

Bill No. XXVII of 2023

THE CONSTITUTION (AMENDMENT) BILL, 2023

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further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment), Act, 2023.

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 51A of the Constitution, for clause (e), the following clause shall be substituted, namely:—

Amendment of Article 51A.

10 "(e) to promote harmony and the spirit of tolerance and common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce any kind of discrimination, violence and practices derogatory to the dignity of persons belonging to the Scheduled Castes, Scheduled Tribes, Other Backward Classes and minorities and women."

STATEMENT OF OBJECTS AND REASONS

"Fraternity" is the most vital constitutional value that binds unity and equality, and is an inherent part of the Indian Constitution. While the Preamble sets out fraternity as a guiding principle of the Constitution, the fundamental duties translate it into a responsibility of each and every citizen of the country. Article 51A(e) of the Constitution talks about the promotion of harmony and brotherhood amongst all people in the country. However, with changing times, the scope of fraternity in the Indian Constitution needs to be expanded.

Be it geographical, linguistic, social, cultural, or religious, diversity exists in every corner of the country. India's diversity which has always been recognised as its most unique and powerful characteristic, is being exploited as a tool of oppression, discrimination and communalism in the country. In the present scenario, it is our duty to revisit and rejuvenate the discourse on fraternity through the channels of the Constitution.

The differences created by caste, religion, language, and gender cannot be mitigated solely by the State or legal instruments. The collective efforts of all citizens are required to uproot discrimination and intolerance in the country. Unlike fundamental rights, the responsibility of upholding fundamental duties vests with the citizens of India. Therefore, fundamental duties are the most appropriate constitutional tool to achieve the objective.

The protection and socio-economic upliftment of marginalised communities are stated as objectives of the Indian Constitution, thus the principles of non-discrimination and tolerance should be reflected and endorsed as fundamental duties of every Indian citizen to ensure that these values remain uncontested.

The Bill seeks to achieve above-mentioned objective.

MANOJ KUMAR JHA

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

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51A. It shall be the duty of every citizen of India—

Fundamental
Duties.

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(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;

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RAJYA SABHA

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(Prof. Manoj Kumar Jha, M.P.)