

**INDIAN POLITY****Reservation in public employment**

- Sensitivity of the welfare state towards the weaker sections over decades resulted in the gradual expansion of canopy of reservation in the form of increasing classifications under Article 16.
- The jurisprudence of reservation relies on the symbiotic coexistence of constitutionally guaranteed equality of opportunity in public employment under Article 16 (1) of the Constitution of India and classifications there under various clauses of the same article, especially Article 16(4) and Article 16 (4 A), which are in the nature of facilitating provisions, vesting a discretion on the government to consider providing reservations for the socially and educationally backward sections of the society and to provide reservation in promotion to Scheduled Castes and Scheduled Tribes, respectively.

**Reservation not a fundamental Right**

- It is a settled law, time and again reiterated by the Supreme Court, that there is no fundamental right to reservation or promotion under Article 16(4) or Article 16(4 A) of the Constitution, rather they are enabling provisions for providing reservation, if the circumstances so warrant (Mukesh Kumar and Another vs State of Uttarakhand & Ors. 2020).
- However, these pronouncements no way understate the constitutional directive under Article 46 that mandates that the state shall promote with special care the educational and economic interests of the weaker sections of the people and in particular Scheduled Castes and Scheduled Tribes.
- In fact, sensitivity of the welfare state towards the weaker sections over decades resulted in the gradual expansion of canopy of reservation in the form of increasing classifications under Article 16, a set of actions that created a wave of litigation by which resulted in the ever-evolving jurisprudence of affirmative action in public employment.

**The Mandal storm and Indra Sawhney**

- Reservation in employment which was otherwise confined to Scheduled Castes and Scheduled Tribes got extended to Other Backward Classes as well on the basis of the recommendations of the Second Backward Class Commission as constituted, headed by B.P. Mandal.
- The recommendation of Mandal Commission (1980) to provide 27% reservation to Other Backward Classes in central services and public sector undertakings, over and above the existing 22.5% reservation for Scheduled Castes and Scheduled Tribes, was sought to be implemented by the V.P. Singh Government in 1990 and the same was assailed in the Supreme Court resulting in the historic Indra Sawhney Judgment (1992).
- In the judgment, a nine-judge bench presided by Chief Justice M.H. Kania upheld the constitutionality of the 27% reservation but put a ceiling of 50% unless exceptional circumstances warranting the breach, so that the constitutionally guaranteed right to equality under Article 14 would remain secured.
- The Court dwelled on the interrelationship between Articles 16(1) and 16(4) and declared that Article 16(4) is not an exception to article 16(1), rather an illustration of classification implicit in article 16(1).
- While Article 16(1) is a fundamental right, Article 16(4) is an enabling provision. Further, the Court directed the exclusion of creamy layer by way of horizontal division of every other backward class into creamy layer and non-creamy layer.

**The Constitution (Seventy-seventh Amendment) Act, 1995**

- In Indra Sawhney Case, the Supreme Court had held that Article 16(4) of the Constitution of India does not authorise reservation in the matter of promotions. However, the judgment was not to affect the promotions already made and hence only prospective in operation, it was ruled.
- By the Constitution (Seventy-seventh Amendment) Act, 1995, which, Article 16(4-A), was inserted to provide that “nothing in this article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State”.
- Later, two more amendments were brought, one to ensure consequential seniority and another to secure carry forward of unfilled vacancies of a year, the former by way of addition to Article 16(4 A) and the latter by way of adding Article 16(4 B).

**The Constitution Bench Judgment in M. Nagaraj (2006)**

- A five-judge bench of Supreme Court declared the 1995 amendment as not vocative of basic structure of the Constitution but laid down certain conditions which included the collection of “quantifiable data showing backwardness of the class and inadequacy of representation of that class in public employment”. The bench held that the creamy layer among Scheduled castes and tribes is to be excluded from reservation.

#### **Jarnail Singh vs Lachhmi Narain Gupta (2018)**

- A constitution bench of Supreme Court was called on to examine wisdom of the 2006 judgment in the light of the constitutionally recognised socio-economic backwardness of the Scheduled Castes and Scheduled Tribes which may not require any further substantiation.
- It was also contended that the requirement to identify creamy lawyer among Scheduled Castes and Scheduled tribes fell foul of Indra Sawhney decision. The constitution bench invalidated the requirement to collect quantifiable data in relation to Scheduled Castes and Scheduled Tribes but upheld the principle of applicability of creamy lawyer in relation to Scheduled Castes and Scheduled Tribes.

#### **The Constitution (103rd Amendment) Act, 2019**

- The 10% reservation for Economically Weaker Sections (EWS), other Scheduled Castes, Scheduled Tribes and backward classes for government jobs and admission in educational institutions is currently under challenge before the Supreme Court which has referred the same to a constitution bench.
- The adjudication awaited in this regard may also turn to be a critical milestone in the jurisprudence of reservation as traditional understanding of backwardness is broadened to specifically include economic backwardness without social backwardness as is traditionally seen.

#### **Dr. Jaishri Laxmanrao Patil vs Chief Minister (2021)**

- Despite the Indra Sawhney ruling, there have been attempts on the part of many States to breach the rule by way of expanding the reservation coverage and the Maharashtra Socially and Educationally Backward Classes Act 2018, (Maratha reservation law) came under challenge before the Supreme Court which referred the same to a bench of five judges and one question was whether the 1992 judgment needs a relook.
- In this case Supreme Court not only affirmed the Indra Sawhney decision, but also struck down Section 4(1)(a) and Section 4(1)(b) of the Act which provided 12% reservation for Marathas in educational institutions and 13% reservation in public employment respectively, citing the breach of ceiling.
- “The 2018 Act as amended in 2019 granting reservation for Maratha community does not make out any exceptional circumstance to exceed the ceiling limit of 50% reservation,” declared the apex Court.
- This judgment is likely to rein in the propensity on the part of some State governments to blatantly disregard the stipulated ceiling on electoral grounds rather than any exceptional circumstances as conceived by the constitution bench. It is pertinent to note that several States such as Maharashtra, Karnataka, and Andhra Pradesh had made submissions before the Supreme Court against any upper limit on reservation.

### **IMPORTANT FACTS FOR PRELIM**

#### **1. Asian Elephant**

- It is distributed throughout the Indian subcontinent and Southeast Asia, from India in the west, Nepal in the north, Sumatra in the south, and to Borneo in the east.
- The Asian elephant is the largest living land animal in Asia.
- Since 1986, the Asian elephant has been listed as Endangered on the IUCN Red List, as the population has declined by at least 50 percent over the last three elephant generations, which is about 60–75 years.
- It is primarily threatened by loss of habitat, habitat degradation, fragmentation and poaching.
- The Asian elephant is listed on CITES Appendix I.
  - CITES (the Convention on International Trade in Endangered Species of Wild
- Fauna and Flora, also known as the Washington Convention) is a multilateral treaty to protect endangered plants and animals.

#### **Project Elephant**

- It is a centrally sponsored scheme launched in February 1992.

- **Aim:** To provide financial and technical support to major elephant bearing States in the country for protection of elephants, their habitats and corridors.
- It also seeks to address the issues of human-elephant conflict and welfare of domesticated elephants.
- The Project is being implemented in 16 States / UTs, viz. Andhra Pradesh , Arunachal Pradesh, Assam, Jharkhand , Karnataka , Kerala , Meghalaya , Nagaland , Orissa , Tamil Nadu , Uttaranchal , Uttar Pradesh and West Bengal.
- The project seeks to ensure the long-term survival to the populations of elephants in their natural habitats by protecting the elephants, their habitats and migration corridors.
- **Other goals:** supporting the research of the ecology and management of elephants, creating awareness of conservation among local people, providing improved veterinary care for captive elephants.
- Project Elephant has been formally implementing **MIKE** (Monitoring of Illegal Killing of Elephants) programme of CITES in 10 ERs (Elephant Reserve) since January 2004.
- It is mandated by COP resolution of CITES.

### 2. **Pusa Soft Wheat 1**

The Indian Agricultural Research Institute (IARI) has developed a soft wheat variety named Pusa Soft Wheat 1 (HD 3443).

- Pusa Soft Wheat 1 (HD 3443) is India's first soft wheat variety.
- It is registered with the Protection of Plant Varieties and Farmers' Rights Authority.
- It is suitable for growing in all producing States.
- It has a productivity of over 5 tonnes per hectare with protein content of 11.5% and gluten level of 8.9%.
- Requirements - Soft wheat requires less grinding force as its flour has smaller particle size and absorbs less water when kneaded into dough.
- Soft wheat products like cake and biscuits, even noodles, need less water to be absorbed by the flour for the best quality.
- So, molecular marker technology was used to identify lines with grain softness and gluten strength.

### 3. **GSLV-F10/EOS-03 Mission**

The upper stage of the GSLV-Mk II rocket malfunctioned, forcing the Indian Space Research Organisation to abort the GSLV-F10/EOS-03 Mission. A leak in a Vent and Relief Valve (VRV) had led to a lower build-up of pressure in the Liquid Hydrogen (LH2) propellant tank, leading to a failed mission. So, the GSLV with improvements added to its cryogenic upper stage (CUS) is expected to be ready in the second half of 2022.

- The Geosynchronous Satellite Launch Vehicle (GSLV-F10) was designed in 2021 to launch the Earth Observation Satellite (EOS-03) in a geosynchronous transfer orbit (GTO).
- EOS-03 is the first state-of-the-art agile Earth observation satellite which will be placed in a Geosynchronous Transfer Orbit by GSLV-F10.
- **Objectives** - To provide near real time imaging of large area region of interest at frequent intervals.
- For quick monitoring of natural disasters, episodic events and any short term events.
- To obtain spectral signatures for agriculture, forestry, water bodies as well as for disaster warning, cyclone monitoring, cloud burst monitoring etc.

## **DAILY ANSWER WRITING PRACTICE**

### **Q1. NITI Aayog is an action tank than just a think thank . Critically examine (150)**

#### **Introduction**

- The Government has replaced the Planning Commission with a new institution named NITI Aayog (National Institution for Transforming India) to provide state and central government with relevant strategic and technical advice.
- Unlike, Planning Commission, NITI Aayog follows the bottom-up approach in its composition which has more representatives various sectors and stakeholders of governance.

#### **NITI Aayog as Action Tank**

- By providing fresh ideas and sharing them with the Central and State governments, NITI Aayog helps institutions to be able to reform themselves according to the needs of the nation in a 21st century through initiatives like three-year national action agenda.
- NITI Aayog has become an agent of change over time and has helped in improving governance by working across various dimensions of public policy. For example it has brought policy framework for simultaneous elections to improving health and education standards in aspirational districts.
- NITI Aayog has helped in bringing convergence among central and state government and across different ministries to push the agenda of development forward through initiatives like 115 Aspirational Districts.
- NITI Aayog also comes up with performance-based rankings of States across various dimensions to foster a spirit of competitive federalism. It has established a Development Monitoring and Evaluation Office which collects data on the performance of various Ministries on a real-time basis.
  - The data are then used at the highest policy-making levels to establish accountability and improve performance. This ultimately helps in improving the efficiency of government.
- NITI Aayog helps in replicating the best practices in different States in various sectors.
- NITI Aayog also plays an important role in being the States' representative in Delhi, and facilitate direct interactions with the ministries, which can address issues in a relatively shorter time. NITI Aayog as a Thinktank
- NITI Aayog is not a statutory body. Hence its role is largely limited to making recommendations.
- It has no role in influencing public or private policy.
- It can only recommend long-term, policy changes but cannot influence or see their progress on the ground.
- NITI Aayog is supposed to be a think tank. This implies that while generating new ideas, it maintains a respectable intellectual distance from the government of the day.

#### Way Forward

- With its current mandate that is spread across a range of sectors and activities, and with its unique and vibrant work culture, NITI Aayog remains an integral and relevant component of the government's plans to put in place an efficient, transparent, innovative and accountable governance system in the country.
- However, it needs more mandate to play an effective role in bringing true transformation at ground level. More autonomy should be provided to the body with better machinery so that it can play a larger role between center and states.

#### DAILY QUIZ

1. With respect to "Ganoderma Lucidum", consider the following statements:
  1. It is a medicinal ginger to heal diseases like diabetes, cancer, inflammation and skin infections.
  2. It grows on wood or wood-based substrate only.
  3. It is utilized in the production of tea, coffee and anti-aging cosmetics.
 Which of the statements given above is/are correct?
  - a) 1 only
  - b) 1 and 2 only
  - c) **2 and 3 only**
  - d) 1 and 3 only
2. With reference to quality council of India , consider the following
  1. The Quality Council of India (QCI) is a statutory body set up under QCI Act of 1997
  2. It is an autonomous body attached to the Department of Industrial Policy & Promotion, Ministry of Commerce and Industry.
 Which of the above statement /s are correct ?
  - a) 1 only
  - b) **2 only**
  - c) Both
  - d) Neither 1 nor 2
3. Consider the following about cyber bullying in India
  1. The Indian Penal Code (IPC), 1860, neither defines bullying nor punishes it as an offence
  2. Various provisions of the IPC and the Information Technology (IT) Act, 2000 can be used to fight cyber bullies

Which of the above statement /s is or are not correct ?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2**

4. Consider the following about the roof top solar scheme and choose the correct statement/s
1. It aims to achieve a cumulative capacity of 40,000 MW from Rooftop Solar Projects by the year 2022.
  2. This scheme is being implemented in the state by distribution companies (DISCOMs).
  3. The households were required to get rooftop solar panel installed from the listed vendors only to avail the benefits and subsidy under the scheme

Choose the correct answer using the codes given below

- a) 1 and 2 only**
- b) 2 and 3 only
- c) 1 and 3 only
- d) All of the above

5. Which of the following is /are the example of Neglected Tropical Diseases (NTDs)
1. Tuberculosis
  2. Malaria
  3. Scabies
  4. Yaws
  5. Trachoma

Choose the correct answer using the code given below

- a) 1,2 and 3 only
- b) 2,3 and 4 only
- c) 1 and 4 only
- d) 3,4 and 5 only**

6. Consider the following with reference to UNDP plastic waste management programme 2018 to 2024
1. Aims to almost triple its plastic waste management to 100 cities in India by 2024 to combat the damaging effects of plastic pollution
  2. It promotes collection, segregation and recycling of all kinds of plastics

Choose the incorrect statement/s using the code given below

- a) 1 only
- b) 2 only
- c) Both
- d) Neither 1 nor 2**

7. "EOS-03 Mission" recently seen in news is related to which of the following Organization ?
- a) NASA
  - b) ISRO**
  - c) ROSCOSMOS
  - d) JAXA

8. UV b radiation may cause
1. Skin cancer
  2. Cataract
  3. Suppresses body's immune system
  4. Decrease crop yield

Choose the correct answer using the code given below

- a) 1,2,3,4**
- b) 2,3,4 only
- c) 1,3,4 only
- d) 1,2,3 only

9. National Water Award is given in field of water conservation in which category ?

- (a) Best state and best district only
- (b) Best village Panchayat and best Municipalities only
- (c) Best TV show and Newspapers Only
- (d) All of the above categories are included**

10. With respect to the "National Family Health Survey-5 (2019-21)", consider the following statements:
1. West Bengal takes the lead, with women aged 15-49 years involved in paid work, followed closely by Andhra Pradesh.
  2. Almost 99% of women in Nagaland participate in household decision- making, followed by Mizoram.
  3. Karnataka and Telangana have the most women in their population owning land or houses, aged 15-49 years.

Which of the statements given above are correct?

- a) 1 and 2 only
- b) 2 and 3 only**
- c) 1 and 3 only
- d) 1, 2 and 3