

Bill No. XXXVIII of 2023

THE CONSTITUTION (AMENDMENT) BILL, 2023

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BILL

further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2023.

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.

2. After article 16 of the Constitution, the following new article shall be inserted, namely:—

Insertion of new article 16A.

10 “16A. Nothing in article 16 or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provisions, by law, for the advancement of any socially and educationally backward classes of citizens or the Scheduled Castes or the Scheduled Tribes, to provide for reservation in matters of employment in private sector companies, undertakings or institutions.”.

Reservation in matters of employment in private sector.

STATEMENT OF OBJECTS AND REASONS

India is a country of diverse people and religion. Some people have fared better than others and therefore the concept of reservation was introduced in the system to bring at par the marginalized and backward classes of people. Article 16 prohibits discrimination in employment in any government office. However, the Government can allow reservation for any community if they are not adequately represented in services or posts under the State.

In this scenario, when the public sector is shrinking, the provisions for reservation of posts or appointments for weaker sections of the society, as contemplated under article 16(4) or under the Mandal Commission Report, are losing their significance, in so far as protection of the interests of the Scheduled Castes, Scheduled Tribes and Backward Classes are concerned. Moreover, with the funds being raised as loan from Public Sector Banks for their capital, and to get land and other services from the State Government at cheap rates, the private companies have an obligation to provide services including providing employment opportunities to the community.

Therefore, in order to bring the Scheduled Castes, Scheduled Tribes and Backward Classes into the national mainstream, it is proposed that the State shall make special provision for reservation of posts, or appointments in government service and private sector. The Bill seeks to insert new article 16A in the Constitution to allow reservation in matters of employment and job opportunities in private sector companies, undertakings or institutions.

Hence, this Bill.

M. SHANMUGAM.

RAJYA SABHA

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further to amend the Constitution of India.

(Shri M. Shanmugam, M.P.)