





KIREN RIJU
UNION MINISTER

As per available information, over 30,000 non-Muslims from Bangladesh, Pakistan and Afghanistan are staying in India on long-term visa



SAUGATA ROY
MEMBER OF PARLIAMENT, TMC

The bill is 'divisive' and will cause fires in the northeast, including Assam. Withdraw it. If you can't do it, reconstitute the committee



MALLIKARJUN KHARGE
LEADER OF OPPOSITION, LOK SABHA

The bill is dangerous for the unity and integrity of the country. There is no respect for Assam Accord. It is also a constitutional matter, so resend it to a select committee

LOK SABHA PASSES CITIZENSHIP (AMENDMENT) BILL AMID WALKOUT BY CONGRESS AND TMC The Bill was also opposed by PR Kunhalikutty (IUML), Jayprakash Yadav (RJD) and Asaduddin Owaisi (AIMIM) who all contended that it was against the Constitution



ASSAM POLITICS
Mahanta Dares BJP Govt to Go for Fresh Polls

Bikash.Singh@timesgroup.com

Guwahati: Former Assam chief minister and Asom Gana Parishad (AGP) leader Prafulla Kumar Mahanta challenged the state government to seek a fresh mandate after the Union Cabinet approved a bill to grant citizenship to certain minority community migrants from neighbouring countries.

Mahanta said on Tuesday that the mandate in the 2016 state assembly election went in favour of the pre-poll alliance of the BJP, AGP and Bodoland People's Front (BPF) and now that the AGP has walked out, the government must seek a fresh mandate.

Mahanta, who led the six-year, anti-foreigner movement that led to the signing of the Assam Accord in 1985, said, "The government has never been able to state the number of persecuted Hindus staying here. Will the government take the Hindus coming from Bangladesh and settle them in Gujarat and Rajasthan?"

The AGP quit the alliance on Monday after the BJP-led Central government went ahead with the Citizenship (Amendment) Bill, 2016, which seeks to give Indian citizenship to Hindu, Buddhist, Jain, Christian, Parsi and Sikh migrants from Pakistan, Afghanistan and Bangladesh.

"I dare the government to seek a fresh mandate - the 2016 massive mandate was for the alliance, not the BJP," Mahanta said. The three parties together won 86 of the state's 126 assembly seats.

Burden of Assam is That of Entire Nation: Rajnath

Our Political Bureau

New Delhi: The Lok Sabha on Tuesday passed the Citizenship (Amendment) Bill 2018 that seeks to give Indian citizenship to minorities - Hindus, Sikhs, Buddhists, Jains, Parsis and Christians - from Pakistan, Afghanistan and Bangladesh with Union home minister Rajnath Singh making an open assurance to the agitated people of Assam that their cultural, linguistic, economic and social identities will be fully protected and that the burden of accommodating these refugees will be shared by the whole nation, not just Assam.

Opposition parties, including Congress and Trinamool Congress, staged a walkout after the government rejected their demands for sending the Bill - which has been processed by a Joint Parliamentary Committee - to another Parliamentary committee. The government will now seek to get the Bill pass the Rajya Sabha on Wednesday to complete the process of legislative framework.

Replying to the debate, Rajnath Singh took special care to try and assuage the feelings of the Assam,

Rajnath Singh Steers Bill

The Liaquat-Nehru Pact and Indira Gandhi-Mujibur Rahman Pact had assured full protection to minorities of Pakistan and Bangladesh, but failed to do so

We want the minorities of other countries should remain in their countries peacefully, but unfortunately that is not happening

Bangladesh is providing security to minorities to the extent that it can... but due to some elements minorities in Bangladesh are being persecuted

REMINDER FOR CONGRESS

Manmohan Singh, too, had urged India to take a lenient view on the migrants from the neighbouring nations, says Union home min



Akhand Bharat should have been convenient, partition on the basis of religion should not have happened
RAJNATH SINGH

"Whatever is being done is being done while keeping in mind the interests of Assam and the nation. We have taken steps with regards to Class 6. I want to say that due to Citizenship Bill, it is being said that the burden will fall on Assam. But the burden will be shared by the entire nation. We will stand with the people of Assam, and will help the State in whatever way they need".

Singh tried to blame the root of the refugee exodus to the "religion-based partition of India".



UNCERTAIN TIMES
BJP Allies Express Fears Over Bill on Citizenship

Bikash.Singh@timesgroup.com

Guwahati: With Citizenship bill passed in Lok Sabha, Meghalaya chief minister Conrad Sangma said, "We will call the meeting of party leaders and discuss."

The National People's Party (NPP), which is leading a six-party coalition government in Meghalaya where BJP is also a partner; is supporting the NDA government in Nagaland and Manipur.

Indigenous People's Front of Tripura (IPFT), an ally of BJP-led government in Tripura, has been opposing the bill.

IPFT chief N C Debbarma told ET: "We will decide after the seeing the fate of bill in Rajya Sabha. There is stout resistance to the bill in the northeast."

The situation is quite similar in Nagaland where the People's Democratic Alliance (PDA) government has decided to review the Bill to ensure that it doesn't affect the provisions of the constitution and the existing practices of the Nagas.

Mizoram CM Zoramthanga too said the state is opposed to the bill. "The bill is an attempt to make illegal migrants eligible for Indian citizenship on the basis of their religion," he said. Zoramthanga said the bill is against the principles of secularism. "If passed, it could be harmful to states such as Mizoram where there are many illegal Buddhist migrants from Bangladesh."

SLOGANS OUTSIDE HOUSES OF MANY BJP MLAS

Bandh Hits Normal Life in Seven Northeast States

Bikash.Singh@timesgroup.com

Guwahati: As a mark of protest families of Assam agitation martyrs has decided to return the memento and citation given by BJP led government while Assam finance minister, Himanta Biswa Sarma said if working for indigenous people results in setting ablaze of BJP's office and our houses, we are ready to face it.

The 11 hour bandh called by North East Students' Organization (NESO) on Tuesday evoked almost total response across the seven states of Northeast India.

While six supporters of Tripura Students Federation (TSF) were injured in Tripura when police restored to firing, bandh supporters set ransacked and set ablaze BJP office in Dibrugarh and Golaghat. Bandh supporters shouted slogans outside the house of BJP MLAs and pelted stones.

Government of Assam paid tribute to 860 martyrs of Assam Movement in a 'Shradhanjali Anusthan' in a ceremony organized on December 10, 2016. Families of the martyrs were honoured with mementos and ex-gratia of Rs 5 lakh to the family of martyrs of Assam agitation.

Police and security forces deployed in Dibrugarh had to resort to firing in the air and tear gas shells to disperse the crowd that went unruly in the town, which is also home to Assam Chief Minister Sarbananda Sonowal. At least running of 26 trains was affected due to the bandh.

Sarma said, "Three historic cheers, Citizenship bill save 17 assembly constituencies from Jinnah's ideology, constitutional status to clause 6 of Assam accord will protect us from demographic invasion, tribal status to six communities will make Assam forte of indigenous people. We are indebted to Prime minister, Narendra Modi for respecting the Assamese pride."

Democratic Front's (AIUDF) Badruddin Ajmal."

ST STATUS
Union home minister Rajnath Singh on Tuesday said, "A bill to declare six communities in Assam as scheduled tribes will be introduced in Parliament soon. The Union Cabinet has approved the proposal and a bill to this affect will be brought soon."

Sarma said, "If there is no citizenship bill in 2021 assembly polls, Ajmal would be the chief minister. If for giving ST status to six communities BJP office is set ablaze, let them do it, if working for indigenous people results in setting ablaze our houses, we are ready to face it."

BJP led government before 2014 polls promised to give ST status to six communities- Koch Rajbongshi, Tai Ahom, Moran, Motok, Chutia and Adivasi. Presently these communities are in other backward class (OBC) category.

NDA in 2016 formed a committee under home ministry for recommending modalities for reservations, shifting of existing reservations of six communities from OBC to ST.

Political analyst observed that giving ST status to these communities will nullify the impact of Citizenship bill for around 27% of population of Assam will get the benefit. Already 13 percent of population comes under ST category.



RAJEEV DHAVAN

The BJP has floated an election gimmick to have a 10% quota for the economically weaker sections (EWS) from among forward castes and faiths, close on the heels of Maharashtra OBC (Other Backward Classes) reservation by Maharashtra. Four issues arise: (i) Can reservation be provided for EWS from among forward castes? (ii) Can the Rs 8 lakh per family per annum income cut-off be right? (iii) Can the threshold of 50% be increased to 60%? (iv) Are EWS a homogenous group?

Why do we have reservation quotas at all? To redress discrimination, disadvantages from backwardness and atrocities against targeted groups. The Constitution allowed reservation for socially and educationally backward classes (SEBC) from 1951; and for backward classes (BC) in public employment (Article 16) from 1950. BCs include Scheduled Castes (SCs), Scheduled Tribes (STs) and OBCs. From 1995-2002 there were four constitutional amendments. This is the fifth, apart from the first in 1951. In my book Reserved (2007) I have shown that such amendments are not discussed properly: In 1995 Parliament's sentiment was "Aap Bill pass kar dijiye", of which another version was, "Pass it. Pass it. Put it to vote." Is this the way to pass constitutional amendments?

In Indra Sawhney case (1992), a nine-judge bench majority ruled that economic criteria cannot be exclusively used (six judges). Three dissenting judges wanted reservation only on economic criteria and

Reservation For Economically Weaker Can't Stand Up in Court



no other kind. They said: "In a country... of 850 million people - 74% of which is backward - job reservation can hardly be the source of reducing social and economic disparities in the society. Even the Mandal Report (called these)... palliatives job reservations (a)... vote-catching platter."

After the SC refused to recognise exclusive economic criteria, many high courts reiterated this view. Haryana's 10% reservation for EBCs was stayed in 2016. In 2015, Rajasthan HC struck down 14% reservation for EBCs. In Gujarat, 10% EBC reservation to meet the Patel demand for those earning less than Rs 6 lakh was struck down. In 2017, Kerala notified 10% EBCs in Devaswam boards. In 1975, the top court had struck down general reservation for rural areas in UP saying, "Poverty in rural areas cannot be a ground for reservation." In 1980, it ruled that JK cannot use rectification of regional imbalances as a ground for reservation.

The Constitution uses the word "class", a homogenous group sharing socio-economic affinities. Quarter or half a country cannot be a class. Reservation for a non-homogenous floating EBC is clearly unconstitutional. Further, the court treated the 50% cap as part of the basic structure in 2006, to be only relaxed for unattended tribal areas. The amendment would fail on all counts.

The government's proposal is to provide 10% EWS reservation for jobs and education if the family (assuming nuclear family) earns less than Rs 8 lakh a year (or those who own farmland less than five acres or a house less than 1,000 sq feet). Are these disjunctive? The Bill doesn't deal with this. Arun Jaitley's budget speech said tax returns of above Rs 5 lakh were filed by only 7.6 million people. Seventy percent of Indian farmers own less than one hectare. A conservative estimate of 190 million earn less than Rs 5 lakh.

The criteria for claiming such benefits are also nebulous. For education, states will decide. For Centre and state public employment the respective governments will. One can only recall the Mandal agitation over central job quotas. These new quotas will be in addition to minority reservations.

The creamy layer, also fundamental to equality, excludes those who have done well, usually Rs 8-12 lakh as determined by states locally. Now, everyone above Rs 8 lakh will be creamy layer. Incomes vary. Electorally the BJP lost states with upper castes (including Brahmins). This is a sop for the 2019 elections.

Given that this could cover 200-400 million for 10 per cent of jobs and education, castes have to compete against castes and religions against castes and religions. Further communalisation quotas are impermissible under a 1951 ruling. Will selection be merit-based? In India those in areas of less education will have to compete with EWS in better areas. With no subdivided quotas, will there be relaxation of standards to infringe efficiency?

Constitution amendment requires two-thirds members of each House, with at least one half voting, pass the Bill. Mathematical calculation will encourage non-attendance to lower the two-thirds needed. The real catch is that if the amendment is defeated by the Opposition, Modi's election campaign will assert they rejected a Bill for the poor; trying to make this unconstitutionalality politically win-win.

(The writer is a senior Supreme Court advocate.)

CORPORATE SOCIAL RESPONSIBILITY

Reach Out to Cos to Run Temp Cow Shelters: Yogi to Officials

Govt order suggests industrialists be motivated to set up cow dung-based biogas or CNG plants

Aman.Sharma@timesgroup.com

Lucknow: Struggling to check stray cows in Uttar Pradesh, the Yogi Adityanath government has asked all district magistrates in the state to explore the option of getting companies to run temporary cow shelters as part of their corporate social responsibility obligations.

An order issued by the UP government to all senior administrative officials in districts on January 2 mentioned this as part of a new policy on how to immediately set up and run temporary cow shelters in the state. "The local bodies can manage and run these temporary cow shelters either at their own level, through self-help groups or with help of companies falling under corporate social responsibility (CSR)," said the order, a copy of which has been seen by ET.

The order suggested that industrialists be "motivated" to set up big biogas or CNG plants through good use of cow dung and cow urine, so that the proposed cow-shelters can be made self-sustainable to run. It further said that the



construction of the cow shelters could be done by local bodies through funds allocated for the government's flagship rural jobs scheme MGNREGS, Members of Parliament Local Area Development Scheme (MPLADS) or MLALAD funds. Each such temporary shelter will house 1,000 cows, it said.

ET had earlier reported that the UP government had sought the help of companies under CSR to build a grand statue of Lord Ram in Ayodhya.

The January 2 order came after Chief Minister Yogi Adityanath held a review meeting and asked senior officials in districts to ensure all stray cows are taken to cow shelters by January 10.

As per an earlier plan of the state government, 104 new and permanent cow shelters will take two months to build. The government has directed construction of temporary cow shelters in all cities and villages in states to house

stray cows in the state for the time being.

The order mentioned that there were nearly 20 million crore cattle in the state as per the 2012 livestock census and the population of stray or abandoned cattle had increased over time owing to a variety of reasons. "There is a need to reduce to reduce the increasing number of abandoned/stray cattle... hence this policy to set up temporary cow shelters all over the state has been drawn up to address this burning problem," it said.

It spelt out five objectives as part of the new policy - providing shelter to abandoned cattle, ensuring food and care of the cattle at temporary shelters, along with vaccination and medical care, using sex-sorted semen technology on female cattle at the shelter for assisted reproduction of female calves and making these shelters self-sustainable by sale of milk, cow dung and compost.