



Sub-Categorisation of Scheduled Castes

For Prelims: Sub-Categorisation of Scheduled Castes, [Madiga community](#), Justice P. Ramachandra Raju Commission, [National Commissions for Scheduled Castes](#), E.V. Chinnaiah v State of Andhra Pradesh case.

For Mains: Legal Tussle over Subcategorisation of Scheduled Castes, Benefits and Challenges Related to Subcategorisation

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Why in News?

The **Indian government** has set up a high-level committee, led by the **Cabinet Secretary**, to address the issue of **dominant Scheduled Caste (SC) communities** receiving more benefits than the most backward ones.

- This development comes particularly in response to the [Madiga community's demands in Telangana](#).

What is the Mandate of the Newly Formed Committee?

- The committee's primary objective is to **explore alternative methods** for addressing grievances faced by various SC communities across the country.
 - While initiated in response to the Madiga community's concerns, the committee's **scope extends beyond one community or state**.
- It aims to evaluate and work out a **method** for the equitable distribution of benefits, schemes and initiatives to the most backward communities amongst the over 1,200 Scheduled Castes across the country, that have been **crowded out by relatively forward and dominant ones**.

What are the Major Aspects Related to Subcategorisation of SC in India?

- **About:** Subcategorisation refers to the division or classification of a larger category into smaller, more specific subcategories based on certain criteria or characteristics.
 - In the context of **SC in India**, subcategorisation may involve further classification within the SC group based on factors such as **socioeconomic status or historical disadvantages**.
- **Madiga Community's Struggle:** The Madiga community, constituting **50% of SCs in Telangana**, has faced challenges in accessing government benefits intended for SCs due to dominance by the **Mala community**.
 - Despite their substantial population, the Madiga community argued that it has been excluded from SC-related initiatives.
 - They have been struggling since **1994** for the sub-categorisation of SCs and it was this demand that first led to the formation of the [Justice P. Ramachandra Raju Commission](#) in 1996 and later a **National Commission in 2007**.

- **Similar Issue Across States:** SC communities in various states have reported similar challenges, leading to the formation of commissions by both State and Union governments.
 - States like **Punjab, Bihar, and Tamil Nadu** attempted sub-categorisation at the state level, but these efforts are currently tied up in legal battles.
- **Constitutional Stance:**
 - **Articles 341 and 342:** It grants powers to the [President to notify SC and ST lists](#) and to Parliament to create these lists.
 - However, there is no explicit prohibition against sub-categorisation.
- **Previous Standpoint of Union Government:** The Union government had in 2005 considered legal options for sub-categorisation of SCs.
 - At the time, the erstwhile Attorney General of India had opined that this could be possible but only if there was **“unimpeachable evidence to indicate a necessity”**.
 - Also, both the [National Commissions for Scheduled Castes and Scheduled Tribes](#) opposed amending the Constitution at that time.
 - They argued that creating a sub-quota within the existing quota is not enough, emphasising the immediate need to prioritise the allocation of existing schemes and benefits to these communities.

What is the Legal Tussle over the Subcategorisation of SC (Case of Punjab)?

- **1975:** The Punjab government issues a notification dividing its **25% SC reservation** into two categories. It was **one of the first instances of existing reservations being ‘sub-classified’ by a state**.
 - While the notification remained in force for nearly 30 years, it ran into legal hurdles in 2004.
- **2004:** Supreme Court strikes down **Andhra Pradesh Scheduled Castes (Rationalisation of Reservations) Act, 2000**, citing violation of the right to equality in the **E.V. Chinnaiah v State of Andhra Pradesh case**.
 - Emphasises that the **SC list should be treated as a single, homogeneous group**.
 - The President has the power to create the SC list (Article 341), and states cannot interfere or disturb it, including through sub-classification.
 - Later, the Punjab & Haryana High Court, in **Dr. Kishan Pal v. State of Punjab**, struck down the 1975 notification, supporting the E.V. Chinnaiah decision.
- **2006:** The Punjab government attempts to reintroduce sub-categorisation through the **Punjab Scheduled Caste and Backward Classes (Reservation in Services) Act, 2006**, but it was struck down in 2010.
- **2014:** Supreme Court refers the matter to a **five-judge constitution bench**, questioning the correctness of the 2004 E.V. Chinnaiah decision.
- **2020:** The Constitution bench holds that the **2004 decision needs reconsideration, rejecting the idea of SCs being a homogeneous group** and acknowledging the existence of "unequal" within the list.
 - The concept of the **"creamy layer"** was also recommended by the Supreme Court for SC and ST.
- **Present:** A larger **seven-judge bench is hearing the issue** as only its judgment can prevail over the decision of a smaller bench.
 - Sub-classification will impact various communities across states, including **Balmikis and Mazhabi Sikhs** in Punjab, **Madiga** in Andhra Pradesh, **Paswans** in Bihar, **Jatavs** in UP, and **Arundhatiyars** in TamilNadu.

Benefits of Subcategorisation	Challenges of Subcategorisation
Targeted Policies: Granular available data for targeted policies and programs.	Social divisions: Risk of exacerbating existing social tensions.
Fair Representation: Increased political participation from different sub-groups.	Identification & Verification: Complexities in accurate identification and documentation.
Empowerment & Recognition:	Politicisation: Potential for manipulation by

Spotlighting the cultural heritage of sub-groups , fostering a sense of identity and belonging.	different groups.
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Conclusion

The forthcoming ruling by a seven-judge bench of the **Supreme Court**, along with the insights from a committee, will guide the path for the subcategorisation of Scheduled Castes. By focusing on pragmatic solutions aligned with legal standards, we can harness the potential benefits of subcategorisation while mitigating associated risks, fostering a society that is **inclusive, supportive, responsive and resilient**.

UPSC Civil Services Examination, Previous Year Question:

Q. Consider the following organizations/bodies in India: (2023)

1. The National Commission for Backward Classes
2. The National Human Rights Commission
3. The National Law Commission
4. The National Consumer Disputes Redressal Commission

How many of the above constitutional bodies?

- (a) Only one
- (b) Only two
- (c) Only three
- (d) All four

Ans: (a)

Q. With reference to 'Changpa' community of India, consider the following statements:(2014)

1. They live mainly in the State of Uttarakhand.
2. They rear the Pashmina goats that yield a fine wool.
3. They are kept in the category of Scheduled Tribes.
4. Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 and 3 only
- (c) 3 only
- (d) 1, 2 and 3

Ans: (b)

Mains:

Q. What are the two major legal initiatives by the State since Independence addressing discrimination against Scheduled Tribes (STs). (2017)