

AS INTRODUCED IN THE RAJYA SABHA
ON THE 21ST JUNE, 2019

Bill No. XLVIII of 2018

THE CONSTITUTION (AMENDMENT) BILL, 2018

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BILL

further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2018.

Short title and
commencement.

(2) It shall come into force with immediate effect.

2. In the constitution of India, for Clause 4 of article 16, the following shall be substituted,
5 namely:—

Amendment
of article 16.

"(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, in proportion to their population which, in the opinion of the State, is not adequately represented in the services under the State."

STATEMENT OF OBJECTS AND REASONS

In terms of the principles of affirmative action enabled under the Constitution of India to ameliorate the conditions of Other Backward Classes (OBCs), periodic measures have been taken by the previous Governments. However, OBCs have not secured representation proportionate to their population in Government jobs.

2. The representation of the citizens from socially and educationally backward classes in Government jobs, as provided by the Constitution is only 27 per cent while their population is fairly more than this.

3. The proposed Bill would enable adequate, Reservation for OBCs in appointments or posts and make the system of appointments more equitable and thereby increase the representation of OBCs in proportion to their population in Government jobs.

4. The Bill seeks to achieve the above objectives.

JAVED ALIKHAN

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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16. (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

Equality of opportunity in matters of public employment.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment.

(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.

(4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.

(4B) Nothing in this article shall prevent the State considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent, reservation on total number of vacancies of that year.

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RAJYA SABHA

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(Shri Javed Ali Khan, M.P.)