

Bill No. XXXIX of 2016

THE CONSTITUTION (AMENDMENT) BILL, 2016

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further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2016. Short title.
2. After article 25 of the Constitution, the following article shall be inserted, namely:— Insertion of
new article
25A.

5 “25A. Subject to other provisions of this Part, the state shall ensure that every person enjoys communal harmony. Right to
Communal
Harmony.

Explanation— For the purposes of this article, ‘right to communal harmony’ includes—

- (a) peaceful co-existence of different groups or communities, whether based on religion, caste, place of birth, race or language;
- 10 (b) protection against any act or omission which is intended to cause violence or destruction of property by creating disharmony or arousing feelings of enmity, hatred or ill-will among different groups or communities;
- (c) prompt legal and judicial remedy in case of violation of this right.”

STATEMENT OF OBJECTS AND REASONS

Communal disturbances wither the social fabric of the country and waver the focus of the Government and the people from developmental agenda. Incidents of communal clashes are detrimental to the democratic principles on which our nation was founded and bring into question the commitment of the Government to observe secular principles of the Constitution. Communal polarization which often follows any incident of communal tension especially affects and alienates minority communities. Communal violence hampers the feeling of brotherhood and enables terrorist elements to sway young impressionable minds towards extremism. Therefore, it is incumbent upon any Government of the day to state, in very clear and unequivocal terms, its commitment towards maintaining communal peace in the country under all circumstances and to acknowledge and respect that every citizen in this country enjoys a right to communal harmony which derives its essence from the right to life, personal liberty, freedom of speech and expression and freedom of religion. Further, every State needs to agree that every incident of communal violence must be investigated in a just and unbiased manner irrespective of the caste, religion, class, occupation, office and political affiliation of the accused.

It is expected that every Government would find itself beholden to the Constitutional ideals and will take positive steps to strengthen communal ties by promoting cultural exchanges, dialogues and early detection and prevention of communal flare-ups and to use all available means to guarantee the right to communal harmony through Constitutional, legislative and administrative safeguards.

Hence, this Bill.

HUSAIN DALWAI

RAJYA SABHA

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(Shri Husain Dalwai, M.P.)