

Sub-Categorization among SCs: Legal Aspects and Implications

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Context - In a recent election rally in Telangana, PM made a commitment to explore the sub-categorization of Scheduled Castes (SCs) to identify and uplift the most marginalized among them. This move is seen as an attempt to garner support from the Madiga community, the largest among the SC communities in the state.

The issue of sub-categorization among Scheduled Castes (SCs) in India has garnered significant attention in recent times, raising crucial legal and socio-political questions.

About SCs and their Constitutionality

- The concept of Scheduled Castes originated during the drafting of the Indian Constitution, recognizing the historical discrimination and social exclusion faced by certain communities.
- The framers envisioned affirmative action measures to uplift these marginalized groups through reservation policies in education, employment, and political representation. However, the heterogeneity within the SCs has led to discussions on the need for sub-categorization.
- The Constitution of India, under Article 341, empowers the President to specify the castes, races, or tribes deemed to be Scheduled Castes. Article 341(2) further

authorizes the President to make modifications, including the addition or exclusion of groups.

- The legal framework, therefore, provides the flexibility for sub-categorization based on social and educational backwardness among SCs.

Attempts at SC Sub-Categorization

- **State-Level Attempts:** Over the past two decades, several states, including Punjab, Bihar, and Tamil Nadu, have attempted to introduce reservation laws to sub-categorize SCs within their territories. These efforts have been held up in courts, awaiting a Supreme Court Constitution Bench's decision.
- **Andhra Pradesh's Initiative:** The issue surfaced when the Andhra Pradesh government formed a commission in 1996, led by Justice Ramachandra Raju, to recommend sub-categorization based on disparities among SC communities. However, the Supreme Court, in 2004, ruled that states did not possess the unilateral authority to sub-categorize communities within the SC and Scheduled Tribes (ST) lists, as these lists are the prerogative of Parliament and the President.
- **Contradictory Rulings:** A 2020 judgment by a five-judge Bench, led by Justice Arun Mishra, contradicted the 2004 ruling by stating that determining benefits within the SC/ST lists would not amount to "tinkering" and could be done by states. This discrepancy prompted the referral of the 2020 judgment to a larger Bench.

Challenges and Issues

- **Legal Challenges:** While the constitutional framework allows for sub-categorization, the process is not without legal challenges. Questions arise regarding the criteria for such classification and the potential for misuse. Judicial scrutiny becomes crucial to ensure that sub-categorization adheres to the principles of equality, non-discrimination, and social justice.
- **Mandal Commission and Beyond:** The Mandal Commission, in the early 1980s, recommended reservations for Other Backward Classes (OBCs), but the question of sub-categorization among SCs was not explicitly addressed. Over the years, demands for sub-categorization have gained momentum, with proponents arguing that it is essential for ensuring equitable distribution of benefits within the SC communities.
- **Social Justice and Inclusivity:** The primary objective of sub-categorization is to address the disparities within the SCs and ensure that benefits of affirmative action reach the most deserving and marginalized sections. By identifying subgroups based on educational and social backwardness, the intent is to enhance the impact of reservation policies and promote social justice.

- **Challenges in Implementation:** Implementing sub-categorization poses practical challenges, including the identification of criteria, potential resistance from different SC groups, and the need for a comprehensive and transparent process. Legal frameworks must be robust to withstand challenges and ensure that sub-categorization does not become a source of further division or discrimination.
- **Political Implications:** The issue of sub-categorization is inherently political, as it involves negotiations and decisions that impact the electoral dynamics. Political parties need to balance the interests of various communities while addressing the genuine concerns of social justice. Striking this balance is essential to avoid polarization and promote inclusive governance.

Arguments for Sub-Categorization

- **Graded Inequalities:** Proponents argue that sub-categorization addresses the graded inequalities within SC communities. It ensures that the more backward communities receive their fair share of benefits, preventing the dominance of relatively advanced communities.
- **Representation at All Levels:** The goal is to ensure representation at all levels, including higher positions. However, the most backward SCs lag so far behind that even reserved positions at advanced levels may not benefit them due to a lack of suitable candidates.

Conclusion

The sub-categorization of Scheduled Castes (SCs) is a complex legal and social issue that remains unresolved, with contradictory Supreme Court rulings and varying opinions among government bodies. While sub-categorization aims to address disparities within SC communities, it raises practical challenges, such as data collection and ensuring meaningful representation. The quest for a fair and legally sound sub-categorization mechanism continues, with the need for comprehensive data and clear legal guidelines at the forefront of the debate.

SOURCE: *The Hindu*