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Q- The Supreme Court's ruling on sub-categorisation of SCs and STs ensures fair distribution of reservation benefits but raises concerns over fragmentation within these communities. Critically examine its constitutional, social and political implications.

Ans The Indian constitution provides affirmative action to SCs and STs to address historical injustice. The aim of sub-categorisation is to ensure reservation benefits the less privileged among SCs & STs.

Constitutional implications —

✶ Promotes equality before law (Art 14) and protects weaker sections (Art 16)

✶ However, Art 341 and 342 empowers that only President will identify and categorise the SCs and STs which limits the powers of state to identify the communities for reservation.

Social implications —

✶ Achieve constitutional goal of social justice by providing targeted benefits

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में केवल
प्रश्न संख्या
लिखें।

Specimen Booklet

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For Practice Purpose Only

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- ✶ Provides equitable reservation benefits
- ✶ May lead to further divisions and weaken their collective voice.

Political implications —

- ✶ May ~~amplify~~ identity politics
- ✶ It could be used to polarise votes
- ✶ May have domino effect

Sub-classification within SCs & STs is a progressive step towards achieving substantive equality. However, it should be backed by empirical data to ensure fairness and social justice.

More
Point !!

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Q-2. Should a caste-based census be mandatory to ensure reservation policies are evidence-based and equitable? Critically analyze its necessity and role in policy formulation.

Ans. A caste based census is crucial for accurate data on socio-economic status of various communities. It helps in ensuring better targeted policies. However, it also has some drawbacks.

Necessity and role —

✓ The data can be used to address social justice 22 then should be first print!!

✓ Address disparities and provides support to the group which are lagging on socio-economic development indicator.

✓ Accurate data ensures equitable allocation of resources

✓ Better representation and access to opportunities for marginalised groups

✓ Enables the state to address intra-group disparities

e.g., sub categorisation within OBCs

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Challenges

- * Amplify caste identities
- * Misused for electoral gains
- * Domino effect: Increased demands for reservation
- * Race to Bottom
- * Political ambition undermining data reliability

Caste-based census can improve targeted policymaking but it should be used effectively ensuring equality of opportunity and fair distribution.

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Q-3. Tamil Nadu's 69% reservation policy, protected under the Ninth schedule, faces renewed legal challenges. Discuss the validity of Ninth schedule protection in light of judicial review and its implications for reservation policies in India.

Ans. The Ninth schedule was introduced through 1st CAA, 1951 to protect land reforms from judicial review. However, in IR Coelho vs State of Tamil Nadu (2007) case SC said that laws under IXth schedule are not immune from judicial review.

Concerns with Tamil Nadu's reservation policy

↳ Exceeds the 50% cap set by Indira Sawhney case

↳ Affects the article 14 i.e., right to equality —

↳ SC says laws placed under IX schedule are subject to judicial review if violate of fundamental rights.

Implications for reservation policies in India —

↳ Judicial review ensures states do not exceed the 50% reservation quota.

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eg, Patna HC declared the 65% reservation
as unconstitutional

↳ Judicial review ensures reservation policies
adhere to Art 14, 15 and 16 without
violating the basic structure

↳ After IR Coelho case, laws cannot be
arbitrarily placed under IXth schedule to
avoid judicial scrutiny.

↳ Judicial review promotes a balance
between social justice and meritocracy

↳ Judicial scrutiny may encourage states
to focus on capacity building rather
than solely relying on quotas.

AB
A balance between protecting affirmative
action under Ninth Schedule and
upholding constitutional safeguards through
judicial review is essential to
promote social justice and rule of law.

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Q-4. Extending reservation to the private sector is being considered to ensure social justice, but it raises concerns about economic growth and meritocracy. Critically evaluate the feasibility of implementing reservations in private-sector employment in India.

Ans. Article 15 and 16 are the bedrock of positive discrimination in India. It provides reservation to socially and ~~educationally~~ economically weaker sections in govt jobs as well as educational institutions.

However, there is no mandate for reservation in the private sector.

Feasibility of reservations in private sector —

↳ Provides a level playing field for SCs, STs and OBCs in private sector jobs.

↳ May lead to more inclusive growth and promotes social cohesion.

↳ Reduces socio-economic disparities and provides job opportunities for marginalised groups.

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Concerns

- It may undermine merit
- May reduce competitiveness and efficiency
- Infringement upon the autonomy of organisations
- Policy may not be feasible in highly skilled sectors and could deter investments.

Reservations in private sector will lead to social justice. But there should be a balance between affirmative action and meritocracy.

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Q.5. The introduction of EWS (Economically Weaker Sections) reservation has sparked a debate over the future of caste-based affirmative action in India. Discuss whether economic criteria should replace caste-based reservations or if a hybrid model is necessary to ensure inclusive development.

Ans. The 103rd Constitutional Amendment Act provides for 10% reservation for Economically Weaker Sections (EWS). It provides reservation on the basis of economic condition rather than caste.

Balancing EWS reservation and Caste-based reservations —

* Caste based reservations aim to address historical justice while EWS reservation targets economic disadvantage irrespective of caste.

* EWS reservation ensures fairness for individuals of forward castes who needs affirmative actions while SCs, STs, OBCs still need support as there is persistent caste based discrimination in many regions.

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We need to adopt a hybrid model to ensure inclusive development. However, there are challenges —

✱ Conflict between caste based groups and ELs over reservation

✱ Reservation is not a poverty alleviation programme but a tool to address social and historical injustice

✱ Resource constraints make it harder to accommodate all eligible beneficiaries.

✱ Could lead to further divisions among society weakening social cohesion.

Hybrid model aims to address both historical injustice and economic inequalities. But it should be holistic and data driven ensuring no one is left behind.

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