



# समता आन्दोलन समिति (रजि.)

प्रान्तीय कार्यालय : जी-3, संगम रेजीडेन्सी, प्लॉट नं. 9-10, गंगाराम की ढाणी, वैशाली नगर, जयपुर

Website : www.samtaandolan.co.in

Email : samtaandolan@yahoo.in

माननीय श्री पानाचन्द जैन  
संरक्षक ( पूर्व न्यायाधिपति )

माननीय श्री अशोक कुमार सिंह  
संरक्षक ( पूर्व मेजर जनरल )

माननीय श्री भागीरथ शर्मा  
संरक्षक ( पूर्व आई. ए. एस. )

पाराशर नारायण शर्मा  
अध्यक्ष, मो. 094133-89665

विमल चौरडिया  
महासचिव, मो. 094140-58289

ललित चाचाण  
कोषाध्यक्ष, मो. 094140-95368

प्रान्तीय उपाध्यक्ष एवं  
पदेन सम्भागीय अध्यक्ष :-

जयपुर  
ब्रह्मिाराज राठौड़  
मो. 9694348039

अजमेर  
एन. के. झामड़  
मो. 9414008416

बीकानेर  
वाई. के. योगी  
मो. 9414139621

भरतपुर  
हेमराज गौयल  
मो. 9460926850

जोधपुर  
कैलाश राजपुरोहित  
मो. 8963095311

कोटा  
डॉ. अनिल शर्मा  
मो. 9414662244

उदयपुर  
दुल्हा सिंह चूणडावत  
मो. 9571875488

क्रमांक 63426-63428

दिनांक : 11.12.2022

To,

The president of India,  
Rastrapati Bhawan,  
New Delhi-110001

The Chief Justice of India,  
Supreme Court of India,  
New Delhi-110001

Shri Narendra Modi Ji  
Prime Minister of India  
New Delhi

Sub:- To quash the 104th Constitutional Amendment Act which unconstitutionally extends the time limit of reservation in Lok Sabha & Assembly seats.

Respected sir,

This is our humble submission that our Parliament has passed 104th Constitutional Amendment Act in 2019 which came in to force on 25.01.2020. This Amendment Act has further extended time limit of reservation for ten years in Lok Sabha & Assembly Constituencies. Your Honour may very well know that this Amendment Act is completely illegal, unconstitutional and a fraud with the crores of nationalist voters of this country. Kindly have a look to the following legal and constitutional grounds which make this 104th Constitutional Amendment completely unconstitutional and ultra-vires:-

1. This Constitutional Amendment Act has been forcefully passed in Parliament on the basis of issuance of WHIPS by various political parties. Every gentleman of this country very well knows that no political party can issue a WHIP when a Constitutional Amendment is under consideration in the Parliament because Hon'ble Supreme Court's constitutional bench has laid down this law in the matter of Kihotto Hollohon.
2. This Amendment Act is against the fundamental right to equality guaranteed under Article 14, 15, 21 and also against the constitutional right guaranteed under Article 326 of the Constitution.
3. This Amendment Act is against the unanimous mandate of our reverend Constituent Assembly that the reservation of seats in Lok Sabha and State Assemblies would have to automatically lapse after ten years.
4. This Amendment Act is destroying the democratic and republic character of our country's governance system which is an integral part of basic structure of our Constitution.

Cont... 2 )





# समता आन्दोलन समिति (रजि.)

प्रान्तीय कार्यालय : जी-3, संगम रेजीडेन्सी, प्लॉट नं. 9-10, गंगाराम की ढाणी, वैशाली नगर, जयपुर

Website : www.samtaandolan.co.in

Email : samtaandolan@yahoo.in

माननीय श्री पानाचन्द जैन  
संरक्षक ( पूर्व न्यायाधिपति )

माननीय श्री अशोक कुमार सिंह  
संरक्षक ( पूर्व मेजर जनरल )

माननीय श्री भागीरथ शर्मा  
संरक्षक ( पूर्व आई. ए. एस. )

पाराशर नारायण शर्मा  
अध्यक्ष, मो. 094133-89665

विमल चौरडिया  
महासचिव, मो. 094140-58289

ललित चाचाण  
कोषाध्यक्ष, मो. 094140-95368

प्रान्तीय उपाध्यक्ष एवं  
पदेन सम्भागीय अध्यक्ष :-

जयपुर  
ऋषिराज राठौड़  
मो. 9694348039

अजमेर  
एन. कं. झामड़  
मो. 9414008416

बीकानेर  
वाई. कं. यांगी  
मो. 9414139621

भरतपुर  
हेमराज गोयल  
मो. 9460926850

जोधपुर  
कैलाश राजपुरोहित  
मो. 8963095311

कोटा  
डॉ. अनिल शर्मा  
मो. 9414662244

उदयपुर  
दुल्हा सिंह चूण्डावत  
मो. 9571875488

क्रमांक

दिनांक :

( 2 )

5. This Amendment Act is against the Article 25 of the International Covenant on Civil & Political Rights to which India is a signatory since 1979.
6. This Amendment Act is perpetuating caste based politics in our country which is resulting in caste rivalry, caste hatred and caste based agitations in our country.


Keeping above constitutional, legal and factual grounds in mind, this is categorically clear that the 104th Constitutional Amendment Act is ultra-vires, unconstitutional and deserves to be quashed. Relevant sections of following Acts which takes their powers from the above so called 104th Constitutional Amendment Act are also null & void-ab-intio:-

1. The Representation of Peoples Act (43/1960)- Section 3, 7 1st Schedule - Column 6 & 7, Second Schedule Column 6 & 7.
2. The Representation of Peoples Act (43/1951)- Section 1, 5 & 33.
3. The Delimitation Act, 1972 (76/1972) - Section 5a, 5b, 9c & 9d.
4. The Scheduled Caste & Scheduled Tribes Orders Amendment Act 1976- Section 6, 8 & 10.

It is our humble prayer that the above unconstitutional 104th Amendment Act and above mentioned all sections of different Acts/Orders gaining power from the so called 104th Constitutional Amendment Act should be quashed and set aside within seven days. Otherwise we will be constrained to have a recourse to a High Court or Supreme Court under their writ jurisdictions.

Cordial thanks for your quick and positive action. Regards.

Yours Sincerely,

  
( Parashar Narayan )  
President