

2. Sc/St Sub Classification Verdict- Polity

SC seeks Centre's report on action taken on its SC/ST sub-classification verdict

A 7-judge Constitution Bench in *State of Punjab v. Davinder Singh* (2024) overruled the *E.V. Chinnaiah* judgment, permitting states to sub-classify SCs for equitable reservation. It also permitted the extension of the "creamy layer" principle to SCs and STs to ensure substantive equality.

Recent Supreme Court Direction

Action Taken Report- The Supreme Court has directed the Union Government to submit an affidavit along with an Action Taken Report.

Purpose- To detail the steps taken to implement the August 1, 2024 Constitution Bench judgment.

Key Mandates of the Judgment- Permitting sub-classification within Scheduled Castes (SCs) for reservation purposes. Extending the creamy layer principle to SCs and Scheduled Tribes (STs).

Background- *State of Punjab v. Davinder Singh* (2024)

Core Issues Before the Court

1. Sub-classification- Whether states have the power to sub-classify Scheduled Castes (SCs) within the Presidential List to distribute reservation benefits more equitably.
2. Creamy Layer- Whether the creamy layer principle, currently applicable only to Other Backward Classes (OBCs), can be applied to SCs and STs.

Previous Precedent Overruled- The judgment overruled the 2004 decision in *E.V. Chinnaiah vs State of Andhra Pradesh*. *E.V. Chinnaiah* had held that SCs form a single, homogeneous group and cannot be sub-classified by states.

Key Rulings of the Court (6-1 Majority)

Sub-Classification Allowed

Heterogeneity of SCs- The Court ruled that Scheduled Castes are not a homogeneous class. Empirical evidence demonstrates significant inequality even within SC communities.

State Authority- States are empowered to create sub-categories within SCs.

Objective- To ensure the equitable distribution of reservation benefits among the most marginalized sections within the SC category.

Creamy Layer Principle Extended

Application to SCs/STs- The majority view supported applying the creamy layer principle to SCs and STs.

Justice BR Gavai's Observation- Excluding the creamy layer from SC/ST reservations is necessary to achieve real equality under the Constitution.

Implication- Socially or economically advanced members within SC/ST communities may be excluded from reservation benefits if the State frames such a policy.

Constitutional Interpretation

Article 341 (Presidential List)- The Court clarified that sub-classification does not amount to tampering with the Presidential List.

Article 14 (Right to Equality)- The move does not violate the Right to Equality; rather, it aims to achieve substantive equality (actual parity) instead of just formal equality (treating unequals as equals).

Dissenting View (Justice Bela M Trivedi)

Homogeneity Argument- Held that SCs constitute a homogeneous class.

Legislative Competence- States cannot subdivide them.

Violation- Any attempt to sub-classify would violate the sanctity of Article 341.

Deep Dive- Sub-Classification Within SCs

Definition- Sub-classification refers to the division of the broader SC category into sub-groups based on relative backwardness to prioritize the most disadvantaged.

Constitutional Basis- Scheduled Castes are recognized under Articles 341 and 342 of the Constitution.

Rationale- Why is it Demanded?

Uneven Access to Benefits- Empirical data from various states reveals that reservation benefits are often concentrated among a few dominant SC sub-castes, leaving others behind.

Substantive Equality- True equality requires prioritizing the "weakest of the weak" or the most backward among the backward classes.

Deepening Social Justice- It aligns with the constitutional vision of empowering the most marginalized sections of society.

Concerns and Counterarguments

Fragmentation of Unity- Critics argue that sub-classification could divide Dalit unity and fragment already marginalized communities.

Administrative Complexity- Identifying relative backwardness within SCs is complex and may require periodic socio-economic surveys.

Politicization- There is a fear that sub-classification could become a tool for electoral mobilization (vote-bank politics) rather than genuine social justice.

Legislative Competence- Since the SC list is notified by the President under Article 341, questions arise regarding whether states have the power to create internal divisions without altering the central list.

Deep Dive- Extending Creamy Layer Principle to SCs and STs

Understanding the Creamy Layer Principle

Definition- The 'creamy layer' refers to the relatively wealthier, better-educated, and socially advanced members within a backward class who are excluded from availing reservation benefits.

Judicial Origin- Introduced by the Supreme Court in the landmark case of Indra Sawhney v. Union of India (1992).

Original Ruling- The Court upheld 27% reservation for OBCs but ruled that the 'creamy layer' among OBCs must be excluded.

Logic- Reservation aims to uplift the genuinely backward sections, not to perpetuate advantages for those who have already overcome backwardness.

Current Status- Until this judgment, the creamy layer principle applied only to OBCs and not to SCs and STs.

Comparison- Treatment of OBCs vs. SCs/STs

Feature	Other Backward Classes (OBCs)	Scheduled Castes (SCs) & Scheduled Tribes (STs)
Basis of Reservation	Social and educational backwardness.	Historical discrimination and untouchability (for SCs) / isolation (for STs).
Creamy Layer Status	Applicable (Indra Sawhney case).	Not Applicable (Historically); Now permitted by SC (Davinder Singh case).
Nature of Oppression	Primarily social/educational; economic mobility often erases stigma.	Structural and historical oppression; social stigma often persists despite economic mobility.
Constitutional Basis	Article 15(4), 16(4).	Article 15(4), 16(4), Article 17 (Abolition of Untouchability), Article 341/342.

Why Were SCs/STs Historically Exempted?

Nature of Discrimination- Reservations for SCs/STs were rooted in centuries of untouchability and exclusion, not just economic backwardness.

Social Stigma- It was believed that for SCs/STs, economic mobility does not automatically erase social stigma (e.g., a rich Dalit might still face caste discrimination).

Constitutional Protection- Specific protections like Article 17 (Abolition of Untouchability) highlighted their unique status compared to OBCs.

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