

AS INTRODUCED IN LOK SABHA

**Bill No. 33 of 2019**

THE CONSTITUTION (AMENDMENT) BILL, 2019

By

SHRI NISHIKANT DUBEY, M.P.

A

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

Short title.

Insertion of  
new article  
370A.

**2.** After article 370 of the Constitution, the following article shall be inserted, namely:—

Seats in the  
House of the  
People to be  
kept for the  
territory of the  
State of Jammu  
and Kashmir  
and Gilgit-  
Baltistan under  
the occupation  
of Pakistan.

“370A. Notwithstanding anything contained in article 81, until the area of the State of Jammu and Kashmir and Gilgit-Baltistan under the occupation of Pakistan ceases to be so occupied and the people residing in that area elect their representatives,

(i) five seats in the House of the People shall remain vacant, but such seats shall not be taken into account for reckoning the total membership of the House of the People or the Council of States, as the case may be; and 5

(ii) the said area shall be excluded in delimiting the territorial constituencies under article 82.".

#### STATEMENT OF OBJECTS AND REASONS

A large part of the State of Jammu and Kashmir and Gilgit-Baltistan was occupied by Pakistan after the 1948 war between two countries. Even after the passage of sixty-six years of the said war, that area, which legitimately belongs to India, still remains under the occupation of Pakistan. The solution to the Kashmir imbroglio is possible only when the area under illegal occupation of Pakistan is returned to India and the people there are able to live in a free and democratic environment.

It is a matter of extreme surprise that the composition of the Lower House, i.e. the House of the People, does not take into account this territory which is under illegal occupation of another country. The State Legislature of Jammu and Kashmir keeps twenty-four seats in the assembly vacant for the territory under illegal occupation of Pakistan until that area is reunited with the State. However, no such provision exists in the case of the House of the People and the Council of States. It would be proper that for the area of the State of Jammu and Kashmir including Gilgit-Baltistan under illegal occupation of Pakistan, five seats in the House of the People and one seat in the Council of States be kept vacant till that area is reunited with the State of Jammu and Kashmir.

Hence this Bill.

NEW DELHI;  
June 4, 2019.

NISHIKANT DUBEY

LOK SABHA

---

A

BILL

further to amend the Constitution of India.

---

*(Shri Nishikant Dubey, M.P.)*