

Study Notes

Article 15 of the Indian Constitution



Article 15 of Indian Constitution

Article 15 of the Indian Constitution reads as follows "**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.

(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.

(Source: Constitution of India)

Provisions of Article 15 of the Indian Constitution

Article 15 is an important and much-needed article of the Indian Constitution which basically states that there shall be no discrimination on specific grounds. Article 15 identifies "certain grounds" as religion, race, caste, gender, or place of birth. The provisions of Article 15 are tabulated below:

Article 15 Clause	Provisions
Article 15(1)	The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.
Article 15(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 <ul style="list-style-type: none"><input type="checkbox"/> Access to shops, hotels, public restaurants and places of public entertainment;<input type="checkbox"/> 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.

(Source: Constitution of India)



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Article 15 of the Indian Constitution Exceptions

Article 15(3): Stipulates that the state may take special precautions to protect women and children. Gender equality can be demonstrated by providing free education to children or reserving seats in municipal councils for women. In *Revathi v. Union of India*, AIR 1998, the Supreme Court stated that the phrase "for" in this Article meant that governments could provide women and children extra attention while not discriminating against them.

Article 15 (4): enables the state to make particular amendments for the improvement of any socially and educationally underprivileged segments of citizens, as well as scheduled castes and scheduled tribes. For example, public educational institutions may offer fees discount or seat reservations. The First Amendment Act of 1951 contains this provision.

Article 15 (5): Regardless of whether state aid is provided, the state has the authority to make any special arrangements for the advancement of any socially and educationally disadvantaged classes of citizens, as well as scheduled castes and scheduled tribes, in terms of admission to educational institutions, including private educational institutions; minority educational institutions are an exception. It was incorporated in the 93rd Constitutional Amendment Act of 2005. The Supreme Court upheld the legality of the 93rd Constitutional Amendment Act of 2005 in the case of *Ashok Kumar Thakur v. Union of India*. The First Amendment Act of 1951 contains this provision.

Article 15 (6): The state has the capacity to make specific measures for its citizens' economic progress. Furthermore, with the exception of minority educational institutions, the state may reserve up to 10% of seats in educational institutions, including private educational institutions, whether assisted or unaided by the state. This 10% reserve would be added to the current reservations. The state would periodically warn the economically weaker sectors for this reason, based on family income and other indicators of economic disadvantage. It is incorporated in the 103rd Amendment Act of 2019.

Article 15 of Indian Constitution in Hindi

भारतीय संविधान का अनुच्छेद 15 इस प्रकार है "धर्म, नस्ल, जाति, लिंग या जन्म स्थान के आधार पर भेदभाव का निषेध"।

(1) राज्य किसी नागरिक के साथ केवल धर्म, नस्ल, जाति, लिंग, जन्म स्थान या उनमें से किसी के आधार पर भेदभाव नहीं करेगा।

(2) कोई भी नागरिक, केवल धर्म, नस्ल, जाति, लिंग, जन्म स्थान या उनमें से किसी के आधार पर, किसी विकलांगता, दायित्व, प्रतिबंध या शर्त के अधीन नहीं होगा-

- दुकानों, सार्वजनिक रेस्तरां, होटलों और सार्वजनिक मनोरंजन के स्थानों तक पहुंच;
- कुओं, टैंकों, स्नान घाटों, सड़कों और सार्वजनिक रिसॉर्ट के स्थानों का उपयोग पूरी तरह से या आंशिक रूप से राज्य निधि से बाहर रखा जाता है या आम जनता के उपयोग के लिए समर्पित होता है।



Article 15 of Indian Constitution: Reservation for OBC

To give effect to Article 15 (5), the Centre enacted the Central Educational Institutions (Reservation in Admission) Act, 2006, which established a 27% quota for applicants from Other Backward Classes (OBCs) in all central higher educational institutions, including IITs and IIMs. It should be emphasised that the offspring of the following individuals belong to the 'creamy layer' of OBCs and hence do not qualify for the quota benefit.

Article 15 of Indian Constitution: Reservation for EWS

In order to give effect to Article 15 (6), the central government issued an order in 2019 granting a 10% reservation in admission to educational institutions to Economically Weaker Sections (EWSs). This reservation is available to EWS members who are not covered by any of the current SC, ST, or OBC reservation programmes.



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