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Governance

Is the Supreme Court's Sub Quota Verdict a Step Toward Justice or a Path to Further Division?

Shoaibur Rahman Delves into the Debate, Highlighting Concerns Over Constitutional Integrity and Social Implications



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New Delhi- The Supreme Court, on August 1, allowed states to sub-categorize Scheduled Castes (SC) and Scheduled Tribes (ST) reservations, aiming to address backwardness and promote social and moral justice. However, the judgment sparked a heated debate on its implications for social justice and affirmative action, drawing sharp responses from various stakeholders. In protest, a coalition of Dalit and Adivasi organizations led a nationwide strike on August 21, arguing that the verdict was regressive and would dilute the effectiveness of reservations.

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Delivered by a seven-judge bench with six judges in favor and one dissenting, the judgment overturned the 2005 E.V. Chinnaiah v. State of Andhra Pradesh ruling, which had held that all Scheduled Caste groups under Article 341 were a single homogenous entity. The recent ruling, however, supports the creation of sub-categories within SC and ST groups.



Bahujan Communities Announce Bharat Bandh on August 21 in Protest of Supreme Court's SC/ST Sub-Classification Ruling

Rajendra Pal Gautam, a former minister in the Delhi government, criticized the judgment, stating that it is "unconstitutional" and politically motivated. He argued that the verdict was not genuinely driven by a concern for social justice. "SCs and STs are not just socially and educationally backward; they have historically faced untouchability, were denied access to education, and were barred from owning property or engaging in trade. This judgment overlooks these historical injustices and goes against the spirit of reservations. The government must first address the unfilled SC and ST vacancies in public sector jobs before moving forward with any sub-classification," said Gautam.

A 2023 report from the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes revealed that SCs and STs are significantly underrepresented in higher government posts, with many vacancies remaining unfilled. Gautam further criticized the portrayal of the verdict as groundbreaking by mainstream media, lawyers, and politicians. "The introduction of the 'creamy layer' concept in SC and ST reservations is neither revolutionary nor landmark, as upper-caste groups claim. We have challenged it and filed a review petition

against it,” he added.



Black Day for Dalit and Adivasi Communities! Activists and Academics Decry Supreme Court Ruling on SC-ST Sub-Classification

Sonal Narayan, a research scholar in the Hindi Department at Maulana Azad National Urdu University (MANUU), raised concerns over the Supreme Court's ruling, arguing that it contradicts the Constitution and undermines the rights of marginalized communities. "SC and ST communities have faced systemic marginalization for decades. Since independence, governance, administration, and education have been dominated by so-called upper castes, leaving the majority of the population far from securing such positions," Narayan said.

Narayan emphasized that despite the implementation of reservation policies, proper enforcement remains a significant challenge. "Reservation guidelines are often disregarded and manipulated, preventing true social progress and justice," he stated. Addressing the Supreme Court's assertion that some individuals within the SC and ST communities have achieved better economic status, Narayan countered, "The right to reservation was not introduced merely for economic equality but for achieving social and cultural equality, which has not been fully realized. These communities still face humiliation because of their caste. In this context, the decision is clearly anti-people and unconstitutional."



Know Which Dalit Communities Opposed the Bharat Bandh in Rajasthan and Why They Believe the Supreme Court's Decision is Justified

Dhananjay, the president of the JNU Students' Union, criticized the lack of caste-specific data on income, assets, and land ownership, which, he argued, rendered the judgment ineffective. "The sub-categorization of SC and ST reservations is

illogical and unjustifiable," he said, questioning the criteria on which the Supreme Court and the government are proposing such divisions. He stressed the need for a caste census to identify groups that have not fully benefited from existing reservations and require further support. "A caste census is essential to address discrimination, backwardness, and ensure social and moral justice for marginalized communities. Increasing the total reservation cap from 50% to 65% is the only solution to uplift the more backward groups within these communities," Dhananjay added.

"Sub-classification may be necessary if, in the future, census data reveals that certain castes have benefitted more and face less caste-based discrimination and exclusion. The Supreme Court has previously stated in the Maratha and Jat cases that there is insufficient empirical data. Now, it is doing the contrary by making a decision without sufficient data on sub-castes or sub-tribes, which I believe is unconstitutional," said Mhaskar in an interview with The Wire.

In response to growing concerns about the introduction of a creamy layer within SC and ST reservations, the Union government clarified that there are no plans to implement such exclusions. INDIA Bloc parties also opposed the sub-classification of reservations for SCs, supporting the August 21 nationwide shutdown called by Dalit parties protesting against the Supreme Court ruling. Earlier, NDA allies and Union Ministers like Chirag Paswan (LJP) opposed the sub-classification judgment, stating that his party would appeal the decision.

The Supreme Court's ruling on sub-categorization has opened a complex and contentious debate about the future of reservations in India. While some view it as a necessary step toward greater social justice, others see it as an unconstitutional move that could further marginalize already vulnerable communities. The focus now shifts to how the government and judiciary will navigate these challenges in the coming months.

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