

UPSC Syllabus Topic : GS paper 2- polity- State Legislatures – structure, functioning, conduct of business, powers & privileges and issues arising out of these.

Bihar's Landmark Reservation Bills: Legal Landscape and Challenges Ahead

Overview: Recently, the Bihar State Legislature passed two pivotal bills, garnering unanimous approval and subsequently receiving the governor's nod. These bills propose substantial increases in reservations for educational institutions and government jobs based on a caste survey conducted by the state government.

Key Provisions of the Bills:

1. EBC (Extremely Backward Class) reservation increased from 18% to 25%.
2. BC (Backward Class) reservation raised from 12% to 18%.
3. SC (Scheduled Caste) quota elevated from 16% to 20%.
4. ST (Scheduled Tribe) quota doubled from 1% to 2%.
5. Elimination of the existing 3% reservation for BC women.

Judicial View on Reservations in India:

1. **50% Cap on Reservations:** Supreme Court imposed a 50% limit on reservations in jobs and education, treating it as an exception under the constitutional framework.
2. **Exceptions to the Rule:** In exceptional cases, such as for communities from remote areas, the cap can be exceeded.
3. **10% EWS Reservation:** The Court approved an additional 10% reservation for economically weaker sections (EWS), raising the cap to 60%.

Challenges Faced by the Bihar Government:

1. **Breaching the Ceiling:** Must demonstrate that communities benefiting from excess reservation are from remote areas or socially marginalized, in line with the Supreme Court's criteria.
2. **Defending the Motive:** Chief Minister's rationale, based on caste census results, challenges the Court's view that reservations should aim for "adequate" representation, not proportionate to the population.
3. **Precedent of Legal Challenges:** Similar attempts by other states, like Maharashtra and Rajasthan, to exceed reservation limits have been struck down by the courts.

Regional Disparities: Several states have surpassed the 50% reservation limit, not including EWS, with Chhattisgarh at 72%, Tamil Nadu at 69%, and northeastern states like Arunachal Pradesh, Meghalaya, Mizoram, and Nagaland at 80%. Lakshadweep reserves 100% for Scheduled Tribes.

Way Forward: The Bihar government's reservation act, exceeding the 50% limit, is likely to face legal scrutiny. Advocates may urge the Supreme Court to reassess the cap, considering precedents set by Bihar and other states. Striking a balance between constitutional guidelines and regional socio-economic realities is imperative for a sustainable resolution.