

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

(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-(a)access to shops, public restaurants, hotels and places of public entertainment; or(b)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)Nothing in this article shall prevent the State from making any special provision for women and children.*[Editorial comment- The Constitution (First Amendment) Act, 1951, made several changes to the Fundamental Rights Part of the Indian constitution. It made it clear that the right to equality does not preclude passing laws that give special consideration to society's most vulnerable groups. Article 15(3) was appropriately expanded to prevent any special provisions made by the State for the social, economic, or educational progression of any disadvantaged class of citizens from being contested based on discrimination. Also Refer Also refer]*(4)Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.(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) of article 30.*[The Constitution (Ninety-third Amendment) Act, 2005, adjoined a clause to Article 15 stating that the state has the authority to establish certain specific Provisions concerning accommodations for the progress of any sociologically and academically disadvantaged sectors of the society, as well as to the scheduled castes and scheduled tribes, with respect to their enrollment to academic institutions, including private academic institutions, whether assisted or unassisted by the state, except minority institutions. Also Refer]*(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.

[Editorial Comment - Article 15 protects the citizens against various forms of discrimination based on religion and gender. The Constitution of India guarantees various rights to its citizens, including no discrimination on account of religion, race, caste, or place of birth. Article 15 restricts discrimination on the ground of:

Religion – It means that no person should be discriminated against on the basis of religion from accessing any public place or policy by the state or any group.

Race – Ethnic origin should not form a basis of discrimination. For example, a citizen of Afghan origin should not be discriminated against those of an Indian origin.

Caste – Discrimination on the basis of caste is also prohibited to prevent atrocities on the lower castes by the upper caste.

Sex – Gender of an individual shall not be a valid ground for discrimination in any matter.

Place of birth – A place where an individual is born should not become a reason for discriminating among other members of the country.

In the case of [Kathi Raning Rawat v. State of Saurashtra](#), the state of Saurashtra set up special courts under Saurashtra State Public Safety Measures Ordinance 1949, to adjudicate on the matters of [section 302](#), [section 307](#) and [section 392](#) read with [section 34](#) of the Indian Penal Code, 1860. The contention brought before the court was that these provisions are discriminatory for the residents depending upon the territory.

The court stated that all kinds of legislative differentiation are not discriminatory. The legislation did not refer to certain individual cases but to offenses of certain kinds committed in certain areas and hence it is not discrimination.