

Centre not for SC/ST creamy layer

The government on Wednesday opposed the idea of a “creamy layer” within the Scheduled Castes and Scheduled Tribes category.

The government told a Supreme Court Bench led by Chief Justice Dipak Misra that the principle of creamy layer could not be applied to the presidential order on quota for SC/ST groups.

The court was hearing a petition to exclude the affluent members, or the “creamy layer”, of these communities from accessing reservation benefits.

Additional Solicitor-General P.S. Narasimha said the government would not do anything to dilute benefits due to them.

The Bench asked the government to file a categorical affidavit. The petition filed by Samta Andolan Samiti, representing the poor and downtrodden strata of the SC/ST community in Rajasthan, contended that the rich among the SC/ST communities were “snatching away” quota benefits while the deserving and impoverished among them continue to “bite the dust.”

It is this lack of percolation of reservation benefits down to the poor and really backward among SC/ST communities that has led to social unrest, Naxalite movements and perennial poverty, the petition said.

This is the first time that a petition has been filed urging the Supreme Court to introduce the “creamy layer” concept to the SC/ST communities.

In 1992, a nine-judge Bench of the Supreme Court in the Indra Sawhney case or the Mandal case, as it was popularly known, upheld caste-based reservation for OBCs as valid. The apex court had also directed that the creamy layer of OBCs (those earning over a specified income) should not avail reservation facilities.

Mandal judgment

The Mandal judgment however confined the exclusion of the creamy layer only to the OBCs and not to the SC/STs.

The Samta Andolan Samiti petition referred to the 2006 Constitution Bench judgment of the Supreme Court in the M. Nagaraj case, which observed that the “means test (a scrutiny of the value and assets of an individual claiming reservation) should be taken into consideration to exclude the creamy layer from the protected group earmarked for reservation.”

“The uplifted/affluent and advanced sections of the SC/ST communities snatch away the maximum benefit and 95% members of the SC/ST communities are in a disadvantageous position. The affluent among the SC/ST are siphoning off the reservation benefits given to them by the State government as well as the central government,” the plea said.

END