

**Bill No. 267 of 2015**

THE CONSTITUTION (AMENDMENT) BILL, 2015

By

SHRIMATI POONAM MAHAJAN, M.P.

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*further to amend the Constitution of India.*

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

1. This Act may be called the Constitution (Amendment) Act, 2015.
2. For article 331 of the Constitution, the following article shall be substituted namely:—

Short title.

Substitution of new article for article 331.

5           **"331. Notwithstanding anything in article 81, the President may, if he is of opinion that—**

Representation of the Anglo-Indian and the Overseas Indian communities in the House of the People.

**(a) the Anglo-Indian community is not adequately represented in the House of the People, nominate not more than two members of that community to the House of the People; and**

**(b) the Overseas Indian community is not adequately represented in the House of the People, nominate not more than eight members of that community, having special knowledge or practical experience in respect of such matters as business, literature, science, art, sports and social service from South Asia, South East Asia and Asia Pacific region, Middle East, Central Asia, Africa, Europe, North America and South America to the House of the People."** 5

## STATEMENT OF OBJECTS AND REASONS

The Indian Diaspora is about twenty-two million strong and spread across nearly two hundred countries. The Indian Diaspora facilitated and promoted invaluable cultural, economic and political exchanges between India and their country of residence. In this age of globalization, the tangible and intangible benefits accrued to the country's progress due to such exchanges cannot be overlooked. The extraordinary success of overseas Indians are celebrated widely in India and their contributions have been acknowledged by the Government through Pravasi Bhartiya Samman. In addition to this, Non-Resident Indian's voting rights were enhanced when the Government accepted the Election Commission's recommendations for allowing Non-Resident Indians to cast their votes through proxy voting and e-ballots in polls in India.

India remains the largest recipient of officially recorded remittances from overseas workers in the world. India received about \$70 billion in remittances in 2013 thereby contributing 3.7 per cent. to the country's GDP. This amount is equivalent to 25 per cent. of international reserves, 15 per cent. of India's exports, 12 per cent. of imports covered and surpassed earnings from Information Technology services that amounted to \$65 billion. These remittances promote prosperity and are an effective antidote to combat poverty that is rampant in our country. Moreover, Non-resident Indians bank deposits were \$103.84 billion for the financial year 2013-14, according to data given by the Reserve Bank of India.

According to the United Nations Fund for Population (UNFPA), despite many positive contributions made by migrated population to the development of countries of their origin, it is essential that these non-resident persons are not seen solely as agents of development. They are human beings and nations of their origin have an obligation to give them their due rights and protection.

In spite of the separate ministry dedicated for the welfare of overseas Indians, millions of emigrants staying abroad are facing problems like poor working conditions, low wages and human rights abuses in the country of their residence and harassment by authorities for doing business in India, admission of their children in education institutions and lack of legal assistance in India.

In order to evolve an inclusive approach as well as commemorating one hundredth anniversary of Mahatma Gandhi's return to India, representation to overseas Indian community in the House of the People should be allowed so that myriad problems faced by them in different parts of the world can be adequately addressed.

The Bill, therefore, seeks to amend the Constitution with a view to provide that the President shall nominate not more than eight members in the House of the People, from amongst the persons having special knowledge or practical experience in respect of such matter as business, science, art, sports and social service, from amongst overseas Indian community representing South Asia, South East Asia and Asia Pacific, the Middle East, Central Asia, Africa, Europe, North America and South America.

NEW DELHI;  
July 9, 2015.

POONAM MAHAJAN

## FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to amend article 331 of the Constitution, with a view to provide representation of Overseas Indian community in the House of the People.

Article 106 of the Constitution provides that the members of either House of Parliament shall be entitled to receive such salaries and allowances as may from time to time be determined by Parliament by law.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees forty-five crore would be involved per annum.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

*ANNEXURE*

EXTRACT FROM THE CONSTITUTION OF INDIA

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**331.** Notwithstanding anything in article 81, the President may, if he is of opinion that the Anglo-Indian Community is not adequately represented in the House of the People, nominate not more than two members of that community to the House of the People.

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Representation  
of the Anglo-  
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*(Shrimati Poonam Mahajan, M.P.)*