Bills passed by an elected body is not in line with the concept of the supremacy of the elected representatives and a welfare State. In many countries around the World, when a Bill is presented to the President, there is a definite time limit within which the President has to declare his intention. For instance, in the USA, the President on presentation of a Bill to him must declare his intention within 15 days of receipt of such Bill.

Hence, this Bill, seeks to specify a time limit for the President and Governors for giving or withholding their assent, sending the Bill for reconsideration or reserving it for the consideration of the President of India.

A.D. SINGH

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

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Assent to Bills. 111. When a Bill has been passed by the Houses of Parliament, it shall be presented to the President, and the President shall declare either that he assents to the Bill, or that he withholds assent therefrom:

Provided that the President may, as soon as possible after the presentation to him of a Bill for assent, return the Bill if it is not a Money Bill to the Houses with a message requesting that they will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message, and when a Bill is so returned, the Houses shall reconsider the Bill accordingly, and if the Bill is passed again by the Houses with or without amendment and presented to the President for assent, the President shall not withhold assent therefrom.

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Assent to Bills. 200. When a Bill has been passed by the Legislative Assembly of a State or, in the case of a State having a Legislative Council, has been passed by both Houses of the Legislature of the State, it shall be presented to the Governor and the Governor shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President:

Provided that the Governor may, as soon as possible after the presentation to him of the Bill for assent, return the Bill if it is not a Money Bill together with a message requesting that the House or Houses will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability or introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the House or Houses shall reconsider the Bill accordingly, and if the Bill is passed again by the House or Houses with or without amendment and presented to the Governor for assent, the Governor shall not withhold assent therefrom:

Provided further that the Governor shall not assent to, but shall reserve for the consideration of the President, any Bill which in the opinion of the Governor would, if it became law, so derogate from the powers of the High Court as to endanger the position which that Court is by this Constitution designed to fill.

Bills reserved for consideration. 201. When a Bill is reserved by a Governor for the consideration of the President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom:

Provided that, where the Bill is not a Money Bill, the President may direct the Governor to return the Bill to the House or, as the case may be, the Houses of the Legislature of the State together with such a message as is mentioned in the first proviso to article 200 and, when a Bill is so returned, the House or Houses shall reconsider it accordingly within a period of six months from the date of receipt of such message and, if it is again passed by the House or Houses with or without amendment, it shall be presented again to the President for his consideration.

RAJYA SABHA

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BILL

further to amend the Constitution of India.

(Shri A.D. Singh, M.P.)