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Centre asks SC to modify status quo on SC/ST quota

'Over 1 lakh posts meant for them are lying vacant'

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NEW DELHI, DHNS

The Centre on Monday asked the Supreme Court to modify the status quo ordered on promotion in the reservation for the Scheduled Caste and Scheduled Tribe employees in public services, saying over one lakh posts meant for them in several states were lying vacant.

Attorney General K K Venugopal, appearing for the Centre, asked a bench of Chief Justice S A Bobde and Justices B R Gavai and Surya Kant to allow the government to fill up the posts.

The top court was hearing an application filed by the Bihar government to clarify the order passed on April 15, 2019.

The bench in the matter issued notice to the other side, comprising general category of employees and put

it for consideration after four weeks.

The Union government had in December last asked the top court to refer to a seven-judge bench a contentious issue of exclusion of creamy layer from the SC/ST community from the benefit of reservations. Venugopal had then sought reconsideration of 2018 Constitution bench judgement in Jarnail Singh case which had favoured for the exclusion of creamy layer in the SC/STs from the reservations in jobs and education.

The Centre is facing criticism on the subject after the Supreme Court on February 7, 2020, said an individual cannot claim reservation as a fundamental right and the government is not bound to provide quota in promotion for the Scheduled Caste and Scheduled Tribe employees in public jobs.

SC/ST MPs to meet Modi

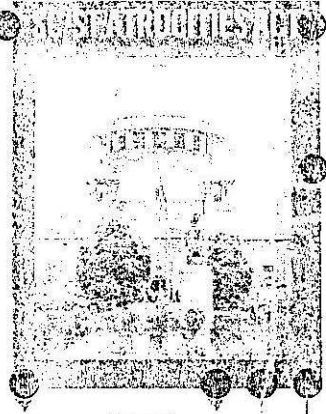
Cutting across party lines, parliamentarians belonging to SC/ST communities on Monday decided to meet Prime Minister Narendra Modi with a demand to put matters related to reservations in the Ninth Schedule of the Constitution and make it beyond judicial review, reports DHNS. The decision to approach the Prime Minister was taken at a meeting of SC/ST MPs convened by Union Minister and Lok Janshakti Party supremo Ram Vilas Paswan. As many as 50 of the total 145 MPs from SC/ST communities attended the meeting convened by Paswan. The MPs also decided to press for the demand to establish Indian Judicial Service to make appointments to the judiciary.

March 20, 2018: Supreme Court's 2-judge bench put in "safeguards" on stringent provisions of SC/ST Act, 1989, saying innocent citizens were being termed as accused and public servants were deterred from performing their duties.

It directed preliminary enquiry before registration of FIR and prior approval from authorities before the arrest.

April 2, 2018: The Union government files review petition, saying the judgement would have wide ramifications, resulting in dilution of the law meant to protect members of the SC/STs. It said despite various measures to improve the socio-economic conditions, they remained vulnerable.

August 9, 2018: Parliament passes the Amendment Act, 2018 to overturn the apex court's judgement.



Feb 10, 2019: SC says the challenge to the provisions restored through Amendment Act has been rendered academic.

Oct 1, 2019: SC recalls its judgement of March 20, 2018, saying the direction issued therein amounted to "encroaching on a field which is reserved for the legislature" and "would cause several legal complications", besides delay in timely completion of the investigations under the law.

Sept 20, 2019: SC's two-judge bench refer the Centre's review petition to a three-judge bench.

April 26, 2019: A PIL was filed challenging validity of the Amendment Act.

Ruckus in Parliament as govt distances itself from top court's order

SAGAR KULKARNI
NEW DELHI, DHNS

NEW DELHI, DHNS: A raging row over the Supreme Court's order on the reservation in promotions in government jobs hit both Houses of Parliament with a united Opposition targeting BJP on the issue and questioning its commitment to the cause of the oppressed classes.

As Opposition members led vociferous protests, Social Justice and Empowerment Minister Thawarchand Gehlot took the plea that the Centre was neither a party to the case in which the apex court had passed its order nor

was it asked to submit an affidavit in the matter.

Cutting across party lines, Opposition members, including Ghulam Nabi Azad and P L Punia (both Congress), Tiruchi Siva (DMK) and Ram Gopal Yadav (SP), asked the Modi government to take firm steps on the issue and wanted it to file a review petition in the Supreme Court to reverse the verdict.

In a matter related to the Uttarakhand government, the SC on Friday had held that state government were not bound to provide reservation in appointments and that there was no fundamental right to claim quota in pro-

motions.

NDA constituents Lok Janshakti Party and JD(U) also joined the Opposition and demanded that the government should take steps to put the topic of reservation in the Ninth Schedule of the Constitution, making it off-limits for litigation in the apex court.

"The government is holding high-level discussions on the issue," Gehlot told both Houses of Parliament. Seeking to turn the heat on Congress, Gehlot also made it clear that the SC verdict had come on an order issued by the Uttarakhand government in 2012, when Congress was in power.