

### ***Court rejects back-door extension of reservation***

Given the Supreme Court's landmark judgement in the Indra Sawhney case restricting the scope of reservation to 49%, the Gujarat government's attempt to give an additional 10% reservation to 'economically weaker sections of unreserved categories' was always a stretch. It was meant to accommodate the demand of Hardik Patel who was arguing for reservations for the prosperous Patidar community on grounds that not all members were prosperous—but given how courts across the country have come down on such attempts to placate other prosperous communities, it was always going to be struck down by the courts. Given how Patel's agitation grew and was the main reason for Anandiben Patel losing her job, the panic-stricken government tried every trick in the book to convince the courts. The government tried to argue that this 10% was not a quota but merely an additional requirement for the unreserved category! It even argued that, in the case of the handicapped, SC had allowed a breach of the 49% limit—the Gujarat high court struck this down on grounds that while the handicapped were a homogeneous group, this did not apply to economically weaker sections.

While the Gujarat HC struck down all the government's self-serving arguments, the real problem is the pick-and-choose criterion being favoured by politicians across the country, whether for the Patidars or for the Jats or other groups. There is a lot to be said in favour of economic criterion-based reservations as opposed to caste-based ones—indeed, Muslims who are both economically and educationally backward will benefit from this—but politicians need to decide on which one they want; both are not possible simultaneously. Equally, if a new criterion of economically backward is to be introduced, it needs to be properly enumerated—the definition has to hold across the country and it needs to be proven that economic backwardness leads to the same kind of denial of opportunity as in the case of SCs, STs and OBCs; indeed, the OBC reservation itself has been criticised enough on grounds these castes are neither socially nor economically backward. For the new chief minister of Gujarat, of course, the verdict throws up another challenge and he has to hope Hardik and his supporters will be content with waiting till SC opines on the Gujarat government's appeal.