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Exclude 'creamy layer' from SC/ST reservations, says SC

But Gives Relief On Quota In Promotions

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New Delhi: In a historic decision, a five-judge Constitution bench of the Supreme Court on Wednesday ruled that "creamy layer exclusion" principle, till date applied only to ORCs, can be extended to Scheduled Castes and Scheduled Tribes to deny reservation to the "elite" among the two underprivileged communities.

The order of Chief Justice Dipak Misra and Justices Kurian Joseph, R F Nariman, Sanjay Kishan Kaul and Indu Malhotra overshadowed the relief they gave to the Centre,

COMING UP IN APEX COURT TODAY

AYODHYA DISPUTE | Court will decide if the issue of whether a mosque is an essential part of the practice of Islam needs to be revisited by a larger SC bench



ADULTERY | Court likely to pronounce verdict on constitutional validity of adultery law (section 497 IPC) that punishes only a married man for having extramarital sexual relationship with a married woman

CJI Dipak Misra heads both benches delivering the verdicts

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states and SC & ST government employees in exempting states from collecting quantifiable data on backwardness to justify reservation in promotion for the two categories.

The bench said their backwardness has been recognised as inherent to them after statutorily provided scrutiny to warrant inclusion in the

list of scheduled communities under Presidential Order to get reservation benefits.

The requirement to furnish quantifiable data, laid down by the apex court in the M Nagaraj case in 2006, to justify reservation in promotions for SC & ST employees has held up elevation of serving employees from the two categories,

SC OKs live streaming of court proceedings

The apex court decided to bring its courtroom proceedings to the public by agreeing to live-streaming of court functioning, paving the way for people to watch courtroom drama live. It said live-streaming is manifestly in public interest and will help bring the work of the judiciary to the lives of citizens. P13

leading to restiveness in their ranks. But the extension of "creamy layer" criterion is sure to temper the happiness over the bench doing away with the mandatory requirement to back up the case promotion in quota by halting data on back-

► Aim of reserva

Aim of reservation is to see the backward class prosper, says SC

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But the extension of "creamy layer" criterion is sure to temper the happiness over the bench doing away with the mandatory requirement to back up the case for promotion in quota by establishing backwardness. The CJI-led bench unanimously agreed to extend the "creamy layer exclusion" principle to SCs and STs and said: "The whole object of reservation is to see that backward classes of citizens move forward so that they may march hand in hand with other citizens of India on an equal basis."

"This will not be possible if only the creamy layer within that class bag all the coveted jobs in the public sector and perpetuate themselves, leaving the rest of the class as backward as they always were. This being the case, it is clear that when a court applies the creamy layer principle to scheduled castes and scheduled tribes, it does not in any manner tinker with the Presidential List under

Apex court to deliver Babri verdict today

New Delhi: The SC will on Thursday deliver its verdict on whether its 1994 judgment, holding that mosque was not essential for offering namaz, be examined by a constitution bench before adjudicating upon the controversy over Ram Janmabhoomi and Babri Masjid land dispute.

The Ayodhya case is an appeal against the Allahabad high court verdict dividing the disputed 2.77 acres of Ram Janmabhoomi-Babri Masjid land equally among Ram Lalla, Sunni Waqf Board and Nirmohi Akhara. A three-judge bench, headed by Chief Justice Dipak Misra, will decide whether the dispute over the land, on which the 16th-century Babri mosque stood prior to its demolition on December 6, 1992, is also required to be referred to a five-judge bench. **TNN**

Articles 341 or 342 of the Constitution of India," it said.

"The caste or group or sub-group named in the said list continues exactly as before. It is only those persons within that group or sub-group, who have come out of untouchability or backwardness by virtue of belonging to the creamy layer, who are excluded from the benefit of reservation," Justice Nariman wrote for the bench.

While doing away with the stipulation to collect data to justify quota in promotion for SCs & STs, the bench turned

down the demand of the petitioners for reconsideration of the Nagraj judgment. In upholding the validity of Article 16(4A) providing promotion in reservation to SC and ST government employees, the SC had in the Nagraj case put three caveats that almost turned out to be a spanner in its implementation.

Writing the unanimous 58-page judgment for the bench, Justice Nariman said the Nagraj ruling need not be sent for reconsideration to a seven-judge bench while correcting the only mistake in it.