

# FALSE DICHOTOMY: THE HINDU EDITORIAL ON THE 'MERIT VERSUS RESERVATION' DEBATE

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The [Supreme Court has once again addressed the 'merit versus reservation' debate](#), a misleading binary that has engaged public and judicial discourse for years. While ruling in favour of extending reservation to OBCs in the all-India quota (AIQ) of seats in admission to undergraduate and post-graduate medical and dental courses, the Court has concluded that the binary has become superfluous. The courts have now come to recognise the idea of 'substantive equality', which sees affirmative action not as an exception to the equality rule, but as a facet of the equality norm. 'Formal equality', or the principle that everyone competes on an equal footing, is inadequate to address social inequalities and the inherent disadvantages of the less advanced sections, necessitating provisions that help them compete with the advanced classes. The competitive examination may be necessary for distribution of educational opportunities, but it does not enable equal opportunity for those competing without the aid of social and cultural capital, inherited skills and early access to quality schooling. Good performance in an examination does reflect hard work, but does not always reflect "merit" solely of one's own making. "The rhetoric surrounding merit obscures the way in which family, schooling, fortune and a gift of talents that the society currently values aids in one's advancement," writes Justice D.Y. Chandrachud, and raises the relevant question whether marks are the best gauge of individual merit. Seen in this light, reservation ensures that backward classes are able to avail of opportunities that "typically evade them because of structural barriers".

The provision of 27% reservation for OBCs within the AIQ was introduced only in July 2021. Implemented from 1986, the AIQ was envisaged as a domicile-free quota to access medical education in all colleges in the country. It comprises 15% of undergraduate medical and dental seats and 50% of post-graduate seats surrendered by the States for admission through a central pool. For two decades, there was no reservation in this segment. In 2007, the Court allowed the introduction of 15% reservation for SCs and 7.5% for STs. Even when the OBC quota was introduced in Central government institutions alone, there was none in State colleges. The decision to end this discrimination now has judicial imprimatur. The Court has also rejected the argument that there was no need for reservation in post-graduate medical education. The impact of backwardness, it has said, does not simply disappear because a candidate has a graduate qualification and does not create parity between advanced classes and backward classes. The latest judgment marks another notable addition to the body of affirmative action jurisprudence.

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