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# 17 states say no to SC's quota within quota poser, 5 'yes'; major ones mum

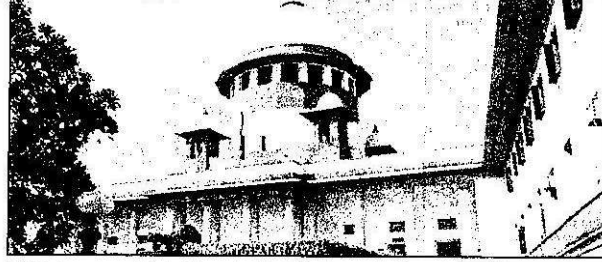
## 6 Key States And UTs Which Have Half Of SC Population Have Not Responded

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**New Delhi:** As the Supreme Court sets the stage to re-examine the possibility of sub-categorisation of SCs/STs, as many as 17 states have categorically rejected the Centre's proposal for sub-division of Dalits, while only five states have responded positively.

Since June 2011, the Centre has been pursuing the states to see if a way could be found around the Supreme Court's E V Chinniah judgement of 2004 which ruled sub-division of Dalits as unconstitutional.

Following a UPA cabinet decision, the social justice ministry had fielded the issue to states. Informed sources said the exercise is still on since "six major states and



The government is taking stock of the issue in the wake of Supreme Court's order on Thursday

UTs which constitute nearly half of the SC population in the country have not yet responded." The last reminder to these states which include Dalit strongholds of Uttar Pradesh, Bihar, Maharashtra besides Puducherry and Jammu and Kashmir, was sent in December, 2019.

Interestingly, five states which have given their nod to

the Centre's proposal include the ones which undertook the exercise before it was struck down following the Chinniah judgement — Punjab, Haryana and Tamil Nadu — besides Rajasthan. After 16 years, an apex court bench on Thursday marked a major departure from the Chinniah judgement by ruling that sub-categorisation of SCs/STs can not

only be done, but can also be undertaken by the states.

The government is taking stock of the issue in the wake of Supreme Court's Thursday order. Sub-categorisation means division of SCs into sub-groups and apportioning of reservation quota among them based on their population. The idea is devised to address the complaint that some affluent sub-castes are cornering the quota benefits.

Under pressure from then united Andhra Pradesh whose sub-categorisation policy was overturned by the Chinniah order, the UPA government had formed Justice Usha Mehra Commission to examine the issue.

The panel had in its report in 2008 concluded that sub-categorisation was not permissible under present norms

but could be enabled through a Constitutional amendment to Article 341 providing for sub-categorisation and by empowering the Parliament to undertake it. While the controversial 2011 government attempt is stuck, the apex court's Thursday order declaring sub-categorisation as legal has reopened the subject which will now be examined by a seven-judge bench.

As and when it happens, the order would be watched not only for if it can be done under present circumstances but if it can be done at all. The Usha Mehra panel had said it could not be done under present norms but could be done through constitutional amendments. It was a major leap from the Chinniah judgement which ruled that it was a completely 'no-go' area.