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Bill for 10 pc reservation to poor in general category challenged in SC

NEW DELHI, Jan 10:

The Bill to provide 10 per cent reservation to general category poor in jobs and education was today challenged in the Supreme Court on the grounds it breached the 50 per cent ceiling on quotas, barely a day after the measure secured Parliamentary approval.

A petition filed by an NGO Youth For Equality organisation and its president Dr Kaushal Kant Mishra said in the present form the upper limit of quota goes upto 60 per cent which violated the decisions of the apex court.

The organisation sought a stay and quashing of the Constitution (One Hundred and Twenty Fourth Amendment) Bill, 2019 as it was violative of the basic structure of the Constitution and that the economic criterion cannot be the sole basis for reservation. The

Bill now goes to the President for approval.

It was contended that reservation on economic grounds cannot be limited to the general categories and that the 50 per cent ceiling limit cannot be breached.

Referring to the nine-judge bench decision of the apex court in the landmark 1992 Indira Sawhney case, the petition said the latest amendment completely violated the Constitutional norm that economic criterion cannot be the only basis of reservation.

"Such an amendment is hence vulnerable and ought to be struck down as it merely negates a binding judgement," it said.

It also said that the amendments fail to consider that Articles 14 and 16 form the basic feature of equality, and that they have been violated with the doing away of the restraints that were imposed

on the reservation policy, i.e. The 50 per cent ceiling limit and the exclusion of economic status as a sole criterion.

"The Constitution amendment completely violates the Constitutional norm that economic criterion cannot be the only basis of reservation as has been laid down by the 9 judges in Indira Sawhney, without removing the basis of the judgement", the petition said.

"By way of the present amendments, the exclusion of the OBCs and the SCs/STs from the scope of the economic reservation essentially implies that only those who are poor from the general categories would avail the benefits of the quotas.

SCs/STs capture the reservation benefits repeatedly, the poor sections of these categories remain completely deprived. This is an overwhelming violation of the basic feature of equality enshrined in Article 14 of the Constitution and elsewhere," it said.

Later in a press release, the organisation said in principle it's a welcome step and that deprivation and not the caste has been made the basis of protective discrimination.

"However, the limit of total reservation is increased to 60 per cent. This will open a Pandora's box. Now more and more political parties/caste groups will claim for increased percentage of reservations, both at the Centre and state level," it said.(PTI)

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