



## On merit versus reservation

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**(Mains GS 2 : Government Policies and Interventions for Development in various sectors and Issues arising out of their Design and Implementation.)**

### Context:

The **Supreme Court** has once again addressed the 'merit versus reservation' debate, a misleading binary that has engaged public and judicial discourse for years and noted that "reservation is not at odds with merit" in open competitive examinations.

### Upheld reservation:

- Recently, **Justice Chandrachud** said the power of the government to provide **reservations** under Article 15 (4) and (5) of the Constitution is not an "exception" to Article 15 (1), which enshrines the mandate that "the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them".
- The court held that the power of the government to craft reservation for the OBC amplified the principle of "substantive equality" manifested through Article 15 (1).
- The Parliament had backed the cause by enacting the Central Educational Institutions (Reservation in Admission) Act 2006 to enable 15% reservation for Scheduled Castes, 7.5% for the Scheduled Tribes, and 27% for the OBC category.
- The Constitution Bench in Ashoka Kumar Thakur v. The Union of India had also upheld the constitutional validity of 27% reservation for the OBC category provided under the 2006 Act.

### **Superfluous binary:**

- While ruling in favor of extending reservation to OBCs in the all-India quota (AIQ) of seats in admission to under-graduate and post-graduate medical and dental courses, the Court has concluded that the binary has become superfluous.
- The courts have now come to recognise the idea of '**substantive equality**', which sees affirmative action not as an exception to the equality rule, but as a facet of the equality norm.
- The court said an open competitive exam only ensures formal equality and does not end widespread ingrained inequalities in the availability of and access to educational facilities to certain classes of people, including the **Other Backward Classes (OBC)**.

### **Doesn't reflect "merit":**

- '**Formal equality**', or the principle that everyone competes on an equal footing, is inadequate to address social inequalities and the inherent disadvantages of the less advanced sections, necessitating provisions that help them compete with the advanced classes.
- The competitive examination may be necessary for distribution of educational opportunities, but it does not enable equal opportunity for those competing without the aid of social and cultural capital, inherited skills and early access to quality schooling.
- Good performance in an examination does reflect hard work, but does not always reflect "merit" solely of one's own making.

### **Democratising merit:**

- If open examinations present equality of opportunity to candidates to compete, reservations ensure that the opportunities are distributed in such a way that backward classes are equally able to benefit from such opportunities which typically evade them because of structural barriers.
- This is the only manner in which **merit** can be a democratising force that equalises inherited disadvantages and privileges.
- Otherwise claims of individual merit are nothing but tools of obscuring inheritances that underlie achievements.

### **The cultural capital:**

- The privileges that accrue to forward classes are not limited to having access to quality schooling and access to tutorials and coaching centres to prepare for a competitive examination but also includes their social networks and cultural capital (communication skills, accent, books or academic accomplishments) that they inherit from their family.
- The cultural capital ensures that a child from the forward classes is trained unconsciously by the familial environment to take up higher education or high posts commensurate with their family's standing.
- This works to the disadvantage of individuals from **socially backward classes** who are first-generation learners and come from communities whose traditional occupations do not result in the transmission of necessary skills required to perform well in open examinations.

**Conclusion:**

- The impact of backwardness does not simply disappear because a candidate has a graduate qualification and does not create parity between advanced classes and backward classes.
- The fortitude and resilience required to uplift oneself from conditions of deprivation are equally reflective of individual caliber and merit.

Supreme Court