

## **Demands for Creamy Layer in SC/STs**

### **Why in news?**

\n\n

The Supreme Court hears a petition to exclude the well offs among SCs and STs from reservation benefits.

\n\n

### **What are the concerns?**

\n\n

\n

- There are concerns that the rich among the SC/STs were benefiting from the reservation policies.

\n

- On the other hand, the intended deserving and impoverished population continue to be excluded.

\n

- There is lack of percolation of benefits to nearly 95% members of these communities at the bottom, defeating the whole purpose.

\n

- This is perpetuating the problem of rich-poor divide.

\n

- It is also becoming a cause of social unrest, especially the Naxalite movements and the perennial problem of poverty.

\n

\n\n

### **What is the demand?**

\n\n

\n

- The petition argues that no class or caste remained homogeneously backward across time.

\n

- Only the bottom sections of the caste continue to reel under disadvantageous condition.

\n

- It thus calls for excluding the creamy layer of the Scheduled Castes and Scheduled Tribes from reservation benefits.

\n

\n\n

### **Is it legally valid?**

\n\n

\n

- In 1992, a 9-judge Bench of the Supreme Court in the Indra Sawhney case (or the Mandal case) gave a verdict in this regard.

\n

- It upheld the caste-based reservation for the OBCs as valid.

\n

- The court also said the creamy layer of the OBCs (those earning a specified **income**) should not get the benefits of reservation.

\n

- However, it applied only to the OBCs and not the SC/STs.

\n

- The current petition refers to a Constitution Bench's judgment in 2006.

\n

- The judgement made **value of assets** of an individual claiming reservation as a criteria for deciding the creamy layer.

\n

- It is now for the court to decide on the issue of skewed benefits of measures intended for rooting out social and economic backwardness.

\n

\n\n

\n\n

**Source: The Hindu**

\n\n

\n