

A Case for Introducing an Intra-Community Balancing Mechanism in Scheduled Caste Reservations

¹S.Sathishbalaji, ²Dr.C.Esther Buvana

¹PhD Research Scholar, ²Assistant Professor & HOD

Department of public Administration,

Government Arts College (Autonomous), Coimbatore, Tamil Nadu, India

¹Sathisbalaji@gmail.com, ²Estherbuvanac@gmail.com

Abstract—For centuries, rigid stratification under the caste system systematically excluded specific segments of society, cutting off foundational access to education, land ownership, and shared civic spaces. Post-independence India implemented vital constitutional remedies, including public sector quotas and protective legislation like the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. While these policies have driven significant social progression, an internal structural disparity has surfaced over time. Empirical realities show that the structural benefits of reservation are frequently consolidated among a secondary, generationally advanced elite within the Scheduled Castes, leaving the most vulnerable individuals at the absolute bottom of the pyramid underrepresented. This paper evaluates this internal asymmetry against historical contexts and landmark legal updates, including Indira Sawhney and the transformative 2024 State of Punjab v. Davinder Singh judgment. It proposes a targeted, status-based conditional filter focused on top-tier Union services and Group 1 and Group 2 cadres in the Tamil Nadu State Government to ensure equitable redistribution to first-generation aspirants without leaving allocated quotas vacant.

Keywords: Affirmative Action, Scheduled Castes, Creamy Layer, Sub-classification, State of Punjab v. Davinder Singh, Intra-community Equity, Public Sector Employment.

I. INTRODUCTION AND HISTORICAL CONTEXT

For over a thousand years, social stratification under the Varna and caste frameworks dictated everyday life across the subcontinent, keeping a specific group of people heavily marginalized. This structural segregation forced families into a cycle of deep socio-economic deprivations:

Severe Civil Restrictions: Total denial of access to local educational spaces, shared communal pathways, and public water bodies like village ponds.

Economic Destitution: Strict prohibitions against owning land or properties independently, which trapped individuals in unequal, forced-labor arrangements with virtually no real returns.

Social Degradation: Treatment that stripped communities of basic dignity, enforcing generational poverty and rendering their initial socio-economic standing deeply unequal compared to the rest of society.

Following independence, the government designed deliberate policies to dramatically reshape these living conditions. The state established dedicated constitutional provisions to provide quotas in higher education and government employment, aiming to balance the social scale. Alongside these opportunities, critical protective shields like the Prevention of Atrocities Act were enacted to stop exploitation and violence. Together, these legislative tools have undeniably generated positive shifts, paving the way for real upward mobility.

II. THE CONTEMPORARY DILEMMA: INTERNAL STRATIFICATION

Despite clear historical gains, a structural review reveals that the current execution of affirmative action has encountered a persistent obstacle. The core issue is that progress has not reached every corner of the community equally. Instead, a distinct internal disparity has formed, resulting in a dual problem:

Gaps in Advanced Opportunities: A vast portion of families at the grassroots level remain unaware of or entirely disconnected from entry points into competitive professional streams and elite institutions.

The Generation Loop: A relatively small group within the community has effectively climbed into highly stable, well-exposed societal positions. Because of this initial success, their children grow up with immense educational and environmental advantages, allowing them to claim reserved slots repeatedly. This creates a cycle where the lowest-income individuals at the bottom of the Scheduled Castes face a structural disadvantage against peers from families that have already achieved high-ranking administrative status. To prevent affirmative action from turning into an exclusive privilege for a self-perpetuating subset, we must treat it as a living policy—one that actively adapts to resolve real-world monopolies.

III. THE JUDICIAL EVOLUTION AND LEGAL MILESTONES

The legal debate over whether the state can sub-classify or introduce a status-based filter within the Scheduled Castes has a highly complex history in Indian jurisprudence. Key milestones illuminate this path:

3.1. Indira Sawhney v. Union of India (1992)

In this landmark ruling, the Supreme Court introduced the concept of the "creamy layer" to ensure fairness within Other Backward Classes (OBCs). However, the court explicitly chose not to apply this economic filter to the Scheduled Castes and Scheduled Tribes at the time, viewing them as uniquely homogenous classes defined by deep historical isolation.

3.2. E.V. Chinnaiah v. State of Andhra Pradesh (2005)

Here, the court strictly reinforced the absolute uniformity of the SC list under Article 341. It ruled that state governments had no legislative authority to split or sub-classify individual castes within the Presidential list for the purposes of distributing reservation benefits.

3.3. State of Punjab & Ors. v. Davinder Singh & Ors. (2024)

In a major shift, a seven-judge Constitution Bench overruled the E.V. Chinnaiah decision by a 6:1 majority. The bench recognized that Scheduled Castes are not a uniform block and that some sub-groups remain profoundly marginalized. Critically, multiple judges on the bench explicitly favored applying an internal "creamy layer" filter to SC/ST reservations to ensure that benefits finally reach the most vulnerable, first-generation applicants.

3.4. Annihilation of Caste by Dr. B.R. Ambedkar (1936)

This structural shift is deeply grounded in Dr. B.R. Ambedkar's core philosophy. In *Annihilation of Caste*, Ambedkar argued passionately for the complete eradication of social hierarchies and unequal power dynamics. Re-centering policy attention on the lowest tiers of a community directly supports this vision, ensuring that affirmative action works dynamically to dismantle inequality rather than allowing internal monopolies to solidify.

IV. THE PROPOSED POLICY: A CONDITIONAL STATUS FILTER

To dismantle this internal bottleneck, this paper proposes an operational framework: a Status-Based Conditional Filter targeting high-ranking administrative lineages within both the Union and State administrative apparatus.

4.1. Concrete Filter Benchmarks

The filter should rely completely on clear, verifiable occupational positions held by an applicant's parents, avoiding unstable income assessments. The filter would apply specifically to children of:

Higher Posts in the Union Government: All Group 'A' All India Services and Central Civil Services, including the Indian Administrative Service (IAS), Indian Police Service (IPS), Indian Revenue Service (IRS), Indian Foreign Service (IFS), and equivalent top-tier federal executive cadres.

Tamil Nadu State Government Cadres: High-ranking provincial administrative officers occupying Group 1 positions (such as Deputy Collectors, Deputy Superintendents of Police, and Assistant Commissioners of Commercial Taxes) and Group 2 executive positions recruited via the Tamil Nadu Public Service Commission (TNPSC).

4.2. The Safety Net Mechanism

To ensure this adjustment never dilutes overall community representation, the policy must operate under a strict, conditional system:

First Priority: During any hiring or admission drive, all reserved seats must be offered exclusively to candidates from non-elite, grassroots backgrounds.

The Empty-Seat Clause: If a recruitment cycle closes and specific reserved vacancies remain empty due to a lack of eligible candidates from the grassroots pool, the filter is temporarily lifted. Those remaining seats will immediately be filled using eligible applicants from the elite administrative background.

This exact mechanism guarantees that not a single reserved seat goes unfilled or gets reverted to the general pool, while establishing an active pathway for first-generation families to enter public administration.

V. CONCLUSION

Affirmative action remains a pillar of social justice in India, successfully breaking historic barriers across generations. However, to keep it relevant and powerful, policies must change as society changes. Introducing a status-based conditional filter for families that have secured top-tier bureaucratic positions balances the system perfectly. It protects the community's overall allocation while actively clearing the path for the most marginalized families, keeping the promise of true equality alive.

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