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JUDICIAL APPROACH TOWARDS RESERVATION: A CRITICAL ANALYSIS

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ABSTRACT

This paper analyzes India's reservation regime as a constitutional instrument for advancing substantive equality in a historically stratified society. It traces the shift from colonial-era quotas to a postcolonial framework grounded in the Preamble and Articles 15–16, and examines Supreme Court jurisprudence—from *Champakam Dorairajan* and *Balaji* to *Indra Sawhney*, *M. Nagaraj*, *Janhit Abhiyan*, and *Davinder Singh*—that defines ceilings, creamy-layer filters, evidentiary requirements, and evolving bases of affirmative action. The study highlights enduring tensions between formal and substantive equality, group remedies and individual fairness, and representation and administrative efficiency. It argues for calibrated reform: regular, disaggregated measurement; prevention of elite capture through sub-classification and creamy-layer mechanisms; and strong complements to quotas (education, health, bridge support, anti-discrimination enforcement). Properly designed, reservations remain a justified, evidence-led pathway toward equal citizenship and institutional excellence.

Keywords: Substantive equality; Affirmative action; Reservation policy (India); Constitutional law (India); Article 15; Article 16; Scheduled Castes (SCs); Scheduled Tribes (STs); Other Backward Classes (OBCs); Economically Weaker Sections (EWS); Creamy layer; Mandal Commission; Indra Sawhney; Social justice.

INTRODUCTION

Reservation is an affirmative action measure under which a fixed percentage of seats or posts is set aside in Parliament, State Legislative Assemblies, Central and State services, Public Sector Undertakings, and all public and private educational institutions—excluding minority and religious institutions—for socially and educationally backward classes. India's reservation

policy is anchored in, and operates through, the constitutional framework.¹

A longstanding and pervasive form of discrimination in India has been the practice of untouchability. Scheduled Castes (SCs) have historically borne the brunt of this practice, which is expressly prohibited by the Constitution of India.² Members of the Scheduled Castes were historically stigmatized as “impure” and excluded from the social order. They were compelled to live on the outskirts of villages and denied basic social rights. In some regions, particularly parts of southern India, even their touch—or, in extreme cases, their very shadow—was deemed polluting by upper-caste communities. There were strict restrictions on them for social gatherings and social life and if they violated any social norm, they were severely punished and in some cases were even killed. The stratification of society by notions of purity and pollution was deeply oppressive, stunting the social and economic development of lower-caste communities. Under this regime, individuals’ skills and labour were judged not on merit but solely by their caste identity.³ The concept of reservations arose in response to the systemic discrimination and atrocities inflicted on certain communities. It was adopted to ensure equal opportunity and social standing, advance social uplift, place these groups on an equal footing with others, and, more broadly, promote development within the society’s historically marginalized strata—objectives that underpin India’s reservation policy.⁴

Since reservations are viewed as serving both corrective and distributive justice, the policy carries significant political weight and has become entrenched in India’s governance so long as poverty and caste-based discrimination persist. While improving living standards can also be pursued through greater public spending on education and health, the reservation system directly enhances the representation of marginalized groups in politics, higher education, and employment.⁵ This policy promotes justice by lowering barriers to participation in mainstream society, enabling historically marginalized groups to access structural advantages long denied to them. This paper analyzes the judicial approach towards the implementation of reservation policy in India particularly by studying the Supreme Court judgements which relate to the issue in question.

¹ Mukul Shastri, *Reservation Policy in India: A Critical Evaluation* (SSRN Scholarly Paper No. 1406222, 2009), <https://ssrn.com/abstract=1406222>.

² Durga Das Basu, *Introduction to the Constitution of India* 98 (LexisNexis Butterworths Wadhwa 2008).

³ M.N. Srinivas & André Béteille, The “Untouchables” of India, 213 *Sci. Am.* 13 (Dec. 1965).

⁴ G. Kumar, Reservation Policy in India: A Critical Analysis, 5 *Int’l J.L. Mgmt. & Human.* 507 (2022).

⁵ K.C. Suri, Caste Reservations in India: Policy and Politics, 55 *Indian J. Pol. Sci.* 37 (1994).

HISTORICAL BACKGROUND

During British colonial rule, reservation policies were introduced in response to demands from various communities that their educated members be afforded opportunities within the institutions of the colonial state.⁶ For the colonial state reservations were an instrument of governance and a tool of pacification.⁷ In the postcolonial nation-state, reservations were recast to advance a constitutional democracy committed to social, economic, and political justice. The earlier rationale of representing community interests gave way to a focus on addressing socio-economic inequality and discrimination. Accordingly, the state limited guaranteed representation in legislatures, public employment, and educational institutions to Scheduled Castes (Dalits) and Scheduled Tribes.⁸ With the abolition of untouchability, reservations for Scheduled Castes were conceived with a dual mandate: promoting national integration and mitigating social inequality. The Constitution's framers believed that the modern nation-state's transformative principles would, over time, eliminate the multiple forms of oppression associated with untouchability; quotas were thus envisaged as temporary. At the same time, the Constitution empowered the state to identify other "socially and educationally backward classes" and adopt special measures for them, including reservations.⁹ From the 1960s onward, several states framed policies for this group—later termed Other Backward Classes (OBCs)—and, in 1993, a nationwide policy extended reservations to OBCs in government employment. Taken together, roughly 70% of India's population falls within one of the three categories eligible for quotas.¹⁰ Reservation quotas currently allocate 15% for SCs, 7.5% for STs, and 27% for OBCs. Since the 1990s, there have been calls to broaden this framework by creating a separate category for Muslims, aiming to address the discrimination faced by this religious minority.¹¹ Interest in this project emerged amid debates on extending reservations to Muslims,

⁶Susie Tharu et al., Reservations and the Return to Politics, *SocialSciences.in* (Aug. 3, 2011), <http://socialsciences.in/article/reservations-and-return-politics>.

⁷ Ibid.

⁸"Scheduled Castes" (SCs) denotes communities historically labeled "untouchable," subjected to economic exploitation and social segregation within the caste-Hindu hierarchy. The term was formalized by the British in 1935, when these groups were enumerated in official schedules for electoral representation; during colonial rule they were also called the "Depressed Classes." Similar rights were later extended to indigenous groups classified as Scheduled Tribes (STs). This project centers on SCs because of their prominence in the Constituent Assembly debates and their continuing centrality in discussions of caste discrimination and social policy in India.

⁹ See, Article 15 and 16 of Indian Constitution.

¹⁰ Scheduled Castes make up about 16% of India's population, Scheduled Tribes about 8%, and Other Backward Classes are commonly estimated at roughly 52%. This last figure is uncertain, however, because the national census does not capture caste data for the entire population.

¹¹Notably, many working-class and artisan Muslims have opposed such proposals, arguing that a single "Muslim" quota would obscure caste-based discrimination within the community. Although some Muslim and Christian groups are confined to stigmatized, exploitative occupations—and thus face practices akin to untouchability—they are excluded from the Scheduled Caste category and the social-policy benefits attached to it.

a discussion that gained momentum after the 2006 Sachar Committee Report on the social, educational, and economic status of India's Muslim community. The report documented severe poverty and marginalization. However, because reservations cannot be granted on religious grounds, Muslims—as a religious minority—are ineligible. Many commentators also oppose a distinct “Muslim quota,” warning that it could intensify communal polarization and potentially spark Hindu–Muslim violence.

Many accounts of the policy's history reinforced the assumption that the acceptability of quotas as a remedy for discrimination varies depending on who is under consideration. These narratives contend that guaranteeing reservations for Scheduled Castes—compensating for their long experience of segregation, violence, and exploitation—stands as a signal achievement of the Indian Constitution in advancing social, economic, and political justice for all citizens. Framed variously as “compensatory discrimination,” “protective discrimination,” or “preferential treatment,” reservations were seen as essential to recalibrating relations between privileged and marginalized groups within Hindu society. Accordingly, the policy is often traced to a collective sense of guilt among the colonized elite, confronted by critiques that their society was “uncivilized” and, toward subaltern castes, profoundly unjust.¹² It represented a “collective expression of regret, a long overdue gesture of historical reconciliation, a form of loyalty and an attempt to take the moral sting out of the past”.¹³ Reservations for Scheduled Castes and Scheduled Tribes were considered to be a full and final settlement of historical debt, after which caste would cease to be a political issue.¹⁴ However, as the policy broadened over time to include additional groups—especially Other Backward Classes (OBCs)—it provoked strikes, demonstrations, arson, and violence. In parallel, national media quickly amplified alarmist narratives about eroding national cohesion and the demise of merit and efficiency in state institutions. The extension of reservations to these groups has even been portrayed as a violation of the Constitutional principle of equality of opportunity and it was posited as dangerous to the idea of fraternity as mentioned in the Preamble of the Constitution.

¹²Walter Fernandes, Reservations as a Tool of Social Change, in *Protective Discrimination: Ideology and Praxis* 19, 19–32 (A.K. Lal ed., Concept Publ'g Co. 2001).

¹³Bhiku Parekh, A Case for Positive Discrimination, in *Democracy, Difference and Social Justice* 380, 380–89 (Gurpreet Mahajan ed., Oxford Univ. Press 1998).

¹⁴Susie Tharu et al., Reservations and the Return to Politics, *SocialSciences.in* (Aug. 3, 2011), <http://socialsciences.in/article/reservations-and-return-politics>.

CONSTITUTIONAL PROVISIONS RELATED TO RESERVATIONS IN INDIA

Preamble and Equality Code

India's reservation policy is grounded in the Constitution's egalitarian promise— "justice, social, economic and political" and "equality of status and of opportunity"¹⁵—and concretized through the equality code in Part III. Article 14 guarantees equality before the law and equal protection of the laws¹⁶, while Articles 15 and 16 articulate specific non-discrimination and equal-opportunity guarantees, alongside carefully crafted enabling clauses that authorize affirmative action.

Article 15: Special provisions in education and beyond

Art. 15(1)– (2): Prohibit discrimination on grounds only of religion, race, caste, sex, or place of birth; and forbid denial of access to public spaces on these grounds.¹⁷

Art. 15(3): Permits special provisions for women and children.¹⁸

Art. 15(4): Inserted by the Constitution (First Amendment) Act, 1951, expressly empowers the State to make "special provisions" for the advancement of *socially and educationally backward classes* (SEBCs) and for SCs/STs—laying the constitutional foundation for reservations in education after *Champakam Dorairajan*.¹⁹²⁰

Art. 15(5): Introduced by the Constitution (Ninety-Third Amendment) Act, 2005, authorizes reservation in admissions for SEBCs/SCs/STs in *all* educational institutions, including private unaided institutions, except minority educational institutions under Article 30(1).²¹

Art. 15(6): Introduced by the Constitution (One Hundred and Third Amendment) Act, 2019, enables up to 10% reservation for *Economically Weaker Sections* (EWS) in educational institutions, including private unaided institutions, excluding Article 30(1) minority institutions.²²

Article 16: Equality of opportunity in public employment²³

Art. 16(1)– (2): Guarantee equality of opportunity and prohibit discrimination in public

¹⁵ INDIA CONST. pmb1.

¹⁶ INDIA CONST. art. 14.

¹⁷ INDIA CONST. art. 15 cl (1) and cl (2).

¹⁸ INDIA CONST. art. 15(3).

¹⁹ INDIA CONST. art. 15(4) inserted by The Constitution (First Amendment) Act, 1951 (India)

²⁰ *State of Madras v. Champakam Dorairajan*, AIR 1951 SC 226 (India).

²¹ INDIA CONST. art. 15(5) inserted by The Constitution (Ninety-Third Amendment) Act, 2005 (India)

²² INDIA CONST. art. 15(6) inserted by The Constitution (One Hundred and Third Amendment) Act, 2019 (India)

²³ INDIA CONST. art. 16.

employment on proscribed grounds.²⁴

Art. 16(4): A core enabling clause permitting reservation of appointments/posts for “any backward class of citizens” that is not adequately represented in State services.²⁵

Art. 16(4A): Inserted by the Constitution (Seventy-Seventh Amendment) Act, 1995, empowers reservation in matters of promotion for SCs/STs; the Constitution (Eighty-Fifth Amendment) Act, 2001, later added “with consequential seniority.”²⁶

Art. 16(4B): Inserted by the Constitution (Eighty-First Amendment) Act, 2000, treats *backlog/unfilled reserved vacancies* as a separate class for subsequent years so that carrying them forward does not count toward the ceiling for that year.²⁷

Art. 16(6): Added by the 103rd Amendment, authorizes EWS reservation in public employment (mirroring Art. 15(6)).²⁸

Articles 330–334: Political representation in legislatures

Art. 330 & 332: Provide reservation of seats for SCs and STs in the House of the People (Lok Sabha)²⁹ and in State Legislative Assemblies³⁰, respectively.

Art. 334: Time-limits the duration of such legislative reservations; this period has been periodically extended by amendments. The Constitution (One Hundred and Fourth Amendment) Act, 2019, extended SC/ST legislative reservations and discontinued Anglo-Indian nominations under Article 331/State analogues.³¹

Local self-government: Articles 243D & 243T

The 73rd and 74th Amendments³² embed affirmative action in local bodies:

- **Art. 243D (Panchayats):** Reservation of seats and offices of Chairpersons for SCs and STs *in proportion to their population*, and not less than one-third for women (including within SC/ST seats). States may also provide for OBC reservations by law.³³

²⁴ INDIA CONST. art. 16 cl (1) and cl (2).

²⁵ INDIA CONST. art. 16(4).

²⁶ INDIA CONST. art. 16(4A) inserted by The Constitution (Seventy-Seventh Amendment) Act, 1995 (India) and amended by The Constitution (Eighty-Fifth Amendment) Act, 2001 (India).

²⁷ INDIA CONST. art. 16(4B) inserted by The Constitution (Eighty-First Amendment) Act, 2000 (India).

²⁸ INDIA CONST. art. 16(6) inserted by The Constitution (One Hundred and Third Amendment) Act, 2019 (India).

²⁹ INDIA CONST. art. 330.

³⁰ INDIA CONST. art. 332

³¹ INDIA CONST. art. 334 amended by The Constitution (One Hundred and Fourth Amendment) Act, 2019 (India).

³² The Constitution (Seventy-Third Amendment) Act, 1992 (India) and The Constitution (Seventy-Fourth Amendment) Act, 1992 (India).

³³ INDIA CONST. art. 243D.

- **Art. 243T (Municipalities):** A parallel scheme for urban local bodies with SC/ST and women's reservations, and enabling space for OBC reservations under State law.³⁴

Identification & institutions that underpin reservations

Art. 341 & 342: Empower the President to specify, for each State/UT, the *Scheduled Castes*³⁵ and *Scheduled Tribes*³⁶ lists, subject to alteration only by Parliament.

Art. 342A & the 102nd/105th Amendments: Article 342A (inserted by the Constitution (One Hundred and Second Amendment) Act, 2018) empowers the President to notify the *central list* of SEBCs, with Parliament authorized to amend that list. The Constitution (One Hundred and Fifth Amendment) Act, 2021, clarified that States retain power to identify SEBCs for *their* State lists, preserving federal competence.³⁷

Arts. 338, 338A & 338B: Establish the National Commissions for SCs³⁸, STs³⁹, and Backward Classes⁴⁰, respectively, with powers to investigate, monitor, and report on safeguards and to advise on socio-economic development measures.

Art. 340: Authorizes the President to appoint a commission to investigate the conditions of backward classes and recommend steps—constitutional basis for bodies such as the Mandal Commission.⁴¹

Directive Principles and administrative efficiency

Art. 46: Directs the State to promote the educational and economic interests of weaker sections, particularly SCs/STs, and protect them from social injustice and exploitation—an interpretive beacon for affirmative action.⁴²

Art. 335 (and its proviso): Mandates that the claims of SCs/STs be considered in services, consistent with the maintenance of efficiency of administration. The Constitution (Eighty-Second Amendment) Act, 2000, inserted a proviso permitting relaxation of qualifying marks or standards *in matters of promotion* for SC/ST candidates.⁴³

³⁴ INDIA CONST. art. 243T.

³⁵ INDIA CONST. art. 341.

³⁶ INDIA CONST. art. 342.

³⁷ INDIA CONST. art. 342A inserted by The Constitution (One Hundred and Second Amendment) Act, 2018 (India) and amended by The Constitution (One Hundred and Fifth Amendment) Act, 2021 (India)

³⁸ INDIA CONST. art. 338.

³⁹ INDIA CONST. art. 338A.

⁴⁰ INDIA CONST. art. 338B.

⁴¹ INDIA CONST. art. 340.

⁴² INDIA CONST. art. 46.

⁴³ INDIA CONST. art. 335 amended by The Constitution (Eighty-Second Amendment) Act, 2000 (India).

Introduction of EWS policy within the equality framework

The 103rd Amendment introduced economic-criteria-based affirmative action via Articles 15(6) and 16(6), creating space for up to 10% reservation for EWS, including in private unaided educational institutions (excluding minority institutions under Article 30(1))⁴⁴. These clauses sit alongside—but are textually distinct from—the social-backwardness framework of Articles 15(4) and 16(4).

So, read together, Articles 14–16 operationalize equality through a *two-track* design: a general anti-discrimination rule and targeted enabling provisions that permit the State to remedy structural disadvantage via reservations. Political and local-government reservations (arts. 330, 332, 243D, 243T) ensure descriptive representation; identification provisions (arts. 341–342, 342A) and commissions (arts. 338, 338A, 338B, 340) structure the *who* and *how* of eligibility; and Articles 335 and the promotion-specific clauses (16(4A)–(4B)) calibrate implementation with administrative efficiency and backlog management. The Directive Principle in Article 46 supplies the constitutional purpose that animates these mechanisms.

LANDMARK SUPREME COURT JUDGEMENTS RELATED TO RESERVATION POLICY IN INDIA

With the early-1990s implementation of the Mandal Commission’s recommendations—reserving seats in public educational institutions and government employment for Other Backward Classes (OBCs)—countrywide anti-reservation protests erupted. Predictably, the policy was challenged before the Supreme Court. This section examines the evolution of the Court’s jurisprudence on reservations in India.

Early Constitutional Framework: *Champakam Dorairajan* and the First Amendment

The journey began with *State of Madras v. Champakam Dorairajan* (1951), where the Court struck down caste-based communal quotas as violative of Article 15(1).⁴⁵ This judgment led directly to the First Constitutional Amendment (1951), introducing Article 15(4) to explicitly authorize special provisions for socially and educationally backward classes, Scheduled Castes (SCs), and Scheduled Tribes (STs).

⁴⁴ The Constitution (Hundred and Third Amendment) Act, 2019 (India).

⁴⁵ *State of Madras v. Champakam Dorairajan*, AIR 1951 SC 226 (India).

Setting Limits: *Balaji* and the 50% Ceiling

In *M.R. Balaji v. State of Mysore* (1963)⁴⁶, the Court invalidated the state's 68% reservation in college admissions as excessive and unreasonable, laying down the 50% ceiling principle. Though later breached by Tamil Nadu and attempted elsewhere, this ceiling has remained the constitutional standard for reservation.

Promotions, Carry Forward, and Early Expansion

Cases like *General Manager, Southern Railway v. Rangachari* (1962)⁴⁷ and *State of Punjab v. Hiralal* (1970)⁴⁸ extended reservations to promotions, while *Akhil Bharatiya Soshit Karamchhari Sangh v. Union of India* (1981)⁴⁹ upheld the "carry forward rule," permitting unfilled reserved seats to be carried into subsequent years, even beyond the 50% limit. These rulings were later overturned in *Indra Sawhney* (1992), though the 77th Constitutional Amendment (1995) reinstated promotion quotas through Article 16(4A).

The Mandal Case: *Indra Sawhney v. Union of India* (1992)

The most influential ruling came in *Indra Sawhney* (1992)⁵⁰, which upheld the Mandal Commission's recommendations of 27% OBC reservations in central services. The Court introduced the "creamy layer" doctrine, excluding the more advanced among OBCs, and reaffirmed the 50% ceiling. It also ruled out promotions under Article 16(4), prompting constitutional amendments to restore them. This case remains the cornerstone of reservation jurisprudence.

Refinements on Roster and Seniority

In *R.K. Sabharwal v. State of Punjab* (1995)⁵¹, the Court clarified that reservation rosters should operate only until the quota is filled, preventing perpetual application. Similarly, in *Union of India v. Varpal Singh* (1996) and *Ajit Singh Januja v. State of Punjab* (1996)⁵², the Court held that accelerated promotions for reserved candidates did not confer consequential seniority. These rulings were modified by later constitutional amendments, particularly the 85th Amendment (2001), which added consequential seniority to Article 16(4A).

⁴⁶ *M.R. Balaji v. State of Mysore*, AIR 1963 SC 649 (India).

⁴⁷ *General Manager, Southern Railway v. Rangachari*, AIR 1962 SC 36 (India).

⁴⁸ *State of Punjab v. Hiralal*, (1970) 3 SCC 567 (India).

⁴⁹ *Akhil Bharatiya Soshit Karamchhari Sangh (Railway) v. Union of India*, (1981) 1 SCC 246 (India).

⁵⁰ *Indra Sawhney v. Union of India*, AIR 1993 SC 477 (India).

⁵¹ *R.K. Sabharwal v. State of Punjab*, AIR 1995 SC 1371 : (1995) 2 SCC 745 (India).

⁵² *Ajit Singh Januja v. State of Punjab*, AIR 1996 SC 1189 : (1995) 2 SCC 715 (India).

Standards and Evaluation: *S. Vinod Kumar* and Later Amendments

In *S. Vinod Kumar v. Union of India* (1996)⁵³, the Court ruled that evaluation standards could not be lowered for promotions under reservation. The 82nd Constitutional Amendment (2000) responded by inserting a proviso in Article 335, allowing relaxation of evaluation criteria for SCs and STs.

Clarifying State Discretion: *Badappanavar* and *Nagraj*

In *M.G. Badappanavar v. State of Karnataka* (2001)⁵⁴, the Court held that Articles 16(4) and 16(4A) do not confer a fundamental right but leave it to the state's discretion. The constitutional validity of the 77th, 81st, 82nd, and 85th Amendments was later upheld in *M. Nagraj v. Union of India* (2006)⁵⁵. The Court emphasized that reservation in promotions required quantifiable data showing backwardness and inadequate representation, while also safeguarding administrative efficiency.

Quantifiable Data Requirement: *Suraj Bhan Meena v. State of Rajasthan* (2011)

Building on *Nagraj*, the Court ruled in *Suraj Bhan Meena* (2011)⁵⁶ that government rules on reservation in promotions could not be introduced without quantifiable data proving backwardness and underrepresentation of the group.

Education and Private Institutions

Cases like *Unni Krishnan v. State of Andhra Pradesh* (1993)⁵⁷ and *P.A. Inamdar v. State of Maharashtra* (2005)⁵⁸ restricted the scope of reservations in education. *Inamdar* held that quotas could not apply to private unaided institutions, leading to the 93rd Amendment (2005), which inserted Article 15(5) permitting reservation in such institutions (except minority-run ones). *Ashoka Kumar Thakur v. Union of India* (2008)⁵⁹ upheld this amendment, reaffirming the creamy layer principle for OBCs while excluding SCs and STs.

Economic Criteria and the EWS Quota

A major shift occurred in *Janhit Abhiyan v. Union of India* (2022)⁶⁰, where the Court upheld

⁵³ *S. Vinod Kumar v. Union of India*, (1996) 6 SCC 580 (India).

⁵⁴ *M.G. Badappanavar v. State of Karnataka*, (2001) 2 SCC 666 (India).

⁵⁵ *M. Nagraj v. Union of India*, AIR 2007 SC 71 (India).

⁵⁶ *Suraj Bhan Meena v. State of Rajasthan*, (2011) 1 SCC 467 (India).

⁵⁷ *Unni Krishnan, J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645 (India).

⁵⁸ *P.A. Inamdar v. State of Maharashtra*, AIR 2005 SC 3226 (India).

⁵⁹ *Ashoka Kumar Thakur v. State of Bihar*, (1995) 5 SCC 403 (India).

⁶⁰ *Janhit Abhiyan v. Union of India*, Writ Petition (Civil) No. 55 of 2019 (India 2022).

the 103rd Constitutional Amendment, introducing 10% reservation for Economically Weaker Sections (EWS) in education and public employment. Significantly, the Court held that the 50% ceiling was not inviolable, allowing economic disadvantage to serve as the sole basis for affirmative action for the first time.

Sub-classification and Creamy Layer for SC/STs: *State of Punjab v. Davinder Singh* (2024)

Most recently, the Supreme Court in *Davinder Singh* (2024)⁶¹ held that states have the authority to sub-classify SCs and STs to ensure equitable distribution of benefits within these groups. The Court also applied the creamy layer principle to SC/ST reservations, marking a major development in affirmative action jurisprudence.

CONCLUSION

India's reservation policy was conceived as a constitutional response to centuries of caste-based exclusion, humiliation, and structural denial of opportunity. What began as a targeted corrective for communities subjected to untouchability matured into a broader project of social reconstruction: lowering barriers to entry, redistributing opportunity, and ensuring that participation in education, employment, and representative institutions is not foreclosed by birth. The constitutional architecture—anchored in the Preamble's promise of justice and equality and operationalized through Articles 15 and 16—made room for carefully crafted departures from formal equality so that substantive equality could be pursued. In this sense, reservations are not an exception to constitutionalism but an instrument by which its egalitarian core is realized.

The historical trajectory shows a clear progressive arc. Colonial-era quotas functioned as instruments of governance and pacification; the postcolonial settlement reframed them as instruments of justice. Initially focused on Scheduled Castes and Scheduled Tribes as part of a dual mandate—national integration and redress for oppression—the framework later extended to Other Backward Classes to address persistent socio-educational disadvantage. This widening drew controversy: as the beneficiary pool expanded, anxieties about “merit,” administrative efficiency, and national cohesion surfaced with intensity. Yet the policy's persistence reflects a hard truth the Constitution recognizes—deeply embedded inequalities rarely recede under a

⁶¹ *State of Punjab v. Davinder Singh*, 2024 INSC 562 (India).

regime of formal neutrality alone.

The Supreme Court's jurisprudence traces—and in many ways calibrates—this balance between equality and social justice. Early decisions like *Champakam Dorairajan* triggered constitutional clarification (Article 15(4)), while *Balaji* placed a prudential ceiling on the extent of reservation. The watershed *Indra Sawhney* judgment entrenched the 50% norm, institutionalized the “creamy layer” for OBCs, and insisted that backwardness be social and educational rather than purely economic. Later, *Nagraj* required quantifiable data to justify promotion-based reservations and insisted on maintaining administrative efficiency, thereby translating constitutional principle into evidentiary burdens for governments. More recent decisions—*Janhit Abhiyan* on EWS and *Davinder Singh* on sub-classification and the creamy layer for SC/STs—signal that the Court is willing both to innovate and to refine: innovation by recognizing economic disadvantage as a valid ground for a distinct, limited quota; refinement by ensuring benefits do not concentrate within relatively advanced sub-groups.

This evolving case law underscores three enduring tensions. First, the tension between formal equality (the same rule for everyone) and substantive equality (different treatment to remedy unequal starting points). Second, the tension between group-based remedies and individual claims of fairness—especially around seniority, promotions, and standards of evaluation. Third, the tension between the values of representation and efficiency in public institutions. The constitutional scheme does not pretend to dissolve these tensions; rather, it manages them through enabling clauses, temporal limits in politics, roster logic, data requirements, and periodic judicial course-corrections.

Seen in this light, reservations are not a stand-alone cure but a necessary—though imperfect—lever within a wider equality project. They work best when complemented by public investment in schooling, scholarships, hostels, remedial education, health, and nutrition; when accompanied by robust anti-discrimination enforcement; and when embedded in transparent processes for identification, review, and revision of beneficiary lists. The jurisprudential emphasis on “quantifiable data” should be read as an invitation to institutionalize regular measurement: of representation across cadres and regions; of educational access and completion; of hiring, promotion, and retention; and of whether benefits reach the least-advantaged within targeted groups. Without such feedback loops, even well-intended policies can ossify, be captured by relatively privileged sub-groups, or fail to unlock mobility for those

most in need.

At the same time, the pathway forward calls for nuance rather than maximalism. Sub-classification within SCs and STs and the extension of creamy layer principles aim to diffuse intra-group inequities; but they demand careful, state-specific design to avoid fragmenting the remedial project or fuelling zero-sum politics. The EWS framework acknowledges real deprivation that is not reducible to caste, yet it must remain bounded and empirically monitored so that it does not erode the original logic of redressing caste-based handicaps. Similarly, concerns about the quality of institutions should be addressed not by shrinking opportunity but by strengthening preparation, mentoring, bridge courses, and institutional capacity—so that inclusion and excellence reinforce, rather than undermine, one another.

Politically, reservations endure because they are tethered to lived realities. The social meanings of “merit” and “efficiency” in a stratified society are themselves contested; the Constitution’s answer is not to deny these values but to insist that they be pursued in a field made fairer by proactive measures. When admissions and jobs become more representative, the public sphere more closely mirrors the diversity of the nation, and the promise of equal citizenship becomes more credible. That is the fraternity the Preamble gestures toward—one built not merely on affect but on equitable participation.

So, the Indian reservation regime is best understood as a dynamic constitutional technology: it has adapted through amendments and judicial interpretation to correct course, close loopholes, and update its moral and empirical predicates. Its durability stems from its fit with constitutional purposes and its responsiveness to evidence. The horizon, therefore, is neither indefinite stasis nor abrupt dismantling, but calibrated reform—periodic review of lists and thresholds; vigilant prevention of elite capture through sub-classification and creamy layer filters; strong complementary investments in human capability; and rigorous, disaggregated data to test whether the policy is doing what it claims. If pursued with that discipline, reservations can continue to function as a bridge from inherited hierarchy to genuine equality of opportunity—an ongoing, constitutionally supervised project of democratizing the republic’s most valuable goods: education, employment, and voice.