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**DAILY EDITORIAL
ANALYSIS**

TOPIC

Caste-based Census Debate

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CASTE-BASED CENSUS DEBATE

In Context

- The Supreme Court asked the Bihar government to file a report on the caste survey and posted the matter for further hearing

About the Bihar Caste-based Survey

- It shows that extremely backward classes (EBCs) and other backward classes (OBCs) together add up to nearly **63% of the 13-crore population**, making it the largest caste group in the State.
- Among the four backward caste communities — Yadavs, Khushwaha, Kurmi, Bania — Yadavs form the biggest chunk 14.26 per cent
- It is expected that it would help devise further policies and plans for the development of all classes.

Do you know ?

- Caste wise enumeration of the population was introduced under the British colonial administration in **1881** and continued till the 1931 census.
 - ♦ Independent India's governments abandoned full caste enumeration on the apprehension that it would strengthen caste divisions and perpetuate the caste system.
- Every Census in independent India from 1951 to 2011 has published data on Scheduled Castes and Scheduled Tribes, but not on other castes.

Importance

- Caste data is key to understanding three important factors - the functioning of the labour market, wealth inequality and implementation of policy schemes
- It helps to understand the country's development pattern.
- Such data will reveal inequalities in social structures, enable better policy formulation and identify obstacles in policy implementation to usher in an era of genuine equal participation and redistribution of power and resources.

Concerns and Issues

- It can divide people on caste lines and it actually solidified the caste identities
- It can help the unscrupulous caste leaders to carve out their caste constituencies to climb the political ladder at the cost of their unfortunate caste brethren.
- At the national level, it **may give a boost to the political demand** for a **country-wide caste census**
- The survey data can reopen the **longstanding debate** over the **50% ceiling** on reservation imposed by the Supreme Court in its landmark ruling in Indra Sawhney v Union of India (1992).

Central Governments View

- The Central Government has claimed that only it has the sole right to conduct a caste survey and not the States.
 - ♦ The Bihar Caste-based Survey had violated Schedule VII of the Constitution, the Census Act, 1948 and the Census Rules, 1990.
 - ♦ Census was enumerated at Entry 69 in the **Union List in the Seventh Schedule of the Constitution**.

JUDICIARY'S OBSERVATION

Patna High Court:

- The caste survey was challenged legally in Bihar and the Patna High Court stayed the survey but later Patna High Court termed the survey "perfectly valid."

- ◆ The survey was legally challenged on two grounds — that it **violated the citizen's privacy** and that the **State did not have the competency to conduct such a survey**.
 - On privacy, the High Court referred to the landmark **2017 Supreme Court judgement on KS Puttaswamy vs Union of India**, saying that **reasonable restrictions** can be imposed on the citizen's fundamental rights on the grounds of the State's legitimate interests.
 - On the State's **competence in conducting the survey**, the High Court in its ruling said, "action of the State is perfectly valid which is initiated with due competence, with the legitimate aim of providing 'Development with Justice'.

Supreme Court:

- The Supreme Court refused to stay the Bihar government from publishing data collected from its caste-based survey.
 - ◆ The bench refused to grant any interim relief to the petitioners who challenged the caste survey and the Patna High Court order
 - ◆ The Supreme Court asked the Bihar government to put the break-up of the caste survey data in the public domain so that those aggrieved can challenge the findings.

Suggestions

- ◆ The common citizens genuinely interested in the welfare of the masses should not fall into the trap laid by the politically motivated initiatives .
- Gandhiji believed that Sarvodaya (development of all) would be accomplished through Antyodaya (welfare of the weak).
 - ◆ Therefore the government must use society's resources to subsidise and deliver quality food, education, healthcare and housing to those who need it.
- Radically rebooting India's infrastructure of opportunity, employment, employability and education offers a powerful **policy alternative to reservation without dividing society**.
- Reservation is a valuable tool for social justice but after years of Poorna Swaraj, it's time to replace it with something more universal .

DAILY MAINS QUESTION

Caste-based census is against the idea of a casteless society and will weaken ongoing efforts to create social harmony.' Substantiate your view.

