

DOLING OUT QUOTAS

Relevant for: Developmental Issues | Topic: Rights & Welfare of STs, SCs, and OBCs - Schemes & their Performance, Mechanisms, Laws Institutions and Bodies

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The Bombay High Court has upheld the Maharashtra government's decision to extend reservation in education and employment to the Maratha community on the basis of a report submitted by the Maharashtra State Backward Classes Commission. While it pared down the proposed quota from 16 per cent to 12 per cent in education and 13 per cent in government jobs, the Court said it was convinced that the Marathas, a politically dominant community, were educationally backward. The Maratha quota takes reservation in Maharashtra to 65 per cent, beyond the 50 per cent limit imposed by the Supreme Court following the 1992 Indra Sawhney judgment. The HC has justified this transgression of the SC benchmark citing "exceptional circumstances and extraordinary situation" and the "legislative competence" of the Maharashtra government to enact the Socially and Educationally Backward Classes (SEBC) Act, 2018.

The law is likely to be challenged in the apex court. And the outcome has implications for the architecture of the politically fraught OBC reservation system in the country. The Patidars in Gujarat, Jats in Haryana and Kapus in Andhra Pradesh — all socially and politically powerful communities — have been demanding quotas on the basis of claims similar to those of the Marathas. The concerned state governments may now be forced to engage with the issue afresh, and even legislate favourably. Though the "legislative competence" of the state governments must be respected, it is important to recognise that numerically strong, socially dominant and politically powerful intermediate castes now covet the "quota" as a convenient option to advance their economic interests. Caste constituents are mobilised in large numbers — the Marathas did it and so have the Patidars, Jats and Kapus — to press their case and to signal to political parties that there will be consequences if their demands are ignored. These political mobilisations, even when peaceful, bring pressure to bear upon governments to acquiesce. This approach is far removed from the radical, constitutionally-mandated policy and purpose of caste reservation, anchored by a moral argument for fair representation of historically marginalised castes and communities in educational institutions and the bureaucracy.

The government gives in to the "quota" claims since it helps assuage the restive intermediate castes. The crisis in the agrarian sector and slowdown in the rural economy have turned many rural communities insecure. The absence of social security nets, employment stagnation in the formal sector, limited opportunities in higher education, underlie the demand for reservation among them. These issues call for imaginative interventions from the state. Providing quotas may temporarily address the insecurity among socially dominant communities, but it is no remedy to a complex structural problem.

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