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**TOPIC**

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**Sub Classification of SCs  
and STs for Quota**

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## SUB CLASSIFICATION OF SCS AND STS FOR QUOTA

### Context

- In a significant ruling, the Supreme Court of India has **upheld the right of states to sub-classify SCs and STs** for the purpose of providing reservation benefits. It recognises that these communities are not monolithic; rather, they exhibit varying degrees of social backwardness.

### Data and Fact Related To SCs and STs

- Article 341** of the Constitution empowers the President to designate certain ‘**castes, races, or tribes**’ as SCs based on historical injustice related to untouchability.
- According to **Census 2011**, Schedule Castes (SCs) approximately **16.6%**, and Schedule Tribes (STs) approximately **8.6%** of India’s population.
- SC groups collectively receive 15% reservation in education and public employment.
  - Over time, some SC groups have been underrepresented compared to others.
- States have attempted to extend additional protection to these marginalised groups, but such efforts faced judicial scrutiny.

### Related Constitutional Provisions

- Article 14:** Guarantees equality before law.
- Article 15 (4):** The state is empowered to make any special provision for the advancement of any socially and educationally backward classes of citizens or for the scheduled castes.
- Article 16(4), 16 (4A) and 16 (4B):** Provide for reservation in posts and services.

### Background: Roots of the Case (Chronology of the Event)

- The case has its origins in 1975 when the Punjab government issued a notification dividing its 25% SC reservation into two categories.
- The first category reserved seats solely for the **Balmiki and Mazhabi Sikh communities**, which were economically and educationally backward.
- The second category included the rest of the SC communities.
- Legal challenges arose when a similar law introduced by Andhra Pradesh in 2000 was struck down by a five-judge Constitution Bench in 2004.

### 2004 Decision and Its Reversal

- In 2004, the Supreme Court held in the **E V Chinnaiah v State of Andhra Pradesh** case that the SC/ST list is a ‘**homogenous group**’ and cannot be further divided.
- The court ruled that any attempt to create differentiation within the SC list would violate the Constitution’s provisions.
- Consequently, sub-classifying SCs was considered impermissible.

### Committees for Sub-categorisation

- Committee of Secretaries:** It is a five members committee comprising the **Secretaries** of the *Home Ministry, Law Ministry, Tribal Affairs Ministry, and Social Justice Ministry* and it is **chaired by the Cabinet Secretary**.
  - Mandate:** To look at **strategies** like *special initiatives, focusing existing schemes towards them*, etc.
    - The Committee needs **not to deviate into policy matters like reservation or break-up of SC quota for employment and education**.
    - There is no deadline given to present its findings. However, it has been asked to do so at the earliest.

## Recent Verdict

- In August 2024, a **seven-judge Bench**, led by Chief Justice of India, overturned the 2004 decision.
- The **new ruling permits states to create sub-classifications within the SC and ST categories**.
- These sub-classifications aim to provide wider protections, particularly through fixed sub-quotas, to the most backward communities within SCs and STs.
- This decision recognises that not all SCs and STs face identical levels of disadvantage.
- **Justice B.R. Gavai's opinion** stands out: he advocates for introducing the **'Creamy Layer' exception for SCs and STs**, similar to what exists for Other Backward Classes (OBCs).
- The 'Creamy Layer' concept sets an income ceiling for reservation eligibility, ensuring that benefits reach those who genuinely need them.

## Why Sub-Classification Matters?

- **Diverse Social Realities:** The SCs and STs encompass a wide range of communities with distinct histories, cultures, and socio-economic conditions. Treating them as a homogenous group overlooks these nuances.
- **Targeted Benefits:** Sub-classification allows states to tailor reservation policies to address specific degrees of disadvantage. By identifying the most marginalised sub-groups, the benefits can be more effectively targeted.

## Significance of Recent Judgements

- **Graded Inequalities:** The principal argument for sub-categorisation of SCs has been the graded inequalities among SC communities.
  - ♦ The thrust of it has been that even among the marginalised, there are communities that have lesser access to basic facilities.
- **Unequal Representation:** Some communities are more backward and have less representation than others.
  - ♦ For instance, the Madiga community has claimed that the benefits, including that of reservation, meant for the SC category had been cornered by the Mala community, with the Madigas being left out.
- **Legal Standpoint:** A **five-judge Bench** headed by **Justice Arun Mishra** has affirmed the competence of the States to give preferential treatment to the weakest among the Scheduled Castes without depriving other castes of any benefit.
  - ♦ The Court has noted that the Scheduled Castes list contains many castes and cannot be treated as a homogeneous group.
- **Equitable Distribution of Benefits:** The Union government has formed a **committee of Secretaries** to evaluate and work out a method for the equitable distribution of benefits, schemes, and initiatives to the most backward communities amongst the over **1,200 Scheduled Castes across the country**.
- **Recognizing Diversity:** The court acknowledged that 'historical and empirical evidence indicates that Scheduled castes are not a homogenous class'
  - ♦ This recognition of diversity within the SC community is a departure from the earlier stance.

## States and Communities Affected

- **Maharashtra:**
  - ♦ **Mahar Community:** Politically active and relatively literate, the Mahar community has made significant strides. Notably, Dr. B. R. Ambedkar, a Mahar himself, played a pivotal role in drafting India's Constitution.
  - ♦ **Matang Community:** The second-largest SC community in Maharashtra, the Matangs are predominantly Hindu.
  - ♦ **Tribes:** Gond and Bhil are the largest tribes in the state.

- **Rajasthan:**
  - ♦ **Meghwal Community:** The largest SC community in Rajasthan, the Meghwals are spread across the state, particularly in border districts.
  - ♦ **Bairwa and Jatav:** Dominant in eastern Rajasthan.
  - ♦ **Meena Tribe:** Influential in electoral outcomes and well-represented in police and bureaucracy.
  - ♦ **Bhil Tribe:** Some Bhils do not consider themselves Hindu and have rallied behind a new tribal party.
- **Odisha:**
  - ♦ **Khond Tribe:** Numerically the largest tribal group in Odisha, residing mainly in southern districts.
  - ♦ **Santal Tribe:** Second-largest tribal group, followed by the Gonds.
  - ♦ **SC Communities:** The Pan community is dominant among the SCs in Odisha.
- **Chhattisgarh, Madhya Pradesh, West Bengal, Gujarat, Assam, Tripura, and Uttarakhand** etc are the most affected states in India.

### Possible Hurdles

- These are primarily based on the **legal and practical challenges** associated with it.
- **Legal Challenges:** The Supreme Court held that the **State did not have the power to unilaterally sub-categorise communities** in the list of SCs or Scheduled Tribes (STs).
  - ♦ The Constitution has provided that these lists can only be made by Parliament and notified by the President.
- **Data of socio-economic status:** The population data related to SC, ST, and OBC categories are not updated since the 2011 census.
  - ♦ It hampers the objective and scientific basis for sub-categorisation.
- **Untouchability:** The social and educational backwardness cannot be applied to Scheduled Castes and Scheduled Tribes. The special treatment is given to the SCs due to untouchability with which they have suffered since ages.

### What Lies Ahead?

- States now have the authority to identify different degrees of social backwardness within SCs and STs.
  - ♦ By sub-classifying, they can tailor reservation policies to address specific needs.
- The ruling acknowledges that SCs and STs are not monolithic; their experiences vary significantly.

### Conclusion

- The court's decision opens the door to more nuanced and effective affirmative action. By recognising diversity within SCs and STs, we move closer to a fairer and more equitable society.
- It opens up new possibilities for affirmative action, allowing states to address the unique challenges faced by different sub-groups within SCs and STs. It also sparks discussions about whether the **OBC model's 'creamy layer'** could serve as a blueprint for ensuring targeted benefits reach those who need them most.

Source: IE



### Mains Practice Question

**[Q]** How might the ability of states to sub-classify Schedule Castes (SCs) and Schedule Tribes (STs) impact the representation and social mobility of marginalised communities within these groups?