

THE CONSTITUTION (THIRTY-THIRD AMENDMENT) ACT, 1974

India

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Act 33 of 1974

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Statement of Objects and Reasons appended to the Constitution (Thirty-fifth Amendment) Bill, 1974 which was enacted as the Constitution (Thirty-third Amendment) Act, 1974 STATEMENT OF OBJECTS AND REASONS Articles 101 (3) (b) and 190(3) (b) of the Constitution permit a member of either House of Parliament or a member of a House of the Legislature of a State to resign his seat by writing under his hand addressed to the Speaker or the Chairman, as the case may be. In the recent past, there have been instances where coercive measures have been resorted to for compelling members of a Legislative Assembly to resign their membership. If this is not checked, it might become difficult for Legislatures to function in accordance with the provisions of the Constitution. It is, therefore proposed to amend the above two articles to impose a requirement as to acceptance of the resignation by the Speaker or the Chairman and to provide that the resignation shall not be accepted by the Speaker or the Chairman if he is satisfied after making such inquiry as he thinks fit that the resignation is not voluntary or genuine.

2. The Bill seeks to achieve the above object.

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

1. Short title.-

This Act may be called the Constitution (Thirty-third Amendment) Act, 1974.

2. Amendment of article 101.-

In article 101 of the Constitution, in clause (3),-(1)for sub-clause (b), the following sub-clause shall be substituted, namely:-(b) resigns his seat by writing under his hand addressed to the Chairman or the Speaker, as the case may be, and his resignation is accepted by the Chairman or the Speaker,

as the case may be,";(2)the following proviso shall be inserted at the end, namely:-"Provided that in the case of any resignation referred to in sub- clause (b), if from information received or otherwise and after making such inquiry as he thinks fit, the Chairman or the Speaker, as the case may be, is satisfied that such resignation is not voluntary or genuine, he shall not accept such resignation."

3. Amendment of article 190.-

In article 190 of the Constitution, in clause (3),-(1)for sub-clause (b), the following sub-clause shall be substituted, namely:-"(b) resigns his seat by writing under his hand addressed to the Speaker or the Chairman, as the case may be, and his resignation is accepted by the Speaker or the Chairman, as the case may be,";(2)the following proviso shall be inserted at the end, namely:-"Provided that in the case of any resignation referred to in sub-clause (b), if from information received or otherwise and after making such inquiry as he thinks fit, the speaker or the chairman, as the case may be, is satisfied that such resignation is not voluntary or genuine, he shall not accept such resignation.".[The Constitution (Thirty-Third Amendment) Act, 1974, specifies the methodology by which members of the House of Parliament or State Legislators can withdraw their membership and the grounds on which the Speaker/Chairman can accept or refuse their resignation. It amended Articles 101 and 190 of the Constitution and details the process for the resignation of members of the House of Representatives or State Legislators.Also Refer]