

(1) Without any 'quantifiable data' on a caste's backwardness relative to others, conferring quota amounts to giving reservation solely on the basis of caste. Evaluate with recent examples.

India does not have a regular provision of caste census along with the decadal census. The 2011 census had taken caste data but the present government has not published it in public platforms. Therefore, the reservation provisions and every other scheme that takes caste into consideration is based on the 1931 census and the Socio-Economic Caste Census 2011, respectively. Therefore, without credible and quantifiable data, the quota system amounts to ultra-vires constitutional provision of ~~caste~~ not discriminating only on the basis of caste.

Recently, the Supreme Court declared the internal quota of 10.5% out of 20% of most Backward Castes in Tamil Nadu just prior to 2021 Assembly Election as illegal. The court cited 2 reasons for declaring it unconstitutional:

- (i) The 102<sup>nd</sup> Constitutional Amendment Act, 2018 was still in force, which conferred the powers to exclude & include ~~castes~~ castes from reservation solely to the Parliament. The 105<sup>th</sup> CAA came into effect only in August 2021.
- (ii) Without quantifiable data, solely giving quota on the basis of caste violated the fundamental right of equality (Art-14, 15, 16)

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Therefore, the reservation provided to the Namayan caste of TN is not valid.

## Issues :

- ① This reservation was passed just hours before the Model Code of Conduct began for the Assembly elections. This trend exacerbates the Caste-based politics, which will divide the country on caste lines.
- ② The lack of quantifiable data means many intended beneficiaries lose out.
- ③ Different caste data in different states based on regional population.

## Way Forward :

- ① There should be a credible Census that collects caste-data. This Census should be from the office of the Registrar General / Census Commission which is trusted by the people. All categories should be exhaustively covered. This will give data for policy-making & making changes in the reservation system based on present trends of the economical & social aspects — Youth, SC/STs, Women, Transgender, Migrant Labourers etc.

Reservation should be on the basis of  
(i) Social & educational backwardness  
(ii) Under-representation in public sphere  
(iii) Should not affect the efficiency of administration, as enumerated in the Nayaraj Case (2000); and not solely based on caste, for the politicians to use insouciously.