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FROM LEGIBILITY TO PROFILING: READING THE 2027 CASTE CENSUS THROUGH AMBEDKAR, GANDHI AND ROUSSEAU¹

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Abstract:

This paper examines the caste enumeration debate in India through a profound constitutional paradox: the democratic state must meticulously measure caste to eventually annihilate it. Anchored in the theoretical discord between Ambedkar's demand for state legibility and Gandhian-Rousseauian warnings over civic factionalism, the paper navigates the delicate boundary between achieving substantive equality and dangers of identity profiling. Driven by the judicial mandate for quantifiable data to justify affirmative action, states initiated their own independent socio-economic surveys to bypass the constitutional monopoly of the Union over conducting the census. However, this decentralised workaround revealed financial and bureaucratic unsustainability. Routine administrative social tagging, as recently condemned by the Allahabad High Court, could convert legibility into stigmatisation. Analysing the Union government's decision to officially include caste enumeration in the current census exercise, this paper argues that a centralised national dataset can help resolve these recurring federal frictions. Ultimately, the paper synthesises these competing visions by proposing a precise administrative compartmentalisation: utilising caste enumeration exclusively as a macro-level policy tool for social justice, while carefully preventing it from becoming a tool for identity profiling at the micro-level of administration.

Keywords: caste enumeration, state legibility, socio-economic survey, identity profiling, substantive equality, affirmative action.

Section 1: Introduction, Philosophical Context and Legal Reality

After a gap of nearly half a decade India is conducting its decennial census or *Jan Ganana*. However, the 2026-27 iteration has no longer remained a mere statistical exercise. With comprehensive enumeration of caste as its distinct feature, the contemporary debates

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surrounding the census reveal a foundational clash over the nature of constitutional identity and democratic statecraft. Since the 1951 Census, government has limited caste-based data collection to Scheduled Castes (SCs) and Scheduled Tribes (STs) and has intentionally omitted the headcount for the vast majority of other caste groups. This choice was made to foster a caste-neutral and human-centric constitutional order. However, as demands for affirmative action and targeted policy actions grew, this policy of institutional neutrality collided with the practical reality of the country. The resurgence of demands for counting Other Backward Classes (OBCs) and other sub-caste groups has also emerged. This has highlighted the persistent tension between the state's position of caste-neutrality and demands for distributive justice backed by empirical data.

It is demonstrated by scholars such as, Nicholas Dirks that colonial census operations did not merely record social categories; they codified and even hierarchised them into fixed bureaucratic classifications (Dirks, 2001, pp. 43-45). Any efforts to enumerate caste in the present must reckon with this imperial practice of categorisation which may have converted what were supposed to be fluid social structures into rigid administrative classification. At the same time, ignoring caste is not administratively sustainable and may hamper the justice aspirations.

In recent years, this debate has reached state legislatures. Because the central government hesitated for decades to collect broader caste data, individual state governments began taking matters into their own hands. This sparked federal friction over claiming constitutional authority to collect empirical caste data. The judiciary intervened but seemed to further strengthen the states' position by refusing to restrain state governments from collecting empirical data as it was needed to frame their welfare policies.

To resolve this constitutional impasse, one must first understand the irreconcilable philosophical visions of B.R. Ambedkar and Mahatma Gandhi, with Gandhi's unease regarding state identity closely echoing the classical political warnings of Jean-Jacques Rousseau. This paper traces the theoretical divide underlying how democratic states ought to treat group identity within the bounds of egalitarian constitutional principles, and asks what lesson it holds for state action today.

Thesis Statement: The contemporary debate over the Jan Ganana is more than a statistical dispute; it also represents a profound philosophical and constitutional clash. It reflects a tension between the Ambedkarite demand for structural legibility and a Gandhian fear that the unity of the republic is fractured by institutionalising caste identities. As recent state surveys and conflicting judicial mandates demonstrate, India's constitutional framework must now perform

a delicate balancing act between gathering macro-level empirical data for social justice without hierarchising identity in everyday civic life.

Section 2: A Theoretical Divide

A fundamental dilemma that has captured this entire debate stems from the philosophical divide on whether administrative codification of social divisions advances justice or deepens the crack already existing due to these social divisions. Before delving into the analysis of contemporary policy choices, this divide must be understood via opposing theoretical paradigms:

For Dr. B. R. Ambedkar, making social inequality visible was a prerequisite for social emancipation and thus achieving justice. Ambedkar recognised caste-discrimination as a system of “graded inequality” which cannot be dismantled through vague ideas of national assimilation (Ambedkar, 1936/1979a). In his seminal work *Annihilation of Caste*, Ambedkar wrote:

“Turn in any direction you like, caste is the monster that crosses your path. You cannot have political reform, you cannot have economic reform, unless you kill this monster” (Ambedkar, 1936/1979a, p. 47).

Looking from an Ambedkarite perspective, empirical enumeration of caste does not erase it, rather, it conceals it. Such enumeration, therefore, acts as a mechanism of democratic accountability, establishing the baseline data required for proportional affirmative action.

The theoretical framework pushing back against state-administered categorisation traces back to Rousseau who has criticised the creation of sub-national factions in *The Social Contract* (1762). The General Will emerges and governs the republic when citizens deliberate as a whole setting aside distinct sub-group. In Book II Chapter III Rousseau states:

"But when factions arise, and partial associations are formed at the expense of the great association... the result is no longer a sum of small differences, but a single difference; in this case there is no longer a general will" (Rousseau, 1762/1913, Book II, Ch. III).

Therefore, when the state classifies citizens into sub-groups, individuals view rights and governance not through ‘common good’, and the general will gets supplanted by particular wills.

Mahatma Gandhi echoed the same concerns in Indian Context by openly rejecting state-administered categorisation. While acknowledging deep-rooted flaws in the Indian society, Gandhi argued that moral transformation and community reconciliation must drive social reform to achieve Swaraj. In *Young India*, he expressed his preference for organic social harmony over bureaucratic structuring of society:

"I consider the four divisions alone to be fundamental, natural, and essential. The innumerable sub-castes are sometimes a convenience, often a hindrance. The sooner there is fusion, the better" (Gandhi, 1920).

Naturally, Ambedkar rejected this approach, and argued that marginalised groups ought to be made visible to achieve state legibility. Legibility simply refers to the state's capacity to map, measure and understand the social composition of its population. In his submissions before the Southborough Committee on Franchise, he advocated that minority groups and depressed classes must be systematically enumerated by the state to secure their proportional representation and constitutional rights. Without data, systemic exclusion cannot be identified and state cannot conduct a proper audit of its policies to achieve complete justice. (Ambedkar, 1919/1979b, pp. 243-278).

Section 3: Legal Mandate for Quantifiable Data

Theoretical stipulations for legibility voiced by Ambedkar found their expression in the constitutional framework through the evolution of Indian constitutional jurisprudence. The framers entrenched affirmative action mechanisms in Part III specifically through Articles 15(4) and 16(4) which enable and empower the state to formulate special interventions for the advancement of any "socially and educationally backward classes of citizens" (SEBCs) and ensure their adequate representation in public employment (India Const. art. 15, cl. 4; art. 16, cl. 4). What posed the difficulty was translating these guarantees into actionable policies. This created a profound administrative paradox: the guarantee cannot be actualised without first empirically proving backwardness, yet the exercise required to collect data to provide proof of this backwardness has been persistently resisted by the State. The Supreme Court resolved this legal impasse in the landmark ruling in *Indra Sawhney v. Union of India* (1993). The Court notably upheld the recommendations of Mandal Commission for a 27% reservation for Other Backward Classes (OBCs) but established rigorous evidentiary guardrails for classification of backwardness, strongly grounded in objective social and educational criteria rather than mere political assertions (*Indra Sawhney v. Union of India*, 1993). The Court imposed a 50% ceiling on total reservations, a cap that can only be breached in cases of extraordinary circumstances verified by credible data. Subsequent decisions reinforced this empirical approach across different dimensions of affirmative action jurisprudence. In 2006, the Supreme Court ruled that the state must collect "quantifiable data showing backwardness of the class and inadequacy of representation" (*M. Nagaraj v. Union of India*, 2006). In 2018, the Court further clarified that fresh data proving the backwardness of Scheduled Castes and Scheduled Tribes is unnecessary,

however, it retained the requirement for quantifiable data regarding their inadequate representation in specific cadres (*Jarnail Singh v. Lacchmi Narain Gupta*, 2018). In 2021, the Apex Court struck down Maratha reservation on the grounds that state's commission failed to provide credible quantifiable data to justify breaching the 50% reservation ceiling (*Jaishri Laxmanrao Patil v. Chief Minister*, 2021), thus reinforcing the necessity of empirical evidence to justify affirmative action. The cumulative effect of these judgments has been to enable a framework for state legibility, since courts are increasingly unwilling to accept historical assumptions or outdated colonial-era statistics as the empirical basis for contemporary affirmative action policies. Consequently, the need for a comprehensive caste enumeration is no longer a simple political strategy but has become a prerequisite for expanding legislative action.

Section 4: Federal Frictions & State Practices

The state governments found themselves in a difficult position: judicial precedents called for “quantifiable data”, while the Union continued its resistance to include caste enumeration in the national census. This left the states with a dearth of empirical evidence to sustain their localised targeted welfare initiatives and affirmative action frameworks. Eventually, it triggered significant federal friction, transforming the caste census debate into a constitutional conflict over the division of constitutional authority to conduct enumeration. Entry 69 of the Union List vests the power to conduct the census exclusively in the Union (India Const., Sch. VII, List I, entry 69), thereby excluding the states completely from conducting a formal census. However, in 1961 the Union declined to prepare a central list of backward classes, leaving states to compile their own lists, advising them to apply economic rather than caste criteria. The states were thus left to identify backwardness with no constitutional means to enumerate it. To fill this gap, state governments took recourse to Entries 20 (Economic and Social Planning) and 45 (Inquiry and statistics for the purposes of any of the matters specified in List II or List III) of the Concurrent List (India Const., Sch. VII, List III, entries 20, 45), supplemented by the Collection of Statistics Act, 2008.

That necessity was not abstract. When the Court struck down the Maratha reservation quotas, it confirmed that such state policies could not survive without verifiable empirical data to back them. Realising this, a number of states initiated their own enumeration exercises using their powers in the concurrent realm. They argued that they were conducting caste-based, socio-economic surveys to create better policies for disadvantaged groups. Most notable manifestation of this sentiment was seen in 2022-23 when caste-based survey was conducted

by the state government in Bihar. This exercise was challenged in the Patna High Court, which upheld the survey ruling that the state government is legally competent to collect empirical socio-economic data under the concurrent list and the 2008 Act, differentiating state's welfare-oriented survey from a Union census (*Youth for Equality v. State of Bihar*, 2023a). Subsequently, the Supreme Court also refused to grant interim stay on the publication of survey's data (*Youth for Equality v. State of Bihar*, 2023b). However, the final determination of the constitutional competence of states to conduct such surveys remain pending before the Supreme Court (Supreme Court Observer, 2024).

Comparable exercises were conducted in other states as well. In Karnataka, the report of the socio-economic survey, conducted in 2025, was submitted to the Chief Minister in May 2026. The 2025 survey was ordered after the earlier Kantharaj Commission report was set aside amid objections from Vokkaliga and Lingayat ministers (India Today, 2025; The News Minute, 2026). Telangana likewise conducted its own Socio-Economic, Educational, Employment, Political and Caste (SEEEPC) Survey, with its report officially being approved by the state cabinet in February 2025 (The Hindu, 2025). On the same day, the State Assembly unanimously adopted a resolution urging the Centre to conduct a comparable survey nationwide (Deccan Chronicle, 2025). A similar exercise was undertaken by state government in Andhra Pradesh in early 2024; although extensive data was collected, the report was withheld from publication at the time. Its findings were officially published by the government in 2026, reporting that backward classes constitute 50.59 per cent of the state's population (ETV Bharat, 2026).

Ultimately, this relentless pressure to map state demographics, combined with judicial hesitation to halt state surveys, prompted the federal policy shift. On April 30, 2025, the Cabinet Committee on Political Affairs officially approved the inclusion of caste enumeration in the National Census 2026-2027 (Press Information Bureau, 2025). This was operationalised in August 2026 when the Union Government formally notified the questionnaire for Phase 2 of the Census to officially record caste details for the first time since 1931 (The Economic Times, 2026).

These developments demonstrate that Ambedkar's demand for state legibility has proved unavoidable for modern governance. Where federal framework fell short, states devised their own mechanisms to gather empirical data but produced a patchwork of overlapping and unequal enumeration exercises. This lends weight to warnings articulated by Gandhi and Rousseau that once state begins to classify, the classification further multiplies.

Section 5: Pushback on Caste Entrenchment and Identity Profiling

There is a fine line between empowering marginalised groups and bureaucratically profiling them. While socio-economic data collected by the states is necessary for welfare allocation, institutionalising social markers (such as caste) in routine everyday governance converts tools for social justice into a mechanism of stigmatisation. It also highlights the problem with state legibility. The lesson taken from gaps in the 1961 Union directive and the 2011 Socio-Economic and Caste Census (SECC) serves as a crucial bridge to understand this problem. The (SECC) Census collapsed mainly because it relied on an unstructured, open-ended methodology which gave lists of unverified caste entries. It devolved into chaotic administrative profiling because it produced an unusable proliferation of caste categories. This attempt demonstrates that legibility turns into profiling when social identity is mapped without strict constitutional guardrails.

In September 2025, the Allahabad High Court came across one such situation while hearing a routine criminal petition. The court noticed a disturbing pattern of the state police recording the caste of the accused in the FIR, seizure memos, and standard court documents. The court condemned this practice as unconstitutional identity profiling. The bench also observed that unnecessary mentioning of a person's caste in criminal records reinforces prejudice and undermines constitutional morality. The High Court issued a sweeping ban on mentioning caste in official records, on motor vehicles and on public notice boards across Uttar Pradesh. However, the only exception the Court permitted was where a legal requirement existed, such as in cases filed under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (*Praveen Chhetri v. State of U.P.*, 2025).

This ruling perfectly captures the theoretical tension underlying the census debate. The Court actually invoked Ambedkar in justifying the ban in this case by quoting his warning that castes are anti-national because they bring about “jealousy and antipathy between caste and caste” (*Praveen Chhetri v. State of U.P.*, 2025, para. 10). However, this reliance on Ambedkar needs to be clarified: Ambedkar demanded state legibility to dismantle institutionalised inequality but not to administratively profile citizens. The facts of *Chhetri* supply empirical confirmation of Gandhi's and Rousseau's fear: that partial associations, however administratively convenient, fracture the General Will.

Section 6: Theoretical Synthesis and Conclusion

The perpetual debate over caste enumeration in India discloses a profound constitutional paradox: to eventually annihilate caste, the state must first measure it. But a policy of strict

caste-blindness also ignores historical disadvantage leaving systemic disparities intact. Achieving substantive equality requires an accurate mapping of real demographic composition. This is precisely why the Supreme Court calls for quantifiable data to justify affirmative action policies. The recurring friction between the Union and states over who maps these hierarchies is itself evidence that enumeration is a political issue rather than a mere statistical exercise. Ultimately, the resolution of this conflict requires reconciliation of two seemingly opposed theoretical visions: Ambedkar's demand for structural legibility and Gandhian-Rousseauian anxiety over civic factionalism.

In this peculiar conflict in order to create constitutional balance, Ambedkar's framework must take precedence at the macro-level. The state cannot erase an invisible hierarchy. The localised surveys undertaken by Bihar, Telangana, Karnataka and Andhra Pradesh proved that ignoring caste does not erase it; it merely affects the state's ability to implement welfare policies. Ambedkar posited that in a society like India which is afflicted by systemic inequality, substantive equality cannot be achieved without state legibility. And formal equality without demographic legibility is a tool of the privileged. Thus, caste enumeration is not an endorsement of the graded inequality but a diagnostic mechanism. So far it seems to be the only empirical mechanism available to fulfil the affirmative action promises under Articles 15 and 16 so they reach the genuinely marginalised rather than being captured by dominant political factions.

At the same time, the ad-hoc state-led surveys have shown that decentralised enumeration led to administrative and financial unsustainability. Conducting these massive, door-to-door socio-economic surveys puts a strain on the state treasury. Moreover, such exercises are notoriously prone to regional political volatilities. Clear instances of discarding of the Kantharaj Report in Karnataka (India Today, 2025) and the ongoing administrative issues with Andhra's official notification of survey data (ETV Bharat, 2026) show that frequently conducting such exercises can also prove detrimental to the cause.

In this context, the Union Government's decision to officially include caste enumeration in the upcoming Phase 2 of the Census 2027 represents a pragmatic course of action. A centralised national census would prevent financial drain through numerous and frequent state efforts. It offers the opportunity to establish a standardised dataset based on a rigorous methodology, avoiding the mistakes that rendered 2011 SECC data chaotic and completely unusable. A unified and authoritative national dataset would provide an empirical foundation for both Union and states to design sound welfare policies without squandering taxpayer resources.

Yet, as the country embraces this macro-level legibility, warnings of Gandhi and Rousseau

should not be forgotten. Gandhi's fear over ossification of social divides and Rousseau's fear that partial associations would fracture the General Will remain relevant if enumeration leads to everyday identity profiling. The Allahabad High Court's judgment in *Chhetri* perfectly illustrates the importance of this constitutional fine line.

The road ahead demands a precise administrative approach. Caste enumeration is practically necessary and constitutionally valid only when used as a macro-policy framework for social justice. It must not be allowed to enter the realm of micro-level bureaucracy for profiling citizens with their social tags in their interaction with the state. These social division markers should be confined to policy laboratories in order to destroy their effects, without letting these disrupt the administration of justice and civic life in the state. If this boundary is maintained, the present national enumeration can serve as the diagnostic instrument Ambedkar always hoped it would be.

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