# Uttarkhand's Job Quota to Women

## Why in news?

The Uttarakhand Assembly has passed a Bill to provide 30% horizontal reservation to local women in state government services.

## What is horizontal reservation?

- **Vertical reservation** - Reservation for Scheduled Castes, Scheduled Tribes, and Other Backward Classes is referred to as vertical reservation.
- It applies separately for each of the groups specified under the law.
- **Article 16(4)** of the Constitution is an example of how vertical reservation has been contemplated in India.
- **Horizontal reservation** - Horizontal reservation refers to the equal opportunity provided to other categories of beneficiaries such as women, veterans, the transgender community, and individuals with disabilities, cutting through the vertical categories.
    - For example, if women have 50% horizontal quota, then half of the selected SC candidates will have to be women, half of the unreserved will have to be women, and so on.

## What is the need of the Bill?

- The Uttarakhand Public Services (Horizontal Reservation for Women) Bill, 2022 proposes to provide women with **30% horizontal reservation** in public services and posts, in addition to the existing quotas applicable in the state.
- This comes after the Supreme Court lifted an Uttarakhand High Court stay on a 2006 order of the government, providing the same benefit.
- **Geographical structure** - The government says that due to Uttarakhand’s geographical structure, people living in remote areas lead a difficult life, especially the women.
- **Standard of living** - Because of this, their standard of living is below the women of other states.
- **Little representation** - Also, women have very little representation in the state’s public services.

## What does the Bill say?

- **Eligibility** - The beneficiaries need to be women with a domicile certificate of Uttarakhand.
- **Applicability** - The reservation will be applicable for posts in
    - Local authorities

    - Uttarakhand co-operative committees in which the holding of the state government is not less than 51% of share capital
    - Board or corporation or legal body established by any central or Uttarakhand State Act which is under the ownership or control of the state government
    - Any educational institution under the ownership and control of the state government or which receives grants in aid from the state government
- If enough women are not available to fill the reserved seats, they will be filled with qualified male candidates in the order of proficiency.

## How did the issue end up in court?

- In 2006, Uttarakhand issued a government order to provide 30% horizontal reservation to women domiciled in the state, irrespective of the caste, creed, place of birth, place of origin and social status.
- It was challenged in the Uttarakhand High Court by women from outside the state belonging to the unreserved category who had appeared for the state civil examination.
- They pleaded that despite securing higher marks in the preliminary tests than the cut-off for women candidates with state domicile, they were denied the chance to appear for the main examination.
- They challenged the order on the ground that they provide horizontal reservation on the basis of women's domicile status.
- The Uttarakhand High Court stayed the order and said the quota should be construed as a horizontal reservation for women **irrespective of their domicile or place of residence**.
- The matter then went to the apex court.
- Challenging the High Court, the state's standing counsel defended the decision to provide quota in public employment to such women.
- The Supreme Court finally lifted the HC stay.

**Quick facts**

**Saurav Yadav case**

- Sonam Tomar and Rita Rani had secured 276.595 and had applied under the category of OBC-female.
- OBC is a vertical reservation category, while female is a horizontal reservation category.
- In the General-female category, the last qualifying candidate had secured 274.8298 marks, a score that was lower than Tomar's.
- The question before the court was that, should Tomar be selected under General-female quota instead of the OBC-female category for having secured a higher score?
- The Supreme Court ruled that if a person belonging to an intersection of vertical-horizontal reserved category had secured scores high enough to qualify without the vertical reservation, the person would be counted as qualifying without the vertical reservation, and cannot be excluded from the horizontal quota in the general

category.

**Other cases**

- If a person in the SC category secures a higher score than the cut-off for the general category, the person would be counted as having qualified under the general category instead of the SC quota.

**References**


1. The Indian Express| Uttarakhand’s Bill gives 30% job quota to women
2. The Indian Express| How horizontal, vertical quotas work


