

Bill No. XXIV of 2018

THE CONSTITUTION (AMENDMENT) BILL, 2018

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further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitutional (Amendment) Act, 2018.

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 19 of the Constitution,

Amendment
of Article 19.

(i) in clause (2) the words "the sovereignty and integrity of India" shall be omitted.

(ii) in clauses (3) and (4) the words " the sovereignty and integrity of India or" shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Article 19 being an important fundamental right provides for our right to freedom. It constitutes a part of our basic human rights. Article 19 is also of great significance as it provides for those rights which are necessary in a democratic system such as ours. Any limitations placed on this right should be provided for by law and should meet a high standard of necessity. Being provided for by law, the expression used to restrict human rights should be precise, clear and the implication of which should be sufficiently foreseeable. The terms used to restrict the right must be narrowly defined.

The restrictions to such basic rights if governed by vague terms will allow for the arbitrary and unnecessary interference of these rights and will amount to a violation of the individual's basic human right. It will allow for an unnecessarily overbroad scope for enforcement, infringing the person's rights. Such laws need to be removed in order to protect the rights of the people and the same was iterated by the Supreme Court in the case of *Shreya Singhal v. Union of India* (2015).

The term "*the sovereignty and integrity of India*" was never part of the original text of the constitution and was added much later in 1963 by the Constitution (Sixteenth Amendment), Act. The original drafters had provided for ample and adequate restrictions upon each of the rights. The use of such superfluous language cannot be permitted for legislative purposes especially with regard to determining the limitations upon the fundamental right. Thereby in light of ensuring the protection of the right to freedom of the citizens, in furtherance of democratic values and upholding the principles of law, the vague term employed in the article requires to be removed.

Hence, this Bill.

V. VIJAYASAI REDDY

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.

(3) Nothing in sub-clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(4) Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

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(Shri V. Vijayasai Reddy, M.P.)