Supreme Court Order on Karnataka Reservation Law

Why in news?

The order by a two-Judge bench of the Supreme Court upheld a Karnataka statute, allowing for reservations in promotion.

What is the Karnataka statute about?

- The Karnataka law preserves the consequential seniority of Scheduled Caste/Scheduled Tribe candidates promoted on the basis of reservation.
- [Consequential seniority refers to promotions made purely on reservation basis despite another person waiting for promotion being senior.]
- A similar 2002 law was struck down on the ground that there was no data, as required by the judgment in Nagaraj (2006).
- So the Karnataka government appointed a committee to collect data, to validate -
    i. the backwardness of SC/ST communities
    ii. the inadequacy of their representation in the services
    iii. the overall impact of reservation on the efficiency of the administration
- [These are, notably, the parameters laid down in the 2006 Nagaraj verdict as constitutional limitations on the power to extend reservation in employment.]
- Based on the report, the State enacted a fresh law, which has now been upheld on being compliant with the Nagaraj formulation.
- However, in a 2018 judgement, the Supreme Court ruled out the need for data to justify the 'backwardness' of SC/ST communities. Click here to know more.

What are the court's observations now?

- Article 335 of the Constitution states that the claims of the members of the SCs and STs shall be taken into consideration, with the maintenance of efficiency of administration.
- However, the Constitution does not define what the framers meant by the phrase efficiency of administration.
- If the benchmark of efficiency is grounded in exclusion, the pattern of governance will be skewed against the marginalised.
- If this benchmark is grounded in equal access, it will reflect the commitment

of the Constitution on a just social order.

- In this context, merit lies not only in performance but also in achieving goals such as promotion and achievement of substantive equality.
- Since inclusion is inseparable from a well-governed society, there is no antithesis between administrative efficiency and the claims of the SCs and STs.
- Inclusion along with the recognition of the nation's plurality and diversity constitutes a valid constitutional basis for defining efficiency.
- The court thus held that a 'meritorious' candidate is not merely one who is 'talented' or 'successful'.
- S/he is also one whose appointment fulfils the constitutional goals of uplifting members of the SCs and STs, and ensures a diverse and representative administration.

Why is it welcome?

- The order validating the Karnataka law is a significant step in the long debate between 'merit' and 'social justice'.
- The Supreme Court's decision rightly rejects the notion that quotas affect efficiency.
- The order is also notable for being the first instance of quantifiable data being used to justify reservation.
- A key principle in this decision is that where reservation for SC/ST candidates is concerned, there is no need to demonstrate the 'backwardness' of the community.
- The other pre-requisites of a valid system remain valid, which are:
    i. quantifiable data on the 'inadequacy of representation' for classes of people identified for reservation
    ii. an assessment of the impact of such quota on the "efficiency of administration"
- The judgment, in all, places in perspective the historical and social justification for according reservation.

Source: Indian Express, The Hindu

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