

**Bill No. I of 2011**

THE CONSTITUTION (AMENDMENT) BILL, 2011

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BILL

*further to amend the Constitution of India.*

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2011.

Short title and commencement.

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

2. In article 25 of the Constitution,—

Amendment of article 25.

(i) in clause (2), for sub-clause (b), the following sub-clause shall be substituted, namely:—

10 “(b) providing for public welfare or social and cultural reforms or protecting individual dignity or the throwing open of Hindu, Sikh, Jaina or Buddhist or neo Buddhist religious institutions of a public character to all classes and sections of these religions.”,

(ii) in Explanation I, for the word and figure “Explanation I”, the word “Explanation” shall be substituted;

15 (iii) Explanation II shall be omitted.

## STATEMENT OF OBJECTS AND REASONS

Article 25 of the Constitution provides for 'Right to freedom of Religion'. It further provides that all persons are equally entitled to freedom of conscience and right to profess, practice and propagate religion subject to public order, morality, health, etc.

Clause (1) of article 25 provided to all persons equally freedom of conscience and the right to freely profess, practice and propagate religion subject to public order, morality and health and the other provisions of Part III of the Constitution.

Sub-clause (b) of clause (2) of article 25 provides that nothing in that article shall affect the operation of any existing law or prevent the State from making any law providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus. Explanation II to that article provides that the reference to Hindus in sub-clause (b) of clause (2) shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly. This exclusionary definition relating to Sikh, Jaina and Buddhist religions as included in the Hindu religion, though recognizing the distinctiveness of these religions on the face of it, has lead to avoidable confusion about the independent identity of these religions.

The National Commission to Review the Working of the Constitution, in its report, in para 3.23.2 has recommended for the omission of Explanation II to article 25 and re-wording of sub-clause (b) of clause (2) of that article with a view to distinctively refer to Sikh, Jaina and Buddhist religions, namely:—

"(b) providing for social welfare and reform or the throwing open of Hindu, Sikh, Jaina or Buddhist religious institutions of a public character to all classes and sections of these religions."

The Bill seeks to amend the constitution with a view to distinctively refer to Sikh, Jaina and Buddhist and neo Buddhist religions in place of the term 'Hindu' in sub-clause (b) of clause (2) of article 25 itself instead of clarifying the same in explanation to that article.

SUKHDEV SINGHDHINDSA

RAJYA SABHA

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*(Sardar Sukhdev Singh Dhindsa, M.P.)*