

SC Verdict On SC Sub-Categorisation

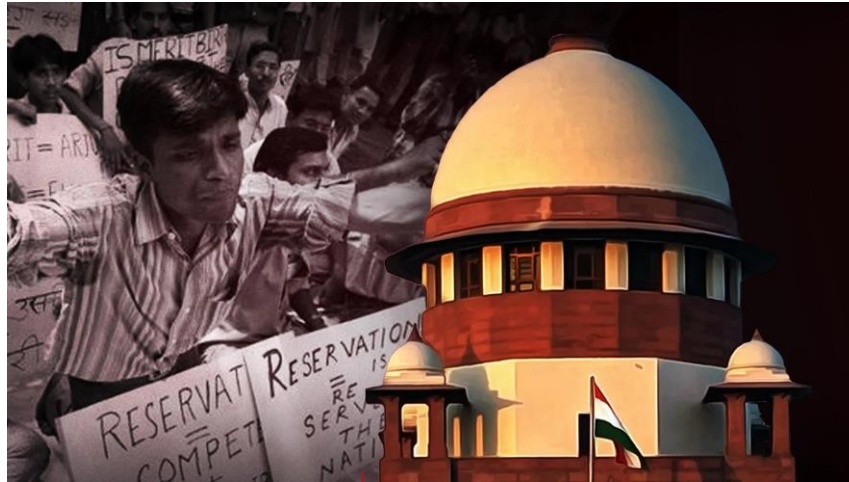
Why In News

- In a landmark judgment, the Supreme Court upheld the **power of States to sub-classify** reserved category groups, viz. the **Scheduled Castes and Scheduled Tribes (SC/STs)**, into different groups based on their inter se backwardness for extending the benefits of reservation [**State of Punjab and ors vs Davinder Singh and ors**].



About The Context

- **Article 341 of the Constitution** allows the President, through a public notification, to list as SC **“castes, races or tribes”** that suffered from the historical injustice of untouchability. SC groups are jointly accorded 15% reservation in education and public employment.
- Over the years, some groups within the SC list have been underrepresented compared to others. States have made attempts to extend more protection to these groups, but the issue has run into judicial scrutiny.
- **In 1975, Punjab issued a notification** giving first preference in SC reservations to the **Balmiki and Mazhabi Sikh communities**, two of the most backward communities in the state. This was challenged in **2004 after the apex court** struck down a similar law in Andhra Pradesh in E V Chinniah.



- The court had held that any **attempts to create a differentiation** within the SC list would essentially amount to tinkering with it, for which the Constitution did not empower states.
- **Based on this ruling**, in 2006, the **Punjab & Haryana High Court** in **Dr. Kishan Pal v State of Punjab** struck down the **forementioned 1975 notification**. However, the very same year, the **Punjab government again** passed the **Punjab Scheduled Caste and Backward Classes (Reservation in Services) Act, 2006**, reintroducing the first preference in reservations for the Balmiki and Mazhabi Sikh communities.

STATE OF PUNJAB VS DAVINDER SINGH CASE

INTRA-GROUP CASTE RESERVATION IN INDIA

- This Act was challenged by **Davinder Singh**, a member of a non-Balmiki, non-Mazhabi Sikh SC community. The HC, in 2010, struck down the Act, leading to an appeal at the Supreme Court. In 2014, the case was referred to a five-judge

Constitution Bench to determine if the E V Chinniah decision had to be reconsidered.

- **In 2020, the Justice Arun Mishra-headed** Constitution Bench in Davinder Singh v State of Punjab held that the court’s 2004 decision required reconsideration. The ruling noted that the court and the state “cannot be a silent spectator and shut its eyes to stark realities”.
- Crucially, it disagreed with the premise that SC are a homogeneous group, saying there are “unequals within the list of Scheduled Castes, Scheduled Tribes, and socially and educationally backward classes.”
- But since this Bench, **like in E V Chinniah, comprised five judges**, a seven-judge Bench heard the issue in February 2024.

Judgement

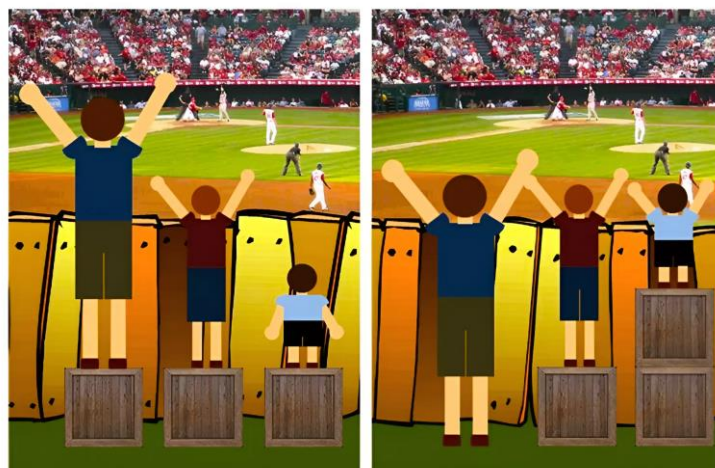
- **A seven-judge Constitution bench** of Chief Justice of India (CJI) **DY Chandrachud** with Justices BR Gavai, Vikram Nath, Bela M Trivedi, Pankaj Mithal, Manoj Misra, and Satish Chandra Sharma overruled the **2005 judgment of EV Chinniah v. State of Andhra Pradesh** which had held that sub-classification of SC/STs.
- **While six of the seven judges** allowed for the sub-classification, Justice Bela M Trivedi dissented from the majority and ruled that such sub-classification is not permissible.



- “The members of SC/ST are not often able to climb up the ladder due to the systemic discrimination faced. **Article 14 permits sub-classification** of caste. Court must check if a **class is homogeneous** or and a class not integrated for a purpose can be further classified,” the Bench said pronouncing its majority judgment.



- The court then went on to say there is historical evidence and social parameters to indicate clearly that all SC/STs do not constitute a homogenous class. **“Historical evidence shows that depressed class were not homogenous class and social conditions show that all classes under that is not uniform. In state of Madhya Pradesh, out of 25 castes only 9 are scheduled castes,”** the court added.



- The court made it clear that the sub-categorisation of SCs and STs does not in any way violate Article 341 of the constitution.
- “We have also established through historical evidence that Scheduled Castes notified by the President are a heterogenous class. **There is nothing in Article 15, 16 and 341 which** prevents sub-classification for SCs if there is a rational for distinction and there is a rational nexus for the object sought to be achieved. State can sub-classify for the inadequate representation of some class,” the court observed.

Conclusion

- The court, however, issued a note of caution, saying that sub-classification by states has to be supported by empirical data and should be ensured that it is not based on “**whims or political expediency**”.
- “State can adopt any measures to judge inter se backwardness. If the parameter is **untouchability**, it is not needed that **inter se backwardness** is also justified on the basis of that but State has to prove it by empirical and quantifiable data. State cannot act on its whims or political expediency and it is amenable to judicial review,” the court underlined.

