

Society

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

*SC and ST communities are voicing profound discontent and criticism over the Supreme Court's ruling, perceiving it as an unjust move to erode their reservation rights and exacerbate social divisions, with similar sentiments echoed widely across social media platforms.*



Geetha Sunil Pillai X

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**New Delhi-** In the wake of the Supreme Court's recent landmark ruling allowing the sub-classification of Scheduled Castes (SCs) and Scheduled Tribes (STs), a strong wave of opposition has emerged from community members, academics, and activists. Critics are denouncing the decision as unfair and divisive, with many calling it a "black day" for SC and ST communities.

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The community members are voicing profound discontent and criticism over the ruling, perceiving it as an unjust move to erode their reservation rights and exacerbate social divisions.

The ruling, which permits states to categorize SCs and STs based on varying levels of backwardness, has sparked significant backlash. Arvind Kumar, Assistant Professor at Royal Holloway, University of London, criticized the judgment as an unconstitutional change, arguing that such changes should be made through Parliament rather than judicially. Kumar expressed concern that the judiciary is overstepping its bounds, effectively altering the Constitution's fundamental provisions.

Subhajt Naskar, Assistant Professor at Jadavpur University, labeled the decision a "black day" for SC and ST communities. He warned that sub-classification could lead to a significant increase in perpetual vacancies within SC and ST posts, undermining the very intent of reservation policies.

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Naskar further criticized the Supreme Court for approving the Economically Weaker Sections (EWS) legislation while excluding SC, ST, and OBC communities from its benefits, accusing the Court of hypocrisy and failing to uphold diversity and moral principles.

Hemlata Mahishwar, member of the Akhil Bhartiya Dalit Lekhika Manch and

Professor-JMI stated, " Under the Hindu Varna system, Dr. Ambedkar grouped various sub-castes into one category and we are learning to unite on a constitutional basis. It seems that the government is not happy with our unity, so the honourable Supreme Court has again started adopting the policy of 'divide and rule'."

Hansraj Meena, Tribal Rights activist from Rajasthan and founder of the Tribal Army, condemned the ruling as being driven by "divide and rule" prejudices. He warned of potential large-scale protests similar to those seen on April 2, 2018, if the government proceeds with the sub-classification policy. Meena highlighted that none of the seven judges on the Constitution Bench that delivered the ruling were from SC or ST backgrounds, which he argued reflects a lack of understanding and empathy towards these communities.

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Dr. Jitendra Meena, spokesperson for the Bharat Adivasi Party, stated, "The upper-caste judges of the Supreme Court have effectively challenged the decisions made by the Constituent Assembly. The reservation for SCs and STs was established during the Constituent Assembly meetings, and backwardness was the basis for reservation according to the AK Chanda Committee in 1967-68. Is the AK Chanda Committee now being elevated above the decisions of the Constituent Assembly? The Supreme Court seems to be attempting to overturn the Constituent Assembly's decisions. This move appears to be an attempt to create division, as poverty should not be used as a basis for tribalism and discrimination."

Assistant Prof Dr. Rehana Raveendran, in a post on social media platform X, expressed concern that the ruling would reverse the progress made in representation for SCs and STs in education and employment. She criticized the Indian judiciary for perpetuating social inequality by endorsing reservations within reservations while remaining silent on the disproportionate representation of upper castes.

Mayank Yadav, a practicing lawyer at Delhi High Court said, " The concept of creamy layer was not devised by the Constituent Assembly. Incorporation of it is purely a case of judicial activism or better call it judicial over reach. The task of the Supreme Court is to interpret Law, not to legislate." He further adds, " Creamy layer was never envisaged by Constituent Assembly. The judgement is bad and must be reviewed. Interestingly, Justice Nath was also part of the Vivekanand Tiwari judgement of Allahabad HC which diluted reservation in Universities, ultimately overturned by the Parliament after protests."

Viraj Vardhan, a law student from Allahabad University termed the decision as "the most terrible attack made on SC ST reservation. Now everyday if someone does not like something about reservation then he will go to Supreme Court and file a petition. The root of reservation has been weakened."

Founder of Bahujan Sahitya, activist Rajat Maurya stated, " This decision has been taken to divide SC/ST. Now it remains to be seen what will be the stand of those doing Ambedkarite politics on this. The decision which makes Brahmins, Banias and Kshatriyas happy will definitely prove harmful for SC/ST."

Social activist and writer Dr Laxman Yadav also took to X to express his opinion on the judgement. In a post he wrote: Reservation is not a poverty alleviation programme. Economic criteria are not included in the reservation given to SC, ST and OBC. Then the Supreme Court judges are giving their verdict against the basic spirit of the Constitution by linking the economic aspect to reservation. This should be reconsidered. On what basis will this division take place without caste census? It is not only the people in power who are against caste census. Such people are sitting in many big autonomous institutions, who are hell-bent on destroying reservation by changing its basic spirit. This should be strongly

opposed.

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