Sub Categorisation of Scheduled Castes

Why in news?

Recently a committee has been formed to evaluate and work out a method for equitable distribution of benefits to the most backward communities among Scheduled Castes (SCs) without breaking up the SC quota.

Why the committee is formed?

> *As per Census 2011, Scheduled Castes comprise around 15% of the total population.*

- **Need for Committee** - Madiga community in Telangana, constitutes at least 50% of the SC population in the State, but feels crowded out of benefits by the Mala community, another SC.
- SC communities in several States have said that they have been routinely crowded out of benefits meant for SCs by dominant and relatively forward communities in their category.
- **State level initiatives**- States such as ***Punjab, Bihar and Tamil Nadu*** have tried to enact laws to sub-categorise SCs and allocate different percent of reservation for them.
- **Central panel**- The Central Government has formed a high level committee to explore alternative ways to address the grievances of the SC communities.

What about the previous attempts of Sub categorisation?

- **Demand of Madiga community**- Union government had in 2005 considered legal options for sub-categorisation of SCs.
- Then Attorney General of India had said the Constitution can be amended to bring subcategorization within SCs, but there needs to be a mechanism to gather empirical evidence to prove the necessity of sub-categorisation.
- **Justice Ramachandra Raju Committee**- It was formed by Andhra Pradesh which recommended the sub-categorisation of SCs in the State based on the evidence that some communities were more backward and had less representation than others.
- **E.V.Chinnaiah vs State of Andhra Pradesh**- Supreme Court held that the State did not have the powers to unilaterally sub-categorise communities in the list of SCs or STs.
- The Constitution has provided that these lists can only be made by Parliament and notified by the President.
- **National Commission report**- It was formed to study the issue in Andhra Pradesh and recommended an amendment to ***Article 341*** of the Constitution.

- **Views of National Commissions for SCs and STs**- They opposed the constitutional amendment and argued that ***Article 16(4)*** of the Constitution has already allowed States to make special provision for any backward classes.

- **State of Punjab vs Davinder Singh-** The Supreme Court upheld the validity of Punjab's law to sub-classify SCs and give preference to Balmikis and Mazhabi Sikhs for reservation in services.
- The judgment has been referred to a larger bench of the Supreme Court, which will decide whether sub-classification of SCs and STs is constitutionally valid or not.

What are the functions of the committee?

- **Subcategorise SCs**-The panel will discuss about breaking up the SC quota off the table and look into ways in which benefits of other government schemes and initiatives can be focused towards these SC communities.
- **Special initiatives -** It will design special initiatives for communities that need it and focus on existing programmes to ensure a more even distribution of benefits.
- **Deadline-** The committee doesn't have specific deadline and has been asked to present its findings at its earliest.
- **Specific considerations**- It will figure out on what basis SC communities are going to be shortlisted for special attention, find out extend to which special initiatives need to be design for each of them, and then find a way to deliver them.

What are the arguments in favour and against the sub-categorisation of SCs?

Arguments in favour of sub-categorisation of SCs	Arguments against sub-categorisation of SCs
• **Graded inequalities** - The graded inequalities among SC communities is the reason for sub-categorisation for SCs.	• **Not address the root cause**- National Commissions for SC and ST have noted that separate reservation within the categories would not really address the root cause of the problem.
• **Backward communities**- Even among the marginalised, there are communities that have lesser access to basic facilities.	• **Separate quota not a solution**- NCST has noted that the most backward SCs are lagging so far behind forward SCs that a separate quota would not help, the need of the hour is representation at all levels.
• **Inequality in reservation-** The relatively forward communities within SC have managed to avail the benefits consistently while crowding the more backward ones out.	• **Disparity issue**- Even if posts were reserved at higher levels, the most backward SCs would not have enough candidates to be considered for it in the first place.
• **Sub-quota as solution**- A separate reservation is required to the more backward communities within the reservation meant for SCs.	• **Accessing the schemes**- Both NCSC and NCST said that the existing schemes and government benefits should first reach these sections before any sub-categorisation.

What lies ahead?

- Legal experts have pointed out the necessity to have concrete data to support sub-categorisation.
- The data can be made through the caste census of each community and sub-community and their respective socio-economic data, the only thing that can provide a reasonable ground to decide how castes can be categorised, how much % should be given, etc.,

To know about sub categorisation of OBCs click here

References

1. The Hindu- Subcategorization within castes
2. The Hindu- Equal access to benefit all SCs
3. Indian Express- Legal debate for sub categorisation