

AS INTRODUCED IN LOK SABHA

Bill No. 121 of 2022

THE CONSTITUTION (AMENDMENT)
BILL, 2022

By

SHRI GOPAL CHINAYYA SHETTY, M.P.

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BILL

further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.

Short title and
commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Article 30 of the Constitution shall be omitted.

Omission of
Article 30.

STATEMENT OF OBJECTS AND REASONS

India is a secular country. In spite of the Hindus being in majority, the Constitution of India especially protects the rights of the minorities. Article 30 and its various clauses were incorporated in the Constitution to protect the interests of the religious minorities but this article has many lacunas. The ground reality is that the minority communities are in total control of the educational institutions established by them, which means that the Government cannot interfere in their working.

On account of complete control exercised by such communities in management of these institutions, the Government is unable to intervene and control the situation in the cases of corruption. As per article 30(1A), there is no compulsion of enforcing reservation policies for backward sections in the minority institutions. On one side, the minority institutions fully enjoy the provision of complete freedom, on the other hand, the Hindu institutions have to face the interventions of the Government, which is an open discrimination against the non-minority communities.

Therefore, it is necessary that the article 30 of the Constitution may be omitted with a view to ensure the appropriate administrator of minorities educational institutions by the Government.

Hence, this Bill.

NEW DELHI;
4 April, 2022.

GOPAL CHINAYYA SHETTY

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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30. (1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

Right of minorities to establish and administer educational institutions.

(1A) In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1), the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.

(2) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

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(Shri Gopal Chinayya Shetty, M.P.)