



## **SUBSTANTIVE EQUALITY AND THE LEGITIMACY OF SUB-CLASSIFICATION: A CASE COMMENT ON STATE OF PUNJAB V. DAVINDER SINGH**

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**Sandra J Chirayil\***

### **INTRODUCTION**

Since its inception, India's reservation policy has been a subject of extensive discussions and debates, shaping perspectives and policies over time. In the state of Punjab & Ors. v. Davinder Singh & Ors,<sup>1</sup> the Supreme Court addressed a pivotal issue regarding the constitutional validity of sub-classification of Scheduled Castes for reservation. The seven-judge constitutional bench of the Supreme Court, led by Chief Justice DY Chandrachud, by a majority of 6:1 upheld the legality of sub-classification within scheduled castes. The judgment delivered by the apex court overruled its earlier decision in EV Chinniah v. State of Andhra Pradesh.<sup>2</sup> In Chinniah, the Andhra Pradesh Scheduled Castes (Rationalisation of Reservations) Act, 2000, which introduced sub-classification of Scheduled Castes into four groups, was challenged. The Constitution struck down the act as unconstitutional and observed that such classification violates Article 14<sup>3</sup> and Article 341<sup>4</sup> of the Indian Constitution. The judgment in Davinder Singh marks a pivotal moment in India's reservation discourse for three major reasons. First, it affirms that Presidential Notifications under Article 341(1)<sup>5</sup> can draw distinctions within Scheduled Castes. Second, it stresses that any such differentiation must be based on rational and based on empirical data that the favoured castes are truly underrepresented. Third, it brings Scheduled Castes and Tribes under the ambit of the creamy layer principle, but with criteria tailored differently from those applied to OBCs.

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\*BBA LLB (HONS.), FOURTH YEAR, GOVERNMENT LAW COLLEGE, KOZHIKODE.

<sup>1</sup> State of Punjab vs Davinder Singh (2024) INSC 562.

<sup>2</sup> E.V. Chinniah v. State of A.P (2005) 1 SCC 394.

<sup>3</sup> Constitution of India 1950, art 14.

<sup>4</sup> Constitution of India 1950, art 341.

<sup>5</sup> Constitution of India 1950, art 341(1).

## BACKGROUND AND FACTS

The Punjab Scheduled Caste and Backwards Classes (Reservation in Services) Act, 2006 was enacted by the Punjab state legislature to provide reservation for the members of Scheduled Castes and Backwards Classes in government services. Section 4(2) of the Act mandates that a reservation of 25% shall be made for the members of the scheduled caste and 12% for backwards classes. Additionally, section 4(5) stipulates that 50% of the reserved scheduled caste quota is to be offered to Balmikis and Mazhabi Sikhs as a preference. The Punjab and Haryana High Court struck down this provision as unconstitutional by relying upon the decision in *EV Chinniah v. State of Andhra Pradesh*.<sup>6</sup> The state preferred an appeal against this order by citing that the decision in *Chinniah* is inconsistent with the judgment of a nine-judge bench in *Indra Sawhney v. Union of India*.<sup>7</sup> Similarly, in 1994, the government of Haryana, for reservation, issued a notification classifying the Scheduled Castes in the state into Block A and Block B. The notification stipulated that 50% of the quota reserved for the Scheduled Caste was to be offered to candidates from Block A and the other 50% to candidates from Block B. The Punjab and Haryana High Court quashed this notification by declaring it unconstitutional by relying on the judgment in *Chinniah*. A Special Leave Petition was filed challenging the judgment of the High Court of Punjab and Haryana. Furthermore, the Tamil Nadu Arunthathiyars Act, 2009, was enacted by the Tamil Nadu state legislature for the purpose of providing reservation to the Arunthathiyars in educational institutions and in government services. Sections 3 & 4 of the Act mandate 16% of the quota reserved for SC shall be offered to Arunthathiyars in educational institutions and government services, respectively. The constitutional validity of this Act was challenged on the ground that it contravenes the ruling in *Chinniah*. All these challenges were tagged together for consideration.

## LEGAL ISSUES

- a) Whether sub-classification of the SC category is permissible under Articles 14, 15 & 16 of the Indian Constitution?
- b) Whether the SCs under Article 341 constitute a homogeneous class?
- c) Whether there are any limits on the scope of sub-classification?

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<sup>6</sup> *Chinniah* (n 2).

<sup>7</sup> *Indra Sawhney v. Union of India* (1992) Supp (3) SCC 217.

## ANALYSIS

**Permissibility of sub-classification:** The notion of sub-classification within the scheduled caste is constitutionally grounded on Articles 14,<sup>8</sup> 15<sup>9</sup> and 16,<sup>10</sup> which collectively emphasise the principles of equality, non-discrimination and affirmative action. The Supreme Court has clarified that Article 14 permits sub-classification within a broader class when the members of that class are not similarly situated under the law. For a valid sub-classification, there must exist an intelligible differentia that distinguishes one subgroup from another, and this classification must have a rational nexus to the object sought to be achieved by the statute. The Supreme Court in the State of Punjab v. Davinder Singh<sup>11</sup> revisited its earlier decision in EV Chinniah, which had held that the scheduled caste constitutes a homogenous group and cannot be subdivided. The court held that preferential treatment to subgroups within the scheduled caste does violate the constitutional provisions if it is done for the upliftment of marginalised groups. This judgment marked a significant step towards recognising that affirmative actions as instruments of substantive equality must be tailored to address the varying degrees of disadvantages within the marginalised groups.

**Heterogeneity of scheduled castes:** In EV Chinniah, the Supreme Court held that scheduled caste constitutes a homogenous class and cannot be subdivided. The judgment in EV Chinniah distinguishes its decision from Indra Sawhney,<sup>12</sup> which permits sub-classification among OBCs. The decision of the SC in EV Chinniah was revisited in Davinder Singh as the court observed that the scheduled castes do not form a homogenous class, either historically or empirically. The court emphasised that Article 341 is a mechanism for identification and it does not create an integrated, homogenous class. Scheduled castes comprise various castes with varying levels of backwardness among them, and treating them uniformly ignores the differences in their social and economic conditions. The court acknowledged substantive inequality within the scheduled castes and held that they form a heterogeneous class with varying degrees of disadvantages across different castes.

The court further clarified that Article 341(1)<sup>13</sup> does not create a deeming fiction that renders all the Scheduled Castes as a single class for all purposes. Instead, the President is empowered

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<sup>8</sup> Art 14 (n 3).

<sup>9</sup> Constitution of India 1950, art 15.

<sup>10</sup> Constitution of India 1950, art 16.

<sup>11</sup> Davinder Singh (n 1).

<sup>12</sup> Indra Sawhney (n 7).

<sup>13</sup> Art 341(1) (n 5).

to specify the groups to be recognised as Scheduled castes. This interpretation enables the acknowledgement of disparities within the Scheduled castes and legitimises sub-classification to ensure that more disadvantaged groups benefit from the affirmative action.

**Scope of sub-classification:** The purpose of sub-classification is to ensure substantive equality of opportunity for the backwards classes. The state is empowered to sub-classify based on the inadequate representation of the classes, provided the state gathers empirical data showing that such underrepresentation of a group is a result of its backwardness.

If the scheduled castes are not similarly situated under the law, Article 14,<sup>14</sup> 15<sup>15</sup> and 341<sup>16</sup> do not preclude the state from introducing sub-classification within the scheduled castes. If preferential or exclusive benefits are provided for any specific category within the scheduled castes, it may result in the violation of Article 341(2)<sup>17</sup> as it excludes others from benefits. Article 335<sup>18</sup> should not be construed as a limitation of powers under Article 16(1)<sup>19</sup> and 16(4);<sup>20</sup> it reaffirms the necessity of considering the claims of scheduled castes and scheduled tribes in public employment. The notion of administrative efficiency should be viewed in a manner that aligns with the principles of inclusion and equality as laid down in Article 16(1).<sup>21</sup> The court also observed that the state cannot reserve 100% of seats to any single sub-class within the scheduled caste, as this would lead to the violation of principles of fairness and equity. Also, the creamy layer doctrine acts as a constitutional check for ensuring that more privileged sections within the reserved categories are excluded from continued access to reservation benefits. Ultimately, the constitutional permissibility of sub-classification is narrowly defined yet firmly established, contingent upon demonstrable empirical foundations and adherence to proportionality. By enabling the State to recalibrate its affirmative action framework in response to intra-group disparities, the judiciary has endorsed a responsive and evolving vision of equality-one that privileges substantive outcomes over formalistic parity, and inclusivity over undifferentiated uniformity.

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<sup>14</sup> Art 14.

<sup>15</sup> Art 15.

<sup>16</sup> Art 341.

<sup>17</sup> Constitution of India 1950, art 341(2).

<sup>18</sup> Constitution of India 1950, art 335.

<sup>19</sup> Constitution of India 1950, art 16(1).

<sup>20</sup> Constitution of India 1950, art 16(4).

<sup>21</sup> Art 16(1) (n 19).

## CONCLUSION

The judgment in *State of Punjab v. Davinder Singh*<sup>22</sup> marks a landmark change in India's reservation system. The apex court, through its judgement in *Davinder Singh*, affirmed the disparities that existed within the marginalised communities and upheld the principle of fairness and equality by overruling the principle laid down in *EV Chinniah*. By validating sub-classification of the Scheduled Castes, the Supreme Court aligns the reservation framework with constitutional mandates. Departing from the precedent set in *EV Chinniah*, the court harmonises the affirmative action and makes sure that the most marginalised groups are not left behind. At the same time, the implementation of this ruling may pose practical challenges as it requires careful data collection and deep analysis of demographics in each state. It might be contentious and complex to determine which castes are underrepresented and to fix the cut-off to apply the creamy-layer test. But by mandating on objective evidence and a clear nexus to backwardness, the court has sought to impose constitutional constraints on arbitrary sub-classifications. Moreover, the Supreme Court, by prioritising substantive equality, has strengthened India's constitutional vision to uplift the marginalised sections of society.

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<sup>22</sup> *Davinder Singh* (n 1).