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# CASTE BASED RESERVATION IN INDIA: CONSTITUTIONAL BASIS, JUDICIAL SCRUTINY, AND MODERN DEBATES

AUTHORED BY - DIBYABHA GHOSH

## **Abstract**

*Reservation policy that exists in India is legally and socially one of the most significant features of its constitutional design. Formed as a method of substantive equality, the system wants to address centuries of discrimination based on caste and socio economic alienation which are experienced by people belonging to lower castes. The constitutional provisions which govern reservation are contained in Articles 15, 16, 46 and 340 of the Constitution of India, which collectively gives power to the State to make new and provisions for historically disadvantaged groups. This paper has adopted a doctrinal methodology, focusing on constitutional texts, Supreme Court judgments and existing academic scholarship to analyse and reflect on the legal framework, judicial evolution and modern challenges that surrounds reservations based around caste in India. There is a research gap addressed by this paper about not enough attention paid by recent scholars to the inclusion of sub classification, the implications of reservation based on economical background under the 103rd Constitutional Amendment, and also an important question that arises, of whether the reservation system as it exists continues to serve its original purpose that was designed during newly independent India. By analysing all of these aspects together, this paper seeks to contribute to an understanding of the future expectation of reservation privileges and policy in India.*

**Keywords:** Reservation Policy, Caste Discrimination, Affirmative Action, Judicial Review, Constitutional Equality, Other Backward Classes.

## **Introduction**

The caste system that is a part of our Indian society has been one of the most significant forms of social stratification based on cultural norms in our country. It is originally rooted in ancient Hindu society the caste based hierarchy which places some communities at the extreme bottom of the social order of our country and letting them experience untouchability, social exclusion

as a system, economic exploitation and no access to education, ownership of land and participation in civic matters for generations and generations. The makers of the Indian Constitution who knew of the social injustice of this system thought to uproot its effect in a structural manner that will be backed by the constitutional framework. The Constitution of India abolished untouchability under Article 17, helped ban discrimination on grounds of caste under Article 14, 15, and also gave power to the State to make any sort of special provisions for certain groups such as the Scheduled Castes, Scheduled Tribes and Other Backward Classes through the system of reservations (Galanter 1984). The reservation system thus became the constitutional power through which the promise of equality was to be realised for communities that had stopped equal standing among all people in Indian society for centuries.

Reservation in India is essentially the policy of setting aside a certain number of seats in governmental and state funded educational institutions, government jobs and legislative structure for communities that have been historically disadvantaged. This reservation policy is similar to the policy of affirmative action that exists in USA as India's which is based on the understanding that formal legal equality is not sufficient to correct structural inequalities that have existed across generations. Without any active govt intervention historically marginalised communities will continue to remain at a disadvantage even in a so called formal equal legal order because the actual and materialistic conditions of inequality would persist (Deshpande 2011). The reservation system is therefore formalised not as a privilege given to some communities but as a corrective and compensatory policy which is being aimed at achieving substantive equality and proper and enough representation in public life.

After reservation's introduction, this policy has been a matter of intense political, social and legal debate. Supporters of reservation argue that it is a necessary tool for correcting historical injustice and ensuring adequate representation of marginalised communities in the public sphere. People who criticise reservation express that reservation advocates and continues caste identity, does not value meritocracy, disproportionately benefits the well earning within the backward communities and has also extended beyond its original constitutional motive for electoral considerations (Weisskopf 2004). This debate has approached new angles with the start of the Economically Weaker Sections reservation made by an amendment in 2019 which has further raised fundamental questions about the nature, scope and future angle of reservation jurisprudence in India (Bhat 2023).

The Supreme Court of India has contributed a lot as a key player regarding questions of reservation and continuing the role in shaping reservation policy through landmark judgments that have interpreted and also sometimes limited and sometimes expanded the constitutional provisions which governs the system. The case in *State of Madras v. Champakam Dorairajan* (1951) to the ruling in *Indra Sawhney v. Union of India* (1992) and even more recently in *Janhit Abhiyan v. Union of India* (*Janhit Abhiyan v. Union of Indi*, 2022) and *State of Punjab v. Davinder Singh* (2020) judiciary has discussed with some of the most difficult constitutional questions regarding the harmony between equality, justice and individual rights. This paper has used a doctrinal methodology, reflecting constitutional provisions, Supreme Court decisions and academic literature to showcase a critical and reflective analysis of caste based reservation that exists in India. The research gap that this study addresses lies in the insufficient attention paid to the combined implications of sub classification of reservation, economic reservation and the absence of updated empirical data on backward class conditions, three issues together will follow the paper's analysis in this. This paper aims to fill the existing gap by studying these dimensions in an integrated manner and drawing out their implications for the future of reservation law and policy in India.

### **Critical Analysis**

The constitutional provisions for caste based reservation that exists in India is found and mentioned in Articles 15,16 and 46 of the Constitution. Article 15 prohibits people exclusion and discrimination on grounds of religion, race, caste, sex or place of birth, but Article 15(4) has an exception making the State to make special provisions for the betterment of socially and educationally backward classes or for Scheduled Castes and Scheduled Tribes. In a same way Article 16 of the constitution guarantees everyone equality of opportunity regarding public employment, while Article 16(4) allows the State for the reservation of the appointing of or posts for any backward class of citizens that the state thinks is not properly represented in the services of the State (Basu 2011). These provisions does express the constitutional framework of treating equality not only as a formal of non discrimination but as a substantive way for rectifying and correcting the structural conditions created by historical injustice.

Article 46 of the Constitution of India which comes under the DPSP (Constitution of India, 1950) also employs the State to promote with some care the educational and economic interests of people of the weaker sections of the society mostly people belonging to Scheduled Castes and Scheduled Tribes and in order to protect these people from social injustice and all types of

discrimination. While the DPSP is not fully and directly enforceable by courts as a fundamental right but it does work as an authoritative directive by the constitution which guides the legislative and executive parts in the formulation of reservation policies (Pylee 2012). All of these provisions prove a constitutional structure that looks to balance the formal equality as well as the extremely important recognition that the State must actively address historical disadvantage to achieve the constitutional goal of an equal society.

The history of reservation in India is pre-levant before the making of the Constitution and should be understood in the lines of the colonial era debates about representation in politics for weaker classes of society. There were a Communal Award of 1932 and there was a pact between Mahatma Gandhi and B R Ambedkar which removed separate electorates with constituencies that were reserved and laid the framework for the political reservation system that exists in India today (Jaffrelot 2006). Ambedkar who chaired for the Constitution Drafting Committee worked really hard to get constitutional protections for Dalit communities in India. He played a leading role in including provisions for real equality in the Constitution. His vision was more than just formal equality under the law. He thought for a social democracy that would break down the material and cultural structures of caste oppression. (Ambedkar 2014).

One of the first main constitutional challenge to reservation rose at once after the Constitution came into being. In the case of *State of Madras v. Champakam Dorairajan* (1951) Supreme Court of India struck down a Madras state order reserving seats in state medical and engineering colleges which was based on religion and caste stating that it violated Article 29(2) which prohibits refusal of admission to government funded educational institutions on certain grounds of religion, race, caste or language. This judgment led the Parliament to pass the First Constitutional Amendment, added Article 15(4) to let the State create special provisions for socially and educationally backward classes. This early event set the trend for India's reservation laws. It showed how judges interpret the law and how lawmakers react to those interpretations. Legislatures amend the Constitution to restore the ability to pursue affirmative action. (Austin 1999).

The Supreme Court had considered the constitutionality of a Mysore government order that reserved 68% of seats in educational institutions for backward classes, Scheduled Castes, and Scheduled Tribes in *M. R. Balaji v. State of Mysore* (1963). The court had overturned the order ruling that special provisions under Article 15(4) must be reasonable and proportionate and that

reservations cannot be so large as to deny the rest of the population equal opportunities (Sathe 2002). The court also led importance on that that social and educational criteria must serve as the main foundation for identifying backward classes as caste cannot be the only factor used to determine backwardness. The fifty percent ceiling principle, which would subsequently be formally established in Indra Sawhney was sown by this ruling.

In *T. Devadasan v. Union of India* (1964) there was an invalidation in the carry forward rule in government service promotions. This rule had led to reservation exceeding fifty percent in a recruitment year. The court explained that equality of opportunity under Article 16 must not be made unrealistic for non-reserved candidates. It argued that reservations should stay within reasonable limits to maintain the equality promised by the Constitution (Seervai 1996). This case established that while reservation is allowed by the Constitution it must have meaningful quantitative limits.

The most important legal decision on reservation law in India is still the ruling in *Indra Sawhney v. Union of India* (1992), often called the Mandal Commission case. This case challenged the government's choice to adopt the Mandal Commission's suggestion of twenty seven percent reservation for Other Backward Classes in central government jobs. The Supreme Court supported the OBC reservation but set a crucial condition. It stated that the creamy layer individuals in backward classes, should not benefit from these reservations. The court also firmly set a ceiling of fifty percent on total reservations, declaring that this limit should generally not be exceeded unless in very special circumstances related to exceptional and remote areas of the country (*Indra Sawhney v. Union of India* 1992). This ruling defined the framework within which all future reservation laws in India would operate.

The exclusion principle established in *Indra Sawhney* is an important marker of the reservation policy. This principle is based on the idea that reservations should help those members of backward communities who truly face social and educational disadvantages and not those who have already achieved enough socio economic progress through education, jobs, or economic success (Deshpande and Ramachandran 2019). But using the creamy layer principle is a topic of deep controversy. The income criteria for this exclusion have only been given occasionally and a lot of critics say that these criteria is set really high. This allows a lot of people of the rich members of OBC groups to keep getting reservation benefits that were not given to them. This lack of regular and continuous reviews of this criteria is being seen as a major drawback

in the reservation system that exists today. (Thorat and Newman 2010).

The way of reservation for Scheduled Castes, Scheduled Tribes is different from OBC reservations in a lot of ways. The Supreme Court in Indra Sawhney mentioned that the creamy layer concept will not apply to SC and ST reservations because the problems of untouchability and exclusion of tribal people are more about social structures and are usually different from social and educational exclusion. Under Article 16(4A) which was added by the 77th Constitutional Amendment in the State was given power to give reservations in the matter of promotion for SCs and STs when there was not much representation in these services. In *M. Nagaraj v. Union of India* (2006) the Supreme Court stated the validity of these reservations under Article 16(4A) but gave three conditions, the State will give proper data which shows the community is backward, it does not have sufficient representation in these services and that giving reservations will not invalidate the total efficiency of all administration of Article 335 (*M. Nagaraj v. Union of India* 2006). These criterias gave a heavy burden on state trying to start these promotion reservations and started to a lot of legal battles.

The court in *Jarnail Singh v. Lachhmi Narain Gupta* (2018) in some ways changed the Nagaraj conditions. It said that the State does not need to have the proper data to show the backwardness of SC and ST people since the backwardness is there as mentioned in our constitution. But the requirement to show not enough representation and also the efficiency criteria was still there (*Jarnail Singh v. Lachhmi Narain Gupta* 2018). This created a bad legal situation for promotion reservation which resulted in a lot of litigation in multiple states. This conflict which is not resolving stayed there between the constitutional duty to make sure of enough representation and the criteria to maintain efficiency in administration shows the bigger challenge of creating reservation policies that promote social justice without disrupting the performance of institutions.

A new development in laws of reservation is the power of states to create sub categories within reserved groups itself. In *E. V. Chinnaiah v. State of Andhra Pradesh* (2004), it was ruled that the Presidential List of Scheduled Castes under Article 341 is complete. The State cannot create sub categories within this list to favor some SC communities over others. Doing so would interfere with a constitutionally established category (*E. V. Chinnaiah v. State of Andhra Pradesh* 2005). This ruling significantly impacted states that tried to reduce internal inequalities within the SC category by making sub quotas for the most disadvantaged sub groups. However,

In *State of Punjab v. Davinder Singh* (2024) the Supreme Court overturned *E. V. Chinnaiah*. By a majority, it ruled that states do have the power to create sub categories within SC and ST categories if the sub classification is based on rational criteria, empirical data, and a real purpose of ensuring that reservation benefits reach the most marginalized communities within these groups (*State of Punjab v. Davinder Singh* 2024). This case shows an important change in reservation law and handles the issue of elite power of reserved categories.

The problem of elitism in the reservation system is having more academic research in nowadays. Deshpande and Ramachandran (2019) studied National Sample Survey data and saw that a good number of the benefits from reservation in higher education and public jobs has went to a small number of families within SC, ST and OBC communities over many generations. Meanwhile the most marginalized sub groups in these communities still remain out of reach out from the benefits of the reservation system. This research has important reminders for the Constitution. It gives the suggestion that the current way of the reservation system is not fully delivering its constitutional goal of helping the unprivileged members of historically excluded communities. The Davinder Singh judgment's related sub classification as a constitutional way to tackle this issue is an important legal milestone.

The giving of reservation to Economically Weak sections create a different and a questionable dimension of reservation policy. This led to some amendments which is allowing for around ten percent reservation for EWS people in educational institutions and government jobs. This reservation applies only to those who are not in the SC, ST or OBC categories thus creating a separate reservation system for the general caste communities. This amendment had challenges in the Supreme Court stating that it violated the basic structure of the Constitution specially the equality code as held in *Indra Sawhney*. Critics also said that exclusion of SC, ST and OBC individuals from EWS benefits was discriminatory (Bhat 2023).

In *Janhit Abhiyan v. Union of India* (2022) constitutional bench allowed the 103rd Amendment by a vote of three to two. The majority ruled that economic criteria could justifiably form a basis for a recognized category of reservation. They argued that excluding SC, ST, and OBC communities from EWS benefits did not violate the principle of equality, as these groups already received benefits from existing reservation policies. The majority also declared that the fifty percent limit was a guideline rather than a strict constitutional rule, making it permissible to exceed this limit for EWS reservation. Dissenting opinions raised critical issues regarding

the amendment's departure from the social justice rationale behind reservation. They questioned the implications of establishing reservation based solely on economic status without a link to caste-based discrimination, along with the potential risk of undermining the constitutional framework of affirmative action. The Janhit Abhiyan ruling has sparked significant academic discussion on whether the constitutional structure of reservation has changed fundamentally with the introduction of purely economic criteria for reservation (Bhat 2023).

The policy of reservation in India is closely tied to electoral politics and has greatly influenced the development of reservation policy beyond its original constitutional limits. Various large and economically powerful communities that are not officially recognized as backward have organized major protests to demand inclusion in the OBC list. These protests highlight the significant material and symbolic benefits linked to reservation status. The Patidar protest in Gujarat from 2015 to 2016 and the Jat protest in Haryana in 2016 are clear examples of communities with substantial land ownership, access to education and political clout seeking backward class status (Jaffrelot 2006). These movements show that reservation has turned into a way for political competition in India which is undermining the proper system that the Constitution and the courts have tried to create for identifying real backwardness. As a result the OBC list in a lot of states has expanded steadily fueled more by political motives than by an actual result of social and educational disadvantage.

There is a major flaw in India's reservation policy and it is the lack of a database that is regularly updating on the socio economic conditions of different caste communities. The Mandal Commission report from 1980 which gave in the way for OBC reservation at a national level is over forty years old and cannot be seen as a proper reflection of the current scenario of the backward communities. The Socio Economic and Caste Census held by the Government of India in 2011 did get data on caste but the detailed data was not shown for a lot of years. This has made it hard to carry out proper assessments of the current conditions of different communities (Thorat and Newman 2010). Without this data reservation policy has been influenced by political matters and not of actual needs which disrupts the necessary revision and reform of the system to keep up with the changing circumstances.

The giving of reservation in private institutions and private sector employment has started legal and policy discussions. In the case of *T. M. A. Pai Foundation v. State of Karnataka* (2002),

the Court recognized that the non funded private institutions have their right to manage their own admissions and process of hiring limiting the state's ability to give reservations on them. This was held again in P. A. Inamdar v. State of Maharashtra (2005) where the court said that the state cannot enforce reservation quotas on private institutions. The 93rd Constitutional Amendment in 2005 which added Article 15(5) allowing the state to legislate reservations for private institutions except for minority institutions effectively overturning the court's decision in Inamdar through amendment of the constitution. The issue of reservation in private sector employment is still legally unresolved in India, although various legislative proposals and state-level ordinances have kept the debate active. Extending reservation to private employment would raise complex questions about the constitutional limits of the state's control over private economic activities and the connection between Article 16 and the freedom of trade and profession under Article 19.

Reservation in legislative bodies plays a vital role. Articles 330 and 332 of the Constitution guarantee that Scheduled Castes and Scheduled Tribes have reserved seats in the Lok Sabha and state legislative assemblies based on their population. The 73rd and 74th Constitutional Amendments in 1992 expanded this reservation to local elected bodies and introduced a quota for women in panchayats and municipalities. After many discussions, the Constitution (One Hundred and Sixth Amendment) Act, 2023 established thirty-three percent reservation for women in the Lok Sabha and state legislative assemblies. This new rule will take effect after the next delimitation process. The increase in political reservation indicates a broader strategy for improving representation. However, the long delay in implementing women's reservation in Parliament reveals the difficulty of reaching political consensus on extending reservation to new groups.

The relation between reservation policy and the right to equality is an important issue in constitutional law. The Supreme Court has a lot of times stated that reservation is there to support truly disadvantaged communities and kept within proper limits it does not breach Article 14. Treating those who are not equal as equals leads to a type of inequality. The principle of substantive equality is needed for the State to take action to address structural disadvantages instead of only applying rules that are neutral in nature. This principle supports the idea that reservation is both constitutionally valid and truly necessary. At the same time the court has focused that reservation should have clear boundaries which includes a cap of fifty percent and the exclusion of the creamy layer so that there is no group based discrimination

and not valuing individual equality.

The long-term aim of the reservation system is to act as a temporary measure to assist historically marginalized communities in achieving genuine equality. Once this is realized, the system should gradually be reduced. Article 334 of the Constitution originally called for the end of political reservations after ten years, although this has been extended multiple times through amendments. The absence of a sunset clause for reservations in education and employment is a deliberate choice, but the Supreme Court has repeatedly noted that reservations were never supposed to be permanent. The State must regularly check whether the reasons for having reservations still apply. The challenge for India's constitutional democracy is to establish the necessary systems and political will to carry out these assessments honestly and to reform the reservation system as needed while still honoring the principle of substantive equality that it represents.

A broader comparison of reservation systems reveals both the unique aspects and tensions within the Indian approach. India's affirmative action system differs from the American model affirmative action due to its constitutional basis and the wide range of sectors and categories it includes. The gradual reduction of race based affirmative action in American higher education, through a series of Supreme Court rulings culminating in *Students for Fair Admissions v. Harvard* (2023), contrasts with India's constitutionally protected system, which is much less vulnerable to judicial changes. The Malaysian model of bumiputera preference also provides extensive reservation-type benefits to the indigenous Malay majority. This comparison highlights the various forms that government-sponsored affirmative action can take and the different political and social tensions they create. India's constitutional approach reflects the framers' careful decision that the extent and duration of caste-based oppression needed a constitutionally guaranteed and judicially reviewable affirmative action system, rather than a simple legislative one that could be repealed by a basic parliamentary majority.

## Conclusion

Caste based reservation in India is one of the most important questions and is debated in affirmative action in the entire world. It is rooted in the goal of the constitution makers who wanted to remove the caste system and achieve real equality. In the last seventy years the reservation system has constantly changed through discussions among the legislature, the executive and the Supreme Court. Key establishments from the *Indra Sawhney v. Union of*

India (1992) case such as the fifty percent limit on total reservations and the exclusion of the creamy layer from OBC communities continue to shape the legal framework for reservations even as new problems arise.

This paper talks a research gap about the including of sub classification law, economic reservation and the lack of updated proper data. It shows that the reservation system faces a fundamental issue with the mismatch between its constitutional design and how it works in practice. The Supreme Court's statement in *State of Punjab v. Davinder Singh* (2024), which did support sub classification within the SC and ST categories is an important step. It aims to ensure that reservation benefits reach the most disadvantaged groups within reserved communities. This directly deals with the issue of elite capture that has weakened the original goals of the system. However, sub-classification by itself cannot replace the need for a thorough reform of the reservation framework based on current data about the socio-economic conditions of backward communities.

The introduction of economical backward reservation through one of the Constitutional Amendment and its approval in *Janhit Abhiyan v. Union of India* (2022) adds a new and significant tension to the reservation system. It creates a category of reservation based solely on economic status, without linking it to caste based discrimination. This debate over whether this represents a valid extension of affirmative action or a shift away from its constitutional roots is still open and deserves further analysis. Future research should look into how EWS reservation is applied across states. It should assess whether it is actually helping economically disadvantaged forward caste groups or mainly serving as a political tool.

To use reservation effectively as a means of constitutional change there needs to be strong evidence, principled judicial oversight and a true political commitment to the most disadvantaged people in Indian society. The reservation policy should be accompanied by investments in proper public education, strict actions against discrimination, reduction of poverty and building capabilities of institutions. Together these efforts can create a space where historically marginalized communities can achieve real equality. The reservation system will only fulfill the constitutional promise of equality which led to its creation if it operates within a bigger framework of social justice policies based on current data and proper processes questioning accountability.

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