

Demands for Creamy Layer in SC/STs

Why in news?

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

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What are the concerns?

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

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

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

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

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

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What is the demand?

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

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

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

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Is it legally valid?

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- 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.
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- It upheld the caste-based reservation for the OBCs as valid.
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- The court also said the creamy layer of the OBCs (those earning a specified **income**) should not get the benefits of reservation.
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- However, it applied only to the OBCs and not the SC/STs.
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- The current petition refers to a Constitution Bench's judgment in 2006.
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- The judgement made **value of assets** of an individual claiming reservation as a criteria for deciding the creamy layer.
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- It is now for the court to decide on the issue of skewed benefits of measures intended for rooting out social and economic backwardness.

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Source: The Hindu

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