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# **DECODING INDIA'S RESERVATION SYSTEM: HISTORY, IMPACT AND CHALLENGES**

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## **ABSTRACT**

This article examines the history, constitutionality, and social effects of the reservation system. It thoroughly examines the groups that are eligible for reservations as well as the requirements that must be met. The essay looks at the system's advantages and disadvantages and raises the important question of whether reservations should stay in place as they are. A thorough historical review charts the development of the system, bolstered by analyses of seminal cases that have influenced its course. The article also discusses the functions and contributions of several commissions that were set up to deal with reservation policies. Finally, we assess critically whether the reservation system is still a suitable means of attaining social fairness in the modern world.

## **INTRODUCTION**

Fundamentally, reservation refers to the privileges and rights accorded to underprivileged groups in order to empower and elevate them. Ensuring social, economic, and educational well-being while promoting equality among citizens and preserving societal balance is the major goal of the reservation system. The idea was presented as a reform to close the disparities in access to opportunities that the wealthier segments of society had long controlled, including healthcare, work, education, and basic necessities.

Although the Constitution guarantees everyone equal chances, widening wealth gaps and unequal resource distribution have made programs like reservations necessary to help the poor. Since its creation, there has been much discussion about this system, with varying views on its fairness and efficacy.

We have seen important social and legal changes related to reserve policies over the years, including seminal court decisions that have influenced how they are implemented.

A number of changes have been made to the reservation system to accommodate the changing sociopolitical environment. It functions in accordance with particular laws, rules, and standards intended to accomplish its goals while preserving the integrity of the constitution. In contemporary India, the system continues to be a topic of conversation regarding equity and social justice.

## **HISTORY**

India's reservation system dates back to the 19th century, when there were more than 600 princely states and British colonial control. A few progressive areas aimed to advance social fairness and unity among their citizens, whilst the majority of states remained impoverished and firmly entrenched in social hierarchies. Efforts to elevate marginalised communities started to take shape as it was realised that large segments of society were being excluded systemically.

Shahu Maharaj, the Maharaja of Kolhapur, instituted programs to improve the lot of the lower classes, which is one of the first recorded examples of reservation. Fair representation and opportunities for historically marginalised people were the goals of his progressive initiatives. Prior to these initiatives, Jyotirao Phule laid the groundwork for later changes in the 1880s by fighting for social justice, education, and the rights of the underprivileged.

British Prime Minister Ramsay MacDonald's introduction of the Communal Award in 1932 was a major turning point in the history of reservations. In an effort to ensure representation for marginalised and oppressed communities, this policy split Indian electorates along religious and communal lines. Despite its controversy, the Communal Award was crucial in establishing India's contemporary reservation laws and setting the stage for further discussions and changes in an independent India.

Over time, these early initiatives evolved into a structured reservation system embedded in the Indian Constitution, continuing the legacy of social justice envisioned by reformers like Phule and rulers like Shahu Maharaj.

## **POONA PACT**

A prominent figure in the fight for the rights and self-determination of the backward classes, especially the Dalits, untouchables, and other disadvantaged groups in society, was Dr. B.R.

Ambedkar. He was adamant that the only way to guarantee these people' political, social, and economic advancement was to give them reserves. However, there was opposition to this idea, particularly from the Indian National Congress and Mahatma Gandhi.

Mahatma Gandhi argued that separate electorates for the downtrodden classes would exacerbate social tensions in India and undermine the country's independence effort. Mahatma Gandhi protested British Prime Minister Ramsay MacDonald's Communal Award of 1932, which called for separate electorates for different minority groups, including the Dalits, by going on a hunger strike while incarcerated.

Mahatma Gandhi, Dr. Ambedkar, Madan Mohan Malaviya, and other leaders engaged in negotiations. The result was the Poona Pact, which Mahatma Gandhi and Dr. Ambedkar signed on September 24, 1932. Instead of having distinct electorates for the marginalized classes, the accord gave them reserved seats in provincial legislatures, which would be chosen by a combined electorate.

An important turning point in India's sociopolitical history was the Poona Pact, which struck a compromise between the larger objective of national unity and the demands of marginalized minorities. It established the stage for future discussions on reservation policy while addressing some of the depressed classes' concerns and shedding light on the intricate relationships between caste and representation in pre-independence India.

## **CATEGORIES FOR RESERVATION**

Reservations in India have been designed to support certain categories of people who have historically faced discrimination or lack of access to opportunities. Over time, these categories have expanded to include Scheduled Castes (SC), Scheduled Tribes (ST), Other Backward Classes (OBC), and, more recently, the Economically Weaker Sections (EWS).

### **SCHEDULED CASTES (SC):**

The term "Scheduled Castes" (SC) was formally recognized under the Government of India Act, 1935. These communities, historically faced extreme social discrimination and exclusion. To address their marginalization, the government introduced reservations for SCs in education, government jobs, and legislative bodies, including reserved seats in the Lok Sabha and state assemblies.

SCs account for 15% of the total reservation in India. Despite these measures, representation remains imperfect, and many SCs, particularly in rural areas, continue to face socio-economic challenges. States like Uttar Pradesh, Punjab, West Bengal, Tamil Nadu, and Haryana have the highest SC populations. However, a significant portion of this population still struggles with limited access to basic education, reinforcing the necessity of reservation policies.

### **SCHEDULED TRIBE (ST):**

Scheduled Tribes (ST) are primarily indigenous tribal groups recognized for their unique cultural identities and geographical isolation. The phrase was first used in the 1935 Government of India Act and became official upon independence. To raise their socioeconomic standing, STs were granted reservations in government employment, education, and parliamentary seats, much as SCs.

STs are predominantly concentrated in the northeastern states like Nagaland, Mizoram, and Meghalaya, as well as in other tribal regions across the country. Many tribal communities rely on subsistence farming and daily wage labor for their livelihood. STs account for 7.5% of reservations in India.

### **OTHER BACKWARD CLASS (OBC):**

Initially, reservations were limited to SCs and STs. However, it became evident that other socially and educationally disadvantaged communities also required support. This led to the creation of the Other Backward Classes (OBC) category, which encompasses a much larger group than SCs and STs combined.

OBCs were identified based on recommendations from various commissions, including the Mandal Commission. They account for 27% of reservations in educational institutions and government jobs. This category aims to bridge the gap for communities that are not part of SCs or STs but still lack representation and opportunities.

### **ECONOMICALLY WEAKER SECTION (EWS):**

The Economically Weaker Sections (EWS) category was introduced to address economic disparities irrespective of caste. This category includes individuals from general or "unreserved" categories with an annual household income of less than ₹8 lakh. In addition to income criteria, there are specific conditions related to land ownership and property size that

determine eligibility.

EWS reservation accounts for 10% of the total quota in educational institutions and government jobs. This initiative ensures that economic disadvantage, even among higher castes, is addressed.

### **CASES REGARDING RESERVATION:**

#### **1. State of Madras v. Champakam Dorairajan (1951):<sup>1</sup>**

In this landmark case, the government reserved seats in educational institutions based on caste, religion, and race. This policy was challenged for violating Article 15(1) of the Constitution, which guarantees the right to equality. The Supreme Court struck down the provision, declaring that such reservations were unconstitutional. Article 15(4), which allows the state to make specific arrangements for the improvement of socially and educationally backward classes, was eventually introduced as a result of this ruling, which brought attention to the necessity for constitutional modifications.

#### **2. M.R. Balaji v. State of Mysore (1963):<sup>2</sup>**

The government of Mysore reserved 75% of seats in educational institutions for backward communities, which was deemed excessive and was set aside by the court. The government then reduced the reservation to 68%, but the Supreme Court again ruled this as unreasonable. In this case, the court established the "50% rule," setting a cap on reservations to ensure balance and fairness. This limit became a foundational principle for reservation policies.

#### **3. State of Kerala v. N.M. Thomas (1976):<sup>3</sup>**

In this case, the government of Kerala exempted Scheduled Castes (SC) and Scheduled Tribes (ST) candidates from passing certain examinations for promotions to higher positions, but only for a limited period of two years. While this policy faced criticism for allegedly favouring specific groups, the Supreme Court upheld it, stating that such measures were reasonable and essential to achieve substantive equality and address historical disadvantages.

#### **4. Indra Sawhney v. Union of India (1992):<sup>4</sup>**

This case, sometimes referred to as the Mandal Commission case, produced a

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<sup>1</sup> *State of Madras v. Champakam Dorairajan (1951)* :

<sup>2</sup> *M.R. Balaji v. State of Mysore (1963)*:

<sup>3</sup> *State of Kerala v. N.M. Thomas (1976)*.

<sup>4</sup> *Indra Sawhney v. Union of India (1992)*.

significant ruling regarding reservations. The Supreme Court upheld the 50% reservation limit established in earlier cases and declared that exceeding this limit would be unconstitutional, violating Article 16(4). The court also emphasized that reservations should be confined to socially and educationally backward classes, excluding the "creamy layer" (economically advanced individuals within OBCs). Additionally, Article 16(4A) was inserted into the Constitution, enabling states to provide reservations in promotions for SCs and STs, ensuring their adequate representation in underrepresented sectors.

### **CONSTITUTIONAL PROVISIONS REGARDING RESERVATION:**

#### **Article 15<sup>5</sup>:**

This article prohibits discrimination on grounds of caste, creed, sex, religion, or class. It ensures that no individual is denied access to public spaces or resources based on these grounds.

##### **1. Article 15(4):**

States are empowered to make special provisions for the advancement of "socially and educationally" backward classes or underrepresented sections of society. This provision allows the state to implement policies for the upliftment of marginalized groups.

#### **Article 16<sup>6</sup>:**

This article guarantees equality of opportunity in public employment for all citizens. In terms of public employment, it guarantees that no citizen faces discrimination on the basis of religion, race, caste, sex, descent, place of birth, or residency.

##### **2. Article 16(4):**

Allows the government to reserve seats in public employment for Scheduled Castes (SCs) and Scheduled Tribes (STs) to improve their socio-economic status and representation.

##### **3. Article 16(4A) (77th Amendment Act, 1995):**

Introduced to address the lack of adequate representation of SCs and STs in public services. This clause allows the government to provide reservations in promotions for these categories, ensuring upward mobility and equitable representation.

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<sup>5</sup> Article 15 of Indian Constitution.

<sup>6</sup> Article 16 of Indian Constitution.

**Article 330<sup>7</sup>:**

Provides reserved seats for SCs and STs in the Lok Sabha (House of the People) based on their population in each state, ensuring political representation at the national level.

**Article 332<sup>8</sup>:**

Extends similar provisions to state legislative assemblies, reserving seats for SCs and STs to enhance their political participation.

**103rd Constitutional Amendment:**

A 10% reservation for Economically Weaker Sections (EWS) in government employment and educational institutions was brought about by this amendment. The primary criterion for eligibility is income; those who earn less than ₹8 lakh per year for their household are eligible.

**Current Disputes:**

The provision remains contentious, with debates over whether it violates the constitutional structure or undermines the principle of social justice by focusing solely on economic criteria rather than social disadvantage.

**Articles 243D and 243T****Article 243D<sup>9</sup>:**

Reserves seats for SCs and STs in panchayats (rural local bodies) to ensure grassroots political representation.

**Article 243T<sup>10</sup>:**

Provides similar reservations in municipalities (urban local bodies).

**RESERVATION FOR OTHER CATEGORIES:****Women:**

Women also benefit from reservations in various sectors, including panchayats and municipalities, to promote gender equality and representation.

**Persons with Disabilities (PwD):**

Physically handicapped individuals are entitled to reservation in education, employment, and other sectors, addressing their unique challenges and fostering inclusivity.

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<sup>7</sup> Article 330 of Indian Constitution.

<sup>8</sup> Article 332 of Indian Constitution.

<sup>9</sup> Article 243D of Indian Constitution.

<sup>10</sup> Article 243T of Indian Constitution.

## MANDAL COMMISSION

The Mandal Commission, officially known as the **Second Backward Classes Commission**, was formed on **January 1, 1979**, under the leadership of **B.P. Mandal** during the tenure of then-Prime Minister **Morarji Desai**. Its goal was to identify India's socially and educationally disadvantaged groups and suggest ways to help them advance. The commission submitted its report on **December 31, 1980**, highlighting that 52% of India's population belonged to socially and educationally backward classes and proposed **27% reservation** for Other Backward Classes (OBCs) in government jobs and educational institutions.

The recommendations of the Mandal Commission were implemented on **August 17, 1990**, by Prime Minister **V.P. Singh**, sparking widespread protests and debates across the country. This was the second major initiative for backward classes, following the first **Backward Classes Commission**, which was established in **1953** under the chairmanship of **Kaka Kalelkar** during **Jawaharlal Nehru's** tenure as Prime Minister.

## CREAMY LAYER CONCEPT

The **creamy layer** concept emerged as a critical aspect of the reservation policy. It was introduced in the landmark case of **Indra Sawhney v. Union of India (1992)**. The Supreme Court ruled that the economically advanced and socially privileged individuals within the OBCs—referred to as the "creamy layer"—should be excluded from reservation benefits.

This principle ensures that reservation policies genuinely benefit the underprivileged and are not misused by individuals who already have access to sufficient resources and opportunities. The creamy layer criteria go beyond mere economic conditions, considering factors like education, occupation, and social status. This differentiation aimed to maintain the integrity of the reservation system and address disparities effectively.

## COMMISSIONS FOR SC ST AND OBC:

### 1. **National Commission for Scheduled Castes (NCSC):**

- Established under **Article 338**, this body was initially a single-member commission but later expanded.
- The commission gained independent status through the **89th Constitutional Amendment Act, of 2003**, and the first chairperson was **Suraj Bhan**.

- Its primary duties include:
    - Safeguarding the rights of Scheduled Castes.
    - Monitoring their social and economic development.
    - Submitting annual and special reports to the President on measures taken by the government.
  - The commission's headquarters is in **New Delhi**, with branch offices in various states.
2. **National Commission for Scheduled Tribes (NCST):**
- Created as a separate entity through the **89th Amendment Act**, it was originally part of the NCSC.
  - It works under **Article 338A**, focusing exclusively on the issues and rights of Scheduled Tribes, including their protection and advancement
3. **National Commission for Backward Classes (NCBC):**
- Initially set up by an executive order in **1993**, the commission was later granted constitutional status through the **102nd Constitutional Amendment Act, 2018**.
  - The NCBC works under **Article 338B**, identifying and addressing the grievances of Other Backward Classes (OBCs).

The **National Commission on Scheduled Tribes** shares many similarities with the National Commission for Scheduled Castes. It was established under the **89th Constitutional Amendment Act**, which inserted **Article 338A** into the Constitution. The commission's primary duty is to safeguard the rights and interests of Scheduled Tribes (STs).

Key responsibilities include:

- Ensuring the protection of STs and their access to rights over forest lands and other properties.
- Overseeing their proper representation in governance and addressing issues related to their rehabilitation.
- Monitoring and promoting their overall socio-economic development.

#### **National Commission for Backward Classes (NCBC)**

The **National Commission for Backward Classes** was constituted under **Article 340(1)** of the Indian Constitution. Its primary objective is to identify the challenges faced by backward classes and recommend solutions to address these issues to the appropriate authorities.

**Kaka Kalelkar** was the first chairperson of the **Backward Classes Commission**, established under the leadership of Prime Minister Jawaharlal Nehru.

### **ARGUMENTS IN FAVOUR:**

1. **Addressing Social and Economic Disparities:** Reservation helps bridge the gap between privileged and underprivileged sections of society, fostering stability and balance.
2. **Ensuring Equal Representation:** Backward classes are often underrepresented in decision-making spaces. Reservation ensures their inclusion and participation.
3. **Access to Basic Necessities:** Many marginalized groups struggle to access food, shelter, education, and healthcare. Reservation facilitates access to these fundamental needs.
4. **Alleviating Historical Challenges:** Reservation aids in reducing the persistent challenges faced by marginalized communities, enabling them to integrate better into mainstream society.

### **ARGUMENTS IN AGAINST:**

1. **Limited Impact on True Beneficiaries:** Despite its intent, reservation has often failed to reach the genuinely disadvantaged, leaving many still struggling.
2. **Injustice to Merit:** Reservation can disadvantage deserving candidates from non-reserved categories, raising concerns about fairness and competency.
3. **Misuse by the Privileged:** Well-off individuals within reserved categories often exploit the system, depriving the truly needy of opportunities.
4. **Complacency:** Over-reliance on reservation sometimes fosters complacency, with individuals assuming entitlements without striving for excellence.

### **IS RESERVATION SYSTEM APPROPRIATE?**

The question of whether the reservation system is appropriate in India is highly debated. While it is difficult to assert its absolute appropriateness, the system remains essential in addressing significant disparities in income, education, and social standing.

Reservation provides marginalized communities with opportunities they would otherwise struggle to access. However, its misuse by privileged sections and its impact on non-reserved communities require stricter governance and oversight. Proper implementation is critical to ensure that only those who genuinely need these benefits receive them, thereby fulfilling the original purpose of bridging societal gaps without creating new ones.

## **CONCLUSION**

The reservation system in India has both strengths and weaknesses. It has played a significant role in the country's socio-political framework by addressing inequalities and promoting representation. However, its implementation remains contentious, often sparking debates and discussions.

To achieve equality and justice, it is imperative that the system is administered transparently and effectively. Proper governance can ensure that reservation benefits reach those who genuinely need them, without harming the opportunities of others. When implemented responsibly, the reservation system can act as a catalyst for social transformation, fostering an inclusive and equitable society where everyone has the chance to thrive.

