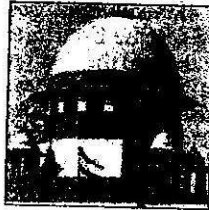


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ಇಲಾಖೆ / ವಿಷಯ : DEPARTMENT / SUBJECT: *Parliament*ಪತ್ರಿಕೆಯ ಹೆಸರು : NAME OF THE NEWS PAPER: *Deccan Herald* ದಿನಾಂಕ : DATE *31/8/2020***Internal quota may  
lead to injustice** *31/8/20*

**T**he ruling by a five-judge bench of the Supreme Court that states can go in for sub-categorisation of Scheduled Castes and Scheduled Tribes (SCs and STs) for reservations has reopened the issue of unequal benefits from the reservation system for its beneficiaries. The bench has ruled that giving preferential treatment to some sections among SCs and STs can help ensure equal representation for all of them. But the judgement goes against a ruling given by another five-judge bench of the court in 2004 which had disfavoured creation of sub-categories within the SC, ST categories. The 2004 ruling had held that all SCs and STs must collectively enjoy the benefits, and that the states cannot tamper with the list. Since the two rulings are contradictory, the matter has now been referred to a seven-judge bench of the court which will give a final ruling.



**The implemen-  
tation of this  
ruling might  
not be easy**

It is true that some castes have gained more from reservations over the years than others, and so the demand for preferential treatment to those that did not advance as much as others has gained strength. The latest ruling said that there is the need to adopt "a distributive justice method so that state largesse does not concentrate in a few hands". There is logic in the argument that a system that was intended to bring up the weakest sections of society should not lead to creation of inequalities among those sections. The proposal for a "quota within quota" has its basis in this. The Supreme Court has in fact accepted the idea of a "creamy layer" among the SCs and the STs in a 2018 judgement. Studies and reports of commissions have underlined the existence of inequalities, and some states like Punjab and Andhra Pradesh have tried to address the problem by dividing SCs and STs into sub-groups and parcelling out reservations among them. But this has not found favour with the courts in the past.

Though there is merit in the idea that all sections among SCs and STs should get equal justice, its implementation may not be easy. There is no study of the relative backwardness and positions in terms of employment of different SC, ST sub-groups. The 2005 judgement had said that backwardness should not be a criterion because reservation is based on untouchability and not social and educational backwardness. There is also the danger of political and electoral considerations influencing the classification of SC and STs into sub-groups for division of the quota. Some states have tried to include or exclude castes on such considerations. This can cause injustice of a different kind to some sections.