QUOTA PERCENTAGE SHOULD BE LEFT TO THE STATES, T.N. TELLS SC

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

Tamil Nadu told a Constitution Bench of the Supreme Court on Tuesday that the percentage of reservation should be left to the "subjective satisfaction" of individual States.

The State urged the five-judge Bench led by Justice Ashok Bhushan to recognise a State's complete discretion to identify its socially and educationally backward classes and fix the percentage of reservation for them in State government jobs and educational admissions.

Another southern State, Karnataka, also came in support of its right to specify a particular community as 'socially and educationally backward' for inclusion in the State List for grant of reservation benefits.

Tamil Nadu and Karnataka agreed with Maharashtra that the 50% ceiling limit on reservation introduced in the Indira Sawhney judgment by a nine-judge Bench of the Supreme Court was not "cast in stone".

Senior advocate Shekhar Naphade and advocate Yogesh Kanna, for Tamil Nadu, contended that the Indira Sawhney judgment required a re-look. The ground situation had changed a lot since that judgment in 1992. Mr. Naphade and Mr. Kanna asked the five-judge Bench led by Justice Ashok Bhushan to refer to an 11-judge Bench.

The Bench, which is examining the Maratha quota law, is also looking into larger questions of law like whether the Constitution (One Hundred Second Amendment) Act of 2018, which introduces the National Commission for Backward Classes, interferes with the authority of State Legislatures to provide benefit to the social and educationally backward communities in their own jurisdiction.

The Maharashtra State Reservation for Socially and Educationally Backward Classes Act of 2018, which provides 12% to 13% quota benefits for the Maratha community, takes the reservation percentage in the State across the 50% mark.

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