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## Lok Sabha Passes the Constitution (124th Amendment) Bill 2019

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The Bill aims to provide reservation in public employment and higher education for economically weaker sections.

Economic reservation in jobs and education is proposed to be provided by inserting **clause (6) in Articles 15 and 16 of the Constitution.**

### Provisions of Amendment Bill

- **Amendment to Article 15:** This clause enables State to make special provisions for advancement of any economically weaker section of citizens, including reservations in educational institutions.
  - It states that such reservation can be made in any educational institution, including private institutions, whether aided or unaided, except minority educational institutions covered under Article 30 (1).
  - It further states that the upper limit of the reservation will be 10%, which will be in addition to the existing reservations.
- **Amendment to Article 16:** The proposed Article 16 (6) enables State to make provision for reservation in appointments, in addition to the existing reservations, subject to a maximum of 10%.
- **Definition of "Economically weaker sections":** For the purposes of Articles 15 and 16 means such sections as notified by the State from time to time on the basis of family income and other indicators of economic disadvantage. This will be a class distinct from the already specified classes of SCs, STs, and socially and educationally backward classes.

### Analysis of Reservation to Economically Backward Classes.

#### Article 15 in the constitution of India

1. The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them
2. No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to
  1. access to shops, public restaurants, hotels and palaces of public entertainment;
  - or
  2. the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public
3. It empowers the State to make special provision for women and children.
4. It empowers the State to make special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.
5. It empowers the State to make special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the SCs or the STs in so far as such special provisions relate to their admission to educational institutions including private educational institutions except the minority educational institutions.

#### **Article 16 in The Constitution Of India**

1. There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State
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 or, any employment or office under the State
3. It empowers the Parliament for 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. It empowers the State to make provision for the reservation of appointments or posts in favor of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.
5. A law can provide that the incumbent of an office related to the religious or denominational institution or a member of its governing body should belong to the particular religion or denomination.