

Bill No. X of 2022

THE CONSTITUTION (AMENDMENT) BILL, 2022

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further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.

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. (1) In article 15 of the Constitution,—

Amendment of article 15.

(i) in the marginal heading, after the words, "religion, race, caste, sex", the word "disability" shall be inserted;

10 (ii) in clause (1), after the words, "religion, race, caste, sex", the word "disability" shall be inserted;

(iii) in clause (2), after the words, "religion, race, caste, sex", the word "disability" shall be inserted; and

(iv) in clause (4), after the words, "the Scheduled Tribes", the words "or the disabled" shall be inserted;

15 3. In clause (2) of article 16 of the Constitution, after the words, "religion, race, caste, sex, descent", the word "disability" shall be inserted.

Amendment of article 16.

STATEMENT OF OBJECTS AND REASONS

Since the Constitution specifically names and mentions grounds on which discrimination is prohibited and mandates equal treatment to all its citizens, it is imperative that the Constitution also prohibits discrimination based on disability and places persons with disabilities on an equal pedestal.

2. The principle of non-discrimination is enshrined in articles 15 and 16, however does not categorically specify "disability" as a ground on which discrimination is prohibited. This is despite the fact that discrimination based on disability is very much prevalent and rampant now-a-days.

3. India ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2017, which has equality and non-discrimination as its guiding principles. The UNCRPD Committee on the Rights of Persons with Disabilities in its 'Concluding observations on the initial report of India' *vide* CRPD/C/IND/CO/1 dated 29.10.2019 has recommended, India to amend its Constitution to explicitly prohibit disability-based discrimination in paragraph B 13(a)[p.3]. India, being a signatory to UNCRPD, has an international obligation as well as constitutional obligation under article 51(c) to ensure that the UNCRPD is implemented in letter and spirit.

4. The proposed amendments to articles 15 and 16 of the Constitution are in consonance with and to give effect to the UNCRPD and the recommendations of the UNCRPD Committee on the Rights of Persons with Disabilities and to prohibit discrimination based on disability.

5. Hence, the Bill.

JOHN BRITTAS

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

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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.

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

(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.

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(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.

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16. (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

Equality of opportunity in matters of public employment.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

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RAJYA SABHA

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further to amend the Constitution of India.

(Shri John Brittas, M.P.)