

SUB-CLASSIFICATION OF RESERVATION IN PUNJAB AND HARYANA: AN OVERVIEW

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ABSTRACT

Reservation or affirmative action is a tool in itself for the communities who are still downtrodden and suffered from social evils in the society. Not only India but it exists in other countries where government assured to give justice to people who has suffered from the social stigma. Sub-classification in reservation or reservation into reservation is a major issue for the people belonging to Schedule Castes category. Separate reservation a boon for those who are still backward in Scheduled Castes and struggling for their proper participation in the educational, social, government jobs and so on. The present study is based on the sub-classification of reservation in the state of Punjab and Haryana. This classification has proven to be a successful tool for which it was enacted after the Supreme Court's decision on 1 August 2024 and many states has took initiative for making the decision on reservation into reservation.

KEYWORDS:

Reservation, Sub-classification, Scheduled Castes, Marginalized.

INTRODUCTION

The movement started by Dr. Ambedkar was not just to provide reservation to marginalized sections of those times which were mainly Scheduled Castes, Scheduled Tribes and women, but to make them enable to live freely without any fear of untouchability and backwardness and to make them strong mentally, socially, educationally and economically. However, reservation provided in this regard has proven a successful tool to eradicate social evils in society. Since it was provided, it has been a long time and in present India the SCs, STs have entered in the mainstream of society and in a large context this happened because of reservation provided to them in different spheres. The system of reservation has been criticized by others on different arguments given by those who are not in favor of it. Today, another demand from within the scheduled castes has been arising that is sub-classification of reservation or reservation into reservation. They feel that they are still backward from the other forward SCs who got the benefits of reservation more than those who are demanding separate reservation within the reservation provided to scheduled castes. This demand of separate reservation is not a recent one. It is coming from the decade of 1930s. One way to resolve internal differences between the various SC sub-castes is by sub-classification. There is no justification for believing that this action goes against the core reservation principle. Internal classification among the Scheduled Castes

supports rather than undermines the constitutional goal of social fairness. Internal classified is a more profound extension of the concept of reservation.¹

OBJECTIVES

1. To study the reservation system in India.
2. To study the difference between Punjab and Haryana reservation system.
3. To know the difference between different scheduled castes in Punjab and Haryana.

METHODOLOGY

The present study is analytical in nature. It is based on the secondary sources of data collection and for this purpose the data has been gathered from books, journals, websites, and Supreme Court's decisions etc.

RESERVATION SYSTEM IN PUNJAB

In Punjab, the scheduled castes make up 31.94% of the population, compared to 16.6% nationwide. In numerous areas of Punjab, this percentage ranges from 32.07% to 42.51%, with 57 villages having a 100% sc population. They have a 40% or higher proportion in the remaining 4799 villages (39.44%). Punjab thus has a 25% reservation share compared to the 15% national Sc reservation. Four caste clusters can be formed from all of the scheduled castes. Mazhabi Sikhs (29.72%), Balmiki (9.78%), Chamar (23.45%), and Ad-dharmi (11.48%) are the four main SC castes, accounting for 74.44% of Punjab's SC population. The two major communities from the same cluster among these four castes are Mazhabi and Balmiki. Together, the remaining 35 castes make up less than one-third (25.56%) of the state's SC population. They are equally heterogeneous and can be further divided into two groups of 17 scheduled castes, known as Vimukta Jatis and 'Depressed Castes', and 18 scheduled castes, sometimes known as peripheral or invisible castes.²

Since there are 39 SC categories, the development of one caste should not be regarded as the development of all Dalits because each caste has its own historical background, identity, traditions, and problems. Despite the fact that the constitution has made numerous provisions for Dalits and the government has taken numerous affirmative action measures to alleviate their plight, the Dalits in Punjab are a heterogeneous group and not a homogeneous group, with many sub-castes among them. The socioeconomic conditions of the Dalits in Punjab have undoubtedly improved since independence, but not equally in all of these categories. The

¹ Dr. Devanshi Singh, Revisiting sub classification of scheduled castes and scheduled tribes for affirmative action through judicial lens: Insights from State of Punjab v Davinder Singh, *International Journal of Law, Justice and Jurisprudence*, Vol. 4, Issue no. 2, September 2024,

² Ronki Ram, Internal Caste Cleavages among Dalits in Punjab, *Economic and Political Weekly*, Vol.52, Issue No. 3, January 21,2017.

Mazhabi Sikhs are primarily found in Punjab's Majha and Malwa regions, and they are linked to construction and agricultural labor. Although they are extremely few in number, some of them have been successful in obtaining employment as a result of their education and by using various reservation benefits. Mazhabi Sikhs have long been heavily linked to agriculture in rural areas, primarily as wage workers or "tied" servants of large landlords. But in Punjab, they hardly ever owned any agricultural property and only a small number of them were tenants of cultivated land. Less than 5% of all Dalits are recorded as cultivators, according to official data, and given their position, the percentage of Mazhabi Sikhs among them would be significantly lower.³

Primarily in the municipalities, the Balmikis continue to engage in their traditional, filthy occupation of scavenging. Their decision to relocate to metropolitan areas was prompted by the employment opportunities in the communities. Even if they are paid for their work in municipalities, they have begun to avoid education as it is not necessary for doing scavenging work in towns. In addition to making them socially backward, this dirty vocation also left them ignorant and uneducated. The Chamars, however, have had greater success in enhancing their circumstances in all areas of life. They have developed leather factories and complexes, primarily in Punjab's Doaba district, and have enhanced their traditional leatherworking vocation. A large number of them have relocated abroad. Their economic circumstances have also improved as a result of the migration. Raising awareness among the Chamars was also aided by Babu Mangoo Ram's 1925 Ad-Dharm initiative in the Doaba region. According to the 1931 census, a large number of them became Ad-Dharmis, and now, among Punjab's Dalits, Ad-Dharmis are the most educated and conscious. Babu Mango Ram Mugowalia, an American-born NRI from Punjab's Doaba area, founded the Ad-Dharm movement. He initiated this campaign against social prejudice and untouchability. He appealed to all of Punjab's Dalits, but regrettably, this movement was only active in the Doaba area and was predominately led by Ad-Dharmis or Chamars. For a long time, other Dalit groups were unable to fully identify with this movement. The Chamars have had greater success in obtaining schooling and prominent positions as a result of their economic development. They had already started to receive education among Punjab's Scheduled Castes even before the green revolution, and they benefited most from the reservation scheme. However, Mazhabi Sikhs and Balmikis were unable to profit much from reservations because of their political and socioeconomic backwardness. The declining socioeconomic status of Balmikis-Mazhabis caused great concern among the Balmik Sabha's leaders. In 1901, the first Balmik Sabha was founded in the Punjabi region of Jalandhar, Doaba. However, when Babu Mangu Ram Mugowalia founded the Ad-Dharam

³ Surinder S Jodhka, Avinash Kumar, Internal Classification of Scheduled Castes: The Punjab Story, *Economic and Political Weekly*, Vol. 42, Issue no. 43, October 2007.

movement in 1925 with the help of certain well-known Balmik Sabha leaders, the Balmik Sabhas became weaker as its meetings were merged with those of the A-Dharam Movement.⁴

The condition of the Balmikis was discussed in March 1968 during the celebration of the death anniversary of Babu Chunni Lal Thapar, a well-known Balmiki leader of the Balmik Sabha. It was observed that only Ravidasis or Chamars benefited from the reservation, and that the Mazhabi and Balmiki boys and girls remained unemployed despite their education. The Balmiki Sabha's president at the time, Bhagat Guran Dass, had done little to advance the community's progress or well-being. The Punjab Pardesh Balmik Sabha hardly did anything. At a meeting held in Kapurthala, it was decided that, in proportion to the Balmikis' and Mazhabis' population, half of the 25% reservation in jobs should go to Balmikis-Mazhabis, while the other half should go to other SCs, including the Chamars, because, although making up nearly half of Punjab's SC population, Balmikis-Mazhabis were not receiving their fair share of jobs. This was because BMS only received 1% of the 13% of seats filled in positions, while 12% of the seats were given to Chamars alone. So, in this meeting it was decided that 12½ percent of the entire 25% reserve should go to BMS, and the remaining half, or 12½ percent, should go to SC members, including Chamars. This suggests that a 50–50% quota system should be used to ensure that BMS receives their fair portion of jobs. In light of this fight for fair employment opportunities, Babu Faquir Chand was appointed General Secretary and Pt. Bakshi Ram was appointed President of the Balmik Sabha. The Sabha's main office is presently located in Ludhiana. Giani Zail Singh was then appointed Punjab's chief minister. During their meeting, the Sabha members briefed him on the situation of Balmikis and Mazhabis. The Balmiki Sabha members succeeded in persuading Giani Zail Singh. The battle proved to be quite successful, and on March 6, 1974, during a cabinet meeting presided over by Chief Minister Giani Zail Singh, BMS was given 50% of the 25% reserved seats, or 12% of the jobs and 7% of the 14% reserved seats in promotions. In light of the lower representation of Balmikis and Mazhabi Sikhs in the armed forces, the State Government decided in May 1975 that Balmikis and Mazhabi Sikhs should be given preference for 50% of SC positions that are open to direct recruitment. Later on, Babu Jagjivan Ram, a prominent minister in the central government at the time and a Ravidasi by caste, successfully pressured the government to reverse the decision to grant BMS 7% reservation benefits in promotions instead of the original 14%. It had a negative impact on BMS appointments to class-I and class-II positions. Following the repeal of selection boards, selection committees were established. Since BMS were not eligible for class I and II jobs, the Ravidasi officers were chosen from among the scheduled castes to serve on these committees. They either failed to inform other members of the 50% quota for BMS candidates or rejected them by objecting and choosing Ravidasi candidates instead. The decision to provide 50% reservation to Balmikas and Majhbi Sikhs out of the total reservation was taken in the cabinet meeting on 06/03/1974, but still, Chief Minister Giani Zail Singh was being pressured to refuse

⁴Parminderjit Kaur, Regrouping Of Dalit Castes In Punjab – Question Of Reservation, *International Journal Of Research And Analytical Reviews*. Volume 6, Issue 1, Jan.- March 2019.

this, due to which instructions were not being issued. Therefore, the members of Balmik Sabha met several times, but when the matter seemed to be dragging on, this team held a huge Balmik conference in Jalandhar Company Bagh on 05/05/1975 to welcome the work done by Giani Jail for the Balmik community.⁵

The Chamars then took this issue all the way to court. The high court overturned the government's decision, following the ruling of the Andhra Pradesh court in the Madiga and Malas case. The court ruled that all state-level communities (SCs) are eligible for reservations and that internal SC classification is inapplicable. To continue their fight, the BMS established a committee called the Balmik Mazhabi Sikh Sangarsh Samiti, of which Sri Karnail Singh Sahota was appointed president. Balmiki Ate Mazhabi Sikh Reservation Bachao Sangarash Samiti is the current name for it. When the High Court ordered the Punjab and Haryana Government to address the illegality of the provisions in response to a writ challenge filed in 2005 by Gore Singh, a Chamar from Haryana, challenging the sub-classification of SCs in the Andhra Pradesh case, the 1975 policy in Punjab continued to operate effectively until 2006. Darshan Ratan Raavan, Chief of a religious organization Aadi Dharam Samaj (AADHAS) Bharat admits in his book that on 25th July 2005, when the Punjab and Haryana High Court cancelled the separate reservation of the Valmeki/Majhabi community came together and decided to hold a Punjab Bandh on 4th August. After this, it was decided to hold a dharna at the houses of all the MLAs of Punjab. For this, a foot march was taken by Aadi Dharam Samaj (AADHAS) from Sangrur to Amritsar in September 2005. This protest was continued through 2000s Valmeki Tirath Mukti Rath Yatra.⁶ In anticipation of the upcoming assembly elections, the Punjab state government promptly converted the official order of 1975 into an Act. At a meeting held in Jalandhar (Punjab) on July 30, 2006, the Balmikis and Mazhabi Sikhs organized into a group known as the "Balmiki and Mazhabi Sikh Reservation Bachao Morcha" in response to the Punjab & Haryan High Court's rulings against the classification of quotas on July 25th, 2006. In addition to calling for a "bandh," the morcha asked that the 1975 12.5% reservation for Balmikis and Mazhabi Sikhs in government posts be reinstated. Notification from the government and an extension of their call for educational institution reservations. They then filed an appeal against the Punjab & Haryan High Court's ruling at the Supreme Court.⁷

SUB-CLASSIFICATION IN RESERVATION

The Punjabi government announced in 1975 that it was splitting the 25% reservation for Scheduled Castes (SC) into two groups. Balmikis (Valmikis) and Mazhabi Sikhs were to be given half of the seats set up for the SC category. The remaining groups in the SC category occupied the other half of the allotted seats. Before a similar rule in Andhra Pradesh was overturned by the Supreme Court's five-judge panel in *E.V. Chinnaiah v. State of Andhra Pradesh* (2004), this notification remained in force for 31 years. The Punjab

⁵ Pt. Bakshi Ram, *Balmik Sabha da Itihas*, Sandeep Art Printers, Jalandhar, 1991.

⁶ Darshan Ratan Raavan, *Ambedkar Se Vimukh Safai Kamgar Samaj, Aadhas Samwad*, New Delhi, 2010.

⁷ Ibid, Parminderjit Kaur, *Regrouping Of Dalit Castes In Punjab – Question Of Reservation*, *International Journal Of Research And Analytical Reviews*. Volume 6, Issue 1, Jan.– March 2019.

and Haryana High Court invalidated the Punjab notification on July 25, 2006, after the Supreme Court's Chinnaiah ruling declared that sub-classification within the SC category was not allowed. The Punjab government enacted the Punjab Scheduled Caste and Backward Classes (Reservation in Services) Act, 2006 (the Act) in response to the Chinnaiah ruling. The Balmikis and Mazhabi Sikhs were given "first preference" reservations under Section 4(5) of the Act, meaning that they would be given half of the seats set aside for the SC category before any other SC groups. Based on the Supreme Court's ruling in Chinnaiah, the Punjab and Haryana High Court invalidated this section of the Act on March 29, 2010, sparking an appeal to the Supreme Court. According to the Punjab government, E.V. Chinnaiah did not follow the Supreme Court's nine-judge ruling in *Indra Sawhney v. Union of India* (1992). The SC acknowledged that certain sections within the Other Backward sections (OBC) category might be more or less backward than others in the *Indra Sawhney* case. In order to remedy these disparities, states were legally allowed to create subcategories within the OBC group. The Punjab administration argued that E.V. Chinnaiah misinterpreted this to imply that the SC category could not be subdivided and that only the OBC category could.

On 20 August 2014, the three-judge bench hearing the appeal [referred](#) the matter to a five-judge Constitution Bench to assess the correctness of *E.V. Chinnaiah*.

A five-judge panel consisting of Justices Indira Banerjee, Vineet Saran, M.R. Shah, and Aniruddha Bose, chaired by Justice Arun Mishra, began hearing the case on July 15, 2020. One aspect of the right to equality, according to the appellants (the Punjab government), is preferential treatment. The Punjab government's introduction of sub-classification, which was allowed by Article 16(4), advanced the goal of appropriate representation. Furthermore, by acknowledging the "creamy layer" notion, the Supreme Court's 2018 ruling in *Jarnail Singh v. Lacchmi Narain Gupta* allowed sub-classification under the SC category.

The five-judge Bench pointed out that Socially and Educationally Backward Classes (SEBCs) were allowed to be subclassified under Article 342A, which was enacted in 2018 and gives the President the authority to create a list of SEBCs. "Pari materia" (meaning "on the same matter") meant that the constitutional provisions for the recognition of Scheduled Castes (Article 341), Scheduled Tribes (Article 342), and SEBCs (Article 342A) were to be interpreted similarly. According to *Indra Sawhney*, sub-classification was allowed under the SEBC category, hence it cannot be prohibited for the Scheduled Caste and Scheduled Tribes categories. Furthermore, the SC pointed out that in order to implement the spirit of the right to equality, the State must be allowed to create sub-classifications, given its authority to provide reservations for the SC and ST categories under Articles 15 and 16. *Indra Sawhney* and other SC precedents had to be properly followed because the appeal against E.V. Chinnaiah included the interpretation of Articles 14, 15, 16, 338, 341, 342, and 342A. As a result, it was a matter of great public significance.

The five-judge court therefore stated that it lacked the authority to reexamine E.V. Chinnaiyah, which was likewise heard by a five-judge bench. On August 28, 2020, it sent the case to a seven-judge panel.

On 12 October 2023, the SC [listed](#) the appeal for hearings by a 7-judge bench from 17 January 2024. The case is expected to answer two primary questions:

1. Can sub-classification be permitted for the SC and ST categories since the same is permitted for the SEBC category?
2. Are state legislatures competent to introduce sub-classification within the SC and ST categories?

On 1 February 2024, the Supreme Court [rescheduled](#) the hearing to 6 February 2024. After three days of hearings, the seven-judge bench led by Chief Justice D.Y. Chandrachud reserved judgement in the case.

On 1 August 2024, the top court upheld the validity of sub-classification with the Scheduled Caste and Scheduled Tribe Categories in a 6:1 majority.⁸ In the *State of Punjab & Others v. Davinder Singh & Others* case, a seven-judge Constitutional Bench of the Supreme Court ruled that it is acceptable to sub-classify Scheduled Castes (SCs) in order to provide distinct quotas for more backward members of the SC categories.

Responses to the seven-judge Supreme Court bench ruling in *Davinder Singh v. State of Punjab* finding that sub-classification in reservations for government positions for Scheduled Castes (SCs) and Scheduled Tribes (STs) is constitutionally lawful have been sharply divided. Some have praised the ruling as a means of guaranteeing increased representation for members of the Dalit and Adivasi communities who experience prejudice, even from SCs and STs. It has also come under fire for escalating tensions between the Dalit and Adivasi communities and impeding the development of unity among India's marginalised. The Government of Telangana s applied a sub-classification of Scheduled Castes following the ruling in *Davinder Singh* Case. The Telangana Scheduled Castes (Rationalization of Reservations) Act, 2025, which separated SCs into three divisions for reservations, does this. On April 14, 2025, the anniversary of Dr. B.R. Ambedkar's birth, the state formally announced the implementation. The Justice Akhtar Commission, led by retired Justice Shameem Akhtar, made recommendations that resulted to the sub-categorization of 59 Scheduled Castes for the purpose of SC reservation.⁹

⁸<https://www.scobserver.in/cases/punjab-davinder-singh-validity-of-sub-classification-within-reserved-categories-case-background/>

⁹ Dr. Ravinder Kaur and Atul Kumar Kharwar, Reservation Within Reservation: AmConstitutional And Judicial Perspective On Sub-Classification In India, *Indian Journal of Law and Legal Research*, Vol. 8, Issue no.1, March 2026.

RESERVATION POLICY IN HARYANA

In a notification published on November 9, 1994, the Haryana government divided the state's Scheduled Castes into two groups for reservation purposes: Blocks A and B.. The thirty-six castes on the State's list of Scheduled Castes Balmikis, Dhanaks, Mazhabi Sikhs, and Khatiks made up Block A and Rahgars, Jatia Chamars, and Chamars made up Block B and those from Block A were to be offered 50% of the positions under the quota set aside for Scheduled Castes in direct recruitment for government employment, while those from Block B were to receive the remaining 50%. The announcement further stated that candidates from Block B should be hired to fill such positions if qualified applicants from Block A were not available.¹⁰

The state's sub-categorization began in 1994 when Bhajan Lal, the Chief Minister at the time, decided to split the Scheduled Caste population into two groups, A and B, giving non-Chamars (block A) 50% of the seats on a preferential basis and limiting Chamars (block B) to 50% of all seats. The agreement stood uncontested until 2005, when Gaje Singh, a member of the local Chamar community, filed a writ suit, and the Punjab and Haryana High Court ordered the state government to remove the clause because it was unlawful. Citing the Supreme Court's ruling in the Andhra Pradesh case opposing the sub-classification of scheduled castes, the petitioner asked for its removal.¹¹

Prior to the assembly elections in August 2024, the Haryana Scheduled Castes commission had suggested sub-classifying the Dalit communities into two groups: the Other Scheduled Castes (OSC), which included castes like Chamar, Jatia Chamar, Rehgar, Raigar, Ramdasi, Ravidasi, and Jatav, and the Deprived Scheduled Castes (DSC), which included 36 groups like Balmikis, Dhanaks, Mazhabi Sikhs, and Khatiks as per the decision of Supreme Court. Following that, the chief secretary issued a notification directing the SCs to be sub-classified into OSCs and DSCs in order to give each group 50% of the 20% SC quota in government posts. The Haryana Scheduled Castes (reservation in admission in educational institutions) Act, passed by the Haryana government in 2020, allocated 50% of the 20% of seats set aside for the Scheduled Castes in the state's higher education institutions to a new group known as the Deprived Scheduled Castes. The Haryana SC commission had recommended that 50% of the 20% reserved jobs for SCs be given to DSCs because they are not adequately represented in government employment. However, a candidate from OSC will fill the position if no qualified applicant is available from the DSC, and vice versa.

As a direct result of their social, educational, and professional backwardness, the Commission claimed that the Scheduled Castes' designation as DSCs highlighted their notable underrepresentation in Haryana's services sector. The Commission discovered that there was a glaring underrepresentation (39.71% share in all SC occupations) of the disadvantaged scheduled castes in all government sector jobs reserved for SCs in Haryana, including class 4 of group D. These castes accounted for 31.57%, 27.31%, and 36.14% of group A,

¹⁰ Report In The Supreme Court Of India Civil Appellate / Original Jurisdiction, Civil Appeal No. 2317 of 2011, The State of Punjab Versus Davinder Singh..

¹¹ <https://www.newsclick.in/sub-categorisation-dalits-haryana-ma-yield-desired-results-%20activists>

B, and C positions, respectively. Their percentage of Group D occupations, however, was 56.90%. Comparing this glaring disparity to Other Scheduled Castes, who have proportionate representation in various employment areas, highlights it even more. According to the Commission, this discrepancy stems from DSC's poor educational attainment as well as its complicated socio-political and economic backdrop. When permitting the sub-classification of Scheduled Castes, the Supreme Court ruled that the state may do so, among other reasons, since some castes are not adequately represented. It must, however, demonstrate that a caste or group's inadequate representation results from its backwardness. Chief Justice DY Chandrachud and Justice Manoj Mishra stated in their order that the state must gather information on the inadequate representation in state services since it is an indicator of backwardness. Haryana's action follows the Supreme Court's historic August 1 ruling that state governments have the right to establish sub-classifications within SCs and STs in order to implement preferred reservations. The top court made it possible for states to identify and offer specific benefits to the most disadvantaged sub-groups within the larger SC/ST categories by permitting sub-classification, so long as they make their determinations based on reasonable standards and realistic data. Although they make up 52% of the state's SC population, the 36 Dalit castes that make up the DSC group only held 35% of the class 1, 2, and 3 employment designated for SCs, according to the commission's report on the Haryana case. On the other hand, OSCs made up 48% of the state's SC population, but they controlled 65% of the class 1, 2, and 3 positions that were designated for SCs. This demonstrates the glaring 30 percentage point gap between the other scheduled castes (OSC) and DSC (the 36 castes) in terms of the number of posts held by DSC. The employment in Group D, which are ascriptive (by birth) in nature and primarily held by members of deprived scheduled castes, particularly the Balmikis, are related to sanitation and scavenging. To eliminate the attribution of occupation to birth, this must be broken, the commission said.

Conclusions

Internal classification of reservation was a need of time because still there are scheduled castes which are deprived of the benefits of reservation. There might be many reasons for their backwardness but it can be filled by giving them proper participation in reservation and it is possible through the separate vacancies in Government offices and seats in educational institutions. The struggle of reservation into reservation is not recent one but it has become more intense than ever before because of awareness in scheduled castes. It should be noted here that there is no separate reservation in political institutions and the demand has been raising from time to time for separate reservation in these institutions. To get the benefits of reservation, it should be distributed according to the population of Scheduled Castes. With the principle *Jitni Jiski Sankhya Bhari, Utini Uski Hissedari*, those castes which are on the verge of marginalization in this society will get the benefit of reservation. The Supreme Court's decision regarding separate reservation should be welcomed because this decision will prove to be very beneficial especially for the Safai Karamchari community which

is known by different names in different states in India. This decision gives this community a hope that now their situation get will definitely change. The Majhabi Sikh and Balmiki (M/B) in Punjab and Deprived Scheduled Castes (DSC) in Haryana availing the separate reservation are the communities in Scheduled Castes who are still backward than the Ravidassia and Others (R/O) in Punjab and Other Scheduled Castes (OSC) in Haryana and deserve more in the field of education, government jobs and in political institutions.

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