

Bill No. 290 of 2019

THE CONSTITUTION (AMENDMENT) BILL, 2019

By

SHRI BHARATRUHARI MAHTAB, M.P.

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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. After article 14 of the Constitution, the following article shall be inserted, namely:—

“14A. The State shall not discriminate in the matters of personal laws, including but not limited to laws relating to marriage, divorce, succession, guardianship, adoption and maintenance, on the ground of religion.”

Insertion of new article 14A.
State not to discriminate in the matters of personal laws on the ground of religion.
3. Article 44 of the Constitution shall be omitted. Omission of article 44.

STATEMENT OF OBJECTS AND REASONS

Article 44 of the Constitution, in mild diction, persuades the State to secure a uniform civil code for all the citizens. However, despite the fact that a common civil code is considered a desired objective by the very organic law of the country, any semblance of consensus on the issue has eluded us during the seventy years of the working of the Constitution. As a result, different civil laws prevail for different religious communities.

Ironically, the Constitution also comprises the principle of equity and equality before law, which, among other things, prohibits the State from discriminating against citizens on the ground of religion. In order to establish equality before law in its true sense, it is necessary that all citizens are subjected to the same civil laws irrespective of their religious persuasions.

The Bill, therefore, seeks to insert a new article 14A with a view to provide that the State shall not discriminate in the matters of personal laws on the ground of religion. The Bill also seeks to omit article 44 of the Constitution.

Hence this Bill.

NEW DELHI;
October 25, 2019.

BHARTRUHARI MAHTAB

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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44. The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India. Uniform civil code for the citizens.

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further to amend the Constitution of India.

(Shri Bhartruhari Mahtab, M.P.)