Supreme Court on SC/ST Reservation - Home State

Why in news?

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A Supreme Court bench has held that scheduled castes or tribes can avail benefit of reservation in government jobs only in their home states.

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What is SC's rationale?

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- A particular community is notified as SC/ST in relation to a state.
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- They do not carry the same status in another state or UT.
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- So the concept would become invalid if migrants from other states are in its ambit.
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- The Court has thus upheld the “son of the soil” principle.
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- Accordingly, if a person’s status migrates with him/her it will amount to depriving the rights of SC/STs of the host state.
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- For the purpose of Articles 341 and 342 in Constitution, the reservation benefits would be within the geographical territories of a state or UT.
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- Also, Presidential Orders issued under Article 341 and 342 cannot be varied or altered.
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- (Article 341 is in regard to scheduled castes and Article 342 is in regard to scheduled tribes.)
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- So the state could not alter the list of SCs or STs by including other castes or tribes.
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- This can be done only by Parliament, and states doing so will lead to constitutional anarchy.

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What are the concerns?

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- The ruling strikes a blow at the idea of a single citizenship for all Indians.
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- It makes only the upper castes (not entitled to reservations) enjoy the rights of mobility across India without paying a cost.
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- This makes reservations subjective if granted by the state, and not the Centre.
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- With long-run consequences, this could change the nature of the Indian Union.
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- As, reservations have been a lifeline, given the economic challenges and slow employment creation in initial years of independence.
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- The idea implicit in the judgment is that state reservations are for state ‘citizens’ and not ‘outsiders’.
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- The judgement has thus increased the fears of Balkanisation of the Indian states.
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Source: Times of India, Indian Express

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