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EDITORIAL 01

Weakest first: On judiciary and sub-categorisation within a class

Allowing sub-quotas to least advanced among SCs deepens social justice

The jurisprudence of affirmative action has been evolving constantly. From a **notion** of formal equality rooted in a general principle of non-discrimination, it has reached a point where the aim is **substantive** equality. Reservation is no more seen as an exception to the equality norm, but as a deepening of the idea of equality by **embracing diversity** and accommodation of those suffering from historical and social disabilities. The latest Supreme Court judgment allowing States to classify Scheduled Castes (SC) into groups and give preferential treatment to the weaker and more backward among them is in line with this progression. By a majority of 6:1, the Court has rejected the idea that the SCs constitute a single homogenous class and that sub-classification will violate the equality rule. The verdict **dislodges** a 2005 Constitution Bench judgment (E.V. Chinnaiah vs A.P.) that had struck down an Andhra Pradesh law



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classifying SC communities into groups as unconstitutional. The Court had then ruled that once the President notifies the list of SCs under Article 341, Parliament alone could modify it by law, and that States were barred from “**tinkering**” with the list. This judgment was cited by the Punjab and Haryana High Court while **quashing** a preferential sub-quota for Balmikis and Mazhabi Sikhs within the SC quota. When the matter came to the apex court, a Bench doubted the correctness of E.V. Chinnaiah and referred the question to a larger Bench.

The majority verdict is based on a clear recognition that SCs do not constitute a homogeneous class. Under the Presidential List, they have a common constitutional status, but it does not mean that there are no differences in the extent of backwardness among them. A history of untouchability is indeed a common feature among them, but there is historical and **empirical** evidence that the level of advancement is not uniform. States are empowered to further identify the weaker sections among SCs and extend beneficial treatment. Four judges have taken the view that excluding the “creamy layer” among the SCs from reservation benefits is necessary to give full effect to the principle that the weakest should get the benefits of affirmative action and not be **elbowed** out by those more

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advanced than them. Applying the 'creamy layer' concept, **hitherto** confined to OBCs may not be easy. Justice B.R. Gavai, who writes in support of the exclusion of the better-off among the SCs, also notes that the creamy layer norms cannot be the same as those prescribed for the OBCs. The exclusion of the more advanced sections among Dalits was not an issue before the Bench, and the opinions may be non-binding as of now. While excluding the creamy layer may happen some day, the focus should be on the marginalised among Dalits getting adequate representation.

SUMMARY

The Supreme Court has ruled that Scheduled Castes (SC) do not constitute a homogeneous class and that sub-classification will violate the equality rule. The ruling, by a majority of 6:1, dislodges a 2005 Constitution Bench judgment that struck down an Andhra Pradesh law classifying SC communities into groups as unconstitutional. The majority verdict recognizes that SCs do not constitute a homogeneous class and that states are empowered to identify the weaker sections among SCs and extend beneficial treatment. Four judges have argued that excluding the "creamy layer" among SCs from reservation benefits is necessary to give full effect to the principle that the weakest should get the benefits of

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affirmative action. However, the exclusion of the more advanced sections among Dalits was not an issue before the Bench, and the opinions may be non-binding as of now.

Vocabulary

1. Embracing

Synonyms: Accepting, welcoming, enfolding, enveloping

Antonyms: Rejecting, denying, excluding, opposing

2. Substantive

Synonyms: Essential, fundamental, real, actual

Antonyms: Superficial, trivial, frivolous, ephemeral

3. Notion

Synonyms: Idea, concept, thought, belief

Antonyms: Reality, fact, truth, Certainty

4. Tinkering

Synonyms: Fiddling, tampering, tweaking, pottering

Antonyms: Repairing, overhauling, optimizing, streamlining

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5. Empirical

Synonyms: Practical, pragmatic, experimental, verifiable

Antonyms: Speculative, abstract, dogmatic, hypothetical

6. Dislodges

Synonyms: Removes, displaces, evicts, ejects

Antonyms: Secures, anchors, fixes, entraps

7. Quashing

Synonyms: Suppressing, Crushing, subduing, nullifying

Antonyms: Affirming, sustaining, validating, ratifying

8. Elbowed

Synonyms: Pushed, shoved, jostled, prodded

Antonyms: Guided, assisted, supported, ushered

9. Hitherto

Synonyms: Until now, so far, before, previously

Antonyms: Later, next, following, thereafter

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10.Diversity

Synonyms: Plurality, heterogeneity, multiculturalism, variety

Antonyms: Uniformity, Homogeneity, conformity, monotony

EDITORIAL 02

Stealing the vote: On the Venezuelan presidential election

Maduro seems to have resorted to irregularities to hold on to power

On Nicolás Maduro's watch, Venezuela's economy contracted 80% in less than a decade. Some 7.8 million Venezuelans fled from the economic hardships. If extreme poverty was at 11% in 2013, the year Hugo Chávez died and Mr. Maduro **ascended** to presidency, it now stands at 53%, while household poverty is much higher, at 82%, as per the UN. The oil-rich country had **witnessed** anti-government protests in recent years which were met with **crackdowns**. Before the July 28 presidential election, opinion polls showed that Edmundo González, the main opposition candidate, had a 20-point lead over the President. But none of these seemed



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to have mattered in the election, according to official results. Mr. Maduro won 51% of the vote, while Mr. Gonzalez secured 44%, said Venezuela's election authority. Mr. Maduro can now extend his rule for six more years. But the opposition has reported widespread irregularities in the counting, and **accused** the President and his allies in state institutions of **stealing** the vote. According to the opposition, its vote tallies show that Mr. González won some 7.1 million votes against Mr. Maduro's 3.2 million. Anti-Maduro protests broke out after the official results were announced. And the government is yet to release detailed voter data.

Mr. Maduro is not **singularly** responsible for the economic crisis. Chavez, a former tank commander who rose to power through elections, **defied** the liberal economic **orthodoxy** and built a new welfare state that was funded by oil revenues. By the time Mr. Maduro, who lacked his predecessor's **charisma**, came to power, falling oil prices had dealt a blow to Venezuela's economy. The sanctions by the Trump administration on the oil industry, pushed the economy to the brink of collapse. Mr. Maduro's response was to tighten his grip on power. His regime seemed helpless when Venezuela was gripped by **hyperinflation** and scarcity of essential goods and medicines. In the run-up to the elections, the

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government had promised a free and fair vote. But even before the campaign started, María Corina Machado, the opposition's most popular candidate, was banned from contesting. Mr. Maduro has rejected the opposition's claims of fraud after the vote, but he is also under pressure. The U.S. on Thursday recognised Mr. González as the winner and called for a peaceful transition. Even Mr. Maduro's leftist allies in Latin America, including Colombia and Brazil, have called for full and transparent voting data. Mr. Maduro now has the support of the military. But the deepening divisions at home and **isolation** abroad would continue to pose questions of legitimacy to his presidency.

SUMMARY

Venezuela's economy has contracted 80% in less than a decade under President Nicolás Maduro, leading to 7.8 million people fleeing and increasing extreme poverty to 53%. The opposition candidate, Edmundo González, won 51% of the vote, while Maduro secured 44%. The opposition accuses Maduro and his state institutions of stealing the vote, with González winning 7.1 million votes against Maduro's 3.2 million. Maduro is not solely responsible for the economic crisis, as Chavez defied liberal economic

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orthodoxy and built a welfare state funded by oil revenues. The US recognized González as the winner and called for a peaceful transition. Leftist allies in Latin America, including Colombia and Brazil, have called for full and transparent voting data. Maduro now has the support of the military, but deepening divisions at home and isolation abroad pose questions of legitimacy to his presidency.

Vocabulary

1. Ascended

Synonyms: Climbed, mounted, elevated, lifted

Antonyms: Descended, dropped, declined, plummeted

2. Charisma

Synonyms: Charm, magnetism, allure, affability

Antonyms: Coldness, blandness, insipidity, dullness

3. Witnessed

Synonyms: Observed, eyed, beheld, noticed

Antonyms: Missed, overlooked, unseen, hidden



4. Orthodoxy

Synonyms: Tradition, custom, convention

Antonyms: Dissent, rebellion, Liberalism

5. Singularly

Synonyms: Uniquely, particularly, distinctly, notably

Antonyms: Commonly, ordinarily, typically, usually

6. Hyperinflation

Meaning: Hyperation is an economic phenomenon where the general price level of goods and services in an economy increases exponentially and uncontrollably over a short period of time, rendering the country's currency nearly worthless.

7. Accused

Synonyms: Charged, blamed, alleged, impugned

Antonyms: Acquitted, cleared, vindicated, exculpated



8. Crackdown

Synonyms: Suppressin, clamp, crackup, repression

Antonyms: Relaxation, leniency, softening, easing

9. Stealing

Synonyms: theft, robbery, burglary, loot

Antonyms: Donating, giving, sharing, reimbursing

10. Defied

Synonyms: Challenged, opposed, rebelled, breached

Antonyms: Obeyed, complied, conformed, agreed

11. Isolation

Synonyms: Solitude, loneliness, segregation, quarantine

Antonyms: Connection, integration, Association, accessibility

