



Supreme Court on SC/ST Reservation - Home State

Why in news?

\n\n

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

\n\n

What is SC's rationale?

\n\n

\n

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

- \n
- This can be done only by Parliament, and states doing so will lead to constitutional anarchy.
- \n

\n\n

What are the concerns?

\n\n

- \n
- The ruling strikes a blow at the idea of a single citizenship for all Indians.
- \n
- It makes only the upper castes (not entitled to reservations) enjoy the rights of mobility across India without paying a cost.
- \n

\n\n

- \n
- This makes reservations subjective if granted by the state, and not the Centre.
- \n
- With long-run consequences, this could change the nature of the Indian Union.
- \n
- As, reservations have been a lifeline, given the economic challenges and slow employment creation in initial years of independence.
- \n
- The idea implicit in the judgment is that state reservations are for state 'citizens' and not 'outsiders'.
- \n
- The judgement has thus increased the fears of Balkanisation of the Indian states.
- \n

\n\n

\n\n

Source: Times of India, Indian Express

\n



IAS PARLIAMENT

Information is Empowering

A Shankar IAS Academy Initiative