

Quota Bill gets President's assent, becomes law

No need for ratification by States, says government

SPECIAL CORRESPONDENT

NEW DELHI

President Ram Nath Kovind on Saturday gave his assent to the Constitution amendment that provides 10% reservation to the economically backward section in the general category in government jobs and education.

With the Ministry for Law and Justice issuing a notification about the Constitution (103 Amendment) Act, 2019 receiving the Presidential assent, reservation for the economically weaker among general category is now law.

Special provision

The Act amends Articles 15 and 16 of the Constitution – ensuring Fundamental Rights to a citizen – by adding a clause that allows the State to make “special provision for the advancement of any economically weaker sections of citizens”.

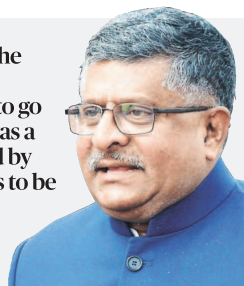
These provisions would relate to “their admission to educational institutions, including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions”.

The Act makes it clear



If Parliament is amending the Fundamental Rights under Article 368, there is no obligation to go to the State Vidhan Sabhas. This was a part of the Constitution, as framed by them in 1949 and 1950. That needs to be appreciated

— RAVI SHANKAR PRASAD, Law Minister, in the Rajya Sabha



that reservation would be “in addition to the existing reservations and subject to a maximum of 10% of the total seats in each category”.

Amendment of Article 16 stated, “Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any economically weaker sections of citizens other than the classes mentioned in clause (4), in addition to the existing reservation and subject to a maximum of 10% of the posts in each category.”

Unlike other Constitutional Bills that require ratification from half of the State Assemblies, the Law Minister had clarified that this Act would not require such a process.

Responding to a query by Rajya Sabha member M.K. Kanimozhi on exactly this point, Law Minister Ravishankar Prasad had, on the floor of the House, confirmed that there was no need for State governments to ratify the Bill.

“If the Parliament is amending the Fundamental Rights under Article 368, there is no obligation to go to the State Vidhan Sabha. This was a part of the Constitution, as framed by them in 1949 and 1950. That needs to be appreciated,” Mr. Prasad had responded to Ms. Kanimozhi's query during the Parliament discussions on the Bill.

The Bill, that was passed by Parliament on January 9, has been challenged in the Supreme Court.