The 10% quota law is a step towards a classless and casteless society, the Union government has indicated in the Supreme Court.

The Centre referred to the court’s past decisions that called for the “attainment of economic equality as the final and only solution to the besetting problems” of the country. The Constitution (103rd Amendment) Act, 2019, was meant “to benefit the economically weaker sections of society who were not covered by the existing schemes of reservation...”

It said the law was meant to benefit a “large section of the population of 135 crore people,” who are mostly lower middle class and below the poverty line. The government quoted the 2010 report of the Commission for Economically Backward Classes, chaired by Major General S.R. Sinho (retired), which said 18.2% of the general category came under the below poverty line (BPL).

In fact, the 13-page affidavit quoted from a 1985 Constitution Bench judgment in K.C. Vasantha Kumar vs Karnataka, which quotes Pandit Jawaharlal Nehru and Mahatma Gandhi to drive home the point that the economy of a family, and not its caste, should be the determining factor of social and educational backwardness.

The government argued that the new law was inspired by “quantifiable data” collected by “several committees” that underscored the need for the economically weaker sections to enjoy the benefits of reservation in order to access higher education and employment. It said unaided educational institutions should also comply with the state’s wish to provide greater numbers access to higher education.

The government was responding to petitions that the Amendment to create 10% reservation for the poor in the unreserved category violated the basic structure of the Constitution and breached the 50% ceiling.

It argued that a “mere amendment” to an Article would not violate the basic structure of the Constitution. “Article 15(6) and Article 16(6) are enabling provisions for advancement of the economically weaker sections and are, in fact, in conformity with the principle of reservation and affirmative action,” it reasoned. Furthermore, the 50% ceiling applied to the Scheduled Castes and the Scheduled Tribes and Other Backward Classes. The new provision dealt with the economically weaker sections. “The limit of 50% is only applicable to reservation under Articles 15 (4), 15(5) and 16(4) and does not apply to Article 15(6)."