

Bill No. LXXXIII of 2010

THE CONSTITUTION (AMENDMENT) BILL, 2010

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BILL

further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2010.

Short title and
commence-
ment.

(2) It shall come into force, at once.

2. In article 16 of the Constitution, after clause (4), the following clause shall be
5 inserted, namely:—

Amendment
of article 16.

"(4A) Nothing in this article shall prevent the State from making any special
provision for employment by way of self employment or by Providing reservation in
the matter of employment in favour of the Scheduled Castes, the Scheduled Tribes and
for the identified Backward Classes of citizens, in any enterprise in private sector, joint
10 sector or co-operative sector or in any philanthropic organisation."

STATEMENT OF OBJECTS AND REASONS

With the enforcement of economic reforms and liberalisation of economy in the country, greater emphasis on Government's economic policy is being given to free trade, business and industry. The economy has been transformed from protected economy, into liberal economy with emphasis on free enterprise. With India having signed the General Agreement on Tariffs and Trade (GATT), as a member of the World Trade Organisation, more and more of public sector enterprises are being passed into private hands, workers' co-operatives are being transformed into joint sector enterprises with increasing private equity, and joint ventures with foreign countries, Non-Resident Indians or multinational participation.

In this scenario, when public sector is shrinking, the provision for reservations of posts and jobs for weaker sections of the society, as contemplated under article 16 (4) or under the Mandal Commission Report, are losing their significance, insofar as protection of the interests of the Scheduled Castes, Scheduled Tribes and Backward Classes are concerned.

Time has come and situation has arisen when the spirit of the provisions of the Constitution and the Mandal Commission recommendations should be extended to cover the joint sector, private sector, co-operative enterprises and other organisations, including the philanthropic organisations.

Hence this Bill.

NARENDRA KUMAR KASHYAP

RAJYA SABHA

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(Shri Narendra Kumar Kashyap, M.P.)