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SUB-CLASSIFICATION OF SCHEDULED CASTES: A COMPARATIVE ANALYSIS OF THE DAVINDER SINGH VERDICT AND HARYANA'S FUTURE POLICY

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ABSTRACT

The Supreme Court's landmark seven-judge Constitution Bench ruling in State of Punjab v. Davinder Singh (2024) overturned two decades of settled doctrine established in E.V. Chinnaiah v. State of Andhra Pradesh (2004), holding by a 6:1 majority that the Scheduled Castes, notwithstanding their inclusion within a single Presidential List under Article 341, do not constitute a homogeneous class and that State governments possess constitutional authority to sub-classify Scheduled Castes for the purpose of graduated affirmative action, provided such sub-classification rests on quantifiable, empirical data demonstrating inadequate representation and a rational nexus to the object of the exercise. This paper undertakes a critical, doctrinal and comparative analysis of the Davinder Singh verdict, examining its constitutional reasoning, its six concurring opinions and single dissent, and its explicit and contested engagement with the “creamy layer” principle previously confined to Other Backward Classes under Indra Sawhney v. Union of India. The paper then undertakes a detailed case study of Haryana, the first State in India to notify and operationalise sub-classification following the verdict, examining the Haryana Scheduled Castes Commission's empirical findings, the resulting bifurcation of the State's twenty percent Scheduled Caste reservation quota into “Deprived Scheduled Castes” and “Other Scheduled Castes” categories, and the political and administrative context, including the ruling party's electoral considerations, that shaped the policy's rapid implementation. The paper situates Haryana's experience within a comparative survey of other States' implementation trajectories, including

Punjab, Telangana and Karnataka, and critically evaluates the unresolved doctrinal questions the Davinder Singh verdict leaves open, particularly the contested extension of creamy-layer exclusion to Scheduled Castes and the practical challenges of empirical data adequacy that continue to generate litigation into 2026. The paper concludes that while Davinder Singh represents a doctrinally significant recalibration of India's reservation jurisprudence towards substantive rather than formal equality, its practical success will depend substantially on the rigour, transparency and continued judicial and constitutional accountability of State-level implementation of the kind Haryana's early experience illustrates.

Keywords: *Scheduled Castes; sub-classification; Davinder Singh; reservation; Article 341; creamy layer; Haryana; India.*

1. INTRODUCTION

On 1 August 2024, a seven-judge Constitution Bench of the Supreme Court of India, in *State of Punjab v. Davinder Singh*, delivered one of the most consequential reservation-jurisprudence rulings in recent Indian constitutional history, holding by a 6:1 majority that State governments possess the constitutional authority to sub-classify the Scheduled Castes for the purpose of affirmative action, thereby overruling the Court's own five-judge bench decision in *E.V. Chinnaiah v. State of Andhra Pradesh* (2004), which had held for two decades that the Scheduled Castes, as constituted under the Presidential List issued pursuant to Article 341 of the Constitution, form a single, homogeneous class incapable of further legislative or executive sub-division.¹ The ruling arose from a protracted litigation history originating in Punjab's 1975 executive order attempting to bifurcate the State's Scheduled Caste reservation quota, subsequently codified in the Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act, 2006, which reserved fifty percent of Scheduled Caste vacancies in direct recruitment as first preference for the Balmiki and Mazhabi Sikh communities — a provision the Punjab and Haryana High Court twice struck down as inconsistent with *Chinnaiah*, prompting the State's appeal that eventually reached a seven-judge bench following a 2020 referral order.²

The practical significance of this doctrinal shift has been demonstrated with unusual speed by

¹The State of Punjab & Ors. v. Davinder Singh & Ors., 2024 INSC 562; *E.V. Chinnaiah v. State of Andhra Pradesh*, (2005) 1 SCC 394.

²*State of Punjab v. Davinder Singh*, (2020) 8 SCC 1 (referral order).

the State of Haryana, which became the first Indian State to notify and operationalise Scheduled Caste sub-classification following the verdict. Within days of the Supreme Court's ruling, and in the run-up to the 2024 Haryana Legislative Assembly elections, the Nayab Singh Saini-led State Cabinet approved the recommendations of the Haryana Scheduled Castes Commission's report, and by November 2024 had formally notified a bifurcation of the State's twenty percent Scheduled Caste reservation quota into two categories — “Deprived Scheduled Castes” (“DSC”) and “Other Scheduled Castes” (“OSC”) — grounded in the Commission's empirical finding that representation within Haryana's Group A, B and C government services skewed heavily towards OSC castes, while Group D services skewed towards DSC castes.³ This paper undertakes a critical, comparative analysis of the Davinder Singh verdict and Haryana's resulting policy, examining both the constitutional reasoning underlying the Supreme Court's doctrinal reversal and the practical, political and administrative dimensions of its first and most consequential state-level implementation.

1.1 Statement of the Problem

The Davinder Singh verdict resolves a long-standing doctrinal question — whether Scheduled Castes constitute a homogeneous class incapable of sub-division — but leaves open significant practical questions regarding the empirical rigour, procedural transparency and judicial accountability required for State-level implementation to withstand constitutional scrutiny. Haryana's rapid, politically-timed implementation offers an early and instructive case study through which to assess whether State practice is likely to satisfy the safeguards the Supreme Court articulated, or whether it risks the kind of majoritarian or politically expedient sub-classification the dissenting opinion in Davinder Singh warned against.

1.2 Objectives of the Study

- To critically analyse the constitutional reasoning of the Davinder Singh verdict, including its treatment of Article 341, its departure from Chinnaiah, and its engagement with the creamy-layer principle.
- To examine the doctrinal safeguards the Supreme Court imposed on State sub-classification and assess their practical enforceability.

³“Haryana Cabinet Decides to Implement Sub-Classification of SCs,” ANI News (18 October 2024); “Haryana Implements Sub-Classifications Within Scheduled Castes for Enhanced Reservation Opportunities,” OneIndia (13 November 2024).

- To undertake a detailed case study of Haryana's implementation of Scheduled Caste sub-classification as the first such state-level policy in India following the verdict.
- To situate Haryana's experience within a comparative survey of other States' implementation trajectories.
- To critically assess the unresolved doctrinal and practical questions Davinder Singh leaves open for future policy and litigation.

1.3 Research Questions

- How does the constitutional reasoning in Davinder Singh depart from, and improve upon, the doctrinal foundations of Chinnaiyah, and does this departure rest on a persuasive reading of Article 341?
- Does Haryana's Deprived Scheduled Castes/Other Scheduled Castes framework satisfy the empirical-data and rational-nexus safeguards the Davinder Singh majority articulated, and what does its rapid, electorally-timed implementation suggest about the practical risks of political expediency in state-level sub-classification?
- How does Haryana's implementation compare with other States' approaches to Scheduled Caste sub-classification, and what does this comparison suggest about the consistency and rigour of post-Davinder Singh state practice?
- What unresolved doctrinal questions, particularly regarding the creamy-layer principle's application to Scheduled Castes, remain open following Davinder Singh, and how are they likely to be resolved?

1.4 Research Methodology

This study adopts a doctrinal legal research methodology, involving critical analysis of the Davinder Singh judgment, the overruled Chinnaiyah precedent, constitutional provisions, and related jurisprudence including *Indra Sawhney v. Union of India*, supplemented by a detailed case study of Haryana's implementing notification and Commission report, and comparative reference to other States' implementation trajectories. The analysis draws on secondary literature, government notifications and contemporaneous reporting current through August 2026.

1.5 Scope and Limitations

The paper is confined to the constitutional and policy dimensions of Scheduled Caste sub-classification following Davinder Singh, with Haryana serving as the principal case study. It

does not undertake detailed empirical analysis of Haryana's underlying representation data beyond what is publicly reported, nor does it address Scheduled Tribe sub-classification in comparable depth, though the Davinder Singh verdict addressed both categories. Comparative state references are illustrative rather than exhaustive, and reflect the pace of state-level policy development as understood as of August 2026.

2. LITERATURE REVIEW

2.1 The Chinnaiah Foundation and Its Critics

E.V. Chinnaiah v. State of Andhra Pradesh, decided by a five-judge bench in 2004, held that the Presidential List of Scheduled Castes notified under Article 341(1) creates a single, homogeneous class for constitutional purposes, such that any legislative or executive attempt to sub-classify or re-group castes within that List, however well-intentioned, amounts to an impermissible “tinkering” with a constitutionally fixed classification reserved exclusively to Parliament's amending power under Article 341(2).⁴ Scholarly commentary on Chinnaiah has long been divided: some commentators defended the ruling as a necessary safeguard against the political fragmentation of a historically oppressed class, ensuring that dominant sub-castes within the Scheduled Castes could not exploit political power to entrench their own disproportionate share of reservation benefits at the expense of more marginalised sub-groups.⁵ Other commentators criticised Chinnaiah for ignoring well-documented empirical evidence of intra-SC inequality, arguing that treating a list of over a thousand castes, sub-castes and synonyms as a single homogeneous class for affirmative-action purposes obscured rather than addressed the very inequalities reservation policy was designed to remedy.⁶

2.2 The Path to Davinder Singh: The 2020 Referral

The doctrinal path to Davinder Singh's 2024 resolution began with the Supreme Court's own five-judge bench decision in *State of Punjab v. Davinder Singh* (2020), which, confronting renewed litigation over Punjab's 2006 Act, concluded that Chinnaiah required reconsideration by a larger bench, since the earlier decision had not adequately engaged with significant constitutional questions bearing on the relationship between Article 341's list-fixing function

⁴*E.V. Chinnaiah*, supra note 1.

⁵“A Second Look: The Need to Reconsider the Supreme Court's Verdict on SC Sub-Classification,” PCLS HNLU Blog (20 March 2025).

⁶Analytical study of the judgment of the Supreme Court [on SC sub-classification], *International Journal of Multidisciplinary Research* (2026).

and the States' affirmative-action powers under Articles 15(4) and 16(4).⁷ Commentary on this referral order observed that the 2020 bench's willingness to doubt a settled five-judge precedent, notwithstanding ordinary principles of judicial precedent and stare decisis, signalled the Supreme Court's own institutional recognition that intra-SC heterogeneity had become empirically undeniable and legally significant enough to warrant fresh constitutional examination.⁸

2.3 The Davinder Singh Verdict: Doctrinal Analysis

The 2024 verdict, delivered by Chief Justice D.Y. Chandrachud for himself and Justices B.R. Gavai, Vikram Nath, Pankaj Mithal, Manoj Misra and Satish Chandra Sharma, with Justice Bela M. Trivedi dissenting, held that Article 341(1)'s function is confined to fixing the composition of the Scheduled Castes list; it does not, contrary to Chinnaiah's reasoning, create a legal fiction that the listed castes constitute a homogeneous class for all constitutional purposes.⁹ Commentary on the ruling's methodological significance emphasises that the majority grounded its departure from Chinnaiah in “historical and empirical evidence” demonstrating that Scheduled Castes are not a homogenous group, and explicitly imported the sub-classification framework the Court had earlier developed for Other Backward Classes in *Indra Sawhney v. Union of India*, extending by analogy a doctrine previously confined to a differently constituted reserved category.¹⁰ The IACL-IADC Blog's analysis situates the ruling within a broader “metamorphosis of the equality code,” arguing that Davinder Singh reflects the Supreme Court's evolving preference for substantive over formal equality in reservation jurisprudence, a preference tracing back through *Indra Sawhney* to the Court's foundational equality-code decisions.¹¹

2.4 Justice Trivedi's Dissent

Justice Bela M. Trivedi's solitary dissent has attracted significant scholarly attention as a serious, doctrinally grounded counter-narrative rather than a merely formal disagreement. Justice Trivedi asserted that Chinnaiah “is the correct law and deserves to be confirmed,” and specifically criticised the 2020 referral bench for doubting a settled five-judge precedent

⁷*State of Punjab v. Davinder Singh*, supra note 2.

⁸“SCs/STs Sub-Classification Case,” *Drishti Judiciary* (2024-25).

⁹*Davinder Singh*, supra note 1, majority opinion.

¹⁰“Supreme Court Paves Way for Scheduled Castes Sub-Classifications, Makes Regressive Comments on Creamy Layer,” *Citizens for Justice and Peace* (6 August 2024).

¹¹“Metamorphosis of Equality Code: Indian Supreme Court Upholds Caste Sub-Classification,” *IACL-IADC Blog* (1 October 2024).

“without assigning any reason, much less cogent reason for their disagreement,” a critique addressed to the referral process's own procedural rigour rather than solely to the substantive outcome.¹² Commentary sympathetic to the dissent's underlying concern argues that permitting State-level sub-classification, however empirically justified in principle, risks converting reservation policy into a site of intensified inter-caste political competition, with dominant sub-castes within a State's ruling coalition potentially able to influence the empirical methodology or Commission composition in ways that favour their own community's classification.¹³

2.5 The Creamy Layer Controversy

A distinct and still-unresolved strand of commentary concerns Justice Gavai's observation, joined in substance by Justices Vikram Nath, Mithal and Sharma, that the “creamy layer” exclusion principle developed for Other Backward Classes in *Indra Sawhney* should be considered for extension to Scheduled Castes and Scheduled Tribes, albeit through criteria distinct from those applicable to OBCs.¹⁴ This observation, though not part of the Court's binding ratio, has generated substantial subsequent litigation: a petition filed by advocate Ashwini Kumar Upadhyay alleging “elite capture” of SC/ST reservation benefits by economically advantaged families within those communities cites four of the six majority judges as favouring creamy-layer extension, seeking income-based exclusion across all reserved categories.¹⁵ The Union Government has opposed this extension before the Supreme Court, arguing that any such change requires parliamentary action following comprehensive empirical study rather than judicial intervention, and critical commentary has emphasised the conceptual distinction between creamy-layer exclusion (an individual-oriented, income-based test) and sub-classification (a group-oriented, representation-based test), cautioning against their conflation.¹⁶

2.6 Haryana's Implementation and Early Commentary

Contemporaneous reporting on Haryana's implementation documents its unusual speed and political context. Business Standard's coverage situates the Saini government's decision within its broader Dalit-outreach strategy ahead of the 2024 Assembly elections, noting the BJP's loss

¹²“Landmark Supreme Court Verdict on SC/ST Quota: Sub-Categorization Allowed,” Legal Bites (21 August 2024), discussing Trivedi, J.'s dissent.

¹³TSCLD Blog, “SC Sub-Classification: SC's Verdict & Its Implication” (16 February 2025).

¹⁴Davinder Singh, *supra* note 1 (Gavai, J., concurring); Bar and Bench, “Creamy Layer: A Proper Yardstick to Determine Backwardness within Scheduled Castes/Tribes” (29 August 2024).

¹⁵“Creamy Layer for SC/ST Reservations: Centre Opposes Extension Beyond OBCs,” Vajiram & Ravi (2026).

¹⁶Bar and Bench, *supra* note 9; Drishti IAS, “Creamy Layer in SC/ST Reservation” (2026).

of both Scheduled-Caste-reserved Lok Sabha seats (Sirsa and Ambala) in the 2024 general election, and the party's assessment that Dalit voters had substantially favoured the Congress, as key political drivers behind the government's rapid post-verdict action.¹⁷ The Haryana Scheduled Castes Commission's empirical findings, as summarised in contemporaneous reporting, identified a clear representational skew: Group A, B and C State services were disproportionately held by Other Scheduled Castes (principally Chamar-origin communities), while Group D services were disproportionately held by Deprived Scheduled Castes, a finding the Commission characterised as satisfying the empirical-data requirement Davinder Singh imposed.¹⁸

2.7 Comparative State Trajectories

A parallel body of contemporaneous reporting documents other States' post-Davinder Singh trajectories. Telangana's Cabinet approved draft legislation in March 2025 implementing SC sub-categorisation into three groups, alongside separate legislation implementing forty-two percent Backward Classes reservation based on the State's caste census, with SC sub-categorisation specifically following the recommendations of a one-man committee headed by retired Justice Shameem Akhtar.¹⁹ Karnataka's government has similarly moved towards a “Karnataka Scheduled Castes (Sub-Classification) Ordinance, 2025,” with the Chief Minister directing that the finalisation of any sub-classification roster ensure that “no caste should face injustice.”²⁰ This comparative pattern suggests a broadly consistent post-Davinder Singh trajectory across States — commission or committee formation, followed by draft legislation or ordinance, followed by formal notification — though States have varied considerably in the speed of their progression through these stages, with Haryana's rapid, single-cabinet-meeting implementation standing as a notable outlier.

2.8 Research Gap

Existing literature engages substantially with either the Davinder Singh verdict's constitutional doctrine in isolation, or with Haryana's implementation as a matter of contemporaneous political reporting, without a systematic, integrated doctrinal-and-policy analysis situating

¹⁷“Saini-Led Haryana Govt Implements Sub Classification of Scheduled Castes,” Business Standard (18 October 2024).

¹⁸ANI News, *supra* note 3.

¹⁹“Telangana Cabinet Approves Draft Legislations on SC Sub-Categorisation,” All India Radio News (7 March 2025).

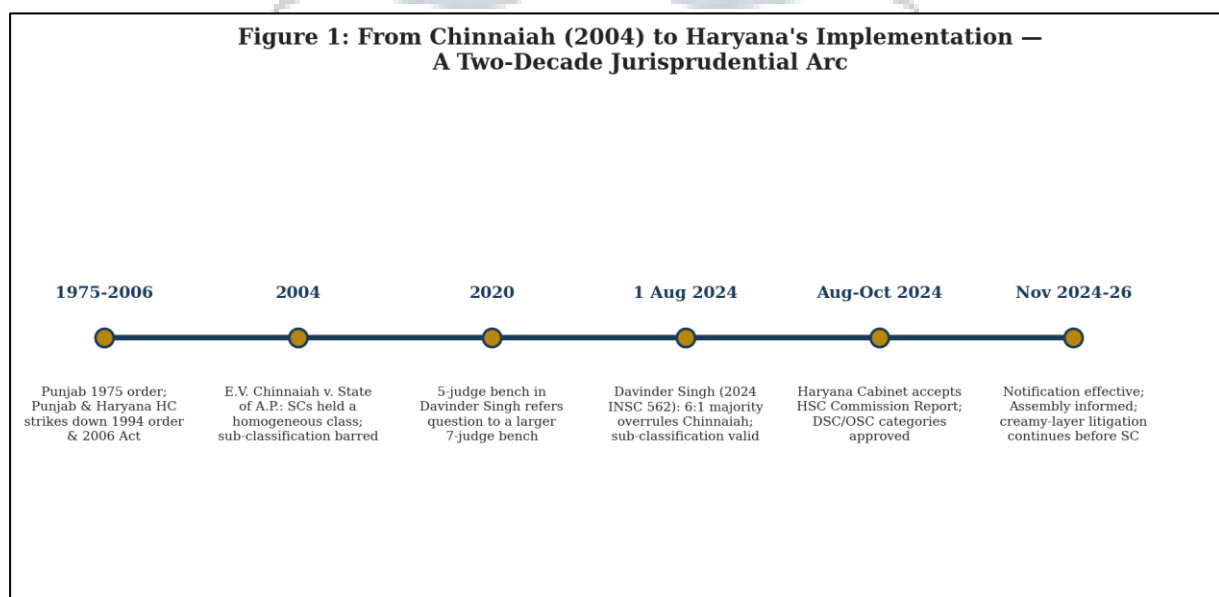
²⁰“Bill on Internal Quota for SCs Likely in Belagavi Legislature Session,” Deccan Herald (2025).

Haryana's experience as a test case for the practical adequacy of the safeguards Davinder Singh's majority articulated. This paper addresses that gap, offering an integrated critical account current through 2026.

3. ANALYSIS AND DISCUSSION

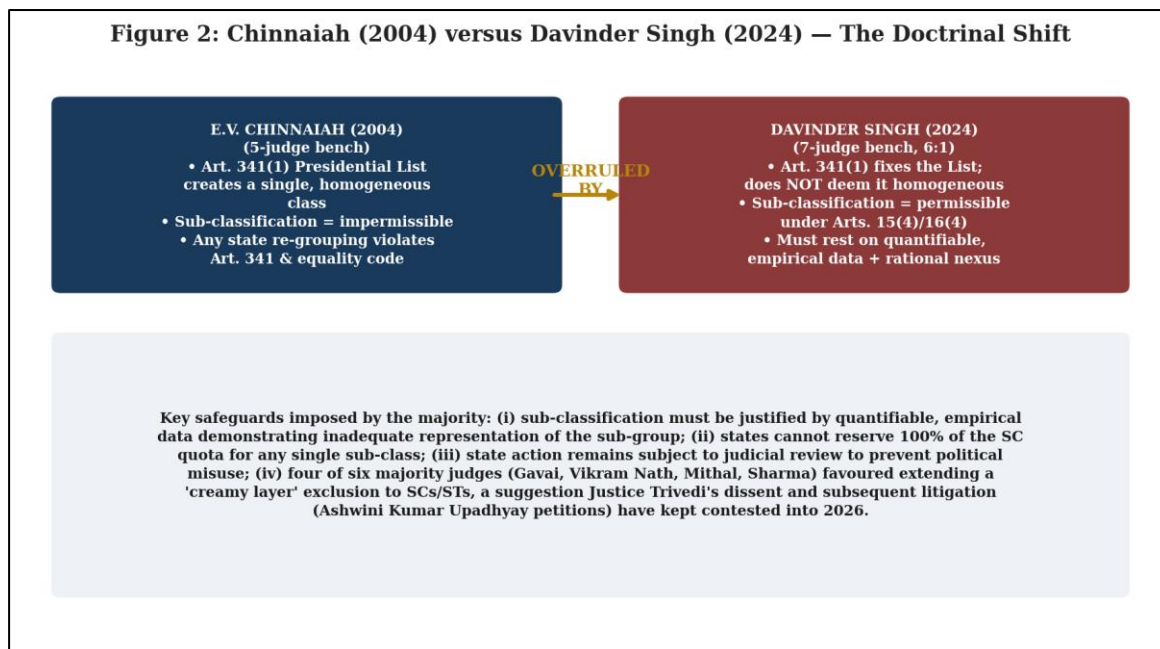
3.1 The Doctrinal Arc: From Chinnaiah to Davinder Singh

As illustrated in Figure 1, the two-decade doctrinal trajectory examined in this paper spans the original Punjab litigation, Chinnaiah's 2004 homogeneity holding, the 2020 referral, the 2024 verdict, and Haryana's subsequent implementation. Chinnaiah's central holding rested on a particular reading of Article 341(1): because the Presidential List fixes, with parliamentary-amendment-only modifiability under Article 341(2), which castes qualify as Scheduled Castes for constitutional purposes, the five-judge Chinnaiah bench reasoned that this listing function itself created a legal fiction of homogeneity, such that any state-level attempt to differentiate among listed castes for affirmative-action purposes amounted to an impermissible re-classification reserved exclusively to Parliament.²¹ The Davinder Singh majority's central doctrinal move, illustrated in Figure 2, was to sever this inference: Article 341(1)'s list-fixing function, the majority held, addresses only which castes qualify for Scheduled Caste status; it says nothing about whether those castes, once listed, must be treated as internally undifferentiated for every subsequent purpose, including the graduated design of affirmative-action programmes under Articles 15(4) and 16(4).²²



²¹Chinnaiah, supra note 1, at paras summarised in Drishti Judiciary, supra note 8.

²²Davinder Singh, supra note 1.



3.2 The Empirical-Data and Non-Exclusivity Safeguards

The Davinder Singh majority did not extend States an unconstrained sub-classification power. As Figure 2 summarises, the Court imposed several significant safeguards: sub-classification must rest on quantifiable, empirical data demonstrating the sub-group's inadequate representation, relative to the State's own service or educational data; no sub-class may be allocated the entirety (100%) of the relevant reservation quota to the exclusion of all other Scheduled Caste groups; and any exercise of this sub-classification power remains subject to ordinary judicial review, providing an accountability check against politically motivated or empirically unsupported re-classification.²³ Commentary has identified a significant practical tension embedded within this safeguard structure: robust, granular, caste-disaggregated representation data of the kind the empirical-data requirement contemplates is not uniformly available across Indian States, many of which lack the administrative infrastructure to generate or maintain such data on an ongoing basis, creating a risk that implementation will proceed unevenly, with better-resourced or more administratively sophisticated States able to satisfy the evidentiary threshold more readily than others.²⁴

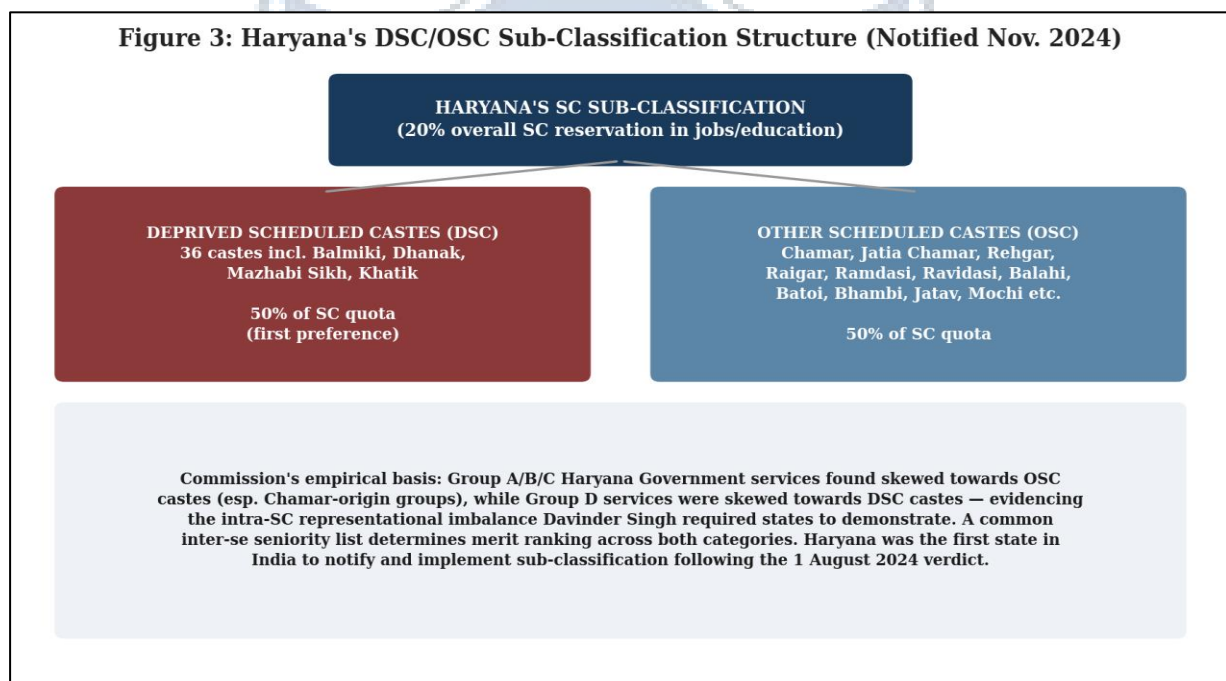
3.3 Case Study: Haryana's Implementation

As illustrated in Figure 3, Haryana's implementation bifurcates the State's twenty percent

²³“SC Allows for Sub-Classification of SCs and STs,” Drishti IAS (2024).

²⁴“The State of Punjab & Ors. v. Davinder Singh & Ors.,” Record of Law (9 January 2026).

Scheduled Caste reservation quota in government jobs and education into two categories: Deprived Scheduled Castes, comprising thirty-six castes including Balmiki, Dhanak, Mazhabi Sikh and Khatik, allocated fifty percent of the SC quota as first preference; and Other Scheduled Castes, comprising castes including Chamar, Jatia Chamar, Rehgar, Raigar, Ramdasi, Ravidasi, Balahi, Batoi, Bhambi, Jatav and Mochi, allocated the remaining fifty percent.²⁵ The Haryana Scheduled Castes Commission's empirical justification for this bifurcation — that Group A, B and C services are disproportionately held by OSC castes while Group D services are disproportionately held by DSC castes — tracks precisely the kind of representational-imbalance evidence Davinder Singh's empirical-data safeguard contemplates, at least on its face.²⁶



Yet the speed and political context of Haryana's implementation warrant closer scrutiny against the safeguards Davinder Singh articulated. The Business Standard's contemporaneous reporting situates the decision squarely within the Saini government's electoral strategy: having lost both Scheduled-Caste-reserved Lok Sabha seats in the 2024 general election, and confronting internal assessments suggesting substantial Dalit support for the Congress opposition, the BJP-led State government approved the Commission's recommendations within

²⁵“Haryana Cabinet Brings Ordinance for Backward Classes (B) Reservations,” News on Air (8 August 2024); ANI News, *supra* note 3.

²⁶ANI News, *supra* note 3.

a fortnight of the Supreme Court's verdict and in the direct run-up to the Assembly elections — a timeline that, whatever the underlying empirical merit of the Commission's findings, inevitably invites the inference that electoral calculation, rather than purely technocratic assessment, substantially shaped the pace and framing of implementation.²⁷ This is not, on its own, evidence that the underlying empirical findings were unsound; the Commission's Group A/B/C versus Group D representational-skew finding is a plausible and testable empirical claim independent of its political timing. But the compressed timeline — a single Cabinet meeting followed by notification within roughly three months — raises a legitimate question, examined further in Part 3.5 below, as to whether the empirical methodology underlying Haryana's DSC/OSC categorisation received the kind of sustained, independently verifiable scrutiny the Davinder Singh safeguards are best understood to require, or whether political urgency compressed a process that, ideally, should unfold with greater procedural deliberation and public transparency.

3.4 Comparative State Trajectories

Figure 4 presents an illustrative comparative snapshot of state-level implementation trajectories following Davinder Singh. Haryana's near-immediate notification stands in contrast to Telangana's more procedurally elaborate approach, involving a dedicated one-man committee under a retired High Court judge and coordinated draft legislation addressing both SC sub-categorisation and a broader, caste-census-informed Backward Classes reservation framework, introduced through the ordinary Assembly legislative process rather than executive notification alone. [[F:All India Radio News, supra note 15.]] Karnataka's approach, proceeding through a dedicated Ordinance with explicit ministerial direction that “no caste should face injustice” in the sub-classification roster, similarly suggests a more deliberative, if still executive-led, process than Haryana's compressed timeline. [[F:Deccan Herald, supra note 16.]] This comparative variation suggests that Davinder Singh's empirical-data and rational-nexus safeguards are, in practice, being interpreted and applied with considerably different degrees of procedural rigour across States, a pattern of uneven implementation this paper's Findings and Recommendations address further.

3.5 The Creamy Layer Question and Haryana's Silence

A significant gap in Haryana's implementation, considered against the broader post-Davinder

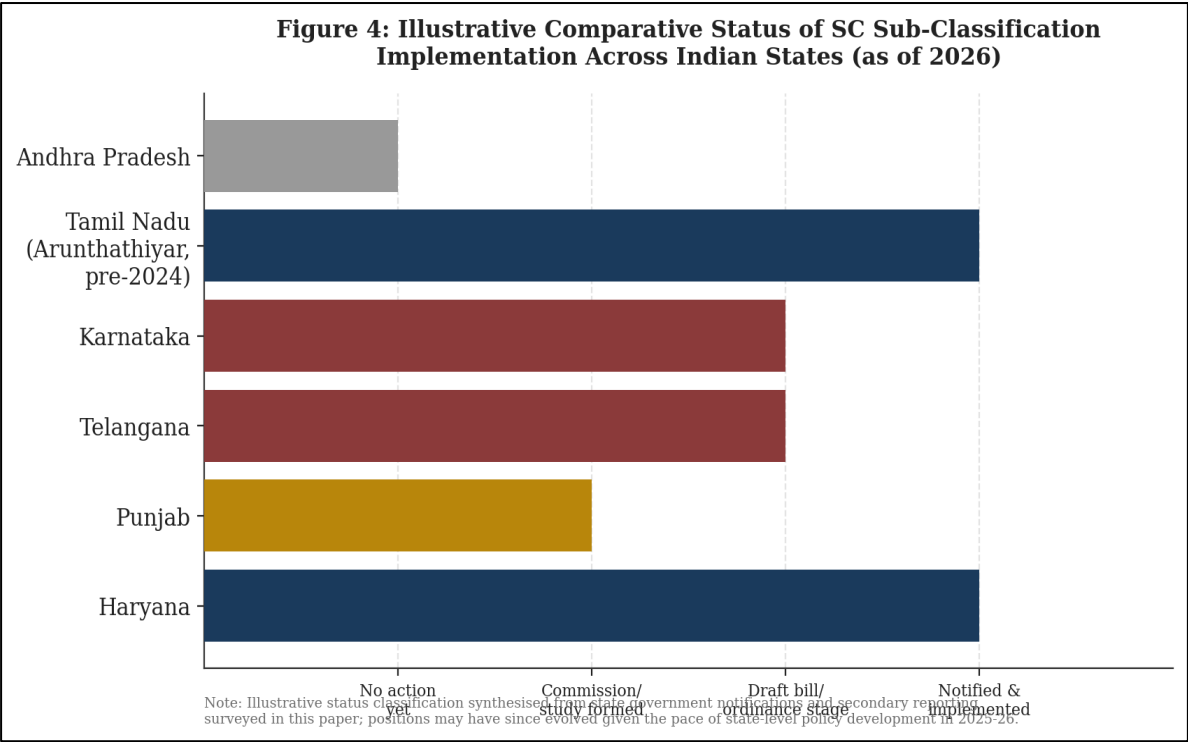
²⁷Business Standard, supra note 12.

Singh doctrinal landscape, is its silence on the creamy-layer question four of six majority judges flagged as warranting consideration. Haryana's DSC/OSC framework operates purely as a group-based, representation-driven bifurcation; it does not incorporate any income- or status-based exclusion mechanism within either category, meaning that economically advantaged members of both DSC and OSC castes remain fully eligible for their respective category's reservation share on the same terms as more disadvantaged members of the same castes.²⁸ Given the continuing, unresolved litigation on this question before the Supreme Court, and the Union Government's stated position that any creamy-layer extension to SC/ST reservation requires parliamentary rather than judicial or state-executive action, Haryana's current framework may prove to require further revision depending on the eventual resolution of the pending creamy-layer litigation — a live source of doctrinal uncertainty this paper's Recommendations address.

3.6 Federalism Dimensions: Uniformity versus State Autonomy

Davinder Singh's endorsement of State-level sub-classification power also carries significant implications for Indian federalism as applied to reservation policy. Unlike the Union List's exclusive control over the composition of the Scheduled Castes list itself under Article 341(2), the power to sub-classify for affirmative-action purposes now rests substantially with individual State governments, each applying its own empirical methodology, Commission structure and categorisation criteria. This decentralisation carries an inherent tension: it allows States to tailor sub-classification to genuinely local patterns of intra-SC representational imbalance, which may differ significantly between, for example, Haryana's Chamar-dominant service composition and Telangana's distinct caste demography, but it simultaneously risks producing a fragmented, inconsistent national reservation landscape in which a given caste's practical entitlement to preferential sub-quota treatment varies unpredictably depending on which State it resides in, notwithstanding its uniform inclusion within the same central Presidential List under Article 341. This federalism dimension, while not directly addressed by the Davinder Singh majority, represents an additional layer of complexity this paper's comparative state analysis in Part 3.4 illustrates in practice, and one that future policy coordination, of the kind recommended in Part 5.3 below, would need to address.

²⁸Vajiram & Ravi, *supra* note 10; author's analysis of Haryana notification, *supra* note 3.



3.6 Comparative Snapshot: Chinnaiah and Davinder Singh

Table 1 below synthesises the doctrinal comparison examined in this Part.

Feature	E.V. Chinnaiah (2004)	Davinder Singh (2024)
Bench strength	5 judges (unanimous)	7 judges (6:1 majority)
Reading of Article 341(1)	Creates a homogeneous class fiction for all constitutional purposes	Fixes the List only; does not deem internal homogeneity
Sub-classification for reservation	Impermissible — requires parliamentary amendment under Art. 341(2)	Permissible under Arts. 15(4)/16(4), subject to safeguards
Empirical basis required	Not applicable (sub-classification barred outright)	Mandatory — quantifiable data showing inadequate representation
Ceiling on sub-class allocation	Not applicable	No sub-class may receive 100% of the relevant quota

Feature	E.V. Chinnaiah (2004)	Davinder Singh (2024)
Creamy layer for SC/ST	Not addressed	Raised by 4 of 6 majority judges (Gavai, Nath, Mithal, Sharma); contested, unresolved

Table 1: Comparative snapshot of Chinnaiah (2004) and Davinder Singh (2024).

4. FINDINGS

- The Davinder Singh verdict rests on a doctrinally persuasive reinterpretation of Article 341(1), correctly distinguishing the provision's list-fixing function from any implied requirement of internal homogeneity, and its reliance on documented historical and empirical evidence of intra-SC heterogeneity provides a stronger evidentiary foundation than Chinnaiah's more categorical, text-only approach.
- The empirical-data and non-exclusivity safeguards the majority imposed are doctrinally sound in principle but depend for their practical efficacy on the quality and independence of the underlying state-level data-generation and Commission processes, a dependency Haryana's compressed implementation timeline illustrates as a genuine practical vulnerability rather than a merely theoretical concern.
- Haryana's DSC/OSC framework, while grounded in a plausible and specific empirical finding — representational skew between Group A/B/C and Group D services — was implemented with a speed and electoral proximity that, while not itself dispositive of the underlying empirical merit, raises legitimate questions about the depth of independent scrutiny the Commission's findings received before notification, particularly relative to more procedurally elaborate approaches adopted in Telangana and Karnataka.
- Comparative state analysis reveals meaningfully uneven post-Davinder Singh implementation rigour, with Haryana's single-Cabinet-meeting approach standing in contrast to Telangana's dedicated retired-judge committee and coordinated legislative process, suggesting that the Supreme Court's safeguards are being operationalised with inconsistent procedural depth across jurisdictions.
- Haryana's current framework does not incorporate any creamy-layer or income-based exclusion mechanism, leaving it silent on precisely the question four of the six Davinder Singh majority judges flagged as warranting serious consideration, and exposing the

framework to potential future revision depending on the resolution of pending Supreme Court litigation on creamy-layer extension to SC/ST reservation.

- Justice Trivedi's dissent, though a minority view, identifies a genuine and continuing risk this paper's Haryana case study substantiates: that state-level sub-classification, even where empirically grounded, operates within a political environment in which electoral incentives can shape both the timing and the framing of ostensibly technocratic Commission recommendations.

5. RECOMMENDATIONS

5.1 Procedural and Institutional Reforms

- States implementing sub-classification following Davinder Singh should adopt a minimum standardised procedural framework — including independent commission composition, a defined public consultation period, and published, peer-reviewable empirical methodology — before formal notification, addressing the procedural-rigour variation this paper identifies across current state practice.
- Haryana specifically should commission and publish a comprehensive, methodologically transparent empirical study underlying its DSC/OSC categorisation, distinct from and more detailed than the Commission report that informed its initial, rapidly-timed notification, to strengthen the framework's resilience against future constitutional challenge.
- The Union Government or NITI Aayog should develop and disseminate standardised guidance for state-level empirical data collection on intra-SC representation, addressing the documented disparity in administrative data infrastructure across States that currently produces uneven capacity to satisfy Davinder Singh's empirical-data safeguard.

5.2 Legislative and Judicial Reforms

- Parliament should expeditiously resolve the pending creamy-layer question for SC/ST reservation through considered legislative action informed by comprehensive empirical study, rather than allowing the question to remain unresolved through prolonged litigation, given the direct bearing this resolution will have on the continued validity of frameworks such as Haryana's that currently omit any creamy-layer mechanism.
- The Supreme Court, in resolving pending creamy-layer litigation, should clearly distinguish the individual-oriented, income-based creamy-layer test from the group-

oriented, representation-based sub-classification test Davinder Singh established, to prevent doctrinal conflation of two analytically distinct affirmative-action mechanisms.

- Future judicial review of state sub-classification frameworks should specifically scrutinise the timing and procedural context of Commission recommendations relative to electoral cycles, developing doctrinal guidance on the weight such contextual factors should carry in assessing whether a given sub-classification genuinely satisfies the empirical-data and rational-nexus requirements, as opposed to reflecting primarily political considerations dressed in empirical language.

5.3 Comparative Learning and Coordination

- States should establish an inter-state coordination mechanism, potentially convened through the Ministry of Social Justice and Empowerment, to share empirical methodology, Commission best practices, and implementation experience across jurisdictions, promoting greater consistency in how the Davinder Singh safeguards are operationalised nationally.
- Civil society organisations and academic institutions should be encouraged to conduct independent, periodic audits of state sub-classification frameworks' empirical foundations and representational outcomes, providing an external accountability check complementing formal judicial review.

6. CONCLUSION

The Supreme Court's verdict in *State of Punjab v. Davinder Singh* represents a significant and, on balance, doctrinally well-grounded recalibration of India's reservation jurisprudence, correcting Chinniah's overextended reading of Article 341(1) and aligning Scheduled Caste affirmative-action doctrine more closely with the substantive-equality principles the Court had already developed for Other Backward Classes in *Indra Sawhney*. Yet this analysis of Haryana's pioneering implementation demonstrates that the verdict's practical success cannot be assessed by its constitutional reasoning alone; it depends substantially on the rigour, transparency and political independence of the state-level processes through which sub-classification is actually operationalised. Haryana's rapid, electorally-proximate implementation of its Deprived Scheduled Castes and Other Scheduled Castes framework illustrates both the promise and the vulnerability of the Davinder Singh regime: promise, in that a plausible, specific empirical finding of representational imbalance was translated into

concrete policy with unusual administrative speed; vulnerability, in that this same speed, occurring in the direct context of a closely contested state election following the ruling party's loss of Scheduled-Caste-reserved parliamentary seats, raises legitimate questions about whether the underlying empirical and Commission processes received the sustained, independent scrutiny the Supreme Court's safeguards are best understood to demand. Comparative analysis with Telangana's and Karnataka's more procedurally elaborate approaches suggests that Haryana's experience, however historically significant as India's first post-Davinder Singh implementation, should not be treated as the presumptive template for other States to follow uncritically. As more States move through their own sub-classification processes, and as the unresolved creamy-layer question moves towards eventual legislative or judicial resolution, the ultimate constitutional legacy of Davinder Singh will be determined less by the elegance of its doctrinal reasoning than by whether India's federal reservation architecture can develop the institutional discipline — rigorous empirical methodology, procedural transparency, and insulation from short-term electoral calculation — necessary to ensure that sub-classification genuinely serves its stated purpose of reaching the most disadvantaged within India's Scheduled Castes, rather than becoming merely another site of intensified inter-caste political contestation.

REFERENCES

A. Statutes and Legislative Instruments

1. *Constitution of India*, arts. 14, 15(4), 16(4), 341.
2. *Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act*, 2006.
3. *Haryana Panchayati Raj (Amendment) Ordinance*, 2024.
4. *Karnataka Scheduled Castes (Sub-Classification) Ordinance*, 2025 (draft).

B. Cases

5. *The State of Punjab & Ors. v. Davinder Singh & Ors.*, 2024 INSC 562.
6. *E.V. Chinnaiah v. State of Andhra Pradesh*, (2005) 1 SCC 394.
7. *State of Punjab v. Davinder Singh*, (2020) 8 SCC 1 (referral order).
8. *Indra Sawhney v. Union of India*, AIR 1993 SC 477.

C. Reports and Government Sources

9. *Haryana Scheduled Castes Commission, Report on Sub-Classification of Scheduled*

Castes in Haryana (2024).

D. Journal Articles and Case Comments

10. "Case Comment: *State of Punjab & Ors. vs Devinder Singh*," *Indian Journal of Law and Legal Research* (2025).
11. "Metamorphosis of Equality Code: Indian Supreme Court Upholds Caste Sub-Classification," *IACL-IADC Blog* (1 October 2024).
12. "A Second Look: The Need to Reconsider the Supreme Court's Verdict on SC Sub-Classification," *PCLS HNLU Blog* (20 March 2025).
13. "SC Sub-Classification: SC's Verdict & Its Implication," *TSCLD Blog* (16 February 2025).
14. Analytical study of the judgment of the Supreme Court [on SC sub-classification], *International Journal of Multidisciplinary Research* (2026).

E. Web and Institutional Sources

15. "Landmark Supreme Court Verdict on SC/ST Quota: Sub-Categorization Allowed," *Legal Bites* (21 August 2024).
16. "*State of Punjab & Others v. Davinder Singh & Others* (2024)," *Drishti Judiciary* (2025).
17. "SCs/STs Sub-Classification Case," *Drishti Judiciary* (2024-25).
18. "Validity of Sub-Classification Within Reserved Categories," *Supreme Court Observer* (2024).
19. "Landmark Case Study: *State of Punjab v. Davinder Singh* (2024) INSC 562," *CFI College of Law Blog*.
20. "STATE OF PUNJAB AND ORS. v. DAVINDER SINGH AND ORS., 2024," *Verdict Chronicles*.
21. "*The State of Punjab v. Davinder Singh* (2024 SCC OnLine SC 1860)," *White & Brief* (9 May 2025).
22. "*The State of Punjab & Ors. v. Davinder Singh & Ors.*," *Record of Law* (9 January 2026).
23. "Supreme Court Paves Way for Scheduled Castes Sub-Classifications, Makes Regressive Comments on Creamy Layer," *Citizens for Justice and Peace* (6 August 2024).

24. *"Creamy Layer: A Proper Yardstick to Determine Backwardness within Scheduled Castes/Tribes," Bar and Bench (29 August 2024).*
25. *"Creamy Layer for SC/ST Reservations: Centre Opposes Extension Beyond OBCs," Vajiram & Ravi (2026).*
26. *"Creamy Layer in SC/ST Reservation," Drishti IAS (2026).*
27. *"SC Allows for Sub-Classification of SCs and STs," Drishti IAS (2024).*
28. *"New SC Reservation Categories in Haryana," Drishti IAS (2024).*
29. *"Haryana Approves SC Sub-Classification," Drishti IAS (2024).*
30. *"Haryana Cabinet Decides to Implement Sub-Classification of SCs," ANI News (18 October 2024).*
31. *"Saini-Led Haryana Govt Implements Sub Classification of Scheduled Castes," Business Standard (18 October 2024).*
32. *"Haryana Implements Sub-Classifications Within Scheduled Castes for Enhanced Reservation Opportunities," OneIndia (13 November 2024).*
33. *"Haryana Govt Has Implemented Sub Classification of Scheduled Castes for Job Quota," DNA India (14 November 2024).*
34. *"Telangana Cabinet Approves Draft Legislations on SC Sub-Categorisation," All India Radio News (7 March 2025).*
35. *"Bill on Internal Quota for SCs Likely in Belagavi Legislature Session," Deccan Herald (2025).*

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