

Bill No. 165 of 2025

THE CONSTITUTION (AMENDMENT) BILL, 2025

By

Ms. S. JOTHIMANI, M.P.

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BILL

further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2025.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 15 of the Constitution, for clause (4), the following clause shall be substituted, namely:—

Amendment
of article 15.

“(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provisions for the advancement and adequate representation of socially and educationally backward classes of citizens or

for the Scheduled Castes and the Scheduled Tribes:

Provided that adequate representation shall be proportionate to the population of the socially and educationally backward classes, the Scheduled Castes or the Scheduled Tribes:

Provided further that nothing shall prevent the State from providing special provisions beyond fifty per cent. if the total population of socially and educationally backward classes, the Scheduled Castes or the Scheduled Tribes is more than fifty per cent.”.

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Amendment
of article 16.

3. In article 16 of the Constitution, for clause (4) the following clause shall be substituted, namely:—

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“(4) Nothing in this article shall prevent the State from providing reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State:

Provided that adequate representation shall be proportionate to the population of the socially and educationally backward classes, the Scheduled Castes or the Scheduled Tribes:

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Provided further that nothing shall prevent the State from providing reservation beyond fifty per cent. if the total population of socially and educationally backward classes, the Scheduled Castes or the Scheduled Tribes is more than fifty per cent.”.

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STATEMENT OF OBJECTS AND REASONS

Reservation is a powerful tool to provide for adequate representation and upliftment of backward classes, and to ensure that all citizens of the country are provided opportunities of advancement on an equitable and just basis. In the 1992 *Indra Sawhney v. Union of India* case, the Supreme Court imposed a limit of fifty per cent. on reservations. The Supreme Court of India and various High Courts have held reservation measures introduced by States to be unconstitutional on the ground that they exceed the numerical benchmark first provided in *MR Balaji v State of Mysore* 1963 Supp. (1) SCR 439.

The ameliorative provisions of the Constitution have enabled the social, economic and political empowerment of weaker sections of the society. It is of utmost importance that we utilise these to remove anomalies that diminish the effectiveness of State policies launched in favour of the rights of weaker sections.

It is deemed necessary to prevent this numerical limit from becoming an impediment in the process of expanding and rationalising reservations in all domains of public life.

The contours of reservations and special provisions need to be determined based on scientific data on group identity-based disadvantages, under-representation and population, collected through the decadal census.

The Bill seeks to achieve the above objectives by amending articles 15 and 16 of the Constitution.

Hence this Bill.

NEW DELHI;
November 8, 2024

S. JOTHIMANI

ANNEXURE

[EXTRACTS FROM THE CONSTITUTION OF INDIA]

	*	*	*	*	*
Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.	15. (1) *	*	*	*	*
	(2) *	*	*	*	*
	(3) *	*	*	*	*
	(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.				
	*	*	*	*	*
Equality of opportunity in matters of public employment.	16. (1) *	*	*	*	*
	(2) *	*	*	*	*
	(3) *	*	*	*	*
	(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.				
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(Ms. S. Jothimani, MP)