

Evolution Of Reservations In India-Legal And Constitutional Perspective

Chapter 1- Introduction to Evolution of Reservations

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ABSTRACT

The reservation system in India was established as a constitutional remedy to address historical social exclusion and discrimination faced by marginalized communities, including Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs). Rooted in the principles of equality and social justice, it ensures representation in education, employment, and political institutions. This system has evolved through various constitutional provisions and judicial interventions, with notable contributions from social reformers like Dr. B.R. Ambedkar. Despite legal safeguards, caste-based disparities continue, fueling ongoing debates about merit, fairness, and inclusion.

The paper explores contemporary challenges, such as the introduction of the Economically Weaker Sections (EWS) quota, as well as regional and sub-caste disparities. It highlights the importance of data-driven, multidimensional policies to address these complexities. Additionally, the paper stresses the need for robust support systems, cultural inclusion, and active youth engagement to enhance the system's effectiveness. In this context, it calls for a reimagined framework that strikes a balance between merit and social justice, ensuring comprehensive participation in India's progress while upholding the constitutional values of equality and justice.

Chapter 1

Introduction

Reservations are a significant concern in our nation, and there are many disputes surrounding them. This issue is constantly burning and relevant. The primary cause of reservations is the caste system, which treats backward people unfairly by the society and discriminates against them based on their birth, making them untouchables in society. A number of scholars and politicians questioned the system's inequity in society and launched numerous uprisings against the caste system. Both the caste system and corruption cannot be eradicated from the minds of the people, according to many scholars, making it just as bad. There is a phrase which comes from the Artha shastra by Chanakya which says that corruption is like fish in the water we couldn't see the difference whether it is breathing or not in the water the same goes with the caste system. Caste began in ancient times and was perfected over the course of many centuries, so deep-seated is the inequality inherent in its structures. Once occupation and ritual purity were originally conjoined, they eventually were employed as means to oppress; otherwise, social hierarchy would be much too fluid for those interested in maintaining status and privilege over

subordinate groups. This systemic exclusion led to the development of affirmative action policies or reservations, as a means of addressing the centuries of historical injustices faced by these communities.

India's reservation program is among the world's most ambitious affirmative action policies. The policy aims to give chances for historically marginalized populations, including Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs). The policy is based on India's traditional caste structure. Lower castes have historically endured prejudice and exclusion from society, and reservation policies aim to redress this inequity.¹

Origin of caste system in India- The division of society into several varnas (castes) was initially formed by ancient texts like the Rigveda (c. 1500–1200 BCE), which is where India's caste system originated. With the Brahmins (priests and intellectuals) at the top, followed by the Kshatriyas (warriors), Vaishyas (merchants), and Shudras, this division eventually became a hierarchical structure. Below these four varnas were the Dalits, formerly known as untouchables, who suffered from extreme social and economic discrimination and were totally shut out of the caste system. The caste system was established and institutionalized by the British government during the colonial era through initiatives like public service recruitment and the caste census, which started in 1871.

Early social reforms were made possible by the formalisation of caste identities, which also served to reinforce social hierarchies. Leading reformers like Dr. B.R. Ambedkar, Shahu Maharaj, and Jyotirao Phule played a crucial role in promoting the rights of lower castes and the idea that affirmative action was required to combat systemic inequity. The foundation for India's reservation system was established by these early efforts, most notably the Poona Pact of 1932, which gave Dalits political participation.

These ideas were codified in the Indian Constitution after independence, which contained provisions for SC and ST reservations in political representation, work, and education under Articles 15, 16, and 46, among other provisions. Over the years, legislation pertaining to reservations have evolved. The Mandal Commission's 1990 recommendations and the 2019 introduction of the Economically Weaker Sections (EWS) quota both included OBCs.

LITERATURE REVIEW

There many constitution provisions which are made to uplift the backward people. According to the preamble, the primary goals of the Indian Constitution are to uphold the dignity of every person and the unity and integrity of the country while also giving its residents a certain amount of security with regard to equality of position and opportunity.

Some of the constitutional provisions for reservations are -

- Article 366- defines about the schedule tribes and schedule castes in this article
- Article 330 Reservation of seats in the house of the people
- Article 332 Reservation of seats in the legislatures of the states
- Article 243 D- Reservation of seats in Panchayats
- Article 243 T- Reservation of seats in Municipalities
- Article 15(4)- reservations in educational institutions
- Article 15(5)- Reservation in private aided or unaided educational institutions

¹ C.L. Anand, (1987), "Equality, justice and reserve discrimination in India", Mittal Publications, New Delhi

- Article 16(4) Reservation of appointment or posts
- Article 17 Abolishment of Untouchability
- Article 338- it talks about the national commission for schedule tribe and schedule castes²

The Mandal Commission Report

The Mandal Commission Report (1980) was one of the most significant changes to India's reservation policy growth. The commission, led by B.P. Mandal, was created to identify the socially and educationally disadvantaged groups and suggest ways to improve their lot in life, such as granting them preference in government employment and educational settings. In addition to the current 22.5% reserve for SCs and STs, the research suggested a 27% allocation for OBCs, increasing the overall reservation to 49.5%.³

In his landmark work "Competing Equalities: Law and the Backward Classes in India" (1984), legal expert Marc Galanter has studied the influence of the Mandal Commission. Galanter gives a thorough explanation of how the Mandal Commission broadened the use of affirmative action and how its suggestions sparked heated discussions about how to strike a balance between social justice and meritocracy in the public and judicial spheres.

A second backward classes committee, known as the Mandal committee and chaired by Mr. B.P. Mandal, was established by the Janata Party Government in 1979. The Commission decided to use the following standards to determine which groups were socially and educationally backward: 1. Social standards, 2. Educational standards, and financial standards. In December 1980, the commission turned in its report. It claimed that, including Hindus and non-Hindus, the OBC group made up about 52% of India's overall population. A 27% quota for the OBC was suggested by the commission. Nothing was done in response to the Mandal report long after it was presented. The commission mostly ignored the economic criteria and equated castes with disadvantaged groups.

In the *Indira Sawhney v. UOI* (1992) case, popularly referred to as the Mandal Commission case, the Supreme Court rendered a significant decision concerning post-reservation for members of the impoverished classes. Following the Mandal Commission's 1990 central recommendation, the V.P. Singh administration established a 27% quota for socially and educationally disadvantaged groups for open civil service and other government of India employment. The nine justices considered the challenge to the memorandum that was brought before the SC. Here is where the SC's primary advantage may be emphasised:

1. A maximum of 50% of all reservations may be made in a single year.
2. The backward class should not include the creamy layer.

This decision reaffirmed the need for reservation policies to be based on socioeconomic and educational backwardness, but it also issued a warning against over reservations that might violate Article 14's equality principle.⁴

Judicial Interpretations: Dealing with Constitutional Requirements with Social Justice

Some of the landmark cases in evolving the reservations in India are

² The Constitution of India, Articles 15, 16, 17, 330, 332, 338, 243D, 243T, 366.

³ Report of the Backward Classes Commission (Mandal Commission Report), Vol. 1 (1980)

⁴ AIR 1993 SC 47

1. The *Indira Sawhney v. Uoi* case is a seminal case in the field of reservations because it established the notion of the "creamy layer," which states that members of the backward classes who are economically superior to other members should not be included in the quota. Additionally, the case set a 50% maximum reservation and stipulated that the reservation should be used for initial employment not for promotions.
2. A case that provides guidance is *M. Nagaraj & Ors v. Union of India*, where it was decided that the creamy layer rule is a necessary compromise between the conflicting goals of caste-based reservations and the constitutionally mandated secularism concept. Therefore, granting reservation privileges to the creamy layer runs counter to the goal of advancing the socially and educationally disadvantaged strata.⁵

Scholars have studied the changing judicial position on reservation programs, such as Upendra Baxi, who wrote "The Indian Supreme Court and Politics" in 1980. According to Baxi, the judiciary has been actively involved in interpreting affirmative action clauses to make sure they align with the Constitution's cherished equality ideals. He adds that in order to ensure that reservation policies do not infringe upon the equality guaranteed by the constitution, the judiciary has frequently served as a mediator between conflicting interests.

Contemporary Issues: EWS Reservations

The government created a reservation for the economically weaker sections in government jobs and education in order to promote equity for those living in poverty among the upper caste. Economic weaker criteria through 103rd of constitution amendment. People from the general category who earn less than a specific amount are given a 10% quota under the reservation for the economically weaker section (Ews).

Reservations on gender- For the upliftment for women in education and employment the government kept the reservation criteria in education field and in the politics in low level of the society where the gram panchayat elections for sarpanch there is the woman criteria for the women's should only nominate in the elections for the upliftment of the women's in equality and there is many reservations in the other gender for the upliftment of transgender in the society for promoting the individuals for the access in every field. because of these policies taken by the government the participation of woman and other genders have been increased in recent times.⁶

STATEMENT OF PROBLEMS

Debate on meritocracy and social equality

For the past years the controversy around the meritocracy is happening in the country on the education system. The reservations are not helping the certain section of students to not enter into the colleges they want to go, the major problem in reservation is education reservation which the students seats should be based on merit based not on the criteria quota of the caste reservation where the polices should help the upliftment of the depressed people but not in the reservation based seats but on the economical way only. there are worries that the quality of government services and education has declined as a result of reservation regulations. There are also worries that government services and education have become of lower quality as a result of reservation regulations. Candidates with qualifications are frequently passed aside in favour of individuals who have profited from reservation regulations. Additionally, some beneficiaries of reservation rules might not aim for

5 AIR 2007 SC 71

⁶ M.P. Jain, *Indian Constitutional Law*, (8th ed., LexisNexis, 2018)

greatness on their own, raising worries that these programs have created a culture of entitlement and dependency. Notwithstanding these objections, preservation laws are nonetheless crucial for advancing inclusion and social justice in India.⁷ Many contend that these measures are required to provide previously underprivileged populations opportunity and to alleviate the nation's pervasive social and economic inequality. In recent survey done by the reddiff data there is so much less percentage of scholarship is given to the people who score on the merit level. Only 12% of Indian households received any kind of scholarship, according to the report. Just 2% of scholarships are awarded to those who are financially disadvantaged, and 0.7% are awarded based on merit. Other Backward Classes, Scheduled Classes, and Scheduled Tribes make up 38, 33, and 23% of all scholarships, respectively. To ensure that those who are legitimately economically disadvantaged receive justice, the reservation procedure should screen them. For the poorer segments of society, a fundamental overhaul of the educational system is needed. Segments that oppose the government's provisions require an awareness campaign. Eliminating the whole creamy layer of all castes for reservations in employment and education is a drastic answer.⁸

Limited time period for reservations-

There is a drawback in the certain reservations in categories which the quota is given to certain sections of people after a certain time many sections of people use it as an advantage even after the upliftment of their category. The 'creamy layer' of the OBC category—those who have made economic progress but continue to use reservations—raises concerns because they may dilute the advantages intended for the actual underprivileged. Furthermore, certain segments of society are beginning to believe that reservations need to be time-bound and subject to periodic reviews. It is argued that permanent quotas could not encourage socioeconomic mobility and self-improvement. The reservation is set to uplift the section of people who are historically depressed sections and there should be time period for certain reservations are required in order to create equal opportunities for people who have previously been denied them. They contend that addressing structural injustices that have existed for generations is necessary to achieving social justice.⁹

Expanding the scope of the reservation-

Discussions over the extent of affirmative action policies have arisen as a result of the Mandal Commission's recommendations for OBC reservations and, more recently, the creation of Economically Weaker Sections (EWS) based on economic grounds. What standards should be used to define who is "backward" in a society that is changing socially and economically? In a time when economic backwardness is a major problem as well, are caste-based reservations still applicable?

To determine justice for the underprivileged, a strong political resolve is required. Reservations must be changed to include seats for the less fortunate members of society. Reservations should be radically changed to caste-based reservations while ensuring that seats are reserved for those who truly need them. Caste based reservations can still be relevant where some of the categories are still underprivileged and backward comparing to other for them the reservations are mandatory whereas the government should make research according to the backwardness of the caste system and allot according to it.¹⁰

⁷ Anupama Roy, "The Idea of Merit in the Reservation Debate," 45 *Economic and Political Weekly* 56 (2018).

⁸ Rediff Data, "Scholarships in India: A Statistical Analysis," available at: www.rediff.com (last visited on March 4, 2025).

⁹ Sanchit Meena & Vishakha Meena, *Libertatem Magazine*, "Is the Reservation System Making or Breaking India?" available at: <https://libertatem.in> (last visited on March 14, 2025).

¹⁰ P.K. Tripathi, "Reservation and Meritocracy: Striking a Balance," 48 *Journal of the Indian Law Institute* 317 (2022)

Misuse of reservations

The economically backward sections should be considered mostly because the caste based reservation is going on for decades and there has been misuse of reservations taken place in the society in various sectors and for this the overview and survey should be taken and implement according to the backwardness in the country.

The misuse of reservation in village level elections on gender based. In the elections the politician who was supposed to nominate in the elections, because of the women's reservation he will make his wife has the party representor and nominates her name in the election and after the elections the politician will unofficially be the head in the village and he will take over the panchayat level decisions rather than the head of the village which is sarpanch of the village which is given to the woman. This is the ongoing issue in the whole country which taken as the advantage of the members rather than seeing it has the power to uplift the woman's rights in the ground level so that the change will be made in the country¹¹.

Exclusion of creamy layer in the reservation, this privilege is often misused by people for their own gain. The creamy layer category is often misused whereas the more affluent members of the OBC category continue to enjoy their privileges while marginalised groups continue to be neglected as a result of the exploitation of the creamy layer provision. In education also there is quite misuse of the creamy layer where the economically good people also use the reservation as the advantage gets into the universities and the deserving students gets sidelines in the admissions, Merit-based students are not receiving the places they are entitled to.

Awareness in the misuse of the reservations- there is no proper awareness in the society about the punishment which they get for misusing like fake certificates. False caste certificates obtained by paying the responsible personnel are frequently found on people, covering the government's back. The remaining members of their own people are now being subdued by those who have already overcome the obstacles of poverty and backwardness more quickly than they're those around them.

Research Methodology

The nature of this research piece is exploratory and descriptive. It is entirely dependent on secondary sources of data. Various relevant research journal articles, newspapers, journals, and websites have been cited as a result.

Objectives of reservation system

- To explore the caste system's beginnings and the ways in which it affects marginalised populations on a social, economic, and political level: For thousands of years, the caste system—one of the earliest types of social stratification—has been ingrained in Indian culture. This goal is to offer a thorough analysis of the genesis of this hierarchical structure. Through an examination of the theological, historical, and cultural foundations of caste, this study will investigate how it solidified social boundaries in India and resulted in the exclusion of some communities, especially Scheduled Castes (SCs), Scheduled Tribes (STs), and other socially disadvantaged groups. In order to comprehend the reasoning for the creation of reserve policies as a kind of affirmative action, the social isolation, economic hardship, and political subjugation that these groups endure will be evaluated.¹²
- Encouraging Social Equality: By providing marginalised populations with preferential treatment in sectors like political representation, employment, and education, reservation laws are essential to redressing historical injustices and creating a more fair society. By bridging the long-standing gaps

¹¹ Ravi Verma, "Women's Reservation in Rural Elections: Policy Success or Failure?" *Economic and Political Weekly* 93 (2019).

¹² Md. Altamash Imam, "Evolution of Reservation System in India: An Overview," *7 International Journal of Trend in Scientific Research and Development* 674 (2023).

brought about by the caste system and other social stratification, these initiatives hope to provide opportunities and resources to groups that have historically been shut out of mainstream society. Reservation laws enable these groups to fully engage in the social, political, and economic life of the country while also helping to level the playing field. Through affirmative action in education, Reservation rules also guarantee that these people are represented in government occupations, which have historically been a field dominated by more affluent segments of society.

- To examine the early policies and changes that established the foundation for reservations: This goal focusses on the period before and immediately following independence, when the concept of affirmative action was initially developed and debated. Early social reform movements and the contributions of influential reformers like Jyotirao Phule, Dr. B.R. Ambedkar, and others who were instrumental in promoting the rights of under-represented communities will receive particular attention. The Poona Pact (1932) and the Government of India Act (1935), which established certain provisions for the political representation of the lower castes and ultimately laid the foundation for the reservation system in post-independence India, will also be examined as part of this objective.
- To investigate the issues and arguments pertaining to the reservation system: The effectiveness of reservation policy, meritocracy against social justice, the expansion of reserves to include Other Backward Classes (OBCs) and Economically Weaker Sections (EWS), and the 50% reservation ceiling will all be examined in this examination.
- To research the reservation system's changes and future prospects: This goal will examine possible changes to reservation laws in light of India's changing social and economic conditions and the necessity of addressing caste-based and economic inequality holistically.

Research questions-

- How did these interventions pave the way for modern reservations policies?

The early social reform movements, laws from the colonial era, and the initiatives of activists for the rights of under-represented groups like Jyotirao Phule, Dr. B.R. Ambedkar, and others will all be covered in this question. It will examine how these measures addressed discrimination based on caste and established the legal basis for affirmative action after independence.

- The reservations became difficult for the education purposes and employment for the non-reserved people like general caste? Are caste-based reservation quotas still required in education?

This study topic will investigate whether caste-based reservations have led to perceived disparities for people in general categories, especially when it comes to public sector jobs and higher education. The consequences on non-reserved parts will be examined, along with the meritocracy arguments and the social justice justification for reserves. The study examines the continued applicability of caste-based reservations in education, determining if new strategies like economic-based criteria should be taken into consideration or if these laws are still required to give marginalised groups equitable access to opportunities. It will also look at how marginalised communities struggle in school in spite of reservation laws.

- What were the main causes that influenced the caste system in ancient India?

The social, religious, and economic elements that influenced the establishment and maintenance of the caste system in ancient India will be examined in this research question. It will concentrate on how the caste system and its hierarchical structure became solidified as a result of Hindu religious scriptures, ceremonial purity, and occupational distinctions.

- How did colonial rule affect caste dynamics and social hierarchy?

During the British rule, many scholars had formalised the caste system which they took the information of social hierarches in India and later the social reforms formed the path in early stages this led to the change in the affirmative actions by the government. Jyotirao Phule, BR Ambedkar had raised their voices in that era against the lower caste discrimination in parts of the country. Later many events took place like Poorna pact in 1932 which is the turning point in reservations. The origin of reservation started with the Jyotirao phule and William hunter which they introduced the concept of reservation in 1882 and later in 1933 the system was actually formed by the British prime minister Ramsay Macdonald. Later they introduced the government of India act 1935.

- What were the early policy efforts targeted at reducing caste-based disparities?

The research will concentrate on pre-independence governmental measures meant to lessen prejudice based on caste. It will look into the conception and execution of measures like as employment guarantees, educational scholarships, and political representation for lower castes throughout colonial times and in the early post-independence era.

References

- [1] C.L. Anand, (1987), "Equality, justice and reserve discrimination in India", Mittal Publications, New Delhi
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- [3] Report of the Backward Classes Commission (Mandal Commission Report), Vol. 1 (1980)
- [4] AIR 1993 SC 47
- [5] AIR 2007 SC 71
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