

Important Vocab for the Editorial

1. excess (noun) – the act of exceeding an allowable/preferable limit/level.
2. hold fast (phrase) – believe in an idea/principle and follow it.
3. ceiling (noun) – upper limit, maximum, highest permissible level.
4. strike down (phrasal verb) – abolish, annul, nullify (a law or regulation).
5. reservation (noun) – a system of affirmative action in India that provides historically disadvantaged groups representation in education, employment, and politics.
6. underscore (verb) – underline, emphasize, highlight.
7. adhere to (verb) – abide by, follow, obey, comply with.
8. as well as (phrase) – and also, and in addition.
9. exceptional (adjective) – rare, unusual; special.
10. circumstances (noun) – situation, condition, context.
11. unpalatable (adjective) – disagreeable, unpleasant, displeasing, distressing.
12. mainstream (adjective) – conventional, established, recognized, common, popular.
13. merit (noun) – good point, strong point.
14. backwardness (noun) – the condition/state of not developed.
15. it is no surprise (phrase) – as expected, as anticipated, as predicted.
16. survive (verb) – hold out, pull through, get through; continue to exist.
17. scrutiny (noun) – review, examination, inspection, investigation.
18. judicial scrutiny (noun) – a form of judicial review that courts use to determine the constitutionality of certain laws.
19. bench (noun) – a court of law with a number of judges.
20. bring down (phrasal verb) – decrease, reduce, lower, diminish.
21. impose (verb) – force, thrust, inflict (an unwelcome decision/ruling).
22. hold (verb) – rule, decide.
23. uphold (verb) – confirm, endorse/approve, vindicate/validate.
24. in principle (phrase) – in theory, theoretically, on paper.
25. set aside (phrasal verb) – overrule, reverse, revoke, nullify, annul, cancel, dismiss, reject.
26. ruling (noun) – judgement, adjudication, verdict.
27. reasoning (noun) – reason, rationale, argument, premise.

28. constitute (verb) – be regarded as, act as; account for, comprise, represent.
29. in support of (phrase) – to give approval to, be in favor of, subscribe to.
30. limb (noun) – section, part.
31. categorical (adjective) – unconditional, unequivocal, definite, absolute, explicit, conclusive.
32. set down (phrasal verb) – formulate, draw up, establish.
33. interpretation (noun) – explanation, clarification, definition; analysis, reading, evaluation.
34. 102nd Constitution Amendment (noun) – The 102nd amendment deals with the constitutional status of the National Commission for Backward Classes (NCBC). Article 338B deals with the structure, duties and powers of the commission while 342-A speaks about the power of the Indian President to notify a class as Socially and Educationally Backward (SEBC) and the power of Parliament to alter the central SEBC list.
35. National Commission for Backward Classes (noun) – National Commission for Backward Classes (NCBC) was initially constituted by the Central Govt by The National Commission for Backward Classes Act, 1993 and so far the Commission had been reconstituted 7 times up to 2016. It had the power to examine complaints regarding inclusion or exclusion of groups within the list of backward classes, and advise the central government in this regard. The Central Govt has repealed The National Commission for Backward Classes Act, 1993 in 2018. The present Commission (8th) has been accorded Constitutional Status and constituted through “The Constitution (One Hundred and Second Amendment) Act, 2018”, whereby Article 338B has been inserted, forming a Commission for the socially and educationally backward classes to be known as NCBC.
36. henceforth (adverb) – from this time on, in future, from now on.
37. with respect to (phrase) – concerning, regarding, relating to, with reference to.
38. notify (verb) – inform, advise, apprise, announce, declare.
39. subsequent (adjective) – following, ensuing, successive.
40. denude (verb) – divest, strip of, deprive of (something).
41. intent (noun) – purpose, intention, objective.
42. Socially and Educationally Backward Classes (SEBC) (noun) – In the Indian Constitution, OBCs are described as “socially and educationally backward classes”, and the Government of India is

enjoined (urged/stipulated) to ensure their social and educational development. Other Backward Class (OBC) is a collective term used by the Government of India to classify castes which are educationally or socially disadvantaged.

43. to the exclusion of (phrase) – in order to exclude something stated/described.
44. empower (verb) – authorize, entitle, permit, allow.
45. clamour (noun) – protest, complaint, outcry/commotion.
46. undo (verb) – cancel, reverse, revoke, nullify, invalidate.
47. in the offing (phrase) – coming soon, likely to happen, on the way, forthcoming.

Against excess: On Maratha quota

MAY 6, 2021 00:02 IST

In Maratha case, SC holds fast to quota ceiling and requires special reasons to exceed it

In striking down the separate reservation given to Maharashtra's Maratha community, the Supreme Court has underscored the importance of adhering to the 50% limit on total reservation, as well as the need to justify any excess by showing the existence of exceptional circumstances. In a decision that will be quite unpalatable to mainstream parties, the Court has not only found no merit in the Maratha claim to backwardness but also said the community is adequately represented in public services. It is no surprise that the Maratha quota, given by Maharashtra through a 2018 law, did not survive judicial scrutiny by a Constitution Bench. The 16% quota in admissions to educational institutions and jobs in public services — later brought down to 12% in admissions and 13% in jobs through a 2019 amendment — took the total reservation in the State beyond the 50% ceiling imposed by earlier verdicts. The five-Judge Bench has held that the State has not shown any exceptional circumstance to justify exceeding the limit. The Bombay High Court had upheld the validity of the Maratha reservation in principle, but ruled that the law could not have fixed the percentage above what was recommended by the State Backward Classes Commission headed by M.G. Gaikwad. The Court has now set aside this ruling, rejecting the HC's reasoning that the denial of backward class status to the Marathas had pushed them deeper into social and educational

backwardness, and that this constituted a special circumstance in support of their claim to separate reservation.

The second limb of the judgment, however, may cause political concern. The Court's categorical refusal to reconsider the 50% limit set down by a verdict in *Indra Sawhney (1992)* may threaten the continuance of different kinds of reservation in States. The Court's interpretation of the **102nd Constitution Amendment**, by which a National Commission for Backward Classes was created, has proved right fears that the national body's role and power may impact the rights of States. The Court has ruled that, henceforth, there will only be a single list of socially and educationally backward classes with respect to each State and Union Territory notified by the President of India, and that States can only make recommendations for inclusion or exclusion, with any subsequent change to be made only by Parliament. Several MPs had argued that the Amendment would denude the States of their power, but the Centre had assured them that it was not so. The Court has now ruled that Parliament's intent was to create a scheme to identify SEBCs in the same manner as SCs and STs. **The President alone, to the exclusion of all other authorities, is now empowered to identify SEBCs.** A clamour for yet another constitutional amendment to undo the effect of this verdict may be in the offing.

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