Rajasthan Backward Classes Amendment Bill

Why in news?

Rajasthan recently approved Rajasthan Backward Classes Amendment Bill, 2019.

What does the bill contain?

- The bill was aimed at granting 5% quota in government jobs and educational institutes to Gujjars and four other communities (Banjaras, Gadia Lohars, Raikas and Gadaria)
- The bill seeks to increase the backward classes' reservation from the present 21% (for OBC) to 26% with five per cent reservation to Gujjar and other four communities.
- The statement on the objective and reasons of the bill stated that the five castes are most backward and hence require five per cent separate reservation.
- It also mentions that the central government recently passed the 103rd amendment bill, providing 10% reservation to the economically weaker sections among the upper castes, which effectively breaches the 50% limit set for reservations by the Supreme Court.

How does the demand for reservations evolve?

- In Rajasthan, the Gujjar community is currently eligible for reservations as an OBC community.
- They had in the mid- and late-2000s agitated for inclusion in the Scheduled Tribe category, in keeping with the way they are classified in Jammu and Kashmir and Himachal Pradesh.
- This demand was denied because tribal status, as defined in the Constitution's Fifth Schedule, involves identifiable characteristics such as lifestyle, culture, inaccessibility and backwardness, and not just economic underdevelopment.
- Since then, they have been demanding reservations under a separate backward class category.
- They argue that inclusion of Jats in the OBC list has crowded Gujjars out of the benefits of reservations.
- Hence, they demand that reservations be given over and above the existing 21% set aside for Other Backward Classes in the State.

- However, the additional quota would take the quantum of reservation above the 50% limit set by the Supreme Court in the Indra Sawhney judgment.
- Thus, despite the state bringing multiple legislations accepting their demands, they have been struck down by the supreme court.

What are the concerns?

- Multiple commissions appointed by State governments have recommended the implementation of the 5% quota on the basis of the community's "extreme" or "most" backward nature.
- But the lack of adequate data in the absence of a proper socio-economic caste census to prove this has led to the policy's undoing in judicial orders.
- Also, the repeated agitations reveal the shortfall in adequate, gainful and secure job opportunities in States such as Rajasthan.
- Along with that, the passage of the recent bill was justified by the State government by explicitly referring to the 103rd amendment.
- However, it remains to be seen whether the 103rd Amendment will protect the new quota for Gujjars in Rajasthan.

Source: The Hindu

