

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed Edition :

www.ijlra.com

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Assistant professor of Law

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Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

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INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

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CASTE-BASED RESERVATION IN EDUCATION: BALANCING SOCIAL JUSTICE WITH EQUALITY

AUTHORED BY - VANSH CHADHA* & CHERRY SINGHAL**

ABSTRACT

India's caste-based reservation system, deeply entrenched in the nation's socio-political landscape, seeks to address historical inequities by providing affirmative action for marginalized communities. However, its implementation raises critical questions about social justice and meritocracy. Proponents argue that reservation is a necessary corrective measure to uplift historically disadvantaged groups. By allocating reserved seats in educational institutions and government jobs, it aims to level the playing field. However, questions persist: Does it genuinely empower marginalized communities? Are there unintended consequences? Critics contend that reservation compromises meritocracy, potentially denying deserving candidates opportunities solely based on caste. Supporters counter that historical injustices necessitate targeted interventions. Balancing these competing principles remains a delicate task, and policymakers must tread carefully to ensure that affirmative action remains a catalyst for positive change without compromising core democratic values. The paper examines landmark court judgments, constitutional provisions, and the legal framework surrounding reservation policies.

Keywords: Reservation, Caste, Social Justice, Meritocracy, Secularism.

INTRODUCTION

In the pursuit of fostering a fair and equitable society, education plays a pivotal role as a cornerstone of social justice. However, amidst efforts to promote inclusivity, the issue of religious-based reservation in educational institutions has emerged as a contentious topic. While purportedly aimed at addressing historical injustices, such policies have come under scrutiny for their discriminatory nature. Education stands as a beacon of hope, offering pathways to opportunity and advancement. Yet, the imposition of religious-based reservation policies in educational institutions undermines the very principles of fairness and equality that education is meant to uphold. By favouring individuals solely based on religious affiliation, such policies not

only perpetuate discrimination but also hinder the attainment of genuine social justice. Religious-based reservation in educational institutions is not only undesirable but also discriminatory. By prioritizing religious identity over merit and qualifications, these policies perpetuate inequality and division within society, ultimately undermining the principles of fairness and inclusivity.¹

The roots of reservation policies in India can be traced back to the pre-independence era, where societal divisions based on caste and religion entrenched disparities and discrimination. Following independence in 1947, the framers of the Indian Constitution recognized the imperative of addressing historical injustices and promoting social equity. Articles 15(4)² and 16(4)³ of the Constitution provided the legal framework for reservation policies, empowering the state to make special provisions for socially and educationally backward classes. However, while the intent was to uplift marginalized communities, the implementation of religious-based reservation has deviated from this noble objective, perpetuating discrimination, and inequality. In *T.M.A. Pai Foundation vs. State of Karnataka*⁴, the Supreme Court of India upheld the constitutional validity of reservations for minority institutions. While recognizing the autonomy of minority educational institutions to set admission criteria, the court emphasized the importance of maintaining standards of **excellence** and **inclusivity**.

EVOLUTION OF RESERVATION POLICIES IN INDIA

Reservation policies in India represent a complex tapestry woven from historical injustices, social hierarchies, and constitutional imperatives. Tracing their origins to the pre-independence era and navigating through subsequent developments post-independence, reservation policies have been subject to evolving interpretations and judicial interventions.⁵

In pre-independence India, societal divisions based on caste, religion, and ethnicity created a landscape of entrenched inequality and discrimination.⁶ The British colonial administration, while introducing administrative measures to categorize and govern diverse communities, also institutionalized systems of hierarchy and marginalization. One significant precursor to modern reservation policies was the introduction of the **Communal Award in 1932** by **British Prime**

¹ C. Basavaraju, *Reservation Under The Constitution Of India: Issues And Perspectives*, 51 J.I.L.I. 267, 271 (2009).

² IND. CONST. art. 15, cl. 4.

³ IND. CONST. art. 16, cl. 4.

⁴ (2002) 8 SCC 481.

⁵ Bhagwan Das, *Moments in a History of Reservation*, 35 E.P.W. 3831, 3832 (2000).

⁶ *Ibid.*

Minister Ramsay MacDonald. This award, though met with resistance, acknowledged the need for representation and empowerment of marginalized communities in the political arena.

Post-independence, the framers of the Indian Constitution grappled with the monumental task of nation-building amidst the legacy of colonialism and social stratification. Recognizing the imperative of addressing historical injustices and promoting social equity, the Constitution enshrined principles of equality and affirmative action.⁷

Articles 15(4) and 16(4) of the Indian Constitution form the cornerstone of the legal framework governing reservation policies. In *State of Madras v. Srimathi Champakam*⁸, it was held that Article 15(4) is a source of legislative power for making a reservation for Scheduled Caste (SCs) and Scheduled Tribes (STs) and also Socially and Educationally Backward classes (SEBCs), while Article 16(4) allows for reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the state, are not adequately represented in the services under the state. In *Indra Sawhney vs. Union of India*⁹, commonly known as the Mandal case, the Supreme Court upheld the constitutional validity of reservations for Other Backward Classes (OBCs) but imposed a 50% ceiling on total reservations and upheld the principle of creamy layer exclusion. In *M. Nagaraj vs. Union of India*¹⁰, the Supreme Court upheld the constitutional validity of reservations in promotions for Scheduled Castes and Scheduled Tribes, while also laying down certain conditions for their implementation, including the need to demonstrate backwardness, inadequacy of representation, and maintenance of efficiency.

UNVEILING THE FALLACY OF RELIGIOUS BASED RESERVATION

As far as our Constitution is concerned, it debars any discrimination on the basis of caste, religion, language or any other sectarian consideration; hence no reservation can be granted on the basis of religion. But our Constitution as well provides for affirmative actions for socially and educationally backward classes (SEBC). This in popular term means the other backward classes (OBCs) that have been accorded 27% reservation, both in employment and education as per the recommendations of the Mandal Commission.¹¹

⁷ Bidyut Chakrabarty, *The Communal Award of 1932 and Its Implications in Bengal*, 3 M.A.S. 493, 495-500 (1989).

⁸ 1951 AIR 226.

⁹ 1992 Supp (3) SCC 217.

¹⁰ (2006) 8 SCC 212.

¹¹ Aditya Nigam, *Mandal Commission and the Left*, 25 E.P.W. 2652, 2652 (1990).

Discriminatory Nature:

Religious-based reservation perpetuates discrimination by favouring certain religious groups over others. They contend that educational opportunities should be awarded based on individual merit and socio-economic background, not religious affiliation. It is highlighted that reservation based on religion might benefit privileged sections within minority communities, while not necessarily reaching the most disadvantaged members. In *Jaishri Laxmanrao Patil v Chief Minister, Maharashtra*¹², the Supreme Court struck down Maharashtra's Socially and Educationally Backward Classes Act, 2018, which grants reservations to the Maratha community for violating the 50% limit on reservations and the 102nd Amendment of the Constitution.

For example, in the case of **reservation of Muslims in the State of Andhra Pradesh**, the problem in recognising the SEBCs within the Muslim minority arises from the false assumptions within the community that it will lead to polarisation on caste lines that according to them does not exist within their community. But the situation has changed now. There are Muslim organisations formed based on professional affiliation. They do recognise that majority of Indian Muslims are converts and have inherited, not only the profession but also the social and educational backwardness. Those within the Muslim community who demand reservation for Muslims as a religious community mostly belong to the 'upper castes' of Muslim society. They still oppose the demand for recognition of Muslim professional communities on par with the professional counterparts in the majority community. This will continue to harm the community as a whole.¹³

Violation of Equality:

Religious-based reservation contradicts the principle of equality enshrined in the Indian Constitution¹⁴ (Article 14). This principle guarantees equal treatment for all citizens before the law. Reservation based on religion creates a system of unequal access to education, where individuals are treated favourably or unfavourably solely based on their faith. As far as our constitution is concerned Article 15(1) prevents the State from discriminating anybody on the basis of religion. It was also stated by the Supreme Court of India in the case of *Nain Sukh Das vs. State of Uttar Pradesh*¹⁵ that the constitutional mandate to the State not to discriminate on the ground of religion extends to every political as well as other rights. Implementation of Religion

¹² (2021) 8 SCC 1.

¹³ Rakesh Basant, *Social, Economic and Educational Conditions of Indian Muslims*, 42 E.P.W. 828, 830 (2007).

¹⁴ IND. CONST. art. 14.

¹⁵ 1953 INSC 49.

based reservations may result in social unrest in the society. It will disunite people of the country; seeing that a particular religion is getting favours irrespective of other aspects of life such as education, financial status, job opportunities, other religions would feel endangered. This will become an act of distrust in the government. And even if a part of government tries and recognizes the need of religion-based reservations in the country; it will stand unconstitutional because the idea and approach of Dr. BR Ambedkar given through Indian Constitution does not, in any way support religion-based discrimination among the people of the society.¹⁶

Undermining Meritocracy:

Another criticism of religious-based reservation is that it undermines meritocracy in education. These policies prioritize religious affiliation over academic merit and qualifications during admissions. This can lead to a decline in educational standards and a situation where less qualified students from reserved categories gain admission over more qualified students from non-reserved categories. Several High Courts have highlighted the issue of creamy layer within reserved categories.¹⁷ These cases argue that economically well-off individuals from traditionally disadvantaged communities continue to avail reservation benefits, while those truly in need are left behind.

Divisive Impact:

Religious-based reservation can foster divisiveness and communal tensions. By pitting religious communities against each other in competition for limited educational opportunities, these policies can exacerbate religious divides.¹⁸ This concern is particularly relevant in a nation with a diverse religious landscape like India. Protests and legal challenges have emerged in response to the implementation of religious-based reservation in some states.¹⁹ These instances highlight tensions between communities vying for a limited number of seats in educational institutions.

IMPLEMENTATION CHALLENGES

1. Difficulties in Defining Religious Categories

One of the fundamental challenges in implementing religious-based reservation policies lies in defining religious categories. India is a diverse nation with a multitude of religious communities,

¹⁶ Kanta Kataria, *Dr. B.R. Ambedkar as a Nation-Builder*, 73 T.I.J.P.S. 601, 602 (2012).

¹⁷ L. Chinzakham Ngaihte, *Merit and Reservation*, 26 E.P.W. 70, 70 (1991).

¹⁸ Ghanshyam Shah, *Caste, Class and Reservation*, 20 E.P.W. 132, 133 (1985).

¹⁹ *Ibid.*

each with its own distinct identities and beliefs. As such, determining which communities qualify for reservation benefits can be a complex and contentious task. Moreover, the classification of religious communities is not always clear-cut, with individuals often belonging to multiple religious identities or adhering to syncretic religious practices.²⁰ This ambiguity further complicates the process of defining religious categories and identifying eligible beneficiaries for reservation benefits.

2. Identifying Beneficiaries

Another significant challenge is the identification of beneficiaries for religious-based reservation policies. Unlike other forms of affirmative action, such as caste-based reservations, where individuals can be classified based on their caste status, religious identity is often fluid and subjective²¹. This poses practical challenges in accurately identifying individuals belonging to marginalized religious communities who are in need of reservation benefits. Without robust mechanisms for verification and authentication, there is a risk of ineligible individuals claiming reservation benefits, while genuinely deserving candidates may be overlooked.

3. Ensuring Fairness and Transparency in Allocation of Seats

Fairness and transparency are essential principles that underpin the implementation of reservation policies. However, ensuring fairness in the allocation of reserved seats in educational institutions can be challenging, particularly in the absence of clear guidelines and accountability mechanisms. There is a risk of favouritism, nepotism, and corruption in the allocation of reserved seats, with influential individuals or groups exerting undue influence to secure admission for their preferred candidates.²² This compromises the integrity of the reservation process and undermines public trust in the fairness and transparency of educational institutions.

4. Misuse and Politicization

The implementation of reservation policies for religious gain has led to instances of misuse and politicization, further marginalizing vulnerable communities. In some cases, reservation benefits intended for marginalized religious communities have been co-opted by dominant groups for their own political or economic interests.²³

²⁰ *Ibid.*

²¹ Bohra, Shruti, *An Analysis of Caste-Based Reservation in India*, 5 *I.J.L.L.R.* 1, 3 (2023).

²² *Ibid.*

²³ K.C. Suri, *Caste Reservations in India: Policy and Politics*, 55 *T.I.J.P.S.* 37, 40-44 (1994).

For Instance: The politicization of reservation policies for electoral gains, where political parties exploit religious sentiments and identity politics to garner support from religious communities. This has led to the instrumentalization of reservation as a tool for advancing political agendas, rather than addressing genuine socio-economic inequalities. Similarly, there is manipulation of reservation quotas by dominant religious groups to maintain their hegemony and exclude marginalized communities from accessing educational opportunities.²⁴ This perpetuates the cycle of marginalization and further entrenches existing disparities within society.

COMPARATIVE ANALYSIS

1. Religious-Based Reservation Policies in India vs. Affirmative Action Measures Globally

India's reservation policies based on religious identity have evolved against the backdrop of its diverse and complex social fabric. While aimed at addressing historical injustices and empowering marginalized religious communities, these policies have been criticized for perpetuating discrimination and inequality.

In contrast, affirmative action measures implemented in other countries vary significantly in their scope, objectives, and implementation. For example:

- **The United States:** Affirmative action in the United States seeks to promote diversity and equal opportunity in education and employment. Programs such as race-based admissions policies in universities aim to address systemic racism and underrepresentation of minority groups.
- **South Africa:** The post-apartheid government in South Africa introduced affirmative action policies, known as Black Economic Empowerment (BEE), to address historical inequalities and promote economic inclusion for Black South Africans. These policies include quotas for representation in various sectors, including education.
- **Brazil:** Brazil has implemented affirmative action policies, such as racial quotas in universities, to address historical inequalities stemming from centuries of slavery and racial discrimination. These policies aim to increase access to higher education for Afro-Brazilians and indigenous populations.

2. Successful Alternative Approaches to Promoting Diversity and Inclusion

While religious-based reservation policies have been one approach to addressing social

²⁴ Ghanshyam, *supra* note 18, at 135.

inequalities in India, several successful alternative approaches have been implemented globally:

- **Socio-Economic Quotas:** Some countries have adopted socio-economic quotas that prioritize individuals from economically disadvantaged backgrounds, regardless of religious or ethnic identity. These quotas aim to target individuals facing socio-economic barriers to education and empower them through affirmative action measures.
- **Holistic Admissions Policies:** Holistic admissions policies consider a wide range of factors beyond academic performance, such as extracurricular activities, personal background, and overcoming adversity. By taking a comprehensive approach to evaluating applicants, these policies promote diversity and inclusion without resorting to explicit quotas based on religious or ethnic identity.
- **Targeted Support Programs:** Targeted support programs provide additional resources and assistance to students from underprivileged backgrounds, including mentoring, tutoring, and financial aid. These programs aim to address systemic barriers to education and promote success for all students, regardless of their religious or ethnic background.

Examining these alternative approaches highlights the importance of adopting multifaceted strategies to promote diversity and inclusion in education. By focusing on addressing socio-economic disparities and providing targeted support to marginalized communities, countries can foster a more equitable and inclusive educational landscape without relying solely on religious-based reservation policies.

ETHICAL AND MORAL CONSIDERATIONS

Religious-based reservation policies often present ethical dilemmas and moral quandaries, particularly concerning fairness, justice, and individual rights. For example: The implementation of religious-based reservation policies may raise questions about fairness and meritocracy in educational admissions. Critics argue that prioritizing religious identity over academic merit and qualifications undermines the principle of merit-based selection and denies deserving candidates opportunities for advancement. Furthermore, religious-based reservation policies may infringe upon individual rights and autonomy by categorizing individuals based on their religious affiliation, rather than their inherent abilities and potential. This raises ethical concerns about the dignity and agency of individuals, who may feel marginalized or stigmatized by the reservation process.²⁵

²⁵ Dipankar Gupta, *Towards Affirmative Action*, 33 I.I.C.Q. 150, 155 (2007).

Considering the ethical dilemmas associated with religious-based reservation, it is imperative to explore alternative approaches to addressing historical injustices and promoting educational equity that are consistent with principles of equality and non-discrimination. One alternative approach is to implement socio-economic quotas that prioritize individuals from poor backgrounds, regardless of religious or ethnic identity. By targeting individuals facing socio-economic barriers to education, these quotas promote equity and inclusivity without resorting to explicit quotas based on religious identity. Another alternative is to adopt holistic admissions policies that consider a wide range of factors beyond academic performance, such as extracurricular activities, personal background, and overcoming adversity. By taking a comprehensive approach to evaluating applicants, these policies promote diversity and inclusion while maintaining academic standards and fairness in admissions.²⁶

Moreover, targeted support programs that provide additional resources and assistance to students from underprivileged backgrounds can help address systemic barriers to education and promote success for all students, irrespective of their religious or ethnic background.

CONCLUSION

Throughout this discourse compelling arguments are presented against religious-based reservation in educational institutions. It is highlighted how such policies perpetuate discrimination, violate principles of equality, compromise meritocracy, and foster divisiveness within society. The adverse effects of religious-based reservation, from exacerbating communal tensions to eroding trust in educational institutions are, also, presented. The detrimental impact of religious-based reservation on educational equity cannot be overstated. By favouring certain religious groups over others, these policies perpetuate systemic discrimination and hinder the advancement of marginalized communities. Moreover, they sow seeds of discord and mistrust, fragmenting social cohesion and undermining national unity. In conclusion, the imperative for inclusive and merit-based approaches to education has never been clearer. We must transcend religious divisions and embrace diversity as a strength rather than a source of division. By prioritizing fairness, transparency, and equal opportunities for all, we can build a more inclusive and just educational landscape that empowers individuals based on their abilities and potential, rather than their religious identity. As we navigate the complexities of educational policymaking, let us heed the call for a more equitable and inclusive future. Let us strive to create educational

²⁶ *Ibid.*

institutions that embody the values of fairness, justice, and unity, paving the way for a society where every individual has the opportunity to thrive and contribute to the collective advancement of humanity.

