

Creamy layer principle does not apply to SCs/STs says a NCSC study

Apex Court stays Allahabad High Court order invalidating reservation in admission to unaided professional colleges

“The principle of ‘creamy layer’ does not apply to Scheduled Castes/Scheduled tribes” says a study conducted by the National Commission for SCs. The study reveals that:

- 1) 50% of India’s poor belong to SCs/STs.
- 2) Dalits in many parts of the country are still subject to the ugliest form of social & economic discrimination.
- 3) A literacy gap of 10.69% exists between SCs and other castes.

Enclosing the copy of the study to Dr. Manmohan Singh, Hon’ble Prime Minister, Shri Veerappa Moily, Union Minister of Law & Justice and Shri Mukul Wasnik, Union Minister of Social Justice & Empowerment, Shri P.L. Punia, Hon’ble Chairman, NCSCs requested them to issue directions for initiating necessary action in view of the recommendations of the report.

In another development related to reservation in admission to unaided professional colleges, the Supreme Court by its order dated 5.7.2011 on a special leave petition granted stay on the Allahabad High Court judgement which had declared reservation in admission to unaided professional colleges as invalid. The Allahabad High Court by its judgement dated 11.02.2011 in Writ Petition No. 22511/2009 (Sudha Tiwari v/s State of U.P. and others) had held that Sec. 4 of the *UP Admission to Educational Institutions (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 2006* and *Constitution (Ninety-Third Amendment) Act 2005* in so far as it relates to unaided professional colleges are invalid.

Hence, the students belonging to SCs/STs/OBCs are entitled to get reservation in admission to educational institutions to the extent of 49.5% in pursuance of the Reservation in educational institutions for SC/ST Act, 2006 (Act of 2007).

Hon’ble Chairman, Shri P.L. Punia has written a letter to Ms. Mayawati Ji Hon’ble Chief Minister, Govt. of Uttar Pradesh requesting her to provide reservation in admission to private unaided professional colleges in Uttar Pradesh, consequent to the Supreme Court order.

The Commission has been constantly highlighting the importance of policies relating to reservation in admission of SC students as well as reservation in promotion of SC employees. The commission is committed towards its constitutional mandate of upliftment of the backward classes as it is a prerequisite for the country’s inclusive growth.