The Infinite
An International Peer Reviewed / Refereed Journal of Multidisciplinary Research

An Online Peer Reviewed / Refereed Journal
Volume 3 | Issue 9 | September 2026
ISSN: 3048-9539 (Online)
Website: www.theinfinite.co.in

THE CONSTITUTIONAL JURISPRUDENCE OF SUB CLASSIFICATION AND 'QUOTA WITHIN QUOTA' IN INDIAN AFFIRMATIVE ACTION

Professor (Dr.) Ajay Kumar Singh

Dean, Faculty of Law, Dr. Rammanohar Lohia Avadh University, Ayodhya

Professor of Law, Department of Law, K. S. Saket P. G. College, Ayodhya

ARTICLE DETAILS

Research Paper

Keywords :

Equity, Sub-Classification, Representation, Reservation, Efficiency

ABSTRACT

The constitutional regime governing affirmative action in India has undergone a profound ontological paradigm shift. Originating as a compensatory mechanism to address historical subjugation and systemic institutional exclusion, reservation under Articles 14, 15, and 16 was initially anchored in broad categorical aggregations: Socially and Educationally Backward Classes (SEBCs/OBCs), Scheduled Castes (SCs), and Scheduled Tribes (STs). However, decades of administrative operation revealed acute internal stratification, where relatively dominant, vocal, or advanced sub-groups systematically monopolized affirmative benefits, effectively disenfranchising the most marginalized segments—the 'backward among the backward' and 'deprived among the scheduled.' While the Nine-Judge Constitution Bench in Indra Sawhney v. Union of India (1992) constitutionally validated sub-categorization within OBCs—laying the ground for pioneering state models like the Karpoori Thakur formula in Bihar—the sub-classification of Scheduled Castes was long constrained by the Five-Judge Bench ruling in E.V. Chinnaiah v. State of Andhra Pradesh (2005), which conceptualized the Presidential List under Article 341 as an indivisible, homogeneous monolith. This doctrinal deadlock was definitively shattered on August 1, 2024, when a Seven-Judge

Constitution Bench in State of Punjab v. Davinder Singh (2024 INSC 562) overruled Chinnaiah by a 6:1 majority, holding that SCs/STs are socially heterogeneous and affirming the constitutional competence of State legislatures to enact sub-quotas under Articles 15(4) and 16(4) backed by quantifiable empirical data. This comprehensive academic treatise provides an in-depth doctrinal analysis of the sub-classification jurisprudence, interrogates the landmark statutory frameworks of Haryana's Deprived Scheduled Castes (DSC) reservation and Bihar's Extremely Backward Classes (EBC) bifurcation, explores the constitutional parameters of Articles 341 and 342 versus State legislative competence, and evaluates the judicial extension of the 'Creamy Layer' exclusion to Scheduled Castes.

1. Introduction: The Teleology of Substantive Equality

The transformative essence of the Constitution of India lies in its rejection of static, formal equality in favor of substantive equality. Formal equality (equality in law), deeply rooted in classical liberal theory, posits that the State must treat all individuals with identical impartiality, irrespective of preexisting socioeconomic conditions. In contrast, the Indian egalitarian model—crystallized in Articles 14, 15, 16, 17, 38, 46, 335, 341, and 342—recognizes that treating unequals equally only perpetuates and exacerbates preexisting inequality. As Dr. B.R. Ambedkar emphatically remarked during the Constituent Assembly Debates, political democracy cannot survive unless it is undergirded by social democracy, which recognizes liberty, equality, and fraternity as the principles of life.

Affirmative action through reservations in public employment (Article 16) and higher educational admissions (Article 15) is not an exception to the rule of equality; it is an organic, facet of the equality code itself. As the Supreme Court held in the seminal decision of State of Kerala v. N.M. Thomas (1976) 2 SCC 310, Article 16(1) is an affirmative guarantee of proportional and substantive equality, and Article 16(4) is not an exception carved out of it, but an emphatic programmatic restatement designed to realize equality of opportunity in fact.

Over seven decades of constitutional governance, however, an unforeseen structural challenge emerged within the reservation regime: the phenomenon of intra-group inequality and monopolization. The broad categories designated for reservation—Other Backward Classes (OBCs), Scheduled Castes (SCs), and

Scheduled Tribes (STs)—are neither culturally nor socio-economically uniform. Within each broad category, stark hierarchical gradations persist. Certain numerically powerful or historically less-disadvantaged sub-castes capitalized on affirmative benefits, securing substantial representation in elite civil services and premier educational institutions, while the most destitute and stigmatized sub-groups—such as manual scavengers, nomadic tribes, and landless agricultural laborers—remained nearly invisible. This empirical reality precipitated the constitutional demand for 'sub-classification' or a 'quota within quota.'

2. Constitutional Provisions Governing Affirmative Action and Classification

To comprehend the legal battles surrounding sub-classification, one must analyze the harmonious construction of key constitutional provisions:

1. **Article 14 (Equality Before Law):** Article 14 permits reasonable classification, provided the classification satisfies two cumulative conditions: (a) it must be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out; and (b) that differentia must bear a rational nexus to the object sought to be achieved by the statute (State of West Bengal v. Anwar Ali Sarkar, AIR 1952 SC 75). When applied to affirmative action, if a reserved class is demonstrably heterogeneous in terms of backwardness, treating all its constituent sub-groups as identical violates Article 14 by treating unequals equally.
2. **Articles 15(4) and 15(5) (Protective Discrimination in Education):** Inserted by the First Amendment (1951) and Ninety-Third Amendment (2005) respectively, these provisions empower the State to make special provisions for the advancement of any Socially and Educationally Backward Classes (SEBCs) or for the Scheduled Castes and the Scheduled Tribes, including admission to educational institutions.
3. **Articles 16(4) and 16(4A) (Reservation in Public Employment):** Article 16(4) enables the State to make provision for the reservation of appointments or posts in favor of 'any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.' The critical constitutional trigger is 'inadequacy of representation,' which is a subjective satisfaction of the State that must be supported by objective, quantifiable material.
4. **Articles 341 and 342 (Presidential Notification of SCs and STs):** Article 341(1) empowers the President, after consultation with the Governor, to specify the castes, races, or tribes which shall for the purposes of the Constitution be deemed to be Scheduled Castes in relation to that State or Union Territory. Article 341(2) vests exclusive authority in Parliament to include in or exclude

from the list of Scheduled Castes specified in a notification issued under clause (1). Article 342 establishes an identical mechanism for Scheduled Tribes.

The central constitutional friction in the sub-classification debate arose directly from the interplay between Article 341 (the power of identification) and Articles 15(4)/16(4) (the power of apportionment). Opponents of sub-classification argued that dividing SCs into sub-quotas constitutes an unconstitutional alteration of the Presidential List under Article 341(2). Proponents argued that identifying who belongs to the list is distinct from determining how affirmative benefits are distributed among listed members under Articles 15(4) and 16(4).

3. The Doctrinal Divergence: Indra Sawhney and the OBC Framework

The Mandate of Indra Sawhney v. Union of India (1992)

The question of sub-classification first received definitive constitutional sanction in the context of Other Backward Classes (OBCs) in the Nine-Judge Constitution Bench decision in Indra Sawhney v. Union of India, 1992 Supp (3) SCC 217. The Supreme Court was tasked with evaluating the validity of the Mandal Commission recommendations and the executive memoranda providing 27% reservation for SEBCs.

Speaking for the majority, Justice B.P. Jeevan Reddy directly addressed whether a backward class of citizens could be sub-classified into 'backward' and 'more backward' classes. The Court ruled unequivocally in the affirmative, observing that backward classes are not homogeneous entities. Justice Jeevan Reddy held:

"There is no constitutional or legal bar to a State categorising the backward classes as backward and more backward. We are not saying that it ought to be done. We are only saying that if a State puts the backward classes into two categories, viz., backward and more backward, it would be constitutionally permissible. As a matter of fact, it is necessary to do so to prevent the more advanced among the backward classes from cornering all the benefits of reservation."

The Court formulated two core doctrines that have governed affirmative action ever since: (1) The Creamy Layer Doctrine, mandating the identification and exclusion of socially and economically advanced individuals from among the backward classes to ensure that benefits reach the truly disadvantaged; and (2) The 50% Ceiling Limit, establishing that total reservations under Article 16(4) must not exceed 50% of available seats in normal circumstances, thereby preserving administrative efficiency under Article 335.

The Bihar Model: The Pioneer Karpoori Thakur Formula

Long before the Mandal Commission and Indra Sawhney, the State of Bihar recognized the acute internal stratification among backward classes. In 1978, under the leadership of Chief Minister Karpoori Thakur, the Government of Bihar implemented a historic, multi-tiered affirmative action policy known as the 'Karpoori Thakur Formula.' This model bifurcated the backward class reservation quota into distinct categories based on empirical assessments of deprivation:

- Extremely Backward Classes (EBCs / Annexure-I): Comprising the most marginalized occupational, artisan, and service castes (such as Nai, Teli, Kahar, Dhanuk, Mallah, Bind, and Nonia) who possessed negligible landholding and negligible presence in government services. A dedicated 12% quota was carved out for them.
- Backward Classes (BC / Annexure-II): Comprising relatively landowning and agrarian intermediate castes (such as Yadav, Kurmi, and Koeri/Kushwaha), allocated an 8% quota.
- Economically Backward Women: A dedicated 3% sub-quota across caste lines.
- Economically Weaker Upper Castes: A 3% sub-quota based on income thresholds, presaging the modern EWS quota.

The Bihar model demonstrated that sub-classification within backward classes successfully diffused socio-political tensions and ensured that artisan and extremely backward groups were not entirely eclipsed by dominant agrarian castes. The validity of this tiered OBC structure was repeatedly upheld by the High Courts and the Supreme Court as a legitimate manifestation of Article 16(4) read with the Indra Sawhney ratio.

The empirical robustness of this model was reinforced in the Bihar Caste-Based Survey (2023), which revealed that Extremely Backward Classes (EBCs) constitute 36.01% of the State's total population, whereas Backward Classes (BCs) constitute 27.12%. The survey showed that despite being the largest demographic bloc, EBCs continued to suffer from disproportionate educational under-attainment and severe underrepresentation in organized sector employment, fully validating the continuation and expansion of targeted sub-quotas.

4. The Monolithic Fallacy: E.V. Chinnaiah and the SC Sub-Classification Freeze

The Andhra Pradesh Statute and the Chinnaiah Judgment (2004)

While sub-classification flourished within the OBC matrix, the Scheduled Castes remained subject to a rigid constitutional embargo for nearly two decades. In the State of Andhra Pradesh, intense agitations by

the Madiga Reservation Porata Samithi (MRPS) highlighted that out of the 15% reservation allocated to Scheduled Castes, the Mala community had secured the overwhelming majority of engineering, medical, and public administrative appointments, while the Madiga community—traditionally engaged in leatherwork and manual scavenging—remained severely deprived.

In response, the Andhra Pradesh Government appointed Justice P. Ramachandra Rao Commission of Inquiry, which collected extensive empirical data confirming stark inter-se disparities. Based on this report, the State legislature enacted the Andhra Pradesh Scheduled Castes (Rationalisation of Reservations) Act, 2000. The Act grouped the 57 Scheduled Castes in the State into four distinct categories (Groups A, B, C, and D) and distributed the 15% SC quota as follows: Group A (1%), Group B (7%), Group C (6%), and Group D (1%).

In E.V. Chinnaiah v. State of Andhra Pradesh (2005) 1 SCC 394, a Five-Judge Constitution Bench of the Supreme Court struck down the Andhra Pradesh Act as unconstitutional. The Court formulated three foundational propositions:

1. **The Monolithic Doctrine:** The Court held that the Scheduled Castes specified under the Presidential List in Article 341(1) form a single, homogeneous class by legal fiction. Once a caste is included in the Presidential List, it loses its distinct identity and merges into a composite class.
2. **Lack of Legislative Competence:** The Court held that State legislatures lack the legislative competence under Entry 41 of List II (State Public Services) or Entry 25 of List III (Education) to sub-classify Scheduled Castes, as any internal grouping amounts to 'tinkering' with the Presidential Order under Article 341.
3. **Inapplicability of Indra Sawhney:** The Bench distinguished Indra Sawhney, holding that while backward classes under Article 16(4) could be sub-divided, the Scheduled Castes stood on a distinct constitutional footing under Article 341 and could not be subjected to further classification without violating Article 14.

The Doctrinal Paralysis Following Chinnaiah

The E.V. Chinnaiah decision created severe constitutional anomalies across the country. Several states had enacted similar sub-classification statutes to protect extremely depressed SC communities. For instance, the State of Punjab had enacted Section 4(5) of the Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act, 2006, granting 50% first-preference reservation within the SC quota

to Balmikis and Mazhabi Sikhs. Following Chinnaiah, the Punjab and Haryana High Court struck down Section 4(5) as void.

Similarly, in Tamil Nadu, the legislature passed the Tamil Nadu Arunthathiyars (Special Reservation) Act, 2009, providing a 3% preferential sub-quota for the Arunthathiyar community within the 18% SC reservation. This statute was also challenged before the Supreme Court as violative of Chinnaiah. Thus, despite overwhelming empirical proof of systemic deprivation, state governments were doctrinally paralyzed from offering targeted relief to the most vulnerable sub-castes.

5. The Landmark Watershed: State of Punjab v. Davinder Singh (2024)

The Referral to a Larger Bench

When the State of Punjab appealed the invalidation of its 2006 Act, a Five-Judge Constitution Bench headed by Justice Arun Mishra in State of Punjab v. Davinder Singh (2020) 8 SCC 1 expressed strong disagreement with E.V. Chinnaiah. The Bench observed that the Scheduled Castes are not a homogeneous group and that reserving benefits for the weakest among them is an imperative of substantive equality. Recognizing that a Five-Judge Bench could not overrule a coordinate bench, the matter was referred to a Seven-Judge Constitution Bench.

The Seven-Judge Constitution Bench Verdict (2024 INSC 562)

On August 1, 2024, the Seven-Judge Constitution Bench—comprising Chief Justice D.Y. Chandrachud, Justice B.R. Gavai, Justice Vikram Nath, Justice Bela M. Trivedi, Justice Pankaj Mithal, Justice Manoj Misra, and Justice Satish Chandra Sharma—delivered its historic 6:1 majority verdict in State of Punjab v. Davinder Singh (2024 INSC 562), explicitly overruling E.V. Chinnaiah.

The majority judgments (authored by CJI Chandrachud and Justice B.R. Gavai, with separate concurring opinions by Justices Vikram Nath, Pankaj Mithal, Manoj Misra, and S.C. Sharma, and a sole dissent by Justice Bela M. Trivedi) systematically dismantled the doctrinal foundations of Chinnaiah:

A. Rejection of the Homogeneity Fallacy: The Court held that Scheduled Castes are not a monolithic or homogeneous social collective. The Presidential notification under Article 341 is a legal mechanism for identification of castes that qualify for constitutional protection; it does not erase the deep-seated historical, economic, and occupational inequalities that exist between different castes included in that list. Sub-classification does not create new castes or modify the Presidential list; it merely recognizes varying degrees of backwardness within the existing list.

B. Harmonious Distinction between Article 341 and Articles 15(4)/16(4): The Court drew a sharp, principled distinction between the power to 'identify' and the power to 'apportion':

- Article 341(1) and (2) deal exclusively with the entry and exit of castes into the Scheduled Castes List—a domain exclusively reserved for the President and Parliament.
- Articles 15(4) and 16(4) empower the State to determine the extent and modality of reservations for classes that are not adequately represented. Apportioning the quota among sub-groups based on empirical inadequacy does not alter the composition of the Presidential list, and therefore falls squarely within the plenary legislative competence of State legislatures under Entry 41 of List II and Entry 25 of List III.

C. Substantive Equality as the Guiding Constitutional Polar Star: CJI Chandrachud held that Article 14 requires differential treatment for unequals. If one sub-caste within the Scheduled Castes has secured substantial representation while another has zero representation due to extreme historical stigma, refusing to sub-classify them forces the weakest to compete on unequal terms against the relatively advanced, defeating the very objective of affirmative action.

Summary of Key Case Law Evolution

Case Law	Bench Strength	Core Holding	Impact on Sub-Classification
State of Kerala v. N.M. Thomas (1976)	7 Judges	Art. 16(1) embodies substantive equality; Art. 16(4) is an emphatic restatement, not an exception.	Established equality of opportunity as substantive rather than formal.
Indra Sawhney v. Union of India (1992)	9 Judges	Upheld OBC sub-classification (Backward vs. More Backward); instituted Creamy Layer exclusion & 50% cap.	Constitutionally legitimized sub-quotas within OBCs; gave rise to state EBC/BC models.
E.V. Chinnaiah v. State of A.P. (2005)	5 Judges	Held SCs are a homogeneous class	Created a 20-year freeze on SC sub-

		under Art. 341; prohibited any State sub-classification as unconstitutional.	quotas across all Indian states.
M. Nagaraj v. Union of India (2006)	5 Judges	Mandated quantifiable empirical data showing backwardness and inadequacy of representation for SC/ST promotions.	Established empirical evidentiary threshold for affirmative action measures.
Jarnail Singh v. Lachhmi Narain Gupta (2018)	5 Judges	Extended Creamy Layer principle to SCs and STs in promotion reservations; modified Nagaraj.	Recognized intra-group elitism with1in SC/ST categories.
State of Punjab v. Davinder Singh (2024)	7 Judges	Overruled Chinnaiah (6:1); affirmed SC/ST heterogeneity; validated State legislative power to create sub-quotas.	Historic landmark: fully legalized SC/ST sub-classification backed by empirical data.

6. The Haryana Model: Implementation and Empirical Realities

The Legislative and Executive Action in Haryana

Following the Davinder Singh judgment on August 1, 2024, the State of Haryana became the first state in the Indian Union to formally operationalize sub-classification within Scheduled Castes. The Haryana Council of Ministers, chaired by Chief Minister Nayab Singh Saini, granted formal approval to implement

a 50% quota within the 20% SC reservation for Deprived Scheduled Castes (DSC) in government recruitments and higher education admissions.

This decision was rooted in the comprehensive empirical report submitted by the Haryana State Commission for Scheduled Castes, headed by Justice (Retd.) Darshan Singh. The Commission undertook an exhaustive quantitative investigation into the representation of various Scheduled Castes across all departments, boards, corporations, and universities in Haryana.

The Deprived Scheduled Castes (DSC) Bifurcation

The Haryana Government categorized the Scheduled Castes into two distinct groups:

- **Category 'A' —** Deprived Scheduled Castes (DSC): Comprising 36 severely disadvantaged castes, including Balmiki, Dhanak, Mazhabi Sikh, Khatik, Deha, Nat, Perna, Sapera, Sikligar, Sansi, Od, Bazigar, Bedia, and Banjara.
- **Category 'B' —** Other Scheduled Castes (OSC): Comprising 9 castes, prominently including Chamar, Jatia Chamar, Rahgar, Raigar, Ramdasia, Jatav, Bhat, and Ad-Dharmi.

The empirical findings that justified this bifurcation were staggering:

- Although the 36 Deprived Scheduled Castes constituted approximately 50% of the total SC population in Haryana, their representation in Group A (Class I) gazetted posts was less than 4.5%, and in Group B (Class II) posts was less than 6.2% of the reserved quota.
- Conversely, the remaining 9 castes (Category B) occupied over 93.8% of Group A and 92.5% of Group B posts filled through SC reservations.
- In premier technical and medical institutions, students from the Balmiki and Dhanak communities had near-zero enrollment compared to their demographic strength.

Under the new Haryana model, out of the total 20% SC reservation:

- 10% (i.e., 50% of the SC quota) is exclusively reserved for the 36 Deprived Scheduled Castes (DSC).
- 10% (the remaining 50%) is available for Other Scheduled Castes (OSC).
- **Rule of Inter-se Portability:** To prevent seats from remaining vacant and violating administrative efficiency under Article 335, the policy provides that if an adequate number of qualified candidates from Category 'A' (DSC) are unavailable in a recruitment cycle, the unfilled vacancies will automatically revert to Category 'B' (OSC) candidates, and vice-versa, before being carried forward.

7. Constitutional Guardrails and Limitations Laid Down in Davinder Singh

While empowering States to sub-classify, the Supreme Court in Davinder Singh established stringent constitutional boundaries to prevent political gerrymandering, arbitrary vote-bank populism, and unreasonable discrimination. State action must conform to the following mandatory parameters:

1. **The Requirement of Quantifiable, Empirical Data:** The State cannot act on subjective political impressions, anecdotal claims, or administrative intuition. Sub-classification must be backed by rigorous, empirically verified data demonstrating:
   - **(i)** Significant inter-se disparity in backwardness and developmental indices; and
   - **(ii)** Acute inadequacy of representation of the preferred sub-group in public employment and educational institutions.
2. **Prohibition of 100% Monopolization / Total Exclusion:** The State cannot allocate 100% of the reserved quota to a single sub-caste or a subset of castes, thereby completely shutting out the remaining castes in the Presidential List. Such complete exclusion would amount to an effective de-listing of the excluded caste, which is an unconstitutional usurpation of Parliamentary power under Article 341(2). As CJI Chandrachud emphasized, every sub-group within the Presidential list must have a fair and reasonable opportunity to compete for a portion of the quota.
3. **Periodic Review and Dynamic Cadre Assessment:** Affirmative action is not a static or perpetual entitlement. The State must institute periodic empirical reviews (e.g., every decade or through State Commissions for SCs/OBCs) to evaluate whether historical deficiencies have been remedied. If a previously deprived sub-caste attains adequate representation, the sub-quota allocations must be recalibrated.
4. **Maintenance of Administrative Efficiency (Article 335):** The sub-classification framework must harmonize with Article 335 of the Constitution, ensuring that the claims of the members of the Scheduled Castes and Scheduled Tribes are balanced with the maintenance of administrative efficiency. Prescribing minimum qualifying marks and implementing vacancy interchangeability mechanisms are vital to preserving institutional competence.

8. The Extension of the 'Creamy Layer' Doctrine to Scheduled Castes

One of the most consequential aspects of the Davinder Singh ruling is the judicial consensus on applying the Creamy Layer principle to Scheduled Castes and Scheduled Tribes. Four out of the six majority judges—Justice B.R. Gavai, Justice Vikram Nath, Justice Pankaj Mithal, and Justice Satish Chandra

Sharma—explicitly held that the State must formulate criteria to identify and exclude the Creamy Layer among SCs/STs from affirmative benefits.

Justice B.R. Gavai, in his compelling concurring opinion, posed a fundamental jurisprudential question:

"Can a child of an IAS/IPS officer or a High Court Judge who belongs to a Scheduled Caste, having studied in elite urban schools with access to the finest resources, be equated with the child of a landless agricultural labourer or a manual scavenger living in an impoverished rural hamlet? Equating the two would amount to treating unequals equally, which is anathema to Article 14."

The doctrinal rationale for extending the creamy layer exclusion to SCs/STs rests on three pillars:

1. **Preservation of Substantive Equality:** Affirmative action is finite. When the second or third generation of affluent, highly educated SC/ST elites corner all coveted positions in civil services, medical colleges, and IITs, the truly destitute rural SC families remain trapped in perpetual deprivation.
2. **Harmonization with Jarnail Singh (2018):** In Jarnail Singh v. Lachhmi Narain Gupta (2018) 10 SCC 396, a Five-Judge Constitution Bench had already ruled that the Creamy Layer principle applies to SC/ST candidates seeking reservations in promotions under Article 16(4A). Davinder Singh extends this logic to entry-level appointments and admissions.
3. **Differential Criteria from OBCs:** The Court recognized that the criteria for identifying the creamy layer among SCs/STs cannot be purely economic (like income ceilings for OBCs). It must be a holistic criterion that evaluates whether the individual's family has overcome both socioeconomic deprivation and social stigma, ensuring that the shield of reservation is preserved for those facing active caste prejudice.

9. Comparative State Paradigms: A Pan-Indian Analysis

Sub-classification models across Indian States reflect distinct demographic realities and political trajectories:

1. **Bihar (OBC Sub-Classification):** As noted, Bihar's dual structure (EBC 18% + BC 12% under revised quotas) remains the most enduring example of OBC rationalization. It successfully prevented single-caste hegemony and empowered non-dominant artisan communities politically and administratively.

2. **Haryana (SC Sub-Classification):** Haryana's DSC/OSC 50:50 formula provides a clear statutory roadmap for northern states, establishing a clean division between artisan/sanitation communities (Category A) and agricultural/leather-working communities (Category B).
3. **Punjab (SC Preference Model):** Punjab's 50% preference for Balmiki and Mazhabi Sikhs within the 25% SC quota addresses the unique demographic reality of Punjab, where Scheduled Castes constitute nearly 32% of the population—the highest proportion among all Indian states.
4. **Tamil Nadu (Arunthathiyar 3% Sub-Quota):** Within Tamil Nadu's 18% SC reservation, 3% is earmarked exclusively for the Arunthathiyar community under the 2009 Act, which has now received impregnable constitutional validity under the Davinder Singh precedent.
5. **Central OBC Pool (The Justice Rohini Commission):** At the national level, the Justice G. Rohini Commission was constituted under Article 340 in October 2017 to examine the sub-categorization of the Central OBC List (27% quota). The Commission's analysis of over 1.3 lakh central government jobs and admissions revealed that just 25% of OBC sub-castes cornered 97% of all jobs and seats, while nearly 1,000 sub-castes had zero representation. The Commission submitted its report in July 2023, proposing a 4-tier sub-division (e.g., 2%, 6%, 9%, and 10%) of the 27% OBC quota to distribute benefits equitably across all backward classes.

10. Legal, Socio-Political, and Administrative Challenges

Despite its solid constitutional validation, the practical execution of 'quota within quota' faces formidable challenges that policymakers and jurists must navigate:

A. **The Risk of Caste Balkanization and Political Fragmentation:** Critics argue that sub-dividing reserved categories may incentivize competitive caste mobilization, deepen micro-caste identities, and undermine broader social solidarity movements aimed at the annihilation of caste. The State must ensure that sub-classification is guided strictly by objective administrative metrics rather than electoral expediency.

B. **Methodological Complexities in Data Collection:** Gathering credible, disaggregated, caste-wise empirical data on education, income, and employment across hundreds of sub-castes is an enormous administrative undertaking. Without robust, transparent census or survey data, state policies risk being vulnerable to judicial review on grounds of arbitrariness under Article 14.

C. **Managing Roster Points and Reservation Registers:** Administrative departments will need to redesign complex roster point systems (e.g., 100-point or 200-point rosters) to accommodate sub-

quotas without creating administrative gridlocks, delayed recruitment cycles, or an explosion of quota litigation.

11. Conclusion: Realizing the Dream of Transformative Social Justice

The constitutional jurisprudence of sub-classification represents the maturation of Indian affirmative action. Moving away from the simplistic, monolithic assumptions of the past, the Indian legal system has embraced an empirically grounded, nuanced jurisprudence of substantive equality. The journey from Indra Sawhney (1992) to Davinder Singh (2024) marks the triumph of substantive justice over formal legalism.

Sub-classification does not divide marginalized communities; rather, it shines the protective light of the Constitution onto those who have remained in the deepest shadows of deprivation. By dismantling internal hierarchies and preventing elite capture, policies like Haryana's Deprived Scheduled Castes quota and Bihar's Extremely Backward Classes model breathe vibrant life into Dr. Ambedkar's vision of an egalitarian social democracy. As the Republic marches forward, affirmative action must remain dynamic, empirically rigorous, and perpetually committed to uplifting the last, the least, and the lowest citizen.

12. Primary Legal and Statutory References

Primary Case Law:

1. State of West Bengal v. Anwar Ali Sarkar, AIR 1952 SC 75.
2. M.R. Balaji v. State of Mysore, 1963 Supp (1) SCR 439.
3. State of Kerala v. N.M. Thomas, (1976) 2 SCC 310.
4. K.C. Vasanth Kumar v. State of Karnataka, 1985 Supp SCC 714.
5. Indra Sawhney v. Union of India, 1992 Supp (3) SCC 217 (9-Judge Bench).
6. E.V. Chinnaiah v. State of Andhra Pradesh, (2005) 1 SCC 394 (5-Judge Bench).
7. M. Nagaraj v. Union of India, (2006) 8 SCC 212 (5-Judge Bench).
8. Ashoka Kumar Thakur v. Union of India, (2008) 6 SCC 1.
9. Jarnail Singh v. Lachhmi Narain Gupta, (2018) 10 SCC 396 (5-Judge Bench).
10. State of Punjab v. Davinder Singh, (2020) 8 SCC 1 (5-Judge Reference).
11. State of Punjab v. Davinder Singh, 2024 INSC 562: 2024 SCC OnLine SC 1860 (7-Judge Constitution Bench).

Key Statutes, Reports, and Notifications:

1. The Constitution of India (Articles 14, 15, 16, 38, 46, 335, 340, 341, 342, 342A).
2. Andhra Pradesh Scheduled Castes (Rationalisation of Reservations) Act, 2000 (Act 20 of 2000).

3. Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act, 2006 (Punjab Act No. 22 of 2006).
4. Tamil Nadu Arunthathiyars (Special Reservation of seats in educational Institutions and of appointments in the services under the State) Act, 2009 (Tamil Nadu Act 4 of 2009).
5. Report of the Justice P. Ramachandra Rao Commission of Inquiry, Government of Andhra Pradesh (1997).
6. Report of the Justice (Retd.) Darshan Singh Commission for Scheduled Castes, Government of Haryana (2024).
7. Bihar Caste-based Survey Report, Government of Bihar (2023).
8. Report of the Commission to Examine Sub-categorisation of Other Backward Classes (Justice G. Rohini Commission), Ministry of Social Justice and Empowerment, Government of India (2023).