

Bill No. 14 of 2022

THE CONSTITUTION (AMENDMENT) BILL, 2022

By

SHRI A. RAJA, M.P.

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BILL

further to amend the Constitution of India.

BE it enacted by 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. After article 16 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 16A.

10 “16A. Nothing in this Constitution shall prevent the State from making any special provisions, by law, for the advancement of any socially and educationally backward classes of citizens or economically weaker sections of citizens or for the Scheduled Castes or the Scheduled Tribes, to provide for reservation in matter of employment in private sector.”

Reservation in matters of employment in private sector.

STATEMENT OF OBJECTS AND REASONS

India is a country of diverse people and religion. Some people have fared better than the others and therefore the concept of reservation was introduced in the system to bring at par the marginalized and backward classes of the people. Article 16 prohibits discrimination in employment in any Government office. However, the Government can allow reservation for any community if they are not adequately represented in service or posts under the State.

In this scenario, when the public sector is shrinking, the provisions for reservations of posts or appointments for weaker sections of the society, as contemplated under article 16(4) or under the Mandal Commission Report, are losing their significance, insofar as protection of the interests of the Scheduled Castes, Scheduled Tribes and Backward Classes are concerned. Therefore, in order to bring Scheduled Castes, Scheduled Tribes, Backward Classes and economically weaker sections in the national mainstream, it is proposed that the State shall make special provision for reservation of posts, or appointments in Government service and private sector.

The Bill, therefore, seeks to amend the Constitution with a view to provide reservation in employment opportunities in private sector in favour of persons belonging to socially and educationally backward classes, economically weaker section, the Scheduled Castes and the Scheduled Tribes.

Hence this Bill.

NEW DELHI;
December 1, 2021.

A. RAJA

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further to amend the Constitution of India.

(Shri A. Raja, M.P.)