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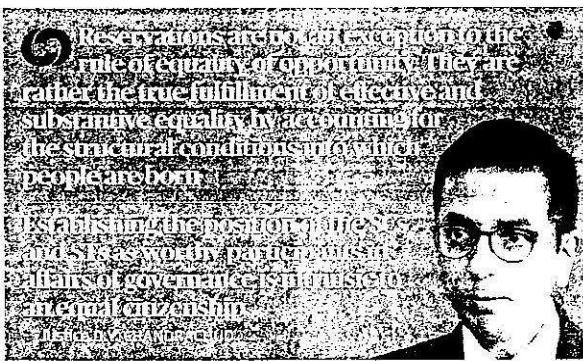
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Karnataka law on SC/ST promotion quota upheld

Petitions lack substance, says Bench



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The Supreme Court on Friday upheld a Karnataka law which grants reservation in promotion and consequential seniority to the Scheduled Castes and the Scheduled Tribes in government services in the State.

A Bench of Justices U.U. Lalit and D.Y. Chandrachud declared that the multiple petitions challenging the Karnataka Extension of Consequential Seniority to Government Servants Promoted on the Basis of Reservation (to the Posts in the Civil Services of the State) Act, 2018, "lack in substance."

The law protects consequential seniority from April 24, 1978.

Countering arguments that reservation in promo-

tion would affect administrative efficiency and erode merit, Justice Chandrachud, who wrote the judgment, observed that "establishing the position of the SCs and STs as worthy participants in the affairs of governance is intrinsic to an equal citizenship."

Selection method

The judge said "administrative efficiency is an outcome of the actions taken by officials after they are appointed or promoted. It is not tied to the selection method itself." The argument that one selection method produced officials capable of taking better actions than a second method must be empirically proven, he said.

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The 135-page judgment is significant as it is the first verdict after a Constitution Bench of the Supreme Court, last year, in the Jarnail Singh case, declared that a State does not really have to collect quantifiable data on SC/ST backwardness before implementing reservation. To this extent the Jarnail Singh judgment had modified a 2006 judgment in the Nagaraj case. The latter case had called for collection of quantifiable data on backwardness.

But Justice Chandrachud found that the State of Karnataka had carried out the exercise of collating, analysing data through the Ratna Prabha Committee. The 2018 law was based on the committee's extensive 'Report on Backwardness, Inadequacy of Representation and Administrative Efficiency in Karnataka' submitted in 2017.

"The Ratna Prabha Committee was correctly appointed to carry out the required exercise... Even if there were to be some errors in data collection, that will not justify the invalidation of a law which the competent legislature was within its power to enact," the apex court observed.

It held the Reservation Act of 2018 did not amount to a usurpation of judicial power by the State legislature. In fact, the court observed that the 2018 law was a valid exercise of the enabling power conferred by Article 16 (4A) of the Constitution.

The court said providing of reservation for SCs and the STs is not at odds with the principle of meritocracy.

"Merit must not be limited to narrow and inflexible criteria such as one's rank in a standardised exam, but rather must flow from the actions a society seeks to reward, including the promotion of equality in society. It ensures a diverse and representative administration," Justice Chandrachud wrote.

Level playing field

The court said special measures need to be adopted for considering the claims of SCs and STs in order to bring them to a level playing field. Centuries of discrimination and prejudice suffered by the SCs and STs in a feudal, caste-oriented societal structure poses real barriers of access to opportunity, it pointed out.