BLOGS

States Can Now Make Sub-classifications in SC, ST for Reservation in Admission and Public Jobs: Supreme Court

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Can the State Government make sub-classifications in SC and ST for grant of reservation in admissions and public jobs?

The Supreme Court has ruled in affirmative empowering the states governments to make such sub-classifications in SC and ST groups.

A seven-judge panel of the Supreme Court, led by Chief Justice of India D.Y. Chandrachud, delivered a majority ruling that overturned the 2004 ruling given in **E.V. Chinnaiah v. State of Andhra Pradesh**.

This previous verdict had established that State Legislatures are not permitted to create subcategories within the Scheduled Castes for the purpose of providing reservations in education and government employment.

Does this verdict infringe upon the President's power to designate SC under Article 341 of the Indian Constitution?

Article 341 gives the President the initial authority to designate Scheduled Castes, with any changes thereafter requiring parliamentary approval.

Per **Article 341(1) of the Indian Constitution**, the President of India, after consulting with the Governor of a state, specifies the castes, races, or tribes or parts of or groups within castes, races, or tribes which shall be deemed to be Scheduled Castes in relation to that state or union territory. This notification is made through a public announcement.

The ruling does not infringe upon the President's exclusive power under Article 341 to designate Scheduled Castes. Chief Justice Chandrachud stated that the Scheduled Castes do not constitute a uniform group and that states have the authority to recognize varying levels of discrimination or

backwardness among Scheduled Castes and allocate enhanced benefits to specific sub-classes.

Is there any check on this power to sub-classify SC and ST for quota?

The Supreme Court ruled that sub-classification of castes within the Scheduled Castes should be determined by the extent of their discrimination. States can carry out this sub-classification by collecting empirical data on their representation in government employment and educational institution admissions.

This power to sub-classify is also subject to judicial review thereby placing a check on whimsical application of the power.

Dissenting Opinion in the Case

Justice Trivedi authored the only dissenting opinion in the case. In her detailed dissent, Justice Trivedi contended that once a caste meets the criteria for inclusion as a Scheduled Caste (SC) and is granted SC status through a Presidential notification, it should be considered a unified and homogeneous group.

She argued that further sub-classification within this group is not permissible. Justice Trivedi emphasized that the integrity of the SC classification must be maintained, as the original designation by the President is intended to be comprehensive and inclusive without further internal divisions.

In a separate opinion, Justice B.R. Gavai highlighted that the court was confronted with the complex issue of ensuring equality among groups that are inherently unequal. Justice Gavai also expressed his opinion that the State should develop a policy to identify and exclude the “creamy layer” within the Scheduled Castes (SC) and Scheduled Tribes (ST) from affirmative action benefits. He believes this approach would ensure that the intended advantages of these programs reach the most disadvantaged members of these communities.

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