

**Bill No. 61 of 2022**

THE CONSTITUTION (AMENDMENT) BILL, 2022

By

SHRI. N.K. PREMACHANDRAN, M.P.

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*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 338B of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 338C.

10 **“338C. (1) There shall be a Commission for the Economically Weaker Section to be known as the National Commission for the Economically Weaker Section.**

National Commission for Economically Weaker section.

**(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.** 5

(3) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.

(4) The Commission shall have the power to regulate its own procedure.

(5) It shall be the duty of the Commission—

(a) to investigate and monitor all matters relating to the safeguards provided for the Economically Weaker Section under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards; 10

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Economically Weaker Section; 15

(c) to participate and advise on the planning process of socio-economic development of the Economically Weaker Section and to evaluate the progress of their development under the Union and any State;

(d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards; 20

(e) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Economically Weaker Section; and

(f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Economically Weaker Section as the President may, subject to the provisions of any law made by Parliament, by rule specify. 25

(6) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations. 30

(7) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non recommendations. 35

(8) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:— 40

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

5 (e) issuing commissions for the examination of witnesses and documents;

(f) any other matter which the President may, by rule, determine.

(9) The Union and every State Government shall consult the Commission on all major policy matters affecting Economically Weaker Section.”.

## STATEMENT OF OBJECTS AND REASONS

At present, the economically weaker sections of citizens have 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.

The directive principles of State policy contained in article 46 of the Constitution provides that the State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

*Vide* the Constitution (Ninety-third Amendment) Act, 2005, clause (5) was inserted in article 15 of the Constitution which enables the State to make special provision for the advancement of any socially and educationally backward classes of citizens, or for the Scheduled Castes or the Scheduled Tribes, in relation to their admission in higher educational institutions. Similarly, clause (4) of article 16 of the Constitution enables the State to make special provision for the reservation of appointment 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.

However, economically weaker sections of citizens were not eligible for the benefit of reservation. With a view to fulfil the mandate of article 46 and to ensure that economically weaker sections of citizens get a fair chance of receiving higher education and participation in employment in the services of the State, it was decided to amend the Constitution of India.

Accordingly, the Constitution (One Hundred and Third Amendment) Act, 2019 provides for reservation for the economically weaker section of society in higher educational institutions, including private institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in article 30 of the constitution and also provides for reservation for them in posts in initial appointment in services under the State. To ensure welfare and overall development of economically weaker sections and effective implementation of the Constitution (One Hundred and Third Amendment) Act, 2019, it is necessary to constitute a Commission for the Economically Weaker Sections.

Hence this Bill.

NEW DELHI;

N.K. PREMACHANDRAN

*January 25, 2022.*

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for setting up of a National Commission for Economically Weaker Sections. It also provides for appointment of Chairperson, Vice-Chairperson and Members of the Commission. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees thirty crore will be involved from the Consolidated Fund of India.

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

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*(Shri N.K. Premachandran, M.P.)*