

## THE CONSTITUTION (124TH AMENDMENT) BILL, 2019

# 10% quota for general category poor clears House, set to be law

PM calls it victory for social justice, Law Minister says first of many saxes in slog overs; Opp claims polls forced Govt

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**EFFECTING** A change in the Constitution to add a new chapter to the laws on reservation nearly three decades after the Mandal Commission recommendations came into force, Parliament Wednesday approved the Constitution (124th Amendment) Bill on providing 10 per cent reservation in jobs and education for the economically weaker sections (EWS) of the general category.

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By UNNY



Late Wednesday night, and a day after the Bill sailed through Lok Sabha, Rajya Sabha too gave its stamp of approval at the end of a marathon nine-hour debate that saw the Opposition tearing into the government. Questioning the timing, **CONTINUED ON PAGE 2**

**OPP BACKS BILL, QUESTIONS TIMING**

**QUOTA WON'T CUT INTO SHARE OF SC, ST, OBCs: MODI**

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EXPLAINED

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**Test ahead**

THE NDA's Bill on 10% quota for general category poor has sailed through Parliament but the government is aware of the legal minefield ahead. It remains to be seen how quickly it makes the law operational before polls.

# 10% quota for general category poor clears Parliament, PM calls it victory for social justice

Opposition members said “electoral compulsions” had forced the government to push the legislation in “haste”.

The government hit back with Law Minister Ravi Shankar Prasad saying “sixes are hit in the slog overs” of a cricket match and “more sixes will come”.

After Rajya Sabha voted 165-7 in favour of the Bill — meeting the requirement of a majority of not less than two-thirds of the members present and voting for effecting a constitutional amendment — Prime Minister Narendra Modi said he was “delighted” and “glad to see such widespread support for the Bill”. He called it “a victory for social justice”.

In a series of tweets, Modi said: “The House also witnessed a vibrant debate, where several members expressed their insightful opinions... It ensures a wider canvas for our Yuva Shakti to showcase their prowess and contribute towards India’s transformation... we pay tributes to the makers of our Constitution and the great freedom fighters, who envisioned an India that is strong and inclusive.”

A resolution moved by DMK MP Kanimozhi to send the Bill to a Select Committee was defeated 155-18 votes. The Bill, cleared by both Houses, will now go to the President for his

assent before it becomes an Act of Parliament.

During the debate, the Law Minister, who had a copy of a 2010 report recommending reservation for the EWS in general category, turned to Congress members: “What stopped you from acting on this report from 2010 to 2014? You did not work and now you are asking us why we are working? We are making history today and it is strange that everybody is supporting the Bill but with a ‘but’...”

Congress MP Kapil Sibal drew the attention of the House to the Rs 8-lakh annual family income ceiling “that comes to Rs 66,000 a month” and asked on what grounds could the government exclude an SC/ST earning far less from availing that quota.

He reminded the government that the proposal to grant a 10 per cent quota for the EWS had failed to pass judicial scrutiny in the past. “A 10 per cent quota for economically weaker sections is a recommendation of the Mandal Commission... In the Indra Sawhney case, a nine-judge Bench of the Supreme Court clearly said that it is unconstitutional. I urge the government to tell this House the name of the government law officer who told you that this is constitution-

ally valid,” he said.

Earlier, introducing the Bill, Thaawarchand Gehlot, Minister for Social Justice & Empowerment, said previous governments tried to provide reservation for the EWS in the general category but it was struck down by the court since no such provision was made in the Constitution. Gehlot said the Modi government had brought the Bill to make such a provision for reservation in the Constitution. In all, 40 members participated in the debate in which barbs, charges flew thick and fast.

RJD member Manoj Jha asked the government what data did it have at its disposal while deciding the 10 per cent quota figure. “Everybody knows the boat is leaking, everybody knows the captain lied. You want us to sing paeans to the leaking boat,” he said.

AAP MP Sanjay Singh accused the BJP and its “remote control” of being anti Dalit. BJP’s Rakesh Sinha hit back, asking how long it had taken the House to pass an amendment to the Preamble to the Constitution to introduce the words “socialist, secular”.

While Anand Sharma of Congress said the Bill had been brought by a government which

was already in the “departure lounge”, Trinamool Congress’s Derek O’Brien said the move was an “acknowledgment of guilt” by the Modi government that it could not create jobs in the last four-and-half years. Listing government schemes like Skill India, Made in India and Stand Up India, he said the latest move was yet another “Cheat India” initiative.

SP’s Ram Gopal Yadav asked the government to increase the existing reservation cap for Scheduled Castes, Other Backward Classes and minorities in line with their proportion of the population now that it had decided to breach the 50 per cent ceiling. He and JD(U)’s Ram Chandra Prasad Singh asked the government to extend reservation to the private sector as well, saying jobs in the government sector had been drying up over the years.

The AIADMK opposed the Bill, calling it an infringement on the fundamental rights of the people of Tamil Nadu and staged a walkout. Its leader A Navaneethakrishnan said the state already had 69 per cent reservation for SC/ST and backward classes and an additional ten per cent reservation would encroach upon the 31 per cent open category.