

AS INTRODUCED IN LOK SABHA
ON 16TH NOVEMBER, 1967

1264

Bill No. 130 of 1967

THE CONSTITUTION (AMENDMENT) BILL, 1967

By

SHRI P. K. DEO, M.P.

A

BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, Short title. 1967.

2. In article 164 of the Constitution, for clause (1), the following clauses shall be substituted, namely:—

Amendment
of article
164.

“(1) Within a week (i) after the results of each general election or mid term elections in a State are published, or (ii) after the office of Chief Minister otherwise falls vacant, the

Governor shall summon the Legislative Assembly of the State to elect the Leader of the House who shall be appointed by him as the Chief Minister.

Explanation.—The "Leader of the House" means one who commands the absolute majority of the House for which a second or a third ballot may be held, if necessary, until the absolute majority is obtained. 5

(1A) Other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor: 10

Provided that in the States of Bihar, Madhya Pradesh and Orissa, there shall be a Minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled Castes and backward classes or any other work."

STATEMENT OF OBJECTS AND REASONS

The Constitution of India does not lay down any set procedure for the appointment of the Chief Ministers of States. As a result, our experience has shown in many cases that Chief Ministers have been appointed without taking into consideration the verdict of the electorate, as such appointment is within the discretionary power of the Governor. It is, therefore, high time that the procedure for the appointment of Chief Ministers is laid down.

Hence this Bill.

P. K. DEO.

NEW DELHI;
The 12th August, 1967.

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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164. (1) The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor: Other Provisions as to Ministers.

Provided that in the States of Bihar, Madhya Pradesh and Orissa, there shall be a Minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled Castes and backward classes or any other work.

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LOK SABHA

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(*Shri P. K. Deo, M.P.*)