



# CURRENT AFFAIRS



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## BIHAR INCREASES RESERVATION QUOTA

*This article covers "Daily Current Affairs" and the topic details "Bihar Increases Reservation Quota". This topic has relevance in the "Polity and Governance" section of the UPSC CSE exam.*

### **For Prelims:**

*What are Constitutional Provisions for Reservations?*

*What is the Indra Sawhney Case 1992?*

*What is the 103rd Constitution Amendment Act, 2019*

### **For Mains:**

*GS2: Polity and Governance*

### **Why in the news?**

Recently, the Bihar State Assembly passed a bill to increase the reservation quota for Scheduled Castes, Scheduled Tribes, Extremely Backward Castes (EBCs), and Backward Castes (BCs) in government services to 65 per cent within the state.

### **About the Bihar Reservation Amendment Bill**

- The decision to enhance the reservation quotas in government jobs aligns with the Bihar Caste-Based Survey 2022 findings, reflecting a proportional increase in their respective populations.
- **Key provisions of the Bill**
  - The quota for the Extremely Backward Class (EBC) is set to rise from 18% to 25%, the Backward Class (BC) from 12% to 18%, the Scheduled Caste (SC) from 16% to 20%, and the Scheduled Tribe (ST) quota will be doubled, increasing from 1% to 2%.
  - The existing 3% reservation for BC women has been eliminated.
  - Furthermore, the 10% EWS quota for economically disadvantaged individuals in the general category remains unchanged.
  - Consequently, the total reservation limit now reaches 75%, leaving 25% unreserved.
  - The legislative measures extending the reservation increase apply to government jobs and educational institutions.
- This decision also **takes Bihar's reservation quota past the 50 per cent cap imposed by the Supreme Court under the Indra Sawhney Case.**

# Bihar Increases Reservation Quota



Category	Existing Reservation (%)	Revised Reservation (%)
Extremely Backward Class (EBC)	18	25
Backward Class (BC)	12	18
Scheduled Caste (SC)	16	20
Scheduled Tribe (ST)	1	2
Backward Class (BC) Women	3	0
<b>Total</b>	<b>50</b>	<b>65</b>

## Background of Reservations in India: A Timeline

### Constitutional Provisions for Reservations:

- Article 15(4):** This article enables the government to make special provisions for advancing any **socially and educationally backward class of citizens or for the Scheduled Castes and the Scheduled Tribes.**
- Article 16(4):** This article enables the government to make reservations for **appointments or posts in favour of any backward class of citizens**, which, in the government's opinion, is not adequately represented in the services under the state.
- Article 330:** This article reserves seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha.
- Article 332:** This article reserves seats for Scheduled Castes and Scheduled Tribes in the State Legislative Assemblies.

### Mandal Commission of 1979

- The Mandal Commission, officially known as the **Socially and Educationally Backward Classes Commission (SEBC)**, was established by the Government of India in 1979 to identify and address the needs of the country's socially and educationally backward classes.
- Headed by B. P. Mandal, a former Chief Minister of Bihar**, the commission submitted its report in 1980, employing 11 indicators encompassing social, economic, and educational criteria to assess backwardness.
- Upon examination, the Mandal Commission determined that **52% of the Indian population fell into the socially and educationally backward classes category.**
- As a significant recommendation, the **commission proposed a 27% reservation for Other Backward Classes (OBCs) in central government jobs and educational institutions.**

- In addition to reservations, the commission advocated for various developmental measures, including scholarships, financial assistance, and special coaching programs aimed at promoting the overall well-being of OBCs.
- Subsequently, **in 1990, the V.P. Singh Government decided to implement** the recommendations put forth by the Mandal Commission.

### **Indra Sawhney Case 1992**

- The Indra Sawhney, or the Mandal Commission case, is a landmark case in Indian constitutional law. It was decided by a **nine-judge bench of the Supreme Court of India** in 1992.
- The case arose from a challenge to the Central Government's decision to implement the recommendations of the Mandal Commission.
- The petitioners argued that the reservation for OBCs was unconstitutional and violated the **fundamental right to equality enshrined in Article 14** of the Constitution of India.
- **The Indra Sawhney case established the following principles:**
  - Reservation for backward classes is a constitutional valid measure under Article 16(4) of the Constitution of India.
  - The total reservation for all categories of backward classes should not exceed 50%.
  - Creamy layer exclusions should be applied to prevent reservation benefits from being cornered by the affluent members of the backward classes.

### **103rd Constitution Amendment Act, 2019**

- To provide 10% reservation for Economically Weaker Sections (EWS) in Central Government jobs and educational institutions, the Parliament of India passed the Constitution (124th Amendment) Bill in January 2019.
- The Act added **Articles 15(6) and 16(6)** to permit the government to take special provisions for advancing "economically weaker sections".
- The Amendment does not make such reservations mandatory in State Government-run educational institutions or State Government jobs.
- The Act was challenged in the Supreme Court of India, which upheld its constitutionality in November 2022.
- The Court held that the 10% reservation for EWS does not violate the basic structure of the Constitution and the guidelines given in the Indra Sawhney Case and that it is a reasonable measure to promote social and economic justice.

**Sources:**

[\*\*Bihar clears bill to raise caste quota from 50% to 65% | Latest News India – Hindustan Times\*\*](#)

### **Q1. With reference to the Constitution of India, consider the following statements:**

1. Article 15 of the Constitution of India enables the government to make special provisions for advancing Scheduled Castes and the Scheduled Tribes.
2. It also empowers the government to make reservations for appointments or posts for any backward class of citizens.

**Which of the statements given above is/are correct?**

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) None

**Answer: (a)**

**Q2. Consider the following:**

1. The 1950 Constitution provides for reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Legislative Assemblies.
2. The 92nd and 93rd Amendments extended the reservation in Scheduled Castes and Scheduled Tribes in Local Bodies.
3. The 103rd Amendment makes reservations for Economically Weaker Sections (EWS) mandatory in State Government-run educational institutions or State Government jobs.

**How many of the abovementioned statements are correct?**

- (a) Only one
- (b) Only two
- (c) All three
- (d) None

**Answer: (a)**

**Q3. Analyse the historical context of reservations in India in the context of the recent passage of the Bihar Reservation Amendment Bill.**

**Gaurav**

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