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AFFIRMATIVE ACTION IN TRANSITION: A COMPARATIVE STUDY OF RESERVATION IN PUBLIC EMPLOYMENT IN HARYANA AND GLOBAL MODELS OF EQUALITY

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Abstract

This paper undertakes a comparative, doctrinal, and empirical examination of reservation in public employment in the State of Haryana, situating the state's evolving quota architecture within the broader universe of global affirmative action regimes. Since 2019, Haryana has implemented an unusually dense sequence of reforms: the introduction of a 10 percent Economically Weaker Sections (EWS) quota, an Agniveer quota in police recruitment, a 75 percent domicile-based reservation for private-sector jobs (subsequently struck down by the Punjab and Haryana High Court), an increase in Other Backward Classes (OBC) reservation from 15 to 27 percent, and, most significantly, a 2024 sub-classification of the Scheduled Caste (SC) quota into Deprived Scheduled Castes (DSC) and other Scheduled Castes following the Supreme Court's ruling in State of Punjab v. Davinder Singh. Drawing on administrative data, legislative and judicial sources, and the comparative literature on affirmative action in the United States, South Africa, Malaysia, Brazil, and the European Union, the paper develops a typology distinguishing rigid constitutional quotas from soft, procedural, or incentive-based diversity mechanisms. It argues that Haryana's trajectory reflects a broader shift in Indian reservation policy from a framework organised around a unitary category of disadvantage toward a fragmented, intra-group model of graduated entitlement, mirroring international debates about whether affirmative action should target group membership or verified relative disadvantage within groups. The paper concludes with policy recommendations for periodic empirical review, sunset clauses, and improved representation data disclosure.

Keywords: *reservation policy, affirmative action, Haryana, Scheduled Castes, sub-classification, EWS, comparative constitutional law, public employment, equality of opportunity, quota systems*

1. Introduction

1.1 Background and Rationale

Reservation in public employment is among the most consequential and contested instruments of distributive justice in the Indian constitutional order. Article 16(4) of the Constitution of India empowers the state to make provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the state, is not adequately represented in the services under the state. Over seven decades, this modest enabling clause has generated an intricate architecture of vertical and horizontal quotas, creamy-layer exclusions, sub-classifications, and periodic constitutional amendments. Haryana offers a particularly instructive site for the study of this architecture because, within a span of five years (2019-2024), the state has touched almost every axis along which reservation policy can be contested: the economic axis (EWS), the domicile axis (the Local Candidates Act), the class axis (OBC quota enhancement), the intra-caste axis (SC sub-classification), and the service-linked axis (Agniveer quotas). Few sub-national jurisdictions anywhere in the world have compressed so many distinct affirmative action innovations into so short a period.

At the same time, affirmative action is not a uniquely Indian phenomenon. Variants of preferential treatment in employment, education, and public contracting exist in the United States, South Africa, Malaysia, Brazil, Namibia, Nigeria, Sri Lanka, and the European Union, among others, each shaped by distinct histories of exclusion — slavery and Jim Crow segregation in the United States, apartheid in South Africa, colonial-era ethnic stratification in Malaysia, and the legacy of the Atlantic slave trade in Brazil. Comparative study of these regimes allows the Haryana case to be read not as an isolated administrative episode but as a local instance of a global family of policy responses to entrenched structural inequality.

1.2 Statement of the Problem

The central problem this paper addresses is twofold. First, it asks how Haryana's reservation framework has evolved structurally since 2019, and what forces — judicial, electoral, and administrative — have driven that evolution. Second, it asks how Haryana's model compares, in structure and underlying justification, with affirmative action regimes elsewhere in the world, and what lessons the comparison yields for the design, monitoring, and eventual

recalibration of reservation policy in Indian states more broadly.

1.3 Research Objectives and Questions

- To document the legislative, executive, and judicial evolution of reservation policy in Haryana between 2019 and 2024.
- To assess the extent to which sanctioned quotas in Haryana translate into actual workforce representation, using available administrative data.
- To construct a comparative typology of global affirmative action regimes along the axes of rigidity, classification basis, and review mechanisms.
- To situate Haryana's SC sub-classification reform within the broader global debate on intra-group heterogeneity in affirmative action.
- To derive policy recommendations for more evidence-based and periodically reviewed reservation design.

Correspondingly, the paper is organised around the following research questions: (RQ1) What is the structure and sequence of reservation reform in Haryana since 2019? (RQ2) Do sanctioned quotas correspond to actual representation in available employment data? (RQ3) How does Haryana's model compare with the United States, South Africa, Malaysia, Brazil, and the European Union? (RQ4) What normative and empirical lessons follow from this comparison?

1.4 Methodology and Scope

This paper adopts a mixed doctrinal-empirical methodology. It draws on primary legal sources (constitutional provisions, state cabinet decisions, and Supreme Court and High Court judgments), secondary comparative literature on global affirmative action, and publicly available administrative data on workforce composition, notably figures placed before the Haryana Vidhan Sabha on reservation compliance within the Haryana Kaushal Rozgar Nigam Limited (HKRNL). Because comprehensive, disaggregated, department-wise employment data for Haryana is not uniformly published in the public domain, the empirical section should be read as an illustrative rather than exhaustive audit; it is offered to demonstrate a method of representation analysis rather than to provide a definitive statistical accounting of the entire state government workforce. The comparative sections rely on the established secondary literature, including the WIDER Institute's cross-national affirmative action dataset and comparative monographs on Malaysia and South Africa.

2. Conceptual and Theoretical Framework

2.1 Equality of Opportunity versus Equality of Outcome

The theoretical starting point for any study of reservation is the distinction between formal and substantive equality. Formal equality treats all citizens identically regardless of their starting position, and is typically associated with a prohibition on discrimination rather than an affirmative duty to correct disadvantage. Substantive equality, by contrast, recognises that identical treatment of unequally situated groups reproduces rather than remedies inequality, and therefore permits or requires differential treatment calibrated to historical and structural disadvantage. Reservation in Indian public employment is a substantive-equality instrument: it is justified not as a departure from equality but as a means of realising equality of opportunity under Article 16(1) by correcting for the unequal starting points produced by caste-based exclusion.

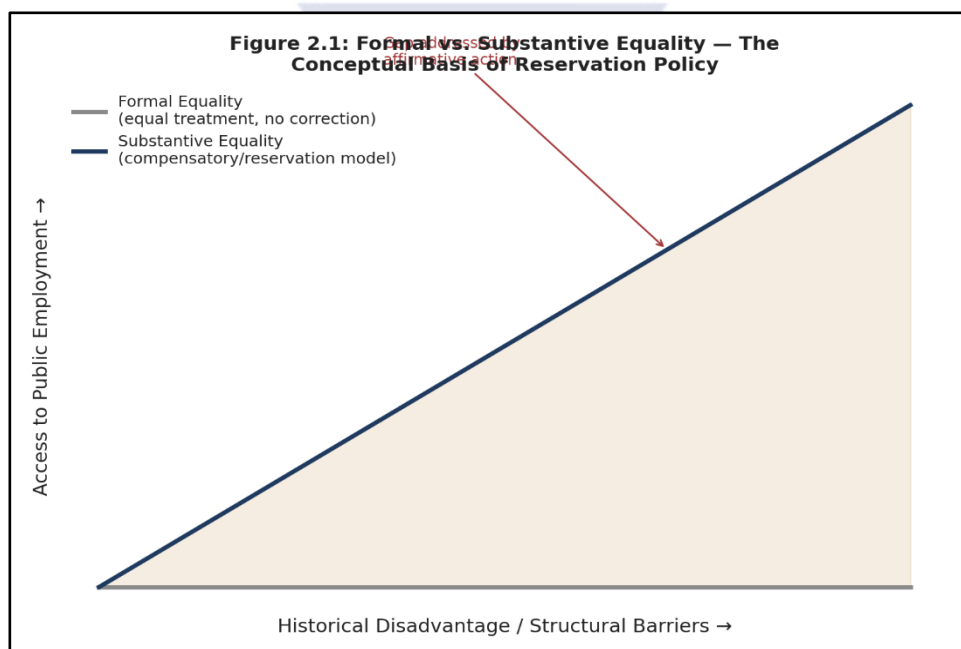


Figure 2.1: Formal versus substantive equality as the conceptual basis of reservation policy. The gap between the two trajectories represents the disadvantage that affirmative action instruments are designed to address.

2.2 Compensatory, Distributive, and Diversity Justifications

Comparative scholarship typically identifies three distinct, though overlapping, justificatory frameworks for affirmative action. The compensatory justification treats preferential treatment as reparation for identifiable historical wrongs — slavery in the United States, apartheid in South Africa, or untouchability and caste-based exclusion in India. The distributive justification treats reservation as a forward-looking mechanism for achieving proportionate

representation of social groups in valued public goods, irrespective of whether any particular beneficiary personally suffered discrimination. The diversity justification, most fully articulated in United States constitutional jurisprudence, treats the presence of a heterogeneous workforce or student body as an independent public good, distinct from compensation for past wrongs. India's constitutional scheme, as interpreted by the Supreme Court in cases from *Indra Sawhney* (1992) to *Jarnail Singh* (2018) and *State of Punjab v. Davinder Singh* (2024), draws primarily on compensatory and distributive logics, with 'adequate representation' under Article 16(4) functioning as the operative distributive standard.

2.3 Typologies of Affirmative Action

Following the comparative literature (notably Sowell's five-country study and the WIDER cross-national dataset), affirmative action regimes can be classified along at least three axes: (i) rigidity — whether the policy takes the form of a binding numerical quota or a softer goal, target, or preference; (ii) classification basis — whether eligibility is defined by caste, race, ethnicity, gender, disability, income, or domicile; and (iii) durability — whether the policy is designed as a time-bound, transitional measure or as an open-ended entitlement. Table 2.1 summarises this typology, which is applied throughout the remainder of the paper.

Axis	Rigid / Formal Pole	Soft / Informal Pole
Rigidity	Constitutionally entrenched numerical quota (e.g., India)	Voluntary diversity target or incentive (e.g., US private sector post-2023)
Classification basis	Caste, race, or ethnicity as a fixed legal category	Income, disability, or self-identified disadvantage
Durability	Open-ended entitlement absent sunset review	Time-bound, periodically re-justified measure

3. Reservation in India: Historical Evolution

3.1 Constitutional Foundations

The Indian reservation system originates in Articles 15(4), 16(4), 46, 335, and the Fifth and Ninth Schedules of the Constitution, supplemented by the 77th, 81st, 82nd, 85th, and 103rd constitutional amendments. Articles 330 and 332 provide for reserved seats in the Lok Sabha and state legislative assemblies for Scheduled Castes and Scheduled Tribes, while Article 16(4) — the operative provision for public employment — was interpreted by the Supreme Court in the landmark *Indra Sawhney v. Union of India* (1992) decision to impose a ceiling of 50 percent

on aggregate vertical reservation, subject to extraordinary circumstances, and to require the exclusion of a 'creamy layer' from OBC reservation benefits.

3.2 The Mandal Moment and OBC Reservation

The implementation of the Mandal Commission Report in 1990, extending 27 percent reservation to Other Backward Classes at the central government level, marks the second major inflection point in Indian reservation history after the original SC/ST provisions of 1950. The Mandal reforms nationalised a debate that had previously been most intense in southern and western states with long-standing non-Brahmin and backward-caste movements, and set the template — a fixed percentage quota, a creamy-layer income ceiling, and periodic litigation over both — that subsequent state-level OBC reservations, including Haryana's, would follow.

3.3 Reservation Politics in Haryana, 1966-2019

Haryana's reservation politics prior to 2019 were dominated by two contests: the position of Jats and other dominant agrarian castes vis-à-vis the OBC category, and the adequacy of representation for Scheduled Castes, who constitute roughly a fifth of the state's population — among the highest SC population shares of any Indian state. Jat agitations for OBC status recurred through the 2010s, producing short-lived reservation grants that were repeatedly struck down by the Punjab and Haryana High Court for want of adequate backwardness data, most notably in 2016-17. This backdrop of judicially vulnerable, data-thin reservation extensions is essential context for understanding the more cautious, commission-report-based approach the state adopted for its 2024 SC sub-classification, discussed in Section 4.4.

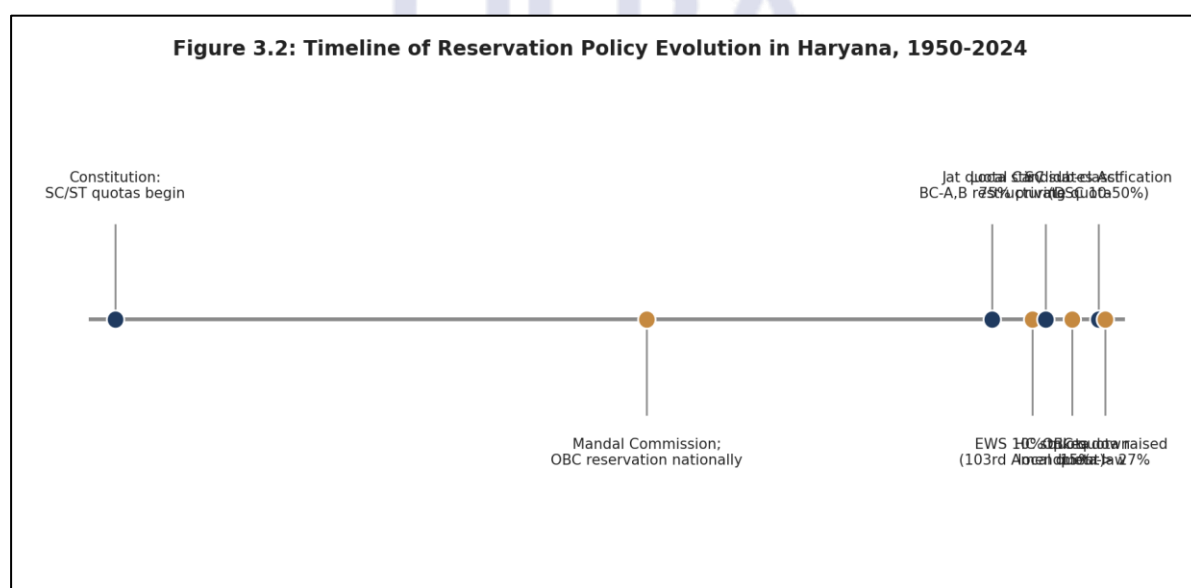


Figure 3.2: Timeline of major reservation policy events in Haryana, 1950-2024.

4. Reservation Policy in Haryana: The Post-2019 Transition

The period since 2019 has seen Haryana enact a denser sequence of reservation-related measures than in any comparable prior period. Figure 4.1 (below, presented as Figure 3.1 in the visual sequence) summarises the resulting composite quota structure as it stood following the 2024 reforms.

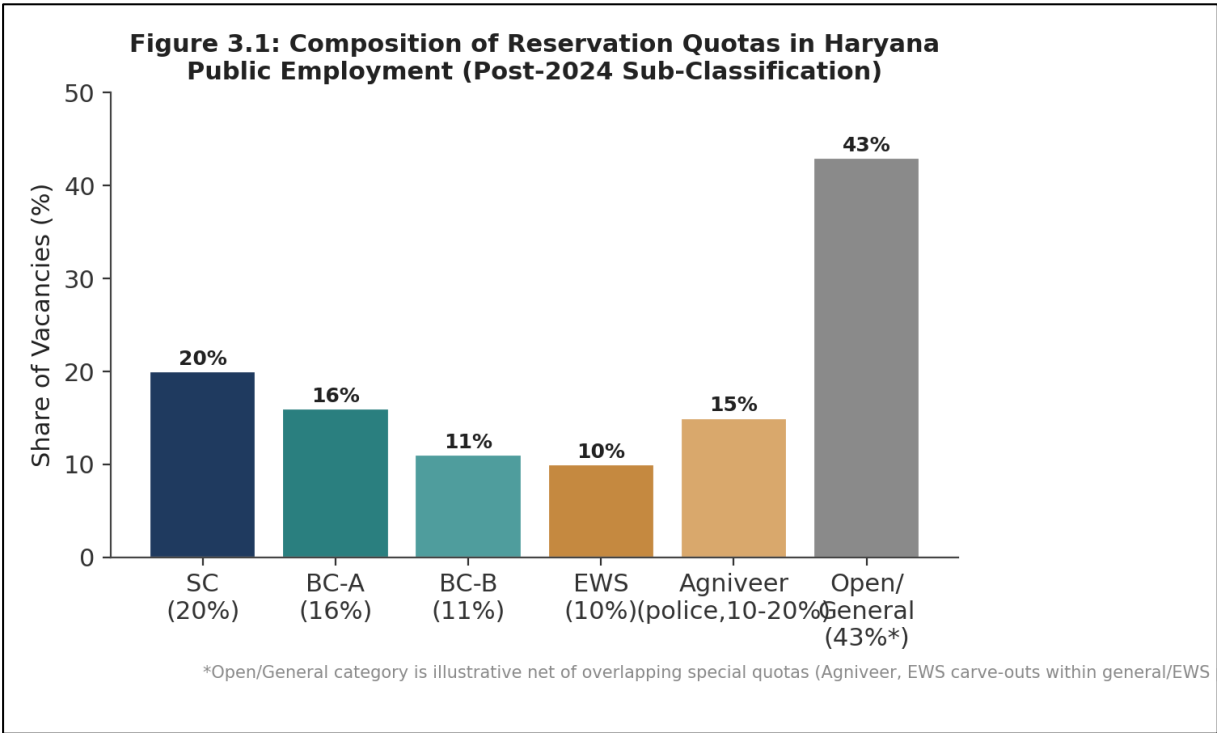


Figure 3.1: Composition of reservation quotas in Haryana public employment following the post-2024 sub-classification and OBC enhancement. Categories are not perfectly additive across recruitment channels, as some quotas (Agniveer, EWS) apply within specific recruitment streams rather than uniformly across all posts.

4.1 The EWS Quota and the 103rd Amendment

Following the 103rd Constitutional Amendment Act, 2019, and its upholding by the Supreme Court in Janhit Abhiyan v. Union of India (2022), Haryana implemented a 10 percent reservation for Economically Weaker Sections among the general category, using an annual family income ceiling of eight lakh rupees, mirroring the central government's EWS criterion. The EWS quota represents a structurally distinct innovation within Indian reservation law: unlike SC, ST, and OBC reservation, it is not predicated on social or caste-based backwardness but exclusively on economic criteria applied to citizens outside the existing reserved categories, and it is therefore the clearest instance within the Indian system of a distributive justification detached from a compensatory one.

4.2 The Haryana State Employment of Local Candidates Act, 2020

In March 2020, the Haryana Legislative Assembly passed the Haryana State Employment of Local Candidates Act, mandating 75 percent reservation for domiciled candidates in private-sector jobs carrying a gross monthly salary below thirty thousand rupees. The law, notified in November 2021 and brought into force from 15 January 2022, applied to private companies, societies, trusts, and partnership firms operating within the state. It represented an unusual extension of reservation logic — historically confined to public employment and public educational institutions — into the private labour market, and was justified by the state government on employment-protection rather than historical-disadvantage grounds. The Punjab and Haryana High Court declared the Act unconstitutional on 17 November 2023, holding that it violated Part III of the Constitution by discriminating against Indian citizens on the impermissible ground of domicile and by unduly restricting the freedom to conduct business under Article 19(1)(g). The episode illustrates a recurring theme in this paper: reservation instruments premised on a novel classificatory basis (here, domicile rather than caste, class, or income) attract heightened constitutional scrutiny precisely because Article 16 read with Article 14 was not designed to accommodate purely territorial preferences in employment.

4.3 OBC Quota Enhancement, 2024

On 23 June 2024, ahead of the state assembly elections, the Haryana government announced an increase in OBC reservation in Group-A and Group-B government posts from 15 to 27 percent, aligning the state's quota with the central government's OBC ceiling, and simultaneously raised the creamy-layer income threshold from six lakh to eight lakh rupees, while also excluding salary and agricultural income from the creamy-layer calculation. This reform substantially expanded the pool of OBC households eligible for reservation benefits and was widely read, including in contemporaneous political commentary, as an electorally timed consolidation of the state's substantial OBC vote base.

4.4 SC Sub-Classification: Deprived Scheduled Castes

The most doctrinally significant of Haryana's reforms followed the Supreme Court's seven-judge Constitution Bench ruling in *State of Punjab v. Davinder Singh* (1 August 2024), which held that states possess the constitutional authority to sub-classify Scheduled Castes for reservation purposes in order to provide preferential treatment to the most disadvantaged sub-groups within the SC category, overruling the earlier position in *E.V. Chinnaiah* (2004) that

had treated the Presidential SC list as a homogeneous, non-divisible class. On taking oath on 18 October 2024, Chief Minister Nayab Singh Saini's cabinet, in its first meeting, approved the Haryana State Commission for Scheduled Castes' recommendation to allocate 10 percent — later reported as a 50 percent sub-quota of the SC reservation itself — to a category termed Deprived Scheduled Castes (DSC), comprising 36 identified communities including Valmikis (Balmikis), Bazigars, Sansis, Dehas, Dhanaks, Khatiks, Mazhabi Sikhs, and Saperas, on the ground of their historically inadequate representation even within the SC category as a whole.

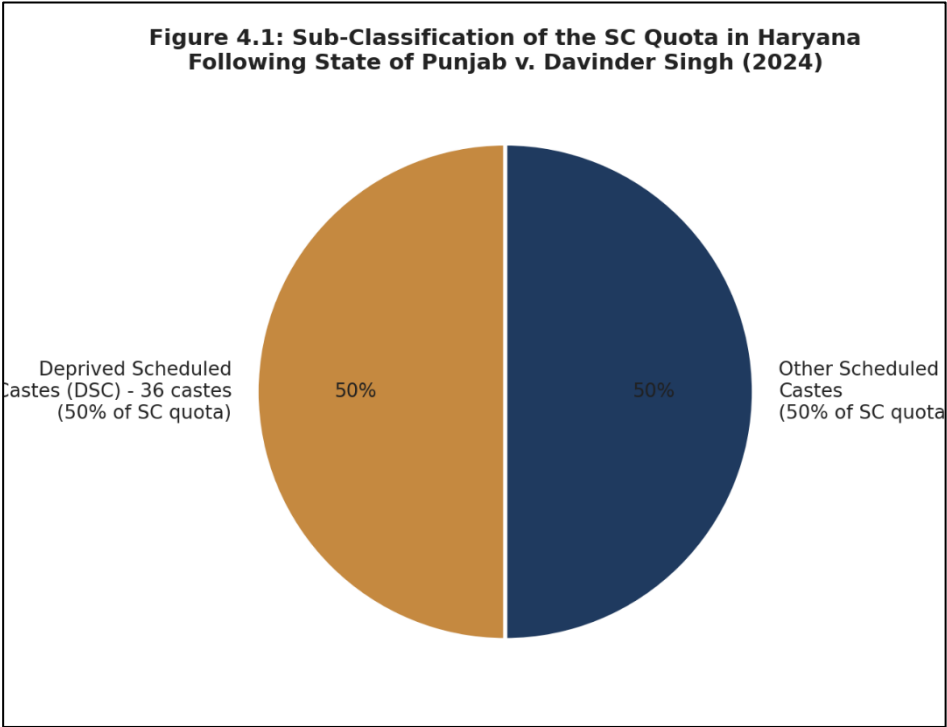


Figure 4.1: Sub-classification of the Scheduled Caste reservation quota in Haryana following the Supreme Court's ruling in *State of Punjab v. Davinder Singh* (2024).

This reform is analytically important for two reasons. First, it operationalises, at the state level, a jurisprudential shift toward recognising intra-group heterogeneity within legally constructed backward-class categories — a shift with direct parallels in the debates over 'Bumiputera' sub-categories in Malaysia and over race-plus-class targeting within Black African beneficiary groups in South African employment equity policy, discussed in Section 6. Second, it illustrates the electoral political economy of reservation reform: several commentators have linked the timing of the DSC announcement to the 2024 Haryana assembly election cycle and to competition among the BJP, Indian National Congress, and Dalit-centric parties such as the Bahujan Samaj Party and Azad Samaj Party for Scheduled Caste votes, an inference consistent with the broader literature on reservation as an instrument of coalition-building in competitive

federal democracies.

4.5 Agniveer Reservation in Police Recruitment

In July 2024, the Haryana government announced a 10 percent reservation for Agniveers — personnel recruited under the Union government's four-year short-service Agnipath military recruitment scheme — in the recruitment of police constables, forest guards, and jail wardens, subsequently increased to 20 percent for police recruitment specifically. The Haryana Agniveer Policy-2024 was framed as a re-employment guarantee rather than a corrective for social disadvantage, placing it, in the typology developed in Section 2.3, closer to a service-linked preference (analogous to veteran's preference schemes in several countries) than to a compensatory reservation.

5. Empirical Analysis of Representation in Haryana

5.1 Data Sources and Limitations

Systematic, department-wise, caste-disaggregated employment data for the government of Haryana as a whole is not comprehensively published in the public domain, a limitation shared with many Indian states and noted repeatedly in Parliamentary and Vidhan Sabha proceedings. The most granular publicly available figures relate to contractual manpower engaged through the Haryana Kaushal Rozgar Nigam Limited (HKRNL), the state's outsourcing corporation for temporary government engagements, disclosed by the then Chief Minister during the 2024 budget session of the Vidhan Sabha. These figures, while not representative of permanent cadre-wise employment across all departments, offer a useful — if partial — window into the relationship between sanctioned quotas and achieved representation, and are used illustratively below.

5.2 Quota versus Actual Representation

As disclosed in the Vidhan Sabha, against a sanctioned 16 percent quota for BC-A, actual HKRNL manpower stood at 15.64 percent; against an 11 percent quota for BC-B, actual representation stood at 11.4 percent; and Scheduled Caste employees constituted 20.63 percent of HKRNL manpower. Figure 5.1 presents this comparison graphically.

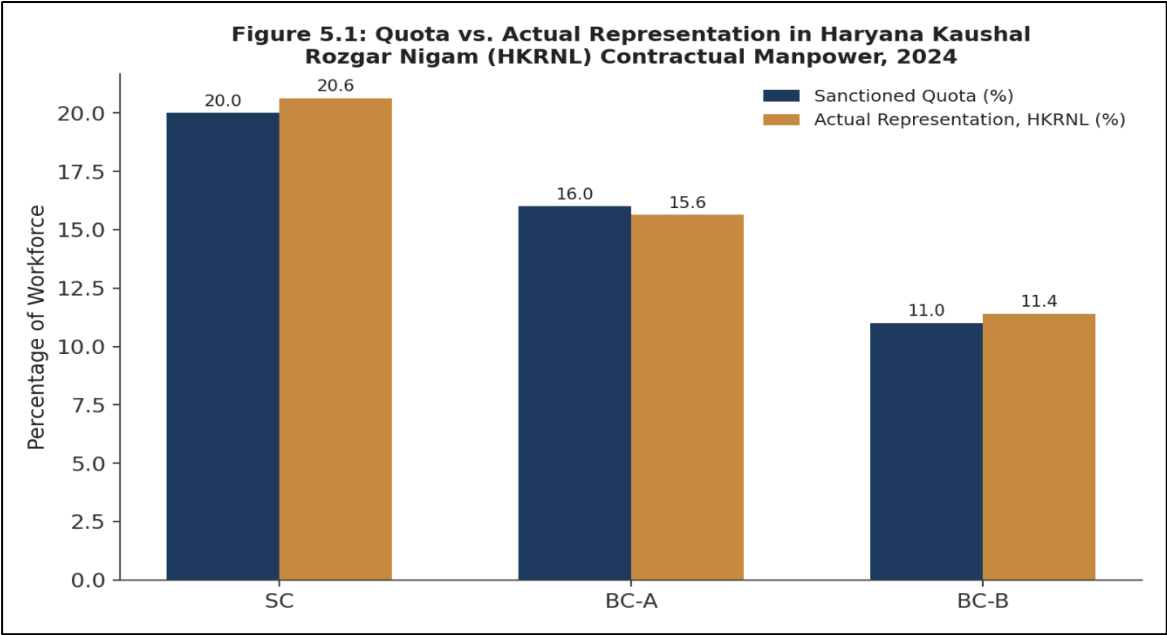


Figure 5.1: Sanctioned quota versus actual representation in Haryana Kaushal Rozgar Nigam Limited (HKRNL) contractual manpower, as disclosed to the Haryana Vidhan Sabha, February 2024.

5.3 Interpreting the Representation Gap

At the aggregate level reflected in these HKRNL figures, representation for BC-B and SC categories in fact marginally exceeds the sanctioned quota, while BC-A representation falls narrowly short. Three interpretive cautions apply. First, aggregate compliance at the level of a single outsourcing agency does not establish compliance across grade levels, departments, or the distinction between Group-A/B (gazetted, higher-responsibility) and Group-C/D (non-gazetted) posts, where the comparative literature on Indian reservation consistently finds much larger shortfalls in senior positions than in aggregate figures — a pattern often termed vertical underrepresentation. Second, HKRNL manpower is explicitly temporary and non-permanent, per Chief Minister Khattar's own clarification to the Assembly, so these figures cannot be read as evidence about permanent civil service composition, which is the primary policy target of reservation under Article 16(4). Third, and most importantly for the argument of this paper, the newly created DSC sub-category (Section 4.4) is precisely a response to the proposition that aggregate SC compliance figures mask substantial intra-SC disparities, with historically more organised and educationally advanced SC sub-groups capturing a disproportionate share of SC-reserved posts relative to the 36 DSC communities. Testing this proposition rigorously will require disaggregated data collection that, per the Haryana State Commission for Scheduled Castes' own recommendation, has only recently begun to be systematised.

6. Global Models of Affirmative Action

This section surveys five affirmative action regimes chosen for their prominence in the comparative literature and for the range of classificatory bases and rigidity levels they represent: the United States (race, historically quota-adjacent, now predominantly voluntary and diversity-based), South Africa (race, statutory employment equity targets), Malaysia (ethnicity, among the most extensive and long-running quota regimes in the world), Brazil (race and class, quota-based in higher education and increasingly in public service), and the European Union (gender and disability, predominantly soft law and mainstreaming).

6.1 United States: Diversity Rationale and Its Retreat

United States affirmative action in employment and higher education developed from Kennedy- and Johnson-era executive orders through a jurisprudence — *Regents of the University of California v. Bakke* (1978), *Grutter v. Bollinger* (2003), and *Students for Fair Admissions v. Harvard* (2023) — that increasingly confined permissible race-consciousness to a narrowly tailored diversity interest rather than group-based compensation or proportional representation, and that has, since 2023, substantially curtailed race-conscious admissions in higher education, with federal contractor affirmative-action obligations also facing renewed political and legal contestation. The American model has never employed binding numerical quotas in public employment at the federal level — the Supreme Court struck down rigid set-asides as early as *United Steelworkers v. Weber*-adjacent litigation and more decisively in subsequent contracting cases — placing it, in the typology of Section 2.3, toward the soft, voluntary-preference pole, with a classification basis (race, and until 2023, in higher education) that is now under sustained judicial retrenchment.

6.2 South Africa: Employment Equity and Broad-Based BEE

South Africa's Employment Equity Act (1998) and Broad-Based Black Economic Empowerment (B-BBEE) framework constitute one of the world's most extensive race-conscious employment and enterprise-development regimes, designed to redress apartheid-era exclusion of the Black African, Coloured, and Indian majority population from managerial and skilled positions. Unlike Malaysia's rigid ethnic quotas, South African employment equity operates chiefly through numerical targets, equity plans, and B-BBEE scorecards affecting public procurement eligibility rather than through fixed, judicially enforced quotas — a distinction that situates it at an intermediate point on the rigidity axis. Comparative research nonetheless documents significant unintended consequences, including reported emigration of

skilled white professionals and early retirement of white civil servants following the introduction of employment equity targets, underscoring a recurring critique — also levelled at Malaysia's Bumiputera policy — that broad race-based preference regimes can generate high-skill emigration ('brain drain') among groups outside the preferred category.

6.3 Malaysia: The Bumiputera Policy

Malaysia's New Economic Policy (1971) and its successors constitute what the comparative literature identifies as one of the two most extensive affirmative action regimes in the world (alongside South Africa), built around preferences for the Bumiputera (ethnic Malay and indigenous) population in public employment, university admissions, equity ownership requirements for publicly listed companies, and housing purchase discounts. Unlike India's reservation system, which is formally premised on caste-based social backwardness subject to periodic judicial review of the 50 percent ceiling, Malaysia's ethnic quotas were substantially entrenched through Article 153 of the Federal Constitution and have proven comparatively resistant to narrowing over five decades, notwithstanding long-standing evidence, cited in the comparative literature, of skilled emigration among non-Bumiputera professionals and associated capital outflows.

6.4 Brazil: Racial Quotas in Public Universities and Services

Brazil's quota system, beginning with Rio de Janeiro's university admissions quotas in 2000 and consolidated nationally through the Lei de Cotas (Quota Law) of 2012, reserves places in federal universities and increasingly in public service recruitment for Black, mixed-race (pardo), and Indigenous candidates, as well as public-school-educated and low-income candidates. Brazil's experience is distinguished by the empirical difficulty of racial self-classification in a society with a very large mixed-race population — approximately forty percent of Brazilians identify as pardo — which has generated documented instances of strategic racial reclassification by applicants seeking quota eligibility, a phenomenon with structural parallels to creamy-layer and sub-classification disputes in the Indian system. Recent cohort research on medical education quotas finds that quota-admitted students, while substantially more racially diverse than their non-quota peers, show measurably lower rates of residency-programme entry, a gap partially offset by financial aid, illustrating that formal admission quotas alone may be insufficient to equalise downstream career outcomes absent complementary financial support — a lesson directly relevant to debates in Section 8 about the adequacy of Haryana's reservation instruments in isolation from complementary welfare

measures.

6.5 European Union: Gender and Disability Mainstreaming

In marked contrast to the caste, race, and ethnicity-based quota regimes discussed above, the European Union's approach to affirmative action has developed primarily around gender (notably the 2022 Women on Boards Directive, mandating at least 40 percent representation of the underrepresented sex among non-executive directors of large listed companies by 2026) and disability employment mainstreaming, implemented predominantly through 'soft law' instruments — recommendations, mainstreaming directives, and reporting obligations — rather than criminal or constitutionally entrenched quotas. This reflects both the EU's constitutional prohibition on ethnic and racial data collection in most member states and a broader European legal tradition that treats rigid numerical quotas based on protected characteristics with greater constitutional suspicion than the Indian or Malaysian systems, generally preferring 'tie-break' preferences of the kind upheld by the European Court of Justice in Kalanke (1995) and Marschall (1997).

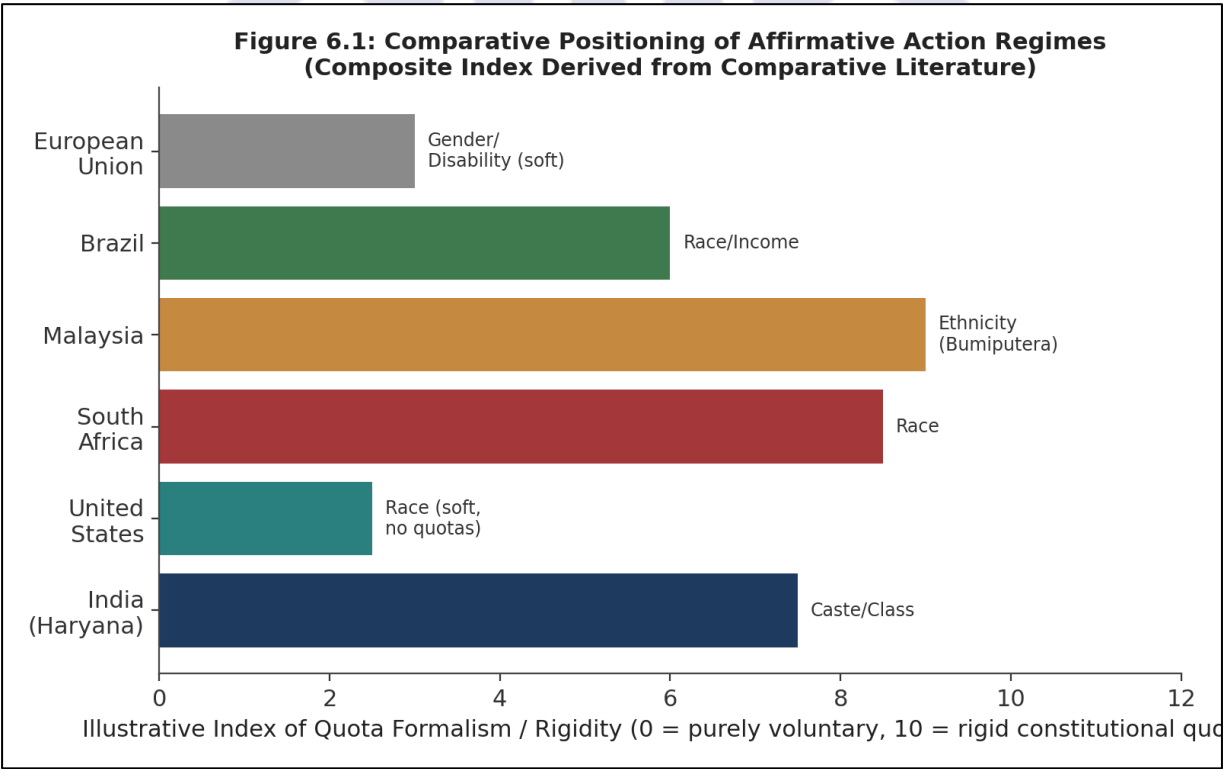


Figure 6.1: Comparative positioning of affirmative action regimes on an illustrative index of quota formalism and rigidity, synthesised from the comparative literature discussed in Section 6. The index is heuristic rather than a validated cross-national measurement instrument.

7. Comparative Analysis

7.1 Quota Rigidity and Constitutional Entrenchment

Placed on a single comparative axis, Haryana's reservation regime — itself a sub-national instance of the broader Indian constitutional scheme — sits closer to Malaysia and South Africa than to the United States or the European Union in its reliance on binding numerical quotas rather than voluntary targets. However, Haryana (and India generally) is distinguished from Malaysia by the existence of an enforceable judicial ceiling (the 50 percent rule from *Indra Sawhney*), a constraint largely absent from the Malaysian Bumiputera framework, and is distinguished from South Africa by its reliance on constitutionally entrenched categories (the Presidential SC/ST lists) rather than statutorily defined equity targets subject to more frequent legislative revision.

7.2 Basis of Classification: Caste, Race, Ethnicity, Class

A second axis of comparison concerns the underlying classificatory logic. India's reservation system, including Haryana's SC/OBC quotas, is nominally caste- and class-based rather than race-based, a distinction of some jurisprudential importance given that caste, unlike race, is treated in Indian constitutional doctrine as amenable to fine-grained internal sub-classification (as affirmed in *Davinder Singh*) rather than as an indivisible category. The EWS quota, uniquely among Haryana's instruments, is defined by household income alone, aligning it more closely with poverty-targeted welfare instruments than with the group-based logic of the remainder of the reservation system, and finding its closest comparative analogue in Brazil's low-income, public-school-educated quota category rather than in that country's racial quotas.

7.3 Sunset Clauses and Periodic Review

A recurring finding across the comparative literature — and a central theme in Sowell's cross-national study — is that affirmative action programmes are typically justified at inception as time-bound, transitional measures, yet in practice tend to expand in scope, duration, and the range of eligible groups rather than contract toward a sunset. India's own reservation system, initially envisaged in the Constituent Assembly debates as requiring periodic reconsideration, has instead been extended by successive constitutional amendments (including the 2019 EWS amendment) without a fixed termination date; Haryana's own OBC and SC sub-classification reforms of 2024 fit this pattern of net expansion rather than recalibration toward sunset.

7.4 Political Economy of Quota Expansion

Across every jurisdiction surveyed in Section 6, affirmative action reform has been substantially, though not exclusively, shaped by electoral competition for the votes of beneficiary groups — a dynamic clearly visible in the timing of Haryana's OBC quota enhancement and DSC sub-classification announcements relative to the 2024 assembly election cycle. This political-economy observation does not, by itself, delegitimise the underlying policies, which may be independently justified on compensatory or distributive grounds; but it does suggest that the empirical monitoring and sunset-review mechanisms recommended in Section 9 are unlikely to emerge from ordinary electoral politics alone and may instead require institutionalisation through independent statutory commissions of the kind that Haryana's own State Commission for Scheduled Castes has begun to perform.

8. Critiques and Contested Terrain

8.1 The Creamy Layer Debate

The creamy-layer doctrine, developed for OBC reservation in Indra Sawhney and extended in modified form to the SC/ST context by the Supreme Court in Jarnail Singh (2018), excludes the relatively advanced members of a backward class from reservation benefits on the premise that intra-group inequality can undermine the corrective purpose of the policy. Haryana's 2024 increase in the OBC creamy-layer income ceiling from six lakh to eight lakh rupees, and its exclusion of salary and agricultural income from that ceiling, has attracted criticism from commentators who argue that it substantially widens OBC quota eligibility toward relatively better-off households, a critique structurally identical to concerns raised about creamy-layer thresholds in comparative caste-quota literature more generally.

8.2 Efficiency, Merit, and Article 335

Article 335 of the Constitution requires that reservation claims of Scheduled Castes and Scheduled Tribes be considered consistently with the maintenance of efficiency of administration, a provision frequently invoked in political and judicial debate to argue that quota expansion beyond a certain threshold compromises administrative competence. Empirical support for this efficiency concern is contested in the comparative literature: while critics such as Sowell argue that preferential admission or hiring can produce mismatch effects when beneficiaries are placed in institutions or roles for which they are under-prepared relative to non-quota peers, other scholars, including much of the Brazilian quota-outcomes literature discussed in Section 6.4, find that quota beneficiaries perform comparably to non-quota peers

once complementary support (financial aid, bridge programmes) is provided, suggesting that outcome gaps may reflect resource constraints accompanying quota admission rather than an inherent property of quotas themselves.

8.3 Horizontal versus Vertical Reservation

Indian reservation law distinguishes vertical reservation (for SC, ST, OBC, and now EWS categories, applied sequentially against the total number of posts) from horizontal reservation (for categories such as women, persons with disabilities, and ex-servicemen, applied as a percentage cutting across each vertical category). The Supreme Court's 2020 ruling in *Saurav Yadav v. State of U.P.* clarified that horizontal reservation must be applied within, not merely alongside, each vertical category, a technical but consequential point of interaction that Haryana's own multiplying set of vertical categories (SC, DSC, BC-A, BC-B, EWS) makes increasingly complex to administer correctly, since horizontal categories such as women's or ex-servicemen's reservation must now, in principle, be calculated separately within each of these several vertical compartments.

8.4 Backlash and Litigation

Every reservation innovation surveyed in Section 4 has attracted litigation: the EWS amendment was challenged (unsuccessfully) up to the Supreme Court in *Janhit Abhiyan*; the Local Candidates Act was struck down by the High Court; the OBC creamy-layer revision has drawn public criticism though not yet definitive adjudication at the time of writing; and the SC sub-classification, while endorsed in principle by the Supreme Court in *Davinder Singh*, leaves open substantial scope for future litigation over the specific 36-community DSC list and the chosen 50 percent internal sub-quota, mirroring earlier litigation in Tamil Nadu and Punjab over analogous sub-classification schemes. This pattern of near-continuous litigation is itself comparable to the United States' post-2023 wave of litigation over corporate and philanthropic diversity programmes, suggesting that affirmative action instruments, almost regardless of jurisdiction or classificatory basis, tend to generate a durable equilibrium of legal contestation rather than settled acceptance.

9. Policy Recommendations

On the basis of the historical, empirical, and comparative analysis above, this paper offers the following recommendations for the design and administration of reservation policy in Haryana and comparable Indian states:

- Institutionalise disaggregated, department-wise, and grade-wise publication of reservation compliance data (not limited to aggregate or outsourcing-agency figures) to enable meaningful monitoring of both inter-group and intra-group representation gaps.
- Attach explicit sunset and mandatory review clauses — for example, decennial legislative reconsideration tied to updated caste and socio-economic survey data — to each new reservation category, including the EWS quota and the DSC sub-classification, to counter the empirically documented tendency of quotas to expand without corresponding contraction.
- Pair quota-based access with complementary support measures (financial aid, mentoring, bridge training) for beneficiary groups, drawing on the Brazilian evidence that admission quotas alone do not equalise downstream outcomes such as residency or promotion rates.
- Conduct periodic, independent socio-economic surveys — analogous to the Haryana State Commission for Scheduled Castes' basis for the DSC recommendation — to justify and, where warranted, recalibrate sub-classification within existing reserved categories, rather than relying on impressionistic or politically timed assessments.
- Clarify, through a consolidated state reservation code, the interaction between vertical categories (SC, DSC, BC-A, BC-B, EWS) and horizontal categories (women, persons with disabilities, ex-servicemen, Agniveers) to reduce administrative error and consequent litigation.
- Avoid extending reservation logic to domains — such as private-sector domicile-based hiring — where the constitutional basis for differential treatment is significantly weaker than for public employment, given the Local Candidates Act's invalidation on Article 14 and Article 19(1)(g) grounds.

10. Conclusion

Haryana's reservation policy since 2019 illustrates, in compressed form, nearly every major axis along which affirmative action regimes worldwide are contested: the choice between economic and social criteria (EWS versus caste-based reservation), the permissible reach of preferential treatment beyond public employment (the short-lived Local Candidates Act), the politics of quota enhancement for numerically significant intermediate groups (the OBC increase), and the emerging global debate over intra-group heterogeneity in beneficiary categories (SC sub-classification into DSC and other Scheduled Castes). Placed alongside the United States, South Africa, Malaysia, Brazil, and the European Union, Haryana's model

occupies a distinctive position: more rigidly quota-based than the American or European approaches, yet subject to a judicially enforced aggregate ceiling that neither Malaysia's Bumiputera policy nor, until relatively recently, South Africa's employment equity framework has faced. The comparative record suggests two durable lessons for Haryana and for Indian reservation policy more broadly. First, quota-based instruments tend, in the absence of deliberate institutional design to the contrary, to expand rather than sunset, making explicit periodic review mechanisms essential rather than optional. Second, aggregate compliance figures — of the kind currently available for Haryana — are an insufficient basis for assessing whether reservation policy is achieving its distributive purpose, particularly once intra-group heterogeneity, of the sort the DSC sub-classification is designed to address, is taken seriously. A more evidence-based, periodically reviewed, and intra-group-sensitive approach to reservation design, informed by both India's own doctrinal evolution and the comparative experience surveyed in this paper, offers the most promising path toward reconciling the constitutional commitment to substantive equality with the practical demands of administrative efficiency and social cohesion.

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