

TOO MUCH QUOTA MAY IMPACT RIGHT TO EQUAL OPPORTUNITY: SC

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The Supreme Court on Tuesday orally remarked that excessive quota may impact the right to equal opportunity guaranteed under the Constitution.

Justice S.A. Bobde, leading a three-judge Bench, said quota benefits given to the most “forward” classes, especially to those who had no qualification whatsoever, would result in “excess” reservation and breach equality.

‘Quota an exception’

“Reservation itself is an exception. Reservation is intended to achieve equality of opportunity,” he remarked.

The Bench is examining whether to refer to a Constitution Bench a batch of petitions challenging the validity of a constitutional amendment providing 10% economic quota in government jobs and educational institutions.

Senior advocate Rajeev Dhavan made a strong pitch for referring the issue to a Constitution Bench. He argued that economic reservation violated the 50% reservation ceiling limit fixed by a nine-judge Bench in the Indra Sawhney case. Further, the 1992 judgment had barred reservation solely on economic criterion.

In a 6:3 majority verdict, the Supreme Court, in the Indra Sawhney case, had held that “a backward class cannot be determined only and exclusively with reference to economic criterion... It may be a consideration or basis along with and in addition to social backwardness, but it can never be the sole criterion.”

After a gap of 27 years, the Constitution (103rd Amendment) Act of 2019 has provided 10% reservation in government jobs and educational institutions for the “economically backward” in the unreserved category.

The government, represented by Attorney General K.K. Venugopal, however, told the court that the 10% economic quota law was a move towards a classless and casteless society.

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