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## STATE OF PUNJAB AND ORS. vs. DAVINDER SINGH AND ORS. (2024)

*-Shafaq Gupta*

**Court:** Supreme Court of India

**Bench:** CJI D.Y. Chandrachud, Justices B.R. Gavai, Manoj Mishra, Vikram Nath, Bela M. Trivedi, Pankaj Mittal, Satish Chandra Sharma

**Statute involved:** The Constitution of India

**Petitioner:** State of Punjab, Director of Public Instructions, Gurbachan Singh

**Lawyers for petitioner:** Gurminder Singh (AG of Punjab), Shadan Farasat (AAG), Ajay Pal (AOR)

**Respondents:** Davinder Singh, Chamar Mahansabha, Lachman Singh

**Lawyers for respondent:** R. Venkataramani (AG), Tushar Mehta (SG), Naresh Bakhsi (AOR), Vipin Kumar (AOR), Tushar Bakshi (AOR)

**Judgement Delivered Date:** 01<sup>st</sup> August, 2024

**Ratio:** 6:1 (Dissenting opinion by Justice Bela M. Trivedi)<sup>1</sup>

### KEYWORDS

Scheduled Caste, Scheduled Tribe, Indra Sawhney, sub-categorisation, creamy layer, equality

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<sup>1</sup> Supreme Court Observer, <https://www.scobserver.in/cases/punjab-davinder-singh-validity-of-sub-classification-within-reserved-categories-case-background/> (last visited July 06, 2025)

## **FACTS OF THE CASE**

In 2006, Punjab government enacted the Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act<sup>2</sup> which reserves 25% and 12% seats respectively for direct recruitment to government services. The bone of contention in this Act was Section 4(5) which stipulated that 50% of the seats reserved for scheduled castes would be further reserved for Balmikis and Mazhabis Sikhs. Like this, there was sub-categorisation within reserved seats for a particular caste and they were given preference over others. therefore, constitutional validity of this Act was in question.

Similarly, Haryana government released a notification which classified scheduled castes into two groups – Group A (included 36 categories) and Group B (included only Chamars, Ramadasias and Ravidasias). 50% of the reserved seats for government jobs were to be filled from each Group A and B. On challenging it in Punjab and Haryana High Court, notification got quashed. Aggrieved by the HC judgement, an SLP got filed in Supreme Court.

Similarly, Tamil Nadu government enacted Tamil Nadu Arunthathiyars Act, 2009<sup>3</sup> which reserved 16% of seats reserved for scheduled casted to be specifically given to Arunthathiyars for employment in educational institutions. Its constitutionality was challenged before the court.

All the three petitions were clubbed in this case and considered jointly by the Supreme Court.

## **BACKGROUND OF THE CASE**

To understand this case in a better manner, we need to look at two very important judgements that shaped the law on reservation of seats for particular castes.

A nine-judge bench delivered the famous case of **Indra Sawhney vs. Union of India** <sup>4</sup>. In this particular case, 27% of the seats were reserved for Other Backward Classes (OBC's). But these reservation benefits were not available to people belonging to 'creamy layer' of OBC's. The criteria for identifying the creamy layer was released by Central Government in an Office

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<sup>2</sup> Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act, 2006, No. 22, Acts of Punjab State Legislature, 2006 (India)

<sup>3</sup> Tamil Nadu Arunthathiyars (Special Reservation) Act, 2009, § 3, No. 4, Acts of Tamil Nadu State Legislature, 2009 (India)

<sup>4</sup> AIR 1993 SC 477

Memorandum of 1993. Lastly, it had put a 50% of cap on reservation of seats for particular castes.

Secondly, the five judge bench case of **E.V. Chinnaiah vs. State of Andhra Pradesh (2004)**<sup>5</sup> which declared that Scheduled Castes and Scheduled Tribes constituted homogenous groups which cannot be further categorised. This judgment was bitterly criticized and even contended before the apex court in this case.

## ISSUEWISE ANALYSIS

The following issues<sup>6</sup> were framed and analysed in this case –

1. Whether sub-classification of scheduled castes for reservation is permissible by the Constitution of India?

Article 14 of the Constitution talks about equality before law. The underlying concept in this article is that like people should be treated alike and not discrimination must be there. Therefore, the Court ruled that the reserved classes can be further categorised if they are not similarly placed for the purposes of law. Real equality<sup>7</sup> must be there.

Moreover, the five judge bench judgement of E.V. Chinnaiah was **overruled** in his case. Not only OBC's but other castes can also be sub-categorised for affirmative action of social upliftment. Article 15(4) and Article 16(4) empowers the union and the state government to uplift these communities.

2. Whether scheduled castes constitute a homogenous group?

Based on historical and empirical data, the Court found out that Scheduled castes do not form a homogenous group. By virtue of Article 341 of the Constitution, the President just identifies them as a class that should be provided with constitutional benefits due to backwardness. It nowhere suggests that it necessarily considers them to be homogenous.

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<sup>5</sup> (2005) 1 SCC 394

<sup>6</sup>Manupatra Academy, <https://www.manupatracademy.com/assets/pdf/legalpost/state-of-punjab-and-ors-vs-davinder-singh.pdf> (last visited July 06, 2025)

<sup>7</sup> Dr. Devanshi Singh, *Revisiting sub classification of scheduled castes and scheduled tribes for affirmative action through judicial lens: Insights from State of Punjab v Davinder Singh*, 4(2), IJLJJ, 149, 5 (2024), <https://www.lawjournal.info/article/135/4-2-24-750.pdf>

According to CJI Justice DY. Chandrachud<sup>8</sup>, their backwardness must be accessed on the basis on 'inadequacy of effective representation' in proportion to their total population in the states. This would ensure equality in real sense which is based on real facts.

3. Whether states have the power to further classify the scheduled castes?

In this case, Supreme Court ruled that states have the power to further sub-classify scheduled castes based upon two conditions –

- There must be intelligible differentia
- Sub-categorisation must have some rational nexus with that intelligible differentia.

However, the states cannot reserve 100% of the seats for a particular sub-category within a reserved caste. It must be proportionate to the above conditions.

## JUDGEMENT

The Supreme Court pronounced the judgement in 6:1 majority by allowing sub-categorisation of Scheduled Castes by the States<sup>9</sup>. Out of the seven judges, only Justice Bela Trivedi presented a dissenting opinion that sub-categorisation violates Article 14 of the Constitution.

A few judges also opined that the concept of 'creamy layer' should also be applied to Scheduled castes to identify people who are actually in need of reservation. Otherwise, the ones who really need it are left behind and others take benefit of it.

## CONCLUSION

In the words of Dr. B.R. Ambedkar, scheduled castes and scheduled tribes were known as 'depressed classes' which needed social upliftment through affirmative action. In the above case, Supreme Court stood up to his expectations by allowing sub-categorisation of scheduled castes based upon empirical data. This would also help in eradication of caste system as those truly in need would be given benefits.

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<sup>8</sup> Baglekar Akash Kumar, *Creamy layer: A proper yardstick to determine backwardness within Scheduled Castes/Tribes*, Bar and Bench, ( Aug 29, 2024, 6:05 PM) <https://www.barandbench.com/columns/creamy-layer-a-proper-yardstick-to-determine-backwardness-within-scheduled-castes-tribes>

<sup>9</sup> Sneha Brigit Prince, *Case Commentary: State of Punjab and Ors V. Davinder Singh and Ors 2024 SCC Online SC 1860, 6, IJLLR, 821, 5 (2024)*, [https://3fdef50c-add3-4615-a675-a91741bcb5c0.usrfiles.com/ugd/3fdef5\\_f00299955d7b47a1a51075eea8a4cd77.pdf](https://3fdef50c-add3-4615-a675-a91741bcb5c0.usrfiles.com/ugd/3fdef5_f00299955d7b47a1a51075eea8a4cd77.pdf)

In my opinion, the Union and State governments should form a collective committee to assess the backwardness of various groups within these castes. Based upon that, a definite criterion for identifying the 'creamy layer' should be made by the legislature. These communities are more depressed than Other Backward Classes (OBC's) and hence, threshold must be lower than them. Through this judgement, judiciary has shed a new light on discourse of upliftment of socially and economically backward classes.