

Bill No. 291 of 2022

THE CONSTITUTION (AMENDMENT)
BILL, 2022

By

SHRI KUNWAR PUSHPENDRA SINGH CHANDEL, 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.

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

Amendment of
article 72.

2. In article 72 of the Constitution, after clause (1), the following clause shall be added at the end, namely:—

“(1A) Nothing in this article shall apply to the punishment or sentence of any person convicted of rape and murder of a girl child.

Explanation.— For the purpose of this clause ‘girl child’ means a girl upto the age of sixteen years.”. 5

STATEMENT OF OBJECTS AND REASONS

“Where Women are honored, Divinity blossoms there” such thinking is one of the prominent views of Indian culture. Mother is regarded a first *guru* not only in Indian society but in all societies across the world. Many philosophers and great souls including *Swami Vivekanand* have given highest priority to the honor of women. Despite of such sacrosanct thinking, some people in our society, who have distorted mentality, not only commit heinous crime such as rape against girls but they also kill those girls. In our country, many such cases have come to light and such distorted mentality can be seen in “Nirbhaya Case” as well. No society can accept this distorted mentality and drastic measures are required to be taken to protect girl child.

Therefore, the provision of President’s discretionary power to grant pardon or suspend sentences pronounced by the Supreme Court should not be available to the persons convicted of rape and killing of girl child.

Hence this Bill.

NEW DELHI;
November 21, 2022.

KUNWAR PUSHPENDRA SINGH CHANDEL

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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PART V

THE UNION

CHAPTER I – THE EXECUTIVE

The President and Vice-President

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Power of President to grant pardons, etc., and to suspend, remit or commute sentences in certain cases.

72. (1) The President shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence—

(a) in all cases where the punishment or sentence is by a Court Martial;

(b) in all cases where the punishment or sentence is for an offence against any law relating to a matter to which the executive power of the Union extends;

(c) in all cases where the sentence is a sentence of death.

(2) Nothing in sub-clause (a) of clause (1) shall affect the power conferred by law on any officer of the Armed Forces of the Union to suspend, remit or commute a sentence passed by a Court Martial.

(3) Nothing in sub-clause (c) of clause (1) shall affect the power to suspend, remit or commute a sentence of death exercisable by the Governor of a State under any law for the time being in force.

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(Shri Kunwar Pushpendra Singh Chandel, M.P.)