APPENDIX - IV

THE FIRST CONSTITUTIONAL AMENDMENT

The Constitution (First Amendment) Act 1951 is related to matters dealt with in the Articles 15, 19 and 31. Of those matters, the issue of reservation required addition of clause (4) to Article 15. It reads thus.

“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”.

Clause (1) of Article 15 says: “The State shall not discriminate against any citizen on ground only of religion, race, caste, sex, and place of birth or any of them.”

Clause (2) of Article 29 prescribes: “No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of the State funds on ground only of religion, race, caste, language or any of them.”

In the provisions 15(1) and 29(2), the addition of clause (4) to Article 15 is very significant and fundamental from the point of view of promotion of Social Justice.

First, it safeguards the special measures taken to promote the advancement of weaker communities. It gives sanction to the law and orders already in existence like the G.O. of the Madras Presidency making reservation for the depressed and backward communities.

Secondly, it encourages other States to take similar steps to meet the just demands of the Backward Classes.

Thirdly it removes the legal hurdles, real or apparent, standing in the way of the Union Government discharging its constitutional obligation as indicated in articles 46 and 340. According to article 46, the state shall promote with special care the educational and economic interests of the weaker sections of the people, and the scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation. The Articles 340 states that the President may by order appoint a commission to investigate
the conditions of the socially and educationally backward classes and to make recommendations as to the steps that should be taken thereon to be laid before each house of Parliament.

Fourth point is very important. Without reservation in educational institutions as guaranteed by the constitution first amendment, the reservation of appointments provided under Articles 16(4) and 335 will not benefit the socially weaker communities. Without getting the opportunity to educate themselves, how could they hope to get jobs?

Only when we consider these basic benefits obtained through the addition of clause (4) to Article 15, we can realise Periyar’s service to promote social justice at a crucial period, viz., soon after the Constitution of India came into force in 1950.

When the 1951 amendment introducing clause 4 to Article 15 of the Constitution was passed in Parliament, the question of identifying the socially and educationally backward classes for the purpose of Articles 15(4) and 16(4) was specifically examined by the Government. As the list of the backward classes had been already prepared after investigating the claims from time to time, it was decided that this list should be taken as the proper one for the purpose of Articles 15(4) and 16(4).

The government of Madras in its Fort. St. George Gazette dated 24.4.1951 issued a list of the ‘Socially and educationally Backward Classes’ within the meaning of and for the purpose of Articles 15(4) and 16(4) of the constitution.

This marked the turning point of a bright future for the socially weak and educationally backward classes. The present list of the Most Backward Classes owes its origin to the genuine efforts of Mr. Kamaraj and Periyar E.V.Ramasami. The list was finalized and given statutory recognition in 1954.

The first amendment to the Constitution, 15 (4), has been made to fulfil the noble cause of promoting equality amongst all sections of the society.