

AS INTRODUCED IN THE RAJYA SABHA
ON THE 11TH MAY, 2012

Bill No. IV of 2012

THE CONSTITUTION (AMENDMENT) BILL, 2012

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BILL

further to amend the Constitution of India

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2012.

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 the Preamble to the Constitution, for the word "India" the word "Bharat" shall be substituted.

Amendment of
the Preamble.

3. In article 1 of the Constitution in clause (1), for the words, "India, that is Bharat" the word "Bharat" shall be substituted.

Amendment of
article 1.

Amendment of
article 28.

4. In article 28 of the Constitution, after clause (3), the following shall be inserted, namely:—

"(4) Nothing in this article shall prevent the state or any other educational institutions recognized or aided by the State from imparting instruction in 'Dharma'.

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Explanation.—For the purpose of this article 'Dharma' means moral and righteous code of conduct of individuals which sustains the Society, maintains social order, ensures well-being and progress of humanity as distinct from religion which in clause (1) of article 28 of the Constitution shall mean only various methods or mode of worship of God by any class of persons who believe in the existence of God, by whatever name they choose to call him."

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STATEMENT OF OBJECT AND REASONS

As far as the name of the Country is concerned, the Bill provides that the word 'India' be deleted and it should stand substituted by the word 'Bharat'. The reason for this is the name of the Country from times immemorial is Bharat and as evidenced by all ancient literature commencing from the *Mahabharat*, and in particular the *Vishnu Purana* contains an entire chapter dedicated to the territorial description of the country wherein the name of the country is given as "Bharat".

It reads:

उत्तरं यत् समुद्रस्य हिमाद्रेश्चैव दक्षिणम् ।
वर्षं तद भारतं नाम भारती यत्र सन्ततिः ॥

The country which lies to the north of the seas and to the south of the Himalayas, is Bharat, and the people of this Country are 'Bharateeyas'.

The name 'India' was given by the foreign rulers. The moment we got rid of foreign rule, we should have also got rid of the name given by them to our Country. Dr. Radhakumud Mukherjee, the great historian of our times, in his famous book 'Fundamental Unity of India' has stated that "The name 'Bharat' is not a mere geographical expression like the term "India", having only a physical reference, it has a deep historical significance symbolizing a fundamental unity".

But strangely, in article 1 of the Constitution, the name 'India' is retained along with 'Bharat'. Two names are unnecessary and proper noun should not be translated. It is also necessary that the name of our country must be in conformity with our National Anthem and National Slogan. It is well known that in our National Anthem the word used to identify our Country is "Bharata" and not "India" and similarly our National Slogan is *Bharat Mata Ki Jai* which is ever unifying and inspiring, which has a tremendous appeal for fraternity, unity and integrity of the Nation, and not "India Mata Ki Jai". Hence, the word 'India' should be deleted in article 1 and in all places in the Constitution and the laws wherever the word 'India' occurs it should stand replaced by the word "Bharat".

As regards clause (4) of article 28 together with explanation proposed to be inserted by this Bill, the reasons are that the panacea for corruption, abuse of power and immoral sexual behaviour and moral degradation which are rampant and eating into the vitals of the Nation lies in making instructions in *Dharma* or moral code compulsory in the school curriculum and National Education System. there is no word which is equivalent to the Sanskrit word 'Dharma' in any other language of the World. Dr. Radhakrishnan has rightly stated '*virtue is Dharma*' and '*vice is adharma*'. To put in one sentence, *Dharma* is moral code of conduct common to all human beings whereas religion is mode of worship of God by believers in god by giving him different names. Religions are many and personal but *Dharma* is one and Universal. Good code of conduct which are prescribed in different religions could also be supplemented. It is no doubt a long term remedy but a sure one and the only panacea for moral degradation with which Nation is suffering.

It is paradoxical that comprehensive word *Dharma* came to be translated as religion wrongly though there is a vast difference between *Dharma* and Religion for whereas *Dharma* means righteous code of conduct, religion means mode of worship of God by believers and secularism means respect and equal treatment of all religions. *Dharma* respects all religions and prohibits discrimination on ground of religion and, therefore, *secularism-par-excellence*. All the rules of righteous conduct in every

sphere of human activity evolved from times immemorial in the World fall within the meaning of the word Dharma. This meaning of Dharma as given in the *Mahabharata* Karna Parva has been quoted with approval by the Supreme Court in the case of *Narayana Dixitalu Vs. State of Andhra Pradesh* [1996 (9) SCC 548 at paragraph 59]. Therefore, it is mandatory that *Dharma* should be made part of instruction in Schools and Colleges so that every individual develops from childhood the *Dharma abiding nature*. Further, Dharma is preventive in nature as declared in *Mahanarayanopanishad* in the following words: धर्मेण पापमपनुदति "*Dharma destroys sinful thoughts*". It is an internal check against wrong doing. Any instrumentality created by the State, Lokpal or Lokayukta or the Courts or Police Force are of punitive in nature and come into operation only after the offence is committed. It is well known that "*prevention is better than cure*". Therefore, as part of National Education System, *Dharma* abiding nature should be inculcated in each individual by making instructions in *Dharma* supplemented by moral code laid down in various Religions from childhood. This is the only remedy to eradicate corruption.

As far as the instructions in *Dharma* is concerned, it is universal for all and would prevent the acquisition of illegal wealth [artha] and fulfilling of illegitimate desires and therefore constitute the panacea for all human problems. Moreover, *Dharma* includes duties of individuals. In fact our Society from most ancient times has established duty based society [Karma Bhumi] and Mahatma Gandhi in his book "My Picture of Free India" in the first paragraph itself has reiterated the declaration made in the *Vishnu Purana* to the effect that ours is a duty based society [Karma Bhoomi] and that is the mark of our distinction as distinct from other lands. Though a chapter on Fundamental Duties was omitted in the original constitution obviously by oversight, it came to be incorporated in the Constitution by the Constitution 42nd Amendment. Justice J.S. Verma Committee appointed by Central Government has recommended in its report that Fundamental Duties should be made part of school curriculum. Thus, the Fundamental Rights, Directive Principles and the Fundamental Duties incorporated in Part-III, IV and IVA together fall within the scope of *Dharma* and are binding on all. Therefore, instructions in *Dharma* should be made compulsory in the school curriculum in order to inculcate *Dharma* abiding nature in all the citizens. It is high time that we should make a clear distinction which exists between *Dharma* and Religion as explained in the Bill which is sure to strengthen true secularism which is one of the elements of the basic structure of the Constitution. Hence this Bill.

M. RAMA JOIS

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

PREAMBLE—WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:

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1. **Name and territory of the Union**—(1) India, that is Bharat, shall be a Union of States.

(2) The States and the territories thereof shall be as specified in the First Schedule.

(3) The territory of India shall comprise—

(a) the territories of the States;

(b) the Union territories specified in the First Schedule; and

(c) such other territories as may be acquired.

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RAJYA SABHA

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