

# Difficult to press for women's quota before LS poll: SC

Forcing quick implementation will amount to virtually legislating, says Justice Sanjiv Khanna; case listed on Nov. 22 along with a similar petition

**Krishnadas Rajagopal**

NEW DELHI

**T**he Supreme Court on Friday described the constitutional amendment reserving one-third of the seats in Parliament, State legislatures, and the Delhi Legislative Assembly for women as a "very good step" towards attaining gender parity in politics, but voiced doubts about stepping in to ensure the implementation of the quota law before the general election in 2024.

"It will be very difficult for us to do that. It will amount to virtually legislating," Justice Sanjiv Khanna, heading a Division Bench, observed.

## Not there yet

The Constitution (One Hundred and Sixth Amendment) Act, popularly called the women's reservation Bill, stipulates 33% reservation for women in the Lok Sabha and State Assemblies. However it won't take effect immediately

■ A clause in the law says the reservation will be implemented after the next census followed by delimitation

■ The government has assured Parliament that the



census and delimitation will be carried out soon after the general election in 2024

■ The petition argues in SC that reservation should be implemented before the LS election

However, the court listed the case on November 22 along with a similar petition.

The petition filed by Jaya Thakur, represented by senior advocate Vikas Singh and advocate Varinder Kumar Sharma, ques-

tioned a clause in the law which said the reservation should be implemented only after the next census followed by a delimitation exercise.

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## Women's quota prior to LS polls is difficult: SC

Mr. Singh urged the court to declare the "offending" clause in the Constitution (One Hundred and Sixty Amendment) Act of 2023 "void ab-initio".

He argued that a constitutional amendment passed by the Parliament unanimously during a Special Session should not be made to wait indefinitely. Mr. Singh argued that it was settled law that a constitutional amendment cannot be held back unless it was found to be *ultra-vires* the Constitution. "A Special Session was called for implementing the reservation in the Parliament, State legislatures and the Delhi Legislative Assembly. Both Houses passed the Bill unanimously. The Act was notified on September 28, 2023. But still, the object of the Act is yet to be realised," the petition said. The senior lawyer contended that deferring the implementation of the Act till after the Census and delimitation amounted to a virtual stay on its effect and operation for ambiguous reasons.

The petition referred to the 73rd and 74th constitutional amendments of 1993 which gave women one-third representation in local body elections. Dr. Thakur drew the court's attention to the 77th Constitutional Amendment extending reservations for promotions in jobs for the Scheduled Castes and Scheduled Tribes.

Finally, the petition highlighted the recent implementation of the 10% EWS reservation for poor Forward Caste sections of the society in educational institutions and public employment.

It said all these amendments were given effect without calling for Census data.

## Action and authority

Governors should not give scope for criticism they challenge elected regimes

That two States have approached the Supreme Court of India against the conduct of their Governors once again flags the problem of political appointees in Raj Bhavan using their authority to delay the implementation of decisions by elected regimes, if not undermine them. Tamil Nadu and Kerala have questioned the delay in the granting assent to Bills passed by the legislature. Tamil Nadu is also aggrieved that proposals related to grant of remission to some convicts, sanction for prosecution of some former Ministers and appointments to the State Public Service Commissions have not been acted upon. Governors need not rubber stamp any decision, but one can question the practice of Governors, especially in States not governed by the ruling party at the Centre, blocking decisions and Bills. For instance, some Governors appear to be hostile to the very idea of amendments to university laws if they seek to leave out Chancellors, invariably the Governors themselves, from the process of appointing vice-chancellors, or establishing new universities in which Governors are not chancellors. The idea of having Governors as ex-officio vice-chancellor of most universities is only a practice and is actualised through their founding statutes. However, Governors seem to be labouring under the misconception that they have a right to be chancellors and tend to delay assent to any Bill that clips or removes their power. It is time to have a national prohibition on Governors being burdened with the role of chancellor of any university, as recommended by the Justice M.M. Punchhi Commission on Centre-State relations.

It is unfortunate that absence of a time-frame for giving assent is used by some Governors to stymie laws passed by the legislature. One would have thought the Supreme Court's observations, arising out of the Telangana government's petition, reminding constitutional authorities that the phrase "as soon as possible" appearing in Article 200 of the Constitution contains significant "constitutional content" would have driven into them a sense of immediacy in considering Bills. What the Court meant was that it would be constitutionally impermissible for Governors to indefinitely hold on to Bills without conveying a decision. The States, too, ought to be prudent in their decision-making without leaving scope for questions on the merit of their decisions. The absence of any laid-down process to seek applications and assess the relative merits of applicants before appointing the chairperson and the members of the Tamil Nadu Public Service Commission is a case in point. The larger point that none should forget is that Governors are explicitly restricted in their functioning by the 'aid and advice' clause in the Constitution and ought not to misuse the discretionary space available to them.

## Retrograde step

A government panel to check facts is liable to be misused against critics

**M**isinformation and its more malicious variant, disinformation, have been the bane of today's unfettered communication system, especially social media where the necessary filters are rarely applied over the spread of news and views, many of which are based on false information deliberately or ignorantly placed. The Tamil Nadu government's decision to constitute a fact-checking unit to deal with "misinformation and disinformation pertaining to the State government" emanating from "all media platforms", sounds, on the face of it, a reactive step. This decision follows a similar move by the Karnataka government. But for the governments to deem themselves or units constituted by them as the adjudicator of what is false is a retrograde move as an interested party deciding upon what is factual or not is problematic. Tamil Nadu's move must be seen along with the Centre's notification of the IT Rules earlier this year, which amended the Information Technology Rules, 2021, and allowed the Ministry of Electronics and IT to appoint a similar fact-checking unit. Several parties including the Editors Guild of India, the Association of Indian Magazines and the political satirist Kunal Kamra had challenged the IT rule enabling the unit. During the hearing, the Bombay High Court had raised the issue of the lack of necessary safeguards that will allow fair criticism of the government. It had also remarked that even if the motives for the introduction of such a rule was laudable – to tackle false news – it could be done away with, if its effects were unconstitutional, that is, if it infringed upon freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution.

The verdict is set to be delivered on December 1, but the remarks indicate where courts stand on the constitution of a government "fact-checking unit" to adjudicate on reports and information relating to its functioning. The Editors Guild of India had urged Karnataka to specify the scope and powers of the fact-checking unit, besides suggesting that the menace of misinformation and fake news was best left to independent bodies and that "[a] monitoring network should follow principles of natural justice including giving prior notice, right to appeal and judicial oversight". States have their information and publicity departments that can clarify on news related to them and there are independent fact-checkers who tackle misinformation on social media. It would have made express sense for such units to be set up with the involvement of journalists and other stakeholders, but that has also not been the case with the Tamil Nadu government's decision.

## 42% of women workforce in manufacturing sector hails from T.N., says PTR

**The Hindu Bureau**  
CHENNAI

Minister for Information Technology and Digital Services Palanivel Thiagarajan on Thursday highlighted the various initiatives, particularly for women, undertaken by the DMK government, including the free bus scheme for women. The Minister pointed out that 42% of the women workforce in the manufacturing sector in India is from Tamil Nadu.

Mr. Rajan was addressing a gathering after giving away awards to the winners of the 2023 Avtar & Seramound Social Excellence Awards and the Male Ally Legacy Awards (MALA) organised on Thursday. He said maternity leave for government employees was enhanced from nine months to 12 months after the DMK came to power.

Ajay Vij, Country Managing Director of Accenture, bagged the Male Ally



Minister for Information Technology and Digital Services Palanivel Thiagarajan speaking at the award function. R. RAGU

Legacy Award for "championing women's advancement" in the organisation. Mr. Ajay has been active in the Accenture's 'returning mothers' programme, and has also extended support for 'career reboot', a programme aimed to help women returning to work after career breaks of two or more years.

### Community project

The Minister also honoured the 2023 Top 10 Best Companies for Women in India, besides the

Most Inclusion Companies' Champions. Teleperformance received the Social Excellence award for their project COTW (Citizens Of The World) for local communities, vulnerable children and women.

Saundarya Rajesh, founder and president of Avtar Group, said, "In 2021, 53% of companies had stated that a diverse workforce positively impacts their innovation revenue; the ratio rose to 77% in 2023. This indicator is set to cross the 100%-mark by 2025."



# Cauvery Authority ratifies CWRC's decision on release of water to Tamil Nadu

The Cauvery Water Regulation Committee had asked Karnataka to release 2,600 cusecs to Tamil Nadu till November 23; T.N. had sought the release of 13,000 cusecs, factoring in the backlog

**T. Ramakrishnan**  
CHENNAI

**T**he Cauvery Water Management Authority (CWMA) on Friday approved the decision of the Cauvery Water Regulation Committee (CWRC) to ask Karnataka to release 2,600 cubic feet per second (cusecs) to Tamil Nadu till November 23.

The ratification meant that the upper riparian State would have to release 5.17 thousand million cubic feet (tmc ft) in the next three weeks. When the CWRC took the decision earlier this week, Karnataka Deputy Chief Minister D.K. Shivakumar, also in charge of the Water Resources portfolio, said the State did not have any water to release. As on date,



The ratification meant that Karnataka would have to release 5.17 tmc ft in the next three weeks. FILE PHOTO

the four reservoirs of Karnataka had a combined storage of 56 tmc ft, according to a post on the social media handle of the Karnataka State Natural

Disaster Monitoring Centre.

Friday's meeting, held in New Delhi and attended physically by representatives of the two principal

riparian States, lasted two hours, CWMA chairman Saumitra Kumar Haldar told *The Hindu*. Officials of the Kerala and Puducherry governments were present virtually. Tamil Nadu had sought the release of 13,000 cusecs, factoring in the backlog.

## Mekedatu project

Karnataka wanted the CWMA to discuss and clear its ₹ 9,000-crore Mekedatu Balancing Reservoir-cum-Drinking Water Project. But "this was opposed by us," said an official of the Tamil Nadu government.

Mr. Haldar said that as it was an emergency meeting, "there was no discussion" on the Mekedatu project. However, the subject would be taken up at a regular meeting, he added.

## Zika: five Karnataka villages come under surveillance

Serum samples of 30 pregnant women sent for tests: Health Department submits report on the surveillance measures undertaken to the National Centre for Vector Borne Diseases Control

**The Hindu Bureau**  
BENGALURU

**T**he Karnataka Health Department, which is closely monitoring the situation in Chickballapur after a mosquito pool in Thalakayalbetta village of the district was found to be positive for Zika, has sent serum samples of 30 pregnant women from five villages in the containment zone to the National Institute of Virology (NIV), here, for testing.

As many as 888 houses with a population of 4,282 in the containment zone are under intense surveillance, officials said.

Mosquito samples collected from Thalakayalbet-



The potential mosquito breeding sites have been noticed in cement tanks and barrels in the containment zone. SPECIAL ARRANGEMENT

ta village in the jurisdiction of Dibburahalli Primary Health Centre (PHC) during routine surveillance were found to be carrying the Zika virus.

On Friday, the depart-

ment submitted a detailed report on the surveillance measures undertaken to the National Centre for Vector Borne Diseases Control (NCVBDC) under the Union Health Ministry.

In the report addressed to Kalpana Baruah, Senior Consultant and former Additional Director and Scientist 'V' at NCVBDC, the State Joint Director, National Vector Borne Disease Control Programme, said that intensified vector control measures were being initiated in the containment zone.

Apart from the 30 serum samples, four samples of those who reported with fever had also been sent for tests.

State Health Commissioner Randeep D. said reports were expected in a week. "The potential Aedes breeding sites have been noticed in cement tanks and barrels in the containment zone," he said.