

Bill No. 239 of 2016

THE CONSTITUTION (AMENDMENT) BILL, 2016

By

SHRI MAHEISH GIRRI, M.P.

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BILL

further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2016.

Short title and commencement.

5 (2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 15 of the Constitution, in clause (5), the words, “,other than the minority educational institutions referred to in clause (1) of article 30” shall be omitted.

Amendment of article 15.

STATEMENT OF OBJECTS AND REASONS

Article 15(5) was inserted in the Constitution through the Ninety-Third Constitutional Amendment in 2006 with an object 'to promote the educational advancement of the socially and educationally backward classes of citizens or of the Scheduled Castes and the Scheduled Tribes in matters of admission of students belonging to these categories in aided or unaided educational institutions'. Our society has indeed benefitted by this and the Government has provided reservation for children belonging to weaker sections and disadvantaged groups popularly known as the economically weaker sections in all private unaided primary schools.

But, in the Ninety-Third Constitutional Amendment, minority institutions as defined under article 30(1) were kept out of the purview of article 15(5). This is clearly against the idea of equality as weaker sections of society for whom the provision has been enacted, would not be able to reap the benefits of the provision of reservation. The benefits of reservation should also be extended in admission to minority run educational institutions to achieve the purpose of the Ninety-Third Constitutional Amendment. Moreover, in any society, a positive step which promotes the idea of equality, any waiver must not be given to some particular group of the society.

Hence this Bill.

NEW DELHI;
July 6, 2016.

MAHEISH GIRRI

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

* * * * *
15.(1) * * * * *

(5) Nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) or article 30.

Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

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further to amend the Constitution of India.

(Shri Maheish Girri, M.P.)