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## Mains Practice Questions

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**Q.** “Sub-categorisation of reserved classes in India is needed for more inclusive affirmative actions.” Discuss the statement in the light of the recent judgement of the Supreme Court. (250 words)

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### **Approach**

- Write in brief about affirmative actions in India.
- Explain in brief the recent judgement by the Supreme Court of India on sub categorisation of reserved classes.
- Discuss the need for the sub-categorisation of reserved classes.
- Conclude with a way forward.

### **Introduction**

- In simple terms, affirmative action in India is about facilitating access to seats in the government jobs, educational institutions, and even legislatures to certain sections of the population which originated due to the age old caste system in India.
- These sections have faced historical injustice due to their caste identity. As a quota based affirmative action, the reservation can also be seen as positive discrimination.

### **Body**

Recently, a five-judge Bench of the Supreme Court held that States can sub-classify the list of Scheduled Castes (SCs), Scheduled Tribes (STs), and Socially and Educationally Backward Classes (SEBCs) to provide preferential treatment to the “**weakest out of the weak**”.

The decision overruled a previous 2005 decision in **E V Chinniah v State of Andhra Pradesh** and Others, also by a five-judge Bench, that state governments had no power to create sub-categories of SCs for the purpose of reservation.

### **Need for sub categorization:**

- Reservation system has created **inequalities** within the reserved castes itself. There is a “**caste struggle**” within the reserved class as benefits of reservation are being usurped by a few.
- If sub-classification is denied, it would defeat the right to equality by treating unequal as equal.

- Among the SCs, there are some that remain grossly **under-represented** despite reservation in comparison to other SCs. This inequality within the Scheduled Castes is underlined in several reports, and special quotas have been framed to address it.
  - **Justice Ramachandra Raju Commission**, 1997 recommended subdividing the SCs into four groups and apportioning reservations separately for each. It also recommended that Creamy layer of Scheduled Castes be excluded from receiving any reservation benefits in public appointments and admission to educational institutions.
  - In Andhra Pradesh, Punjab, Tamil Nadu and Bihar, special quotas were introduced for the most vulnerable Dalits. In 2007, Bihar set up the **Mahadalit Commission** to identify the castes within SCs that were left behind. In Tamil Nadu, a 3% quota within the SC quota is accorded to the Arundhatiyar caste.
- States have the competence to grant reservation benefits to SCs and STs in terms of Articles 15(4) and 16(4), and Articles 341(1) and 342(1).
  - Article 16 (4) provides that the State can make any provision for the reservation of appointments or posts and in matters of promotion in favour of any backward class of citizens who, in the opinion of the state, are not adequately represented in the services under the State.
  - Article 15(4) empowers the state to create special arrangements for promoting the interests and welfare of socially and educationally backward classes of the society such as SC and STs.

## Conclusion

- Dr B.R. Ambedkar described the Indian society as a gradation of castes forming an ascending scale of reverence and a descending scale of contempt.
- As is the nature of any hierarchical structure, no two castes are equal. The ones at the bottom of the ladder, those who have been most severely ostracised and subjugated, have not yet received the benefits of reservations as a tool to ensure their representation in society and government.
- This judgement will help trickle down the benefits of reservation to the most needy and establishment of an equal society.