



SC Allows for Sub-Classification of SCs and STs

For Prelims: [Supreme Court of India](#), [Scheduled Castes](#), [Scheduled Tribes](#), [Article 14](#), E.V. Chinniah v State of Andhra Pradesh case, 2004

For Mains: Legal Tussle over Sub categorisation of Scheduled Castes, Benefits and Challenges Related to Sub-categorisation.

Source: [IE](#)

Why in News?

The [Supreme Court of India](#) in review judgement of Punjab and Haryana High Court, delivered a landmark verdict allowing **states the authority to sub-classify reserved category groups**, such as [Scheduled Castes \(SCs\)](#) and [Scheduled Tribes \(STs\)](#), for the purpose of reservations.

- This 6-1 majority decision overturns the **2004 ruling in E.V. Chinniah vs. State of Andhra Pradesh**, fundamentally altering the landscape of reservation policies in India.

What was the SC's Verdict on Sub-Classifications of SCs and STs?

- **Sub-Classifications Permitted:** The Court ruled that states are constitutionally allowed to sub-classify SCs and STs based on varying levels of backwardness.
 - The seven-judge Bench ruled that states can now sub-classify SCs within the **15% reservation quota to provide better support** for the most disadvantaged groups.
 - Chief Justice of India emphasised the difference between "**sub-classification**" and "**sub-categorisation**," **cautioning against using these classifications for political appeasement** rather than genuine upliftment.
 - The Court noted that sub-classification should be based on empirical data and historical evidence of **systemic discrimination, rather than arbitrary or political reasons**.
 - States must base their sub-classification on empirical evidence to ensure fairness and effectiveness.
 - The Court clarified that **100% reservation for any sub-class is not permissible**. State decisions on sub-classification are subject to judicial review to prevent political misuse.
 - The Supreme Court has ruled that the '**creamy layer**' principle, previously applied only to [Other Backward Classes \(OBCs\)](#) (as highlighted in [Indra Sawhney Case](#)), **should now also be applied to SCs and STs**.
 - This means states must identify and exclude the creamy layer within SCs and STs from reservation benefits. The judgement responds to the need for a **more nuanced approach to reservations, ensuring that benefits reach those who are truly disadvantaged**.
 - The court stated that Reservation has to be **limited only to the first generation**.

- If any generation in the family has taken advantage of the reservation and **achieved a higher status**, the benefit of reservation would not be **logically available to the second generation**.
- **Rationale for the Verdict:** The Court acknowledged that systemic discrimination **prevents some members of SCs and STs from advancing**, and therefore, sub-classification under [Article 14 of the Constitution](#) can help address these disparities.
 - This approach allows states to tailor reservation policies to more effectively support the most disadvantaged within these groups.

What led to the Reference of the Sub-Classification Issue?

- **The issue of sub-classification of Scheduled Castes (SCs) and its referral to a seven-judge bench was initiated by a five-judge bench in the case of *State of Punjab v. Davinder Singh*, 2020.**
- **The primary factors leading to this reference were:**
 - **Reconsideration of *EV Chinniah Judgment*:** The five-judge bench found it necessary to reconsider the judgement in *EV Chinniah v. State of Andhra Pradesh, 2004*.
 - The EV Chinniah ruling stated that sub-classification within SCs was not permissible, as **SCs formed a homogeneous group**.
 - **Punjab Scheduled Caste and Backward Classes (Reservation in Services) Act, 2006:** The specific legal challenge in this case involved the validity of Section 4(5) of the Punjab Scheduled Caste and Backward Classes Act, 2006.
 - This provision mandated that **50% of vacancies reserved for SCs** in direct recruitment be offered to **Balmikis and Mazhabi Sikhs, contingent on their availability**.
 - **High Court Ruling:** A division bench of the Punjab and Haryana High Court, in 2010, **struck down this provision**, relying on the *EV Chinniah judgment*.
 - The High Court ruled that all castes in the [Presidential Order under Article 341\(1\)](#) formed **one homogeneous group** and could not be subdivided further.
 - The EV Chinniah judgement had established that Article 341 of the Constitution, which empowers the President to identify and notify SCs, was the basis for reservations.
 - According to Article 341, SCs can only be identified and categorised by the President in consultation with the Governor and through public notification.

What are the Arguments For and Against Sub-Classification?

- **Arguments For Sub-Classification:**
 - **Enhanced Flexibility:** Sub-classification allows both central and state governments to design policies that better address the needs of the most disadvantaged within SC/ST communities.
 - **Alignment with Social Justice:** Supporters argue that sub-classification helps achieve the **constitutional goal of social justice by providing targeted benefits to those who need them the most**.
 - **Constitutional Provisions:** [Article 16\(4\) of the Constitution](#), this provision permits reservations for backward classes who are inadequately represented in state services.
 - **Article 15(4)** empowers the state to create special arrangements for promoting the interests and welfare of **socially and educationally backward classes of the society such as SC and STs**.
 - **Article 342A** supports the flexibility of states in maintaining their lists of socially and economically backward classes.
- **Arguments Against Sub-Classification:**
 - **Homogeneity of SCs and STs:** Critics argue that sub-classification could undermine the **uniform status of SCs and STs as recognised in the Presidential list**.

- **Potential for Inequality:** There are concerns that sub-classification could **lead to further division and potentially exacerbate inequalities** within the SC community.

What is the Significance of the Supreme Court Verdict?

- **Overruling Previous Judgement:** The Supreme Court's decision reverses the ***E.V. Chinniah*** ruling, which had previously held that SCs and STs were a **homogeneous group and thus could not be subdivided for reservation purposes by the states** and **unconstitutional under Article 341 of the Indian Constitution**.
 - The **Chief Justice of India** stated that the new ruling on sub-classifying Scheduled Castes and Scheduled Tribes **does not violate Articles 14 or 341 of the Constitution**.
- **Impact on State Laws:** The ruling upholds various state laws that had previously been struck down, such as those in Punjab and Tamil Nadu, allowing states to create sub-categories within SC and ST groups.
 - The **Punjab government's 1975 notification**, which divided its SC reservation into categories for Valmikis and Mazhabi Sikhs, was initially upheld but later challenged following the ***E.V. Chinniah judgment***.
- **Future of Reservations: States will now have the authority to implement sub-classification policies, which could lead to more nuanced and effective reservation strategies.**
 - The decision sets a new precedent for how reservations can be administered, potentially influencing similar cases and policies across the country.

What are the Challenges for Sub-Classification?

- **Data Collection and Evidence:** Gathering **accurate and comprehensive data** on the socio-economic conditions of different sub-groups within SCs and STs is essential.
 - States must rely on empirical evidence to justify their sub-classification decisions. **Ensuring data accuracy and avoiding biases can be challenging.**
- **Balancing Interests: Sub-classification aims to uplift the most disadvantaged sub-groups, but balancing competing interests can be complex.**
- **Uniformity vs. Diversity:** While sub-classification allows tailoring policies, it may lead to variations across states. Striking a **balance between uniformity and addressing local needs is a challenge.**
 - Ensuring that sub-categories do not undermine the **overall goals of reservation policies is crucial.**
- **Political Resistance: Sub-classification policies can face opposition from political groups that either support or oppose changes to reservation systems, leading to potential delays and conflicts.**
- **Social Tensions:** Sub-classification might exacerbate existing social tensions within SC/ST communities, leading to intra-community conflicts and divisions.
- **Administrative Burden:** The process of creating, managing, and updating sub-categories adds a significant administrative burden on government agencies, necessitating additional resources and manpower.

Way Forward

- **States need to consider historical discrimination, economic disparities, and social factors. Avoiding political motivations and ensuring fairness are critical.**
 - Leverage the **upcoming Census to gather comprehensive data on SCs and STs**, including sub-group specific information.
 - Establish independent data verification processes to maintain credibility and transparency.
- Define **clear and objective criteria for sub-classification**, avoiding subjective or politically motivated decisions. Prioritise socio-economic indicators over mere caste or tribal affiliations.
- Monitoring the impact and adjusting policies based on outcomes is essential. Ensuring that

benefits reach the intended beneficiaries is a continuous process.

- Recognise sub-classification as a **temporary measure** to address historical disadvantages. Focus on **overall socio-economic development and empowerment of SCs and STs**.
 - Gradually **reduce reliance on reservations** as broader social and economic conditions improve.

Read more: [Intra-Group Caste Reservation in India](#)

Drishti Mains Question:

Q. Analyse the significance of the Supreme Court's ruling allowing sub-classification of Scheduled Castes and Scheduled Tribes for reservations. What are the potential impacts on social justice in India?

UPSC Civil Services Examination, Previous Year Question:

Prelims

Q. Consider the following organizations/bodies in India: (2023)

1. The National Commission for Backward Classes
2. The National Human Rights Commission
3. The National Law Commission
4. The National Consumer Disputes Redressal Commission

How many of the above constitutional bodies?

- (a) Only one
- (b) Only two
- (c) Only three
- (d) All four

Ans: (a)

Mains:

Q. What are the two major legal initiatives by the State since Independence addressing discrimination against Scheduled Tribes (STs). **(2017)**