

ಕರ್ನಾಟಕ ವಿಧಾನ ಸಭೆ, ಸಂಶೋಧನಾ ಹಾಗೂ ಉಲ್ಲೇಖನಾ ಶಾಖೆ

KARNATAKA LEGISLATIVE ASSEMBLY, RESEARCH AND REFERENCE BRANCH

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Court matter

ಇಲಾಖೆ / ವಿಷಯ : DEPARTMENT / SUBJECT:

ಪತ್ರಿಕೆಯ ಹೆಸರು : NAME OF THE NEWS PAPER: Deccan Herald ದಿನಾಂಕ : DATE: 16/3/21

# 50% quota can't be breached, SC told

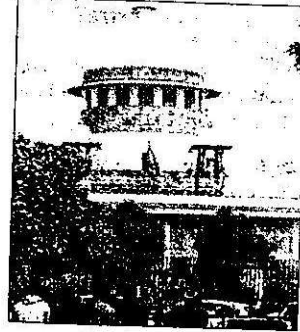
## 'No need to reconsider nine-judge bench in Indra Sawhney case'

NEW DELHI, DHNS

A five-judge Constitution bench of the Supreme Court was on Monday told that the 50% ceiling fixed for reservations can't be breached and there was no need to reconsider the nine-judge bench in Indra Sawhney (Mandal Commission) case.

"Wherever Parliament wanted to overcome Indra Sawhney, it has already done by way of amendments. If it had to revisit the 50% ceiling too, the same would have been revisited too by the Constitutional Amendment," senior advocate Arvind Datar submitted before a bench presided over by Justice Ashok Bhushan.

With regards to social dynamics, the limit of 50% is an essential part of the right to



Supreme Court.

equality, he said, adding the ceiling has been maintained since 1991. He also pointed out Article 16(4) of the Constitution does not use the word proportionate, instead, it uses "adequate representation" for socially and economically backward classes. The window for the increase in the reservation can only be through

Constitutional Amendment, he added.

Two senior advocates Datar and Shyam Divan, arguing on behalf of appellants against Maratha reservation, took to the court to various judgments during the day-long hearing. They maintained that there was no need to make a reference for consideration of the matter to 11-judge.

Divan said there was no rationality of reservation in PG medical courses. "General category faces stiff competition as 72% of seats in PG medical are reserved for different categories.

In certain disciplines, there is a super specialisation. But in most other medicine courses, PG is the end of the road and there is no further super specialisation. Please do not allow reservation in that category. This should be completely on merits," he said.

The bench, which decided to examine whether reservation in jobs and education could be allowed to breach the existing 50% ceiling, would continue to hear the matter on Tuesday.