Constitution (126th Amendment) Bill, 2019

Why in News?

Parliament passed the Constitution (126th Amendment) Bill, extending reservation for SC/STs but doing away with the provision for nomination of Anglo Indians to Lok Sabha and some state Assemblies.

Who are Anglo-Indians?

- **Origin** - The Anglo-Indian community in India traces its origins to an official policy of the British East India Company to encourage marriages of its officers with local women.
- The term Anglo-Indian first appeared in the Govt. of India Act, 1935.
- **Article 366(2)** - According to this article of the Indian Constitution, an Anglo-Indian means a person whose father or any of whose other male progenitors in the male line is or was of European descent.
- This person is domiciled within the territory of India and is or was born within such territory of parents habitually resident therein and not established there for temporary purposes only.

What is the Anglo-Indian population?

- The number of people who identified themselves as Anglo-Indian was 296, according to the 2011 Census.
- The All India Anglo-Indian Association, on the other hand, has objected to Law Minister's claim that the community has just 296 members.
- Its president-in-chief, Barry O'Brien, has written to both the Prime Minister and the Law Minister.
- He stated the following points to them,
    1. According to the 2011 census, there are only nine Anglo-Indians in West Bengal. But this data didn't even touch the actual population size there.
    2. Also it shows zero in Uttar Pradesh and Uttarakhand yet those Assemblies right now have sitting members from the community.
- The truth is nobody knows how many Anglo-Indians are there in the country.
- All we know is it's not just a few thousand, neither or it in crores. It's probably somewhere in the lakhs.

Under what provisions was reservation in legislature granted?

- **Article 331** of the Constitution provides for nomination of two Anglo-Indians to the House of the people by the President when in his opinion the community is not adequately represented in the House.
- The idea of such nominations is traced to Frank Anthony, who headed the All India Anglo-Indian Association.
- Article 331 was added in the Constitution following his suggestion to Jawaharlal Nehru.
- **Article 333** of the Constitution provides for nomination of one Anglo-Indian to the Legislative Assembly of the State by the President when in his opinion the community is not adequately represented in the House.
- Currently 14 Assemblies have one Anglo-Indian member each: Andhra Pradesh, Bihar, Chhattisgarh, Tamil Nadu, etc.
- The 126th Amendment does away with this as well.
- **10th Schedule** of the Constitution - Anglo-Indian members of the House of the people and State Assemblies can take the membership of any party within six months of their nomination.
- But, once they do so, they are bound by their party whip.
- The Anglo-Indian members enjoy the same powers as others, but they cannot vote in the Presidential election because they are nominated by the President.
- In the current Lok Sabha, the two seats still empty.

Source: The Indian Express

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