

THE CONSTITUTION (ELEVENTH AMENDMENT) ACT, 1961

India

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Act 11 of 1961

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Statement of Objects and Reasons appended to the Constitution (Eleventh Amendment) Bill, 1961 which was enacted as the Constitution (Eleventh Amendment) Act, 1961 STATEMENT OF OBJECTS AND REASONS

1. Under article 66(1) of the Constitution, the Vice-President has to be elected by members of both Houses of Parliament assembled at a joint meeting. The requirement that members of the two Houses should assemble at a joint sitting for the election of the Vice-President seems to be totally unnecessary and may also cause practical difficulties. It is, therefore, proposed to amend this article to provide that the Vice-President will be elected by members of an electoral college consisting of members of both Houses of Parliament. Under article 54 of the Constitution, the President is elected by an electoral college consisting of the elected members of both Houses of Parliament and of the Legislative Assemblies of the States. Every effort is made to complete such elections before the date of the Presidential election. It is, however, possible that the elections to the two Houses of Parliament may not be completed before the President or the Vice-President is elected. It is, therefore, proposed to amend article 71 of the Constitution so as to make it clear that the election of the President or the Vice-President cannot be challenged on the ground of any vacancy for any reason in the appropriate electoral college.

2. The Bill seeks to achieve these objects. The notes on clauses appended to the Bill explain the provisions thereof.

An Act further to amend the Constitution of India. BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:-

1. Short title.-

This Act may be called the Constitution (Eleventh Amendment) Act, 1961. (2) Amendment of article 66.-In article 66 of the Constitution, in clause (1), for the words "members of both Houses of Parliament assembled at a joint meeting", the words "members of an electoral college consisting of the members of both Houses of Parliament" shall be substituted.

3. Amendment of article 71.-

In article 71 of the Constitution, after clause (3), the following clause shall be inserted, namely:- "(4) The election of a person as President or Vice-President shall not be called in question on the ground of the existence of any vacancy for whatever reason among the members of the electoral college electing him." [The Constitution (Eleventh Amendment) Act, 1961, eliminates the need for members of both Houses of Parliament to meet in person to elect the Vice-President. Instead, a new electoral college comprising members from both Houses was created to carry out the election process. This change, which added a new clause (4) to Article 71 of the Constitution, represents an important step towards democratization and inclusivity in the Indian political system. By making the process more efficient and streamlined, the amendment enhances the functioning of the electoral process for the Vice-President. Also refer]