

Supreme Court Verdict on SC Sub-Categorisation: Implications and Insights

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Why in News?

In a significant 6-1 majority ruling, a seven-judge Constitution Bench of the Supreme Court declared that Scheduled Castes (SCs) and Scheduled Tribes (STs) do not form a socially homogeneous group. The court affirmed that states have the authority to sub-classify SCs/STs to provide reservations for the more disadvantaged segments within this category.

This decision allows states to ensure that reservation benefits reach those SC/ST communities that are less privileged and have been historically marginalized within the broader **SC/ST category**.

Background of the case

- **Constitutional position and attempts by States to sub-categorise SCs**

- **Article 341 of the Constitution** allows the President, through a public notification, to list as SC “castes, races or tribes” that suffered from the historical injustice of untouchability.
 - SC groups are jointly accorded 15% reservation in education and public employment.
- In the last three decades, multiple States like Punjab, Bihar, and Tamil Nadu have tried to bring in reservation laws at the State level in a bid to sub-categorise SCs.
 - In 1975, the Punjab government issued a notification dividing its 25% SC reservation at that time into two categories.
 - Later, in 2000, a similar law introduced by Andhra Pradesh which was struck down by a five-judge Constitution Bench of SC.
- However, all plans were challenged in courts and the Supreme Court formed its larger Constitution Bench to decide the matter.

- ***E.V. Chinniah v State of Andhra Pradesh (2004)*:**

- In this case, apex court held that once a community is included in the Presidential List for Scheduled Castes under **Article 341** of the Constitution, they become part of a single larger class of people, casting a wide net for the purposes of reservation.
- The Bench held:
 - that the **State did not have the legislative power to create sub-classifications within this single class** and
 - that such an action would violate the Right to Equality.
- The Constitution has provided that these lists can only be made by Parliament and notified by the President.

- **Davinder Singh case**

- In 2020, another five-member Supreme Court bench in the ***Davinder Singh case*** unanimously ruled that sub-categorisation is constitutionally valid and suggested a larger constitutional bench rule on the matter.

- **Matter referred to seven-judge bench**

- A seven-judge Constitution bench is now examining the validity of its 2004 judgment in *E V Chinniah vs State of Andhra Pradesh*.
- The top court is examining questions:
 - whether sub-classification inside the Scheduled Castes and Scheduled Tribes categories be permitted like in the case of other backward classes (OBCs) and
 - if the state assemblies are competent to introduce laws empowering the states to undertake this exercise.

Key highlights of the judgement

- **Are all castes in the SC list to be treated similarly?**

- Article 341(1) of the Constitution empowers the President to specify the castes, races, or tribes in a state that shall be deemed Scheduled Castes (SCs) for constitutional purposes.

- Article 341(2) states that only Parliament can amend this list.
- The current verdict asserted that inclusion in the Presidential list does not create a uniform, homogenous class that cannot be further classified.
 - CJI Chandrachud described the Presidential list as a “legal fiction,” meaning it is treated as real for legal purposes but does not exist in actuality.
 - SCs are recognized by the Constitution to provide benefits to listed communities.
 - He emphasized that this legal fiction cannot be extended to ignore the “internal differences” among SCs, thus allowing for sub-classification by states to address varying levels of disadvantage within the SC category.

- **Can states ‘tinker’ with or sub-classify the Presidential list?**

- Articles 15(4) and 16(4) of the Constitution empower states to make special provisions for the advancement of SCs and provide reservations for backward classes in education and public employment.
- In the E V Chinnaiah case, the court ruled that states could only provide reservations for SCs as a whole and could not sub-classify SCs to allocate portions of the reserved quota among state-created sub-classes.
- However, in the recent verdict, the Court held that states can use their power under Articles 15 and 16 to identify different degrees of social backwardness within SCs and provide special provisions, such as reservations, accordingly.
 - Justice Gavai emphasized that equality of opportunity (Article 16) must consider the varying social positions of different communities.
 - Providing the same opportunities to SC communities with different levels of disadvantage would worsen inequality.

- **What is the yardstick for sub-classification?**

- The majority opinion in the Supreme Court’s ruling set strict guidelines for states on creating sub-quotas for Scheduled Castes (SCs).
- States must demonstrate a **need for additional protections, provide empirical evidence, and have a reasonable rationale for sub-classifying SCs.**

- This reasoning can be challenged and tested in court.

- CJI Chandrachud emphasized that representation in public services should be “effective representation,” not just “numerical representation.”
- This means that even if an SC community has adequate numerical representation, they may still lack effective representation if they are not promoted to higher positions.
- Therefore, states must prove that the sub-group identified within the SCs is more disadvantaged and inadequately represented, based on quantifiable data.

- **Does the ‘creamy layer’ principle apply to Scheduled Castes?**

- Only the opinion of Justice Gavai bats for introducing the ‘creamy layer’ exception for SCs (and STs) that is already followed for **Other Backward Classes (OBCs)**.
 - This concept places an income ceiling on reservation eligibility, ensuring that the beneficiaries are those in a community that need quotas the most.
- Four of the seven judges agreed with Justice Gavai’s opinion on the matter.

- **Dissent by Justice Trivedi**

- Justice Trivedi, the lone dissenter on the Bench, observed that States do not have the power to alter the Presidential list under Article 341.
- She pointed out that any inclusions or exclusions from the list can only be done by the Parliament.
- The judge further opined that such sub-classifications would defeat the true import of Article 341 —to eradicate any possibility of political factors dictating constitutionally-mandated affirmative action.

Possible implications of this judgement

- **Relief to many states**

- The ruling is likely to give impetus to States like Punjab, Bihar, and Tamil Nadu which have previously attempted to introduce separate reservations within the SC/ST categories.
- In an election rally in Telangana last year, PM Modi promised to look into the sub-categorisation of Scheduled Castes (SCs) to identify and help the most backward among them.
 - This move was seen as an attempt by the then ruling party to woo the Madiga community.
 - The Madigas have claimed that their share of representation was being taken up by another SC community, the Malas.

- **Demand of caste census**

- It is also likely to strengthen the Opposition's demand for a caste census to ascertain the share of different groups in the reservation pie.
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Q.1. What is Article 341 of the Indian Constitution?

Article 341 of the Indian Constitution empowers the President to specify the Scheduled Castes (SCs) in various states and union territories through a public notification. It also states that only Parliament can make any subsequent modifications to this list, ensuring legislative control over the classification of SC communities.

Q.2. What is Creamy Layer?

The "Creamy Layer" refers to the more affluent or higher socio-economic individuals within reserved categories, such as Scheduled Castes and Scheduled Tribes, in India. These individuals are excluded from certain affirmative action benefits and reservations, ensuring that assistance reaches those with greater socio-economic need.

Source: Explained: Sub-classification of SC, ST | [The Hindu](#) | [Indian Express](#)

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