

## 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).               |

|                                            |                                        |                                                                                       |
|--------------------------------------------|----------------------------------------|---------------------------------------------------------------------------------------|
| <b>Administrative / Specialized Bodies</b> | 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.                             |
| <b>State Policy &amp; Governance</b>       | Article 46                             | (DPSP) Promotion of educational and economic interests and protection from injustice. |
|                                            | Article 244 & 5 <sup>th</sup> Schedule | Special administration for Scheduled Areas and Tribes.                                |
|                                            | Article 371 & 6 <sup>th</sup> 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.

|                 | <b>Doctrine of Equality</b>                                                                                                                                                                                        | <b>Doctrine of Classification(Reasonable Classification)</b>                                                                                                                                                                                                                          |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Basis</b>    | Article 14 of the Constitution                                                                                                                                                                                     | Under Article 14.                                                                                                                                                                                                                                                                     |
| <b>Meaning</b>  | Everyone is equal before the law, regardless of status.<br>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.                                                                                                                      |
| <b>Case Law</b> | State of West Bengal v. Anwar Ali Sarkar (1952) - equality means fairness, not identical treatment.<br>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.<br>E.V. Chinnaiah v. State of Andhra Pradesh (2004)<br>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](#)

