

The Business Standard, Mumbai, 11 Apr 2008

Supreme Court clears 27% OBC quota in Gol institutes

Excludes 'creamy layer'; B-schools defer admission lists by a week

BS REPORTERS

New Delhi/Mumbai, 10 April

A 27 per cent quota reserved for socially and educationally backward classes — or Other Backward Classes (OBCs) — in centrally-funded institutions of higher education like the Indian Institutes of Management (IIMs), Indian Institutes of Technology (IITs) and the All Indian Institute of Medical Sciences (AIIMS) was upheld by the Supreme Court today clearing the decks for its implementation from the forthcoming academic year (2008-09)

The decision, however, threw the admission schedule of almost all the major higher education institutions out of kilter mainly because of a judgment caveat about the so-called creamy layer—second-generation OBC beneficiaries, OBC income tax-payers and children of politicians and civil servants were to be excluded from reservation

The IIMs have deferred by a week the admission lists for the 2008-2010 batch that were scheduled to be released on Friday.

The judgment has also set off a political storm. Sensing the dissatisfaction of allies like the Rashtriya Janata Dal (RID), and fearing rivals might stoke caste fires in an election year, Congress managers had swung into action by the evening, hinting the government would look for ways to define 'creamy layer' in a way that OBCs were not deprived of reservation.

OBC leaders are anxious



2006

JANUARY

The Constitution (93rd Amendment) Act 2005 comes into effect allowing the government to provide for concessions for social and educationally backward classes

APRIL

Govt hints at 27% quota for OBC

MAY

- Petition filed challenging 93rd Amendment Act

Oversight Committee set up by prime minister to quell agitation and

strategise quota enforcement

DECEMBER

- Parliamentary Standing Committee says there has been no caste-based census data since 1931
- Parliament passes Central Educational Institutions Reservation in Admissions Act 2006

2007

MARCH

- Supreme Court gives interim stay to quota implementation

APRIL

- Supreme Court upholds validity of the quota law

that if there aren't enough first-generation students applying for reserved quota seats, these might become general seats, defeating the purpose of affirmative action that reservation represents.

Following the judgment, a total of 49.5 per cent seats in higher educational institutes would now be in the reserved category. Of this, Schedule Castes (SCs—15 per cent) and Schedule Tribes (STs—7.5 per cent) enjoy 22.5 per cent reservation while OBCs get 27 per

cent This implies that the premier management institutes will have to accommodate students over and above the numbers that they have been admitting so far.

Till date, the IIMs have prepared two admission lists; one with OBC quota candidates and others depending on which way the Supreme Court verdict went.

But none had bargained for exclusion of the creamy layer. We had interviewed some OBC students but we had not taken their family background into

consideration. We will now have to verify this before we release the final list," said an official from IIM Bangalore.

IIM Ahmedabad had prepared a final list of 250 students and is expected to add 17 seats for the OBC quota. AIM Bangalore had "admitted 251 students and will add 19 seats for the OBC quota.

The decision will also impact 20 central universities and colleges supported by the government. However, unaided private institutions and those

Q & A / ARJUN SINGH, Union HRD Minister

'The creamy layer issue has to be sorted out'

run by minorities will not be affected.

The Indian Institutes of Technology (IITs), on their part, are awaiting a directive from the HRD ministry.

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...AS SC DEFINITION IS SET TO KICK UP MORE DUST

INSTITUTIONS THAT ARE COVERED BY THE ACT

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THE OBC
RULING**

so faculty. Each IIT is short of at least 100 faculty members today with IIT Roorkee needing around 175 faculty members.

"It is too early to say anything. Although we are prepared for some increase in the student intake, the exact numbers can only be known after some time," Surendra Prasad, director, IIT-Delhi, said. "I am yet to get the exact number of seats, currently and revised, at IIT-Delhi. We will know soon," he added.

They were to receive Rs 100 crore each from the government for the first year for expansion purposes when quotas were to be made operational. They have been facing a severe resource crunch and making use of their corpus money to meet their expansion needs.

With the quota coming in force, not only will these premier institutes need to expand their infrastructure but also



Are you happy with the decision?

(Smiling) One cannot be completely satisfied or dissatisfied. As it is a decision of the apex court, we have to take it the way it came out. But there are some areas that have to be looked at now.

Yes, for instance the Supreme Court kept the creamy layer out of coverage, which will exclude many students. What are you proposing to do?

Creamy layer is the issue that has to be sorted out. The decision came just today and we have to go into the details now. The creamy layer is defined in the case of employment, but there is no such clear definition in the sphere of education...

So when will the OBC quota be implemented?

We want to implement the quota policy from the session that is starting now (2008-09).

cent in the first year? The Oversight Committee chaired by Veerappa Moily had suggested that it could be done over three years because it involved capacity expansion...

Our effort would be to implement the 27 percent quota from the beginning. The OSC recommendations are only suggestions.

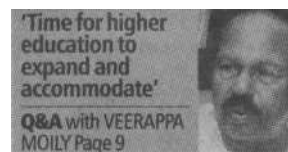
So, are you writing to the central education institutions including IITs and IIMs about what they should do now?

(Laughing) I have been engaged with you people (journalists) all this time. Let the ministry get time to do something now.

You are seen as the person behind the OBC quota issue and in these two years or so you have come under a lot of criticism not only from the anti-quota lobby but from your own party, even the high command. What is your reaction now?

There was no opposition from the party or the high command. In fact, there was total support from the party president and the Prime Minister in the matter.

Interview by
PRASAD NICHENAMETLA



Quotas for OBCs were introduced following the 93rd Constitution Amendment (2005) and the Central Educational Institutions (Reservation in Admissions) Act (2006). The five-judge Constitution Bench headed by Chief Justice K G Balakrishnan thus upheld the validity of the 93rd amendment to the Constitution.

The majority of the judges left open the issue of quota in private unaided institutions, but one judge, Justice Dalveer Bhandari, held that it would be violative of the basic structure of the Constitution.

The court said that the parameters laid down for identifying the creamy layer among the OBCs for jobs under the office memorandum of September 8, 1993, will be applicable for identifying the socially and educationally backward classes also. However, Human Resources Minister Arjun Singh clarified that the government would revisit the issue as the office order

quoted in the judgment referred to reservations in jobs, not education (see interview)

The four judges out of five who wrote separate judgments are the Chief Justice K G Balakrishnan, Justice Arjit Pasayat, Justice R V Raveendran and Justice Dalveer Bhandari. Justice C K Thakker and Justice Pasayat wrote a common judgment.

The judgement opens up unprecedented higher education opportunities, especially for OBCs, as the eleventh plan has pushed for expansion in higher education like never before since independence. The tenth plan allocated Rs 9500 crore for higher education. The eleventh plan has an outlay of over Rs 80 000 crore. Funds for new initiatives or expansion amount to Rs 36,373 crore.

The government has already announced an increase from the present lot of seven IIT and six IIMs 24 central universities to eight new IITs, seven new IIMs, and 30 new central universities.