

FROM UPLIFTMENT TO CONTENTION: A LEGAL ANALYSIS OF RESERVATION AND EQUALITY IN INDIA

By Rathod Jaykishansinh & S Yaeshwanth***

ABSTRACT

The reservation system, which is a long-standing practice leveraged by the Indian society's lower caste strata, has also been an argumentative topic in an extended area around constitutional law. This system was formulated to uplift the communities that constituted the said lower strata of the Indian caste system. This system underwent significant changes over time, expanding in scope, criteria, and implementation to address evolving social, economic, and political dynamics. From being 'toothless' to developing teeth, the law around the reservation and safeguards for the 'oppressed' had become more stringent with time. This research paper offers insight into the development of the law surrounding reservations and its contribution to the upliftment of lower castes in Indian society, including the judicial interpretations and the constitutional basis for reservations. Also, keeping in mind the recent policies implemented in consideration of the EWS reservation. This research provides insight into both the progress made and the challenges encountered. This research paper ends with giving suggestions for keeping a timely look for the need for policies to ensure equality before other communities, and which is constitutionally fair for both.

Keywords – Reservation Policy, Caste Discrimination, Scheduled Castes and Tribes (SC/ST), Affirmative Action, Equality before Law (Article 14), Social Justice, Constitutional Law of India etc.

* Rashtriya Raksha University, Gujarat. Email: rjaykishansinh@gmail.com.

** Rashtriya Raksha University, Gujarat. Email: yaeshwanthsankar2007@gmail.com.

I. INTRODUCTION - The concept and contention on reservation

The system of reservation was introduced in India, taking into account the socio-economic disparities and injustices of the past, and specifically targeting the Scheduled Castes (SC), Scheduled Tribes (ST), and Other Backward Castes (OBC). This system aims to assure all the benefits and opportunities which are available to other castes and not to keep them downtrodden, which in the early times faced marginalisation. The roots of this reservation system take us back into the British era, where the British classified the castes for their better administrative work and personal profit. Nonetheless, it came into light when notable, Dr. B.R. AMBEDKAR, after independence, while framing the constitution, cherished the provisions made which were social justice and affirmative action alongside the concept of “Equal protection of Laws” that is enshrined under the text of Article 14 of Part III of the Indian Constitution i.e., “Right to Equality”, which is ofcourse one of the most important fundamental rights that are provided for, by the Indian Constitution.

Regardless of the good intentions, the subject ‘reservation’ has been an apple of discord and disagreement between the various strata of the Society. The ones advocating for the same, stick to the fact that the system of reservation, so is, is an important step to promote and create equality, which has been missing for centuries. This is an extremely important tool for providing social status and making communities socially, economically, and educationally strong.

This research aims to discover the historical work done on this issue and the complexities involved in the reservation system. It is also crucial to assess the alternatives to ensure equality. The constitution’s Part III consists of fundamental rights in the form of articles and clauses, which are as follows: **Article 15(4)** and **Article 16(4)**, which allow the creation of special measures that include reservations at jobs and education to ensure that the backward groups are equally treated.

II. Historical background for Caste Discrimination

Around 1500 BC i.e., the “early vedic period”, there was a societal arrangement, institutionalised in the mainstream Indian Society by the King Manu via his code of law (Manu-Smriti), named as the ‘Varna system’, which has its root in the ancient Hindu text of Rig Veda,

known as the 'Purusha Sukta Hymn'. During that period, instead of castes, our ancestors called it Varnas, and it was also known as 'Varnashrama'ⁱ.

These Varnas are of four types and are said to have originated from the body of the cosmic god, 'Brahma', wherein-

- 1) Brahmins (from the head)
- 2) Kshatriyas (from the upper torso)
- 3) Vaishyas (from the lower torso)
- 4) Shudras (from the lower body)

They were assigned different occupations as per their Varnas. The upper three Varnas maintained a significant distance from the last varna, i.e., the Shudras. The habits, food, and costumes were different for all of them. Then they established their colonies. This separation continued for years. Out of the four, the Shudras were treated as 'untouchable'. They were prevented from using temples and also from drinking water at public places. This discrimination also helped Alexander to conquer almost the whole of Hindustan in 323 BC.

When Buddhism came to India, most people preferred it to avoid harassment from the upper cast. The British came and established the East India Company in 1600. The administrators of British India started conducting a census of caste in 1780. From 1901 British Raj began caste wise census. It was updated every 10 years. They tried to categorize them in hierarchical order. All castes played a crucial role in shaping the categories. The higher hierarchy status would get educational and employment privileges. The British, to make their political power more durable, offered many Western amenities. Brahmins took educational and employment opportunities. Afterwards, the Non-Brahmins demanded their share in employment, and that's when employment and services in different categories started. Its main purpose was to provide benefits to all the castes.

In 1909, the muslims suggested to Lord Minto that the untouchables should not be a part of the Hindus. And after that on there were three castes recognized

- 1) Hindus
- 2) Amins/Tribals
- 3) Untouchables/Depressed

The list of depressed classes was first formed in 1930 and revised in 1931ⁱⁱ. Untouchability was introduced in 1931. The British Raj took advantage and passed various acts and ordinances.

III. Why was the SC/ST Act enacted?

During the British rule, caste based discrimination existed and was thereafter traditionalized in Indian Society. The lower castes, which are now referred to as SC/ST, were the victims of discrimination and used to suffer from economic exploitation, labour against their will, and physical abuseⁱⁱⁱ. Despite the fact that India became independent in the year 1947, unfortunately, the caste system stayed. Even though the constitution of India, which was adopted in 1950, issues that every person is equal before the law and hence caste based discrimination is discouraged, still the SC/ST have faced violence based on caste, they are excluded and exploited, and these practices have continued.

While Article 15 prohibits discrimination based on caste and Article 17 states that untouchability is abolished and its practice is forbidden^{iv}.

Before 1989, there was no specific law dealing with atrocities against SC/ST. Previously, it was dealt with under the Indian Penal Code of 1860. Responding to the failure of pre-existing laws to prevent atrocities and to ensure justice, the SC/ST Act, 1989, came into force. It was enacted on 11 Sept 1989 under (Act 33 of 1989) and came into force on 30 January 1990. The act made in 1989 has undergone many amendments in 2013, 2014, 2015, 2018, and 2019. The last amendment was made on 31 October 2019, which covers the whole nation.

Alarming - India during the 1970s and 1980s experienced a major rise in crime against Dalits, mainly in rural areas. The frequency of atrocities increased. There were notable incidents that drew nationwide attention. All these events showed the need to enact the SC/ST Act.

IV. Research Objectives and Questions

- To critically analyze the long-term consequences of caste based reservation.
- To explore alternate models to caste based affirmative action to ensure equality without compromising merit.
- To evaluate the effectiveness of reservations in achieving social and economic equality.

V. Questions -

- Has the reservation system succeeded in uplifting SC/ST communities socio-economically over the past decade?
- Are there better alternate models than caste-based reservation that address inequality without relying on caste?
- Does caste based reservation conflict with the right to equality under Article 14?
- Would a reservation policy based on economic criteria be more equitable and less divisive than caste based quotas?

Scope - This paper examines the SC/ST Act, 1989, and the reservation system in India. It focuses on the provisions made, interpretations of the law by courts, and how they promote justice. It analyzes the effect of measures made on SC and ST.

Limitations - While the research includes some international perspectives on affirmative law. It primarily focuses on the Indian context. It relies on secondary data only and does not include field work.

Methodology - This study uses a doctoral research and comparative methodology, which analyzes legislative provisions such as the SC/ST Act, 1989, and relevant Constitutional articles (15, 16, and 46). Primary data has been gathered from official law repositories for judgments. Secondary data is taken from academic commentaries, reports, and journal articles.

The framework includes interpretations of law, analysis of case laws, and investigation of the impact of the policy.

Legislative Milestones in Caste based Protections

Key milestones for caste based protections in India include acts, reservation policies, judicial interpretations, and constitutional articles.

Post-Constitutional legal developments

This section focuses on caste based legal protections after the enactment of the Constitution of our nation, with earlier historical context having been addressed in the introduction.

With the enactment of the Constitution of India in 1950, there was also a landmark attempt to control caste based inequalities through legal reforms. The people composing the Constitution

saw a very strong need for affirmative action to uplift the SC and STs. Articles like 15, 16, 17, and 46 provide a legal structure for the dissolution or abolition of caste based discrimination.

Article 14 of the Constitution guarantees equality before the law and equal protection of the law to all citizens.

Article 15 of the Constitution - Prohibits discrimination made on grounds of religion, race, caste, sex, or place of birth.

Article 16 of the Constitution - Equality of opportunity in matters of public employment.

Article 17 of the Constitution - Abolition of untouchability.

Article 46 of the Constitution - Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes, and other weaker sections.

All these articles use different laws to protect people from caste discrimination, help disadvantaged groups get better opportunities, and direct the government to work for a fair and equal society. Together, they show India's goal of ending caste-based injustice and creating equality for everyone^v.

Legal framework before 1989

After enacting the constitution in 1950 and before 1989, during this time span, India made legal reforms to counter and dissolve discrimination based on caste. After the Constitution itself terminated untouchability (Art 17) and prohibited caste based discrimination. Thereupon, the first major legal reform made was the Protection of Civil Rights Act, 1955. This law prohibited someone from accessing public spaces or other amenities because of untouchability, making this kind of act a criminal offence. While this act was significant in regulating caste based discrimination. It was limited in effectively addressing the caste related offences.

During this time, the plan's major focus was on promoting social and economic rights by constitutional directives (Art 46)^{vi}. Also, early reservation policies in both the employment and education sectors were designed to provide opportunities to SC's and STs. Yet, challenges were faced in enforcement, and the existing laws seemed to be insufficient.

Legal reforms in India post-1989

The need to make legal reforms after the year 1989 was because the existing law was not adequate enough to prevent all the crimes faced by the SC's and STs. These new laws were a response to the discrimination and also set the seal on justice and equality as ensured by the Constitution^{vii}.

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, this act was enacted on 11 Sept 1989 to confront and dissolve atrocities and crimes mainly targeting SC/ST communities. For which the earlier laws were not sufficient. This act provides for the establishment of special courts for expedited hearings in cases related to specified crimes involving atrocities, and establishes a separate authority for implementation. Despite its effectiveness, the act was amended nonetheless. Significant amendments took place in 2015, 2018, and 2019^{viii}. The amendments made in 2016 broadened the categories of offences, intensified victim protection, made the investigative procedure more rigorous, mandated the establishment of special courts, and also mandated the appointment of a few public prosecutors at the district level.

The 2018 and 2019 amendments made were concerning the court's ruling, which was observed to be less effective and more watery. Bringing back the provision for no anticipatory bail to the accused and granted only in circumscribed cases, and supplementing the presumption rule against the accused, that if the identity of the victim was known. Standards for relief were made in 2013, 2014, and 2016, promoting victim compensation.

While the SC/ST Act of 1989 was a significant step, the government also took affirmative action by mandating constitutional reservation for SC/ST in education, government jobs, and political representation. These policies are supported by development plans with the target to improve the socio-economic and educational background and status.

Institutional Mechanism

Establishing and strengthening bodies like the National Commission for Scheduled Castes (NCSC) and National Commission for Scheduled Tribes (NCST), which keep an eye on the implementation of constitutional provisions and suggest measures for better protection.

Protection and Socio-economic Development

Despite all these legal protections, a variety of schemes and policies have been implemented to improve every kind of opportunity for SC/ST and to minimize the socio-economic disparities.

VI. Current Challenges

Awareness and Accessibility Gaps - While the SC/ST Act and reservation policies have undoubtedly benefited many individuals and played a vital role in uplifting marginalized communities, there remains a significant gap in awareness and access, particularly in remote and rural regions. In several geographical areas, the communities that genuinely require these benefits are often unaware of the rights, schemes, and protections available to them. This lack of outreach limits the true impact of the policies. To address this, structured awareness initiatives such as simplified application forms, collaboration with educational institutions, community outreach programs, and legal literacy campaigns can be instrumental in bridging the information gap.

Reassessing Long-Term Beneficiaries - At the same time, concerns have emerged regarding the long-term beneficiaries who, after generations of reservation advantages, have achieved stable socio-economic positions but continue to access benefits intended for the disadvantaged. This raises the need for a more dynamic framework that reassesses eligibility over time, ensuring that the advantages reach those who remain marginalized. Furthermore, safeguards must be strengthened to prevent the misuse of legal provisions for harassment or personal vendetta, as such actions dilute the credibility of the system. A targeted, transparent, and periodically reviewed approach can ensure that affirmative action fulfills its purpose, uplifting those who genuinely need support while maintaining fairness and public trust in the policy framework.

A critical challenge lies in the fact that numerous caste-based atrocities, particularly in rural and remote regions, go unreported due to a lack of legal awareness and access to justice mechanisms. Many affected individuals are unaware of their rights under the SC/ST Act or of the procedures to seek redress, which leads to silent suffering and continued marginalization. Conversely, in areas where legal awareness is higher, instances of misuse of these provisions have also been reported, often for personal or political motives. This dual reality—

underreporting on one hand and deliberate misuse on the other underscores the urgent need for balanced reforms. Expanding legal literacy campaigns, establishing accessible complaint mechanisms in rural areas, and implementing strict safeguards against false or malicious claims could help ensure that the law serves its intended purpose of protection and justice without becoming a tool for exploitation.

Inadequate Infrastructure - There is an insufficient number of special courts dedicated to handling SC/ST cases, with only 194 out of 498 districts having established special courts. Few states have set up special police stations for registering complaints related to atrocities against SCs and STs.

Justice, Infrastructure, and Conviction Rates - These communities often view the low conviction rates in cases as evidence that justice is delayed and that bias persists within the judicial system, operating against them. In contrast, members of the other non-reserved castes tend to attribute the decline in conviction rates to an increase in false cases. They argue that as awareness of legal rights grows among reserved communities, some individuals misuse these provisions to target other castes, creating fear. As a result, many in the general category avoid engaging in discussions involving SC/ST matters, fearing that any disagreement may lead to allegations under the Atrocities Act.

Perception Challenges - While it is often claimed that victims of atrocity cases face fear of public exposure and social isolation, making it challenging for them to press charges, I do not consider this to be a genuine challenge in the present context. In my view, such claims may sometimes serve as a means to gain sympathy from other castes and members of their community. Given the current legal protections and enforcement mechanisms, I believe there is little reason to fear retaliation or social isolation in this generation.

Challenges faced by other Castes

Pretrial Harms from Stringent Provisions - A significant concern expressed by members of non-reserved communities relates to the implications of being accused under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Given that most offences under the Act are classified as non-bailable and attract stringent punishments, critics argue that there is limited scope for preliminary verification of the allegations before arrest. This, they contend, can result in reputational harm, social stigma, and economic loss for the accused, even before

the judicial process determines the veracity of the claims. While such provisions are designed to ensure strong protection for vulnerable groups, the potential for misuse remains a subject of debate within legal and social discourse.

SC/ST Act Misuse? 15% of Cases Concluded Without Charge Sheets - The question of false accusations also arises in discussions surrounding the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, given the potential for its misuse. Owing to the stringent provisions of the Act, some commentators argue that it can be leveraged to target individuals from the general category, thereby affecting their social standing. Data from a 2022 study indicates that 14.78% of cases related to Scheduled Castes and 14.71% cases related to Scheduled Tribes registered under the Act were closed during investigation due to inadequate evidence, false accusations, or misunderstandings. Such findings contribute to the ongoing debate regarding the balance between safeguarding the rights of vulnerable communities and preventing misuse of protective legislation.

Constitutional Tensions and Equality Concerns - While the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act provides necessary protection to members of historically disadvantaged communities, concerns have been raised regarding its potential for misuse. Critics argue that the exclusive protection afforded to these groups, without equivalent safeguards for individuals from other communities who are accused of atrocity charges, creates an imbalance. This, they contend, may conflict with Article 14 of the Constitution of India, which guarantees equality before the law. Such provisions, though intended to address historical injustices, can inadvertently contribute to perceptions of inequality and foster divisions between communities.

VII. Caste Based Inequality: Comparative Policy Approaches

Japan - It is important to explore how other countries have addressed caste-based discrimination, in some cases with greater success in eliminating such social divisions. Japan presents a notable example. In 1969^{ix}, the Japanese government enacted the Special Measures Law for Assimilation Projects to uplift the Burakumin, a historically marginalised community considered analogous to the backward castes in India.

Under this programme, substantial funding was allocated towards improving housing, infrastructure, healthcare, and education for the Burakumin population. The initiative was

sustained for a period of 33 years, concluding in 2002. By focusing on targeted socio-economic development rather than permanent reservation quotas, the policy significantly contributed to the integration and advancement of the Burakumin, ultimately reducing caste-based disparities to a large extent.

In addition to infrastructure and welfare measures, Japan also launched significant educational initiatives in the 1980s^x aimed at closing the educational gap between the Burakumin and the rest of society. The underlying objective was to indirectly enhance the socio-economic status of these communities by increasing access to quality education and, consequently, improving their employment prospects. This approach prioritised capability-building and the creation of equal opportunities, ensuring that advancement was achieved through merit and skill.

In contrast, India's model relies heavily on direct educational and employment reservations, which, while intended to promote social justice, can in certain instances result in capable candidates being overlooked in favour of less qualified individuals solely based on caste-based eligibility. This fundamental difference highlights how Japan's strategy of empowering communities through targeted development and education avoided some of the long-term challenges associated with permanent quota-based systems.

Another notable aspect of Japan's approach was its urban integration policy, initiated in the 1960s. Under this measure, members of marginalised communities, including the Burakumin, were assisted in relocating to well-developed urban areas. This relocation not only provided access to improved housing and infrastructure but also placed these communities in environments with better social amenities, educational facilities, and economic opportunities. By fostering mixed-neighbourhood living and reducing spatial segregation, the policy contributed significantly to improving living standards and promoting social inclusion.

Unlike India, which enacted specific legislation such as the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act^{xi} to address caste-based injustices, Japan adopted a different approach. In 1976, the Japanese government introduced special measures for the upliftment of marginalised communities, focusing on socio-economic integration rather than punitive caste-specific legal provisions. These measures were complemented by policies on privacy protection and human rights promotion, ensuring that the identity of historically disadvantaged groups was not unduly publicised or stigmatised.

This approach reduced the visibility of caste distinctions in public discourse, thereby minimising the risk of reinforcing social divisions. In contrast, India's Atrocities Act, while aimed at protecting vulnerable groups, explicitly identifies and singles out backward castes in its application, which may inadvertently draw greater public attention to caste identity even in situations where individuals are not being directly targeted.

United States of America - Caste-based discrimination, though historically rooted in South Asia, has gained recognition in the United States with the migration of South Asian communities who continue to face exclusion in workplaces, education, and housing. In response, several American cities such as Seattle, New York, and Fresno have explicitly outlawed caste-based discrimination, holding employers accountable for ensuring equal treatment in hiring and workplace conditions. A landmark development was the Cisco case in California, where allegations of caste harassment against a Dalit engineer brought caste into the ambit of workplace equality laws, extending protection under existing frameworks of anti-discrimination. In contrast, India has long recognized caste as a structural ground of inequality, addressing it through constitutional safeguards under Articles 15 and 17 and by enacting the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989^{xii}, which criminalizes caste-based violence and harassment. While U.S. law is evolving to accommodate caste as a distinct ground of discrimination, the Indian framework demonstrates a more entrenched and preventive approach, though challenges remain in curbing misuse and ensuring effective implementation.

Case Laws - The first case that I intend to cite in this research paper is *M.R. Balaji and Ors. v. State of Mysore AIR 1963 SC 649, (1962) 3 SCR 642*, this case intended to challenge and examine the constitutional validity and intended purpose of a State government order in Karnataka (then Mysore) that reserved a large percentage (68%) of seats in educational institutions for socially and educationally backward classes, as well as Scheduled Castes and Scheduled Tribes.

Issues - The issue before the Court was whether the government could create separate quotas by categorizing communities into 'backward' and 'more backward' classes for reservation.

Whether the policy of providing high percentages of reservation is truly beneficial for achieving social justice, and whether such policies agree with the constitutional principles of equality and fairness.

Whether the exclusive use of caste as a criterion to identify backward classes is constitutionally valid under Articles 15(4) and 16(4).

Do excessive or politically motivated reservation policies amount to a misuse of constitutional provisions, thereby undermining the true spirit of the Constitution?

Whether the implementation of extensive reservation policies amounts to a violation of the fundamental right to equality guaranteed under Articles 14 and 16 of the Constitution.

Decision - The reservation exceeding 50% granted by the State of Mysore was held unconstitutional, as it was excessive and beyond the permissible limit.

The Court clarified that reservations under Articles 15(4) and 16(4) must remain within reasonable limits and should not ordinarily exceed 50%.

The Court emphasized that the criteria for identifying backward classes must be broader, taking into account both social and educational factors, rather than relying solely on caste.

The Court cautioned that reservations should not result in reverse discrimination, and this judgment has served as a precedent for all future reservation policies in India.

Significance - The judgment set a 50% ceiling on reservations, clarified the definition of backward classes by including both social and educational factors, and established constitutional boundaries that shaped future reservation policies.

Application - The Court limited caste-based sub-classification, set the 50% ceiling rule, and, by avoiding reverse discrimination, the judgment became a guiding precedent for future reservation policies.^{xiii}

The second case, which I would like to refer to, is *Indra Sawhney v. Union of India (1992) 3 SCC 217*, popularly known as the Mandal Commission case.

Issues - The petitioners contended that increasing reservations on the sole basis of caste amounted to a violation of Article 16 and the fundamental right to equality guaranteed under the Constitution.

Whether caste alone can be the sole criterion for determining backwardness, or whether broader social, educational, and economic factors must be considered.

The judgment established a 50% ceiling on reservations in government jobs and educational institutions, reaffirming the principle first laid down in *M.R. Balaji v. State of Mysore* (1963).

The Court introduced the concept of the 'creamy layer,' holding that well-educated and economically advanced members of the OBCs should be excluded from the benefits of reservation.

The Court further held that reservations should not extend to promotions, as this would go beyond the intended scope of Articles 15(4) and 16(4).

Decision - The Court held that while caste may serve as an indicator of backwardness, it cannot be treated as the sole determinant; other social, educational, and economic factors must also be considered.

Through the *Indra Sawhney* judgment, the Supreme Court upheld 27% reservation for Other Backward Classes (OBCs) at the central level in government jobs and educational institutions.

The judgment introduced the concept of the 'creamy layer,' excluding the socially advanced and economically prosperous sections among the OBCs from availing reservation benefits.

The Court reaffirmed the 50% cap on reservations and categorically held that reservations should not be extended to promotions.

The Court emphasized the need for periodic review of reservation policies to assess their relevance and effectiveness, while also clarifying that economic criteria alone cannot form the sole basis for reservation.

Significance - The Court held that reservations should be confined to the entry level, and this decision significantly influenced future policies by balancing equality with social justice. It introduced the concept of the creamy layer among the OBCs and recognized caste as an indicator of backwardness, though not as its sole determinant.^{xiv}

Application - The Court applied these principles specifically to the 27% reservation granted to OBCs, excluded the creamy layer from its ambit, confined reservations to the initial stage of entry, and reinforced the 50% ceiling on total reservations.

The third case, which I intend to cite, is *M. Nagaraj v. Union of India*, AIR 2007 SC 71; (2006) 8 SCC 212, which dealt with the validity of reservations in promotions and the constitutional limits on such provisions.

Issues - The issue before the Court was whether the 77th, 81st, 82nd, and 85th Constitutional Amendments, which provided for reservation in promotions for Scheduled Castes and Scheduled Tribes, were constitutionally valid.^{xv}

Whether Articles 16(4A) and 16(4B), inserted through the 77th, 81st, 82nd, and 85th Constitutional Amendments to provide for reservation, violate the basic structure of the Constitution, particularly the principle of equality enshrined in Articles 14, 15, and 16.

Before granting reservations in promotions, the government must collect quantifiable data demonstrating the backwardness of the class, its inadequate representation in public employment, and the impact such reservations would have on administrative efficiency.

Whether the reservation policies introduced through constitutional amendments and government actions destroy the essence of Article 16, which guarantees equality of opportunity in public employment.

Decision - The Court upheld the constitutional validity of all the amendments made to enable reservation in promotions, holding that they did not violate the basic structure of the Constitution or the principles of equality under Articles 14, 15, and 16. However, the Court laid down certain conditions for their implementation.

The Court mandated that before granting reservation in promotions, the State must collect quantifiable data demonstrating the backwardness of the class, its inadequate representation in public services, and the effect of such reservation on the maintenance of administrative efficiency.

The Court also emphasized adherence to the 50% ceiling limit on reservations, the application of the creamy layer principle, and the prohibition of granting indefinite extensions of reservation policies.

The Court further laid down that the provisions for reservation in promotions for SCs and STs are not mandatory, and any such measures undertaken by the State must be justifiable and reasonable, ensuring that they do not compromise the efficiency of the administration.

Significance - The Court upheld the constitutional validity of all the amendments enabling reservations in promotions within government services, clarifying that Parliament has the power to amend the Constitution for this purpose. However, it cautioned that such amendments must not violate the basic structure, particularly the principle of equality. The Court further held that providing reservations in promotions is not mandatory for the State; rather, it may be introduced only if it is reasonable, justified, and subject to specific conditions.

Application - The Court held that while the State has the power under Articles 16(4A) and 16(4B) to provide reservations in promotions for SCs and STs, it is not mandatory. Before exercising this power, the State must collect quantifiable data demonstrating the backwardness of the class, its inadequate representation in public services, and establish that such policies in promotion are necessary without undermining administrative efficiency. The Court directed that the State must exclude the 'creamy layer' among SCs and STs, and also held that reservation policies cannot be indefinitely extended without adequate justification and probable cause.

Researchers' Opinion

The system of reservation in India has been in existence for a considerable period, serving as a significant instrument for the upliftment of certain communities in both social and economic spheres. Over the years, it has undergone numerous changes, with notable transformations occurring particularly after 1989, resulting in substantial economic as well as social impact. While the reservation framework has benefitted those who are aware of their rights, certain communities that stand to gain the most from these provisions remain unaware and thus underrepresented in their advantages.

The Poona Pact, as proposed by Dr. B.R. Ambedkar, could have served as a more effective approach, potentially yielding better long-term outcomes. In recent years, reservations have increasingly become a subject of political discourse, with the majority of political parties extending greater amenities to backward castes. While this has led to considerable growth for some communities, there have also been instances where the intended welfare-oriented legislation has been utilised in ways that may be perceived as unethical.

A concerning trend has emerged wherein individuals from the general category often express reluctance to engage freely with members of backward castes, due in part to the perception that the Atrocities Act disproportionately favours the latter. While the Act has undoubtedly protected historically marginalised groups, there are claims that it has, in certain instances, resulted in the harassment of individuals from the general category and facilitated a form of dominance contrary to the Act's original intent.

In light of this, it is proposed that the policy be restructured to extend benefits exclusively to those who genuinely need them, rather than granting blanket reservations to all members of backward classes. Further, alternative measures beyond direct reservation should be explored to promote social justice and ensure equitable opportunities for all, thereby preserving the principle of equality enshrined in the Constitution.

The reservation system, in operation for several decades, has played a significant role in the socio-economic advancement of numerous communities. While its primary objective was to enable historically disadvantaged castes to attain parity with the general category, over time, the scope and impact of reservation policies have evolved considerably. In certain regions, members of the general category now contend that they have become a minority and, in some instances, are themselves in need of socio-economic support.

Originally envisaged as a temporary measure to bridge historical inequalities, reservation has, in many cases, resulted in substantial upliftment of the targeted communities. However, continued political endorsement of these measures has contributed to their persistence beyond the stage of necessity for certain groups. As a result, some backward classes today hold a position of relative advantage, while sections of the general category face socio-economic challenges comparable to those historically experienced by the reserved categories.

In light of these developments, there is a growing argument that current reservation policies require reform. If affirmative measures such as reservation and protective legislation like the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are to be retained, their implementation should be recalibrated. Benefits should be directed towards individuals, regardless of caste, who are genuinely in need, through mechanisms that ensure fairness, uphold equality, and address the root causes of disadvantage without perpetuating caste divisions.

Rather than continuing to highlight specific backward castes through separate legislation and caste-based reservations, India should consider restructuring its affirmative action policies to be based primarily on economic criteria. In the present context, many socially disadvantaged groups have achieved significant socio-political empowerment and legal protection, particularly through measures such as the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. At the same time, sections of the general category have increasingly begun to experience economic vulnerability, partly because opportunities in education and employment are disproportionately available to members of reserved categories.

By focusing solely on caste as the basis for affirmative measures, the State risks perpetuating inequality among economically disadvantaged individuals from non-reserved categories. Shifting to an economic-based reservation system would ensure that benefits reach all communities in genuine need, irrespective of caste, thereby aligning with the constitutional principles of equity and equality. Such a shift would also reduce potential tensions between communities and help avoid situations that could be construed as violative of Article 14 of the Constitution of India, which guarantees equality before the law and equal protection of the laws. In contemporary society, economic disadvantage arguably plays a more decisive role than social background in determining access to opportunities, and policy should evolve accordingly.

Japan's relative success in addressing caste-like discrimination, particularly against the Burakumin community, can be attributed to its developmental approach rather than the adoption of a permanent reservation system as seen in India. Unlike India, where quotas in education and employment are constitutionally mandated and often criticized for creating dependency, Japan emphasized capacity-building measures designed to empower marginalized communities to compete on an equal footing. Government interventions were largely

developmental—focused on education, housing, and skill enhancement—rather than guaranteeing reserved positions or entitlements. Moreover, these schemes were temporary and outcome-based, intending to integrate disadvantaged groups into mainstream society without institutionalizing permanent preferential treatment. This distinction underscores how Japan's policies sought to eliminate structural barriers while fostering long-term self-reliance, whereas India's permanent reservation framework, though well-intentioned, has often been criticized for entrenching divisions and diluting incentives for capacity development.

While India has a stronger constitutional and statutory foundation against caste-based discrimination compared to the United States, it continues to face significant challenges in the effective implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Despite the strength of its legal structure, the Act's effectiveness is often diluted due to allegations of misuse, weak enforcement mechanisms, and systemic delays. Underreporting of caste-based atrocities remains a persistent issue, as many victims either lack awareness of their rights or fear social repercussions. At the same time, concerns have been raised about false or fabricated complaints, which not only undermine the credibility of genuine cases but also contribute to public skepticism about the Act. Thus, while India's legal framework is structurally robust, the dual challenges of underreporting and alleged misuse significantly hinder its practical enforcement.

In my considered opinion, although the judiciary has laid down several guiding principles through landmark judgments, such as the 50% ceiling rule, exclusion of the creamy layer, quantifiable data requirement, and prohibition on indefinite extension of reservations, these directions have not been fully implemented in practice. Successive governments, driven by political considerations, continue to expand reservation policies without proper review of their necessity or effectiveness.

The very purpose of judicial precedents is to ensure that reservation remains a tool of social justice, not a mechanism of political appeasement. However, despite repeated reminders by the courts that reservation policies must be periodically reviewed, such reviews have seldom been undertaken. As a result, many communities that have already achieved significant social and educational progress continue to enjoy reservation benefits, while truly marginalized groups remain neglected.

Furthermore, the lack of accountability in implementing the creamy layer principle and the tendency to extend reservation policies indefinitely dilute the balance between equality of opportunity under Article 16 and social justice under Articles 15 and 46. This not only raises doubts about the fairness of government policies but also creates resentment among sections of society who feel excluded from the benefits of affirmative action.

Thus, while the courts have attempted to draw constitutional boundaries, the continued disregard of these judicial precedents by government policy-makers undermines the spirit of equality enshrined in the Constitution. It is therefore essential that reservation policies be reviewed periodically, with greater reliance on economic and educational criteria rather than caste alone. In my opinion, the demographic composition of India's population, particularly concerning caste-based classifications, provides important context for understanding the framework of reservation policies. The population identified as "unreserved" or belonging to the "general category" comprises those who do not fall under the Scheduled Castes (SC), Scheduled Tribes (ST), or Other Backward Classes (OBC) categories.

Based on the latest estimates and data available:

- Scheduled Castes constitute approximately 16–20% of the population,
- Scheduled Tribes account for about 8–9%, and
- Other Backward Classes are estimated to represent around 41–52%, though exact figures vary due to the absence of a comprehensive caste census after 1931.

Aggregating the SC, ST, and OBC populations yields a combined estimate of approximately 65–75% of the total population. Consequently, the population classified as unreserved/general category is estimated to range from 25–35%. This implies that roughly one-quarter to slightly over one-third of India's total population does not benefit from caste-based reservations.

Applying these percentages to India's projected 2025 population of approximately 141 crore (1.41 billion), the unreserved/general category would represent around 35 to 50 crore individuals. It is important to recognize that these proportions can vary significantly between states; for instance, states like Tamil Nadu report much higher representation of reserved categories, resulting in a correspondingly smaller general category population.

This demographic understanding aligns with the existing reservation framework in public employment and educational institutions, where around 50–60% of seats are reserved for SC, ST, and OBC groups, with the remaining allocated to unreserved candidates.

Based on the demographic estimates outlined above, I am of the view that the current framework of caste-based reservations in India warrants critical re-evaluation. While historically marginalized communities—namely the Scheduled Castes (SC), Scheduled Tribes (ST), and Other Backward Classes (OBC)—have been rightfully provided with affirmative action to address centuries of social and educational disadvantage, recent population data presents a more complex picture.

With SC, ST, and OBC groups collectively constituting approximately 65–75% of the population, and benefiting from 50–60% of reserved seats in public employment and education, it appears that the majority is already within the ambit of affirmative action. In contrast, the unreserved or general category—estimated to be only 25–35% of the population—is excluded from such benefits despite forming a significant minority in terms of demographic size.

In my considered opinion, this demographic imbalance raises legitimate questions about the equity and sustainability of the current reservation model. Many individuals within the general category, especially those from economically weaker sections (EWS), lack access to basic opportunities and social mobility but remain outside the scope of caste-based affirmative action. As such, the unreserved category often bears a disproportionate burden in competitive domains, despite having considerable segments that are socio-economically disadvantaged.

Demographically, the unreserved category now represents a shrinking minority that receives no systemic support on the basis of social identity. This inversion of the majority-minority dynamic in the context of the reservation necessitates a policy rethink—one that focuses not only on historical injustice but also on contemporary indicators of need, such as economic status, regional disadvantage, and educational backwardness.

Therefore, it is my opinion that reservations should be more inclusively restructured to prioritize genuine socio-economic need over rigid caste classifications. This would ensure that support reaches all disadvantaged individuals, regardless of caste, and promote a more balanced and meritocratic system in keeping with constitutional ideals of equality and justice.

It is important to highlight a critical gap in India's policy-making infrastructure: the absence of up-to-date and reliable caste-based demographic data. The last comprehensive caste census was conducted in 1931, nearly a century ago. Since then, while the Scheduled Castes and Scheduled Tribes have been regularly enumerated in successive censuses, no official data has been gathered for the Other Backward Classes (OBCs) or the unreserved/general category at the national level.

The government has announced plans for the next census, likely to begin in late 2026 or 2027, but whether it will include detailed caste enumeration remains uncertain. In my view, this data vacuum severely undermines the ability of the state to design and implement effective reservation policies. If policies are still being made based on outdated or estimated data from 1931, it raises a fundamental question: how can the government accurately assess the actual beneficiaries and the real extent of social and economic backwardness?

Reservation policies, as constitutionally envisioned, are meant to uplift historically disadvantaged communities. However, in the absence of current, evidence-based data, these policies risk becoming tools of political appeasement rather than instruments of social justice. If the government lacks clarity on the actual population size, distribution, and socio-economic condition of various caste groups, then the legitimacy and effectiveness of caste-based reservations must be questioned.

It is also notable that whenever there is a call for a caste-based census, one common counter-argument is that it may lead to social fragmentation, reinforce caste identities, or create divisions. Yet, when it comes to availing the benefits of reservation or invoking legal provisions such as those under the SC/ST (Prevention of Atrocities) Act, the same caste identities are asserted without hesitation.

This contradiction is difficult to ignore: caste identity is not considered divisive when it brings tangible benefits or legal protections, but is suddenly seen as socially exclusionary when it comes to data collection that could potentially lead to a more equitable distribution of benefits. In my opinion, this selective sensitivity undermines the transparency and fairness of the reservation system.

If caste continues to be the primary basis for affirmative action in India, then a caste-based census should not only be seen as justified but essential. Without accurate data, the entire

framework of social justice risks being built on assumptions rather than facts. Therefore, a national-level caste census is not just a bureaucratic exercise—it is a prerequisite for rational, evidence-based policymaking that can address genuine need rather than serve electoral interests.

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