

ಪತ್ರಿಕಾ ತುಣುಕುಗಳು  
 PAPER CLIPPINGS

ಇಲಾಖೆ / ವಿಷಯ : DEPARTMENT / SUBJECT: Court matter

ಪತ್ರಿಕೆಯ ಹೆಸರು : NAME OF THE NEWS PAPER: The Hindu

ದಿನಾಂಕ : DATE: 9/3/24

# SC seeks States' views on 50% cap on quota

Court to examine if three-decade-old verdict needs a relook

KRISHNADAS RAJAGOPAL  
 NEW DELHI

The Supreme Court on Monday decided to examine whether its nearly three-decade-old judgment which fixed reservation for the marginalised and the poor in government jobs and educational institutions at 50% needs a relook.

In 1992, a nine-judge Bench of the court had drawn the "Lakshman rekha" for reservation in jobs and education at 50%, except in "extraordinary circumstances".

However, over the years, several States, such as Maharashtra and Tamil Nadu, have crossed the Rubicon and passed laws which allow reservation shooting over 60%.

### Maratha quota law

A five-judge Bench, led by Justice Ashok Bhushan, set up to hear the challenge to the Maratha quota law, decided not to confine the question of reservation spilling over the 50% limit to just Maharashtra.

The Bench expanded the ambit of the case by making other States party and inviting them to make their stand clear on the question of whether reservation should continue to remain within the 50% boundary or not.

## Under scrutiny

The Constitution Bench will decide on these broad issues:

• Whether the *Indira Sawhney* judgment of 1992, which fixed reservation at 50%, requires a relook by a larger Bench "in the light of subsequent constitutional amendments, judgments and changed social dynamics of the society"

• Whether the Maratha quota law is covered by the exemption of "exceptional circumstances" by which reservation can cross the 50% mark

• Whether the 102nd Constitutional Amendment Act deprives a State legislature of its power to enact a legislation to identify socially and economically backward classes within the State to confer quota benefits to them

• Whether Article 344 through which a State is empowered to identify socially and economically backward class of citizens, and thereby affect the federal character of the country, is affected by the 102nd Amendment.

Justice Bhushan, leading the Constitution Bench, decided to start the hearing from March 15, giving time for the other States to prepare their arguments.

The court, meanwhile, framed a series of questions, which include whether the *Indira Sawhney* verdict of 1992, fixing 50% limit on quota, needs to be relooked by a larger Bench of more than nine judges.

Another question is whether the Maharashtra State Reservation for Socially and Educationally Backward Classes (SEBC) Act of

2018, which provides 12% to 13% quota benefits for the Maratha community, thus taking the reservation percentage in the State across the 50% mark, was enacted under "extraordinary circumstances".

The *Indira Sawhney* judgment had categorically said "50% shall be the rule, and only in certain exceptional and extraordinary situations for bringing far-flung and remote areas population into mainstream the said 50% rule can be relaxed".

45

FROM PAGE ONE

## SC seeks States' views on 50% cap on quota

The court will also examine whether the Maharashtra State Backward Classes Commission, under the chairmanship of Justice M.C. Gajwad, had made up a case of "extraordinary circumstances" of deprivation suffered by the Maratha community, requiring the helping hand of reservation even at the cost of crossing the 50% line.

In fact, the Bombay High Court had, in June 2019, reduced the quantum of reservation for Marathas from the 16% recommended by the Gajwad Commission to 12% in education and 13% in employment.

A significant question the Bench wants to judge is whether the Constitution (One Hundred Second Amendment) Act of 2018, which introduced the National Commission for Backward Classes (NCBC), inter-

feres with the authority of the State legislatures to provide benefit to the social and educationally backward communities in their own jurisdiction.

The Constitution Amendment Act had introduced Articles 338B and 342A in the Constitution. Article 338B deals with the NCBC. Article 342A empowers the President to specify the socially and educationally backward communities in a State.

It says that it is for the Parliament to include a community in the Central List for socially and backward classes for grant of reservation benefits.

The court wants to delve into the issue whether Article 342A strips the State legislatures of their discretionary power to include their backward communities in the State list.