

AS INTRODUCED IN THE RAJYA SABHA  
ON 12TH DECEMBER, 2014

**Bill No. XXXIII 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) The Act may be called the Constitution (Amendment) Act, 2014.

Short title and  
commence-  
ment.

(2) It shall come into force at once.

5        2. In the Tenth Schedule of the Constitution, for paragraph 6 the following shall be substituted, nemely:—

Amendment  
of Tenth  
Schedule.

“6. If any question arises as to whether a member of a House has become subject to disqualification under this schedule, the question shall be referred for the decision of the Election Commission of India.”

#### STATEMENT OF OBJECTS AND REASONS

The Tenth Schedule of the Constitution has succeeded in bringing considerable purity in our political system. The schedule has recently undergone a change. However, there is a popular demand that the authority to decide whether a member has become subject to disqualification under the Tenth Schedule of the Constitution, should rest in the Election Commission. This demand is gaining force in the States on account of controversies created following decisions of the Presiding Officers of some States.

The entire process of decisions under Tenth Schedule should be transparent and should be totally insulated from possible political bias.

Although Presiding Officers are independent in their own right, even than declaring a member disqualified should be left to a constitutionally independent authority like Election Commission of India.

The proposed amendment seeks to provide for the same.

Hence this Bill.

SHANTARAM NAIK

*ANNEXURE*

EXTRACTS FROM THE CONSTITUTION OF INDIA

**6. Decision on questions as to disqualification on ground of defection.**—(1) If any question arises as to whether a member of a House has become subject to disqualification under this Schedule, the question shall be referred for the decision of the Chairman or, as the case may be, the Speaker of such House and his decision shall be final:

Provided that where the question which has arisen is as to whether the Chairman or the Speaker of a House has become subject to such disqualification, the question shall be referred for the decision of such member of the House as the House may elect in this behalf and his decision shall be final.

(2) All proceedings under sub-paragraph (1) of this paragraph in relation to any question as to disqualification of a member of a House under this Schedule shall be deemed to be proceedings in Parliament within the meaning of article 122 or, as the case may be, proceedings in the Legislature of a State within the meaning of article 212.

RAJYA SABHA

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*(Shri Shantaram Naik, M.P.)*