Sub-classification of SC and ST

***Mains**: GS-II – Polity & Governance | Welfare measures for vulnerable sections of the population by the Centre and States*

Why in News?

The Supreme Court sought a report from the Centre on what action had been taken in pursuance of its judgment, which allowed sub-classification of Scheduled Castes for the purpose of reservation and said that creamy layer principle be extended to the category.

What is the background of the SC/ST sub-classification verdict?

- **E.V. Chinnaiah v. State of Andhra Pradesh, 2004** – The SC ruled that SCs constituted a homogeneous group under Article 341, and states cannot sub-classify them for reservation benefits.
- This meant all SCs had equal claim to reservation, regardless of internal disparities.
- **State of Punjab & Others v. Davinder Singh & Others, 2024** – The SC overruled the 2004 judgment and upheld the validity of sub-classification within SCs/STs for reservation.
- Now, the Supreme Court asked the Centre to file an action-taken report on how it plans to implement sub-classification and creamy layer exclusion.

What are the constitutional provisions for the protection of SCs and STs?

Category	Articles	Key Feature
Fundamental Rights	Article 15(4) & 15(5)	Special provisions for advancement in education, including private institutions.
	Article 16(4)	Reservation in public employment.
	Article 17	Abolition of Untouchability
	Article 19(5)	Restrictions on movement/settlement to protect tribal interests.
	Article 23	Prohibition of forced labor and human trafficking.
Political Rights	Article 330 & 332	Reservation of seats in Lok Sabha and State Legislative Assemblies.
	Article 334	Periodic extension of political reservations (initially 10 years).

Administrative / Specialized Bodies	Article 338	Establishes the National Commission for Scheduled Castes.
	Article 338A	Establishes the National Commission for Scheduled Tribes.
	Article 339	President's power to appoint commissions for ST administration.
	Article 340	Commission to investigate conditions of backward classes.
State Policy & Governance	Article 46	(DPSP) Promotion of educational and economic interests and protection from injustice.
	Article 244 & 5th Schedule	Special administration for Scheduled Areas and Tribes.
	Article 371 & 6th Schedule	Autonomy for tribal areas in Assam, Meghalaya, Mizoram, and Tripura.

What is the Presidential List of Scheduled Castes?

- **Presidential List of Scheduled Castes** – It is a state-specific, legally defined list of historically marginalized communities designated for affirmative action, authorized ***under Article 341*** of the Indian Constitution.
- **Authority** – Initially notified in 1950, the President specifies the castes/races, and Parliament may modify/update the list.
- **State-Specific** – The SC status is determined on a state-by-state basis & a caste notified as SC in one state may not be a SC in another state.
- No community has been specified as SC in Arunachal Pradesh and Nagaland, and Andaman & Nicobar Islands and Lakshadweep
- **Religion Restriction** – Generally, only those professing ***Hindu, Sikh, or Buddhist religions*** are deemed to be members of a Scheduled Caste, as per the Constitution (Scheduled Castes) Order, 1950.
- **Ongoing Debate (2024-2026)** – The exclusion of Dalit Christians and Dalit Muslims is currently one of the most significant "active" legal questions in India.
- **Religious restriction for ST** – It ***does not apply to STs***, A person belonging to a ST can profess any religion (including Christianity or Islam) and still retain their ST status.

To know about Inclusion/Exclusion from SC/ST List, click here

How sub-categorisation and creamy layer works in India?

- **Sub-categorisation** – A process of creating sub-groups within the existing categories for granting separate quotas for those who are more backwards among the communities in the Scheduled caste.
- **Need** – It aims to address the intra-category inequalities and ensure a more equitable distribution of benefits and opportunities among the most deprived and marginalised sections of society.
- **In India** – It is currently followed for OBCs.
- **Creamy Layer (CL)** – It refers to relatively affluent and better-educated members of a

community, they are excluded from reservation benefits in government jobs and educational institutions.

- The term 'Creamy Layer' was introduced by the ***Sattanathan Commission*** in 1971.
- **In India** – It was stressed by Supreme Court in Indra Sawhney Case of 1992 to introduce the concept of 'Creamy layer' while providing reservation for OBCs.
- In 1993, Ram Nandan committee was constituted to identify creamy layer among OBCs.
- **Income criteria** for CL in Backward Class – Rs.8 Lakh.

What are the 'doctrine of equality' and 'doctrine of classification'?

- Equality is the rule; classification is the exception.

	Doctrine of Equality	Doctrine of Classification(Reasonable Classification)
Basis	Article 14 of the Constitution	Under Article 14.
Meaning	Everyone is equal before the law, regardless of status. The State must treat individuals equally in similar circumstances.	Equality doesn't mean treating everyone identically; the State can classify people into groups for special treatment, provided the classification is reasonable.
Case Law	State of West Bengal v. Anwar Ali Sarkar (1952) – equality means fairness, not identical treatment. Indra Sawhney v. Union of India (1992) – equality allows affirmative action to uplift disadvantaged groups.	State of Madras v. Champakam Dorairajan (1951) – early challenge to caste-based reservations. E.V. Chinnaiah v. State of Andhra Pradesh (2004) State of Punjab v. Davinder Singh (2024) – upheld sub-classification within SC/STs to ensure equitable distribution of benefits.

What are the challenges in implementation ?

- **Constitutional issue** – States did not have the power to change the Presidential List of Scheduled Castes.
- **Different socio-economic states** – Same sub-caste will be at different socio-economic position in different states and there will be confusion in state classification in central list.
- **Deciding the criteria** – Difficulties in finding the rational principle for sub classification.
- **Lack of caste Survey** – A quantifiable and demonstrable data is needed for providing more preferential treatment to a comparatively more downtrodden group within the class.
- **Vote bank politics** – It can lead to exploitation by political parties.
- **False exclusion** – Exclusion of deserving members of the dominant community from the benefit.
- **Rigidity of caste system** – Sub classifying the caste may strengthen caste hierarchy system.

- **Weak certification system** – Possibilities of obtaining non creamy layer certificates through fraudulent means.
- **Social vs Economic backwardness** – Special treatment is given to the Scheduled Caste because of the social injustice of untouchability that they have suffered through ages.
- Economic backwardness is temporary deprivation whereas the social backwardness is due to historical subjugation.

What is lies ahead?

- Ensure that the existing schemes & government benefits first reach these sections before any sub-categorisation as recommended by NCSC and NCST.
- Prevent the politicization of the issue.
- Conduct caste census to have concrete data to support sub-categorization.
- Ensure that the sub categorization does not affect the communal harmony among the community.
- Make special measures to identify the deprived in the excluded communities.

To know more about Sub-Categorisation of SCs, click here

References

1. Indian Express | SC seeks Centre's report on action taken on its SC/ST sub-classification verdict
2. Law Bhoomi | Doctrine of Reasonable Classification

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