

LS clears Bill restoring States' rights to specify OBC groups

Lawmakers across parties call for removal of 50% cap on reservation

SPECIAL CORRESPONDENT
NEW DELHI

The Lok Sabha on Tuesday passed the 127th Constitution Amendment Bill, 2021, with unanimous support from the House and not a single vote against, with Social Justice and Empowerment Minister Virendra Kumar stating that there was a need for careful examination of the demand made by several Lok Sabha MPs to remove the 50% cap on reservation currently in place.

Replying to the debate on the Bill, the first such debate in an orderly manner in a session marked by three weeks of disruptions and adjournments, Dr. Kumar said the issue required a careful going over of legal and constitutional issues.

Indra Sawhney case

"In the Indra Sawhney case the court has observed that the limit can be increased beyond the 50% but only in certain special circumstances. The government is aware of the wishes of the members," he said.


The Minister said the current Constitution Amendment Bill was historic legislation as 671 castes in the country would benefit from it and restore the States' rights to make their own list of Other Backward Classes (OBCs) and should be consi-

Empowering the States | The 127th Constitution Amendment Bill benefits 671 castes in the country and restores the States' rights to make their own list of OBCs

1 The Bill seeks to restore the power of the States to identify OBCs that are socially and educationally backward after a Supreme Court order in May 2021 empowered only the Centre for this

2 The amendment was thought necessary because the SC, in its order on Maratha reservations, upheld the 102nd Constitutional Amendment Act, which said the President of India, in consultation with Governors, would specify socially and educationally backward classes, taking away the powers of the State governments to do so

3 Several parties also demanded a caste-based census to get a real idea of the number of OBCs in the country and to remove the 50% cap on reservations currently in place

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ADHIR RANJAN CHOWDHURY, CONGRESS LEADER



 When the Amendment was brought, the government's intent was that both at the Central and State level, OBC lists will be maintained

BHUPENDRA YADAV, LABOUR MINISTER



dered as the 105th Constitutional Amendment Bill after being renumbered.

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The amendment was thought necessary because the SC, in its order on Maratha reservation, upheld the 102nd Constitutional Amendment Act that inserted Articles 338B and 342 A (with two clauses) after Article 342, which said the President of India, in consultation with the Governors, would specify socially and educa-

tionally backward classes, taking away the powers of State governments to do so.

Lead speaker for the Opposition, Congress leader Adhir Ranjan Chowdhary accused the government of turning a deaf ear to suggestions of the Opposition during the debate on the 102nd Constitutional Amendment in 2018.

Supporting the Bill, Mr. Chowdhary said, "You (BJP) tweaked the Constitution by bringing the 102nd Constitutional Amendment Bill, 2018, which gave people the opportunity to go the courts and finally the Supreme Court removed the States' power."

"We support the Bill but

our demand is to remove 50% ceiling in reservation. You should listen to the States, make it legal for States to cross the 50% ceiling," he said. He received support on this from DMK's T.R. Baalu and Samajwadi Party leader Akhilesh Yadav who also demanded the lifting of a 50% ceiling.

'Cong. buried reports'

Intervening in the debate, Minister for Labour Bhupendra Yadav said the Congress had buried old reports including the Kaka Kallelkar and Mandal Commission report on backward classes.

CONTINUED ON ► PAGE 10
CASTE-BASED CENSUS ► PAGE 11