



## SUB-CATEGORISATION OF SC - GS II MAINS

**Q.** Despite reservations, the pre-existing internal differences among the listed Scheduled Castes persist, posing challenges to effective upliftment measures. Discuss the need of sub-categorisation of SCs in the present context. (15 marks, 250 words)

**News:** *Committed to reservations: Centre says in favour of sub-classification of SC/STs*

### What's in the news?

- The Supreme Court's recent deliberation on the sub-classification of Scheduled Castes (SC) within India's reservation system raises questions about the balance of power between states and the Parliament.

### Key takeaways:

- The Centre told the Supreme Court that it was committed to reservations during the hearing of a batch of petitions over whether sub-classification of the SCs and STs is constitutionally permissible.

### Scheduled Castes:

- Scheduled Castes (SC) represent an administrative classification that encompasses various castes, including both touchable and untouchable groups, consolidated for preferential treatment purposes.
- This classification fails to acknowledge the internal distinctions among the castes grouped together under the SC category.
- Despite reservations, the pre-existing internal differences among the listed Scheduled Castes persist, posing challenges to effective upliftment measures.

### Constitutional Provisions:

- Article 341 of the Indian Constitution empowers the President to designate specific castes and classes as Scheduled Castes within states or union territories.
- Article 342 allows Parliament to include or exclude castes or tribes from this list. It elaborates on the term "Scheduled Castes," encompassing castes, races, or tribes, or their subsets, as specified under Article 341.
- Parliament: Inclusion or exclusion of any group from these lists is done through legislation by the Parliament.



## Highlights of SC Arguments:

### 1. Questioning Tinkering with the List:

- Justice B.R. Gavai queries whether state-level preferential allotment to certain sub-castes affects the parliamentary power to manage the Presidential list.

### 2. Dismissal of “Balkanisation” Argument:

- The Bench dismisses concerns that sub-classification would lead to fragmentation of the SC list.

### 3. Argument for Homogeneity:

- Senior advocate Manoj Swarup argues that SCs form a homogeneous group and preferential treatment would perpetuate inequality.

### 4. Justice Gavai’s Counter:

- Justice Gavai challenges this view, highlighting the need for the upliftment of particularly backward groups within SCs.

## Need for Sub-categorisation of SC:

### 1. Socio-Economic Implications:

#### A. Equality and Empowerment:

- Justice Vikram Nath underscores the aim of sub-classification as uplifting backward groups within SCs.

#### B. Ensuring Fairness:

- Justice Gavai emphasizes that preferential treatment should not exclude other deserving candidates from access to opportunities.

### 2. Political and Societal Considerations:

#### A. Potential for Political Appeasement:

- Concerns raised about states using sub-classification for political gains and electoral advantage.

#### B. Judicial Review and Empirical Basis:

- Justice Gavai highlights the role of High Courts in scrutinizing state decisions based on empirical data.

### 3. Addressing Inequalities:

- Graded inequalities persist among SC communities, with some having limited access to services.

### 4. Disproportionate Representation:

- Certain sub-castes lack fair representation in employment and education due to current discrimination policies.

### 5. Overcoming Hierarchies:

- SCs vary socio-economically, with some progressing while others still face disadvantages.



## 6. Facilitating Mobility:

- Current policies hinder uniform benefits, leading to competition. Sub-categorization can aid in political empowerment and education.

## 7. Ensuring Justice:

- Targeted approaches are needed to address specific vulnerabilities within SC sub-groups.

## 8. Equitable Distribution:

- Sub-categorization prevents benefits from concentrating in certain groups, promoting fair resource allocation.

## Challenges Associated:

### 1. Inequality:

- Sub-categorization may not effectively address disparities within Scheduled Castes, per recommendations from the National Commission for Scheduled Tribes (NCST), highlighting the need for existing schemes to reach the most backward communities first.

### 2. Federalism Issue:

- While a 2004 Supreme Court ruling barred states from unilaterally sub-categorizing SC lists, a 2020 judgment indicated states could decide benefit allocations within these lists, pending review by a larger Bench.

### 3. Identification Criteria Complexity:

- Determining sub-categorization criteria, as highlighted in judgments like State of Kerala v N M Thomas (1976) and E V Chinnaiah (2005), presents challenges in defining SCs due to socio-economic complexities.

### 4. Data Accuracy Challenge:

- Obtaining accurate socio-economic data for SC communities is difficult, hindering decision-making on caste categorizations and allocations.

### 5. Intra-group Disputes Risk:

- Sub-categorization may create internal divisions within SC communities, potentially exacerbating tensions as groups compete for affirmative action.

### 6. Fragmentation Risk:

- Sub-categorization could fragment the SC community, diluting their political and social identity, and weakening their collective advocacy for rights, as per concerns raised.

## WAY FORWARD:

### 1. Artificial Backward Class Creation:

- Chief Justice Chandrachud emphasizes the need for states to demonstrate objective criteria, like lack of representation, for sub-classification.

### 2. High Court Review:

- Asserts that High Courts can review state decisions to ensure fairness and adherence to constitutional principles.



### 3. Legal Options:

- Explore legal avenues like a constitutional amendment for sub-categorization, leveraging existing provisions like Article 16(4).

### 4. Data Collection:

- Enhance data collection on socio-economic status through a caste-based census to inform policy formulation.

### 5. Creamy Layer Concept:

- Apply the “creamy layer” concept within SCs to ensure fair allocation of benefits based on income eligibility.

### 6. Transparent Criteria:

- Develop transparent criteria for sub-categorization, considering socio-economic status, education, and regional disparities.

### 7. Balanced Approach:

- Strike a balance between recognizing diversity within SCs and maintaining unity, ensuring policies address specific needs without fragmenting the community.

As the case awaits judgment, the need for nuanced approach that balances legal principles with social justice imperatives remains paramount.

