

AS INTRODUCED IN THE RAJYA SABHA
ON THE 18TH DECEMBER, 2009.

Bill No. LIII of 2009

THE CONSTITUTION (AMENDMENT) BILL, 2009

**A
BILL**

further to amend the Constitution of India.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2009.

Short title and
commence-
ment.

(2) It shall come into force with immediate effect.

2. After article 15 of the Constitution, the following article shall be inserted, namely:—

Insertion of
new article
15A.

5 “15A. Except as expressly provided by an Act of appropriate legislature, second
marriage between a woman and a man whose wife is living is prohibited and shall be an
offence punishable in accordance with law”.

Prohibition of
bigamy.

3. After article 17 of the Constitution, the following articles shall be inserted, namely:—

Insertion of
new articles
17A and 17B.

10 “17A. Manufacture, sale and consumption of intoxicating drinks and drugs
which are injurious to health except for medicinal purpose and as expressly provided
by any law made by the Parliament, is prohibited.

Prohibition of
manufacture,
sale and
consumption
of intoxicating
drinks and
drugs.

Prohibition of
slaughter of
cow and its
progeny.

17B. (1) Cow shall be the national animal.

(2) Cow and its progeny shall be entitled to protection in all respects.

(3) Slaughter of cows, calves and other milch and draught cattle is prohibited.

(4) Slaughter of cows, calves and other milch and draught cattle shall be an offence punishable in accordance with law”.

STATEMENT OF OBJECTS AND REASONS

Several Directive Principles of State Policy were incorporated in Part-IV of the Constitution. Out of them articles 44, 47 and 48 are of fundamental importance. However, Article 37 expressly stated that though these articles were declared to be unenforceable by a court of law, they were declared to be fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making law. Though it is nearly six decades from the commencement of the Constitution, as the Centres as well as the States have failed to implement these three articles, it has become necessary in national interest to incorporate these articles in Part-III itself. Non-implementation of these three articles is the cause for many of the problems which the nation is facing.

Firstly, failure to remove gender discrimination in the matter of marriage and divorce which also happens to be the mandate of Article 15 against discrimination *inter alia* on the ground of religion and sex and also a *directions of Article 16 of the Universal Declaration of Human Rights*, is responsible for communal divide of people and inconsistent with equality, feeling of fraternity and the mandate against gender discrimination and secularism which constitute the elements of basic structure of the Constitution.

Secondly, the failure to implement Article 47 has resulted in a disaster in that substantial percentage of youths have become alcohol addicts and have fallen into immoral acts and habits which are incidental to addition to alcohol which is the biggest problem the nation is facing in all its activities.

Moreover, failure to implement Article 48 has in addition to the adversely affecting our cattle wealth and agriculture is also inconsistent with the feeling of fraternity among the citizens and is destructive of the cultural values of this country which hold cow in the highest esteem and consumption of beef is tabooed in our culture. Further, non-violence [*ahimsa*] and service to humanity [*manava seva*] being our national ethos, cow which represents both these values is proposed to be declared as 'National Animal' entitled to protection in all respects, as a mark of our distinction.

Hence this Bill.

M. RAMA JOIS

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

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Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

15. (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to—

(a) access to shops, public restaurants, hotels and places of public entertainment; or

(b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

(3) Nothing in this article shall prevent the State from making any special provision for women and children.

(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

(5) Nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30.

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Abolition of Untouchability.

17. "Untouchability" is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law.

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(Shri M. Rama Jois, M.P.)