

Q1

Supreme Court ruling on Sub category -
Action of SC and ST ensure fair
distribution of reservation benefit but
raises concern over fragmentation
within Communities. Critically examine
its Constitutional, social and political
implication 8M

Ans

Recently on 1st Aug 2024, SC
ruled in State of Punjab vs Davinder Singh
Case that State can Create Sub Categories
within the SC and ST.

IMPLICATION OF SUB CATEGORIZATION

a)

CONSTITUTIONAL

- PREAMBLE : fulfilling equality of opportunity insured in Preamble
- DPSP : aims to achieve Art 46

POSITIVE



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- ① Amendment: Subcategoryisation
require amendment in Art 15(4), 16(4).
- ② Passing of Bill: Any amendment Bill
require special majority in Both houses
which can be challenged..

(B)

SOCIAL

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- ① Social Justice: → Target Benefit to
those who need most

- ② Opportunities: → To provide equal chance
to most Vulnerable

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"Race to bottom" = Greatest race of
demand of reservation
eg: Maratha, Patel, Jaat

(C)

POLITICAL

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- ① Empowerment: Participation in
election of Lok Sabha, assembly.

- ② Inclusivity: Through Panchayats
(village, employment, job)

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- ① Identity Politics: Strength Caste
based Politics.

- ② "Cost of Exit": going to be perpetual



Policy of Sub Categorisation is Logical
Conclusion of equal protection of law
within Community and deserve
authority from ~~doctrine~~ of doctrine
of equality of opportunity

Q2 Should Caste Based Census be mandatory to ensure reservation policies are evidence based and equitable? Critically Analyze Necessity and role in policy formulation 8M

Ans "only what gets measured gets managed"

[Peter Drucker]

The above highlight necessity of collecting data on group of identities to address discrimination.

The Caste Based Census measure the count of economic status of family in urban or rural wise.. It gives empirical data about socio-economic of families in society.

Necessity of Census

Positive

Negative

- | | |
|--|--|
| i) Equitable distribution of resource | ii) Reinforce Caste system |
| ii) To improve historical injustice against marginalised | ii) <u>Domino effect</u>
↓
fueling demand of reservation |
| iii) To promote equal opportunity by identifying disadvantaged group | iii) Widen social division |

Role of Census

POSITIVE

NEGATIVE

- | | |
|--|--|
| i) Help policymaker to design policies | i) Create "race to bottom" for demanding reservation |
| ii) Opportunities to deprived section | ii) Reinforce of Caste based society |

While There are arguments for and against. It help to monitor effectiveness of affirmative policies. A inclusive approach can transform challenges into opportunities.

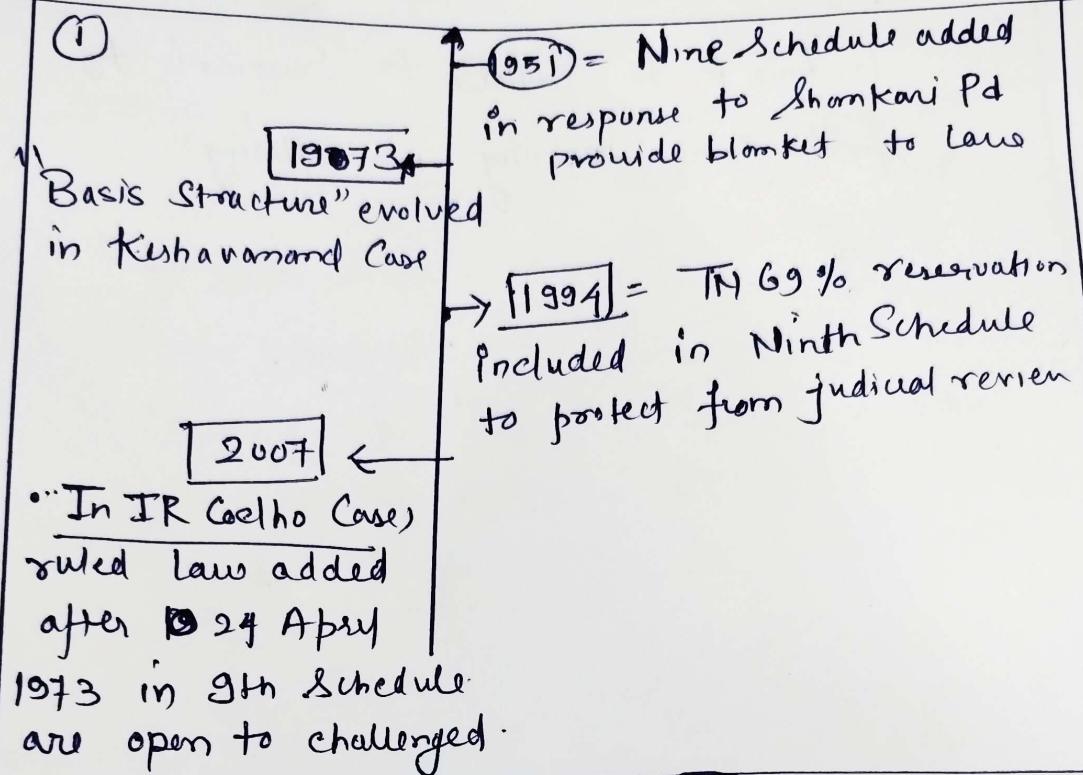
Q3

Tamil Nadu 69% reservation policy protected under Ninth Schedule faces renewed legal challenges. Discuss Validity of Ninth Schedule protection in light of judicial review and its implication for reservation policies. 8M

Ans Ninth Schedule provide shielding protection from judicial review. It was added through first amendment to protect Land reform Legislation.

JUDICIAL VALIDITY OF NINTH NINTH SCHEDULE :

In 1994, Tamil Nadu 69% reservation policy was included in Ninth Schedule through 76th Amendment.



IMPLICATION ON RESERVATION POLICY

- Open to challenge • Any policy added in 9th Schedule are subject to judicial review

If Can be declared Void if violate Basic Structure and fundamental right

- Restrict arbitrariness of government
It restrict ↓ State from making any policy without empirical evidence and reasoning.

Although 9th Schedule was inserted to promote social and economic justice. But with evolution of ~~the~~ time, government started using to blanket any law from judiciary Verdict in TR Coelho Case ensured maintaining balance between Legislation and judiciary.

Q4

Extending reservation to private sector is being considered to ensure social justice, but it raises concern about economic growth and meritocracy. Critically evaluate feasibility of implementing reservation in private sector employment in India 7M

Ans Indian Constitution has provided reservation in private educational institution under Art 15(5) for SCs, ST and socially/ educationally backward classes.

It aimed to ensure social and economic justice to deprived one's

Feasibility of Implementing Reservation in private Sector

Significance

- 1) equal opportunities : → aimed to bring all in same Level
- 2) promoting relative equal society : → good for "social Capital"
- 3) Right based empowerment and dignified life

Challenges

- 1) Ignorance to Meritocracy Project Critics argue to reservation in ~~but~~ institutions would lead to affect efficiency
- 2) Hampers Economic growth possibility of exclusion of "good Talent" from getting employment in Private sector, result in low Capital output

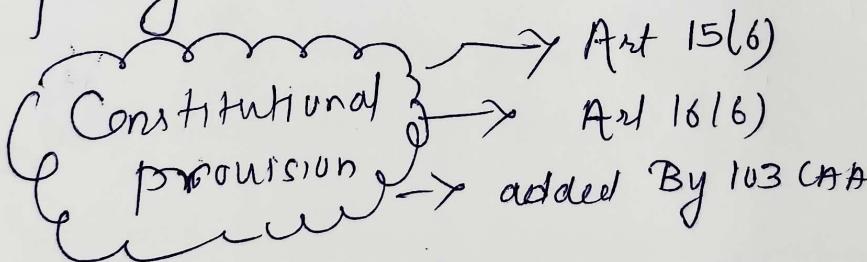
Reservation as policy has served well and many from Lower Caste asserted themselves. By providing reservation in Private Sector under art 15(5) would ensure equality of opportunity given in foreseeable.

Q5

The Introduction of EWS reservation has sparked debate over future of Caste based affirmative Action. Discuss whether economic criteria should replace Caste based reservation or if a hybrid model is necessary to ensure inclusive development. IM

Ans EWS Reservation is affirmative action of State, aimed to provide 10% quota from general Category on economic criteria of income below 8 lakh

per year



Is ECONOMIC CRITERIA JUSTIFIED FAVOUR 22

- 1) Provide Economic Justice
 - empowering weaker section economically
 - align with aspiration of Preamble



ii) ~~②~~ Welfare Society

- align with ↓ principle of DPSP -
- reducing poverty and improve MPI index
- eg 18.2% of general Category belong to EWS

iii) To Uplift weaker section

eg: poverty % =

Brahmin = 27%	Bihar Caste Survey
Brabmin = 26%	
Rajput = 25%	

T AGAINST

i) ~~No P~~ Violating Indra Sawhney Case judgement

- 50% quota Limit breached

ii) No Economic Criteria

- Original Constitution have only social and educational Criteria of reservation.

iii) No empirical data and statistics about economic status

IS HYBRID (SOCIAL + ECONOMIC) MODEL

JUSTIFIED 22

FAVOUR

- i) Preamble: To achieve social and economic justice
- ii) DPSP: Promote social and economic welfare

CHALLENGE

- i) POLITICAL GAIN
Gutias argue 3 reservation given on economic for political gain
- ii) Lack of clarity on economic criteria

The ultimate goal of Reservation is to establish a Casteless society. Can be ensured through inclusive growth, social & political and economic justice given in preamble.