

# **RESERVATION – 2008**

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## **BSP assurance on quota for upper castes (25)**

HYDERABAD: Uttar Pradesh Chief Minister Mayawati on Sunday said her Bahujan Samaj Party, if elected to power at the Centre, would bring in a constitutional amendment to provide reservation to the poor among upper castes based on their socio-economic backwardness. Addressing a rally here, she said she had written to the Centre and requested national parties to ensure that the amendment was introduced but none of them was interested. The Uttar Pradesh government had already provided the poor among upper castes a 10 per cent quota in government departments that were privatised. Ms. Mayawati said the BSP was concerned at privatisation of government departments as it eliminated the rule of reservation. It was unfortunate that the Centre promoted privatisation with a view to diluting the reservation policy. She also regretted that the Centre was “indifferent” to the BSP’s demand to treat Dalit Christians as Scheduled Castes. Many Dalits in Uttar Pradesh were converting to Christianity but they did not get social status and they remained poor. The Congress, the BJP and other national parties were not interested in improvement of the conditions of weaker sections, she alleged. Ms. Mayawati came down on a daily and some TV channels for putting out false reports that the Uttar Pradesh government had marginalised Brahmins by scrapping their caste organisations. Such organisations no longer existed as they merged with the BSP before the Assembly elections, attracted by the party’s ideology, she said. (the Hindu 7/1/08)

## **State justifies 69 % reservation (25)**

New Delhi: Tamil Nadu has justified in the Supreme Court enactment of the Tamil Nadu Backward Classes, Scheduled Caste and Scheduled Tribes (Reservation of Seats in Educational Institutions) Act, 2006, providing for 69 per cent reservation in educational institutions in the State. In its response to the petition filed by Voice (Consumer Care) Council challenging the 93rd Constitutional Amendment that enabled the States to provide for reservation in private educational institutions by inserting Clause (5) to Article 15 of the Constitution and the subsequent quota law introduced by Tamil Nadu, the State said this law would not violate the basic structure of the Constitution. When the matter came up for hearing on Thursday before a Bench of Justice Arijit Pasayat and Justice P. Sathasivam, counsel for the petitioner sought time to file rejoinder and the Bench granted four weeks. On the petitioner’s allegation that “vote politics in this country wants to preserve reservation policy,” the counter affidavit said “reservation is not based on caste alone.” It was provided to socially and educationally backward BCs, SCs and STs. It said “access to education is important in order to ensure advancement of persons belonging to SCs, STs and SEBCs. At present, the number of seats available in aided or State-maintained institutions, particularly in respect of professional education, is limited in comparison to those in private unaided institutions.” The petitioner had said, “Already the reservation in the State is excessive. The situation is that 94 per cent of the total seats go the reserved category in which 80 per cent of the ‘open category’ seats are secured by persons belonging to the ‘other backward classes,’ thereby creating discrimination in admission to educational institutions, which is prohibited under Article 29 (2) of the Constitution.” Refuting this, the State said, “This averment is imaginary and not supported by facts and figures. Assuming without admitting the averment that a large number of meritorious seats are secured by the BCs, it is submitted that 69 per cent of seats are filled up by candidates belonging to reserved categories and the remaining 31 per cent seats are filled up by open competition.” It said “BCs form 88 per cent of the State’s population who are suffering from social and educational backwardness for many years. Further, BCs are able to secure more marks by utilising the concessions provided to them and thereby

secure seats in the open competition by dint of their merit. This situation cannot be taken as an advantage to allege that the quota law as constitutional fraud." On exclusion of 'creamy layer,' the State said, "It would be impossible to remove the real creamy layer as dubious methods are adopted by vested persons to remain out of the creamy layer and it is a practical experience that such an exercise would only affect salaried people." The 1994 law providing for 69 per cent quota was already pending in the Supreme Court, the State pointed out and sought dismissal of this petition. (The Hindu 11/1/08)

### **Valmikis say 'creamy' SCs cornering all benefits (25)**

New Delhi, January 13: The present Scheduled Caste reservation regime comprising 1,206 castes is facing a challenge within. Some intellectuals of the Valmiki caste, a caste of scavengers and safai karmacharis spread across north India, are demanding a separate quota within the SC quota for Valmikis and other Ati Dalit (extremely Dalit) castes. In addition to this, they are also demanding that "creamy layer" among SCs—families who have progressed as a result of quotas—be excluded from reservation. Their targets are the Jatavs and the BSP, a party "dominated" by them. According to the 2001 Census, there are 23 lakh people belonging to the SC category in Delhi, of whom Jatavs number 8.9 lakh and Valmikis 5 lakh (22 per cent). Valmikis constitute 11.2 per cent and 19.2 per cent of the SC populations of Punjab and Haryana, respectively. In Uttar Pradesh, they are placed fifth in the SC list, the Jatavs being the dominant lot accounting for 56 per cent of the SC population. The Valmiki intellectuals contest this enumeration, but not on well-established empirical grounds. A conference of about 50-60 Valmiki intellectuals was held at Gandhi Peace Foundation in New Delhi on January 12. Among those who attended were O P Shukla, Judicial Member, Income-Tax Appellate Tribunal; Vijay Prakash, advocate, Delhi High Court; Jyoti Atwal, Assistant Professor of History at JNU; and Vijay Kayat, Reader, MD University, Rohtak. This conference followed a similar ones held by Uttaranchal Valmiki Krantikari Morcha headed by Bhagwat Prasad Makwana on December 23, 2007 at Dehradun and at Agra on January 5 this year. Shukla said, "In the past 60 years, a few developed castes among SCs have walked away with all the benefits of reservations. The Jatavs in north India, the Mahars in Maharashtra, Malas in Andhra, Pasis and Dusadhs in Bihar have reaped all the benefits of the SC quota. Castes like the Valmikis, Dhanaks, Khatiks and Baazigars have had none of these benefits. Valmiki Class-I officers in Delhi can be counted on fingers, and only three Valmikis in the whole country have till now reached the rank of Additional Secretary. The benefits of quota need to be equitably distributed among different castes by bifurcating the SC category." He concluded his address by saying that those families who had benefited from the SC quota should be excluded from reservation. "Even the Supreme Court had recently observed that there should be creamy layer exclusion among SCs," he said. Prakash said some states had made efforts to bifurcate the SC quota. "In 1975, Zail Singh had bifurcated the SC category in Punjab into A and B categories, the Valmikis came in the former and the Jatavs in the latter. In 1994, Bhajan Lal also created A and B categories in Haryana. Rajnath Singh did the same in UP, but the initiative was lost as an advocate filed a case against this quota. In Andhra Pradesh, Chandrababu Naidu bifurcated the SC category into A, B, C and D categories. This was challenged in the Andhra High Court, which upheld Chandrababu's step. One E V Chinniah then filed a petition in the Supreme Court in 2004, arguing that there was no constitutional basis for a state providing a separate quota within the SC quota. The apex court struck down the Andhra High Court judgment providing quota within the SC quota as unconstitutional. On the basis of this judgment of the apex court, a petition was filed by Brajesh Singh Muwal, a Jatav, against the SC quota bifurcation in the Punjab and Haryana High Court too, resulting in these categories being abolished," he said. Quoting figures, Kayat told The Indian Express that while Jatavs in Haryana occupied about 90 per cent of the Class I and Class II posts in the state before 1994, the distribution of these posts between the "dominant" Jatavs and Ati Dalit castes like Valmikis became almost 50-50 when the A and B categories existed between 1994 and 2006. "This shows how important it is to bifurcate the SC category," he said. (Indian Express 14/1/08)

### **Rajasthan Govt to carve out separate quota for Gujjars (25)**

Jaipur : The Rajasthan Government has decided to carve out a separate 4 to 6 per cent reservation for nomadic communities including Gujjars. This reservation would be in addition to

present provision of 16 per cent reservation for Schedule Castes, 12 percent for Schedule Tribes and 21 percent for Other Backward Classes(OBC). Proposed reservation would limit to the State Government jobs and educational institutions. The decision to make this provision was taken at a meeting of the ruling BJP leaders on Saturday night. Chief Minister Vasundhara Raje said at the meeting that the State Government would intimate its decision to centre in a day or two. A notification, in this regard, is likely to be issued on Monday. This would be done under the notified Schedule Tribe categories of certain communities. Senior BJP leader and in-charge of party affairs in Rajasthan, Gopinath Munde informed the leaders that such a provision was already existing in Maharashtra, which provide 11.5 per cent reservation. It would not violate the maximum 49 percent reservation provisions of the constitution. The ruling BJP had taken this decision to appease the Gujjar community, which is agitating to be treated under Schedule Tribe category. The Gujjar Sangharash Samiti, which is spearheading the agitation to get ST status for the community, had announced to start an indefinite Mahapadao in the State capital from January 21. At a Mahapanchayat of the community at Bayana on Sunday, community leaders said that the community would continue its agitation till it gets the ST status. They were not happy with the Governments move to make special reservation provision in Government jobs. It is learnt that other than making this special reservation provision, the Government would soon announce an economic package for the alleviation of the community. Soon after receiving the report of Chopra committee on December 15, which did not find Gujjar community eligible to get ST status, the Government had constituted a four-member committee, headed by Ramdas Agrawal, national treasure of BJP, to prepare package for upliftment of the community. It is understood that committee has almost completed its work and would submit its recommendation to the Government by next week. (Pioneer 14/1/08)

#### **Govt exploring ways for minority quota: Patil (25)**

NEW DELHI, JANUARY 16 : The UPA Government seems to be exploring the possibility of providing reservation for minorities in educational institutions and Government jobs. Addressing a conference of state Minorities Commissions here on Wednesday, Union Home Minister Shivraj Patil said minorities were demanding reservation in educational institutions and Government jobs like that provided for Scheduled Castes and Schedules Tribes. "The question is can it be done. We have to apply our minds to this and try to find out how it can be done in the best possible manner," Patil said. "We cannot say that it cannot be done. Whatever ingenuity can be used in order to help the people who should be helped in these areas should be taken...The Government is looking into these aspects without coming to a final conclusion," he added. Patil said it was the duty of any Government to protect the minorities so that the country remains united. Though there were enough plans and funds for uplift of minorities there was not enough manpower to implement them. "I am not sure whether we have the machinery to implement these plans and whether the training required to implement them is available," he said. Speaking at the seminar, National Commission for Minorities chairperson M S Qureshi said despite the best efforts of the Government, the benefits of various schemes have not reached the minorities. "The Eleventh Plan document is a laudable attempt to set right the deficiencies in empowering the minorities. But it is disappointing to note that the recommendation of the commission to create a minority sub-plan does not find place in the document," he said. The solution lies in reaching out to the members of the minority communities directly, since they are seldom aware of the development programmes, and enable them to approach various agencies to avail the benefits. Qureshi said the NCM does not have powers to independently investigate the complaints of discrimination and deprivation of rights of minorities. "If the commission has to play a proactive role for the benefit of the minority communities, its finances and manpower have to be increased," he added. (Indian Express 17/1/08)

#### **Ministers differ on quota (25)**

New Delhi, Jan. 16: Should minorities be accorded reservation of seats in educational institutions and government jobs? Two Central ministers, Union home minister Shivraj Patil and Union human resources development minister Arjun Singh, spoke at variance on the issue on Wednesday at separate fora though both were discussing issues concerning minorities. In the morning, it was the turn of Mr Patil to speak on the issue at the meeting of the State Minorities

Commissions called by the National Commission for Minorities in Delhi. Stating that there has been a demand from minorities for reservation in educational institutions, Mr Patil said, "The question is, can it be done? We have to apply our minds and find out how it can be done in the best possible manner." Not ruling out reservation for minorities, he said, "What can be done should be done and we cannot say it cannot be done." Moreover, the home minister said the government is looking into these aspects without coming to the final conclusion yet. Mr Singh when asked about reservation for minorities after the meeting of the National Monitoring Committee on Minority Education said the Centre has not taken any decision on reservation for minorities. Stating that he did not know in what context Mr Patil had made the remarks, Mr Singh when asked if minorities would be given reservation in educational institutions said there was no such proposal. Mr Patil in his speech at the meeting of the State Minorities Commission also said it was the duty of any government to protect the minorities to ensure that the country remains united. According to him, though there are enough plans and funds for the upliftment of minorities, there isn't enough manpower to implement them. "I am not sure whether we have the machinery to implement these plans and whether the training required to implement them is available," he said. (Asian Age 17/1/08)

#### **Reservation for Muslims: BJP seeks clarification (25)**

New Delhi: : The BJP has demanded a clarification from the Prime Minister on the alleged move to provide reservation for Muslims by the UPA Government at the Centre. Reacting to Shivraj Patil's statement that some way will have to be found to extend benefits of reservation to Muslims, BJP spokesperson Ravi Shankar Prasad said, "it is totally prohibited in our Constitution." "The Home Minister's statement is political brinkmanship at its worst. This is yet another move to secure vote banks. The BJP rejects this move outright," Prasad said adding that there has been a national consensus that reservation cannot be given to anyone on the basis of religion. Prasad also took exception to Union Minister Kapil Sibal's statement on the need to understand the reasons of terrorism. "He said the sense of injustice which promotes terrorism should be addressed. If that is his view, he is entitled to it. But, as a minister, when he makes a statement which is in substance on similar lines with Pakistan's justification for terrorism in Jammu and Kashmir, it is a matter of serious concern," Prasad said. (Indian Express 18/1/08)

#### **Rs 1,800-cr scheme woos pvt sector for disabled quota (25)**

NEW DELHI, JANUARY 17: Even as the UPA Government is yet to make any formal move on job reservation for Scheduled Castes in the private sector despite hinting at it over the last couple of years, it kicked off a scheme on Thursday that gives sops to industries for hiring physically challenged persons. The Rs 1,800-crore Central scheme aimed at generating one lakh jobs per annum for the physically challenged was approved by the Cabinet Committee on Economic Affairs (CCEA). The Government will take care of the employer's share of the Employees Provident Fund and Employees State Insurance for the first three years. The Ministry of Social Justice and Empowerment will give lump funds as advance to the Employees Provident Fund Organisation and the Employees State Insurance Corporation. The CCEA also cleared a Rs 16-crore outlay over four years to provide adequate publicity for the scheme. With the number of vacancies in Government jobs declining over the years, the Government is keen that private sector be given incentives to generate employment for the physically challenged. The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 provides for incentives to employers—in the private as well as public sector—so that the physically disabled made up at least four per cent of their workforce. In addition, the Cabinet on Thursday also approved to release an additional fund of about Rs 530 crore, which will be used to waive the overdue interests of farmers in 31 suicide-prone districts in Maharashtra, Andhra Pradesh, Karnataka and Kerala covered under the Vidarbha Package announced by the Prime Minister in 2006. (Indian Express 18/1/08)

#### **Quota, not religious intolerance, behind Orissa violence: NCM (25)**

| New Delhi: Quota politics and not religious intolerance was behind recent violence involving attack on churches in Orissa. This startling fact has been brought out by the report of a high-level team of the National Commission for Minorities (NCM) that visited the spot. The team, which

included two members of the Commission - Dileep Padagaonkar and Prof Zoya Hasan-among others, found that it was the love for 'quota' among the Christian converts that led to widespread violence, in the process leaving several injured and many killed. The minority panel has concluded that the clash among 'some Christian groups' for quota was of one the main reasons that led to the burning of churches and attacks on fellow brethren professing one common religion. The second "important factor for the violence was the anti-conversion campaign conducted by the VHP and the Sangh Parivar for the last few years', the report said. Violence had broken out at a large-scale on the Christmas eve in Phulbani, Daringbadi, Bamunigaon and Baliguda. "The NCM delegation found that one of the main reasons for the outbreak of violence was the long simmering Kui-Pana conflict. Panas are asking for inclusion in the ST category to benefit from reservation, to which Kuis are opposed," NCM chairman Mohammad Shafi Qureshi told the mediapersons on Thursday. Panas are SC Christian converts, and hence are not entitled to quota as per the Constitutional provisions, while Kuis, ST Christian converts, enjoy quota in both the Government services and academic institutions. This is what pitted Panas against Kuis. "It is basically fight for share in the quota cake. It is an old issue, involving the two communities. The Kui tribals claim that Panas are different from them, and should not be allowed to get ST status," Mrityunjay Nayak, member, National Commission for Scheduled Castes (NCSC), said. Experts feel that the violent quota brawl in Orissa is the repletion of what was happening in Andhra Pradesh, where the two powerful SC groups have locked their horns against one another on the issue of sharing the quota booty. The Madigas, the majority Scheduled Caste group in the State with 68-lakh population have accused Malas, the second largest group of SC, of usurping their share in reservation by grabbing all opportunities. The Ministry has decided to set up a committee headed by a retired judge of the Supreme Court to suggest ways to deal with such problem. The fight for quota within the quota simply brings forth the lacunas in the country's reservation policy that does not guarantee that the benefits of quota reach the needy first. If Madigas are the major beneficiaries in Andhra Pradesh, Meenas get away with the lion's share in the quota cake of STs. .... (Piineer 18/1/08)

### **BJP drops demand of 33% seats for women in legislature (25)**

New Delhi, January 18: Modifying its position to suit the stand of regional parties, the BJP on Friday dropped its demand for 33 per cent reservation for women in Lok Sabha and state Assemblies, citing lack of consensus. Instead, a new legislation should be brought in to force all political parties to earmark 33 per cent seats for women, the party said. The BJP had been vociferously supporting the proposal for women's reservation in legislative bodies for over 10 years, but in a sudden turnaround on Friday pointed out that there was no consensus in sight on the Women's Reservation Bill. "We cannot just sit and wait and break our heads on the issue, on which there was no unanimity even in the Cabinet," said party leader Sushma Swaraj. While the BJP, the Congress and the Left have been supportive of the Bill, regional parties such as RJD and SP opposed it tooth and nail. These parties fear the proposed reservation will reduce the clout gained by the middle castes who form their support base. They have been suggesting an alternative, which now the BJP has come around to support. "The proposal mooted by the Election Commission making it mandatory for political parties to earmark 33 per cent seats for women was possible, easy and doable," the Swaraj said. This proposal will end the debate of quota within quota as it was upto the parties to decide on their nominees and will also address the fears of certain political parties on rotation of seats, she said. The BJP has decided to support the Election Commission's proposal, as possibility of a consensus on Women's Reservation Bill ahead of next year's Lok Sabha election was nowhere in sight, she added. Swaraj demanded that a legislation making it mandatory for parties to allocate 33 per cent seats for women should be brought in the Budget session of Parliament so that "2009 elections can be held on the basis of reservation." The constituents of NDA are in favour of such a legislation, while the allies of the ruling UPA have also indicated their support, she said. Since the Delimitation exercise has already been completed, any proposal to increase the total number of seats will amount to starting it afresh, she said. (Indian Express 19/1/08)

### **Now, quota in outsourcing (25)**

LUCKNOW: Uttar Pradesh has become the country's first State to introduce the system of reservation in outsourcing undertaken by the government and semi-government agencies. The reservation pattern will follow the quota system for the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes in government services. Briefing newsmen on the Cabinet decision taken on Thursday, Chief Minister Mayawati said here on Friday that previously the works were done by government departments, corporations and boards before the practice of hiring private parties was introduced. In December, the Chief Minister introduced the system of reservation in development works undertaken on the basis of the Public-Private Partnership model. Earlier, on August 10, 2007, she took the decision on voluntary reservation (10 % for SCs, 10 % for OBCs and religious minorities and 10 % for poor among the FCs) by private players in sectors where the developers obtained special facilities and concessions from the State government. (The Hindu 19/1/08)

### **Rajasthan seeks additional Central quota for Gujjars (25)**

Jaipur : The Rajasthan Government appears to have decided to tackle the question of reservation for the Gujjar community head on in a bid to stall the proposed Gujjar agitation from January 21. As a first step it has sent a letter to the Centre asking for an additional 4 to 6 per cent reservation for nomadic communities, including Gujjars' and simultaneously resorted to preventive arrests to frustrate the agitation. Over three hundred Gujjar leaders and activists were arrested in an operation, which started late on Thursday night. Several prominent leaders of the Gujjar agitation, including Gujjar Sangharash Samiti supremo, Col Kirori Singh Bainsla, expelled BJP legislators Prahalad Gunjal and Atar Singh Bhadana, went underground, however, the police was able to detain many other leaders who are considered to be the backbone of the agitation. Prior to this, on Thursday evening the Government dispatched a letter to the Centre, urging it to initiate steps for 4 to 6 per cent reservation for four de-notified nomadic communities-Gujjars, Rebaries, Gadia Lohars and Banjaras, In another move, to dissuade the upper castes, particularly Rajputs, to press for reservation on the basis of economic backwardness, the letter has urged the Centre to provide for 10 to 20 per cent reservations for economically backward upper classes. The Gujjars had already announced a resumption of their agitation from Monday to get Schedule Tribe status for the community. On the other hand, the Karani Sena of Rajputs, is holding a rally on Sunday for its inclusion in the Other Backward Class category immediately. The Gujjar Sangharash Samiti had announced plans to block the Jaipur- Agra highway, near Morel in Bharatpur, the faction lead by Gunjal had announced the launching of an indefinite mahapadao in Jaipur from January 21. He had sought permission to hold the mahapadao in Janpath, near the Secretariat. But the Government had not given its agreement. In its letter to the Centre, the State Government has claimed that even though these nomadic communities were very backward, both economically and socially, they could not be listed as Scheduled Tribes for one or the other reason. Therefore, they ought to be given the benefit of reservation at par with ST's by carving of a separate group of de-notified ST's. This reservation should be over and above the present 49 per cent reservation of jobs for the ST and SC. The Government has also approached the Rajasthan High Court to seek its directive to stop the Gujjars from launching their chakkajam agitation, which would affect normal life. In the wake of Gujjar agitation in May- June last year, on petition, the High Court had asked the Government to maintain law and order and at the same time asked the organisations to desist from such agitation, which would disrupt day to day life of the common man. At the same time the Government has inserted advertisements in the local newspapers urging the common man to stay away from such agitations. (Pioneer 19/1/08)

### **We have not given up on 33% reservation: Sushma (25)**

NEW DELHI: The Bharatiya Janata Party on Saturday tried to dispel the impression that it was backtracking on support for 33 per cent reservation for women in the Lok Sabha and the State Assemblies. Party leader Sushma Swaraj focussed on women's quota for the second consecutive day, at the concluding session of the national executive of the BJP Mahila Morcha here. The BJP views the Election Commission's proposal of making it mandatory for each party to give at least 33 per cent of ticket to women candidates as the only quick way to get consensus on this contentious issue. Ms. Swaraj said the issue had been put on the back burner for more than 11 years. The time had come to bring in legislation which could get all-round political approval so

that the new law could be in force at the time of the next Lok Sabha election. She pointed out that the BJP had not given up on a clear 33 per cent reservation for women. If the government were to bring in a Bill similar to the original 1996 proposal, the BJP would support it. However, she noted its disadvantages — it would need a time-consuming Constitution amendment, rotation of seats between the general category and reserved women's seats would become necessary and, most of all, the parties would not be able to evolve consensus. A second proposal of increasing the Lok Sabha and Assembly seats and then reserving one-third for women was also found to be impractical. It was in this context that the BJP was now emphasising the proposal first made by M.S. Gill when he was Chief Election Commissioner that a simple law be enacted to make it compulsory for the parties to give one-third of ticket to women. It was this focus of the party that created the impression that the BJP became lukewarm to the original idea of 33 per cent reservation. But Ms. Swaraj insisted that it would support any of the three proposals if legislation were to be brought before Parliament. Earlier, BJP president Rajnath Singh asked the delegates to remain firm in their demand. (The Hindu 20/1/08)

### **Nothing less than ST status will do: Bainsla to Raje Govt (25)**

New Delhi, January 19: Rajasthan Chief Minister Vasundhara Raje's proposal to grant separate reservation to Gurjjars under the nomadic category has found little support among the Gurjjar leadership. In a joint declaration on Saturday, the Akhil Bharatiya Gujjar Sangarsh Samiti said nothing short of being granted the Scheduled Tribe status would appease the community. In a letter addressed to the Prime Minister, Raje had recommended 4 to 6 per cent separate reservations for Gurjjars, Gadiaya Lohar, Banjara and Rebari castes. Gurjjar leader Col. Kirori Singh Bainsla pointed out that the finding of the Jasraj Chopra Committee clearly stated that the Gurjjars had not benefited from the overall development in the state and warned the BJP of serious political consequences if it did not grant the ST status to his community. Meanwhile, leaders of the Akhil Bharatiya Gujjar Sangarsh Samiti confirmed that the 'Gujjar Mahapanchayat and chakka jam' to be held on January 21 in Jaipur would go ahead as planned. The proposed Panchayat, Bainsla said, would be peaceful and he urged people not to resort to violence or destruction of public property. The Samiti also announced that Bainsla would go on an indefinite hunger strike from January 20. (Indian Express 20/1/08)

### **EC's proposal on women's quota within parties must be accepted: Gill (25)**

New Delhi, January 20: Former Chief Election Commissioner and Congress MP M S Gill on Sunday said political parties should implement the Election Commission's proposal that 33 per cent of all party posts are earmarked for women. Gill's demand comes closely on the heels of BJP too making a similar demand on Saturday. The former Chief Election Commissioner said that it is the best possible solution under the circumstances. "This issue is bigger than any political party and it is high time that political parties implement the EC's proposal. There's lack of adequate space in the political process for the women," he said. Gill as CEC in April 2000 circulated a note among the political parties for arriving at a consensus on EC's suggestion of amending the Representation of Peoples Act (RPA) to make it compulsory for all recognised political parties to fix a certain number of seats for women candidates in state and national elections. "In the EC's view, the issue needs to be looked into from a wider perspective. The objective must remain to achieve a genuinely active participation of women in the political process. Instead of following the reservation route, with the possibility of further internal reservations, a simple amendment of RPA — requiring the political parties to fix a certain percentage of seats for women candidates — will solve the problem. The EC has observed that this mechanism of ensuring a minimum percentage of women candidates has worked well in some European countries," the note stated. "I was very clear that we must enhance women's representation in state legislatures and the parliament which has remained a miserable 6 to 8 per cent since Independence. The EC, at that time, tried to convince all political parties that by simple amendment in the RPA, we can ensure adequate representation of women in our legislative bodies and involve them in decision making process at all levels. This can be achieved without any controversy and at the same time ensure flexibility to chose women candidates from the fixed quota, eliminating any controversy on further internal reservations. When after all these years the political parties could not arrive on any consensus on the Women's Reservation Bill, the time has

come to give a serious thought to ensuring women's reservation through means other than reservation. This would also expose those parties which are per se opposed to giving any seats to women candidates," said Gill. When asked whether being a member of the Congress, his views would not be seen as opposed to that of his party, which has not taken any stand till now, Gill said that though he is bound to support the official line of the party, he will try to convince the party to accept the proposal. (Indian Express 21/1/08)

### **NCSC refuses Dalit Christians quota in employment, education (25)**

New Delhi : Providing reservation for Dalit Christians may not come easy for the Government with the National Commission for Scheduled Castes (NCSC) refusing to accommodate them within the prevailing 15 per cent SC quota in employment and education. The Commission headed by Buta Singh has conveyed in a report submitted to the Centre that though it supported the initiative of providing reservation to Dalit Christians, the same ought to be done without disturbing the existing quota available to the Scheduled Castes. The Government had sought the Commission's view on the Justice Ranganath Misra Commission report on Status of Religious and Linguistic Minority submitted in May 2007 that advocated for quota for Dalit Christians. It had also forwarded Justice Rajinder Sachar Committee Report on Status of Muslims to the NCSC since both had recommended amendment in The Constitution (Scheduled Castes) Order, 1950 to include affirmative action even for other religious minorities. At present, the 1950 order permits recognition of Scheduled Castes among Hindus, Sikhs and Buddhists. The issue is currently under challenge before the Supreme Court. On Wednesday the Centre informed the court that the NCSC report has been received. Additional Solicitor General (ASG) Gopal Subramaniam sought eight weeks time to file its response based on the view taken by the NCSC. The Bench headed by Chief Justice KG Balakrishnan posted the matter to April next. The court was hearing a petition filed by an NGO, Centre for Public Interest Litigation, seeking amendment in the 1950 order to recognise Scheduled castes among other religions besides Hindus. Backward groups among Christians, generally referred to as Dalit Christians, and low caste Muslims, who are discriminated on account of their social educational and economic backwardness have also represented in court to claim their share in reservation. Senior advocates Shanti Bhushan and Ram Jethmalani, who appeared for the petitioners, accused the Centre of dilly-dallying on the issue since the matter is pending before the court for the past three years. Chief Justice Balakrishnan, however, refused to accept this contention stating, "The Government took a decision in 1950 and after 55 years, they (SCs) are coming to us." Subramaniam assured that the Government will study the report and file its response within the stipulated period. Jethmalani too, on a previous occasion accused the Government of employing delaying tactics. He pointed out a Bill being introduced by the Congress Party in 1996 seeking extension of reservation benefits to Christians. According to him, the Centre's decision to refer the matter to the NCSC was to delay the process of implementation. "Such matters are to take minimum possible time. But the trouble is it is mixed up with politics all the time" he said, while appearing for SC Christians. The court has been firm on the demand to seek all the statistics and examine it in detail. The court had taken a stand that the issue whether there are Scheduled Castes among Christians is to be first investigated. "The Christians must say they have caste system in their religion," the Bench had said on the previous occasion. (Pioneer 24/1/08)

### **SC status for Dalit Christians: Centre seeks more time (25)**

NEW DELHI, JANUARY 23: The Centre on Wednesday sought more time to furnish its view on granting Scheduled Caste status to Dalit Christians. Earlier in the day, a Bench headed by Chief Justice of India K G Balakrishnan was apprised of the National Commission for Scheduled Castes's (NCSC) recommendation on extending the benefit of reservation to Dalit Christians. The NCSC, headed by Buta Singh, has also recommended that 15 per cent quota for Scheduled Castes should not be disturbed, at the same time reminding the Government that the overall reservation of 50 per cent has to be maintained, considering the Mandal judgment. The Government had sought the NCSC's opinion after the report of the National Commission for Religious and Linguistic Minorities (NCRLM), headed by former Chief Justice of India Ranganath Misra, recommended legislative and legal remedies to undo the impact of the Presidential Order of 1950. Like the Mishra Commission, the NCSC had also pitched in for quota for Dalit Christians

and Muslims, asking the Government to give them privileges and the protection like Scheduled Castes belonging to Hindu, Buddhist and Sikh communities. Acceding to the plea of Additional Solicitor General Gopal Subramaniam, the Bench granted the Centre eight weeks to furnish its response. Senior advocate Shanti Bhushan, counsel for Centre for Public Interest Litigation, the NGO which filed the PIL, opposed grant of any further time to the Government, saying that the matter has been pending for the last three years. However, the bench disallowed his plea and remarked, "There is no urgency as the Presidential Order of 1950 has been challenged. You have come after more than 54 years." The PIL argues how paragraph three of the President's "Constitution (Scheduled Castes) Order" 1950— saying "no person who professes a religion different from the Hindu, the Sikh or the Buddhist religion shall be deemed to be a member of a Scheduled Caste"—was coming in the way of granting SC status to Dalit Christians. (Indian Express 24/1/08)

### **Centre gets time to decide on quota for Dalit Christians (25)**

New Delhi: The Supreme Court has granted the Centre eight weeks to take a decision on providing quota for Dalit Christians on a par with the Scheduled Castes. The Justice Rangnath Misra Commission for Religious and Linguistic Minorities had recommended reservation for Dalit Christians. Additional Solicitor-General Gopal Subramanian told a three-judge Bench that the National Commission for Scheduled Castes (NCSC), which had been asked to look into the Misra Commission recommendations, submitted its report and the government was looking into it. The Bench, comprising Chief Justice K.G. Balakrishnan and Justices R.V. Raveendran and J.M. Panchal, accepted his plea for time and adjourned the hearing. The court is examining the constitutional validity of Paragraph 3 of the Constitution (Scheduled Castes) Order, 1950 by which the SCs are deprived of reservation on their conversion to Christianity. The NCSC made it clear that reservation should be extended to Dalit Christians but the share of 15 per cent for the SCs should not be disturbed. It said the element of reservation for Dalit Christians and Dalit Muslims should be determined by the government keeping in view their population. However, as per the Supreme Court direction, the overall reservation of 50 per cent had to be maintained. Mr. Subramanian handed over to the Bench the extract of the NCSC's views deliberated on at a meeting held on December 18, 2007. The meeting considered the views of the Misra Commission and the Prime Minister's High Level Committee — Social, Economic and Educational Status of the Muslim Community of India, on the specification of SC converts to Christianity and Islam as SCs. It concluded that though Dalit Christians/Muslims could be given a quota, the existing 15 per cent reservation for the SCs should not be disturbed. The Bench is hearing petitions filed by Centre for Public Interest Litigation and others challenging the 1950 Presidential Order. The petitioners said the 1950 order, as it stood today, violated the right to equality guaranteed under Article 14 of the Constitution. For, the SCs converting into Christianity were deprived of the benefit given to people from the same community in other religions. There could not be any distinction between SC converts to Sikhism and Buddhism and SC converts to Christianity, the petitioners said. (The Hindu 25/1/08)

### **Notice to Centre on plea for quota for Dalit Muslims (25)**

New Delhi: The Supreme Court has issued notice to the Centre on a petition challenging the constitutional validity of the 1950 Presidential Order providing quotas for Scheduled Castes only in Hinduism, Sikhism and Buddhism. On Friday, a Bench consisting of Chief Justice K.G. Balakrishnan and Justice R.V. Raveendran issued the notice, returnable in four weeks, on a public interest litigation petition filed by the Akhil Maharashtra Muslim Khatik Samaj. The petitioner said there were Arzals (Dalits) in the Muslim community who also needed reservation. Though Hindu Khatiks (those who slaughter animals) were included in the SC category, Muslim Khatiks were denied the benefit despite being their being on the same social strata and facing similar discrimination. On Tuesday the court granted the Centre eight weeks to file its response to similar petitions filed by Christian organisations and individuals seeking extension of reservation to Dalits within their community. The Samaj pointed out that the Justice Rajinder Sachar Committee and the National Commission for Religious and Linguistic Minorities headed by the former Chief Justice of India Rangnath Misra had recommended de-linking of religion from the issue of SCs and that the quota be extended to Dalits of all religions. There was need to identify

and include Muslim Arzals such as Khatiks, Mehters, Bhangis, Lalbegis, Halakhors, Mochis, Mukris and Garudis in the SC category. (The Hindu 27/1/08)

#### **AP Muslim quota hearing after special bench formed (25)**

Hyderabad : The hearing of batch of petitions questioning the 4 per cent reservations for the 14 backward groups of Muslims in Andhra Pradesh was adjourned by the High Court till the Chief Justice AR Dave reconstitutes a seven-member bench to hear the case. The decision to adjourn the hearing was taken by the five-member bench headed by Justice T Meena Kumari which has been hearing the petitions against the Muslim reservation quota for the last three months. However the court refused to give any interim order allowing the Government to fill the 213 vacant seats in BEd and B Pharma courses. The seats have been kept vacant for the Muslim candidates under the reserved quota. Earlier the bench had asked the counsels' views for referring the case to the seven-member bench. While Advocate General BV Mohan Reddy remained neutral, counsels for various petitioners including those of VHP and Karunakar of BJP opposed the move saying the constitution of a special bench was not necessary. (Pioneer 27/1/08)

#### **BJP to give 33% quota for women in party posts (25)**

NEW DELHI: In one voice and with a thunderous applause, the national council of the Bharatiya Janata Party on Monday approved an amendment to the party constitution that will give its women workers 33 per cent reservation right from the "mandal" level. However, there is no unanimity on giving the same percentage of reservation for women at the central office-bearers level and the Parliamentary Board, the highest decision-making body. BJP president Rajnath Singh moved a resolution to amend the party constitution and Sushma Swaraj introduced the subject to some 3,000 delegates at the Ram Lila Maidan here. "This council session will go down as a historic one for this reason and it will be mentioned in the history of women's empowerment in India," Ms. Swaraj said. She pointed out that at the Baroda national council session, with L.K. Advani in the chair as party president, the BJP adopted a resolution supporting 33 per cent seats for women in the Lok Sabha and the Legislative Assemblies. By giving more representation to women, the party had done what should have been done at the national level. Mr. Singh is expected to announce soon the names of 14 new women members of the national executive committee. A list of 42 names has been prepared. With immediate effect, any newly elected committee will have 33 per cent reservation for women. It was Mr. Singh who propounded the idea first and got it approved at the Bhopal national executive committee meeting six months ago. The amendment was greeted with loud cheer by the women's wing members, including Mahila Morcha president Kiran Maheshwari. Flower petals were showered by them in appreciation. When a delegate said this had not been done even by the parties headed by women such as the Congress and the Bahujan Samaj Party, Mr. Singh quipped whether they wanted the party presidentship too. With immediate effect, the Mahila Morcha chief will become the ex-officio member of the central election committee that finalises ticket for the Lok Sabha, Rajya Sabha and other elections. State morcha presidents will similarly be ex-officio members of their election committees. (The Hindu 29/1/08)

#### **Maya demands quota for Dalit Christians, Muslims (25)**

LUCKNOW, FEBRUARY 1: Uttar Pradesh Chief Minister Mayawati has written to the Prime Minister demanding reservation in Government jobs for Dalits who have converted to Christianity or Islam. The BSP chief has also demanded that this should be in addition to the existing reservation. Mayawati has argued though para three of the Presidential Order 1950 prohibits reservation for Dalit Muslims and Christians, their conditions was not any better than that of the Scheduled Castes. She said that the Centre should consider the reality and extend reservation to Dalit Muslims and Christians, without changing the existing reservation quota for SCs. For facilitating this, the maximum limit of 50 per cent reservation, set by the Supreme Court, should be increased by amending the Constitution, she suggested, adding that the amendment should then be included in the Ninth Schedule. She said the step was necessary to improve the lot of Dalit Christians and Muslims. On August 11 last year, Mayawati had written to the Prime Minister recommending 10 per cent reservation each for SCs, OBCs and minorities as well as

economically backward upper castes in the private sector. The UP Government has already issued orders for such reservation in all units which require any kind of assistance from the Government. In her first letter to the PM, soon after forming her Government in last May, Mayawati had asked him to fulfil the backlog in jobs reserved for SCs, STs and OBCs at the Centre. (Indian Express 2/1/08)

### **Minister says no to quota demand for Dalit converts (25)**

JAIPUR: Rajasthan Social Justice and Empowerment Minister Madan Dilawar on Saturday opposed the demand for extending reservation in government jobs to the Christian and Muslim converts among Dalits, saying the move would "go against the spirit of the Constitution". Some sections in the Congress and other political parties have backed a recent call by the Bahujan Samaj Party to provide Scheduled Caste status to Christian and Muslim Dalits with the contention that their social and economic status is in no way better than Dalits of other religions. A Presidential Order of 1950 does not recognise Dalit Christians and Muslims as Scheduled Castes, denying them the reservation benefits accorded to other Scheduled Castes and Tribes. Addressing a press conference convened here to publicise the achievements of his department, Mr. Dilawar said the Semitic religions such as Christianity and Islam had no concept of caste hierarchy and their followers could not claim a benefit that was aimed essentially at ending caste-based prejudices and discrimination among Hindus. "Dalits converting to Christianity and Islam automatically save themselves from the purported injustice meted out to them in the Hindu fold. Why do they need reservation in the government jobs?" asked Mr. Dilawar. The Minister said any demand to disturb the existing 15 per cent quota for Scheduled Castes was unacceptable as it would go against the spirit of the Constitution and the Supreme Court's guidelines and "break the nation". "There is no logic in the demand that all Dalits irrespective of their faith be given reservation," he said. Mr. Dilawar, known for his radical views, also underlined the need to redefine the concept of minorities, while affirming that all citizens of the country should have a single identity. "The United Nations defines minorities as the settlers born outside a country," he said. Mr. Dilawar said the State Social Justice and Empowerment Department had launched several new schemes for welfare of weaker sections and disabled and old people. Over 26 lakh below poverty line (BPL) families in the State were given free life insurance, while the number of pensioners under various categories had increased from 6 lakh to 8.73 lakh during the past four years. The Hindu 3/2/08)

### **Maya favours ST status for Gujjars (25)**

Jaipur : The Bahujan Samaj Party wants to make Rajasthan a political arena in a big way before the next Assembly election and with this in mind, it held an impressive rally in Jaipur on Sunday. Party supremo and UP Chief Minister Mayawati, who came all the way from Lucknow to address the rally, said that by adopting the social engineer pattern of her home State, the party would make all efforts to gain power in the State. The local BSP leaders, for the past one month, were preparing for the rally. Last week, some party leaders from UP, including two Ministers, Anant Mishra and Laxmi Narayan Choudhary, came to supervise the preparations of the first rally in Rajasthan. Mayawati said her party was very much in favour of giving Scheduled Tribe status to the Gujjar community. Instead of taking away the benefits of reservation from the Meenas, the other ST community, a special quota should be created for the Gujjar community. She said her party was not against the upper castes, but at the same time it wants that the Dalits and other backward classes should be given special treatment to bring them at par with upper castes. The BSP leader warned that anyone affecting the party, may it be Congress or BJP, we will fight back with both. She said that the Center's National Rural Employment Scheme could not be successful in giving employment to all and said if the BSP came to power at the Center it would come out with a scheme which would give employment to everyone. Vidyadhar Nagar Stadium, the venue of the rally, was virtually converted into a sea of blue colour flags and festoons of the party. The people from various parts of the State started reaching here as early as last night. The party leaders had claimed that at least five lakh people would participate in the rally and it was an impressive gathering. Local BSP leaders had claimed that some important leaders from other parties would join the party. On Friday, some local level Congress leaders did join the party in the

presence of Anant Mishra, who said that the party would contest all the 200 seats in the coming Assembly election in Rajasthan. (Pioneer 18/2/08)

#### **JD(U) sticks to stand on quota within quota for Dalit women (25)**

NEW DELHI: Contrary to the claims made by the Bharatiya Janata Party that all the National Democratic Alliance parties had agreed to the new formula of providing for 33 per cent reservation for women in the allotment of party ticket for Assembly and Parliamentary polls, the Janata Dal (United) on Thursday announced that it did not approve of the formula and stuck to its stand. JD (U) president Sharad Yadav said the party was for reservation within reservation for Dalit women. "Our party's stand is totally different. We want quota within the quota for Dalit women and it should be proportionate to their population," Mr. Yadav said when asked about the BJP stand that the government should go ahead with the formula of the Election Commission to provide for 33 per cent reservation for women in the allotment of party ticket. Mr. Yadav's comments come a day ahead of the proposed rally by the BJP Mahila Morcha in support of the demand for quota for women. Mr. Yadav said that unless this was done his party would not support the Bill in Parliament. This brings to the fore the fissures within the NDA over the issue. Mr. Yadav said the JD (U) Parliamentary Party will meet in Delhi on February 25, the day budget session of Parliament starts, to discuss the issues to be raised. Suicide by farmers, famine-like situation in Bundelkhand of Uttar Pradesh, the rise in prices of essential commodities and problems facing the retail sector are the issues identified by the party. On the auctioning of cricket players for the Indian Premier League, Mr. Yadav termed it as "vulgar display of wealth" and demanded recovery of all cash assistance to them so that the money could be utilised for the promotion of other games. "It was a day of national shame when cricketers were put on auction. It is a vulgar display of wealth and shameless demonstration of money power," he said. (The Hindu 22/2/07)

#### **Mayawati for quota for Dalit converts, poor upper castes (25)**

NEW DELHI: Seeking to replicate the social engineering in Delhi Assembly poll later this year, Uttar Pradesh Chief Minister Mayawati on Sunday batted for reservation for Dalit Christians and Muslims and favoured quota for the poor among the upper castes. "We have written to the central government for extension of reservation benefits to Dalit Christians and Muslims," she said addressing a rally here at Ramlila ground. However, she also demanded that the present quota for Dalits need to be increased to accommodate the quota for Dalits from Christian and Muslim community. "In Uttar Pradesh, we have already accorded backward caste status to backward Muslim communities and we also favour reservation for poor members of the upper castes", she said. Accusing ruling BJP in Rajasthan of pitching Meenas against the Gujjars for political benefits, she said BSP would support the demand for ST status to Gujjars. Demanding reservation in private sector, she said her government in Uttar Pradesh has clear instructions to investors to accommodate reservation. "I have said that whoever wishes to set up industry in UP should provide ten per cent reservation each to the SC/ST, religious minorities and the poor upper caste in the industry," she said. Mayawati asked her partymen to strive to bring BSP in power in Delhi and said her party favoured "full statehood for Delhi." She said if BSP comes to power, she would find a permanent solution to the issue of shop-sealing and would save small traders from sufferings (Times of India 24/2/08)

#### **Quota for SCs/STs in MBBS, BDS (25)**

NEW DELHI: The government has decided to introduce reservation for the Scheduled Castes and the Scheduled Tribes candidates in undergraduate medical and dental courses from this year under the all-India entrance examination. The Union Health and Family Welfare Ministry has directed the Director-General of Health Services to implement 15 per cent reservation for SCs and 7.5 per cent for STs in the exams conducted by the Central Board of Secondary Education. With the introduction of the quota, around 310 SC and 155 ST students will benefit this year. In 2007, the total number of MBBS/BDS seats was 2,075, which were filled on the basis of merit. Seats in government medical and dental colleges across the country that are under the all-India quota are filled on the basis of the entrance examination without any reservation. The CBSE will

conduct the preliminary test for the all-India entrance exam on April 6 and the final on May 11.  
The Hindu 26/2/08

### **Jharkhand Adivasis demand increase in job quota (25)**

Jamshedpur: Adivasis on Wednesday staged a day-long demonstration in front of the office of the Deputy Commissioner of East Singhbhum district demanding more reserved jobs in the ongoing recruitment in police service in Jharkhand. "We want to mount pressure on the State Government for increasing quota in ongoing recruitment process," chief convenor of Joint Adivasi Action Committee (JAAC) and former MP, Salkhan Murmu, said. According to him, only one constable's post out of 254 posts in East Singhbhum was reserved for the Adivasis. He threatened that road and rail traffic would be blocked in Kolhan region of east and west Singhbhum and Saraikela-Kharswan districts of Jharkhand on March 5 if the demands are not fulfilled. They also demanded inclusion of Adivasis living in Assam and Andaman and Nicobar Islands in the ST list and implementation of residential and domicile policy. Mr. Murmu said the protestors opted for a demonstration instead of a rail blockade as declared earlier due to the ongoing matriculation (secondary) examination. At a recent meeting of JAAC in Assam, tribal leaders had decided to hold demonstration every month till the demands were met, Murmu said.- PTI The Hindu 28/2/08)

### **All-party meet on women's Bill (25)**

NEW DELHI: Indicating a renewed effort at evolving consensus on the stalled Women's Reservation Bill, Prime Minister Manmohan Singh on Wednesday informed the Rajya Sabha that he would convene an all-party meeting after the March 20 Parliament break. Responding to a strong plea by Brinda Karat and Sitaram Yechury (CPI-M), Dr. Singh said although he could not give an assurance on the possible outcome of the efforts to get the Bill through, he would convene the meeting. "I will go back to the political parties and seek a consensus." Raising the issue, Ms. Karat pointed out that unless the Bill was passed in the budget session, there was no chance of women getting reservation in the next elections to Parliament and the State Assemblies. "The government will be held solely responsible for the Bill not getting through." Supporting her, Mr. Yechury urged the Prime Minister to give a categorical assurance of the government's intent on the issue. (The Hindu 6/3/08)

### **50 per cent quota for women in panchayats (25)**

Dehra Dun: The BJP Government in Uttarakhand plans to bring in a law that provides 50 per cent reservation for women in panchayats. A formal announcement to this effect is likely to be made in the current budget session of the Vidhan Sabha, official sources said here on Thursday. "We are going to reserve 50 per cent seats for women under the Panchayati Raj system," a top official said. But the official refused to divulge more information over the issue saying a detail statement would be made in the house shortly. "We have almost finalised everything regarding this," he said. Women are having 33 per cent reservation in the Panchayati Raj system under the 73rd amendment. However, it was not yet known whether the government would bring similar kind of reservation in urban bodies too. Women have played a big role in the Statehood agitation of 1990s that saw the birth of new State of Uttarakhand on Nov 9, 2000. Besides, various social groups have been exerting pressure on the government for 50 per cent reservation for women. "We feel it is a big victory for women in Uttarakhand," said Avdhash Kaushal, Chairperson of RLEK, a Dehra Dun-based NGO working for the women empowerment in the country. Significantly, BJP recently made provision for 33 per cent reservation for women in the party's structure. -- PTI (The Hindu 7/3/08)

### **50% reservation for Rajasthan women in civic bodies (25)**

Jaipur : In keeping with her Government's policy of empowering women, Rajasthan Chief Minister Vasundhara Raje announced that 50 per cent of the seats in local bodies, including city corporations, municipal councils and boards, would be reserved for them. The CM made the announcement while replying at a debate on the Appropriations Bill. During her Budget pronouncements in the last week of February, Raje had announced 50 per cent reservation for women in Panchayati Raj institutions also several welfare schemes for schoolgirls. Following up

on those announcements, Raje announced another slew of measures for girls and women. Free education would be provided to any college going girl studying in the Science, Arts or Commerce streams. Girls from BPL families would get Rs 5,000 as scholarship. If Women Self Help Groups(SHG) repaid their loan in the same financial year it would get a free mobile phone with Rs 500 free talktime. If any woman registered property in her name, she would need to pay half the prevailing Stamp Duty. Raje also announced plans to set up three more universities - Mahararaj Surajmal Braj University at Bharatpur, Rajrishi Bharathari University at Alwar and Deendayal Upadhyay University in Shekhawati, taking the total number of universities in the State to 12. The monthly pension of those arrested under MISA during the Emergency was hiked to Rs 6,000 from the present Rs 3,000. They would also get free medical facilities on par with freedom fighters. Former members of the State Assembly would now be entitled to stay in dak bungalows and circuit houses at concessional rates. (Pioneer 19/3/08)

### **Women will press for reservation bill (25)**

New Delhi, March 23: Women's activists, parliamentarians and representatives of civil society organisations gathered recently in the capital to ensure that the long delayed Women's Reservation Bill is tabled in Parliament in the second half of the parliamentary session starting April 15. At the consultative meeting titled Women's Reservation Bill — The Way Forward: Call for Action organised by a women's lobby group, WomenPowerConnect (WPC), women's groups demanded immediate action on the quota bill and pledged to vote out parties that are showing resistance to it by mounting a mass campaign against those who are creating hurdles in the passage of the bill. While refusing to settle for anything less than the 33 per cent reservation of seats for women, these groups also urged the parliamentarians present at the meeting to raise the issue in Zero Hour of Parliament. Although similar reservations have been introduced for women in the panchayati raj institutions with great success, there appears to be much reluctance amongst certain sections of the state and Central-level legislatures to adopt such legislation. "Thirty-three per cent reservation of seats in bodies of local governance has resulted in women becoming active and valuable participants in grassroots level decision making structures. If such a strategy was employed across all levels, higher level decision would also benefit from the dynamic involvement and leadership of women," said Dr Ranjana Kumari, president, WPC. Some of the participants at the consultation included Lok Sabha MP Sangeeta Singh Dev, president, All-Indian Women Conference Gomti Nayar, president, BJP Mahila Morcha, Kiran Maheshwari and Lok Janshakti Party's Latika Sharma. These participants also stressed the need for mounting a mass movement for mobilising women at the grassroots throughout the country. (Asian Age 24/3/08)

### **Treat OBCs at par with SCs, STs in terms of welfare: ARC report (25)**

New Delhi : Taking on one of the most controversial arenas of India politics, a report of the Administrative Reforms Commission has asked the Government to treat OBCs at par with the SCs and STs in terms of welfare schemes and recommended undertaking a State-wise comprehensive survey on the status of OBCs. The report presented to Prime Minister Manmohan Singh recently has dealt with issues of conflicts that are paralysing the Indian political and administrative mechanism and underlined the need of mainstreaming of the OBC communities in India. "The socio-economic conditions of the OBCs is such that it would require interventions to bring them on par with the Others (read upper castes) and put them in mainstream," the report prepared under the Chairmanship of Congress leader Veerappa Moily stated. While the issue raised by the Commission might be observed by many as going beyond the theme of the Administrative Reforms, the Commission has further said, "The special schemes on the lines of schemes for SCs and STs need to be taken up for social empowerment of the OBCs." "Schemes such as Centrally Sponsored Scheme of Post Matric Scholarship, which is available to SCs could be extended to OBCs including the minorities," the Moily reports added. The report has used the NSSO surveys to clinch its point in regard to "Issues Related to Backward Classes" section saying that the incidence of poverty among OBCs is intermediate to that among SCs and STs on one hand and the 'Others' on the other. However, "unemployment, including underemployment, as measured by the Current Daily Status (CDS) among the OBCs is lowest among all social groups in rural areas and not significantly less than the STs but less than

Others in urban areas," the report claims. Though, the report has accepted that the health indicators of the OBCs are much closer to the Others, it has raised an eyebrows that "the incidence of indebtedness, and consequently the debt asset ratio, is highest among OBCs of all social groups," adding that the group is highly dependent on informal sources of loan in comparison to all other social groups. Citing the reason of incorporating the issue in the Moily report named as "Capacity Building for Conflict Resolution" has advocated treating OBCs at par with SCs and STs. "What is required is a comprehensive package of schemes, on the lines of those drawn up for SCs and STs," it said and added that there had been resentment among people belonging to OBCs including minorities that they have not been given the benefit of comprehensive amelioration package as has been done in the case of Sc and STs."This has often led to conflicts culminating in violence," it said in justification of the chapter, though hardly any such conflict has been heard of. Moily led Administrative Reforms Commission was constituted on August 31, 2005 by the UPA Government to prepare a detailed blueprint for revamping the public administrative system. (Pioneer 31/3/08)

### **Equal Opportunities Commission should benefit all communities: panel (25)**

New Delhi, April 4: An expert panel set up last year to look into the structure and functions of an "Equal Opportunities Commission", has recommended that the benefits of the Commission shall be made available to all social groups that feel discriminated and not only to SC/STs, minorities or any other set of pre-defined groups. The committee, headed by Prof N R Madhava Menon, has also drawn up a broad outline for an Equal Opportunities Bill, 2008, that will address a gamut of issues related to discrimination against various sections of the society. The committee has already submitted its recommendations to the Centre. Though the idea to set up the EOC came from the Prime Minister's High Power Committee on the state of Muslims, the EOC envisaged by the expert group is not restricted to SCs, STs, OBCs, Minorities, persons with disabilities or to any other set of pre-defined groups. Instead, the panel has proposed that anybody who feels discriminated, as he/she belongs to a particular social group, should be given access to the Commission. The committee further says that it is imperative to recognise "social identities," like even staunchly identity-unaware and universalistic states like France and Brazil have done. In fact, recognition of "social identities" has been a contentious one and was at the centre of the dispute over the implementation of the Mandal Commission. The Mandal Commission recognised categories called Other Backward Classes (not Castes), something the Supreme Court also endorsed by talking of the need to ensure that the "creamy layer" in these communities does not benefit from reservations. All major political parties, the Congress, the BJP and the Left also wanted economic status to be the key factor for determining the degree of backwardness. However, newer regional caste-based political parties argued for recognising an aspect called "social backwardness" by virtue of association to a caste group, and not the level of economic prosperity attained. With the expert group now taking the same line (though the Centre is yet to accept the recommendations) this is likely to re-ignite the debate on what should be the central basis for determining level of social discrimination. The five-member group also consisted sociologists Javeed Alam, Satish Deshpande, Yogendra Yadav and Gopal Guru. Meanwhile, the panel has argued for extending the jurisdiction of the Commission to the private sector as well, "as changes in the country's economy in the last two decades have meant that most of the emerging and lucrative opportunities lie in the private sector which has so far remained outside the scope of affirmative action." What the panel says • It is important to go beyond "purely formal approach" to equality • 'Deprivation Index' should be the key for establishing the Equal Opportunity Commission • Education and employment sectors should be the priority for the panel • A publicly-debated criteria of evidence is needed for establishing equality of opportunity (The Indian Express 5/4/08)

### **50 % quota for women in Himachal (25)**

Shimla: The Himachal Pradesh Assembly on Tuesday passed an amendment bill raising reservation for women to 50 per cent from one-third at present. The House unanimously passed the Himachal Pradesh Panchayati Raj (amendment) Act, 2008 raising the quota for women to half. Prior to Himachal Pradesh, the NDA-ruled states of Madhya Pradesh, Rajasthan and Bihar

have approved similar legislation. Though the Opposition Congress supported the amendment, some of its members raised Constitutional points on the issue. Congress member Kuldeep Pathania argued that Article 243 (D) of the Constitution prohibited that reservation more than one-third. He cautioned the Government that the decision might not stand judicial scrutiny. He called the step "noble" but said the Government should take into consideration the judicial aspect also. Mr. Pathania was supported by veteran Congress leader Virbhadra Singh. He said his party was in favour of providing more reservation to the women in local self bodies but the constitutional point should also be deliberated. Crossing swords with Congress members "unnecessarily" raising "objections", BJP's women members Renu Chadda and Urmil Thakur labelled Mr. Pathania as "anti-women" and hailed Chief Minister Prem Kumar Dhumal for this "historic" step. Mr. Dhumal said the Assembly had the power to raise the quota and cited Madhya Pradesh and Rajasthan to drive home his point. He said the decision was a great step towards empowerment of women. PTI (The Hindu 9/4/08)

### **Ramadoss unhappy with exclusion creamy (25)**

New Delhi, April 10: Union health minister Anbumani Ramadoss has expressed disappointment at the exclusion of the creamy layer from the ambit of 27 per cent reservation for OBCs in elite educational institutions and said the matter would be discussed at the Cabinet. A similar discontent has set in amongst pro-reservationists in AIIMS who fear that the principle of "creamy layer" might be used as a ploy to derail reservations. The Progressive Medicos and Scientists forum of AIIMS has demanded that the government must fulfil its pledge in Parliament to increase the number of seats in these educational institutions such that there is no reduction in the seats available for the students of general categories. Meanwhile, Youth for Equality, who spearheaded the anti-quota agitation in the year 2006, is unhappy with the Supreme Court verdict. Welcoming the top court ruling upholding 27 per cent reservation for OBCs in higher educational institutions, Dr Ramadoss said, "It is a historical verdict, but at the same time we are disappointed by the exclusion of the creamy layer. We would take up this issue with like-minded parties as well as within the UPA and the Cabinet." (Asian Age 11/4/08)

### **What's Creamy Layer? (25)**

- The creamy layer concept was first introduced by the Supreme Court in the Mandal judgment delivered in November 1992 to indicate an elite group among the Other Backward Classes.
- The court had in 1992 asked the government to exclude the 'creamy layer' from the purview of quotas to ensure that only the neediest among the OBCs benefit from reservation.
- As per the Mandal judgment, children of constitutional functionaries including the President, judges of the Supreme Court and High Courts, members of the UPSC, Groups A and B or Class I or II officers of the All-India Central and State services and children of public sector employees are excluded from reservation.
- Further, children of all OBCs whose gross annual income is more than Rs. 2.5 lakh must not get the benefit of reservation.
- State governments have been given the leeway to determine who they deem to be an OBC, and grounds for exemptions have also been made clear in each case. How they do it

CHINA Allows non-Han ethnic groups (around nine per cent of the population) to be exempt from a national one-child policy. There is also a quota for minority representatives in the National Assembly. MALAYSIA Affirmative action, but for the majority Malays. After race riots in 1969, Malaysia introduced a policy under which public servants are almost all ethnic Malays and any investments would require Malays to control 30 per cent of equity holdings. SOUTH AFRICA The Black Economic Empowerment policy is aimed at shifting more of the economy and wealth into the hands of the black majority. The financial services industry has a charter pledging it will be 25 per cent black-owned by 2010, of which 10 per cent has to be direct ownership. UNITED STATES To correct the legacy of centuries of black slavery and discrimination, the United States launched race quotas in the 1960s for university entrance and employment. Some states have rolled back these rules in line with Supreme Court decisions weakening the relevant laws. fixed for general categories of students... if any seat remains vacant after adopting such norms they shall be filled up by candidates from general categories". The Constitution Bench also rejected the contention of the petitioners that the principles laid down by US courts for "affirmative action" such as "suspect legislation", strict scrutiny" and "compelling state necessity" could be applicable in all such cases in India. "The principles applied by the

Supreme Court of America cannot be applied directly to India as the gamut of affirmative action in India is fully supported by constitutional provisions,” said the Chief Justice and the other four judges concurred. •SC clears law on 27% OBC quotas in Govt higher-education institutes •All 5 judges agree on keeping creamy layer out and regular review •IIMs hold their 2008 merit list as they decide on implementation (Indian Express 11/4/08)

### **Caste can be the basis to determine backwardness, rules Supreme Court (25)**

New Delhi: The Supreme Court has held that caste can be the basis for determining Socially and Educationally Backward Classes (SEBCs) for providing 27 per cent reservation in Central higher educational institutions. Writing the main judgment, Chief Justice K.G. Balakrishnan said: “Though for the purpose of convenience, the list is based on caste, it cannot be said that backward class has been identified solely on the basis of caste. The only possible objection that could be agitated is that in many of the castes included in this list, there may be an affluent section (creamy layer) which cannot be included in the list of SEBCs.” He added: “When socially and educationally backward classes are determined by giving importance to caste, it shall not be forgotten that a segment of that caste is economically advanced and they do not require the protection of reservation.” Referring to the arguments made on behalf of the Pattalai Makkal Katchi, a political party based in Tamil Nadu, that the exclusion of the creamy layer would not apply to educational institutions, the Chief Justice stated: “They are excluded because unless this segment of caste is excluded from that caste group, there cannot be proper identification of the backward class. If the ‘creamy layer’ principle is not applied, it could easily be said that all the castes that have been included among the SEBCs have been included exclusively on the basis of caste.” The Chief Justice further stated that “by excluding those who have already attained economic well-being or educational advancement, the special benefits cannot be further extended to them and, if done so, it would be unreasonable, discriminatory or arbitrary resulting in reverse discrimination.” He said that without excluding the creamy layer, the SEBC list would not be valid. “As far as the parameters for identification of creamy layer are concerned, the office memorandum dated September 8, 1993 (specifying upper income limit of Rs.2.50 lakh per annum and giving categories of persons excluded for availing reservation) may be applied. OBC should be deemed to mean SEBC after exclusion of creamy layer.” Justice Arijit Pasayat, for himself and Justice C.K. Thakker, stated: “For implementing the [quota] statute creamy layer must be excluded. The Central government shall examine as to the desirability of fixing cut-off marks in respect of candidates belonging to the OBCs. This would ensure quality and merit would not suffer. If any seats remain vacant after adopting such norms they shall be filled up by candidates from general categories.” Mr. Justice Pasayat stated: “So far as determination of backward classes is concerned, a notification should be issued by the Union of India after exclusion of the creamy layer for which necessary data must be obtained by the Central and State governments. To strike the constitutional balance it is necessary and desirable to earmark certain percentage of seats out of permissible limit of 27 per cent for socially and economically backward classes.” He further said: “For identifying backward classes, the Commission set up pursuant to the directions of this court [in the Mandal case judgment] has to work more effectively and not merely decide applications for inclusion or exclusion of castes. While determining backwardness, graduation (not technical graduation) or professional [graduation] shall be the standard test yardstick for measuring backwardness.” Referring to the petitioners’ submissions, quoting parliamentary proceedings, that the law was rushed through Parliament, Mr. Justice Pasayat said: “The courts should not normally critically analyse proceedings of Parliament. This flows from a very fundamental aspect, i.e., mutual respect of Parliament and the judiciary for each other. Each of these great institutions in a democracy would not criticise the manner of functioning of another wing. That would be against the basic desirability of mutual respect. Any opinion or comment or criticism about the manner of functioning of one by the other would be not only undesirable but imperatively avoidable.” ..... (The Hindu 11/4/08)

### **The creamy layer (25)**

New Delhi: The following are among the list of persons who will fall within the ambit of creamy layer as per the Office Memorandum dated September 8, 1993: (1) Group A/Class I Officers of the All India Central and State Services (Direct Recruits) (a) parents, both of whom are Class I

Officers; (b) parents, either of whom is a Class I officer; (c) a woman belonging to the OBC category, who has got married to a Class I officer, and may herself like to apply for a job. (2) Group B/Class II officers of the Central and State Services (Direct Recruitment) son(s) and daughter(s) of (a) parents both of whom are Class II officers; (b) parents of whom only the husband is a Class II officer and he gets into Class I at the age of 40 or earlier; (3) Employees in Public Sector Undertakings etc. The criteria will apply mutatis mutandis to officers holding equivalent or comparable posts in PSUs, Banks, Insurance Organisations, Universities, etc. and also to equivalent or comparable posts and positions under private employment, pending the evaluation of the posts on equivalent or comparable basis in these institutions, (4) Armed forces, including paramilitary forces (persons holding civil posts are not included;) Son(s) and daughter(s) of parents either or both of whom is or are in the rank of Colonel and above in the Army and to equivalent posts in the Navy and the Air Force and the Paramilitary Forces: (5) Persons engaged in profession as a doctor, lawyer, chartered accountant, Income Tax consultant, financial or management consultant, dental surgeon, engineer, architect, computer specialist, film artistes and other film professional, author, playwright, sports persons, sports professional, media professional or any other vocations of like status. (6) Son(s) and daughter(s) of persons belonging to a family (father, mother and minor children) which owns only irrigated land which is equal to or more than 85% of the statutory area. Son(s) and daughter(s) of(a) persons having gross annual income of Rs. 2.50 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years; (i) Income from salaries or agricultural land shall not be clubbed; (ii) The income criteria in terms of rupee will be modified taking into account the change in its value every three years; If the situation, however, so demands, the interregnum may be less. (The above list is not exhaustive, only indicative.) (The Hindu 11/4/08)

#### **Women's groups disappointed over reservation Bill (25)**

NEW DELHI: Women's organisations have expressed disappointment over the failure of the government and its leading allies to introduce the Women's Reservation Bill in the budget session. Mohini Giri, Chairperson, Guild of Services, said that on March 8, Prime Minister Manmohan Singh assured a delegation of women leaders that he was keen to introduce the Bill in the budget session. "This kindled hope but we find that on every occasion this cause is sacrificed and there is no attempt to abide by commitments," Ms Giri said. The All India Democratic Women's Association (AIDWA), the National Federation of Indian Women (NFIW), the Guild of Services, the War Widows Association, Joint Women's Programme, the All India Women's Conference, and the Women's Political Watch, among others, have joined a nationwide campaign to draw attention to the Bill giving women 33 per cent representation in Parliament and Legislatures. Annie Raja, NFIW president, said women's organisations affiliated to their federation were willing to take on the government in every possible way — from sitting on hunger strike to holding 'jail bhara' movement. Pramila Pandhe of the AIDWA said: "The time has now come to demonstrate our disillusionment with the ruling coalition. We are not willing to be treated in this casual manner. The women have demonstrated time and again in every walk of life their capacity to make a difference in the lives of people and communities. If we are going to be excluded from structures of governance, the country is never going to be able to resolve long-standing issues that stem from social disparity and injustice." Veena Nayyar, Women's Political Watch, said the women's organisations had no choice but to take recourse to more direct action. (The Hindu 11/4/08)

#### **OBC quotas in, OBC well-off out (25)**

NEW DELHI, APRIL 10: Almost three decades after the Mandal Commission report on affirmative action called for it, the Supreme Court, in a landmark ruling today, upheld the UPA's law providing 27 per cent quota for OBCs in IITs, IIMs and other Central educational institutions but said it would not apply to the "creamy layer". Headed by Chief Justice K G Balakrishnan, the five-judge Constitution Bench unanimously ruled in the Ashoka Kumar Thakur versus Union of India case that the "creamy layer" must be excluded from the socially and educationally backward classes (SEBCs) and continuance of quota under the Central Educational Institutions (Reservation in Admission) Act, 2006 should be periodically reviewed after five years. The Bench upheld the

validity of the Constitution (93rd Amendment) Act 2005, empowering the Centre to come out with the special law for OBC quota in institutions of higher learning. With today's order, reservation in these institutions will go up to 49.5 per cent. Members of the Bench, which delivered four separate judgements, were unanimous that the 93rd Amendment and the 2006 legislation providing for the quota were "not violative of the basic structure of the Constitution". The only divergent view was on the constitutional validity of the 93rd Amendment in the case of private unaided institutions. Four judges left the issue open since none of those institutions had approached the court. But Justice Dalveer Bhandari held that "imposing reservation on unaided institutions violates the basic structure by stripping citizens of their fundamental rights under Article 19 (1) (g) to carry on an occupation". Justice Bhandari called for excluding children of former and sitting MPs and MLAs from the benefit of OBC quota. The court held that for applying the parameter for identification of SEBC, the creamy layer has to be excluded as per the office memorandum of September 8, 1993 which included wards of persons holding Constitutional posts and government officials under various categories. "The plea of the petitioner that the legislation itself was intended to please a section of the community as part of the vote-catching mechanism is not a legally acceptable plea and it is only to be rejected," Chief Justice Balakrishnan said. "Identification of backward class is not done solely based on caste. Other parameters are followed in identifying the backward class. Therefore, the Act is not invalid for this reason," he said. "Determination of backward class cannot be exclusively based on caste. Poverty, social backwardness, economic backwardness, all are criteria for determination of backwardness," he said — a view that was shared by Justice R V Raveendran. On the same issue, Justices Arijit Pasayat and C K Thakker said that determination of backward class can be done by excluding the creamy layer for which necessary data must be obtained by the Centre and the state government. "So far as determination of backward classes is concerned, a notification should be issued by the Centre. Such notification is open to challenge on the ground of wrongful exclusion and inclusion," Justice Pasayat said. The Bench rejected the contention of anti-quota petitioners that matriculation or 10+2 should be the yardstick for determining educational backwardness. The Chief Justice who rejected the contention did not dwell on the criteria for educational backwardness. But Justice Bhandari was of the view that "once a candidate graduates from a university, the said candidate is educationally forward and is ineligible for special benefits under Article 15 (5) of the Constitution for post-graduate and any further studies thereafter". Similarly, Justice Pasayat said "while determining backwardness, graduation (not technical graduation) or professional shall be the test yardstick for measuring backwardness." He said stress has to be on primary and secondary education so that proper foundation for higher education can be effectively laid. .... (Indian Express 11/4/08)

### **Cracking the caste conundrum (25)**

The creamy layer of Tamil Nadu politics couldn't have been happier with the SC verdict. The state where party politics revolves around the two cogs of Dravidian identity and social justice, there are no parties opposing reservation for the oppressed. To set the record straight, Tamil Nadu was the first among states to put in a system of reservation and successive regimes only increased the allocation—till it touched 69 per cent 28 years ago. As early as 1921, the Madras Presidency introduced 'Communal GO' that granted reservations of 44 per cent for non-Brahmins, 16 per cent each for Brahmins, Muslims, Christians/Anglo Indians, and eight per cent for SCs. It was implemented six years later and stayed in force for the next two decades. When the Supreme Court upheld a Madras High Court verdict that struck down the GO, Dravidar Kazhagam founder and one of the biggest thinker-reformer from the state, Periyar E.V. Ramasami, was in the forefront of the agitation against the verdict. According to social commentators, quota was an extension of the anti-upper class movement that gripped the state in the early part of the 20th century. To start with, the word 'backward class' lost its innate backwardness and assumed a significant clout in the social and political arena and reservations followed naturally. To his credit, it was Chief Minister M. Karunanidhi who set up the Tamil Nadu State Backward Classes Commission in 1969. Based on the Commission's study, the then DMK government increased reservation for backward castes to 31 per cent and 18 per cent for SCs and STs. The following government, headed by AIADMK chief minister M.G. Ramachandran, increased the BC quota to 50 per cent. Since then, the magic figure has been 69 per cent, with 30 for BCs, 20 for

MBCs/denotified communities, 18 for SCs and one per cent for STs. Accordingly, the number of backward classes in the state has grown from 11 in 1883 to 288 (as per the Mandal Commission report). Though there has been opposition against this large quantum being allocated on casteist lines, pro-reservation activists point out that the progress made by the backward class in Tamil Nadu is unprecedented and unparalleled. Education, they say, is the only way of uplifting a community that is burdened by centuries of exclusion and superstitions. With the history of identity politics that is attached to the issue, it is hardly surprising that there are not many who openly oppose the quota regime, the highest the country. (Indian Express 12/4/08)

#### **Pressure on Centre to file review petition (25)**

NEW DELHI: Even as the government set in motion the process of implementing the 93rd Constitution Amendment providing 27 per cent reservation for Other Backward Classes (OBCs) in central higher education institutions, pressure is building up for filing a review petition against the exclusion of creamy layer in Thursday's Supreme Court judgment. The issue was raised by a constituent of the United Progressive Alliance at a routine Cabinet meeting on Friday. His concern was that the entire reservation policy would be diluted if the creamy layer was excluded. Prime Minister Manmohan Singh was understood to have said the issue could be discussed in detail after a scrutiny of the judgment. A senior member of the Cabinet – speaking in his personal capacity – said the Supreme Court verdict on the Central Educational Institutions (Reservation in Admission) Act, 2006, was “totally unimplementable.” While lauding the judgment for upholding the Act, he said the ruling on the creamy layer was such that it had foreclosed the option of a Constitution Amendment. While the Union Human Resource Development Ministry – which spearheaded the legislation and the court battle – had on Thursday itself asked institutions under its purview to send reports on their level of preparedness, a review meeting of the 12 institutions under the Health Ministry was convened on Friday by Health & Family Welfare Minister Anbumani Ramadoss. Talking to reporters on the sidelines of a function, he said AIIMS would get quota this year “hopefully.” On the exclusion of the creamy layer, Dr. Ramadoss said: “Since the Mandal Commission allowed quota in employment in 1990, only 5.3 per cent seats have been filled out of the 27 per cent. This is what will happen to this quota also if the creamy layer is kept out.” He also met Union Human Resource Development Minister Arjun Singh. (The Hindu 12/4/08)

#### **Govt to implement quota verdict; no move to confront SC (25)**

New Delhi, At the same time, HRD Minister Arjun Singh sought to mollify allies upset over the exclusion of creamy layer saying the government as also the UPA favoured reservation benefit for the creamy layer. Despite reservations from allies on the creamy layer issue, the government has said it would implement the Supreme Court verdict on the OBC quota issue and does not want to seek a review of the judgement. At the same time, HRD Minister Arjun Singh sought to mollify allies upset over the exclusion of creamy layer saying the government as also the UPA favoured reservation benefit for the creamy layer. "The Supreme Court verdict is implementable and it will be implemented," Singh said in an interview, asserting that the process would be initiated in the coming academic session the extent possible. Singh steered clear of the demands by allies, including DMK, for a "fair and just" review of the parameters that would define the creamy layer. "It has been very carefully done. The overall structure of the judgement is very positive," he said. Asked whether government has plans to go for a review of the verdict, he said he does not want to speculate. "There is no such thing at present," he said when asked whether government would could seek reference of the issue to a larger SC bench. "The basic issue has been resolved. There are differences on the creamy layer issue. We will try to sort out differences by discussions," he said, adding a meeting of UPA Coordination Committee was likely soon after the reconvening of Parliament session on April 15. Singh said the government's strategy was to implement whatever is implementable and decide on rest of the matters after discussions. The HRD Minister, who had played a proactive role for the reservation issue, said that without confronting the apex court, the government would examine the suggestions from allies. Singh, who has been asked by Prime Minister Manmohan Singh to consult all allies in the wake of the situation arising out of the verdict, said government's endeavour was to sort out differences through discussions. Noting that the concept of creamy layer was only in connection with the OBCs and it should be applied very carefully to avoid a situation that would deny the benefit in

genuine cases. Taking a dig at a section in Congress which has been claiming that the verdict was "unimplementable" and that there was confusion about it, he said the confusion was created by those who were against the concept. "It (verdict) is only not clear to them," he said. "These people had earlier demanded do not implement it. Now, they say it is non-implementable," Singh said, adding this was their "last-ditch attempt" to block it. Replying to a question, he said there is no immediate plan to bring the bill to provide reservation in private and unaided educational institutions. The HRD Minister said a communication would be sent to the institutions, including IIMs, this week on the admission process. Asked whether the OBC issue was the achievement of Congress, he said: "Obviously. There cannot be any doubt on that. It was the initiative of the UPA government. All this could not have happened except the support and guidance of the Congress President and the Prime Minister". Asked whether it would have an impact on the assembly polls in Karnataka, Singh said it should have. Singh said the government is yet to get a copy of the judgement. (Deccan Herald 13/4/08)

### **IITs to go for 27% quota in 3 phases (25)**

NEW DELHI, APRIL 16: Within a week of the Supreme Court verdict upholding 27 per cent reservation for OBCs in higher educational institutions, the seven Indian Institutes of Technology (IITs) declared on Wednesday that they would implement the quota in phases, from this year onwards. But the three new IITs in Bihar, Rajasthan and Andhra Pradesh will implement the 27 per cent quota in one go. Addressing a press conference at IIT-Delhi on Wednesday, the seven IITs, along with Institute of Technology, Banaras Hindu University and Indian School of Mines (ISM), Dhanbad, announced their decision to implement 9 per cent reservation for OBC students from the coming academic session, beginning July this year. The quota implementation is scheduled to be completed in three years, by 2010. "This year, the institutes will have 9 per cent seats reserved for OBC students at the undergraduate as well as post-graduate level. By JEE-2010, the seats will gradually increase to 27 per cent, based on the proposals submitted by individual institutions to the empowerment committee and accepted by the Government of India," said Prof S C Saxena, director of IIT Roorkee. The IITs are the first set of central government institutions to declare their roadmap for quota implementation. There are about 4,000 seats in all the seven IITs. These seats would be increased to about 4,500 in 2008-09, apart from the 360 seats to be offered by the three new IITs. At present, the sum total of students admitted every year in the seven IITs, IIT BHU and ISM Dhanbad is 4,880. With 9 per cent reservation of seats for OBC, the institutes will witness 13 per cent increase in the intake of students in 2008, which by 2010 will be 54 pc. Asked if the existing infrastructure could support the increased intake, the directors said they were prepared for the challenge. "The grant of Rs 770 crore is sufficient for building the infrastructure, and we are taking the OBC reservation as a challenge that we will overcome," said Surender Prasad, IIT-Delhi director. Wednesday's decision was taken at a joint admission board meeting held here. The group decided to go by the Supreme Court directive on the issue of creamy layer. "There will be two separate merit lists for the different categories. Regarding the verification of category status of a candidate, the existing rules and norms of the Government of India shall apply," said Prasad. A decision to admit 120 students to each of the new IITs that are being set up in Rajasthan, Patna and Hyderabad was also taken at the meeting. The three institutes will implement 27 pc reservation for OBCs from this year itself. (Indian Express 17/4/08)

### **Quota minus creamy layer from 2008-09 (25)**

NEW DELHI: The Cabinet Committee on Political Affairs (CCPA) is understood to have decided to implement the Central Educational Institutions (Reservation in Admission) Act, 2006 from the coming academic year, as per Supreme Court directions. (In its April 10 order, the court directed the government to exclude the creamy layer among the Other Backward Classes while implementing the law.) With the CCPA arriving at this decision on Thursday, the week-long uncertainty over whether the government would file a review petition vis-à-vis exclusion of the creamy layer has ended, for now. Though key constituents of the United Progressive Alliance were urging the government to file the review petition, the CCPA has decided to implement the

order under pressure from Central educational institutions, which are seeking clarity on the issue. Already, admissions to the postgraduate programme in the Indian Institutes of Management are on hold following the judgment and the IIMs are awaiting a directive from the government. It appears the CCPA has accepted the Human Resource Development Ministry's view that the court order should be implemented without further delay. As for filing a review petition on the creamy layer issue, it has been decided that this can be addressed at a later date. (The Hindu 18/4/08)

#### **'Include creamy layer in OBC quota' (25)**

New Delhi : PMK, a constituent of the UPA Government at the Centre, said here on Saturday that it would fight for the removal of the creamy layer 'concept' from the reservation for OBCs in higher educational institutions and demanded a constitutional amendment for the same. Terming the reservation in higher educational institutions as "first victory", PMK leader S Ramadoss told reporters that his party wanted the Government to take action to drop the very idea of creamy layer from the purview of the reservation policy. Noting that the 27 per cent reservation in jobs was not effective because of the creamy layer concept, he said the experience showed that the number of OBCs in Central Government jobs had actually declined and this should not happen in the education field too. Ramadoss said he had explained this to the Prime Minister Manmohan Singh and UPA Chairperson Sonia Gandhi on Friday. The Prime Minister assured him that the Government would implement the policy of 27 per cent reservation as directed by the Supreme Court and appropriate action would be taken to deal with the concept of creamy layer, he said. Ramadoss claimed that Singh agreed with the view that by including creamy layer in the purview of reservation, the objective of social justice could not be achieved. The PMK wanted a constitutional amendment to ensure that creamy layer was not excluded from the purview of reservation and this should be put in the Ninth Schedule so that it could not be questioned, he added. (Pioneer 20/4/08)

#### **HRD Ministry directive on OBC quota (25)**

NEW DELHI: The Human Resource Development (HRD) Ministry on Sunday asked all central educational institutions (CEIs) to extend reservation to the Other Backward Classes (OBCs) – except those falling within the “creamy layer” – from the coming academic session as per the Supreme Court order early this month. The directive comes two days after the Cabinet Committee on Political Affairs decided to implement the court order in the CEI (Reservation in Admission) Act, 2006, despite some Ministers' demands for a review petition on exclusion of the creamy layer. On the demand for a review of the income criteria specified among the parameters to define the creamy layer, the Ministry for Social Justice & Empowerment (MSJE) has asked the National Commission for Backward Classes (NCBC) to examine the feasibility of revisiting its decision taken in 2004 in this regard. In determining who is an OBC, the HRD Ministry has asked the CEIs to adopt the central List of OBCs prepared by the MSJE in consultation with the NCBC for reservation in jobs. Similarly, an Office Memorandum – issued by the Union Ministry of Personnel, Public Grievances and Pension on September 8, 1993, and amended on March 9, 2004 – will provide the yardstick for defining the creamy layer for now. The directive sets at rest the confusion on whether the court order confined the OBC reservation to graduate programmes. As per the directive – issued as an Office Memorandum – it will be applicable to all programmes of study except at high levels of specialisation. Every institution can plan its own roll-out schedule – provided 27 per cent reservation for the OBCs is in place within three years and there is no reduction in the share of seats available to the general category. Each institution has been given the freedom to fix the eligibility criteria for OBC reservation. While institutions can fix the criteria in keeping with their standards, the cut-off should be such that sufficient number of eligible OBC candidates are available as per “the directions/observations of the Court in this regard.” Institutions such as the IIMs have been asked to offer admission to eligible OBCs from the successful waitlisted candidates.(The Hindu 21/4/08)

#### **Quota should not exceed 50 %, says Supreme Court (25)**

NEW DELHI: The Supreme Court on Friday reiterated the ruling enunciated in Indra Sawhney (I) (Mandal case) that the total reservation for SC/ST and other backward classes or special

categories should not exceed 50 per cent. This ruling assumes significance in the context of a law in force in Tamil Nadu providing for 69 per cent quota in employment and education. This issue is still pending adjudication before a three-judge Bench. A Bench of Justices C.K. Thakker and D.K. Jain, quoting the judgment in the Indra Sawhney (I) case, said there are two types of reservation: (i) vertical reservation; and (ii) horizontal reservation. They must be so applied as not to exceed 50 per cent reservation permissible under law. This can be done by 'interlocking reservation.' The reservation in favour of the SCs, the STs and other backward classes, under Article 16(4), may be called vertical reservation whereas reservation in favour of physically handicapped, under Article 16 (1), can be referred to as horizontal reservation. This one cut across the vertical reservation — in what is called interlocking reservation. Writing the judgment in a case relating to the appointment of professors in Roorkee University, Mr. Justice Thakker said the proper course was to first fill the OC quota (50 per cent) on the basis of merit; then fill each of the social reservation quotas, i.e., SC, ST and BC; the third step would be to find out how many candidates belonging to special reservation have been selected on the above basis. The Bench said: "If the quota fixed for horizontal reservation is already satisfied, in case it is an overall horizontal reservation, no further question arises. But if it is not so satisfied, the requisite number of special reservation candidates shall have to be taken and adjusted/ accommodated against their respective social reservation categories by deleting the corresponding number of candidates there from. The vertical reservation is now 50 per cent for general category and 50 per cent for Scheduled Castes, Scheduled Tribes and Backward Classes." In the instant case, Roorkee University issued an advertisement in August 2000 for filling vacancies. The controversy relates to the vacancy position in the Department of Mathematics. There were six posts of Professors (unreserved) and three posts of Associate/Assistant Professors. Of three posts, two were reserved for Scheduled Caste candidates while one was for General Category: Unreserved (UR). They were to be filled under the Flexible Cadre Structure (FCS) in accordance with reserve roster notified by the Government of Uttar Pradesh under whose control the University was functioning at the relevant time. The grievance of Shiv Prasad, one of the petitioners, was that though he was eligible, he was not appointed, but a woman candidate Madhu Jain was selected in the 20 per cent women quota. The Uttaranchal High Court set aside the appointment of Ms. Jain but did not consider selection of Mr. Prasad. Both filed the present appeals. Allowing the appeal of Ms. Jain, the Bench said though the total reservation could not exceed 50 per cent in this case the action of the varsity in appointing her was legal and valid since one post was reserved in women category under the combined cadre. According to the policy of the U.P. government, there should be 20 per cent reservation for 'women candidates' in the combined cadre. The said policy had been accepted and implemented by the university. Since there were three posts in the 'Combined Cadre,' one was reserved for a woman candidate. Therefore, her appointment was valid, the Bench said and dismissed Mr. Prasad's appeal. (The Hindu 26/4/08)

### **Quota should not exceed 50 %, says Supreme Court (25)**

NEW DELHI: The Supreme Court on Friday reiterated the ruling enunciated in Indra Sawhney (I) (Mandal case) that the total reservation for SC/ST and other backward classes or special categories should not exceed 50 per cent. This ruling assumes significance in the context of a law in force in Tamil Nadu providing for 69 per cent quota in employment and education. This issue is still pending adjudication before a three-judge Bench. A Bench of Justices C.K. Thakker and D.K. Jain, quoting the judgment in the Indra Sawhney (I) case, said there are two types of reservation: (i) vertical reservation; and (ii) horizontal reservation. They must be so applied as not to exceed 50 per cent reservation permissible under law. This can be done by 'interlocking reservation.' The reservation in favour of the SCs, the STs and other backward classes, under Article 16(4), may be called vertical reservation whereas reservation in favour of physically handicapped, under Article 16 (1), can be referred to as horizontal reservation. This one cut across the vertical reservation — in what is called interlocking reservation. Writing the judgment in a case relating to the appointment of professors in Roorkee University, Mr. Justice Thakker said the proper course was to first fill the OC quota (50 per cent) on the basis of merit; then fill each of the social reservation quotas, i.e., SC, ST and BC; the third step would be to find out how many candidates belonging to special reservation have been selected on the above basis. The Bench said: "If the quota fixed for horizontal reservation is already satisfied, in case it is an overall horizontal

reservation, no further question arises. But if it is not so satisfied, the requisite number of special reservation candidates shall have to be taken and adjusted/ accommodated against their respective social reservation categories by deleting the corresponding number of candidates there from. The vertical reservation is now 50 per cent for general category and 50 per cent for Scheduled Castes, Scheduled Tribes and Backward Classes." In the instant case, Roorkee University issued an advertisement in August 2000 for filling vacancies. The controversy relates to the vacancy position in the Department of Mathematics. There were six posts of Professors (unreserved) and three posts of Associate/Assistant Professors. Of three posts, two were reserved for Scheduled Caste candidates while one was for General Category: Unreserved (UR). They were to be filled under the Flexible Cadre Structure (FCS) in accordance with reserve roster notified by the Government of Uttar Pradesh under whose control the University was functioning at the relevant time. The grievance of Shiv Prasad, one of the petitioners, was that though he was eligible, he was not appointed, but a woman candidate Madhu Jain was selected in the 20 per cent women quota. The Uttaranchal High Court set aside the appointment of Ms. Jain but did not consider selection of Mr. Prasad. Both filed the present appeals. Allowing the appeal of Ms. Jain, the Bench said though the total reservation could not exceed 50 per cent in this case the action of the varsity in appointing her was legal and valid since one post was reserved in women category under the combined cadre. According to the policy of the U.P. government, there should be 20 per cent reservation for 'women candidates' in the combined cadre. The said policy had been accepted and implemented by the university. Since there were three posts in the 'Combined Cadre,' one was reserved for a woman candidate. Therefore, her appointment was valid, the Bench said and dismissed Mr. Prasada's appeal. (The Hindu 27/4/08)

#### **OBC MPs demand JPC on reservation (25)**

New Delhi, April 28: Rejecting the exclusion of the creamy layer for quotas in higher educational institutions, OBC members of Parliament on Monday demanded a joint parliamentary committee to look into the whole reservations issue. Members of the OBC forum in Parliament, who met Prime Minister Manmohan Singh on Monday, asked him to constitute a JPC for OBCs to look into the whole issue in the backdrop of a recent Supreme Court judgment on quotas for socially and educationally backward classes. They asked him to direct the JPC to recommend remedial measures for the benefit of OBCs. "We further request that the report of the Nachiappan Committee on SC/STs and the OBC Reservations Bill and Judges Inquiry Bill recommending reservation for OBCs in line with Scheduled Castes, including reservation in the judiciary, may please be implemented at the earliest," the MPs said. (Asian Age 29/4/08)

#### **Women's Bill to be tabled today in Rajya Sabha (25)**

NEW DELHI: The Union Cabinet on Monday approved for introduction in the Rajya Sabha the contentious Women's Reservation Bill. The nod came at an emergency meeting convened by the Prime Minister at his residence late in the evening and the Bill will be tabled on Tuesday. The understanding is that the proposed legislation will be introduced and referred to the Standing Committee, before which political parties can raise their objections. Railway Minister and Rashtriya Janata Dal leader Lalu Prasad is reported to have said his party had a point of view that needed to be accommodated and other alternatives could be looked into. However, he was reportedly told that the Bill — in its original form — was only being introduced as it was the commitment of the United Progressive Alliance in the Common Minimum Programme, and all issues could be raised before the Standing Committee. The Bill was originally drafted and introduced in Parliament in September 1996 when H.D. Deve Gowda was Prime Minister in the United Front government. The Law Ministry has prepared two drafts, the first envisaging reservation of 33.3 per cent seats for women within the existing strength of Parliament and Assemblies and the second calling for increasing their strength by 33.3 per cent. Under the second option, the strength of the 545-member Lok Sabha increases to 900. An alternative was also suggested by the Election Commission, making it mandatory for parties to reserve seats for women in each State. This would involve amendment to the Representation of the People Act, 1951 and the parties could lose recognition if they failed to provide reservation. The other options suggested were rotation and sharing of seats, which were, however, not acceptable to women's groups. The Bill, introduced in 1996, was sent to a joint Parliamentary Committee headed by Left

MP Geeta Mukherjee but it lapsed when the United Front government fell. When it was again introduced in 1999 by the then Law Minister, Ram Jethmalani, during the NDA regime, the Bill was snatched from his hands and torn up with the Samajwadi Party, the Rashtriya Janata Dal, the Lok Jan Shakti Party and the Janata Dal (United) opposing the proposed legislation and insisting on reservation within reservation from the minorities and backward classes. (The Hindu 6/5/08)

#### **Amid drama, Women's Bill tabled in the Rajya Sabha (25)**

NEW DELHI: The government on Tuesday introduced the much-delayed Constitution (108th Amendment) Bill, 2008, in the Rajya Sabha, amid unruly scenes and protests by Samajwadi Party (SP) and Janata Dal (United) members. The Bill, popularly known as the Women's Reservation Bill, seeks to provide one-third of the seats to women in Parliament and State Assemblies. As soon as Law Minister H.R. Bhardwaj rose to introduce the Bill, SP member Abu Azim Azmi, who was protesting with his party colleagues in the well of the House, moved towards the Minister in what appeared a bid to snatch the Bill — a possible repeat of the 1998 incident in which the Bill was torn up in the Lok Sabha after its introduction. Anticipating such a situation, Congress members had formed a cordon around Mr. Bhardwaj. When Mr. Azmi continued with his attempts, Ministers Renuka Choudhury and Panabaka Lakshmi physically held him back, even as Prime Minister Manmohan Singh and other senior leaders watched. Congress spokesperson Jayanti Natarajan put herself in the way of Mr. Azmi and Minister of State Vilas Muttemwar also obstructed him. In the melee, Mr. Bhardwaj tabled the Bill by voice vote. P.J. Kurien, who was in the Chair, declared the Bill introduced and immediately adjourned the House for lunch. Several SP members raised slogans opposing the Bill, while their colleague tore up a copy of the supplementary list of business and threw it into the well of the House. In a rare show of solidarity, several women MPs placed themselves next to members belonging to the parties — RJD, JD(U) and SP — opposed to the Bill. It was introduced in the Lok Sabha in 1996, 1998 and 1999 but lapsed due to a lack of consensus on a sub-quota for Dalits, OBCs and minority women. (The Hindu 7/5/08)

#### **Sena now questions women's Bill, prefers EC formula (25)**

NEW DELHI, MAY 8: While JD(U) president Sharad Yadav registered his opposition to the Women's Reservation Bill in the Rajya Sabha on May 6, another NDA partner, Shiv Sena, has now vowed to oppose the Bill in its present form. The BJP is a key advocate of reservation of Assembly and parliamentary seats for women. "We do not support 33 per cent reservation of constituencies for women in legislatures," Sena spokesman and Rajya Sabha member Sanjay Raut told The Indian Express on Thursday. "On the other hand, we find the Election Commission formula — making it mandatory for parties to allot a certain percentage of tickets to women — far more pragmatic." Political parties, according to him, face difficulty finding enough women candidates when they have a free choice, and reservation of constituencies would make things worse for them. In an editorial in the party mouthpiece Saamna, the Sena is even more critical of the Bill. Terming the "hurriedly introduced" legislation a "political hypocrisy", the editorial says it may be passed by Parliament due to majority support, but reservations would not benefit women. The move, according to the daily, is intended to reap political benefits and not to ensure the welfare of women. No one provided any reservation to Indira Gandhi, the Saamna editorial adds, nor CM Mayawati. It points out that even though the BSP supremo played caste politics, she had achieved success long before the Women's Reservation Bill was introduced. Saamna also mocked Railways Minister Lalu Yadav over his advocacy of quotas for Dalits and minorities within the women's quota. "Why did he not think of installing a Dalit, OBC or a minority community woman as Bihar CM instead of his wife Rabri Devi?" the editorial asks. (Indian Express 9/5/08)

#### **RS refers women's Bill to panel; report to be submitted in 3 months (25)**

NEW DELHI, MAY 9: Rajya Sabha Chairman Mohammad Hamid Ansari has asked the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice to examine the Women's Reservation Bill and submit its report within three months. Sources said the Committee, headed by Congress Rajya Sabha member E M Sudarsana Natchiappan, is likely to hold its first sitting on the issue on July 27. Hours after Law Minister H R Bhardwaj had introduced

Bill in the Upper House on May 6, Parliamentary Affairs Minister Vayalar Ravi had said the Bill would be passed in the Monsoon Session while expressing hope that the Committee would complete its work by then. Normally, standing committees complete such an exercise within a span of two to three months. Sometimes, committees do seek an extension — even up to six months — to examine a Bill. However, this is not an ordinary Bill as not only populist politics of the Congress, BJP and Left parties is linked to it, but also the Congress' 'chemistry' with its allies like the RJD. While the Congress has to match the pro-woman agenda of the BJP — like 33 per cent quota for the fair sex in the party at all levels except in the parliamentary board and central election committee, the RJD has to combat its rival Janata Dal(U) to retain its OBC base in Bihar. Obviously, the Congress has to see that it does not push the RJD beyond a limit while playing the ball with pro-quota national parties. The BJP has been quick to notice this fault line in the Congress' game plan. Therefore, the saffron party has maintained from Day One that the Congress is not sincere and has no intention to pass the Bill. The BJP also decided to nominate former Rajya Sabha Deputy Chairperson Najma Heptulla to the standing Committee to effectively articulate the women's cause. The intention is to build pressure on the Congress to make an earnest forward move. The RJD may have reluctantly allowed the Congress to introduce the Bill, but any attempt to pass it would be a different ball game altogether. The Committee may have been mandated to just examine the Bill, but needless to say it would be a soundboard of sorts of larger political games in the days to come. (Indian Express 10/5/08)

#### **Women's reservation Bill not acceptable: SP to PM (25)**

New Delhi: The Samajwadi Party on Saturday raised the issue of the Women's Reservation Bill with Prime Minister Manmohan Singh. Its general secretary Amar Singh met the Prime Minister and expressed the party's opposition to the Bill, saying that the Left did not consult it prior to supporting it. "During the meeting with the Prime Minister, I raised the party's objection to the Bill in the current form. He has assured that the Government does not want to push ahead with the Bill on the basis of the numerical strength but on the basis of political consensus," said Amar Singh. The SP-Left relationship has come under strain over the issue of the women's Bill. The SP feels that despite close cooperation on many political issues it was not taken into the loop by the Left on the crucial issue. Party sources said they now want the Government to keep it apprised of decisions on major issues like the nuclear deal besides the women's quota Bill. "Our party will not allow the legislative bulldozing of the Bill in Parliament," said Amar Singh. (Indian Express 11/5/08)

#### **Court notice to Centre on reservation (25)**

New Delhi, May 12: A "second round of litigation" on OBC reservation in central educational institutions began as the Delhi high court on Monday sought response from the Centre to the opposition for implementation of the 27 per cent quota in higher education including IIMs. "Its a second round of litigation on the issue," a bench headed by Justice T.S. Thakur observed while issuing notice to the Centre on a petition filed by an alumni association of IIMs challenging the office memorandum issued by the government for bringing quota in post-graduate courses. The court also sought the Centre's response within four weeks and posted the matter for further hearing on July 10 on the petition filed by Pan-IIM Alumni Association. The association contended that the government had mis-interpreted the Supreme Court judgement, which while upholding the OBC reservation policy, had said that it would not be applicable to the higher educational institutions. "The Act has to be understood in the way the Supreme Court has understood it and with the safeguard which has been put by the court," senior advocate Harish Salve, appearing for the petitioner, said while accusing the Centre of running an agenda in the name of reservation. "They have agenda which they are running," he said. He contended that the five-judge constitution bench judgement says clearly that caste cannot be the basis of giving the reservation and it can only be a starting point. (PTI) (Asian Age 13.5.08)

#### **Why OBC quota for graduates? HC stays, HRD says will explain (25)**

NEW DELHI, MAY 14: Acting on a petition which claimed the Human Resource Development Ministry had gone against the Supreme Court direction that graduates should not be considered for OBC reservation, the Calcutta High Court today stayed implementation of OBC quota in post-

graduate courses at the Indian Institute of Management, Calcutta, and stopped interviews of OBC candidates scheduled for tomorrow. Justice Maharaj Sinha, in an ex-parte interim order, granted a stay until June 9 on a petition by Syan Guha, a student who had qualified in the CAT. IIM-Calcutta director Shekhar Chaudhari conveyed this to HRD Minister Arjun Singh shortly after noon. By late evening, Ministry officials had conferred with legal counsels and decided to approach the Calcutta High Court for vacation of the stay order. Sources said there was "no need" for the Government to approach the Supreme Court for a clarification on this matter, and instead it will present its point of view in Kolkata. Officials were of the view that this would not affect OBC quota roll-out in other institutions, and should be contained in the Calcutta HC itself. "The Ministry's view is very clear: the argument that OBC quota should not be extended to graduates amongst OBCs is a view expressed by only one judge in the five-judge bench (of Supreme Court). The remaining two judges have given an advisory, and that too not for individual candidates. Rather, it is to be considered for a community and its educational status," sources told The Indian Express. Sources said the interpretation that OBC graduates are not eligible for availing reservations is a "misplaced notion". "Does that mean OBC graduates, by virtue of being graduates, will not be entitled for reservations in jobs?" the sources pointed out. These arguments are likely to find a place in the HRD Ministry's affidavit which will be submitted to the Calcutta High Court. Incidentally, Arjun Singh and Shekhar Chaudhuri were part of the first meeting of over 60 Centrally-aided higher educational institutions which was being held today at the Vigyan Bhavan in the Capital. The heads of all IIMs, IITs, Central universities and other higher educational institutions were called to Delhi — in lieu of the same Office Memorandum, dated April 20, which the Calcutta HC has stayed — and were asked to submit their status report on the "level of preparedness" and the difficulties faced by the institutions. .... (Indian Express 15/5/08)

#### **Women's Bill: Cong picks Thakur for panel (25)**

NEW DELHI: : With the BJP and RJD desperate to grab initiative on the issue—with obviously different agenda—the Congress has nominated its women's wing president Prabha Thakur to the parliamentary standing committee set to examine the Women's Reservation Bill. The Congress decision to send Rajya Sabha member Thakur into the Standing Committee on Personnel, Public Grievances, Law and Justice comes in quick succession to the nomination of Upper House member Najma Heptullah and Lok Sabha member Devendra Prasad Yadav to the body by the BJP and RJD, respectively. Though the Congress had outsmarted the rest — both protagonists and opponents of the Women's Reservation Bill in the original form — they have not given up the fight yet. Instead, they plan to take the fight to the standing committee. A former deputy chairperson of the Rajya Sabha, Heptullah can be trusted to effectively argue the BJP case in favour of reservation of seats in the legislature for women. On the other hand, the RJD can safely count on Devendra Prasad Yadav to forcefully plead for a sub-quota for Dalit, OBC and minority community women within the quota. (Indian Express 16/5/08)

#### **Brinda inducted into panel on women's bill (25)**

New Delhi, May 20: Brinda Karat of CPI(M), who was at the forefront of the campaign for women's reservation along with some other women leaders, has been inducted into the key parliamentary panel studying the bill. The parliamentary standing committee on law and justice, headed by senior Congress MP E.M. Sudarsana Natchiappan has also asked political parties to give their opinion on the issue by June 10. Ms Karat will be the third woman member after Ms Najma Heptulla (BJP) and Ms Prabha Thakur (Congress) were inducted in the body, which earlier comprised only men. Ms Brinda, speaking to this newspaper said, "We wanted to be in the committee to ensure that the bill was shaped up properly. We want to be there at this crucial stage." The committee will meet on May 27 for the first time after the Bill was referred to it on the last day of the Budget session of Parliament. "If the committee agrees, we will be meeting every Tuesday in June to complete the task," said Mr Natchiappan. The committee has been asked to give its report within three months. The panel chief said he is also addressing leaders of national and regional political parties to take their opinion in a written format by June 10 and appear before the committee on June 17 and 18. (Asian Age 21/5/08)

### **Resending a quota letter, Raje tries to buy peace (25)**

NEW DELHI, MAY 26: With the death toll in the Gurjjar agitation up to 40, the Vasundhara Raje Government today made an attempt at buying peace by falling back on its letter to the Centre dated January 17 this year, in which it had recommended 4 to 6 per cent reservation to the community, over and above the existing cap of 49.5 per cent on quotas. Significantly though, the Raje government carefully skirted making any recommendation on including Gurjjars into the Scheduled Tribe (ST) category in the letter sent to Prime Minister Manmohan Singh, something it needed to do to set rolling the formal process of notifying a community as ST. Gurjjar leader Kirori Singh Bainsla, who along with some 40,000 others continues to sit in protest on a railway line in Bayana, called the letter a betrayal by Raje. The community, he told The Indian Express, would only agree to a ST status. "When the going gets tough, the tough get going. Let them show us the letter where they recommend ST status for our community and we'll call off the strike. But until that comes through, this recommendation is not enough," he said. In reiterating the contents of its January letter, the Raje government has lobbed the ball into the Centre's court. The January letter, sources said, did not get a reply from the Centre other than an acknowledgement from the PMO. In the latest letter, Raje has tried to open up a debate on the subject by asking the Prime Minister to convene a meeting of chief ministers of all states having sizeable Gurjjar populations. However, even a state government recommending inclusion of a particular community in the ST category may not immediately guarantee the same. The Rajasthan Government, sources said, had recommended the inclusion of two communities, Gadhia Lohar and Banjara, into the ST category in 1983. The matter still hangs fire. Why it's not easy • A state government recommends the inclusion of a particular community in ST category to the Ministry of Tribal Affairs, backed by justification • The Registrar General of India, followed by the National Commission of Scheduled Castes and Tribes, approves it • All clearances in place, the matter goes to the Union Cabinet and then to Parliament for final approval (Pioneer 27/5/08)

### **St Stephen's in a fix over Dalit Christian quota (25)**

New Delhi : St Stephen's College, which started its admission process for academic session 2008-09, is yet to decide on whether the college will go ahead with separate quota for Dalit Christians or not. According to Sunil Matthew, spokesperson of the College Supreme Council, the decision would be taken in a week or two. Former Officer on Special Duty Valson Thampu introduced the said quota last year but after his resignation in April the college management said that all decisions taken by him would be null and void. "The Supreme Council will meet in next few days to decide on reservation for dalit Christians in St Stephen's College and its implementation. Right now, I cannot say whether it will be carried forward or not," said Matthew. He said that the admission form and college prospectus would be on sale from May 26 to June 16. Pro tem administrator of the College MS Frank did not comment on quota. "The admission forms are available at the Counter. All details are given in it," he said. The prospectus, on the other hand, did not have detail on reservation for dalit Christians. The reservation policy introduced by the college last year makes it compulsory for the college to admit 40 per cent christian students, excluding those Christian students who qualify on merit basis and those who come through sports quota. It also states that 10 per cent of the total number of seats should be reserved for Dalit Christians. Six students were admitted to the college on the new admission policy last year. About 1,000 forms were sold at the college on the very first day. Students and their parents were seen standing in long queue to purchase forms. For the first time, the college has decided to hold separate interviews for Christian candidates. As per the notice put on college website, the interview of Christian candidates will taken on June 27 and 28. For all other candidates applying in different courses, the interviews will be held from June 19 to June 26. (Pioneer 27/5/08)

### **SC moved against Andhra varsity's Muslim quota (25)**

NEW DELHI, may 26 : Aggrieved by the decision of the Andhra Pradesh Health University to go ahead with granting four per cent reservation in education to backward Muslims, two students approached the Supreme Court on Monday. Filing an appeal, the students submitted that the university's decision was in violation of an earlier direction by the apex court, wherein it had ordered that the state could only conduct counselling but no admissions till final disposal of the

case. The students alleged the university was conducting admissions in violation of the this direction. On May 16, the apex court had allowed the Andhra Pradesh Government to go ahead with the counselling process for providing four per cent reservation to backward Muslims in educational institutions. However, a Bench headed by Chief Justice K G Balakrishnan made it clear that none of the candidates would be given admission till any order was passed by it. The SC had posted the matter for hearing after summer vacation (Indian Express 27/5/08)

### **Stormy meet on women's quota (25)**

New Delhi, May 27: The first meeting of the key parliamentary committee on women's reservation bill on Tuesday was a stormy affair with the supporters and opponents of the measure indulging in verbal duels over the contentious issue. The meeting of the parliamentary standing committee on law and justice saw clashes between supporters and opponents of the bill seeking to provide 33 per cent reservation for women in Lok Sabha and state assemblies. Sources said members from the RJD and the SP were in the forefront against the measure in its present form while a few other leaders including Brinda Karat of CPI(M) and Jayanti Natarajan of Congress vociferously came out in its support. Those favouring the bill accused the opponents of raking up extraneous issues in order to delay the bill which was pending for more than a decade. The opponents argued that the benefits would not reach the rural women and there should be a comparative study vis-a-vis the panchayat raj institutions where the reservation existed. The committee headed by senior Congress MP E.M. Sudarsana Natchiappan has already written to five national parties and 42 regional parties to give their views on the bill.(Asian Age 28/5/08)

### **HRD Ministry asks NMC's views on quota for Dalit Christians, Muslims (25)**

New Delhi, May 27: Though already neck-deep in quota quagmire, the HRD Ministry has now asked the National Minorities Commission (NMC) to present its assessment on the controversial issue of granting Scheduled Caste status to Dalit Christians and Muslims. The NMC had recently commissioned a study which came up with strong recommendation for granting SC status for Dalit Muslims and Christians on the lines of Dalit Hindus, Sikhs and Buddhists. The HRD Ministry has also asked the NMC to take up the case with the Ministry of Social Justice and Empowerment which had earlier expressed some reservations on the issue, saying it would affect the 15% quota for Dalit Hindus. Interestingly, "quota-friendly" HRD Minister Arjun Singh had made this move when the Government was resisting the pressure from coalition partners like the DMK, Ram Vilas Paswan's Lok Jan Shakti Party and Lalu Prasad Yadav who had made similar demands. They had been asking the Government to place the report by the National Commission for Religious and Linguistic Minorities (NCRLM) Commission before the Parliament which had made similar recommendations on the issue of granting SC status for Dalit Christians and Muslims. Paswan and Lalu had argued that it would help in taking on Mayawati as it would split her Dalit vote bank as the Hindu Dalits unwilling to share the reservation pie are against it. Both leaders had even taken up the issue with the Prime Minister, who is understood to be "hesitant" in creating yet another reservation controversy. The study initiated by the NMC had looked into the contemporary status of Dalit Muslims and Dalit Christians in terms of their material well-being and social status. It had categorically stated that there was a strong case for including Dalit Muslims and Dalit Christians in the Scheduled Caste category. "There are compelling arguments in favour of such an inclusion based on principles of natural justice and fairness. The balance of pragmatic considerations is also in favour of their inclusion. According due statutory recognition to Dalit Muslims and Dalit Christians would not only right a wrong, it would also remove an indefensible anomaly in our politico-legal system that can legitimately be construed as discriminatory," the study said. "In most social contexts, they are Dalits first and Muslims and Christians only second."(Indian Express 28/5/08)

### **Brahmins don't want it, give reservation to beggars who seek it: MP minister (25)**

Bhopal, May 28: At a time when reservation has become a political hot potato, a Brahmin minister in the Madhya Pradesh government has stuck his neck out by equating those who seek reservation with "beggars." He was addressing a gathering of Brahmins at the Chief Minister's official residence. "It was a private function and I have every right to express my thoughts," the minister told The Indian Express on Wednesday owning up the remarks. He said various castes

and sub-castes keep on demanding reservation and other facilities, often resorting to violence and taking law into their own hands. "Such demands will never end and they are not in the interest of the nation," he said, adding that he may have used a wrong expression but he stood by the essence of what he said. Chief Minister Shivraj Singh Chouhan was also present on the dais along with three other Brahmin ministers in his cabinet. The function was organised by Sakal Yuva Brahmin Mahasangh, to felicitate the Chief Minister for his government's decision to develop the birthplace of Lord Parshuram. The announcement had been made at Janapav, near Indore, considered the birthplace of Parshuram. The government has allocated Rs 11 crore for the project. Sensing an opportunity, the Congress demanded Bhargava's ouster and said even the Chief Minister should apologise because the remarks were made in his presence and he made no attempt to stop his ministerial colleague. "Reservation for backward classes is a Constitutional arrangement. The minister has insulted everyone who qualifies for reservation benefit and also those who framed the Constitution," Congress's State chief Suresh Pachauri said. He said the use of such intemperate language betrays the BJP's "anti-backward class" mindset. By keeping mum on the issue, even the Chief Minister has given his silent approval, Pachauri said, asking Chouhan to sack the minister. The Leader of the Opposition, Jamuna Devi, did not stop at calling for the minister's ouster. She "appealed" to all communities who qualify for reservation to "come forward and teach the BJP and such leaders a lesson." (Indian Express 29/5/08)

### **Tamil Nadu Govt to implement quota for Christians, Muslims (25)**

Chennai : Eight months after promulgating an ordinance ensuring seven per cent reservation for minorities, the Tamil Nadu Government on Friday ordered that the law can be implemented. The ordinance was promulgated on September 15, 2007 whereby 3.5 per cent each was set aside in the reservation quota for economically and socially backward Muslims and Christians in education and employment. On October 23, 2007 the ordinance was legislated in the Assembly. The Government went by a list provided by the Ambasankar Commission in 1985 on deciding the quota. However, there were some "practical problems" raised by the two communities in availing the benefit and therefore in implementing the law. Chief Minister M Karunanidhi on Friday held a high-level discussion with his Cabinet colleagues, Arcot N Veerasamy and Duraimurgan, State Administrative Commission Chairman Justice AK Rajan, State Public Service Commission Chairman AM Kasiviswanathan and other senior officials to address the "practical problem". According to an official release, following the meeting, Karunanidhi issued orders for ensuring 3.5 per cent reservation each to Muslims and Christians, covering Group IV services examinations to recruit stenographers and typists for which tests would be conducted soon. He assured that the practical difficulties in implementing the exclusive reservation would be sorted out. When the ordinance promulgated last year, eating into the BC quota, there was snigger and it was challenged in the Madras High Court. The court dismissed the objection. "Though 94 per cent of Muslims and 80 per cent of Christians in the State were classified as backward castes by the Ambasankar Commission in 1985, they were unable to compete with Other Backwards for their share in the absence of a separate quota. Hence this Government decided to provide them 3.5 per cent quota each in the 30 per cent quota meant for the backwards," Karunanidhi had said justifying the law. A separate Directorate of Minorities Welfare was formed to implement various welfare schemes to uplift minorities. Additional posts were created in the District Backward Classes and Minorities Welfare Offices for the implementation. (Pioneer 31/5/08)

### **Women Bill meet raises questions (25)**

New Delhi: June 3: After fireworks at its first meeting, a key parliamentary committee going into the contentious Women's Reservation Bill on Tuesday saw close questioning of those championing the cause of quota for women. CPI national executive member Annie Raja and three other women members deposed before the committee headed by senior Congress MP E.M. Sudarsana Natchiappan. Sources said the meeting saw those opposed to the bill in its present form seeking clarification from Raja and others who gave evidence. The questions included whether it was proper to give such reservation to women without determining the class to which they belong because reservation was so far being given to classes which have been discriminated against, and not to any gender as such. The committee would see a marathon

debate on the issue before it and the panel could also visit several state capitals, the sources said. The committee has been given three months to submit its report on the bill, which seeks to provide 33 per cent reservation to women in the Lok Sabha and state Assemblies. The committee has already written to five national parties and 42 regional outfits to give their views on the bill. CPI(M) leader Prakash Karat and CPI leader A.B. Bardhan have already agreed to give their parties' responses by June 10 and participation by the party representatives during the committee meeting on June 17 and 18, the sources said. The first meeting of the committee earlier saw fireworks with supporters and opponents of the measure indulging in verbal duels over the issue. Four more women members from the Lok Sabha — Tejaswini Seeramesh Gowda and Krishna Tirath (both Congress), Kiran Maheswari (BJP) and P. Satheedevi (CPI-M) — have been added, taking the number of women members in the 31-member committee to seven. The SP has brought in Ram Gopal Yadav to replace party colleague Shafiqur Rahman Barg. (Asian Age 4/6/08)

### **State favours special schemes (25)**

Thiruvananthapuram: The Kerala government has favoured special schemes for economically backward classes who do not come under the purview of reservation. The State's view was conveyed to the National Commission for Economically Backward Classes at a meeting of the commission members and senior government secretaries on Wednesday. Addressing a press conference here, commission Chairman S.R. Sinho, Member Narendra Kumar, and Member Secretary Mahendra B. Singh said the Chief Secretary had informed the commission that Kerala had initiated schemes for the economically-backward communities, but could not implement it owing to a case before the courts. Mr. Sinho, who is a retired Major General, said that a majority of the States had expressed agreement in principle to the moves to provide some relief to economically-backward classes. He said the commission had nothing to do with reservation and did not propose to touch the 50 per cent reservation available for Scheduled Castes, Scheduled Tribes and Other Backward Classes. The commission's four-point terms of reference include fixing the criteria for identifying economically-backward classes, the quantum of reservation for these sections in education and government jobs, recommend welfare measures for their uplift and suggest constitutional and legal modalities. The commission had visited Haryana, Rajasthan, Uttar Pradesh, Bihar, and Maharashtra prior to arriving in Kerala. The Rajasthan government had already appointed a commission on the lines of the national panel, while the Madhya Pradesh government had recommended a 14 per cent reservation for these sections. The commission members said the most difficult task before them was fixing the criteria to identify economically-backward classes. It was necessary to understand the causes for economic backwardness and financial aid alone would not uplift these sections, Mr. Sinho said. (The Hindu 5/6/08)

### **Arjun's office staff all from general category (25)**

NEW DELHI: RTI responses from offices of 34 ministers and 22 ministers of state show that there are merely 23 staffers from the OBC, SC and ST category compared with 203 from the "general" category. While much has changed since the Mandal revolution and now with OBC quotas being extended to higher education as well, the reason for the unchanged profile of ministerial staffers could be a testimony to their ability to work the system. This is what perhaps allows the capital's large pool of personal staff to survive change of regimes with relative ease, with outgoing ministers themselves handing out generous recommendations. This has seen staffers who were with NDA ministers, and even before that with the United Front, switch to UPA ministers without notice. So, an additional PS who was with Nitish Kumar is now with an MoS in defence, Rao Indrajit Singh. A staffer with Srikant Jena in the UF government is well placed with Priya Ranjan Dasmunsi, I&B minister. The advantage of staffers from the general category seems to lie in their having benefited from the first mover's advantage. Their knowledge of how government works — or does not — from tracking files, keeping ministerial priorities in mind, connecting or ignoring calls, getting appointments, facilitating smooth travel, coordinating speeches and public events and above all, not losing sight of hierarchies, makes them invaluable. While the big picture is interesting enough, responses of some ministries are indicative of how governments think. Railway minister Lalu Prasad's office as well as the PMO itself have, instead of making the disclosure, argued that since reservation rules do not "apply" to appointments made at the

"discretion of ministers from serving officers and outsiders" no data with regard to the category, general or otherwise, is maintained. Given that whether reservation rules apply or not was not germane to the query, the reticence of the two offices may be meant to sidestep the issue, perhaps because the personal staff in both cases is largely from the upper castes. In the office of law minister H R Bhardwaj, all staffers are in the general category, minister of social justice and empowerment Meira Kumar has two scheduled caste personnel as assistant PS and first PA, chemicals and fertilizers minister Ram Vilas Paswan has one SC staffer as assistant private secretary and one OBC staffer as first PA, while HRD minister Arjun Singh — the main proponent of OBC quotas in education — has staffers who are all drawn from the general category. In the ministry of tribal affairs, posts of private secretary and additional private secretary are vacant. There is one assistant private secretary drawn from the ST category. (Times of India 6/6/08)

#### **Maharashtra adds 24 castes (25)**

Mumbai: The Maharashtra government on Thursday approved the inclusion of 24 special castes under the Other Backward Classes (OBC), Denotified and Nomadic Tribes and Special Backward categories. Among the 15 castes approved by the Cabinet under the OBC category is Pathare Kshatriya Pachkalshi/Somvanshiya Pathare. Among the seven included under the Nomadic Tribes are Sagar, Shardakar, Kapewar, Chitodiya Lohar and Puri. The two communities added under the Special Backward are Muslim Mehtar and Salevar. The State has 19 per cent quota in jobs and educational institutions for OBC, 11 per cent for Denotified and Nomadic Tribes and two per cent for Special Backward category. (The Hindu 13/6/08)

#### **Rajasthan agrees to 4% special Gurjjar quota (25)**

JAIPUR, JUNE 17: The standoff between Gurjjars agitating for Scheduled Tribe status and the Rajasthan government ended today after the state agreed to provide 4 per cent reservation to the Gurjjar community under a special category. The state also agreed not to raise any objection to the mention of the Gurjjar tribe in the list of 23 caste/tribes sent by the Centre in December 1999, asking Rajasthan if it had any objection to the list under consideration for SC/ST reservation. The Rajasthan government, sources said, has not agreed to make any specific recommendation of ST status for the Gurjjars but will not stand in the way of a list compiled by the Centre. Incidentally, the list is a compilation of castes and tribes recommended or forwarded by the state from time to time until 1999 for consideration of reservation. The final announcement of the agreement will be made by Chief Minister Vasundhara Raje tomorrow morning. She will make the "solution publicly known". A senior Rajasthan BJP leader, part of the group representing the state government in talks, said that "the OBC and ST quotas might not be touched at all". Gurjjar leader K S Bainsla told The Indian Express: "The talks have been successful and a formal announcement will be made tomorrow morning. All I can say is that the Gurjjars have succeeded in getting a historical breakthrough." Earlier this morning, Vasundhara Raje held a meeting with her ministers at her residence. She stayed away from the meeting with Bainsla at the Officers Training Centre in the afternoon but it ended in a "favourable solution". State representatives led by Ram Das Aggarwal decided to brief the CM at her residence and decide on some "debatable and controversial" points before announcing the "final solution". Delhi MLA Ramvir Singh Bidhuri said: "The talks have been very constructive and the government representatives very cooperative. We want a solution and and so do they. There is disagreement on just one point but we hope it will be sorted out as soon as possible". The "debatable point" is something that was "objectionable" to the Meenas who have been opposing the Gurjjar demand for ST status. Ram Kishore Meena, state Labour Minister, was called to the CM residence late in the evening. He had earlier led a group of Meena community MLAs to the CM and raised "objections" on the demands of the Gurjjars. (Indian Express 18/6/08)

#### **It's 68 per cent in Rajasthan now (25)**

JAIPUR: The new quota regime has put Rajasthan among the States in the country with maximum reservation. Till now the State had 49 per cent quota — Scheduled Tribes (12 per cent), Scheduled Castes (16) and Other Backward Classes (21) — but Wednesday's announcement, ending the Gujjar agitation, along with the new quota for EBCs (Economically Backward Classes) would take it up to 68 per cent. The ST quota in Rajasthan is mostly cornered

by East Rajasthan's Meenas, leaving behind the Bheel Meenas of South Rajasthan and Garasias of Sirohi and Saharias of Kota and Baran districts in deprivation. The SCs constitute a much larger group while the prominent members of the OBCs now include Rawats, Yadavs, Malis (Sainis), Charans and the recent entrant, Jats. Gujjars will be out of the OBC group with the creation of the new category, which would enjoy 5 per cent quota along with Banjaras, Gadia Luhars and Raikas. Rajasthan does not have a Most Backward Classes category. (The Hindu 19/6/08)

### **Minorities got only 5 per cent of Govt jobs: UPA report (25)**

New Delhi, June 25: The UPA Government may be making tall claims on the minority welfare front, but a review carried out by the Government itself has found that minority community members figure a mere 5 per cent of the total direct recruitments made by various ministries last year. Prime Minister Manmohan Singh, as part of the UPA's much-touted 15-point programme for the welfare of minorities, had announced that special consideration would be given to the recruitment of minorities in Central and state services along with other public sector undertakings. Following this, the Department of Personnel Training (DoPT) had issued a circular in January 2007, asking all the ministries to consider minority candidates during recruitments in C&D categories. It also asked the secretaries to ensure that the selection committees have at least one minority member in it. The circular said that the DoPT intends to soon take up with the state Governments the issue of hiring more people from minority communities in police force. A Group of Secretaries (GoS) was formed to review the selection process every six months. The GoS sat for its first meeting early this month and found that only 5 per cent minority community members were recruited between April and September 2007. Moreover, half of the ministries had not even bothered to furnish the GoS with details regarding the appointments they had made over the period. The Home Ministry figured at the top of the GoS list with 20 per cent recruitment from minority communities, courtesy Assam Rifles, Border Security Forces and Gorkha Regiment. The banking sections of the Finance Ministry, Minority Ministry, DoPT and Social Welfare Ministry weren't far behind with around 10 per cent recruitment from the minority communities. The Department of Posts under the Ministry of Information and Broadcasting and Railways appeared at the bottom of the list with a mere three per cent minority recruits. "The GoS feels that only a few ministries are serious about the directive. The whole recruitment drive seems so farcical," said one of the official who is part of the GoM. (Indian Express 26/6/08)

### **OBC vacancies: backlog to be cleared (25)**

NEW DELHI: The Union Cabinet on Thursday approved the proposal for issuing instruction to clear the backlog of vacancies under the Other Backward Classes (OBCs). This decision paves the way for a special drive to recruit OBCs for over 28,000 reserved posts. The backlog will be treated as a "separate and distinct" group not subject to the limit of 50 per cent reservation in a year, Minister of State for Prime Minister's Office Prithviraj Chavan said after the Cabinet meeting. On the OBC proposal, mooted by the Department of Personnel and Training and approved by the Cabinet, Mr. Chavan said instructions would be issued to pave the way for conducting Special Recruitment Drive for filling the backlog of 28,670 reserved vacancies of OBCs. Mr. Chavan said a 1997 Supreme Court order had stated that the quota of reserved seats cannot exceed 50 per cent of the total seats being filled. However, Parliament, through the 81st amendment to the Constitution, had made an exception to this principle enabling the government to fill vacancies accumulated from previous years through special recruitment drives for SCs and STs. This is now being extended to OBCs, the Minister said. The Cabinet Committee on Economic Affairs (CCEA) also gave its approval for continuation of the "Grant-in-Aid" scheme to voluntary organisations working for the welfare of the Scheduled Tribes (STs). The revised guidelines of the scheme issued on April 1 this year would also continue. The prime objective of the scheme is to enhance the reach of welfare schemes of the government and fill the gaps in services deficient tribal areas in sectors such as education, health, drinking water, agro-horticultural productivity, and social security through the efforts of voluntary organisations, and to provide an environment for socio-economic uplift and overall development of the STs. The revised guidelines will accelerate effective filling of gaps in services such as education, health and drinking water supply in tribal areas, Mr. Chavan said. (The Hindu 27/6/08)

### **Paswan seeks Dalit Muslim quota (25)**

New Delhi: Union Minister of Chemicals, Fertilisers and Steel Ramvilas Paswan wants reservation for Dalit Muslims and Christians but does not want to include them in the existing quota. He wants to increase the existing percentage of reservation for dalits to include other categories. The issue was raised by former MP Shahabuddin, who addressed reporters on Saturday along with Paswan to announce the issue related to Dalit-Muslim International Conference to be organised in New York on July 4-5, 2008. (Pioneer 29/6/08)

### **Panel to govt: Hike salary cut-off for creamy layer to Rs 4.5 lakh (25)**

New Delhi, June 30: With the Congress and its partners gearing up to face general elections, the UPA government is set to bring a wider section of OBCs in the quota net. The National Commission for Backward Classes (NCBC) is ready with its recommendations to raise the creamy layer ceiling of OBCs from the present Rs 2.5 lakh (annual salary) to Rs 4.5 lakh. The report will be presented to Union Minister for Social Justice and Empowerment Meira Kumar tomorrow. After a Supreme Court directive in the case — where it upheld the 27% quota for OBCs in Central higher-education institutions — that the well-off among backwards should be excluded from availing of the quota benefit, the Government asked the commission to recommend a fresh ceiling figure for the creamy layer among OBCs by June 30. For the first time in 1993, the annual income ceiling for creamy layer among OBCs was fixed at Rs 1 lakh. Thereafter it was revised again in 2004 when it was raised to Rs 2.5 lakh. The 28-page draft copy of the recommendations, available with The Indian Express, justifies the latest upward revision by factoring in GDP and inflation trends, price index, government surveys and reports. Using per capita income excluding agriculture, it says, the value of Rs 2.5 lakh in 2003-04 is about Rs 4.16 lakh in 2007-08. The figure is rounded off to Rs 4.5 lakh taking into account the “percentage difference of average monthly per capital expenditure across social groups, the gap between the residual class (others) and the Backward Classes.” Based on this recommendation, the Centre will determine the ceiling to segregate the creamy layer. The commission, however, said that there cannot be any “mathematical formula” for periodic revision of the annual income ceiling for the OBC creamy layer. “It is our considered view that when prescribing an income limit for excluding the creamy layer, it is to be ensured that the economic strength of the excluded section (creamy layer) is sufficiently sound as to mean their social and educational standing on par or comparable with the advanced sections, so that they can compete on equal footing”, the report says. (Indian Express 1/7/08)

### **Quota for BC Christians may be referred to panel (25)**

CHENNAI: Chief Minister M. Karunanidhi has indicated to a delegation of Christians and representatives from Kanyakumari that the issue of revocation of the quota of 3.5 per cent for Backward Classes Christians will be referred to the Backward Classes Commission. After discussing the issue with the Chief Minister on Monday, the Minorities Commission Chairman Vincent Chinnadurai told The Hindu that Mr. Karunanidhi had explained to the delegation that the quota of 3.5 per cent for the BC Christians within the 30 per cent reservation for Backward Classes was granted on the basis of the BC Commission’s recommendation. Earlier, the delegation discussed the matter with Ministers Arcot N. Veeraswami and N. Suresh Rajan, who is also the Kanyakumari district secretary of the ruling Dravida Munnetra Kazhagam, and senior government officials. The meetings were held in the backdrop of protests in the district over the defects in the implementation of the quota for Christians. [Last September, an ordinance was promulgated, providing 3.5 per cent reservation in education and employment to BC Muslims and BC Christians each within the 30 per cent reservation for the BCs. A month later, the Assembly adopted a legislation to replace the Ordinance.] (The Hindu 1/7/08)

### **10 more castes in AP Backward Classes list (25)**

Hyderabad : In an indication that the ruling Congress party in Andhra Pradesh has started gearing up for an early election in the right earnest, the State Cabinet on Monday decided to include ten more castes in the list of Backward Classes. But the name of Kapu community, which has been demanding its inclusion for several years, does not figure in this list. State Information

Minister A Ramanarayana Reddy told reporters after the meeting that these castes have been included in the different categories of the Backward Classes. The Cabinet also put its seal of approval on paying Rs 5,000 to every farmer who had repaid his loans and will not come under the debt waiver scheme of the Central Government. The Cabinet also reviewed the work done by the YS Rajasekhara Reddy Government during the last four-and-a-half years and finalised the agenda for the district collectors conference to be held on July 2 and 3. (Pioneer 1/7/08)

#### **'Give quota to Dalit Muslims, Christians' (25)**

Patna, July 1: Bihar Chief Minister Nitish Kumar on Tuesday asked the UPA Government to provide reservation to pasmanda (OBC/ dalit) Muslims and Christians following recommendations of the Sachchar Committee and Ranganath Mishra Commission. Nitish seemed to have differences with the BJP that opposed reservations to the two communities. Speaking at a meeting of All India Pasmanda Muslim Mahaz, Kumar said it was ludicrous for Union Ministers Lalu Prasad and Ramvilas Paswan to join the chorus on reservations to dalit Muslims and Christians. "The party (RJD) that came to power in Bihar on popular Muslim support ditched the community. I have worked towards a cohesive society but when I tried to give special attention to a section by making Mahadalit commission, a top Bihar leader (read Ramvilas Paswan) objects to the idea," Nitish said. AIPMM president and Rajya Sabha MP Ali Anwar told The Indian Express: "When reservation to pasmanda Muslims and Christians is part of the Congress manifesto, they should agree to it in principle first and later conduct a comprehensive survey to identify the beneficiaries." (Indian Express 2/7/08)

#### **Cabinet clears amendment Bill on OBC reservation (25)**

NEW DELHI: The Union Cabinet on Thursday agreed to introduce a Bill in Parliament to overcome "practical difficulties" in implementing the Central Educational Institutions (Reservation in Admission) Act, 2006 that provides 27 per cent reservation to Other Backward Classes (OBC) in admissions to higher education institutions. The Cabinet, at a meeting chaired by Prime Minister Manmohan Singh, approved the introduction of the Central Educational Institutions (Reservation in Admission) Amendment Bill, 2008, Information and Broadcasting Minister Priyaranjan Dasmunsi told reporters. "The legislation shall be introduced immediately," he said, adding that the amended bill would facilitate overcoming the "practical difficulties in implementing the provisions of the Central Educational Institutions (Reservation in Admission) Act, 2006." The government also approved the draft legislation, for setting up a Central authority for construction and maintenance of land check-posts on borders. The Cabinet cleared the draft 'Land Ports Authority of India Bill, 2008' that would now be introduced in Parliament. "The proposed Land Port Authority of India will have the mandate to construct, manage and maintain the integrated check-posts [ICPs] on the borders for regulation of trade and transit," Mr. Dasmunsi said. Some of the ICPs have already started working on borders with Pakistan, China, Nepal and Bangladesh. Full-fledged customs and other services are provided at the ICPs to traders, enabling smooth flow of items. The Cabinet decided to relax licensing norms for location of industrial units in suburban limits of big cities. It was decided to delete rules governing locations under the Industries (Development and Regulation) Act, 1951. Earlier, industries other than non-polluting electronics, computer software and printing units were not allowed to be located within 25 km from the periphery of cities having a population of one million. "Since grant of industrial licence is on the basis of recommendations of the State government and clearances from the State Pollution Control Board and the Ministry of Environment and Forests, the existing procedure of granting licence can be dispensed with," Mr. Dasmunsi said. He said the location policy, which was notified in 1991 under the IDR Act, amounted to an unnecessary hurdle to setting up industries. The government also approved providing a second helicopter by Pawan Hans Helicopters Limited for the Lakshadweep administration's emergency requirement, including maintenance of law and order and inter-island services, for five years with a provision of subsidy to the tune of Rs. 1,310.31 lakh annually. "The helicopter will be stationed at Kavaratti and will be utilised for providing connectivity for emergency requirements during monsoon when there is no other mode of transport," Mr. Dasmunsi said. Pawan Hans Helicopters Ltd, a public service undertaking, has been providing service with one helicopter to the Lakshadweep administration on lease from February 1987. It is subsidised by the Home Ministry. Initially, the arrangement was for five years

and has subsequently been extended after five years. The latest extension has been approved till March 31, 2012. (The Hindu 4/7/08)

### **Call to cancel 3.5 per cent quota (25)**

TIRUNELVELI: The State government should either cancel the 3.5 per cent reservation or make appropriate modification in its policy that would not annihilate the chances of the students getting into admission in professional colleges. A decision to this effect was taken at a meeting attended by Bishops and priests organised at the CSI Tirunelveli Diocese Office, attended by CSI Bishop in Tirunelveli Rt. Rev. Jayapaul David, RC Bishop of Palayamkottai Diocese Most Rev. A. Jude Paulraj. A statement released said several hundreds of meritorious Christian students could get admission in the medical and engineering colleges in the past, as they scored high marks in the Plus Two examination. However, the reservation had quelled the prospects of Christian students in the admission to professional courses. Rev. Fr. Antony A. Cruz of St. Xavier's Cathedral Church, Palayamkottai, Rev. Rajan Edward of Host of Christ, Palayamkottai, Rev. D. D. Manoharan of Association of the Pentecostal Churches, Perumalpuram, Rev. V.J Paulus of Assemblies of God Church, Vannerpet and several priests from various churches participated in the meeting. (The Hindu 4/7/08)

### **OBCs eat into DU quota pie, SC/STs left high & dry (25)**

New Delhi: Delhi University's reservation policy for admission to undergraduate courses has been turned on its head. While the SC/ST candidates -- constitutionally held to be the most deprived class, socially and economically -- have to settle for 'any college' despite scoring good marks, the OBC category seats remain vacant in top colleges, including Hindu and Hansraj. Notably, the cut-off for OBC students is lower by more than five per cent for all courses in most of North Campus colleges, as compared to that of SC/ST candidates. At Hindu College, SC candidates were admitted to the BA programme at 83-81.25 per cent and ST candidates at 82.75-76.50 per cent. The OBC students are being admitted at 74-76 per cent. In BA (Hons) English, ST candidates were admitted at 87.25-85.75 per cent while OBC students are being admitted at 74-83 per cent. It's the same story in Kirori Mal College (KMC), Hansraj, Sri Venkateshwara and Miranda House. Kirori Mal admitted SC candidates for BA (Hons) Economics at 90.29-76.50 per cent and ST candidates at 79.50-73 per cent. The cut-off for OBC students is 77.75 per cent and the college might issue fresh advertisement to fill up the vacant seats. The university officials say that if the seats reserved for OBCs are not filled, they would remain vacant. "This is ridiculous. I scored 78.50 per cent in the best four subjects, with 92 marks in sociology. Still I could not get admitted to any of the campus colleges. I had to settle for an off-campus college. On the other hand, OBC students with much lower marks are getting admission in all campus colleges," rued Suresh Kumar (name changed), an ST student, who hails from Ranchi. He said the OBC candidates, who mostly belonged to comparatively well-off families, were enjoying more the reservation benefits and eating into the pie of general as well as reserved-category candidates. Interestingly, the cut-off for admission of SC/ST candidates to courses like BA (Hons) Sociology and BA (Hons) Geography in campus colleges is as high as 80-90 per cent this year. There isn't much that we can do to rectify this situation as we are bound by the Central Government directives. At best, we can point out this lacuna to the Government. It's then for the Government to revise the policy," said Suman Kumar Verma, Deputy Dean of Students Welfare at the Delhi University. (Pioneer 12/7/08)

### **PMO wants more action in 'affirmative action' (25)**

New Delhi, July 11: The Prime Minister's Office today took stock of the 'affirmative' action taken by Corporate India last year, but said much more needed to be done on imparting skills and increasing employability of scheduled castes and scheduled tribes. In the third meeting of the Coordination Committee on Affirmative Action set up by Prime Minister Manmohan Singh in 2006, the Confederation of Indian Industry, the Federation of Indian Chambers of Commerce and Industry and the Associated Chambers of Commerce and Industry, provided details of scholarships and jobs provided by them in 2007. But, clearly, the numbers did not make a strong impression. An industry chamber representative who was present in the meeting chaired by TK Nair, Principal Secretary, Prime Minister's Office, admitted that the government was not very

happy with the progress. "The government wants the numbers to be in lakhs, whereas, we have managed only few thousands," he said. The government had set the tone of the meeting in its communication to the chambers earlier itself. "It appears that the actions taken by industry associations are not commensurate as per the recommendations of the interim report and assurances given by them," the communication, a copy of which is available with The Indian Express, said. The government raised concerns regarding entrepreneurship development of SCs and STs, improving infrastructure in ITIs and promoting industrialisation in districts with large population of SCs and STs. To monitor compliance by member companies, it also reiterated the need for having an ombudsman. In its presentation, the CII said it had trained 1,572 SCs and STs on entrepreneurship development, 23,612 for jobs through skills enhancement and extended scholarships to 531 SCs and STs. FICCI had not compiled such data. A section in the corporate sector was also not keen on having an independent office to monitor affirmative action by companies. "Setting up an ombudsman's office will give it a quasi-judicial character and complicate things for companies," said a chamber representative. (Indian Express 12/7/08)

#### **"Bear fees of Dalit students in self-financing colleges" (25)**

VELLORE: The State government should come forward to bear the entire fees of Dalit students who secure admission under the government quota in all self-financing colleges, C.K. Thamizharasan, Tamil Nadu State general secretary of the Republican Party of India (RPI) said here on Sunday. Talking to newsmen, Mr. Thamizharasan said that when the governments of Andhra Pradesh and Karnataka were able to bear the fees of Dalit students securing admission under the government quota in self-financing colleges, there was no reason why the Tamil Nadu government could not do so. The RPI leader also wanted the government to abolish the income ceiling for Dalit students for eligibility to educational scholarships. While an annual higher income ceiling of Rs.3.66 lakh has been fixed for the students belonging to the Backward Class and Most Backward Classes for eligibility for BC/MBC scholarships, a far lower income ceiling of Rs.one lakh has been fixed for the Dalits. (The Hindu 14/7/08)

#### **Rajasthan House passes Gurjjar reservation Bill (25)**

JAIPUR, JULY 16: The Rajasthan Assembly on Wednesday passed the Bill seeking five per cent reservations for the Gurjjars and 14 per cent reservation for the Economically Backward Classes (EBC) from upper castes after a marathon special assembly session. The Bill was tabled on Monday by Rajasthan Law minister Ganshyam Tiwari amidst allegations by the Congress that the Bill was "hollow" and was tabled to gain political mileage. The Congress and rebel BJP MLAs fiercely contended the Gurjjar issue for two days expressing their unhappiness over the Government's failure to check the events that led to the death of 38 Gurjjar protestors in police firing and the arrest of several MLAs and Gurjjar leaders. However, the speaker passed the SC/ST/OBC special backward class and poor among economically backward classes Reservation Bill 2008 following a voice-vote at around 11 pm. The Bill was passed unanimously as the Congress supported the Bill. The Bill guarantees reservation in education as well as Government jobs. Congress leader Hemaram Choudhary, who was later taken ill at the Assembly and had to be admitted to the ICU, said, "The BJP Government had five years to bring the Bill, but preferred to do so only when it would be of no use. We support it only in principle." He added that the Vasundhara Raje government did not have to pass a bill for the reservation and the same could have achieved the same through a Government notification. BJP MLA Kirori Lal Meena submitted his resignation to the speaker after the Bill was passed. "His resignation was to gain ground with the powerful Meena vote bank in the state. He had threatened to resign over the reservation issue three times in the past but did nothing," a Congress leader said. (Indian Express 17/7/08)

#### **Just what SP-RJD wanted: Panel says let states decide on women, OBC quota (25)**

New Delhi, July 17: To break the deadlock over the contentious Women's Reservation Bill — it has been stiffly opposed in its present form by parties like the Samajwadi Party which accused the Left of ramming it through — the Parliamentary Committee on the Bill has suggested that it should be left to the state legislatures to propose adequate representation in Vidhan Sabhas and Lok Sabha for women and Other Backward Class (OBC) citizens. The reasoning behind the

“compromise formula” is that state legislatures are better placed to decide the extent of representation in elected posts for women and OBCs. But women groups and NGOs who have called for clearing the Bill in its present form are likely to oppose this formula. Sources said the draft recommendation was circulated today among members of the committee so that they could place it before their respective political parties. They have been asked to revert to the committee by August 1. It is learnt that the committee, headed by Congress Rajya Sabha MP E M Sudarsana Natchiappan, considered the reservation given to OBC candidates in educational institutions and government service as also the 73rd amendment to the Constitution which provides for reservation in panchayats for OBCs under Article 243 D (6). “On the basis of inputs received by us from different parties, groups, NGOs and citizens, we are working on a compromise formula. It has been circulated to all committee members with a request that their parties give their opinion on August 1. If there is unanimity, we will pass the draft report. Otherwise, we will leave it open for it to be considered by the reconstituted committee,” Natchiappan told The Indian Express. The term of the committee ends on August 4. Incidentally, the amendment that provides for reservation to OBCs in panchayats has been adopted by 17 states. Tamil Nadu and Kerala are among the states that have not adopted it. Today, SP general secretary Amar Singh, who was scheduled to present his party’s arguments against the Bill, missed his date with the panel. But his party MP Ram Gopal Yadav, who is a member of the panel, gave a letter from Singh. It is learnt that apart from reiterating the SP’s opposition to the Bill in its present form and seeking reservation for OBCs and minorities, the letter suggests that the proposal of the Election Commission with regard to reservation for women could be a way out of the logjam. The EC proposal calls for political parties deciding on their own the reservation for women candidates while deciding candidates for elected bodies. The SP letter also says the Bill should not be passed in haste. It is learnt that the Parliamentary Committee is planning to hold sittings in Patna and Lucknow from July 28-31. The BJP has already offered to support the Bill in its present form. The party has also said in case others have any fresh proposal, it could discuss it within the party and get back to the panel. According to the BJP, the EC proposal which says that each party reserve 33 per cent seats for women can also be adopted. (Indian Express 18/7/08)

### **Andhra Muslim quota: SC allows provisional admissions under Act (25)**

New Delhi, August 5: In A major breather for the Andhra Pradesh Government, the Supreme Court on Tuesday permitted it to allocate four per cent percent reservations for backward Muslims in admissions to all colleges and educational institutions under an Act of 2007. However, the court also underlined that admissions made for the academic year 2008-09 would be “provisional” and would depend on the outcome of a bunch of petitions in the Andhra Pradesh High Court challenging the validity of the Act. The law in question, AP Reservation in Favour of Socially and Educationally Backward Classes of Muslims Act, 2007, has proposed providing four per cent reservations to several sub-sects within the Muslim community by treating them as Backward Classes. The seven-judge Constitution Bench of the HC, which is to examine the matter, has declared August 18 as the next date of hearing. On April 29, it had restrained the Government from implementing the Act until the bunch of writ petitions filed before it was disposed of. The AP Government had then appealed to the apex court. Senior advocate Ramakrishna Reddy, who has appeared for the anti-reservation petitioners from the outset of the controversy, questioned the state’s stance, since the Act was already under challenge before the HC. “The high court has already stayed its operation and, thus, the state Government cannot implement the provision of extending four per cent reservation in any form,” he argued. Pointing to vote-bank politics being resorted by the Government, Reddy insisted that the proposed move of providing four per cent reservation to ‘backward’ Muslims in the State in educational institutions was aimed at appeasing a particular community. However, senior advocate K Parasaran along with Additional Solicitor General Gopal Subramaniam submitted that state be allowed to ahead with the admission process as envisaged by the Act, as counseling, which was permitted by the apex court in its May 16 order, has been completed. Subramaniam contended that the quota has been extended after careful consideration, based on the report of the Andhra Pradesh Commission of Backward Classes. During the hearing, the court maintained that the crucial question that needs to be answered is whether the Muslim groups brought under the ambit of reservation can be classified

as belonging to Backward Classes. It indicated that those opposing the Act must show some proof of illegality in ascertaining certain sects of Muslims as backward for reservation benefits. (Indian Express 6/8/08)

### **Panel gets more time to decide on Women's Bill (25)**

New Delhi, August 5: The term of the Parliamentary Committee on the Women's Reservation Bill was extended on Tuesday so that the panel would get more time to hold consultations with various parties and groups before submitting its report. Sources said the panel is still to receive the views of the main parties on its recently-circulated formula that could have ended the 12-year-old stalemate on the issue of women's reservation in the Lok Sabha and Vidhan Sabhas. The formula recommended that it should be left to the state legislatures to propose adequate representation in the Vidhan Sabhas and the Lok Sabha for Other Backward Class (OBC) citizens and women. When contacted, Congress Member of Rajya Sabha E M Sudarsana Natchiappan, who heads the panel, said the committee would submit its final report after getting all parties to agree to either the new formula or some other mechanism. The term of the committee ended on August 4. (Indian Express 6/8/08)

### **Anil Shastri writes to PM (25)**

New Delhi: Aug. 19: CWC member Anil Shastri has strongly pleaded for 27 per cent reservation to the backward communities in Parliament. "If we can give 27 per cent reservation (to them) in government jobs and educational institutions, then why not in Parliament and the state Assemblies?" he said. In a letter to PM Manmohan Singh on August 16, Mr Shastri praised Congress chief Sonia Gandhi who, he said, has always espoused the cause of the weaker sections of society. Under her leadership, the party amended its constitution to provide reservation to these sections in the organisational hierarchy. Again, it was the UPA government which provided reservation to the backward classes in higher educational institutions. He further said: "I believe that the backward communities have been a deprived lot. If we have to improve their lot, one way is to politically empower them. I wish that Andhra Pradesh's example (to provide 33 per cent reservation to the backward classes in the Legislative Assembly and Council) is followed by other state governments too." (The Hindu 20/8/08)

### **Panel favours reservation for nomadic tribes (25)**

New Delhi, August 20: The National Commission for Denotified, Nomadic and Semi-Nomadic Tribes (NCDNSNT) has recommended reservations as available to Scheduled Castes and Scheduled Tribes to around 11 crore people falling under the denotified, nomadic or semi-nomadic tribe categories. "As a constitutional safeguard, we have favoured reservations from Gram Panchayat level to the Parliament level, and in education and employment for these tribes like it is available for SCs and STs," NCDNSNT sources told The Indian Express on Wednesday. The Commission has further sought relief for these categories of tribes by extending the Prevention of Atrocities Act to them. The Act currently applies to only SCs and STs. NCDNSNT Chairman Balkrishna Sidram Renke presented the final copy of the Commission's study on the socio-economic conditions of these tribes to Prime Minister Manmohan Singh on Wednesday. Renke urged the Prime Minister to have the recommendations processed urgently for a final decision and early implementation. The Prime Minister assured the Commission of expeditious action on the recommendations. Sources said that the Commission has further recommended that the government should get a "tent to tent" survey done within the next six months and also a community-wise census so as to gather specific data about 1,500 nomadic and semi-nomadic tribes and 150 denotified tribes. Further, the Commission has recommended the initiation of a special housing scheme to ensure that families are provided with "small pucca houses" in the next five years. "Since most of the people falling under these tribes have no addresses, they can never get access to voter cards and ration cards. A housing scheme is a must to give hundreds of these people addresses," a senior NCDNSNT official said. Another significant point mooted by the Commission relates to providing many of these "on the move" nomadic tribes permanent shelter by helping them settle down as villages. "The Government should be facilitating the settlement of such tribes as villages by acquiring land for the purpose," the official added. The Commission has also mooted the idea of putting an Minimum Land Holding Act in place to

guarantee land to these tribes in case they want to settle down and engage in agriculture. Another important recommendation is to help these tribes develop their existing skills by imparting them suitable training. Tribes like Pardhi, Baori, Sansi, Berad and Kanjar Bhat fall under the Denotified tribes while Nat, Dombari, Sapera, Madari and Kalandar fall under Nomadic Tribes. Van Gujar, Rebari, Maldhari and Dhangar are some of the tribes falling under the semi-nomadic tribes. (Indian Express 21/8/08)

#### **40% of SC/ST faculty posts in Central universities vacant (25)**

Mumbai: Even after four decades of reservation, over 40 per cent of SC/ST lecturer posts are still lying vacant in 19 Central universities. Out of the total number of 4,887 posts sanctioned by the University Grants Commission, there are only 629 SC/ST lecturers belonging to the Scheduled Castes/Scheduled Tribes. This leaves a backlog of 471 as per the 2007-08 data sourced from the UGC under the Right to Information Act. The poorest record is of the Banaras Hindu University, where out of 155 SC lecturer posts and 74 ST posts, only 86 and 24 have been filled. Being a minority institution, the Aligarh Muslim University is exempt from reservation. But there is no SC/ST lecturer in the institution in spite of a listed requirement of 193 faculty members from these groups. According to the Union government's rule, the percentage of reservation in Central Universities is 22.5 — 15 for the SCs and 7.5 for the STs. Extrapolation of the data based on these figures shows that the SC/STs still remain poorly represented in higher education. With 629 SC/ST lecturers, their representation is only 12.8 per cent, way below the 22.5 per cent mark, out of the 4,877 posts sanctioned in the Central universities. The "UGC has failed to ensure effective implementation of the reservation policy in the Central universities and grantee institutions which are deemed-to-be universities," states the UGC guidelines document. As you move up the cadre, from lecturer to Reader and professor, you will see that the number of SC/STs starts dwindling sharply. A majority of the universities have zero SC/ST Readers and professors. Sixteen of the 19 Central Universities have no SC professor and 17 have no ST professor. Part of the reason could be that till recently, reservation was applicable only at the entry level post of lecturer. It did not apply to promotions and for higher posts. The UGC guidelines of 2006 mandated 22.5 per cent reservation for Readers and professors as well. But two years later, the hiatus remains intact. Not much has changed in the past few years, despite the awareness among authorities of the dismal implementation of quota. "I am not surprised at the figure," says Prof. R.K. Kale from the Jawaharlal Nehru University, who himself has questioned, in the academic journal University News, the feckless implementation in the Central Universities. "It is a slow process," he admits, although with a note of assurance that the UGC is taking a keen interest in overseeing strict implementation of the reservation policy. Data from State universities and colleges affiliated to them opens yet another can of worms. State universities follow State-level quota figures. UGC figures for 53 State universities show a backlog of around 50 per cent. Quite a few of them do not have SC/ST lecturers, let alone professors and Readers. While academics admit that posts lying vacant is a cause for concern, none of the authorities, at the Centre or at individual college levels, has any punitive power. Although the UGC claims to have upped the ante, the absence of clear deadlines, complex procedures, bureaucratic apathy and, above all, entrenched casteist attitudes make enough pathways for circumventing the law with impunity. At present, a number of qualified SC/ST teachers, even from remote towns, are battling with the system against unjust contract-based appointments, abrupt termination orders and unfounded rejections by the interview panel, while denial of opportunities continues. In this scenario, the usual refrain of 'candidates not available' or 'candidates not suitable' rings hollow. (The Hindu 31/8/08)

#### **33% reservation for BCs in AP Assembly (25)**

Hyderabad : In an extraordinary move, the Andhra Pradesh Assembly unanimously passed a resolution seeking 33.3 per cent reservation for the backward classes including Muslims in the State Assembly and Legislative Council and urged the Centre to amend the constitution to this effect. Initially, the resolution talked only of the backward classes but on the insistence of Majlis-e-Ittehadul Muslimeen (MIM), the term "Muslis" was also added to the resolution. Moving the resolution in the House, Chief Minister YSR Reddy said that such a reservations to the backward classes was long overdue. He expressed confidence that the Centre will accept the request at the earliest and give its nod reserving one third of the seats in the State for backward classes. "Such

a resolution has become necessary because despite constituting more than half of the population of the State, the BCs have negligible representation in the Assembly", the Chief Minister said. After Reddy accepted MIM floor leader Akbaruddin Owaisi's demand for explicitly including the name of Muslims in the resolution, BJP floor leader G Kishan Reddy strongly objected. But all other parties supported the resolution. Leader of Opposition N Chandrababu Naidu said that his party was happy to extend its support to the resolution. But he recalled that a similar resolution was passed by the House during TDP rule in 1996 but the Centre did not act on it. On his suggestion, the resolution was amended and one-third reservation was also demanded in the Parliament. D Srinivas from the Congress, who congratulated the Chief Minister for bringing the resolution said that the earlier resolution had many unanswered questions delaying any decision by the Centre on the issue. "But this resolution is comprehensive and answers all those questions", he said. The CPIM, CPI and TRS also supported the move. It is being seen as an attempt to woo the backward classes in the State. (Pioneer 31/8/08)

### **SC: Vacant OBC seats for upper castes (25)**

New Delhi: : The Supreme Court on Monday said the vacant seats in IITs, IIMs and other Central institutes reserved for backward category students under the Parliament-enacted legislation will go to students from the upper caste. A five-judge bench headed by Chief Justice K G Balakrishnan said, "There is no confusion in our judgement. The vacant seats will go to the general category students." On April 10, 2008, the apex court upheld the validity of the Central Educational Institutions (Reservation in Admissions) Act, 2006, that provides 27 per cent reservation for the students from other backward communities (OBC). Senior Advocate K K Venugopal appearing for petitioners Prof P V Indersan, former Director of Indian Institute of Technology, Chennai, submitted that 432 seats in various IITs, many seats in IIMs and Delhi University earmarked for OBC students were lying vacant. He said that the students from the backward communities have failed to qualify the entrance test for admission into these higher educational institutions run by the Central government. Talking about lowering the marks in the entrance tests for the OBC students, the court said, "There should be some reasonable merit." However, the court asked the government to consider lowering the mark by 10 per cent for the backward community students in the entrance tests. Solicitor General G E Vahanvati said he would consult the government authorities and inform the court about the vacant seats and lowering of marks for the OBC students on the next date of hearing on September 29. The petition sought clarification from the court that the limit of cut-off marks for admission of students in the OBC quota in Central Educational Institutions be a maximum of 10 marks below the cut-off for the general category and the vacant seats to be reverted to the general category. (Deccan Herald 16/9/08)

### **Karunanidhi writes to Manmohan on OBC reservation issue (25)**

CHENNAI: Unless the issue of creamy layer is tackled to the "best of satisfaction of the Other Backward Castes, the object of the Constitutional amendment will not be fully met," Chief Minister M. Karunanidhi said in a letter to Prime Minister Manmohan Singh. In the letter to Dr. Singh on Wednesday, a copy of which was released to the media, Mr. Karunanidhi said the DMK had strongly opposed the concept of creamy layer and due to its exclusion, about 400 seats in higher educational institutions remain unfilled in the current academic year. The Supreme Court had held that there was no bar in filling these vacancies from among the open competition category students, he said. It was to fulfil one of the longstanding demands of the OBCs that the United Progressive Alliance government introduced the Central Educational Institutions (Reservation in Admission) Act, 2006, providing for 27 per cent reservation to students from OBCs. "After crossing a number of hurdles, the validity of this Act was upheld by the Constitutional Bench of the Supreme Court...Even after this major historic development, the implementation of the 27 per cent reservation has been facing rough weather," Mr. Karunanidhi said. The 27 per cent reservation for OBCs was not being implemented fully. "Only one third of the prescribed quota has been implemented, excluding the creamy layer. The enhanced income ceiling from Rs.2.5 lakh to Rs.4 lakh per annum recommended by the National Backward Classes Commission has also not been taken up for implementation. All these factors have diluted the purpose of

reservation and resulted in vacancies” he said. If the vacancies were filled from among open competition category candidates, the OBCs fear that it would be a big setback to their right of reservation, Mr. Karunanidhi said. Hence, the situation had to be resolved using legal means, Mr. Karunanidhi said and wanted the Prime Minister to “take immediate steps to rectify the situation and pave the way for full implementation of social justice.” (The Hindu 18/9/08)

#### **BJP-backed body rally against quota in dalits (25)**

NEW DELHI: Sept. 18: Opposed to any move by the UPA government to introduce reservations for the country's dalit Muslims and dalit Christians, the Anusuchit Jati Arakshan Adhikar Bachao Manch has said that this would only deprive those belonging to the Scheduled Caste (SC) category of what is their due. The manch owes allegiance to the BJP though the party has a separate cell for SCs headed by former Union minister Satyanarayan Jatiya. The opposition to any reservations for dalit Muslims and Christians has come following a recommendation to this effect that had been made by the Ranganath Misra Commission. It is noteworthy that though the commission had submitted its report to the government in May last year, officially at least the report has been kept under wraps. The government, aware of the controversial nature of the recommendation on reservation for dalit Muslims and Christians, has chosen to not even table the report in Parliament. The manch, which is opposed to the implementation of this recommendation plans, to hold a "Chetavani" rally in the city on September 21 to protest against any move to give such reservations. Manch convenor Ram Nath Kovind told reporters on Thursday that leaders cutting across party lines — from the Congress, CPI(M), CPI, NCP, BSP, LJP and the SP — had been invited to participate in the rally.(Asian Age 19/9/08)

#### **Dalit group opposes quota for converts (25)**

New Delhi (PTI): A group espousing the protection of Dalit right to reservations on Thursday opposed UPA government's proposal to give SC quota to those Dalits who converted to Christianity or Islam saying it would deprive SC Hindus the benefits of reservation. The Anusuchit Jati Arakshan Adhikar Bachao Manch will hold a rally here on September 21 to register its protest and has invited leaders cutting across party lines to the rally to ask the government against any move to include Christian and Muslim Dalits in the SC reservation quota of 15 percent. "The Justice Ranganath Mishra Commission report, which was submitted in 2007, suggests that reservation should be given under the SC category to those Dalits who converted to Christianity or Islam....I think the Commission was formed with a political motive," the Forum's national convenor Ram Nath Kovind said at a press conference. Kovind said Mishra Commission's suggestion is meant to serve Congress party as it hopes to get the support of converted Dalits after losing the traditional Dalit vote bank to leaders like Mayawati and Ram Vilas Paswan. Enumerating the "flaws" in the Mishra Commission report, Kovind said while suggesting reservations for Dalit converts it does not mention any cut-off date for conversions, thus widening its scope. The Dalit leader said SC population had increased to around 18 percent now though the reservation for Dalits is only 15 percent. Including Dalit converts would further deprive the Hindu SC population of the benefits of reservations, he said. (The Hindu 19/9/08)

#### **Women's Bill: House panel's suggestion on sub-quota (25)**

NEW DELHI: To break the deadlock over sub-quota for women of Other Backward Classes, the Parliamentary committee on women's reservation has suggested that the issue be left to the State Legislatures which could pass resolutions favouring this sub-quota for MPs and MLAs in their States. Committee chairman E.M. Sudarsana Natchiappan has circulated the proposal to all the political parties. He told The Hindu that he expected a clear response from them by October 7, when the next meeting of the committee was scheduled. The committee is expected to discuss the response of the parties. "We would like to finalise our report later by the end of October. We are trying hard to arrive at a political consensus so that the government can then present the Bill in the session starting October 17," Mr. Natchiappan said. All parties, except four with a total current membership of 75 MPs in the Lok Sabha, favour adopting the Bill in its current form that gives them one-third representation in Parliament and Assemblies. The four — the Samajwadi Party (37), the Rashtriya Janata Dal (24), the Janata Dal-United (8) and the Pattali Makkal Katchi (6) — together constitute less than one-seventh of the total current strength of the House which

stands at 538. These parties have been saying that they favour a sub-quota for OBC women within the overall 33 per cent reservation. To try and build a consensus the committee has proposed that an amendment to the current Bill be made that will allow Legislatures to adopt resolutions in their Assemblies favouring an OBC sub-quota for MPs and MLAs from their State. "The amendment can say that nothing prevents Parliament from making a law for OBC seats from a particular State on the basis of a resolution passed by the relevant State legislature," Mr. Natchiappan said. The committee chairman said Article 243 (D) and (T) allowed OBC quotas for local bodies such as nagar palikas and panchayats. Seventeen States had already taken advantage of this to create OBC reservations in local bodies. It would be for the State Legislature to consider whether OBCs were adequately represented even without a quota or need a special quota. This exercise was conducted by the States when they considered whether OBC quotas should be created for local bodies. Article 243 (D) provides for reservation for Scheduled Castes, Scheduled Tribes according to their population and a minimum of one-third seats for women. Article 243 (D) clause 6 adds: "Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any panchayat or officers or chairpersons in the panchayats at any level in favour of backward class of citizens." A similar freedom has been given to Legislatures under Article 243 (T) clause 6. What has been given in the Constitution in respect of local bodies can be extended to State legislatures and MPs from that State is the assumption of the Natchiappan committee's suggestion. The Hindu 23/9/08)

#### **To SC, ST add another SC: Ministry (25)**

New Delhi, September 22: The Ministry of Social Justice is piloting an amendment in the Constitution to add denotified tribes as a new beneficiary of reservation with the job quota ceiling raised beyond 50 per cent — the limit fixed by the Supreme Court — to accommodate them. In a Cabinet note to the Ministry of Home Affairs this month, the Ministry has asked it to consider the proposal of the National Commission for Denotified, Nomadic and Semi-Nomadic Tribes to provide reservation to them by adding a new Article 342A defining the tribes as a 'Scheduled Community'. "Once a denotified tribe is notified as a scheduled community, delete it from the list of scheduled tribe, scheduled castes or Other Backward Castes, as the case may be... Reserve 10 percent of Government jobs for DNTs even if the ceiling of 50 percent is exceeded," the Ministry restates the recommendations while pushing the First Stage Proposals for Action. Other amendments proposed are providing electoral reservation to the Scheduled Community in Lok Sabha, state legislatures, Panchayati Raj institutions and urban local bodies as well as setting up a permanent National Commission for DNTs like those for SCs and STs that have powers of a civil court and monitor the safeguards of these sections. (Indian Express 22/9/08)

#### **Govt. proposes to expand reservation list of SC (25)**

New Delhi (PTI): With elections to some state assemblies and Lok Sabha round the corner, the government proposes to expand the reservation list of the scheduled castes by including denotified, nomadic and semi-nomadic tribes. The Ministry of Social Justice and Empowerment has circulated a Cabinet note in this regard accepting the recommendations made by a high-level panel for giving 10 per cent reservation to these tribes beyond the limit of 50 per cent quota fixed by the Supreme Court. The National Commission for Denotified, Nomadic and semi-Nomadic Tribes (NCDNST), which went into socio-economic conditions of the tribal community, recommended measures for their uplift in its report submitted with the ministry in July. (The Hindu 24/9/08)

#### **Rs. 15 cr. promised for survey on internal reservation (25)**

HUBLI: Chief Minister B.S. Yeddyurappa has announced that he will take steps to release Rs. 15 crore for taking up a survey on providing internal reservation within the quota set apart for Scheduled Castes and Scheduled Tribes. He was addressing a public function after inaugurating the "Swabhimana Samavesh" of the Madiga community and the seminar on "Madara Channaiah in sharana movement" organised by the Madiga Meesalati Horata Samiti in Hubli on Tuesday. Mr. Yeddyurappa said that the Government would take an "appropriate" decision on providing internal reservation and ensuring justice to the Madiga community. He said that steps would be taken to revive the Karnataka Leather Industries Development Corporation (LIDKAR). The Chief Minister

criticised the previous governments, which he said had exploited the community members. He said that some leaders of a party that ruled the State all these years had proclaimed themselves as leaders of the Madiga community but had done nothing for its development. He called upon the community members to get their children educated by utilising assistance being provided under various government schemes. Presiding over the function, the former Minister D. Manjunath underscored the need for adopting a resolution on providing reservation based on population, as done by the Andhra Pradesh Legislative Assembly. Gurusiddha Rajayogindra Swamiji of Moorusavir Math, Basavamurthy Madara Channaiah Swamiji of Chitradurga and Ministers Govind Karajol, Murugesw Nirani and Basavaraj Bommai were among those present. MLA Virabhadrapa Halaharavi welcomed the gathering. The event, which started almost two hours behind schedule, ended in about 30 minutes, as the Chief Minister, who was unwell, addressed the gathering immediately after the welcome speech and left the venue after that. (The Hindu 24/9/08)

### **SC in a bind over 40% cut-off for medical admissions, passes buck to Centre (25)**

New Delhi : The demand by Scheduled Tribe candidates to waive off the 40 per cent marks criteria in medical entrance examinations has got the Supreme Court in a bind. Having initially sounded positive to the demand, the Apex Court has now passed the buck to the Centre asking it to work out some strategy to ensure ST seats in medical admissions do not go vacant. Interestingly, the change of heart came after a Medical Council of India (MCI) affidavit affirming 'no-tolerance' for any relaxation in the cut-off. MCI regulations stipulate that candidates getting admissions to medical colleges should have a minimum of 50 per cent marks under the general category and 40 per cent in case of SC/ST/OBC. Stating that diluting provisions of the statutory regulations 'is not permissible', the Council backed its stand with numerous instances from the past where the Supreme Court turned down any attempt to tamper with the limit. Pointing to a 1999 Constitution Bench decision in Preeti Srivastava case, the MCI affidavit suggested the Court's suggestion could breach the golden rule followed in all medical admissions. In the Preeti case the Court struck down a rule which provided for a gap of 25 per cent between a general category and reserved category student as contrary to Article 15 (4) of the Constitution. The court had then observed, "There is a great deal of difference in the knowledge and skills of those passing with the high percentage of marks and those passing with a low percentage of marks. The reserved category of student who are chosen for higher levels of university education must be in a position to benefit and improve their skill and knowledge and bring it to a level comparable with the general group, so that when they emerge with specialised knowledge and qualification, they are able to function efficiently in the public interest." Stung by the MCI response, the Bench of Chief Justice KG Balakrishnan and Justice P Sathasivam ordered the Centre to arrive at a consensus with MCI and report on possible solutions within eight weeks. Expressing its concern on the petition that highlighted the plight of five ST candidates, the Bench said, "It is high time that the States should take up steps for giving some proper orientation course to the SC/ST students or to set up some other formula so that sufficient number of candidates should be admitted in the course." The five petitioners from Kerala complained that despite high scores in Class 12 (above 80 per cent) they failed to reach the 40 per cent cut-off in the medical entrance test required for admission into the MBBS and BDS courses. Due to the highly competitive nature of medical entrance examination, SC/ST candidates from rural areas are at great disadvantage since they have neither the means nor availability of coaching classes which could equip them to crack the test, the petition stated..... (Pioneer 29/9/08)

### **Only 20 OBC quota seats vacant in IITs: Centre (25)**

New Delhi: The Centre on Monday informed the Supreme Court that only 20 out of 654 seats meant for the Other Backward Classes in the 13 Indian Institutes of Technology remained vacant. Of these, 11 were in the architecture/design course. Also, only 47 seats meant for the Scheduled Castes and the Scheduled Tribes remained vacant in the six new IITs as no preparatory course could be held. The Centre was responding to a petition by P.V. Indiresan, former Director, IIT-Madras, for a direction that 432 vacant seats in the SC/ST/OBC categories in the various IITs be filled by general category (GC) candidates. A Constitution Bench comprising Chief Justice K.G. Balakrishnan and Justices Arijit Pasayat, C.K. Thakker, R.V. Raveendran and Dalveer Bhandari had issued notice to the Centre on his petition. Solicitor-General G.E. Vahanvati, appearing for

the Centre, said the OBC quota judgment had been implemented properly and the government had accepted the principle that reserved seats should not remain vacant and should go to GC candidates. However, such seats could be filled only at the end of three years as the increase of 27 per cent seats in the OBC quota was staggered over a three-year period. On filling vacant OBC seats by GC candidates, Mr. Vahanvati said it was left to the institutions concerned and the Jawaharlal Nehru University had filled 54 such seats, and only 29 remained vacant as GC candidates did not qualify. In the IITs, OBC candidates with a cut-off mark of 172 had been admitted and there was no question of reducing cut-off marks for the GC. The reduction of cut-off marks by 5-10 for the OBC was left to the discretion of the institution concerned. Senior counsel K.K. Venugopal, appearing for the petitioner, questioned the Centre's contention that the vacant OBC seats would go to the GC only after three years. Proper application would be filed in this regard for necessary relief. Justice Arijit Pasayat told Mr. Vahanvati: "You [Centre] cannot keep the OBC seat vacant for three years. Not a single seat should go waste and it must go to the GC. Don't allow the seats to remain vacant. That would be unproductive. Our anxiety is to ensure that OBC seats should not be kept blank." Mr. Vahanvati said: "We had sought particulars from the Delhi University, to which 70 colleges are affiliated, regarding the vacant OBC seats. We will inform the court as and when we get information." Prof. Indiresan said that despite the apex court judgment, it was clear that the IITs, the Delhi University and the Jawaharlal Nehru University and the Human Resource Development Ministry were of the view that the vacant seats in the reserved quota would not revert automatically to be filled by students from the general category and that it would not be possible to further lower the cut-off marks to accommodate more OBC candidates. (The Hindu 30/9/08)

#### **Citizens' Forum to fight communalism (9)**

BHUBANESWAR: In view of the rising religious intolerance in the State, the newly-launched Citizens' Forum is making an attempt to form a confederation of various citizens' fora of the State besides civil society groups to fight communalism and orient citizens towards development issues "Indian civilization is known for its tolerance and the nation is also known for its unity in diversity. Similarly, Orissa was considered a very peaceful state. Unfortunately however, there is an organised attempt to break the social harmony by some vested interest groups. And concerned citizens should get organised to foil these evil designs. With this mission, we have formed 'The Citizen's Forum' on October 2, Gandhi Jayanti," explained Siddharth Ranjan, the forum convener. With a few but concerned citizens, the inaugural ceremony had a brain-storming session on the relevance of secularism. Vijaywada-based veteran social activist Lavanan Gora, professor Pratap Rath, Wing Commander Kiran Shankar Sahoo and advocate Bhagirathi Mohanta were among those who shared their views on the occasion, said Siddharth. The meet also formed a strategy to move ahead with the mission of the forum, he added. The forum would have separate cells to interact with the media, politicians and NGOs and sensitise them on major issues affecting social harmony and seek their support. "We would organise workshops to deliberate on the issues following which delegations would be sent to meet representatives of the State administration with recommendations," the convener said. The forum has planned a national integration camp here next year followed by an international integration camp to seek solidarity among the citizens' fora and civil society groups, it was learnt. "We have convened a meeting of the representatives of about 25 citizens' fora and alumnae associations of educational institutions of the State to form a confederation of such organisations in December, informed Siddharth. (Times of India 9/10/08)

#### **Extension to women's bill panel (25)**

NEW DELHI: Oct. 9: Failing to achieve a consensus on an "acceptable" form of the Women's Reservation Bill, the parliamentary standing committee has been given three months extension. This is the third time that the committee has been given extension to resolve the deadlock over the issue to provide reservation to women in Parliament and state Assemblies. The parliamentary standing committee had recently said that there were suggestions from many parties that increasing the strength of Parliament to above 700 from 543 would help accommodate 33 per cent reserved seats for women candidates. Many parties, including Rajya Sabha member from Tamil Nadu, Ms Kanimozhi, have opposed the proposal calling it "impractical". The proposal could

also have other hassles. Without a consensus, the Constitution cannot be amended for creating additional seats to accommodate women. Also the freeze on the number of seats in Parliament till 2026 has to be achieved through a consensus. The committee has visited several states to elicit views of chief ministers and leaders of political parties. It has held talks with leaders in Tamil Nadu, Maharashtra, West Bengal, Uttar Pradesh, Bihar, Madhya Pradesh and Orissa. While major parties like RJD, Samajwadi Party and JD(U) demanding quota within quota for the OBCs among the women, the Bharatiya Janata Party has demanded that it should be passed in its present form. (Asian Age 10/10/08)

#### **Centre, State urged to remove ineligible communities from Scheduled Castes list (25)**

**GULBARGA:** The Karnataka Rajya Asprusha Samaj Mahasabha on Saturday demanded that the Centre and the State Government remove certain communities from the list of Scheduled Castes to ensure that the benefits of reservation provided in the Constitution reached only those communities that had been subjected to the pernicious practice of "untouchability". President of the mahasabha Shivaram Mogha, who is also the national vice-president of the Republican Party of India, and office-bearers Sidramappa Ambalgi, Hanamanthrao Kelkeri, Shivanna Hirapur, and Annarao Puneekar told presspersons here that the Government should remove communities such as Banjara, Lamani, Lambada, Wodda, Woddar, Bovi, Korava, Koravaru and such others from the list of Scheduled Castes since they did not come under the category for which reservation was provided in the Constitution. Mr. Mogha said that these communities were not on the list of Scheduled Castes anywhere in the country, except Karnataka. They were included during the regime of the late Devaraj Urs in 1977-78 for "political exigencies". "We are not opposed to the Government giving reservation to these communities, but our contention is that they should not be given the reservation meant for the eligible communities." Mr. Mogha said the only leader in the State to have opposed the inclusion of these communities among the Scheduled Castes was the former Kerala Governor, the late B. Rachaiah. He said the Government could either include them in the Scheduled Tribes category or create a special category for them. He said the mahasabha would file a writ petition in the Karnataka High Court seeking judicial direction in the issue. (The Hindu 12/10/08)

#### **SP demands 27 p.c. quota for OBCs (25)**

**BHUBANESWAR:** Activists of Samajwadi Party on Sunday demanded 27 per cent reservation for Other Backward Classes in employment and education in the State. "Orissa government had taken five years for implementation of 27 per cent reservation for OBCs in employment in 1994. The same was struck down by a decision of the State Administrative Tribunal (SAT) last year. The reservation of OBCs has now been reduced to 11.25 per cent," party's national general secretary Arabinda Dhali said. He said when the Central government went for providing reservation to OBC students in IITs and IIMs, the State government was yet to take a decision to provide such reservation in admissions into educational institutes. The SP activists submitted a memorandum to Governor Murlidhar Chandrakant Bhanadre demanding convening of a special session of the State Assembly so that a decision on implementation of 27 per cent reservation for OBCs and 38 per cent reservation for SCs and STs in the field of employment and admissions could be discussed. To mark the death anniversary of Ram Manohar Lohia as Social Justice Day, the party decided to intensify its campaign for implementation of the reservation. The SP also demanded for establishment of model residential schools in every district for OBC students and vocational institutes for skill development. (The Hindu 13/10/08)

#### **3.5 per cent reservation for Christians to go (25)**

**CHENNAI:** Chief Minister M. Karunanidhi has assured a delegation of the Christian community that the 3.5 per cent reservation for Christians in government jobs and education within the reservation for Backward Classes would be withdrawn. This follows a request from the delegation, which submitted a memorandum saying that Christians were losing out on employment and education opportunities because of the new legislation. It was to ensure that Christians and Muslims benefit from the 30 per cent reservation accorded to Backward Classes that the Chief Minister had announced last year that 3.5 per cent reservation each would be given to Christians and Muslims from the 30 per cent reservation for Backward Classes. At present, the

government was following the policy of 69 per cent reservation for the Backward Classes, the Most Backward Classes/De-notified Communities and the Scheduled Castes/Tribes. The move follows the recommendation made by the Tamil Nadu Backward Classes Commission, headed by Justice M.S. Janarthanam. The Commission's advice was based on the report of the Second Backward Classes Commission. While Muslims welcomed the move, representatives of Christians said they did not benefit from the 3.5 per cent rule. Hence, Mr. Karunanidhi assured them that the government would re-draft the law in such a way as to grant Muslims alone the benefit of the 3.5 reservation. Christians would compete with other Backward Classes. (The Hindu 14/10/08)

#### **Creamy layer income ceiling to be reviewed (25)**

New Delhi, Oct. 14: The government's decision to raise the income ceiling for the creamy layer from Rs 2.5 lakhs to Rs 4 lakhs annually may come up for scrutiny by the Supreme Court. "You can file a fresh petition," a five-judge Constitution bench headed by Chief Justice K.G. Balakrishnan said when anti-quota petitioners alleged that the Union Cabinet's decision to raise the income was aimed at defeating the Supreme Court verdict on 27 per cent quota for OBC in Central educational institutions. The remarks of the bench, which on April 10 upheld the validity of the controversial law, came when senior advocate K.K. Venugopal described the UPA government's decision as "disturbing". The bench was told that raising the upper level of income ceiling for the creamy layer will benefit the "high class other backward classes". (Asian Age 15/10/08)

#### **TRS promises quota on lines of Tamil Nadu (25)**

HYDERABAD: TRS president K. Chandrasekhar Rao has promised reservations in separate Telangana on the lines of the quota that is extended to weaker sections in Tamil Nadu. The weaker sections would be assured of 70 per cent quota as in Tamil Nadu, he told a training camp of party workers here on Saturday. Mr. Rao was replying to a question from a participant in the course of his lecture. When Mr. Rao stated that he would ensure access to education for children irrespective of caste considerations in separate Telangana, a youth got up to ask him how it was possible when a reservation system based on castes was in vogue. Would it not deprive the weaker sections of reservations? Mr. Rao clarified that the education system he had in mind would not disturb reservation policy. The Government would continue social security measures for weaker sections. Earlier, the TRS chief criticised the Government for extending benefits of education on the basis of caste. The Government established hostels separately for SCs, STs, BCs and minorities. At the same time, the Government made tall claims that it stood for casteless society, he said. Mr. Rao appealed to the party workers to be on guard as they would enter the final phase of the struggle for separate Telangana with the announcement of elections. (The Hindu 19/10/08)

#### **Panel for equal opportunities faces resistance (25)**

NEW DELHI: Conceived as a watchdog for ensuring fairness in job opportunities to deprived groups, the Equal Opportunities Commission (EOC) is facing resistance from existing state arms which fear losing their privileges and turf control. The attempt to devise a watchdog is aimed to break out of the existing paradigm where caste quotas are the thumb rule for state help. Now, Union Cabinet may be in for fireworks and the Prime Minister for a tough call, as the ministry of minority affairs (MoMA) has decided to counter the objections from various commissions and ministries to push for EOC. The ministry is learnt to be preparing a detailed rebuff to objections on the pretext of "duplication of authority", "financial stringency" and "jurisdiction". EOC was suggested by the Sachar panel which looked into reasons for the backwardness of Muslims and the PM had set up two panels to follow up on it. It formed part of Congress's bid to shore up its credentials among minorities — creation of MoMA out of social justice ministry being the first step. With a plethora of panels for target groups like commissions for minorities, SCs and STs, the resistance to EOC is on the ground that it would lead to overlapping of work. Sources said the argument favouring EOC is that if all the commissions were doing their work, there would not have been inequity and lack of opportunity in society which is undisputed. And if the existing panels argue that it was not their mandate, then the issue of duplication stood settled. An insider

said the opposition was less for fear of duplication and more for apprehensions it would rob the sheen from their position in commissions. Where the MoMA distinguishes EOC from other bodies is that it would work for "group action" and not on "individual complaints" while other commissions work on arbitrary use of law (NHRC) and violation of safeguards (SC/ST) of individuals. Also, EOC would not have penal powers but it would function by bringing the debate in public domain about fairness of opportunity by enterprises to deprived groups. It would measure them on the scale of "good practices". The "deprived groups" would be identified against a "deprivation index" and would cut across caste and religious lines as against the criteria for job quotas. "EOC will be a non-quota, non-punitive exercise for public/private sector," an official said. What would still give the EOC a handle to nudge private groups to follow its "good practices" is a list of incentives or disincentives. Sources said the performance on EOC index would be a key eligibility criteria for government contracts, a big revenue support for private enterprises. An objection on locating the EOC under MoMA is more for "turf ambitions" and less on the body's utility. MoMA argues that among the deprived groups, while SCs/STs and OBCs have reservations, the minorities don't — which is a fair reason for locating it in MoMA. Also, EOC's origin lies in Sachar panel, a mandate of the ministry. While there is an issue of the financial burden of a new watchdog, officials argue that the cost would only be a few crores which was worth the price for the kind of body being brought up. (Times of India 20/10/08)

### **Mayawati promises quota for upper caste poor (25)**

LUCKNOW: Amid slogans of " Savarn button dabayega, haathi Dilli jayega ", Uttar Pradesh chief minister Mayawati, speaking at a BSP convention for upper castes here on Sunday, gave a solemn assurance that if BSP comes to power at the Centre, her first priority would be to extend reservation to the poor among the upper castes. "I used to believe that a majority of the upper castes were economically and educationally well off, but this isn't true as over 80% of them are poor and deprived of education," said the CM. She held the Congress responsible for the plight of those from the upper castes. "Upper caste have ruled for 48 years and despite this they haven't benefited," said the BSP chief, who says the Congress's wrong policies — and the vested interests of its leaders — is responsible for this situation. She said the situation would change for the better once the BSP comes to power at the Centre. "This is no rhetoric but a fact. I am one person who thinks twice before making any commitment and once I commit something, I honour it," Mayawati reiterated. (Times of India 20/10/08)

### **OBC MPs make out case for a caste-wise census in 2011 (25)**

NEW DELHI: MPs from OBC outfits met home minister Shivraj Patil on Friday to demand a caste-wise census in 2011. Castes outside SCs and STs are not recorded in the decennial exercise. The demand comes in the wake of a refusal by the home ministry to conduct such an exercise, arguing it was regressive and would undo the break from the past when caste census was last done before independence. The MPs' group said enumeration of the population on caste lines would be in accordance with the recent directions of Supreme Court in OBC quota in higher educational institutions. "A caste-wise census data would help explain socio-economic status of various communities in the country, resolve the reservation questions satisfactorily, throw light on the concept of creamy layer, distribution of benefits under governmental programmes and schemes in proportion to population and also effective and equitable implementation of various policies of the government," the MPs said in a memorandum. (Times of India 25/10/08)

### **Supreme Court will not stay Tamil Nadu's 69 p.c. quota law (25)**

New Delhi: The Supreme Court on Friday declined to stay the Tamil Nadu Backward Classes, Scheduled Caste and Scheduled Tribes (Reservation of Seats in Private Educational Institutions) Act, 2006, providing for 69 per cent reservation. Justice Arijit Pasayat, heading a two-judge Bench, told senior counsel K.M. Vijayan, appearing for the Voice (Consumer Care) Council, "We will not grant stay, let the main petition itself be heard." Mr. Vijayan argued that Tamil Nadu was the only State which failed to implement the apex court directions in the 1992 Mandal judgment — to identify and exclude the creamy layer from among the backward classes. As the court, in the 'OBC quota judgment' this April, categorically stated the creamy layer should be identified, he wanted the Bench to issue a direction to Tamil Nadu to identify the creamy layer. He also prayed

for an interim stay of the 2006 Act. Following a representation made by senior counsel M.N. Rao, who is appearing for the State, the Bench, which included Justice Mukundakam Sharma, directed that this petition be tagged with the one questioning the validity of the Tamil Nadu Backward Classes, SCs and STs (Reservation of seats in educational institutions and of appointment or posts in the services under the State) Act, 1993. That petition is pending before a three-judge Bench headed by Chief Justice K.G. Balakrishnan. Though the 1993 law has been included in the 9th Schedule of the Constitution (to keep it beyond judicial review), the 2006 Act is yet to be included therein. Mr. Vijayan said the 93rd Constitution Amendment enabled the States to provide for reservation in private educational institutions by introducing Clause (5) to Article 15. Subsequently Tamil Nadu enacted the new law, which was contrary to the Mandal judgment, he said. (The Hindu 26/10/08)

#### **“Reservation in local bodies polls unconstitutional” (25)**

New Delhi: Reservation of seats for Backward Classes and women in the election to panchayats and municipalities in pursuant to the 73rd and 74th amendments in the Constitution is unconstitutional, argued senior counsel Rama Jois in the Supreme Court on Tuesday. He was making his submissions before a Constitution Bench comprising Chief Justice K.G. Balakrishnan and Justices R.V. Raveendran, D.K. Jain, P. Sathasivam and J.M. Panchal hearing a batch of petitions challenging the validity of the two amendments. Subsequent to these amendments, several States incorporated provisions in the local laws providing for reservation to SCs/STs, women and Backward Classes. Karnataka enacted legislation reserving 84 per cent of the seats and this law was also under challenge. Mr. Jois submitted that he was not questioning the reservation in respect of SCs/STs but there was absolutely no rational basis for providing reservation in the matter of election in favour of women and Backward Classes. In the absence of any rational basis for such reservation, the amendments violated the basic structure of the Constitution. He argued that principle of reservation could be applied only in respect of education and employment and not for contesting elections. He said such a reservation in the election of members in panchayats and municipalities was not within the scope and ambit of Article 15 (3) and (4) of the Constitution and hence it was violative of the principles of equality. As far as elections were concerned, there was no question of Backward Classes being at a disadvantageous position as in the case of selection in employment. He argued that equality as incorporated in Articles 14 and 15 which prohibited discrimination against citizens only on grounds of caste, religion or sex being an element of basic structure, any amendment to the Constitution “which destroys equality is invalid.” He said “once citizens are elected as members of a local authority whether on the basis of reservation or otherwise, they all belong to one category and similarly situated. Second, reservation in the election of chairperson is wholly discriminatory and destructive of democracy.” Mr. Jois submitted that “each citizen has only one vote. Therefore, Forward Classes and so called Backward Classes who are all citizens are similarly situated. Discrimination against non-Backward Classes is discriminatory. For, the classification is made only on the ground of caste.” Citing various apex court judgments, the counsel said these decisions had laid down the principle that caste could not be made the sole or dominant test to determine backwardness and any classification determining backwardness only with reference to caste would be invalid. Further arguments will continue on Wednesday. (The Hindu 5/11/08)

#### **‘Quota in local bodies does not violate basic structure of Constitution’ (25)**

New Delhi: The 73rd and 74th amendments providing for reservation of seats for Backward Classes and women in panchayat and municipal elections does not violate the basic structure principle, Additional Solicitor General Gopal Subramaniam said in the Supreme Court on Thursday. The two amendments were a historical necessity and an obligation of the State to empower disadvantageous sections of society, Mr. Subramaniam, appearing for the Centre, submitted before a five-judge Constitution Bench headed by Chief Justice K.G. Balakrishnan. He said under Article 21 people had a right to live with dignity. These unique amendments “which promote equality with dignity can never be said to be violative of the basic structure of the Constitution,” he said. These were intended to remove inherent weaknesses in the system in the changing situation and environment. Reservation was necessary for the political and social empowerment of the Backward Classes and women. “Our Constitution recognises dynamic

equality and not frozen equality. To advance such goals as empowerment of women is consistent with the basic structure of the Constitution and it can never be said to obliterate the basic structure." Refuting the petitioners' contention that such reservation violated the concept of equality, Mr. Subramaniam said experience over the years showed that it had brought about equality and uplift of marginalised sections. The concept of equality would have no meaning if there was no reservation in local bodies. Before the two amendments were made, the proportion of the BCs and women in panchayats and other local bodies was considerably small, and men were in a position to subjugate women. While in south India weaker sections had a fair representation, in the north a near-feudal system prevailed and there was no proper representation for the BCs and women. This prompted the government to bring in these amendments. When Mr. Subramaniam submitted that the reservation to the OBCs had already been upheld by the apex court earlier in the Mandal case and in April in the Thakur case, Justice Raveendran reminded Mr. Subramaniam that these judgments wanted exclusion of creamy layer from among the OBCs. The Judge asked "is it your contention that creamy layer should be excluded from politics." (The Hindu 7/11/08)

### **TN withdraws exclusive reservation for Christians (25)**

Chennai (PTI): The Tamil Nadu assembly on Friday passed a bill, which sought to withdraw the 3.5 per cent exclusive reservation for Christians in the state. Christians were provided the reservation along with Muslims last year. But the Christian community leaders informed the government that backward class Christians were not getting their share like earlier both in employment and in admission to the educational institutions after they were provided exclusive reservation. The government's move would enable backward class Christians compete within the reservation provided for Backward Classes. (The Hindu 15/11/08)

### **OBC quota: Centre ignores SC diktat (25)**

NEW DELHI: Side-stepping the Supreme Court's direction to revert unfilled OBC quota seats to general category in central educational institutions (CEIs), the Centre has decided to apply increased creamy layer income cap of Rs 4.5 lakh retrospectively, which would allow OBC candidates disqualified earlier to apply afresh for vacant seats this academic year. The Centre had decided to increase the income cap of creamy layer from Rs 2.5 lakh per annum to Rs 4.5 lakh on October 3, much after admissions were over to most CEIs. On October 14, solicitor general G E Vahanvati told a five-judge constitution Bench that it would be difficult to fill vacant OBC quota seats with general category students for the 2008-09 academic year. Brushing aside the objection, the Bench headed by Chief Justice K G Balakrishnan had directed the government to fill vacant OBC quota seats with eligible general category candidates. However, an office memorandum issued by the HRD ministry, department of higher education, tells a different story. It quotes the apex court order insisting on not lowering the cut-off marks for OBC candidates beyond 10% of the cut-off fixed for general candidates and also filling up of vacant OBC seats by general category. Then comes the direction from the HRD ministry — "kindly ensure that seats reserved for OBCs are filled by other eligible students only if they are vacant after admitting all eligible OBC students, that is, after excluding the 'creamy layer' as per office memorandum dated October 13." The October 13 OM talked about increase in creamy layer income cap from Rs 2.5 lakh to Rs 4.5 lakh. This application of the increased creamy layer income cap by the HRD ministry was challenged in SC by one Vishwanath Reddy, who based his petition on the clarification given by the five-judge constitution Bench on October 14. "Absolutely no attempt was made by the HRD ministry to fill the vacant seats as per the apex court's order. On the contrary, attempts are being made to fill the vacant seats with OBC candidates by retrospectively relaxing the income criterion of 'creamy layer' which was notified on October 13," the petitioner through counsel Gopal Shankarnarayanan said. "It's unfortunate that political motivation of HRD ministry is diluting academic standards of the nation and is depriving genuine students such as the petitioner an option of furthering their future," he said. (TOI 17/11/08)

### **54% seat increase is to limit quota to 50 per cent: Centre (25)**

NEW DELHI: The government on Monday justified in the Supreme Court its direction to increase the number of seats in central educational institutions to 54 per cent of the total seats. A five-

judge Constitution Bench comprising Chief Justice K.G. Balakrishnan and Justices Arijit Pasayat, Altamas Kabir, R.V. Raveendran and Dalveer Bhandari is hearing a petition filed by P.V. Indiresan challenging the July 3 notification. Senior counsel K.K. Venugopal, appearing for the petitioner, said the number of seats could be increased only to the extent of 27 per cent. If there were 100 seats in an institution, only 27 per cent of seats could be increased to accommodate OBC candidates. During the last 60 years, it had never been given the intention to give merit the go-by in institutions of higher learning. Now the notification was a poll gimmick to get votes and for extraneous reasons. Step by step meritorious students were being given a raw deal, counsel said. Justice Raveendran intervened and said: "For every 100 seats in an institution 54 seats are added. By this, OBC will get 42 seats, SC/STs 35 seats and the general category [GC] will remain at 77 seats. You wanted the government to protect the GC. The government has done that. If 27 per cent is calculated only on 100 seats, the GC will get only 50.5, but by increasing the strength by 54 seats, you [GC] are getting 77 seats intact. You can't have your cake and eat it too." The judge further said: "If your contention is accepted, then of the 127 seats, the OBC will get 27 seats, the SC/ST 23 seats and the GC 77 seats. But if you calculate the percentage for SC/STs, it will get reduced to around 17 per cent of the total strength of 127 seats. That is why the government says it wants to increase the strength by 54 seats. What is your difficulty?" Mr. Venugopal, however, said: "When you [government] say 'number of seats' for the GC and 'percentage' for the OBC, this is not mathematics. This is something else." Justice Pasayat told counsel: "The idea is not to reduce the number of seats for the GC and at the same time to ensure a quota for the OBCs." To a question from Justice Pasayat whether the raised income ceiling for the creamy layer was being implemented with retrospective effect, Mr. Vahanvati said the October 14 court order clearly stated admissions would be subject to rules and regulations of the institution. Only by increasing the number of seats by 54 per cent could the total percentage of reservation be restricted to 50. When he said none of the GC candidates was denied admission by the application of the creamy layer, Justice Pasayat said the Centre should put this statement in an affidavit. (The Hindu 18/11/08)

### **No quota in isolated post, says SC (25)**

New Delhi: : Upholding the appointment of a lecturer in an aided college in Karnataka, the Supreme Court said that the principles of reservation for Scheduled Castes (SC) and Scheduled Tribes (ST) cannot be applied in single isolated posts within a cadre. A bench headed by Justice Altamas Kabir said, "In our view, the present case falls within the category of single isolated posts within a cadre, where the rule of reservation is inapplicable." Quashing an order of the Karnataka government, the Apex Court said the appointment of K Govindappa, as history lecturer in a college owned and managed by Vinayaka Rural Education Society at Hegalavadi, Gubbi Taluk in Tumkur district, will stay. The court said that each discipline which consisted of a single post should be considered as a separate cadre and as per the prevailing law, principles of reservation cannot be applied for that post. Thus, Govindappa's appointment cannot be faulted. The State Government had not approved Govindappa's appointment in July 1994, saying that as per the reservation policy, it was meant for an SC candidate. The lecturer challenged the government order before the High Court that quashed the order and allowed him to continue. Praying for setting aside the High Court ruling, government counsel Sanjay Hegde said since the posts of lecturers constituted one single cadre, only the roster principle would apply. Govindappa's counsel P P Singh submitted that the post of history lecturer being a single post, the question of reservation did not arise as that would amount to 100 per cent reservation, which would offend the mandate of Articles 14 and 16(1) of the Constitution. (Deccan Herald 21/11/08)

### **Panel recommends 3 per cent reservation for Arundathiyars (25)**

CHENNAI: The M.S. Janardhanam panel, which studied the modalities of providing reservation for Arundathiyars within the existing quota for Scheduled Castes, has recommended 3 per cent reservation for the community. Chief Minister M. Karunanidhi made the announcement on Sunday at a function organised by the Santhome Communications Centre to present him with a Lifetime Achievement Award. Having received the panel's report, he had discussed it with his Ministers, who had asked whether the implementation could not be delayed. However, the Chief Minister said that the recommendations would be implemented immediately, as the basic purpose

and job of his government was to uplift the oppressed. The panel had gone into all aspects of the issue in detail and recommended that 3 per cent out of the 18 per cent reservation for the SCs could be devolved to the Arundathiyar community, which included the sub-sects Chakkiliar, Madhari, Adi Andhrar, Pagadai, Madiga and Thotti. Mr. Karunanidhi said the State Cabinet would meet on November 27 to discuss and take a final decision on the recommendations. The government had taken legal steps to implement the reservation, he added. Recalling the announcement made in the Governor's address to consult all political parties to provide separate reservation for Arundathiyars, who "carry night soil on their heads, enter manholes to remove the blockages and garbage," the Chief Minister said an all-party meeting was convened on March 23. The panel, appointed on March 25, submitted its report on November 22. The Chief Minister said the State government had been implementing various schemes for the welfare of the Arundathiyars. "The leather goods and tannery workers welfare board and the Tamil Nadu government sanitary workers welfare board have been created. The separate reservation, a pioneering attempt in the country, will pave the way for social and educational uplift of the community," he said. Penning a poem in praise of the recommendations, Mr. Karunanidhi said the DMK government, which abolished hand-pulled rickshaws, would also change the fate of those who carried night soil on their heads. "I keep the report of Justice Janardhanam on my head," he said. .... (The Hindu 24/11/08)

#### **Raise creamy layer income limit: panel (25)**

THIRUVANANTHAPURAM: The Rajendra Babu Commission for determination of creamy layer among Backward Classes on Sunday recommended that the income for identification of the creamy layer should be raised to Rs.4.5 lakh a year. The Commission was appointed by the government to fix the income limit for providing reservation benefits to Backward Classes in view of the revision of the income limit by the Centre. The Commission observed in its report submitted to Chief Minister V.S. Achuthanandan here that the National Backward Classes Commission had recommended the raising of the income limit for reservation to the Backward Classes to Rs.4.5 lakh and the Central government had approved the same. In view of that, the income limit for reservation in State government services and institutions should also be raised to Rs.4.5 lakh. (The Hindu 24/11/08)

#### **Kerala panel defines OBC creamy layer (25)**

Thiruvananthapuram (IANS): The Justice Rajendra Babu Commission has recommended Rs.450,000 a year as the income limit defining the creamy layer among other backward castes (OBC), Kerala Chief Minister V.S.Achuthanandan said here Sunday. After receiving the report Sunday from Justice Babu, Achuthanandan told reporters that the commission's report has been accepted and it would be placed before the state cabinet for its final decision. On Oct 3 this year, the central government decided to raise the income ceiling from Rs.250,000 to Rs.450,000 a year to define the creamy layer among the OBC who would not qualify for the job quota. Then the state government asked the Rajendra Babu Commission to finalise its view and submit a report. The commission too recommended that families earning over Rs.450,000 per year should be considered "creamy layer" among the OBCs. After the central government raised the income limit, a social organisation of the powerful Nair community among the Hindus in Kerala said the decision was meant for garnering votes. The Nairs in the state belong to the upper caste and have been demanding employment reservation based on economic status of the family and not merely on its the social and community status. Muslims, who constitute nearly 23 percent of the state's population of 32 million, are included in the OBC list in Kerala. Also included under the OBC category are almost 10 percent of the Christians - forming 22 percent of the state's population. The biggest chunk of the OBCs comes from the Hindu Ezhava community that constitutes over half the number of the Hindus here. (The Hindu 24/11/08)

#### **Maya's sop story: Quota for Muslims at par with Dalits (25)**

New Delhi, November 24 : Bahujan Samaj Party chief Mayawati on Monday tried to woo Muslim voters in Delhi as part of an effort to chip away at sections considered traditional Congress allies. Addressing a rally in Aligaon village of Badarpur constituency in Delhi, she said, "Muslims in Delhi have been ignored and we will make amends. We'll give them benefits on the lines of those for

the Dalits.” Her speech was preceded by that of former Samajwadi Party leader, Shahid Siddiqui, who joined the BSP in July. Addressing the rally, Siddiqui said, “Muslims have not been given their due and that needs to change. We are not bonded labourers of the Congress. Sachar Committee has exposed what they have actually done for us.” “For Muslims, BSP is the only option,” he added. Constituencies like Okhla, Tughlaqabad and Jangpura in the outer reaches of Delhi have a sizeable Muslim population and will play an important role in the elections. Lashing out at the Bharatiya Janata Party and the Vishwa Hindu Parishad for linking terrorism to Islam, Siddiqui said, “Bhagwa rang mein bhi aatank chhupa hai (saffron also has stains of terrorism). Former Congressman Ram Singh Netaji is contesting against Ram Vir Singh Bidhuri of the Congress from the Badarpur constituency. Mayawati said the fact that the BSP is fighting fully prepared and on all seats indicates that it is in a position to spoil the chances of both the Congress and the BJP. Appealing to the Dalits and the poor, she alleged that governments so far have done little to improve their economic condition. She also raised the issue of Inflation and price rise. “If we come to power, we will frame policies to benefit the poor and not the ‘dhanaseth’ (rich) who fund election campaigns of political parties,” she said. “We had implemented reservation for low income Muslims in 1995 in UP. We will replicate the scheme if we come to power in Delhi and at the Centre,” she added. (Indian Express 25/11/08)

#### **J. J. Irani strikes a note of caution (25)**

HYDERABAD: Director of Tata Sons J.J. Irani has cautioned the industry to be wary of political parties promising a piece of legislation on reservations to SCs and STs in private companies, since this is election time. Addressing delegates of Confederation of Indian Industry here on Tuesday, Mr. Irani said that the industry coped with the targets set for itself in encouraging the SC/ST students and making them employable. Referring to the move by Prime Minister Manmohan Singh a couple of years ago to enact a law on reservation in private companies, he said that he had prevailed upon the former to give some time for the industry to take up social responsibility on its own. “Once given an opportunity, they proved themselves to be very good and also committed to the institutions they are working for,” he said citing examples on how the training programmes helped the SC/ST students become professionals. Mr. Irani expressed his displeasure over the ‘failure’ of Industrial Training Institutes (ITIs) in nurturing the SC/ST students across several States, except in Andhra Pradesh. He said women would accomplish the task of imparting the right skills among the needy in a more effective manner as compared to men. Dwelling on developing of entrepreneur skills among SC/ST students, he said it was the question of aptitude, but not the cultural or economic background that would groom a person into an entrepreneur. So much so, providing employment too was very difficult instantly. Therefore, increasing employability was the only solution, he pointed out. Calling upon the industry to be proactive in encouraging SCs and STs, Mr. Irani said: “We must be vigilant over the ‘so called support’ by political parties for reservations in private companies, and stamp down such efforts.” (The Hindu 26/11/08)

#### **Quota for Arundathiyars: TN CM denies Jayalalithaa charge (25)**

Chennai (PTI): Tamil Nadu Chief Minister M Karunanidhi on denied AIADMK leader Jayalalithaa's charge that the three per cent reservation for Arundathiyars was a "political fraud", saying that the reservation was earmarked as per the report of the State Backward Classes Commission. Responding to her statement, the Chief Minister wrote in DMK organ Murasoli that the government had followed the recommendations of the Commission, which suggested three per cent reservation for seven sections of the society, including Arundathiyars (a sub-sect of Dalits) in proportion to the population, a practice adopted in Punjab under the Punjab Act of 2006. "How can one say that the Government has exceeded its limits and violated the Indian Constitution?" he asked. The Chief Minister said his government had not violated any constitutional norms in providing separate quota for Arundathiyars within the existing SC/SC quota. Rubbishing Jayalalithaa's charge that the State government did not have power to provide a quota within the existing reservation under Article 341 of the Constitution, he said, "Article 341(1) is about the President identifying SCs and their sub-castes and Article 341(2) relates to the President vesting powers to Parliament to include or remove any sub-caste from the list of SCs". "As far as Tamil Nadu is concerned, 76 sub-castes of SC come under the SC category as per the President's

notification," Karunanidhi said. The government had also consulted the National Commission for Scheduled Castes for enacting a legislation, providing three per cent quota from within the reservation quota for SCs, he said. (The Hindu 30/11/08)

#### **Arundathiyars quota: Buta Singh promises quick nod for proposal (25)**

NEW DELHI: National Commission for Scheduled Castes (NCSC) Chairman Buta Singh has assured that the proposal of the Tamil Nadu government to provide three per cent "preferential basis" reservation for Arundathiyars, within the 18 per cent reservation for SCs in Tamil Nadu, would be placed before the Commission soon and cleared expeditiously. He gave this assurance to Union Shipping Minister and DMK Parliamentary party leader T.R. Baalu when he called on him here to seek early clearance for the proposal. As per Article 338 (9) of the Indian Constitution the Central/State governments have to consult the National Commission for Scheduled Castes whenever they take policy decisions relating to the SCs. The Tamil Nadu Cabinet last week had "in principle" approved the proposal. (The Hindu 3/12/08)

#### **"Amend Constitution to provide reservation for Dalit Christians" (25)**

CHENNAI: Viduthalai Chiruthaikal Katchi (VCK) leader Thol Thirumavalavan on Wednesday urged the Centre to amend the Constitution to provide reservation for Dalit Christians under the quota of Scheduled Castes (SC). Reacting to the disqualification of the AIADMK MLA Chandra, elected from the Rajapalayam reserved Assembly constituency, on the ground that she was a Dalit Christian, Mr. Thirumavalavan said denying reservations to Dalit Christians, who were languishing under poor economic and social conditions all over the country, was unacceptable. He welcomed the State government's decision to allot 3 per cent reservation to Arundathiyars out of 18 per cent quota allotted to the SCs. "It is a just and right decision aimed at uplifting the community that is in the last rung of the social ladder and still carry night soil on their heads." Condemning the terrorist attack in Mumbai, Mr. Thirumavalavan said investigation into the incident should take into consideration the Hindutva's link with terrorist activities as had unfolded in the Malegaon bomb blasts. He said the party had given up its plan to take a journey to Ayodhya on December 6 in view of the political situation. Mr. Thirumavalavan, who is part of the all-party team to meet Prime Minister Manmohan to urge him to end the war in Sri Lanka, said India should favourably consider LTTE leader Prabakaran's request for lifting the ban on the organisation. Asked about Union Minister EVKS Elangovan's demand that that he should not be included in the all-party team, Mr. Thirumavalavan said neither TNCC president K.V. Thangabalu nor AICC president Sonia Gandhi had expressed their opinion against him. "It is the personal opinion of Mr. Elangovan." (The Hindu 4/12/08)

#### **Quota cloud on minority schools (25)**

New Delhi, Dec. 12: Schools run by minorities will be required to implement quotas under the government's proposed law to make education compulsory for all children. In the past, the Centre has routinely cited constitutional provisions to grant minority institutions immunity from quotas and other kinds of government control. But the Free and Compulsory Education Bill, 2008, expected to be tabled in the Rajya Sabha next week, does not exempt minority educational institutions from its ambit, The Telegraph has learnt. Among other things, it requires all private schools to reserve a quarter of their seats for children from the economically weaker sections. Article 30 of the Constitution, however, says: "All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice." Article 29 allows minorities to conserve all aspects of their culture, language or script. The articles, read together, effectively exempt minority educational institutions from any government order on seat reservation or admission policy, other than those about minimum quality standards. But the education bill specifically states that Articles 29 and 30 — both fundamental rights — will not apply to it. To counter critics, the government will argue that the right to education too is a fundamental right, and cannot be suspended by any other constitutional provision, sources said. The bill also requires the formation of "school management committees" — made up by school officials and representatives from among the parents and the local government — to monitor the implementation of the law. So far, minority schools have been run solely by their trusts. Sources involved in drafting the bill said they were concerned about the legal implications of not shielding

minority institutions from the planned regulations. The OBC quota law for higher education cites Article 30 to exempt minority institutions, who don't need to reserve seats for SCs and STs either. A few years ago, education minister Arjun Singh set up a National Commission for Minority Educational Institutions to ensure strict application of Article 30. But government officials now argue that a law that aims to make education free and compulsory for all children between 6 and 14 cannot be held hostage to any exemptions. "The law aims to implement what is a fundamental right. We cannot achieve education for all if some institutions are not party to the law," an official said. (Telegraph 13/12/08)

#### **Review reservation policy, says NSS (25)**

**PATHANAMTHITTA:** The Nair Service Society (NSS) has called upon the government to review the five-decade-old reservation policy, if it is sincere in its promise of ensuring social justice to all sections of society. Addressing a press conference here on Friday, P.N. Narendranathan Nair, NSS treasurer, said the reservation policy pursued by both the Centre and the State would only benefit the rich among the beneficiary communities. He alleged that successive State governments had implemented their reservation policy in blatant violation of the directives of the Supreme Court. The Centre as well as the State had been preparing guidelines for reservation from time to time, without excluding the creamy layer among the beneficiary communities, ultimately leaving the backward among the beneficiary communities always backward. Mr. Nair said reservation itself was a temporary arrangement aimed at the uplift of the backward communities in a time-bound manner. It was not a permanent arrangement. He questioned the Union government's decision to set the monthly income limit to identify the creamy layer among the backward sections at Rs. 37,500 (Rs. 1,250 daily income). The State government too was towing the Centre's line, ultimately denying the benefits of the reservation policy to the deserving and needy among the Scheduled Castes/Scheduled Tribes category, he added. Mr. Nair alleged that a section of society which had remained 'backward' by caste for the past several years had become 'forward' on all fronts, reaping the benefits of the reservation policy, while another section that was categorised as 'forward' by caste had been left to bear the brunt of the government's "biased" reservation policy. The NSS treasurer also called for conducting a caste-wise census of State government employees for a factual assessment of the state of social balance prevailing in the State. Mr. Nair said the NSS has launched a State-wide campaign against the government's "negative reservation policy, the ill-conceived education policy aimed at destroying government-aided educational institutions and seeking deliverance of Hindu places of worship from government control." NSS general secretary P.K. Narayana Panicker will flag off a vehicle campaign in the district at a meeting to be held at Aranmula on December 15. Former Transport Minister K.B. Ganeshkumar, MLA, will inaugurate the concluding meet at Konni on December 18. Mr. Panicker will inaugurate the Nair meet and rally in Pathanamthitta on December 29. R. Balakrishna Pillai, N.V. Ayyappan Pillai and Harikumar Koickal, director board members, will address the meet. (The Hindu 13/12/08)

#### **Centre told to explain new 'creamy layer' criterion (25)**

**New Delhi:** The Government's decision to extend reservation benefits to backward classes earning upto Rs 4.5 lakh annually came under judicial scrutiny on Monday. Issuing notice on two separate petitions filed by NGO Nair Service Society and retired IIT Director PV Indiresan, the Supreme Court asked the Centre to explain the rationale behind its notification dated October 13 this year, increasing the creamy layer cut-off from Rs 2.5 lakh to Rs 4.5 lakh. The Bench of Chief Justice KG Balakrishnan and Justice P Sathasivam also issued notice to the National Commission for Backward Classes, whose recommendation led to the issue of notification in this regard. While the Bench had its own doubts on whether the issue was justiciable, senior advocate KK Venugopal representing the petitioners argued that the objective of social justice and amelioration of the poor among the backwards is sought to be defeated by the notification. He cited a National Sample Survey Organization (NSSO) survey disclosing about 97 per cent of other backward classes (OBC) in the country who survive on a meager income of about Rs 26,000 per annum. Relying on this report, Venugopal argued, "if this is true the creamy layer ought to have been fixed at Rs one lakh onwards (as originally proposed in 1993). Instead, it is being increased to Rs 4.5 lakh depriving the poor of the benefit." Refusing to be convinced by this

piece of information, dubbed by the Bench as "misleading statistics", the Court suggested a justification that may come handy for the Centre to argue. "After the Sixth Pay Commission, you find out what is the Class III employees' salary. They may be earning in lakhs. They are all PAN card holders." The Court, however, agreed to issue notice on the petition after Venugopal contended that the timing of this notification is to upset a Supreme Court order passed on Oct 14, 2008 directing the Centre to fill up vacant OBC seats in central educational institutions from general category, in the event they are not available from the OBC category. Interestingly, on October 16, just two days after the Court's order, a subsequent notification was issued by the Human Resource Development Ministry to apply the October 13 notification retrospectively against all unfilled posts. While upholding the validity of 27 % OBC reservation in premier institutions like IITs and IIMs, the Supreme Court made exclusion of creamy layer as a prerequisite for admissions. For exclusion, the Centre was directed to refer to its 1993 memorandum laying down Rs 2.5 income limit as the ceiling to determine creamy layer. Any person earning beyond this income was not entitled to seek benefits under the Act. Venugopal sought to attract the Court's attention to the fact how raising the bar for determination of creamy layer was a ploy by the Centre to accommodate such OBCs who otherwise would not qualify under the earlier rule. (Pioneer 16/12/08)

### **Higher income ceiling for OBC creamy layer falls foul of court order: petition (25)**

New Delhi: The Supreme Court on Monday issued notice to the Centre on writ petitions challenging the revision of the income criterion for the creamy layer among the Other Backward Classes from Rs. 2.5 lakh to 4.5 lakh for admission to educational institutions. In his petition, P.V. Indiresan pointed out that in the Ashok Kumar Thakur (OBC) case, the court had explicitly said non-exclusion of the creamy layer and inclusion of forward castes in reservation violated the right to equality under Articles 14, 15 and 16 as well as the basic structure of the Constitution. However, the Centre, on October 13, issued an 'Office Memorandum' increasing the income ceiling for the OBCs. Thereafter, it attempted to fill vacant seats in Central institutions by OBC candidates contrary to the court direction that vacant OBC seats go to general category students. The petitioner said: "It is clear that this has been done with the sole mala fide intention of granting the elite sections of the OBCs a wider pool for purposes of reservation, which would subvert the clear dictum of the Constitution Bench judgment." The effect of the Office Memorandum was that those excluded from the benefit of reservation "are a negligible group, rendering the very reservation policy questionable as providing caste-based benefits was contrary to the scheme of Articles 14, 15 and 16." If the Office Memorandum was allowed to prevail, it would lead to a fractured social system where "unequals are treated equally, and the very concept of the creamy layer evolved as a check on prohibited classification will be defeated," Prof. Indiresan said. In its petition, the Nair Service Society said: "The creamy layer class in OBCs, despite having reached the level to compete with the so-called forward class, would continue to derive the benefits of reservation by such unreasonable increase in the income limit." The petitioners sought quashing of the Office Memorandum. (The Hindu 16/12/08)

### **Govt introduces bill for SC/ST quota (25)**

New Delhi: In its bid to instill greater confidence in the minds of the Scheduled Castes and Scheduled Tribes the Centre on Monday decided to make reservation for SC/ST in the central civil services a statutory right by introducing a bill in Rajya Sabha to this effect. Hitherto this reservation was implemented through "administrative instructions". Minister of State in the Prime Minister's Office Prithviraj Chavan moved the Scheduled Castes and the Scheduled Tribes (Reservation in Posts and Services) Bill, 2008 in the Rajya Sabha, to ensure that the marginalised were not deprived of justice and fairness. "At present, administrative instructions issued by the Central government from time to time, provide reservation of appointments or posts for the Scheduled Castes and Scheduled Tribes in civil services," said the statement of objects and reasons of the bill, which was introduced amidst din over the Antulay issue and also the Left protest on the Insurance Bill. The bill seeks to make this a "statutory right" backing the instructions, it said adding, the bill aims to meet the "constitutional goal of securing justice, liberty and equality for all citizens and in promoting fraternity among them." Chavan also withdrew the Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation in Posts and

Services) Bill, 2004. The Rajya Sabha also passed the Constitution (Scheduled Tribes) (Union Territories) Order (Amendment) Bill, 2007 which relates to giving ST status to the children of the inhabitants of Lakshadweep who have been residing elsewhere in India. All residents of Lakshadweep have been given ST status in view of their socio-economic backwardness arising out of isolation from the mainland. (Deccan Herald 23/12/08)

### **Now, netas in Orissa under lens for using fake caste certificates (25)**

PHULBANI: Giving a new dimension to the religious riots in Kandhmal, the state administration has begun a probe into the alleged forgery of caste and religious identities by political leaders, including Phulbani MP Sugrib Singh (BJD), Congress Rajya Sabha MP Radhakanta Nayak and former legislator Saluga Pradhan (BJD). Some serving and retired government officials, including former DGP John Nayak and retired IAS officer Isaac Behera, are part of the probe initiated on the basis of allegations made by tribals. Official sources on Saturday said police had already begun probes into charges of fake caste certificates, including those against politicians. The nature of charges range from Schedule Caste and general caste people having taken Schedule Tribe reservation benefits to Christians taking advantages meant for Hindus, the sources said. The probe is being conducted in tune with a Supreme Court judgment in the Madhuri Patil versus state of Maharashtra case, the sources revealed. "We've received over 600 complaints and we are currently carrying out probes into 300 cases. We would probe all the allegations," special administrator, Kandhmal, Madhusudan Padhi, told TOI. The issue of fake caste certificates is the main reason behind the communal discord in the district, with tribal Kandhs accusing Dalits Panas of fraudulently taking advantage of reservations after converting to Christianity. Most of the charges have been made by Kui Samaj Samanwaya Samiti, an outfit spearheading the tribal movement in Kandhmal. "We've filed petitions with the administration against people who had defrauded the government and enjoyed benefits not meant for them," KSSS secretary Lambodhar Kanhar said. Going by the allegations, Sugrib Singh is a Christian but has got elected to the Lok Sabha by submitting a forged certificate of being a SC Hindu. He, however, denied the charges and said, "All these are being made to harm me politically. I'm a Hindu belonging to SC category. I've not done any forgery." (Times of India 28/12/08)

### **Consensus eludes panel on women's reservation (25)**

NEW DELHI: Consensus eludes the parliamentary committee looking into the issue of women's reservation, though it has only a few more months left to complete its report. To elicit views of smaller regional parties and other stakeholders like non-government organisations on the issue, the committee has been travelling to different States for wider consultations. Seven States, including Maharashtra, Tamil Nadu, Madhya Pradesh and Uttar Pradesh, have been covered and plans were on to cover the other three southern States in January, committee chairman E.M. Sudarsana Natchiappan told The Hindu on Monday. Another member of the committee pointed out that 'Bharat Darshan' was planned not only on women's reservation, but also to get a feedback on the working of the Right to Information Act as well as public and media opinion on banning exit polls. "The committee members will spend two days in Kerala on January 19 and 20, in Karnataka on January 21 and 22 and the next two days in Andhra Pradesh. We have already covered seven States and if some members want to cover some more States like Rajasthan and Haryana, we will try and include those too," Mr. Natchiappan said. Apparently, some members of the last select committee to look at the issue 12 years ago had given dissenting notes to the effect that wider consultations were needed on this politically sensitive and problematic subject that has evaded resolution. Mr. Natchiappan said that wider consultations taking place now would meet that criticism. The committee has time till April 2009 to complete its work, but could finalise a report by February, Mr. Natchiappan said. Some members said discussions on women's reservation were almost over and one more meeting had to be held before the report was finalised. However, Mr. Natchiappan felt there would be no point in finalising the report in a hurry without evolving a political consensus. Without consensus, the necessary constitutional amendments cannot take place and the proposed bill would remain a dream. Committee member Brinda Karat of the Communist Party of India (Marxist) said the government did not have the political will to see legislation through. Making it clear that she was not referring to discussions within the committee but to her own and her party's view on the subject, she said: "The talk about

evolving a political consensus is a diversion to conceal the fact that this government has no will to bring the women's reservation bill as it depends for support on parties that are utterly opposed to it." She pointed out that when the government had the will, it enacted contentious legislation even through loud protests in Parliament as witnessed earlier this month. The committee has before it several formulae, including an increase in the total seats of Parliament, making it mandatory for political parties to declare 33 per cent women candidates and reserving one-third of all seats in the Lok Sabha and State Assemblies for women. The most contentious issue is the demand for a quota for Backward Caste women within the larger quota for all women. One view in the committee was that the issue of a quota for Backward Caste women within the overall quota for women should be left to each State. If a few States were to give the green signal, others are likely to follow suit. But this suggestion had been termed by the CPI(M) unconstitutional, and, therefore, given up. (The Hindu 31/12/08)