

## Refining the Reservation Policy

### What is the issue?

Recently there has been series of changes to the way reservation is implemented.

### What changes were made recently?

- Tamil Nadu Assembly has adopted a Bill to provide 10.5% reservation for Vanniyars within the quota of MBCs and Denotified Communities (DNCs) in admission to higher education and government services.
- Relying on the 102<sup>nd</sup> Constitution Amendment, Supreme Court reiterated that States did not have the power to identify “socially and educationally backward” classes (SEBCs)
- This forced the Centre to pass the 105<sup>th</sup> Amendment which again empowers States or Union Territories to prepare their own lists of SEBCs
- The Central Educational Institutions (Reservation in Admission) Act, 2006 provided for uniform 27% reservation to OBCs which was implemented in all the Central Educational Institutions
- However, this was not extended to the AIQ seats of State medical and dental colleges
- From this year onwards, 27% of all-India quota for admissions for medical and dental courses will be reserved for OBCs and 10% for EWS

### What are the implications of the recent changes?

- Recent developments have led to the demand for a caste-based census and removal of the 50% cap on reservation
- **Caste Census** - The 2011 Socio-Economic and Caste Census's report was made public five years ago but without the data on caste
- Karnataka launched a similar exercise in 2015 but the report is not out
- Caste data alone cannot be used as the basis for breaching the 50% cap on reservation because there is no provision in the Constitution to link the quantum of reservation to the population
- **50% cap on reservation** - Tamil Nadu provides 69% quota for BCs, MBCs, SCs and STs but it was not framed keeping in mind the population of the reserved communities

- Several other States have breached the cap by adopting 10% quota for EWS

Indra Sawhney & Others vs Union of India, 1992 - Reservation of any manner shall not exceed 50%

Maratha case 2021 - The 50 per cent ceiling limit for reservation laid down by Indra Sawhney case is on the basis of principle of equality as enshrined in Article 16 of the Constitution.

### How can the reservation policy be refined?

- Sub-categorisation is essential for equitable distribution of reservation benefits among OBCs
- **Rohini Commission** on sub categorisation of OBCs reports that just 10% of the OBC communities have accrued 24.95% of jobs and admissions
- Frequently revising the income limit in determining the creamy layer
- Inclusion of factors such as the trend of rise in GDP, inflation, per capita income and rise in the cost of living, etc. while revising the income limit
- The definition of income needs to change which exempts income from salary and agriculture but takes into account income from other sources
- The parliamentary committee had said that as on 2016, OBC employees in 78 ministries and departments of the Central government constituted only 21.57% against the quota of 27%
- Political parties should channel their energies to make substantive and qualitative changes in the way the reservation is implemented
- Need to develop an evidence-based policy options that can be tailored to meet specific requirements of specific groups
- An institution like the **Equal Opportunities Commission** of the United States or the United Kingdom is in need
- An audit on performance of employers and educational institutions on non-discrimination and equal opportunity can be undertaken

Source: The Hindu