Bihar Caste Survey

Why in news?

The Bihar government has released the results of its recently concluded survey of castes in the state.

History of Caste Census
• **Post-independence-** Every Census in independent India from 1951 to 2011 has published data on Scheduled Castes and Scheduled Tribes, but not on other castes. • **Pre- independence-** Before that, every Census *until 1931* had data on caste. • **World War II**- In 1941, caste based data was collected but not published due to time and cost constraints. • **Mandal Commission-** It was constituted to estimate the OBC population which revealed that OBC stands at *52%.* • **SECC-** Socio Economic and Caste Census were launched in 2011 to avoid exclusion and inclusion errors in receiving benefits from the Government. • **Support**- *The Ministry of Rural Development* provided financial and technical support to the States/UTs for conducting SECC 2011. • *Ministry of Housing & Urban Poverty Alleviation* conducted the exercise in urban areas. • **Publication**- The SECC data excluding caste data was finalised and published by the two ministries in *2016.*

What are the key findings of the report?

- Bihar's total population now stands at a little over *13.07 crore*, up from 10-odd crore in the 2011 Census.
- The Bihar caste survey has found that the '*backward communities*' account for around *63%* of the Bihar's population.
- The *Economically Backward Classes (EBCs)* form the biggest component at around 36%.
- Individually, the caste survey found that the biggest social group is the ***Yadavas*** with *14.27%* share of the state population, a community among the OBCs.

Category	Percentage of total population
General Category	15.52%
Economically Backward Classes	36.01%
Other backward classes (OBCs)	27.13%
Scheduled Castes	19.65%
Scheduled Tribes	1.68%
Hindus	81.99%
Muslims	17.72%
Third gender	0.0006%
Total population	**13.07 crore**

What is the significance of Bihar caste survey?

- **Appropriate representation** - Caste surveys are required to ensure a community's representation as per their share in the population.
- The idea is rooted in the belief that the backward communities have a higher share in the population but fewer representation in public institutions and politics.
- **Policy formulation**- The survey has not only considered one's caste but also one's economic status, which would help in devising further policies and plans for the development of all classes.
- It will be a pro-poor exercise for better planning and targeting of welfare schemes.
- **OBC assessment** - Regarding the estimation of OBCs, different figures have come from different government institutions.
- In such circumstances, caste survey ensures accurate assessment of the OBCs' population to draft policies for their betterment, which may cover education, employment, and other development metrics.

The Justice Rohini Commission, which had been examining the question of "sub-categorisation" since 2017, submitted its report in July 2023, but its recommendations are not yet public.

- **Ceiling-** The survey data will also 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)*.
- **Model for others**- The Bihar survey may well push other states to carry out similar exercises.

What are the criticisms against caste survey?

- **Vote bank politics** - The data, coming months before next year's Lok Sabha poll, underlines the electoral importance of OBCs and marginalised communities in making political gains.
- **Widen the social rifts** - There is a fear that caste census will widen the social rifts among different castes
- **Data integrity** - Integrity of data is questioned as ruling parties might alter the data according to their political motive.
- **Against casteless society** - Some groups argue that caste-based census is against the idea of a casteless society.

What is the Patna High Court's ruling on Bihar Caste Survey?

- **Petition against Bihar's caste census**- The caste survey was challenged under 2 grounds.
    - **Violation of right to privacy (Article 21)** - Petitioners argued that the right to privacy will be infringed due to the queries concerning their religion, caste, and monthly income.

- **State's competency**- The petitioners cited *7th schedule and Article 246* and claimed that *only the Union government* could conduct a census.

Seventh Schedule- *Entry 69 of the Union list contains the Centre's exclusive power to conduct a census.*

Article 246- *Parliament's power to exclusively legislate on any of the matters enumerated in List I in the Seventh Schedule.*

- **Bihar government's stand**- In 2011, a caste census was conducted by the Centre, the details of which weren't disclosed.
- It also pointed out that Entry 45 of the Concurrent List is similar to Entry 94 of the Union List, as both confer powers to collect statistics for verifying details to achieve the economic and social planning goals listed under Entry 20 of the Concurrent List.
- **Verdict-** The court referred to the triple-requirement test laid down in '***Justice KS Puttaswamy vs Union of India, 2017***' , reiterating that permissible restrictions can be imposed on the fundamental right, in the state's legitimate interests, provided they are proportional and reasonable.

Triple-requirement test

In order to place restraints or impinge upon this fundamental right, the State must meet 3 requirements

- Legality (existence of statutory law)
- Legitimate (State aim or necessity) and
- Proportionality (rational nexus between the objects and the means adopted to achieve them).

- It said that the disclosures were "*voluntary*" and added that the action of the State as perfectly valid with the legitimate aim of providing development with justice.
- The court clarified that the data collected was *not for "taxing, branding, labelling or ostracising individuals or groups*" but to identify the economic, educational and other social aspects of different groups for their upliftment.

References

1. Indian Express- Bihar caste survey population
2. Indian Express- History of Caste census

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