

**Bill No. 85 of 2019**

THE CONSTITUTION (AMENDMENT) BILL, 2019

By

DR. SHASHI THAROOR, 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. This Act may be called the Constitution (Amendment) Act, 2019.
2. After article 14 of the Constitution, the following article shall be inserted, namely:—

Short title.

Insertion of  
new article  
14A.

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"14A. Every eligible citizen shall have the right to vote at an election to the House of the People, Legislative Assembly of a State and the Institutions of Local Self Government."

Right to Vote.

Amendment of article 84. **3.** In article 84 of the Constitution, for clause (b), the following clause shall be substituted, namely:—

"(b) is not less than eighteen years of age; and".

Amendment of article 173. **4.** In article 173 of the Constitution, for clause (b), the following clause shall be substituted, namely:—

"(b) is not less than eighteen years of age; and".

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Amendment of article 243F. **5.** In article 243F of the Constitution, in clause (1), for the proviso to sub-clause (a), the following proviso shall be substituted, namely:—

"Provided that no person shall be disqualified on the ground of age, if he has attained the age of eighteen years."

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Amendment of article 243V. **6.** In article 243V of the Constitution, in clause (1), for the proviso to sub-clause (a), the following proviso shall be substituted, namely:—

"Provided that no person shall be disqualified on the ground of age, if he has attained the age of eighteen years."

## STATEMENT OF OBJECTS AND REASONS

The thirteen judge Bench of the Supreme Court in the landmark judgement in *Kesavananda Bharati Vs. State of Kerala* held that democracy is a part of the basic structure of the Constitution of India. The Right to Vote is the most important feature of democracy as vested in the Constitution. This right has been recognised as a basic human right under the Universal Declaration of Human Rights at Article 21 and the International Convention on Civil and Political Rights at Article 25, both of which are internationally binding instruments on India.

Despite such binding obligations, in the absence of the fundamental right to vote to that effect, courts have had to interpret article 19(1)(a) of the Constitution *i.e.* right to freedom of speech and expression to include the right to know antecedents of the candidate, the right to secrecy of voting and the right to not vote. Such fictional distinction between the right to vote and freedom to vote created due to absence of the fundamental right to vote in the Constitution of the largest democracy in the world is a mockery of the democratic form of governance. Therefore, right to vote is required to be included as a fundamental right in the Constitution.

While the age to vote is eighteen years, one may contest election at any level of the democratic system in the country only after the passage of few years. For a country that has a majority of its population below the age of contesting elections and whose literacy has improved multifold since independence, the time has arrived to reduce the age to contest elections to eighteen years to vest and trust those who vote for us as representatives, to be able to be representatives themselves.

This Bill, therefore, seeks to amend the Constitution with a view to include Right to Vote as a Fundamental Right and also to lower the age of contesting elections to the House of the People, Council of States, State Legislature and Panchayats to eighteen years.

Hence this Bill.

NEW DELHI;  
June 6, 2019.

SHASHI THAROOR

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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Qualification for membership of Parliament.

**84.** A person shall not be qualified to be chosen to fill a seat in Parliament unless he—  
(a) is a citizen of India, and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule;

(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.

**173.** A person shall not be qualified to be chosen to fill a seat in the Legislature of a State unless he—

(a) is a citizen of India, and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Third Schedule;

(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

Disqualifications for membership.

**243F.** (1) A person shall be disqualified for being chosen as, and for being, a member of a Panchayat—

(a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

(b) if he is so disqualified by or under any law made by the Legislature of the State.

Disqualifications for membership.

**243V.** (1) A person shall be disqualified for being chosen as, and for being, a member of a Municipality—

(a) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State concerned:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

(b) if he is so disqualified by or under any law made by the Legislature of the State.

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*(Dr. Shashi Tharoor, M.P.)*