



SC/ST Quota Benefits to the Disabled

Why in news?

- The Supreme Court has confirmed that persons suffering from disabilities are also socially backward.
- With this, they become entitled to the same benefits of relaxation as Scheduled Caste/Scheduled Tribe candidates in public employment and education.

What is the case about?

- The present decision came on a petition filed by Aryan Raj, a special needs person, against the Government College of Arts, Chandigarh.
- [It is an appeal against a Punjab and Haryana High Court order.]
- The college denied Mr. Raj relaxation in minimum qualifying marks in the Painting and Applied Art course.
- The college insisted that disabled persons too need to meet the general qualifying standard of 40% in the aptitude test.
- Notably, the SC/ST candidates were given a relaxation to 35%.
- Setting aside the college decision, the Supreme Court said that the same 35% shall apply so far as the disabled are concerned in future.
- The apex court allowed Mr. Raj to apply afresh for the current year.
- The Court said that it is 'following' the principle laid down in an earlier Delhi High Court judgment.

What was the 2012 HC Judgement?

- It relates to the Anamol Bhandari (Minor) through his father/Natural Guardian v. Delhi Technological University 2012 case.
- The Delhi Technological University prospectus provided 10% of concession of marks in the minimum eligibility requirements for SC/ST candidates.
- But relaxation of only 5% was permissible for People with Disabilities.
- On a petition against this, the Delhi HC ruled against this differential treatment, terming it discriminatory.
- It held that people suffering from disabilities are also socially backward.

- It observed that reservation for the disabled is called horizontal reservation.
- So this cuts across all vertical categories such as SC, ST, OBC & General.
- Therefore, at the very least, it said, they are entitled to the same benefits as given to the SC/ST candidates.
- A three-judge Bench of the Supreme Court has now upheld this 2012 judgment.
- The public sector employers and colleges / universities will now have to allow the same relaxations to the disabled as to SC / ST candidates.

What is the clarity offered?

- The Supreme Court also cited the following from the High Court judgment.
- Intellectually/mentally challenged persons have certain limitations, which are not there in physically challenged persons.
- The subject experts would thus be well advised to examine the feasibility of creating a course, which caters to the specific needs of such persons.
- They may also examine increasing the number of seats in the discipline of Painting and Applied Art with a view to accommodating such students.

Why is this a welcome move?

- The judgement recognises the difficulties faced by the disabled in accessing education or employment, regardless of their social status.
- Even though drawn from all sections of society, the disabled have always been an under-privileged and under-represented section.
- The larger principle is that without imparting proper education to the disabled, there cannot be any meaningful enforcement of their rights.

Can physical/mental and social disabilities be equated?

- A question arises if 'physical or mental disability' could really be equated with the 'social disability' and experience of untouchability suffered by marginalised sections for centuries.
- For instance, the social background of disabled persons from a traditionally privileged community may give them an advantage.
- This stands in contrast with a similar kind of a person suffering from historical social disability as well.
- However, as per the court's view this may not always be the case.
- Evidently, the Delhi High Court had cited the abysmally low literacy and employment rates among persons with disabilities.
- **Indicators** - The 2001 Census put the illiteracy rate among the disabled at 51%.
- This is much higher than the general population figure.

- The share of disabled children out of school was quite higher than other major social categories.
- There was similar evidence of their inadequate representation in employment too.

What is the way forward?

- It can only be more applicable now that a fresh law that aims for a greater transformative effect, the Rights of Persons with Disabilities Act, 2016, is in place.
- The 2016 law sought to address the above gap by raising the quota for the disabled from 3% to 5%.
- It also envisaged incentives for the private sector to hire them.
- It is vital that this is fully given effect to, so that this significant segment of the population is not left out of social and economic advancement.

Source: The Hindu, Live Law



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