

103 Amendment of Indian Constitution

Impact of 103 Constitutional Amendment Act, 2019

The 103 Constitutional Amendment Act modified Article 15 to allow the government to provide for the progress of economically weaker sections.

- It also amended Article 16 to facilitate the reservation of economically weaker sections up to 10 percent of all posts.
- This reservation is additional to the existing cap of 50 percent reservation for the Scheduled Castes, Scheduled Tribes, and the Other Backward Classes, thus resulting in about 60 percent total reservation.
- The 103 amendment of the Indian Constitution will facilitate more seats in higher education institutions like medical colleges, IIMs, IITs, NITs, etc.
- Reservation is provided under the 103 Constitutional Amendment Bill irrespective of religion and caste.

Eligible Beneficiaries of the 103 Constitutional Amendment Bill

The eligibility criteria of the beneficiaries are as follows:

- Those with a family income of fewer than 8 lakhs annually or own agricultural land of fewer than 5 acres.
- Those who are not beneficiaries of any existing reservations.
- Those owning a house above 1,000 square feet or a plot of 100 yards.
- Those owning a residential plot less than 200 yards in a non-notified municipality area.

What was the Need for 103rd Constitutional Amendment Act?

The fundamental requirement of the 103 amendment of the Indian constitution was that upper caste students could not obtain higher education and Government jobs due to insufficient family finances.

- Majority of upper caste citizens remained poor and faced hunger.
- The 103 constitutional amendment enabled poor citizens of upper castes to experience the same benefit as OBC.
- The act eliminated the economic differences between extreme sections of the population.
- Reservation was meant to uplift various social groups by opting for methods such as scholarships, coaching schemes, etc.

Salient Features of 103rd Constitutional Amendment Act

The main feature of the 103rd Constitutional Amendment Act is that it offers reservations in central government jobs and admissions to Government institutions. Admissions are also applicable to private educational institutions for higher classes.

- The act encourages the Government to protect the economic and educational interests of the weaker sections of the community.
- 103rd amendment act decreased the economic inequalities and ensured equal distribution of major resources among the people.
- This new amendment of the Indian Constitution gave weaker sections a 10% quota in government jobs, and education reservation was irrespective of caste and religion.

Challenges Ahead for Constitution 103 Amendment Act 2019

Many think that the 103 Constitutional Amendment Bill goes against the basic principles of Indian democracy.

- They argue that reservation can not be available based on economic backwardness alone and must arise from social exclusion.
- Also, the Supreme Court has capped the reservations at a maximum of 50 percent, and that limit can not be exceeded.
- As a result, within hours of clearing the Constitution 103 Amendment Act 2019 by the Parliament, a non-governmental organization Youth For Equality, challenged it in the Supreme Court by filing public interest litigation.
- They argued that with the 103 Constitutional Amendment Act coming into force, the total reservation quota would go up to 59.5%, which is against the Supreme Court ruling. Furthermore, it violates the fundamental principle of equality.
- Another challenge that the act faces is deciding the economic backwardness criteria.
- Many experts opine that the income threshold prescribed is very high and has been fixed without obtaining or considering any report.

Role of States in the 103 Constitutional Amendment Act

Since this is a central law on employment and education, employment and education are the subjects on which states and the central government both have jurisdiction.

- The state governments should validate the Constitution 103 amendment act 2019 before adopting it in the respective states.
- With continued arguments over the need for legislation like the 103 Constitutional Amendment Act, authorities should ponder over alternative ways to facilitate the progress of economically weaker strata of the society.
- Creating job opportunities, providing good educational infrastructure, and offering scholarships can be some of the strategies to address economic inequality.