

Bill No. II of 2018

THE CONSTITUTION (AMENDMENT) BILL, 2018

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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 on such date as the Central Government may, by notification in the Official Gazette, appoint.

5 2. After article 330 of the Constitution, the following article shall be inserted, namely:—

Insertion of
new article
330A.

“330A. (1) Seats shall be reserved in the House of the People for the Other Backward Classes.

Reservation of
seats for Other
Backward
Classes in the
House of the
people.

(2) The number of seats reserved in any State or Union territory for the Other Backward Classes under clause (1) shall bear, as nearly as may be, the same proportion

to the total number of seats allotted to that State or Union territory in the House of the People as the population of the Other backward Classes in the State or Union territory or part of the State or Union territory, as the case may be, in respect of which seats are so reserved, bears to the total population of the State or Union territory.

Explanation.— In this article, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published.” 5

Insertion of new article 332A.

3. After article 332 of the Constitution, the following article shall be inserted, namely:—

Reservation of seats for Other Backward Classes in the Legislative Assemblies of the State.

“332A. (1) Seats shall be reserved for the Other Backward Classes in the Legislative Assembly of every State. 10

(2) The number of seats reserved in any State for the Other Backward Classes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Legislative Assembly as the population of the Other Backward Classes in the State in respect of which seats are so reserved, bears to the total population of the State. 15

Explanation.— In this article, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published.”

Amendment of article 334.

4. In article 334 of the Constitution, in clause (a), for the words “the Scheduled Castes and the Scheduled Tribes”, the words “the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes” shall be substituted. 20

Insertion of new article 342A.

5. After article 342 of the Constitution, the following article shall be inserted, namely:—

Other Backward Classes.

“342A. (1) The President may with respect to any State or Union Territory, and where it is a State, after consultation with the Governor therefor, by public notification, specify the socially and educationally backward classes which shall for the purposes of this Constitution be deemed to be the Other Backward Classes in relation to that State or Union Territory, as the case may be. 25

(2) Parliament may by law include in or exclude from the Central List of Other Backward Classes specified in a notification issued under clause (1) any socially and educationally backward class, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.” 30

Amendment not affect the representation in the House of the People or Legislative Assembly of a State until the dissolution of the House or Assembly.

6. The amendments made to the Constitution, by this Act, shall not affect any representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the House or Assembly, as the case may be, in existence at the commencement of this Act. 35

STATEMENT OF OBJECTS AND REASONS

In terms of the principles of affirmative action enabled under the Constitution to ameliorate the conditions of Other Backward Classes (OBC), and Scheduled Castes (SCs) and Scheduled Tribes (STs) periodic measures have been taken by the successive Governments to improve their lot. However, in the law-making bodies of the State, such OBCs do not secure representation proportionate to their population.

2. The representation of the citizens from socially and educationally backward classes in the elected bodies at the Centre and State remains significantly incongruent with the proportion of such individuals in the total population. Only 18 per cent and 20 per cent of the total members elected were from the Other Backward Classes in the 2009 and 2014 Lok Sabha elections respectively, while the population of the Other Backward Classes is estimated to be around 40-55 percent of the total population.

3. There has also been a lack of proportional measures to assess and improve the social, educational and financial conditions of the Other Backward Classes in the country. While the Socio Economic and Caste Census 2011 contained data regarding the development metrics of people belonging to the Scheduled Castes and Scheduled Tribes, such data has not been published about the people belonging to the Other Backward Classes despite their relatively large population. Subsequently serious doubt is cast on the adequacy of the current measures taken by the Government to improve the conditions of socially and educationally backward classes.

4. The first step in advancing the rights of the people belonging to the Other Backwards Classes is ensuring a proportionate representation to the people in the representative bodies, *i.e.* the House of the People and the Legislative Assemblies of the State.

Hence, this Bill.

V. VIJAYASAI REDDY

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

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Reservation
of seats and
special
representation
to cease after
seventy years.

334. Notwithstanding anything in the foregoing provisions of this Part, the provisions of this Constitution relating to—

(a) the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People and in the Legislative Assemblies of the States; and

(b) the representation of the Anglo-Indian community in the House of the People and in the Legislative Assemblies of the States by nomination, shall cease to have effect on the expiration of a period of seventy years from the commencement of this Constitution:

Provided that nothing in this article shall affect any representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the then existing House of Assembly, as the case may be.

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RAJYA SABHA

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BILL
further to amend the Constitution of India.

(Shri V. Vijayasai Reddy, M.P.)