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REASONABLE CLASSIFICATION AND ARTICLE 14: JUDICIAL APPROACH TO AFFIRMATIVE ACTION AND RESERVATIONS

AUTHORED BY - BABHRAVI SINGH

INTRODUCTION

Affirmative action and reservations are fundamental for promoting social justice and equality in India, especially considering Article 14 of the Indian Constitution. This provision guarantees the same protection by law and equal treatment before it; reservations allow for class discrimination provided the classifying rationale has to be reasonable and sensible connectedness to a goal. Therefore, the real issue is how to reconcile measures ensuring equality simultaneously.¹

The main objectives of this paper would be to understand the legal foundations of reasonable classification under Article 14, examine significant court rulings that have evolved affirmative action practices, and assess their socio-economic effects. This study also attempts to locate the problems and suggests solutions for strengthening affirmative action policies. In this process, one goes into an in-depth analysis of the judgments of the Supreme Court and the criteria followed to uphold or strike down these reservation laws and assess their impact on society. This paper tries to contribute to the ongoing debate over social justice and equality in Indian society by analyzing the pros and cons of judicial interpretations. This project explores the concept of reasonable classification under Article 14 of the Constitution of India as interpreted by the judiciary, examines the judicial approach toward affirmative action and reservations, and appraises the socio-economic impact of these decisions on Indian society.

Understanding Reasonable Classification Under Article 14

Article 14 says, “The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India”². The fundamental aspect of liberalism is that all people should be treated equally, and Article 14 guarantees this to the residents of our

¹ Dr. A.P. Singh, Affirmative Action Programme In India: The Road Ahead, 1 INDIAN LAW AND SOCIETY 151, 156-166 (2009).

² INDIA CONST. art. 14, § 9, cl. 2.

country irrespective of caste, religion, color, etc.³ Every person's right to liberty is closely related to the equality they enjoy in society. However, during the framing of the constitution of India, the framers were very well versed in the social inequalities that prevailed in the society at that time. These inequalities were particularly faced by lower castes people, SC, and ST people, who were notably excluded from opportunities in education, employment, and political representation.⁴

Prominent framers of the constitution, especially Dr. B.R. Ambedkar, pointed out that just by enforcing equality laws, social inequalities cannot be prevented, so he argued that affirmative action is required, which directs them toward the reservation policy to avoid social and political disparities and uplift the marginalized communities. “For Ambedkar, these measures were not charity but justice, necessary to ensure real equality of opportunity.”⁵

The framers of the Constitution incorporated affirmative action measures under Articles 15(4)⁶ and 16(4)⁷ To make these concepts real. These articles gave the state the authority to create specific arrangements for advancing any citizens who belong to socially or educationally underprivileged classes and for members of the SC and ST.⁸

One of the prominent characteristics of constitutional law is reasonable classification. It means that laws must differentiate between any category of person or people only when there is a rational and justifiable basis for it. This sentiment is reflected in the legal framework of the Indian Constitution in Article 14, which ensures the protection of the right to equality. It implies that any classification must meet two threshold requirements: intelligible differentia and rational nexus.

Intelligible Differentia says the classification must be based on an intelligible difference,

³ MAHENDRA P. SINGH, V.N. SHUKLA'S CONSTITUTION OF INDIA 25, 43-49 (EBC Readers, 12th ed. 2013).

⁴ Munusamy, Kiruba. *The Legal Basis for Affirmative Action in India*. WIDER Working Paper No. 2022/74, United Nations University World Institute for Development Economics Research (UNU-WIDER), 2022. <https://doi.org/10.35188/UNU-WIDER/2022/205-8>.

⁵ B.Murali, *Dr.B.R. Ambedkar's Contribution For Reservation And Social Justice*, ISSN:2277-7881, International Journal Of Multidisciplinary Educational Research (IJMER), 2021.

⁶ INDIA CONST. art. 15(4), § 9, cl. 2.

⁷ INDIA CONST. art. 16(4), § 9, cl. 2.

⁸Supra (note at 4).

differentiating the class from others.⁹ According to Rational Nexus, that difference shall have a reasonable and direct relation with the legal object.¹⁰ This concept has evolved and can best be made explicit through leading decisions. In the “State of West Bengal v. Anwar Ali Sarkar”¹¹ Judgment: the Supreme Court first laid the strict interpretation rule to Article 14, striking down legislation due to the lack of reasonable classification.¹²

In the judgment of *E.P. Royappa v. Governmental of Tamil Nadu*¹³, the Court also crystallized the test for reasonable classification open to Indian law, whereby it was held that every governmental action must not be arbitrary and should be just, fair, and sensible. This judgment further expanded the meaning of equality.¹⁴ These seminal judgments highlight the judiciary's role in ensuring harmony between the legislation's objectives and the Constitution's equality mandate.

HISTORICAL BACKGROUND AND EVOLUTION OF RESERVATION SYSTEM IN INDIA

In 1882, the idea of reservations based on caste was first put forward by William Hunter and Jyotirao Phule. Perhaps the beginning of the reservation system in the modern sense could be located in the 'Communal Award' of 1933 by the then British Prime Minister Ramsay MacDonald, which provided for separate electorates for a number of socioeconomic and religious groups, such as Muslims, Sikhs, Indian Christians, Anglo-Indians, Europeans, and Dalits. By this, Dr. B.R. Ambedkar agreed to the "Poona Pact" with Mahatma Gandhi, which emphasized a joint Hindu electorate with special reservations for underrepresented groups.¹⁵ Immediately after Independence, reservations in public services were given to SCs and STs. In 1991, on the recommendation of the Mandal Commission, other backward classes known as OBCs were included in the reservation list.¹⁶

⁹ Upendra Baxi, 'The Myth and Reality of Indian Administrative Law' in Massey (ed), *Administrative Law* (8th edn, 2012), xxviii.

¹⁰ *Supra* (note 9).

¹¹ *State of West Bengal v. Anwar Ali Sarkar*, AIR 1952 SC 75.

¹² *Supra* (note 12).

¹³ *E.P. Royappa v. Governmental of Tamil Nadu*, AIR 1974 SC 555.

¹⁴ *Supra* (note 14).

¹⁵ *Supra* (note 6).

¹⁶ *Supra* (note 6).

Reservation For Other Backward Classes came into Force.

In 1979, a commission on the backward classes was set up under Morarji Desai, the then Prime Minister of India, headed by B.P. Mandal, through Article 340 of the Constitution of India, named the Mandal Commission. It established standards for identifying socially and educationally disadvantaged groups and setting policies to uplift them. According to the commission's reports, OBCs comprised roughly 52% of India's population. Among diverse religious communities, including Hindus, Muslims, Sikhs, Christians, and Buddhists, it identified eleven indices of social, educational, and economic backwardness. It produced a complete list of 3,743 OBC castes and an extra list of 2,108 'depressed backward classes'.¹⁷

Its recommendations have included 27% of jobs in the government sector reserved for OBCs who did not qualify on merit, and the same percentage in promotions at all levels of public service. If the reserved seats remain unfilled, they should be taken forward for three years and deserved afterward. There was age relaxation for OBCs which should match that of SC's and ST's. The government was advised to make legal provisions for implementing these recommendations.¹⁸

The report and recommendations presented by the Mandal Commission should have been addressed for ten years. In 1990, it was accepted by the National Front government headed by V.P. Singh, who declared that 27% of reservations would be provided to "socially and educationally backward classes" for public jobs and undertakings. This is how reservation policy is extended to OBCs and SC and ST people.¹⁹

CONSTITUTIONAL AMENDMENTS AND LEGISLATIVE MEASURES FOR THE UPLIFTMENT OF BACKWARD CLASSES

Articles In Constitution

1. **Article 14-** ensures equality before the law, which says everyone is equal regardless of age, class, race, or gender. So, it is itself an affirmative action for uplifting marginalized classes by the framers of the Constitution.²⁰

¹⁷ Durgaprasad Bhattacharya, *The Mandal Commission in a Historical and Statistical Perspective*, 51 *INDIAN HISTORY CONGRESS* 641, 644-646 (1990).

¹⁸ Supra (note 18).

¹⁹ Supra (note 18).

²⁰ INDIA CONST. art. 14, § 9, cl. 2.

2. **Article 15(4)**- this article assures the special provisions for advancing the marginalized sections of society.²¹
3. **Article 16(4A)**- this article talks about the “reservation in matters of promotion to any class or classes of posts in the services under the State in favor of SCs/STs, which are not adequately represented in the services under the State.”²²
4. **Article 17**- this article talks about the abolishment of untouchability.²³
5. Article 330 provides for reserving seats in favor of SC & ST in the legislature and the House of People.²⁴
6. **Article 332**- provides the reservation in panchayats and municipalities and local bodies for SC & ST.²⁵
7. **Article 335** says that while appointing services and posts related to the affairs of the Union of India, it should consider the claims of SC & ST to maintain the efficiency of the administration.²⁶
8. **Article 338**- the National Commission for the SC and ST must investigate and monitor matters to safeguard them and give advice to uplift these communities.²⁷

Constitutional Amendments

1. **First Amendment Act in 1951** included Article 15(4) in the constitution of India, which says that “the state has the authority to create special provisions for the advancement of socially and educationally disadvantaged classes, as well as for SCs and STs irrespective of clause 2 of Article 29 of Constitution of India.”²⁸
2. **77th Amendment Act in 1995**- “Article 16(4A) was included in the Constitution of India to allow the state to reserve spots for promotions for SCs and STs in government jobs—this amendment aimed to guarantee these communities' professional advancement and improve their representation.”²⁹
3. **81st Amendment Act in 2000**- “Article 16(4B) was added, which enabled the state to treat empty positions held for SCs and STs for a year as a different class of positions to

²¹ INDIA CONST. art. 15(4), § 9, cl. 2.

²² INDIA CONST. art. 16(4), § 9, cl. 2.

²³ INDIA CONST. art. 17, § 9, cl. 2.

²⁴ INDIA CONST. art. 330, § 9, cl. 2.

²⁵ INDIA CONST. art. 332, § 9, cl. 2.

²⁶ INDIA CONST. art. 335, § 9, cl. 2.

²⁷ INDIA CONST. art. 338, § 9, cl. 2.

²⁸ The Constitution (Amendment) Acts, *Legislative Department*, The Constitution (First Amendment) Act 1951. Available at: <https://legislative.gov.in/the-constitution-amendment-acts/>

²⁹ The Constitution (Amendment) Acts, *Legislative Department*, The Constitution (Seventy-seventh Amendment) Act, 1995. Available at: <https://legislative.gov.in/the-constitution-amendment-acts/>

be filled in the following years. This change aimed to clear the backlog of reserved positions.”³⁰

4. **82nd Amendment Act in 2000**- “Article 335's proviso was included to permit a modification of the qualifying scores and evaluation standards about SC and ST reservation and promotion. The successful application of reservations in promotions was made more accessible by this change.”³¹
5. **93rd Amendment Act in 2005**- “Article 15(5) was included, which allowed the state to form special rules regarding the admission of socially and educationally disadvantaged classes, as well as SCs and STs, to private educational institutions, whether or not the state provides funding for them, except minority educational institutions. This modification primarily made the extension of reservations to educational institutions possible.”³²
6. **102nd Amendment Act in 2018**- The NCBC was given constitutional status by this amendment, embedding it with the power to deal with matters about the identification and welfare of backward classes.³³
7. **103rd Amendments Act of 2019**- This amendment established 10% reserves for Economically Weaker Sections (EWS) members in governmental jobs and educational institutions. It sought to preserve the current reservations for SCs, STs, and OBCs while addressing economic inequalities.³⁴

Legislative Measures

1. **Preventing Atrocities Against Scheduled Castes and Scheduled Tribes Act, 1989**- By protecting their rights and dignity, this Act seeks to stop crimes against SCs and STs. It creates special tribunals for trialing offenses against specific populations and stipulates severe penalties for crimes against them.³⁵

³⁰ The Constitution (Amendment) Acts, *Legislative Department*, The Constitution (Eighty-First Amendment) Act, 2000. Available at: <https://legislative.gov.in/the-constitution-amendment-acts/>

³¹ The Constitution (Amendment) Acts, *Legislative Department*, The Constitution (Eighty-Second Amendment) Act, 2000. Available at: <https://legislative.gov.in/the-constitution-amendment-acts/>

³² The Constitution (Amendment) Acts, *Legislative Department*, The Constitution (Ninty-third Amendment) Act, 2005. Available at: <https://legislative.gov.in/the-constitution-amendment-acts/>

³³ The Constitution (Amendment) Acts, *Legislative Department*, The Constitution (One Hundred Second Amendment) Act, 2018. Available at: <https://legislative.gov.in/the-constitution-amendment-acts/>

³⁴ The Constitution (Amendment) Acts, *Legislative Department*, The Constitution (One Hundred Third Amendment) Act, 2019. Available at: <https://legislative.gov.in/the-constitution-amendment-acts/>

³⁵ The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, § 1-23, No. 33, Acts of Parliament, 1989.

2. **Act of 1993 Establishing the National Commission for Backward Classes**- This Act created the NCBC as a statutory authority to handle complaints and oversee the execution of policies and initiatives to improve the lot of the underprivileged.³⁶
3. **The 2016 Law on the Rights of Persons with Disabilities**- This Act requires accommodations for disabled people in government employment and educational settings. It promotes inclusivity and enhances the larger affirmative action framework, albeit not only for underprivileged classes.³⁷

JUDICIAL APPROACH IN RESERVATIONS

In India, reservation is a remedial measure taken to give a specified number of seats to the marginalized sections of society, such as SC, ST, and OBC. It is a social, educational, public, and private guarantee. Reservation is the solution to the atrocities committed on people of lower castes by people of higher castes in the past. The Indian Constitution, therefore, laid down many provisions and amendments to the upliftment of these communities, their relief from suffering, and a guarantee of minimum representation in the various sectors. For an overview of the judicial approach toward India's reservation policy, it is essential to understand a few significant rulings.³⁸

It was the judgment of the State of Madras v. Champakam Dorairajan.³⁹ That paved the way for the implementation of affirmative action policies in India, where it gave way to the I Amendment Act of the constitution, which added Articles 15(4) and 16(4) in the Constitution and outlined rules for reservations in the educational sector as well as in government jobs.⁴⁰

On the other side, in Balaji vs. the State of Mysore⁴¹ (1963), the court discussed that more than 50% of the reservation was invalid, and the Mysore Government's reservation was considered null and void as it exceeded the prescribed limit. The case showed the necessity of a balanced approach regarding reservations. Hence, this balanced approach was achieved by capping at 50%, an affirmative action, as it set the equalized platform for everyone. Even in 1990, the cap throughout India in the Indira Swanhey vs. UOI⁴² The case was that no reservation should be given above 50%.

³⁶ The National Commission For Backward Classes Act, 1993, § 1-19, No. 27, Acts of Parliament, 1993.

³⁷ The Rights Of Persons With Disabilities Act, 2016, § 1-102, No. 49, Acts of Parliament, 2016.

³⁸ Supra (note 1).

³⁹ State of Madras v. Champakam Dorairajan, AIR 1951 SC 226.

⁴⁰ Supra (note 40).

⁴¹ Balaji vs. the State of Mysore, AIR 1946 SC 649.

⁴² Indira Swanhey vs UOI, AIR 1993 SC 477.

Recently, it was established that the reserved category candidates qualifying under open merit must be taken compulsorily as open category students for calculating reservation percentages so that the meritorious students may not be disadvantaged because they are called members of reserved categories. The said judgment thus takes cognizance of the fact that reserved category seats are not unduly taken by those who could have secured admission on merit so that opportunities for other candidates within the reserved categories are open and, as such, maintained. Accordingly, as the court has directed to formulate future admission rules in conformity with the principles enunciated by this judgment, it reaffirms a commitment toward creating an enabling environment for equal access to quality education by incorporating elements of affirmative action inherent in the Indian Constitution.⁴³

UNDERSTANDING THE AFFIRMATIVE ACTION PROGRAMME IN INDIA

Equality as a Fundamental Principle

Equality has been recognized as one of India's socio-political system's basic principles and fundamental values. This is a striking contrast to the enormous and deep-rooted inequalities passed on by India's ancient past. Equality implies the elimination of special privileges and eradicating all barriers about birth, wealth, sex, caste, creed, and color. No one is to be found suffering from any social or political disability.⁴⁴

Persistent Inequalities and Constitutional Framers

The Indian Constitution's founders were well aware of the ongoing injustices that the country's caste structure continued to support. As a result, Articles 14, 15, and 16 of the Constitution prominently feature the equality principle and lay the groundwork for equalizing concepts. The principal goal of these regulations is to give Scheduled Castes (SCs) and Scheduled Tribes (STs) members more protection or benign discrimination, granting them preferential status in various socioeconomic and political domains. It is important to remember that India's affirmative action initiatives go well beyond these rules; they are significantly more intricate and thorough.⁴⁵

⁴³ Yash Mittal, *Meritorious Candidates Of Reserved Category Not Availing Reservation Benefits Should Be Treated As General Category* : Supreme Court, LIVE LAW, 2024.

⁴⁴ Dr. A.P. Singh, Affirmative Action Programme In India: The Road Ahead, 1 INDIAN LAW AND SOCIETY 151, 156-166 (2009).

⁴⁵ Dr. A.P. Singh, Affirmative Action Programme In India: The Road Ahead, 1 INDIAN LAW AND SOCIETY 151, 156-166 (2009).

The Indian Constitution's provision on equality

Justice and equality are recognized as essential structuring elements in the Indian Constitution. It combines the ideas of equality before the law and equal protection under the law. Affirmative action supports disadvantaged groups, whereas the former guarantees equal status for all. The constitutional provisions that permit deviations from equality requirements, such as merit and impartiality, authorize these protected discrimination policies.⁴⁶

Reasonable Classification And Its Challenges

The Judiciary applies this vital tool of reasonable classification to ensure that the Constitution should justify that laws distinguishing groups essentially protect Article 14, equality before the law.

For a classification to be valid, two requirements must be fulfilled: rational nexus and intelligible differentia. For intelligible differentia to classify, one must be able to mark out the persons so classified from others by some intelligible or clear and distinct difference. Such a difference must have a reasonable relationship with that legal object for a rational relationship. These tests ensure the classification is reasonable and serves a legitimate public interest.⁴⁷

The Supreme Court expanded Article 14 with the Maneka Gandhi v. Union of India.⁴⁸ Case. It stated that these laws must be just, fair, and reasonable besides not being arbitrary. This juristic strategy further entrenched the protection of the rights of people. It imposed a high threshold of legislative classification, in which legislation is vigorously tested so that no discrimination occurs against equality provided in the Constitution.⁴⁹

Though applications raise challenges, judicial scrutiny has to be cautious because this principle of reasonable classification is fundamental for ensuring equality before the law. Intelligible differentia and a rational nexus are essential criteria in testing reasonableness. Judicial activism has undoubtedly strengthened this principle by assuring that laws may not only be non-arbitrary but also fair to further secure individual rights under the Constitution.⁵⁰

⁴⁶ Dr. A.P. Singh, Affirmative Action Programme In India: The Road Ahead, 1 INDIAN LAW AND SOCIETY 151, 156-166 (2009).

⁴⁷ Supra (note 48).

⁴⁸ Maneka Gandhi vs. UOI, (1978) 1 SCC 234.

⁴⁹ Maneka Gandhi vs. UOI, (1978) 1 SCC 234.

⁵⁰ Supra (note 48).

Affirmative Actions Vs.Meritocracy

The critiques of affirmative action argue that reservations are pushing the country backward, as due to reservations, the genuinely deserving students or candidates cannot get what they truly deserve. According to them, individuals should be judged on their skills, achievements, and true merit rather than providing them an easy way of succeeding deserving candidates. In the present scenario, the candidates belonging to SC & ST are getting equal opportunities to the general castes. Still, they are on higher footing due to the reservation policies. Those who need them lack them, but others take undue advantage of these reservation policies, which is why people now favor meritocracy. Significant reforms are needed if we genuinely want to help those who need it through reservations. That is, the reservation should be based on the socio-economic background rather than race or caste. The present example here is of EWS (Economically weaker section) reservations that are 10% as of now, and this will help in addressing broader inequalities between the different castes and help those who genuinely need help.⁵¹

MY OPINION

Reservation policies in India currently cater to a small population, and some take undue advantage of this system, as in the Pooja Khedkar case. There is a need to shift focus from caste-based reservations to economically weaker sections immediately. This would be more attuned to contemporary socio-economic reality and would realize equality. The government's policies should be fine-tuned to reach people in need. Still, at the same time, they should take adequate care so that the judiciary appropriately prevents misuse through effective vigil. Only then can such a well-targeted and regulated initiative uplift the marginalized and bring social justice.

CONCLUSION

The debate on affirmative action and reservations in India is couched in terms of a trade-off between social justice at the cost of meritocracy. Affirmative action, added by the framers of Indian Constitutions with Articles 15(4) and 16(4), emphasizes substantive equality and reflectivity protection from nondiscrimination through further constitutional amendments.

⁵¹ Mark P. Zanna, *Meritocracy and Opposition to Affirmative Action: Making Concessions in the Face of Discrimination* 83, AMERICAN PSYCHOLOGICAL ASSOCIATION 493. 496-499 (2022).

Their application has, however, introduced issues of their consistency with Article 14 rightness-and-reasonableness-tests, under which laws can be assailed for violating the three-pronged test based on the reasonable classification in legitimate State interests if a difference or intelligible differentia is supporting it and fulfills or strives to achieve its policy targets. Some have countered this growing reservation base by arguing that reservations must be caste-agnostic rather than based on socio-economic status. This argument was further supported by including EWS reservations that addressed wider inequalities.

Thus, there can be no denying that continuous evaluation and reforms to ensure tangible benefits reach those genuinely disadvantaged at various levels while ensuring stricter implementation with transparent monitoring mechanisms to prevent misuse are called for. Quotas had come as a necessary corrective for righting historical injustices.

