

Bill No. 296 of 2022

THE CONSTITUTION (AMENDMENT)
BILL, 2022

By

SHRI SANJAY BHATIA, 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.

Amendment of
article 15.

2. In article 15 of the Constitution, in clause 6, in sub-clause (b), for the words “such special provisions related to”, the words “Such special provisions including age relaxation as is being provided for the socially and educationally backward classes of citizen regarding” shall be substituted.

Amendment of
article 16.

3. In article 16 of the Constitution, in clause (6), for the words “any provision for the reservation of” the words “any provision for reservation, including age relaxation as is being provided for the socially and educationally backward class of citizens, in” shall be substituted. 5

STATEMENT OF OBJECTS AND REASONS

In pursuance of the Constitution (One Hundred and Third Amendment) Act, 2019, special provisions were made for the reservation in appointments or posts in favour of Economically Weaker Sections (EWS) of citizens. The said reservation has been given to the persons other than the backward class, mentioned in clauses (4) and (5) of article 15 and clause (4) of article 16, in addition to the existing reservation, and subject to a maximum of ten per cent. of the posts in each category. In past, the EWS citizens had largely remained excluded from attending the higher educational institutions and public employment on account of their financial incapacity to compete with the persons who are economically more privileged.

In recent times, it has also been observed that certain States like Telangana, Uttar Pradesh, Rajasthan etc., have made suitable provisions to extend the desirable benefits of age relaxation to the candidates from EWS category at par with Other Backward Classes candidates. However, the said age relaxation related benefits are not extended by most of the States and Central Government, till date. Therefore, such an anomalous state of affairs and half measures existing about reservation to EWS warrants not only an expeditious review but an amendment to Constitution itself so that Economically Weaker Sections of citizens could get a fair chance of receiving higher education as well as appropriate participation in employment in the services of the State across India. To achieve this objective, it would be highly essential to grant them the 'Age Relaxation' akin to their counterparts from Other Backward Classes category by means of carrying out an amendment in the Constitution of India.

Hence this Bill.

NEW DELHI;
July 11, 2022.

SANJAY BHATIA

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) *	*	*	*	*
	(5) *	*	*	*	*

‘(6) Nothing in this article or sub-clause (g) of clause (1) of article 19 or clause (2) of article 29 shall prevent the State from making,—

(a) any special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5); and

(b) any special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5) in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30, which in the case of reservation would be in addition to the existing reservations and subject to a maximum of ten per cent. of the total seats in each category.’

Explanation.—For the purposes of this article and article 16, “economically weaker sections” shall be such as may be notified by the State from time to time on the basis of family income and other indicators of economic disadvantage.’

	*	*	*	*	*
Equality of opportunity in matters of public employment.	16. (1) *	*	*	*	*
	(2) *	*	*	*	*
	(3) *	*	*	*	*
	(4) *	*	*	*	*
	(5) *	*	*	*	*

(6) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any economically weaker sections of citizens other than the classes mentioned in clause (4), in addition to the existing reservation and subject to a maximum of ten per cent. of the posts in each category.’.

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(Shri Sanjay Bhatia, M.P.)