

PAPER CLIPPINGS

DEPARTMENT / SUBJECT: COURT MENTEN

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# SC refers pleas against 10% quota for weaker sections to Constitution bench

## Petitioners claim it breaches 50% ceiling of reservation

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The Supreme Court on Wednesday referred the challenge to the Centre's decision to grant 10% reservation in jobs and education to candidates of economically weaker sections (EWS) to the Constitution bench for adjudication.

A bench of Chief Justice S A Bobde and Justices R Subhash Reddy and B R Gavai said the matter would be adjudicated by the Constitution bench of five judges as it involved substantial questions of law and interpretation of constitutional provisions.

It is the case of the petitioners that the amend-

ments violated the basic structure of the Constitution mainly on the ground that the existing provisions empowered to provide affirmative action only in favour of socially backward classes.

It is for the first time that by amendments in the Constitution itself the new clauses were incorporated enabling the State to provide affirmative action by way of reservation to economically weaker sections of society, the court noted.

A batch of petitions filed by NGOs Janhit Abhiyan, Youth for Equality, and others challenged the validity of Constitution (103 rd Amendment) Act, 2019 on the ground that

economic criterion cannot be the sole basis for reservation.

They claimed the decision violated the principle of the basic structure of the Constitution and breached the overall 50% ceiling of reservation as mandated under the Indra Sawhney case (Mandal Commission), 1992.

The Centre, for its part, claimed the move was necessitated to benefit the economically weaker sections of the society who are not covered within the existing schemes of reservation, which as per statistics, constituted a considerably large segment of the Indian population.

The 10% quota for economically weaker sections in government jobs and higher educational institutions, including in private sector, became the law of the land after President Ram Nath Kovind on January 12, 2019, gave his assent to it.

The court has reserved its order in the matter on July 31, 2019.

## SC seeks info from Centre, NHRC on custodial deaths

NEW DELHI, DHNS: The Supreme Court on Wednesday issued notice to the Centre and NHRC asking them to file data on custodial deaths.

A bench of Justices U U Lallit and Vineet Saran sought the details after hearing senior advocate A M Singhvi, appearing as amicus curiae. The counsel pointed out alarming figures on such deaths. He pleaded for reviving the landmark 1986 case of DK Basu for issuing directions in case of custodial death, and torture.

The court also sought to know if the state human rights panels were functional in states. In his plea, Singhvi said a dangerous trend has started wherein the elected representatives have made statements in public that tend to encourage custodial violence or deaths and encounter killings.

## Bhushan's petition in contempt case rejected

NEW DELHI, DHNS: The Supreme Court on Wednesday rejected a petition by activist-advocate Prashant Bhushan, challenging entertaining of a "defective" contempt plea in violation of his right to life and liberty under Article 21 of the Constitution.

A bench presided over by Justice Arun Mishra dismissed the writ petition by Bhushan, which sought to recall the order on listing the petition by one Mahek Maheshwari against him on July 22 in a fresh contempt, and the July 24 order in 2009 contempt case for being "unconstitutional, illegal, void and non-est".

Maheshwari, a Gwalior-based lawyer, had filed a contempt petition against Bhushan which was converted into suo motu criminal contempt.

After hearing senior advocate Dushyant Dave on behalf

of Bhushan, the bench, also comprising Justices B R Gavai and Krishna Murari, declined to entertain the plea, pointing out alleged procedural irregularities. Bhushan also claimed to accept the petition by Maheshwari, filed without consent from the Attorney General or the Solicitor General, was illegal in terms of Section 15 of the Contempt of Courts Act.

He also submitted the matter could not have been placed before a bench led by Justice Arun Mishra without providing him with a copy of the administrative order.

Meanwhile, the court reserved its judgement in the suo motu criminal contempt against Bhushan.

The advocate was issued a notice on July 22 for his tweet on June 27, wherein he accused four CJIs of "playing a role in the destruction of democracy".