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## STATE OF PUNJAB v. DAVINDER SINGH

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### BRIEF CASE SUMMARY

#### Background Facts

The State of Punjab v. Davinder Singh<sup>1</sup> case is concerned with a policy and constitutional level issue on affirmative action on the Scheduled Castes (SCs) of India. The main issue was whether the State could give sub-classification within the Scheduled Castes for reservation benefits in public employment and education. In Punjab, as in most other Indian states, some Scheduled Castes within the wider Scheduled Caste community were relatively more prominent in receiving reservation benefits, while others were kept on the periphery even though they belonged to the same category. In order to set right the imbalance, the Punjab government issued notifications trying to sub-classify the Scheduled Castes so that the most backward of them would receive preferential treatment in reservation.

#### Procedural History

The sanctity of such sub-classification was challenged for the first time in the Punjab and Haryana High Court. The High Court overturned the notifications, heavily relying on the Supreme Court's previous judgment in *E.V. Chinnaiah v. State of Andhra Pradesh* (2004)<sup>2</sup>. In *E.V. Chinnaiah*, the Supreme Court Constitution Bench declared that Scheduled Castes constitute an indivisible class in terms of Article 341 of the Constitution<sup>3</sup>, and as such, no sub-classification between them can be attempted by the States. The High Court ruled that because the *E.V. Chinnaiah* judgment was binding, the State of

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<sup>1</sup> *The State of Punjab v. Davinder Singh* (2024) SCC OnLine SC 1860

<sup>2</sup> *EV Chinnaiah v. State of Andhra Pradesh* (2005) 1 SCC 394

<sup>3</sup> *The Constitution of India, art. 341*

Punjab was not entitled to institute such a sub-classification system. Being aggrieved by this order, the State of Punjab and other petitioners went to the Supreme Court.

### **What Provoked the legal challenge?**

The judicial challenge was prompted by State-policies issued in order to distribute reservation benefits more proportionately across various sub-groups of Scheduled Castes. Such policies were prompted by research and analysis indicating that most benefits were going to a few SC sub-castes at the expense of the relatively more marginalized sub-groups. These attempts at fair distribution, well-meaning though they were, collided with the legal hurdle of the E.V. Chinniah judgment that forbade any such discrimination within the SC category. This pitted constitutional morality, social justice objectives, and the judicial explication of equality and classification under Articles 14<sup>4</sup>, 15<sup>5</sup>, and 341 of the Constitution against one another. This dichotomy lay at the centre of controversy in Davinder Singh.

## **CONSTITUTIONAL AND LEGAL ISSUES**

### **Whether states can create sub classifications within SCs and STs**

At heart, the debate was whether a state could carve out sub-classes inside SCs or STs so that the deeper, hidden disadvantage of some members received its own share of reservation seats. Punjab argued that only by making such cuts could the most marginalised among SCs finally step fully into the rights promised by the Constitution. The Supreme Court reminded everyone in Davinder Singh that Article 16(4)<sup>6</sup> already permits a state to set aside posts for any backward class of citizens, and that clearly embraces SCs and STs. It added that quotas exist not as a prize but as a stepping-stone toward real equality, meaning the system must keep evolving if the ground itself ever changes. The Court sees states as giving different benefits or duties only to people who have already been lumped together, so it thinks the work is still squarely within the tried-and-true rules of affirmative-action law.

### **Whether such sub classifications violate Article 341 (Presidential List)**

Article 341(2) of Indian constitution states that the President shall notify any caste, race or tribe or the part of caste race or tribe to be included in the presidential list of Scheduled castes. When

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<sup>4</sup> *The Constitution of India, art. 14*

<sup>5</sup> *The Constitution of India, art. 15*

<sup>6</sup> *The Constitution of India, art. 16(4)*

it comes to sub- classification, the castes that have not progressed in comparison to the other castes are to be given preference. The same was seen in Jarnail Singh. Here the castes are not excluded from the list rather the castes that are more backwards are given preferential treatment. So it does not tinker with or violate article 341 in any ways.

### **Whether it conflicts with the Doctrine of Equality Under Article 14**

Article 14 provides 'equality before law' and 'equal protection of law' i.e. like people should be treated in a similar fashion. From the above discussion it is evident that SCs does not form a homogenous group which means they have to be treated in different manner.

In the case of State of Jammu and Kashmir v. Triloki Nath Khosa, there was an integrated class of both degree holder and diploma engineers. However, for a certain post only engineers having a degree could be promoted. This led to the challenge in the court by the diploma engineers that it violated article 14. However, it was held that, classification within a integrated category does not violate equality clause provided it is based on intelligible differentia and rationale nexus.

### **ARGUMENT OF THE PARTIES**

#### **Key Contentions by the State of Punjab**

Gurminder Singh, advocate general for the state of Punjab and Shadan Farasat made the following key contentions-

- Chinnaiiah considers preferential treatment under sub- classification as violative of article 14 rather it promotes substantive equality.
- In Chinnaiiah, intra disparity is acknowledged. But sub- classification which will remove the disparity is held unconstitutional.
- The state has the power to sub- classify under article 15(4) and 16(4).
- In Indra Sawhney case, the apex court recognised the internal differences.
- The scheduled castes do not form a homogenous group. It is the mandate of the state to ascertain the inadequate representation of the castes within the scheduled castes.
- Sub- classification is different from creamy layer concept. Creamy layer excludes 'individuals' based on their individualistic social progress. But

sub classification classifies a certain caste which is most socially backward.

- Once a caste is classified as scheduled caste, sub classification does not exclude it from the list.
- State legislature has the authority to make preferential treatment under entry 41 of list II and entry 25 of list III of seventh schedule.

### **Arguments Put Forward by Davinder Singh and Others**

- The President notifies the castes of scheduled castes under Article 341(1). Any changes to this list can only be made by parliament under Article 341(2) only and not the executive.
- After notification by the President, the heterogenous castes are considered homogenous by the deeming fiction of Article 341.
- The preferential treatment to certain castes within the broader category means that the other castes are excluded from it.
- Under seventh schedule entry 97 list I, only the Union is empowered to sub- classify (if allowed) and not State.
- Judiciary cannot include or exclude the names of castes from the list.
- NCSC only has a recommendatory function. It cannot notify the castes in SC list.
- Article 16(2) prohibits classification based on caste.

### **JUDGEMENT ANALYSIS**

#### **Majority Opinion: Reasoning, Ultimate Holdings, and Reliance upon Articles 15(4), 16(4), and 14**

The apex court in a 6:1 majority struck down EV Chinniah and allowed sub- classification within Scheduled Castes provided it is based on empirical data that inter se backwardness exist. The judgement written by Chief Justice DY Chandrachud and concurred by Justices Arun Mishra, Indira Banerjee, Vineet Saran, M.R. Shah, and Aniruddha Bose was based on the reasoning that SC is not a homogenous group rather inter se backwardness exist which could only be corrected through sub classification. Preferential treatment to the marginalised do not

violate Article 14 rather it promotes substantive equality. Article 15(4) and 16(4) enabled states to sub classify the SCs and it does not tinker with the presidential list under Article 341. The majority judgement also espoused creamy layer in concept in SC under article 15 and 16 for it makes sure that the marginalised are benefitted the most.

### **Understanding “Homogeneity” Within Scheduled Castes**

The ruling showed a shift in the judiciary’s thinking towards “homogeneity” within SCs. In E.V. Chinnaiah, the Court saw SCs as one undifferentiated group due to similar recognitions of the shared history of untouchability and discrimination whereas in Davinder Singh, the majority of the judges recognized that not all SCs had identical socio-economic situations. Some so called 'sub-castes' had benefitted, while others had not. Therefore, they justified internal reclassification because of SCs space and place identity responsibilities based on the social and economic diversity in the SC classifications, so any distributional benefit of the other group. This shift should be aligned with substantial equality which recognizes that treating unequal groups the same will re-inscribe the inequality existing between SCs and others.

### **Role of Empirical Data & “Inadequate Representation”**

Central to the reasoning in the majority in Davinder Singh was the role of empirics. The Court found that the State acknowledged it had attempted to provide SCs with measures for bringing SCs into public employment based on evidence stating that some castes within SCs had inadequately represented and recognized opportunities for participation in public service in education and subsequently in employment; despite years of reservation of similar economic standing. The judgment affirmed that these reservations are not a permanent entitlement but a method of rectifying systemic social disadvantages, and need to be adaptable, to reflect the realities on the ground. So, the absence of representation (provided by data) justifies a constitutional basis for intra-group classification under Articles 15(4) and 16(4).

### **POLICY AND LEGAL IMPLICATIONS**

The Supreme Court ruling in State of Punjab v. Davinder Singh was not a final decision in the conventional sense, but it was a radical departure from the interpretation of the Constitution. By opening the issue of the correctness of E.V. Chinnaiah, the Court implicitly paved the way for renewed consideration of how to structured affirmative action in India - potential implications for how reservation benefits are structured, will be vast.

Would it promote or dilute equality?

This question is at the core of the Davinder Singh determination—whether intra-group classifications justify equality in the Constitution.

Promoting equality: Proponents have made the case that sub-classification would bolster equality because it ensures benefits go to those members who are the most marginalized, rather than being siphoned off by relatively better-off sub-groups. It will help address the "creamy layer" of SCs that has been addressed for OBCs<sup>7</sup>.

Diluting equality: Opponents warn that such classifications would create new hierarchies within castes that lead to fragmentation, resistance, and divorce from the one constitutional identity that should define Scheduled Castes. There are fears that it will invite political manipulation, where certain sub-castes will either be privileged or ignored based on electoral calculus.<sup>8</sup>

Ultimately, whether the effects of the policy dilute equality will depend on implementation and its basis in data, transparency, and whether the courts will compel accountability according to protections under the Constitution.

## CONCLUSION

The argument about sub-classification of SC's exemplifies the advancement of India's social justice discourse. For SC communities, movement away from mere formal equality in the justice system into a dialogue addressing internal divisions of unequal access and underlying contradictions. The majority in Davinder Singh offers a thoughtful and practical way forward, but it must be paired with constitutional discipline and careful processes.

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<sup>7</sup> Rajeev Dhavan, "Quota within Quota: Constitutional or populist?", *The Hindu*, August 2020

<sup>8</sup> Justice Bela Trivedi, dissent in *Davinder Singh*