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1. Sub-classification of SC, ST**Why in News?**

In a landmark judgement, a seven-judge Bench of the Supreme Court reframed how the Scheduled Castes (SC) and Scheduled Tribes (ST) quota may operate — for the very first time since reservations were introduced in the Constitution in 1950.

In a 6:1 ruling, the Bench headed by Chief Justice of India D Y Chandrachud permitted states to create sub-classifications within the SC and ST categories for the purpose of according wider protections — through fixed sub-quotas — to the most backward communities within these categories. This overturns the apex court's 2004 decision in *E V Chinnaiah v State of Andhra Pradesh*, in which it had held that the SC/ST list is a "homogenous group" that cannot be divided further.

The ruling had six separate opinions — five in favour of sub-classification, and a lone dissent by Justice Bela Trivedi.

Judge verdicts for permissibility of States sub-classifying Scheduled Castes

● State SC sub-classification is permissible

● Not permissible



CJI D.Y. Chandrachud



B.R. Gavai



Vikram Nath



B.M. Trivedi



Manoj Misra



Pankaj Mithal



S.C. Sharma

Background

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 Chinnaiah*.

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. Article 341 only empowers the President to issue such a notification, and Parliament to make additions or deletions to the list. The court also said that sub-classifying SCs violates the right to equality under Article 14.

Based on this ruling, in 2006, the Punjab & Haryana High Court in *Dr. Kishan Pal v State of Punjab* struck down the aforementioned 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.

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 Chinnaiah* 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 Chinnaiah*, comprised five judges, a seven-judge Bench heard the issue in February 2024. Here are the key issues which were before the Bench.

Issue 1: Are all castes in the SC list to be treated similarly?

Article 341(1) of the Constitution gives the President the power to "specify the castes, races or tribes" in a state, which shall "for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union territory, as the case may be". Following such a notification, Article 341(2) states that only Parliament can include or exclude "any caste, race or tribe" from the list of SCs.

The court in *E V Chinnaiah* held that SC must be treated identically since the Constitution envisaged the same benefits for them, without taking into account their individual relative backwardness. In recent judgement, CJI Chandrachud rejected this premise, stating that "The inclusion [in the Presidential list] does not automatically lead to the formation of a uniform and internally homogenous class which cannot be further classified".

The CJI termed the Presidential list of SCs a "legal fiction" — something that does not exist in actuality but is "treated as real and existing for the purpose of law". A Scheduled Caste is not something that existed before the Constitution came into force, and is recognised so that benefits can be provided to communities in the list. CJI Chandrachud said this legal fiction cannot be "stretched" to claim that there are no "internal differences" among SCs.

Issue 2: Can states 'tinker' with or sub-classify the Presidential list?

Articles 15(4) of the Constitution gives states the power to make "any special provision" for the advancement of SCs. Article 16(4) gives states the specific power to provide "reservations of appointments or posts in favour of any backward class of citizens which...is not adequately represented in the services of the State".

The court, in *E V Chinnaiah*, had held that the power under these articles was limited to providing quotas in education and public employment to the state's backward classes. It held that once reservations have been provided to SCs as a whole, "it is not open to the State to sub-classify a class already recognised by the Constitution and allot a portion of the already reserved quota amongst the State created sub-class" within the SC list.

In recent judgement, the majority opinion held that "the State in exercise of its power under Articles 15 and 16 is free to identify the different degrees of social backwardness and provide special provisions (such as reservation) to achieve the specific degree of harm identified".

Justice Gavai said that equality of opportunity (Article 16) must account for the varying social positions of different communities. When the same opportunities are provided to SC communities that are on different footings it "can only mean aggravation of inequality".

On the subject of SC communities that oppose sub-classification, he said that their "attitude" is akin to "that of a person in the general compartment of the train. Firstly, the persons outside the compartment struggled to get into the general compartment. However, once they get inside it, they make every attempt possible to prevent the persons outside such a compartment from entering it".

Issue 3: What is the yardstick for sub-classification?

The majority opinion drew stringent redlines for states on how to work out the sub-quotas. States will have to demonstrate a need for wider protections, bring empirical evidence, and have a "reasonable" rationale for classifying sub-groups. This reasoning can be further be tested in court.

The CJI underlined that any form of representation in public services must be in the form of "effective representation", not merely "numerical representation". As a result, even if an SC community is represented adequately just by the numbers, they may be barred from achieving

"effective" representation by being promoted to higher posts. So the state must prove that the "group/caste carved out from the larger group of Scheduled Castes is more disadvantaged and inadequately represented, and this must be based on quantifiable data".

Issue 4: Does the 'creamy layer' principle apply to Scheduled Castes?

Only the opinion of Justice Gavai bats for introducing the 'creamy layer' exception for SCs (and STs) that is already followed for Other Backward Classes (OBCs). This concept places an income ceiling on reservation eligibility, ensuring that the beneficiaries are those in a community that need quotas the most.

Four of the seven judges — Justices Vikram Nath, Pankaj Mithal and Satish Chandra Sharma — agreed with Justice Gavai's opinion on the matter.

Relevance: GS Prelims & Mains Paper II; Governance

Source: Indian Express

2. State by state, prominent tribal & Dalit communities

Scheduled Castes & Scheduled Tribes Population:		
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Scheduled Castes :	166,635,700	16.2%
Scheduled Tribes :	84,326,240	8.2%
Scheduled Castes		
State with highest proportion of Scheduled Castes	Punjab (28.9 %)	
State with lowest proportion of Scheduled Castes	Mizoram (0.03 %)	
UT with highest proportion of Scheduled Castes	Chandigarh (17.5%)	
UT with lowest proportion of Scheduled Castes	D & N Haveli (1.9%)	
District with highest proportion of Scheduled Castes	Koch-Bihar (50.1%)	
District with lowest proportion of Scheduled Castes	Lawngtlai Mizoram (0.01%)	
Scheduled Tribes		
State with highest proportion of Scheduled Tribes	Mizoram (94.5 %)	
State with lowest proportion of Scheduled Tribes	Goa (0.04 %)	
UT with highest proportion of Scheduled Tribes	Lakshadweep (94.5 %)	
UT with lowest proportion of Scheduled Tribes	A & N Islands (8.3 %)	
District with highest proportion of Scheduled Tribes	Sarchhip, Mizoram (98.1%)	
District with lowest proportion of Scheduled Tribes	Hathras, Uttar Pradesh (0.01%)	

MAHARASHTRA

More than three dozen SC communities; Mahar and Matang are most prominent. Mahar are socio-politically proactive, with comparatively high literacy. Large numbers followed Dr BR Ambedkar in embracing Buddhism in 1956. Matang are the second largest SC community; majority are Hindu.

Gond, who live in Vidarbha, especially in Gadchiroli and Chandrapur districts, and Bhil, who are concentrated in North Maharashtra districts of Nandurbar, Nashik, and Dhule, are two largest tribes.

RAJASTHAN

59 SCs in State List; Meghwal is largest SC community, spread across the state, but mainly in border districts of Bikaner, Jaisalmer, Barmer, Jodhpur. Bairwa and Jatav are dominant in eastern Rajasthan.

Meena are most dominant tribe; influence electoral outcome in dozens of Assembly seats. Community has significant presence in police and bureaucracy countrywide. Bhil, some of whom do not consider themselves Hindu, are dominant in Banswara and Dungarpur districts, and have of late rallied behind a new tribal party.

ODISHA

Tribals are 22.85% of state's population and 9.17% to India's tribal population (2011 Census). State has 62 tribes and 13 other primitive tribes. Khond are numerically largest; live mostly in southern Odisha districts of Rayagada, Kandhamal, Kalahandi, Koraput. Santal are second largest tribal group, followed by Gond.

93 SCs in state; 17.13% of total population (2011). Pan are dominant SC community, followed by Dom. Other SC communities include Dhoba, Ganda, Kandra, Bauri.

CHHATTISGARH

STs are more than 30% of state's 2.55 crore population (2011). Gond are most dominant of the 43 tribal communities; constitute almost 55% of tribal population. Kavar/ Kanwar (over 11%) and Oraon (almost 10%) people are next.

As per the 2011 Census, 44 SC groups make up 12.7% of state's population. Largest group among the SCs constitutes more than 70% of the Dalit population, and is known by 16 different names, such as Bairwa, Raidas, etc.

MADHYA PRADESH

SCs are about 15.6% of state's population. Members of the largest Dalit group, which makes up more than 47% of the SC community's numbers, were traditionally leather workers and live across the state. The Balai, who live in the Malwa region, constitute about 12% of the state's SC population (2011).

STs are 21% of the population. The Bhil are the largest community, making up more than 39% of the tribal population. The Gond are the other large community, approximately a third of the state's ST population.

WEST BENGAL

Rajbanshi are largest SC group, comprising more than 18% of state's 21.4 million SCs (2011); can influence electoral outcomes in 20 Assembly seats in North Bengal. Matua are now the second largest SC group; they are mostly concentrated in North and South 24-Parganas, and in border districts like Nadia, Howrah, Cooch Behar, North and South Dinajpur and Malda. The Matua religion was founded by Harichand Thakur in the 19th century, who worked among the "untouchables". The third largest SC community are the Bagdi, who live mainly in Bankura and Birbhum.

GUJARAT

27 Dalit castes; Vankar, whose traditional occupation is weaving, make up around 35-40% of SC population in state, and lead other Dalit communities in education and jobs. Rohit, who are around 25-30% of the SC population, are the next most dominant SC community.

Bhil constitute almost 43% of the tribal population, and live mainly in the districts of Dang, Panchmahal, Bharuch, Banaskantha and Sabarkantha. Halpati, who live mainly in the southern districts of Surat, Navsari, Bharuch, and Valsad, constitute more than 6% of state's tribals.

ASSAM

Tribal population is 12.4% of total population (2011 Census). Fifteen recognised tribes in autonomous districts of Karbi Anglong and North Cachar Hills; 14 in rest of the state. Bodo are the largest tribe (35.1% of the tribal population) and politically most powerful. Karbi are the largest hill tribe and third largest tribe in state.

TRIPURA

19 recognised tribal communities make up more than 30% of state's population. Ancient Tripuri clan includes the Debbarma community, the erstwhile ruling dynasty of Tripura. There are 34 SCs in state, who make up almost 18% of the population (2011). SCs include the Das, Badyakar, Shabdakar, Sarkar, etc communities.

UTTARAKHAND

Thakur and Brahmin are around 55% of the population; OBC are about 18%, and SCs and STs together are just about 22% (2011). Harijan and Balmiki, both of whom follow Hindu religious practices, are the largest SC groups. The Jaunsari and Tharu are the two largest ST groups in the state.

Relevance: GS Prelims; Governance

Source: Indian Express

3. Why do landslides occur, and what triggered the tragedy in Wayanad?

Why in News?

The death toll from the series of landslides in Meppadi in Wayanad district had reached 276, with at least 240 people still missing. Some 200 people are injured.

Landslides are not considered to be as devastating as droughts, storms, or floods. They are also less studied because they are localised events. But their frequency is increasing as the effects of climate change intensify, and they are causing significant losses of lives and livelihoods.

How prone is India to landslides?

India accounts for about 8% of global fatalities due to landslides, and during the period 2001-21, landslides caused 847 deaths and displaced thousands.

Despite the significant number of fatalities however, landslides were not given enough importance in India until the 2013 Kedarnath landslide and floods.

The IIT-M team has developed a high-resolution India Landslide Susceptibility Map (ILSM) using machine learning models.



According to a paper published in IIT-M's Shaastra magazine, the ILSM shows that 13.17% of the country is susceptible to landslides, which is more than what was believed previously. And 4.75% area is considered "very highly susceptible".

Sikkim has the largest land area (57.6%) that is landslide-prone, while outside of the Himalayas, Kerala is the most vulnerable state with over 14% of its land mass in the "very high susceptibility" category.

In 2023, the Indian Space Research Organisation (ISRO) released a "Landslide Atlas of India", identifying the landslide hotspots around the country. Among the highly vulnerable areas in the atlas were the Himalayas and the Western Ghats.

What factors cause landslides?

Landslides are natural phenomena that usually occur in mountainous regions with steep slopes. During a landslide, large amounts of rock, boulders, loose mud, soil, and debris roll down slopes and hillsides, gathering great momentum and often taking vegetation or buildings along.

Landslides are seen as being caused by (i) conditioning factors and (ii) triggering factors.

CONDITIONING FACTORS are related to the soil topography, rocks, geomorphology, and slope angles, among other factors. These factors make some parts of the country more vulnerable to landslides than other parts.

TRIGGERING FACTORS are intense rainfall, and anthropological activities such as thoughtless changes of land use, road and bridge building, haphazard and unscientific construction, and large-scale destruction of forests.

How did these broad factors apply in the case of Kerala?

The cutting of trees to create plantations is contributing to landslides in Kerala.

Most of the landslides that are taking place in Kerala are around plantation areas, indicating another major triggering factor — agricultural activities such as monocropping, in which large, native trees, which hold the top soil to the bedrock, are cut down. These trees are being replaced by big plantation crops, such as tea and coffee, which have shallow roots.

Moreover, certain atmospheric conditions made the area vulnerable to very heavy rainfall in a small window, which increased the likelihood of landslides.

Indeed, two weeks of continuous rainfall, 50-70% above normal for this time, set the conditions for the disaster in Wayanad. This rain saturated the topsoil, and when a day of extremely heavy rain akin to a mini cloudburst followed, the landslide event was triggered.

Relevance: GS Prelims & Mains Paper III; Disaster Management

Source: Indian Express