

**Bill No. 203 of 2019**

THE CONSTITUTION (AMENDMENT)  
BILL, 2019

By

SHRI ASADUDDIN OWAISI, M.P.

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BILL

*further to amend the Constitution of India.*

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2019.

Short title and  
commencement.

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

5 2. In article 84 of the Constitution, for clause (b), the following clause shall be substituted, namely:—

Amendment  
of article 84.

"(b) is, in the case of a seat in the Council of States, not less than twenty-five years of age and, in the case of a seat in the House of the People, not less than twenty years of age; and".

Amendment  
of article 173.

**3.** In article 173 of the Constitution, for clause (b), the following clause shall be substituted, namely:—

“(b) is, in the case of a seat in the Legislative Assembly, not less than twenty years of age and, in the case of a seat in the Legislative Council, not less than twenty-two years of age; and”.

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Insertion of  
new article  
329A.

**4.** After article 329 of the Constitution, the following article shall be inserted, namely:—

Right to  
contest and  
vote.

“329A. (1) Save as otherwise provided in this Constitution, no prerequisite or standard practice or procedure shall be imposed or applied to, discriminatorily or arbitrarily, deny or abridge the right of any citizen to contest or vote in any election held under this Constitution.

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(2) Nothing in this article shall be applicable to any reservation of seats or any provision made for special representation of certain classes under this Constitution.

*Explanation.*— Any requirement for a minimum educational qualification for contesting an election shall be deemed to be prohibited under this article.”.

## STATEMENT OF OBJECTS AND REASONS

In 1989, the Sixty-First Amendment to the Constitution of India lowered the voting age from twenty-one years to eighteen years to the House of the People and Legislative Assemblies of the States. The reason was to include more number of adults and make the democratic process more inclusive. Inclusive democracy in the true sense would mean not only widening the voting net but also ensuring a more inclusive electoral contest. A healthy democracy requires that the pool of contestants reflects the diversity of the electorate. It has even been argued in a PIL that was filed in the Supreme Court that articles 84 and 173 violate the Fundamental Right of citizens to choose a profession. The Public Interest Litigation (PIL) was rejected on the ground that lowering the age of contesting required an amendment to the Constitution, and the Parliament, not the Supreme Court, had the authority to do it.

Parliamentary democracy is part of the basic structure of this Constitution. An essential attribute of parliamentary democracy is free and fair elections. The conduct of a free and fair election cannot be conducted when a major demographic group of citizenry is not eligible to contest in elections. India's largest age group is currently prevented from contesting elections, this despite the fact that young individuals constitute 53.7 per cent. of the total population of India according to the 2011 census. In this light, it is essential that young citizens find a stake in parliamentary democracy and are able to articulate their aspirations and claims in the State Legislatures and the Parliament.

Most democracies across the world have reduced the minimum age for contesting elections over the years to either eighteen years or twenty-one years. For example, the minimum age to contest elections in the United Kingdom (reduced from twenty-one in 2006), France, Germany, Australia is eighteen years. In Israel and Indonesia it is twenty-one years. In Iran persons as young as twenty-one can even become the President of the country. Therefore, while young individuals across the world are enriching their democratic traditions, barring our youth from contesting in elections is regressive and exclusionary. Moreover, in order to strengthen the inclusiveness of our electoral democracy it is necessary that a constitutional protection against discriminatory practices in elections be incorporated.

It has been observed that, increasingly, legislatures have made laws to incorporate school education as a prerequisite to contesting local elections. Similarly, it has been noted that under-trial citizens of this country are prevented from exercising their right to vote. This despite the fact, that they are treated as innocent in the eyes of law.

The Bill, therefore, seeks to amend the Constitution with a view to prevent the dilution of the constitutional principles of equal citizenship and universal suffrage and to bar any discriminatory or arbitrary treatment in abridging the right to vote or contest in elections.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
*July 1, 2019.*

ASADUDDIN OWAISI

*ANNEXURE*

EXTRACT FROM THE CONSTITUTION OF INDIA

	*	*	*	*	*
Qualification for membership of Parliament.	<b>84.</b>	A person shall not be qualified to be chosen to fill a seat in Parliament unless he—			
	(a)*	*	*	*	*
		(b) is, in the case of a seat in the Council of States, not less than thirty years of age and, in the case of a seat in the House of the People, not less than twenty-five years of age; and”.			
	*	*	*	*	*
Qualification for membership of the State Legislature.	<b>173.</b>	A person shall not be qualified to be chosen to fill a seat in Legislature of a State unless he—			
	(a)*	*	*	*	*
		(b) is, in the case of a seat in the Legislative Assembly, not less than twenty-five years of age and, in the case of a seat in the Legislative Council, not less than thirty years of age; and			
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*(Shri Asaduddin Owaisi, M.P.)*