

THE CONSTITUTION (ONE HUNDRED AND THIRD AMENDMENT) ACT, 2019

India

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Act 103 of 2019

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An Act 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. Short title and commencement.

(1) This Act may be called the Constitution (One Hundred and Third Amendment) Act, 2019. (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of article 15.

In article 15 of the Constitution, after clause (5), the following clause shall be inserted, namely:—(6) Nothing in this article or sub-clause (g) of clause (1) of article 19 or clause (2) of article 29 shall prevent the State from making,—(a) any special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5); and (b) any special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5) 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) of article 30, which in the case of reservation would be in addition to the existing reservations and subject to a maximum of ten per cent. of the total seats in each category. Explanation.—For the purposes of this article and article 16, "economically weaker sections" shall be such as may be notified by the State from time to time on the basis of family income and other indicators of economic disadvantage.’.

3. Amendment of article 16.

In article 16 of the Constitution, after clause (5), the following clause shall be inserted, namely:—(6)Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any economically weaker sections of citizens other than the classes mentioned in clause (4), in addition to the existing reservation and subject to a maximum of ten per cent. of the posts in each category.".[The Constitution (One Hundred and Third Amendment) Act, 2019, introduces 10% reservation for Economically Weaker Sections (EWS) of society for admission to Central Government-run educational institutions and private educational institutions (except for minority educational institutions), and for employment in Central Government jobs The Amendment does not make such reservations mandatory in State Government-run educational institutions or State Government jobs. However, some states have chosen to implement the 10% reservation for economically weaker sections. Currently, the quota can be availed by persons with an annual gross household income of up to 8 lakh (US\$10,000). Families that own over 5 acres of agricultural land, a house over 1,000 square feet, a plot of over 100-yards in a notified municipal area or over a 200-yards plot in a non-notified municipal area cannot avail the reservation. Persons belonging to communities that already have reservations such as Scheduled Castes, Scheduled Tribes and the "non creamy layer" of Other Backward Classes are also not eligible for reservation under this quota(creamy layer of OBC crosses 8 lakh limit).Also Refer]