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Why stop at quota, asks SC judge

Affirmative action not just reservation, he says while hearing 50% ceiling limit case

LEGAL CORRESPONDENT
NEW DELHI

Justice Ravindra Bhat, one of the judges on the Constitution Bench hearing the question of 50% ceiling limit on reservation, asked why welfare should be dependent on caste quota benefits alone.

"Why stop at reservation? Why can't other things also be done? Why not promote education, establish more institutes? Somewhere this matrix has to move beyond reservation. Affirmative action is not just reservation. There has to be something more," Justice Bhat, part of the Bench led by Justice Ashok Bhushan, asked.

The court was hearing



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RAVINDRA BHAT, Supreme Court judge

submissions by senior advocate Kapil Sibal, appearing for Jharkhand, on the circumstances which led to the 50% limit in the Indira Sawhney judgment of 1992.

'Balancing act'

Mr. Sibal said the 1992 judg-

ment was "a balancing act" done during a tumultuous time in the nation.

On March 8, the Bench had framed several questions of law, including whether the Indira Sawhney verdict needed to be relooked by a larger Bench of

more than nine judges.

SEBC Act examined

The court is primarily examining whether the Maharashtra State Reservation for Socially and Educationally Backward Classes (SEBC) Act of 2018, which provides 12% to 13% quota benefits for the Maratha community, and thus, taking the reservation percentage in the State across the 50% mark, was enacted under "extraordinary circumstances".

Over the years, several States like Maharashtra and Tamil Nadu have crossed the Rubicon and passed laws which allow reservation to over 60%.