

Prohibition of discrimination on the grounds of religion, race, caste, sex or place of birth Article 15

- **Article 15** of the constitution provides for a specific application of equality. It states that state shall not discriminate against any Citizen on the ground of religion, caste, sex, place of birth or any of them.
- Fundamental rights under article 15 is available to citizens only and not to any person as mentioned under article 14.

- **Article 15 (1)** prohibits the state from discriminating citizens on the ground of religion race cast sex place of birth or any of them
- **Article 15 (2)** declares that no citizen shall be subject to any disability, restriction or condition on the grounds only of religion race, cast, place of birth or any of them with regards to access of shops, hotels etc. and all places of public entertainment or use of Wells, tanks bathing Ghats, roads and places of public Resort.
- **Article 15 (1)** prohibits discrimination by State while article 15 to prohibits both states and private individuals from making any discrimination.

- **Article 15 (3)** and **15 (4)** exception to the general rule laid down in clauses (1) and (2).
- **Article 15 (3)** provides that nothing in article 15 shall prevent the state from making any special provisions for women and children. It talks about positive discrimination. Women and children sometimes require special attention and care and therefore, any special provision intended to be benefited to them shall not offend article 15(1) 15 (2).

- **Article 15 (4)** enables the state to make special provisions for protection of interest of backward classes of citizens.
- It was added by constitution (first Amendment) Act 1951. it was inserted to nullify the effect of decision in **State Of Madras Vs Champakam Dorairajan 1951**

- **Champakam Dorairajan Vs State Of Madras 1951**

- The Supreme Court declared void the government order by Madras government which reserved seats in state Medical and engineering colleges for different communities on the basis of religion, race and caste. The Supreme Court nullified it because it classified students on the basis of caste and religion.
- The provisions made under this clause is only an enabling provision and does not impose any obligation on the state to take any special action under it
- It only confers discretion to state to take any special action for making special provisions for backward classes.

- **Article 15 (5)** was inserted by Constitution 93rd Amendment Act, 2005. It enables the state to make special provisions for advancement of socially and educationally backward classes of citizens including schedule caste and Scheduled Tribes for admission in educational institutions including private educational institutions.
- This amendment has been done to nullify the judgment of Supreme Court in the case of
- **TMA Pai Foundation vs. State of Karnataka 2003** (the state cannot make reservation of seats in admission in privately run educational institutions)
- **Islamic Academy vs. State of Karnataka 2003** (State can fix quota but cannot fix fee)
- **PA Inamdar versus state of Maharashtra 2005**

- **Article 15 (5)** is not an exception to article 15 but it is an enabling provision to make equality of opportunity and raised in the Preamble a reality.
- **Article 15 (6)** enables the state to make special provisions for advancement of any economically weaker section of citizen other than those mentioned in article 15 (4) and 15 (5).
- It further provides that special provisions with respect to reservation in educational institutions including private educational institutions will be in addition to the existing maximum of 10% of the total seats in each category.
- This provision was inserted by constitution (103 Amendment) Act 2019