



Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2026 – ISSN 2582-7820
Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

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Article 341 and The Question of Homogeneity within Scheduled Castes: Reassessing Constitutional Equality under Articles 15 and 16

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Received 01 December 2025; Accepted 03 January 2026; Published 07 January 2026

This paper examines the homogeneity assumption about the Scheduled Castes class under Article 341¹ of the Indian Constitution and its implications for equality under Articles 15 and 16. It places the concern within the context of new legal and policy controversies about 'sub-categorisation' of SC reservations. The examination surveys constitutional principles and recent empirical evidence on subgroups of caste and shows how upper SC castes, over time, have monopolised most of the reservation advantage. Aided by state-level case studies, i.e., Punjab and Andhra Pradesh, and comparative observations, the paper substantiates significant intra-SC inequalities. The approach is an interdisciplinary combination of doctrinal legal analysis, socio-economic data, and comparative law. The report highlights that even grouping dissimilar castes under the same rubric dilutes substantive equality. The article ends with recommendations in the future tense: legislative change, institutional reform on data-driven grounds, and judicial directives to make affirmative-action policy more finely focused. It is also guided by recent international events, such as the U.S. Supreme Court's consideration of race-conscious admissions and South Africa's policy of empowerment, to outline different kinds of remedies for remedial inclusion.

Keywords: reservation, article 341, sub categorisation, substantive equality.

¹ Constitution of India 1950, art 341

INTRODUCTION

The Indian Constitution is primarily concerned with elevating the deeply entrenched social and economic marginalisation of disadvantaged castes through affirmative actions administered in the domains of education, employment, and political avenues. The legislative genesis of such provisions in the Constitution can mainly be found in Article 341², which empowers the President to announce a list of castes that would be considered SCs for the purpose of granting them statutory benefits. But a historical survey of data for the last several decades reveals the emergence of the unpleasant reality of intra-SC inequality. The phenomenon has often been dominated by sub-castes, which have appropriated the lion's share of affirmative gains, leaving other sub-groups marginally disadvantaged and behind. Such an enduring inequality raises a critical constitutional question: Should the SC category be treated, for purposes of reservations under Articles 15(4) and 16(4)³, as an indivisible single category concerning the Constitution, or does the presence of internal structural inequalities allow for sub-classification to enable the more effective distribution of opportunities?

This paper argues that recognising intra-SC disparities is indispensable for achieving substantive equality. That sub-classification grounded in measurable disadvantage constitutes a constitutionally valid mechanism for ensuring that reservations reach those most impeded by structural discrimination.

REASSESSING ARTICLE 341

Article 341 of the Indian Constitution thus grants legal authority to the President to indulge in the identification of sub-castes forming SCs by a proclamation in any state or union territory, but this is exclusive to the states; for making any adjustments thereafter to such notifications, Parliament alone can do so under Article 341(2)⁴. This means that once recognised as SC, this caste will remain SC for all purposes in the Constitution. In fact, the lists of SCs are state-specific. The Madiga and Mala sub-caste members of Andhra Pradesh

² *Ibid*

³ Constitution of India 1950, arts 15(4) and 16(4)

⁴ Constitution of India 1950, art 341(2)

represent different forms of inclusion defined by complex social structures and geographic realities. It is essential to keep separate the task of identifying which groups fall within the Scheduled Castes under Article 341 and the distinct question of how reservation benefits are distributed among them under Articles 15(4) and 16(4). When these two functions are treated as the same, long-standing inequalities within the category are allowed to continue under a veneer of formal equality.

Conjoined to such provisions, Articles 15(4) and 16(4) reserve quotas for SCs and other backward classes. But the fundamental legal question is whether SCs can be seen as a legally indivisible unit that a government cannot break apart, or would evidence of significant socioeconomic disparity within SCs call for further classification to allow a more equitable distribution of reservation benefits?

The Constitution makers opted for a fixed Presidential List under Article 341 to shield caste identification from political interference and to ensure consistency across states. This rigidity was meant only to determine which groups qualify as Scheduled Castes; it does not bar the State from organising the distribution of benefits within the recognised category.

State of Punjab v Davinder Singh (2024):⁵ By this judgment, the Supreme Court made a landmark ruling, forming a seven-judge Constitution Bench to overturn the ratio in E.V. Chinnaiah⁶ and to uphold the constitutionality of states subclassifying SCs for purposes of reservations without contravening Article 341⁷.

The Court explained that, though Parliament has the exclusive power to amend the main SC list, the administrative exercise of subdividing SC sub-castes undertaken to extend differential benefits to their disproportionately disadvantaged sub-groups did not amount to unauthorised alteration of the Presidential List.

Chief Justice D.Y. Chandrachud, while explaining the majority's reasoning, began with a stern assertion: SCs are not inherently homogeneous. His analysis indicated that verifiable empirical evidence of regional and internal differences constitutes a constitutional justification for sub-classification, insofar as it is a necessary mechanism to favour the most

⁵ *State of Punjab v Davinder Singh (2024)* INSC 562

⁶ *E V Chinnaiah v State of Andhra Pradesh & Ors (2005)* 1 SCC 394

⁷ Constitution of India 1950, art 341

marginalised and, therefore, to preserve the core intent of Articles 15(4) and 16(4)⁸. However, such policies must be rigorously based on verifiable data and cannot, under any circumstances, result in the complete exclusion of any other SCs.

On the other hand, Justice Bela M. Trivedi held, in her dissenting judgment, that sub-classification would, *ipso facto*, pose a threat to the constitutional sanctity of the Presidential List, which Parliament alone had the competence to modify. She expressed serious apprehension that such an approach could, in fact, have the seeds of political opportunism and that fragmentation of the group could be destructive of the basic principle of Article 14 with respect to the SC category.

THE SCHEDULED CASTES CATEGORIZATION AND THE CONCEPT OF SUBSTANTIVE EQUALITY

The jurisprudence of the Supreme Court of Reservations has shown a gradual line of development, moving its reference point away from the early concern with equal rights towards a commitment to substantive equality. As already laid down early within *N.M. Thomas*, the Court held that SCs are a section of the population that qualifies for affirmative action, presupposing, however, a further subdivision within the sub-group. After that, within the decision of *Indra Sawhney*⁹ (also related to the reservations of the Other Backward Classes, or OBCs), the Court held that subdivision within the groups is a paramount way of ensuring the constitutional standards of the reservations are complied with and that even after *M Nagaraj*¹⁰ and *Jarnail Singh*¹¹ followed decisions within the judgments of *Ashoka Kumar Thakur*¹² that the sub-group of Scheduled Castes also qualified for the creamy layer exemption. The decisions yet again emphasise the commitment to substantive equal rights and equal outcomes required under Article 14 of the Constitution.

Conversely, the earlier stringent judgment of the case of *E.V. Chinnaiah v State of Andhra Pradesh* classified SCs into a single, homogeneous class that could be amended only through Parliament. This strict judgment has often been criticised for failing to account for empirical

⁸ Constitution of India 1950, arts 15(4) and 16(4)

⁹ *Indra Sawhney Etc Etc v Union of India & Ors, Etc Etc* AIR 1993 SC 477

¹⁰ *M Nagaraj & Ors v Union of India & Ors* (2006) 8 SCC 212

¹¹ *Jarnail Singh v Lachhmi Narain Gupta* (2018) 10 SCC 396

¹² *Ashoka Kumar Thakur v Union of India & Ors* (2008) 6 SCC 1

variations within the SC community. As a result, the modern jurisprudence that has emerged permits, and even encourages, the sub-classification of the community within rational standards and grounded in empirical evidence, through the constitutional provisions of Articles 14, 15(4), and 16(4).

REIMAGINING SOCIAL JUSTICE: SUB-CLASSIFICATION WITHIN SCHEDULED CASTES

The Davinder Singh judgment centres on whether Scheduled Castes should be treated as a monolithic category or as a diverse group warranting sub-classification for equitable distribution of reservation benefits. It poses the essential question of whether internal differentiation justifies policy remedies.

Rationale for Sub-classification: The rationale for sub-classification arises from evidence of disparity. Though reservations exist, evidence shows that the benefits are reaped mainly by the dominant sub-castes within the SC community, thereby further marginalising the remaining sub-castes. Evidence shows that the dominant sub-categories of the SC community, such as Adi Dravidas in the State of Tamil Nadu and Chamars in Uttar Pradesh, have benefited mainly from reservations.

Supporters of the policy argue that a true quest for social justice requires addressing intra-caste inequities so that the most marginalised people in the SC community can also benefit from affirmative action, thereby fulfilling the constitutional obligation to substantive, not merely formal, equality.

Counter-Arguments: Opponents argue that the sub-Castes squarely contradict the original intention behind the formulation of Article 341, which categorised the Scheduled Castes as a single entity in the Presidential List. The splitting of an already classified community undermines the basic rationale of the concept of reservations, which rests on the shared experience of Untouchability.

Extension of the Creamy Layer Principle: The relevance of the creamy-layer analogy within the SC context concerns prioritisation, not exclusion. The goal is to ensure that reservation benefits reach those experiencing the most entrenched structural barriers. The modus operandi of the Supreme Court shrewdly utilises and enlarges the 'creamy layer' concept,

which itself was rationalised with respect to the OBCs and later affirmed in the milestone judgments of *Jarnail Singh v L.N. Gupta*¹³. The basic jurisprudential presumption within the present scenario is that within a broader Backward Class, not all of its members are necessarily Backward.

Illustrative Examples: While the economically advanced members of OBCs (the creamy layer) are excluded so that the benefits of reservations might be given to the really needy ones of these groups, the same paradigm is currently applied to the members of the SCs:

- **The Exclusion Scenario:** If the sub-caste 'A' belonging to the Scheduled Castes gets measurable educational and occupational equality (for instance, the representation of the sub-caste 'A' within the highest echelons of government service and the academic institutes is numerically representative of the community's share), then the government is validly empowered to declare them not entitled to a prominent share of the benefits that would aid the mobility of other communities.
- **Prioritisation Scenario:** Alternatively, if the educational performance of Sub-caste 'B', belonging to the same SC category, is found to be alarmingly low and the incidence of poverty is high, then the state shall be able to justify the implementation of a 'reservation within a reservation' for the aforesaid sub-group of people.

Thus, the Davinder Singh judgment Council of Social Service Majlis is hereby affirmed, that the most deprived might be given precedence within a broader category, much like the exclusion of the creamy layer. This marks a significant shift towards substantive equality rather than the formal or mechanical application of equal treatment.

Empirical Evidence: Disparities Intra-SC: Data available at the state level and various empirical studies suggest the importance of sub-categorisation of the Scheduled Castes.

These doctrinal developments must be evaluated against the empirical reality of intra-SC disparities, which consistently challenge the assumption of homogeneity.

- In Andhra Pradesh, the issue of imbalance between the sub-castes of Madiga and Mala reveals significant disparities between the two groups. Though the Mala community

¹³ *Jarnail Singh v Lachhmi Narain Gupta* (2018) 10 SCC 396

is numerically dominant and relatively forward, it already has a disproportionately large share of the benefits of reservations. In contrast, the other community remains deprived of them, mainly. During the year 2024-25, a state-level commission recommended the allocation of the state's 15% Scheduled Caste reservations into three sub-castes: 7.5% for the Mala community, 6.5% for the Madiga community, and the remaining 1% for other minor sub-castes of Relli.¹⁴

- The underrepresented communities of the Mazhabi Sikhs and Valmikis, who comprise the most significant percentages of Scheduled Castes at 31.6 and 11 percent, respectively, are overshadowed by the dominance of the other Scheduled Castes, which are numerically smaller but hold more political influence.¹⁵ As such, a sub-quota of 12.5 percent for the two groups has been implemented since 2006. The fact that the two groups are also not well-represented within the administration and educational sector suggests that the issue with representation could be linked to the fact that numerical representation alone may not translate into fair access to academic and administrative opportunities.¹⁶
- At the national level, studies have shown that the ruling caste typically gets the largest share of the benefits of affirmative action policies. National surveys across sectors show a similar pattern: a handful of well-organised SC sub-groups tend to secure a disproportionate share of positions in higher education and Group A and B services, suggesting that the absence of internal classification allows early advantages to compound over time.¹⁷ The presence of policymakers prevents the exact laggards from being identified, as they are not provided with any specific data to take action.

¹⁴ 'Andhra SC Sub-Categorisation Ordinance: Impact on Reservation and Equity' (*Vajiram & Ravi*, 19 April 2025) <<https://vajiramandravi.com/current-affairs/andhra-sc-sub-categorisation-ordinance/>> accessed 12 November 2025

¹⁵ Kanchan Vasdev, 'Decode Politics: How Punjab came to be among first states to sub-categorise SCs, and has been fighting to retain it' *The Indian Express* (09 February 2024) <<https://indianexpress.com/article/political-pulse/decode-politics-punjab-sc-sub-categorisation-constitutional-bench-9152966/>> accessed 12 November 2025

¹⁶ 'AAP govt in Punjab censured for 'neglecting' Valmiki & Mazhabi Sikh communities in reservation policies' *The Times of India* (01 October 2025) <<https://timesofindia.indiatimes.com/city/chandigarh/aap-govt-in-punjab-censured-for-neglecting-valmiki-mazhabhi-sikh-communities-in-reservation-policies/articleshow/124243575.cms>> accessed 12 November 2025

¹⁷ Shyamal Yadav, 'Rohini panel submits long-awaited report: what is 'sub-categorisation' of OBCs?' *The Indian Express* (02 August 2023) <<https://indianexpress.com/article/explained/rohini-panel-report-what-is-sub-categorisation-of-abc-8871628/>> accessed 12 November 2025

The Supreme Court vigorously asserts that no sub-categorisation of a caste should be done without quantifiable and demonstrable data.

INTERNATIONAL PERSPECTIVES ON AFFIRMATIVE ACTION

Both South Africa and the United States treat disadvantaged populations as internally diverse rather than homogeneous, demonstrating that sub-classification enhances, rather than weakens, affirmative action.

Internationally, affirmative action models are also increasingly taking into consideration the growing heterogeneity of the beneficiaries. In the United States, for example, the Supreme Court's ruling in *Students for Fair Admissions v Harvard*¹⁸ curtailed the use of race-based affirmative action in university admissions. It led to the adoption of intersectional factors such as first-generation college status and socioeconomic status.

Consequently, Section 9 of the South African Constitution¹⁹ codifies the ideal of equality. The Broad-Based Black Economic Empowerment (B-BBEE) code²⁰, which has been affirmed in the decision of *Minister of Finance v Van Heerden*, provides a remedial formula that sub-classifies racial groups into Black Africans, Coloreds, and Indians and employs a differentiated targets formula that targets the historical exclusion of specific groups. These international models are essential for understanding that a very specific sub-classification can be a helpful technique that ensures equal opportunity within the defined groups while retaining the overall identity of those groups.

POLICY CONSIDERATIONS AND THE WAY FORWARD: A SYNTHESIS

Sub-classification within the Scheduled Castes represents a paradigm shift of immense proportions within the affirmative action policy framework of the Indian State, marking a conclusive change within the policy's discursive framework from formal equality to substantive justice. The jurisprudence emerging within the framework, and even more so after the Davinder Singh judgment, identifies three key imperatives that the policy needs to be guided by:

¹⁸ *Students for Fair Admissions Inc v President and Fellows of Harvard College* [2023] 600 US 181

¹⁹ Constitution of the Republic of South Africa 1996, s 9

²⁰ The Broad-Based Black Economic Empowerment (B-BBEE) Codes of Good Practice 2007

Empirical Foundation: Any sub-classification policy that emerges needs to be empirically well-founded through the use of sufficient data that shows an apparent disparity between groups in terms of education, jobs, and earnings. The chief actors who should be at the forefront of data collection and verification are government organisations, such as NITI Aayog and the Social Justice Commissions of various States.

Constitutional Alignment: Firstly, while the constitutional alignment of the 'BIN' has been achieved through constitutional approval, the full implementation shall be kept within the bounds of constitutional discipline. As Parliament would have to invoke the power granted through Article 341 to ensure that the accuracy of the sub-classification and the impregnable nature of the Presidential list are not overshadowed by the administrative amendments.

Judicial Oversight: In the event of evident under-representation, the states are constitutionally required to give reasons similar to the 'creamy layer' doctrine before being allowed to provide exceptional representation to any sub-categories. This not only proves to be a very important factor in the government's accountability but also helps prevent the abuse of political power. The other important aspect that needs to be worked on is improving administrative capability and clarity, not only in data but also in the policy itself.

CONCLUSION

The Constitution of India provides for the right to social justice, which is achieved through affirmative action strategies designed to counter the effects of disadvantage. In this significant backdrop, the *State of Punjab v Davinder Singh* judgment is of tremendous importance to the Constitution. This judgment emphatically marks a shift in jurisprudence away from the purely formalistic approach to equality laid down in *E.V. Chinnaiah*. It advances a more concrete and illustrative equalisation tactic within Articles 14, 15(4), and 16(4)²¹, incorporating strategies to ensure that the reservations reach the most marginalised sub-sections of the Scheduled Castes.

The Supreme Court explicitly acknowledged that the Scheduled Castes are a diverse community, thereby sanctioning sub-categorisation as a constitutional measure that uplifts the most deprived and, at the same time, does not completely disadvantage the others. The

²¹ Constitution of India 1950, arts 14, 15(4) and 16(4)

determination appropriately assimilates a policy perspective derived from the South African B-BBEE typology and the various U.S. models of affirmative action.

Although Justice Trivedi's dissent sounded a warning about the dangers of political abuse and the destruction of the Presidential list, the majority judgment premises that the sub-classification procedure will only consolidate, not divide, the SC category and thus work in consonance with the transformative idea of the Constitution. If it is carefully and strictly anchored in empirical facts and insulated from political abuse, the procedure of sub-classification is poised to mark a watershed moment in the delivery of accurate social equity to the people of India. A commitment to substantive equality requires acknowledging differences within the SC category. When grounded in evidence and implemented without disturbing the Presidential List, sub-classification advances the remedial purpose of reservation and strengthens its constitutional integrity.