

**Bill No. 122 of 2022**

THE CONSTITUTION (AMENDMENT) BILL, 2022

By

SHRI HIBI EDEN, M.P.

A

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

Short title.

5 2. In article 81 of the Constitution for the words, “subject to the provision of article 331”, the words, “subject to the provisions of article 331 and 330A”, shall be substituted.

Amendment of article 81.

Insertion of new article 330A.	<b>3.</b> After article 330 of the Constitution, the following article shall be inserted, namely:—	
Representation of the LGBT community in the House of the People.	“330A. Notwithstanding anything in article 81, the President may, if he is of opinion that the LGBT community is not adequately represented in the House of the People, nominate not more than two members of that community to the House of the People.”.	5
Amendment of article 170.	<b>4.</b> In article 170 of the Constitution, for the words, “subject to the provisions of article 333”, the words, “subject to the provisions of article 333 and 333A”, shall be substituted.	
Insertion of new article 333A.	<b>5.</b> After article 333 of the Constitution, the following article shall be inserted, namely:—	10
Representation of the LGBT community in the Legislative Assemblies of the States.	“333A. Notwithstanding anything in article 170, the Governor of a State may, if he is of opinion that the LGBT community needs representation in the Legislative Assembly of the State and is not adequately represented therein, nominate one member of that community to the Assembly.”	15
Amendment of article 366.	<b>6.</b> In article 366 of the Constitution, after clause (15), the following clause shall be inserted, namely: —  “(15A) ‘LGBT community’ means a group of person belonging to lesbian, gay, bisexual, transgender.”.	

## STATEMENT OF OBJECTS AND REASONS

The representation of lesbian, gay, bisexual, and transgender (LGBT) people in Lok Sabha, and Legislative Assemblies is yet to be made. There is an established literature arguing that the representation of minorities in legislative forums improves the realization of their policy preferences and the position of the group within the country as a whole. However, LGBT communities has been left behind in such representation.

If the inclusion of LGBT persons in legislature happens it will be an indicator of the strength of democracy. Without some visible inclusion of the faces and voices of the historically marginalized sections, it is unlikely that the interests of such groups will be at the forefront of decision makers' minds.

The path for right to representation for LGBT group needs a combination of courage and political wisdom. There is clear evidence to suggest that the inclusion of marginalized groups is correlated with policy benefits for that group. The presence of LGBT persons in legislative forums aids in breaking down intolerance and in building alliances that cut across pre-existing cleavages within society.

Hence this Bill

NEW DELHI;  
11 *March*, 2022.

HIBI EDEN

## FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to insert a new article 331A to the Constitution with a view to provide representation of LGBT community in the House of the People.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that about rupees five crore will be incurred per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

- \* \* \* \*
- 81.(1)** Subject to the provisions of article 331 the House of the People shall consist of—
- Composition  
of the  
House of  
the People.
- (a) not more than five hundred and thirty members chosen by direct election from territorial constituencies in the States, and
- (b) not more than twenty members to represent the Union territories, chosen in such manner as Parliament may by law provide.
- (2) For the purposes of sub-clause (a) of clause (1),—
- (a) there shall be allotted to each State a number of seats in the House of the People in such manner that the ratio between that number and the population of the State is, so far as practicable, the same for all States; and
- (b) each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it is, so far as practicable, the same throughout the State:
- Provided that the provisions of sub-clause (a) of this clause shall not be applicable for the purpose of allotment of seats in the House of the People to any State so long as the population of that State does not exceed six millions.
- (3) In this article, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published:
- Provided that the reference in this clause to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year have been published, be construed,—
- (i) for the purposes of sub-clause (a) of clause (2) and the proviso to that clause, as a reference to the 1971 census; and
- (ii) for the purposes of sub-clause (b) of clause (2) as a reference to the census.

- \* \* \* \*
- 170. (1)** Subject to the provisions of article 333, the Legislative Assembly of each State shall consist of not more than five hundred, and not less than sixty, members chosen by direct election from territorial constituencies in the State.
- Composition  
of the  
Legislative  
Assemblies.
- (2) For the purposes of clause (1), each State shall be divided into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the State.
- Explanation.*—In this clause, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published:
- Provided that the reference in this Explanation to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year have been published, be construed as a reference to the census.

(3) Upon the completion of each census, the total number of seats in the Legislative Assembly of each State and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine:

Provided that such readjustment shall not affect representation in the Legislative Assembly until the dissolution of the then existing Assembly:

Provided further that such readjustment shall take effect from such date as the President may, by order, specify and until such readjustment takes effect, any election to the Legislative Assembly may be held on the basis of the territorial constituencies existing before such readjustment:

Provided also that until the relevant figures for the first census taken after the year have been published, it shall not be necessary to—

- (i) the total number of seats in the Legislative Assembly of each State as readjusted on the basis of the 1971 census; and
- (ii) the division of such State into territorial constituencies as may be readjusted on the basis of the census, under this clause.

\* \* \* \*

Definitions.

**366.** In this Constitution, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

- (1) \* \* \* \*
- (2) \* \* \* \*
- (3) \* \* \* \*
- (4) \* \* \* \*
- (5) \* \* \* \*
- (6) \* \* \* \*
- (7) \* \* \* \*
- (8) \* \* \* \*
- (9) \* \* \* \*
- (10) \* \* \* \*
- (11) \* \* \* \*
- (12) \* \* \* \*
- (13) \* \* \* \*
- (14) \* \* \* \*

(15) “Indian State” means any territory which the Government of the Dominion of India recognised as such a State;

\* \* \* \*

LOK SABHA

---

A

BILL

further to amend the Constitution of India.

---

*(Shri Hibi Eden, M.P.)*