

The Reservation Debate in India: Balancing Constitutional Mandates and Socio-Economic Realities

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Abstract

Indian society has a complex social structure and is primarily separated into different castes, religious & linguistic communities, and tribes. The exclusion of the untouchables marks the beginning of India's reservation policy history. Due to their uneven and hierarchical disadvantages, which are marked by institutional discrimination and inequality, the untouchable castes have been and/or continue to be the most oppressed. India's reservation system was constituted conferring to the Constitutional Provisions to elevate the deprived and marginalized sections and give them their rights. It is explicitly stated in the Articles- 15(4), 15(5), and 15(6) of the Indian Constitution. Many studies point out that reservation has been instrumental in endorsing upward mobility and social equity. However, the underprivileged segments of society still face barriers to social mobility. The current paper covers the detail exploration of the reservation scheme as enshrined in the Indian Constitution. Analysis of the past literature in the pertinent areas and facts collected from secondary sources, it has been emphasized that the reservations should be sustained

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but modified to meet needs of diverse communities, and granted to those who genuinely require them till they achieve equality in socio-cultural, educational, economic, and political spheres. Although there remains a door for discussion and amendment, it is determined that India's reservation system has been influential in improving the lot of underprivileged groups. While it provides necessary affirmative action, there is a growing call for policy modifications to ensure fair and effective distribution of benefits.

Keywords: Reservation, Untouchables, Deprived and marginalized communities, Indian Constitution, Scheduled Castes, Scheduled Tribes, Other Backward Classes.

Background

India is a diverse country with a complex social structure, influenced by historical, economic, and cultural factors. The society is primarily stratified based on caste, religion, language, and economic status. Historically, the caste system segmented society into hierarchical groups, with upper castes enjoying privileges while lower castes faced social discrimination, untouchability, and economic exclusion. Being a home of multiple faiths, including Hinduism, Christianity, Islam, Sikhism, Buddhism, and Jainism, some religious minorities have faced socio-economic disadvantages over time which continue till date. Even linguistic identity often plays a role in access to education, employment, and state-based policies. The practice of Untouchability further maintained the status quo in Indian society not allowing any channel to improve the socio-economic conditions of marginalized sections and deprived ones, particularly the *Dalits*.

Above caste-based, religious, linguistic, and economic partitions in Indian society have been shaped over centuries due to various socio-political events,

colonial rule, and traditional practices. While diversity is a strength, it has also contributed to deep-seated disparities in access to resources and opportunities. A large section of society still struggles with poverty, restricted access to quality education, and unemployment, reinforcing the need for social justice mechanisms like reservations. By guaranteeing sufficient representation and opportunity for these formerly underprivileged and marginalized populations, the reservation system serves as an affirmative action measure and a mechanism to rectify these disparities. Though the Untouchability and its practice in any manner was abolished by the Constitution through Article 17, untouchability still exists in various parts of India, necessitating continued affirmative action for these sections.

Reservation refers to granting underprivileged individuals access to educational institutions, central and state governmental positions, or the legislative branch to have sufficient representation. Reservation system is sometimes referred to as 'Affirmative Action Strategy'. Those who have been historically excluded and denied equal opportunity for a long time possibly for centuries are granted this reservation. India's reservation system was instituted to provide reservation for the development of Schedule Castes (SCs), Schedule tribes (STs), socially or educationally underprivileged classes or Economically Weaker Sections (EWS) of our mother country. Articles 15(4), 15(5), and 15(6) of the Indian Constitution clearly mentions this. Furthermore, the Articles 16(4) and 16(6) provide that equal access to opportunities should be provided to every citizen of India regardless of caste and that those from lower economic groups should be adequately represented.

The caste-based reservation system was first proposed by William Hunter and Jyotirao Phule in 1882, but it was rendered feasible after independence when

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the Constitution was amended to include provisions for it. At first, only the SCs and STs were granted reservations after independence. But, on the recommendations of the 'Mandal Commission', other backward classes (OBCs) also came under the umbrella of reservation in 1991. Ten percent of government positions and educational institutions are reserved for those who are "economically backward" in the unreserved category, according to the Constitutional (103rd Amendment) Act of 2019. The reservation system is designed to uplift SCs, STs, OBCs, and, in recent years, the Economically Weaker Sections (EWS). One of its key features is to provide social justice to historically disadvantaged communities.

Objective of Paper

The current paper aims at two-fold objectives, *firstly*, to deliberate the evolution of the Reservation System, particularly as provided in India's Constitution, which is the ultimate law and serves as the foundation of governance in our country, and *secondly*, to highlight its effectiveness and impact on social and economic equality for the historically disadvantaged and marginalized communities.

Literature Review

Several scholars, including Franco & BulomineRegi (2016) and Saxena *et al.* (2015), reason that reservation strategies favoring specific castes and communities were already in place in various regions of British India before independence. The introduction of certain elements to the system of reservation can be traced back to the British Raj through the Government of India Act of 1909, along with several other pre-independence measures (Jangir, 2013; Retna, 2012).

The most important development in this regard took place in the month of June in 1932 during the Round Table Conference where the British Prime Minister, Ramsay MacDonald advocated the Communal Award, which granted separate representation for the Muslims, Sikhs, Anglo-Indians, Indian Christians, and Europeans. Additionally, the depressed classes, roughly corresponding to today's SCs and STs were allocated reserved seats, which they could fill through elections from designated constituencies where only members of their communities could vote, although they retained voting rights for other seats as well.

The Communal Award was highly controversial. Mahatma Gandhi strongly opposed it, viewing it as a threat to Hindu unity, and went on a hunger strike in protest. On the other hand, many among the depressed classes, including their leader Dr. B.R. Ambedkar, supported the initiative as it provided political recognition and empowerment to historically marginalized communities. After intense negotiations, a compromise was reached between the two leaders leading to the establishment of Poona Pact. Under this agreement, a solitary Hindu electorate was established, but with earmarked seats for *Dalits* within it. Meanwhile, separate electorates remained intact for other religious communities such as Muslims and Sikhs (Chin & Prakash, 2011; Garcia-Santana & Pijoan-Mas, 2014).

Empirical studies on India's reservation policies present mixed findings. While some research highlights positive effects on societal mobility and representation, others point to potential challenges such as social fragmentation and reinforcement of caste identities. For example, Borooah *et al.* (2007) found that job reservations contributed to a modest increase (about five percentage points) in employment rates for SC/ST individuals in salaried

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positions. Thorat (2023) analyzed the effectiveness of reservation policies for SCs, STs, and OBCs using statistical reports. The study found that while quotas have improved representation, substantial disparities persist in achieving full economic and social equality.

Basu (2021) examined the economic impact of reservations for SC and ST groups, identifying challenges such as incomplete data, child labor issues, and rent-seeking behaviors. The study recommended improved screening mechanisms to ensure fair distribution of benefits. Mandal (2021) discussed constitutional and political hurdles in the reservation system, including unfilled reserved vacancies and the underrepresentation of SC/ST groups. The study also examined recent judicial rulings by the Uttarakhand High Court concerning reservations. Yoganandham *et al.* (2023) conducted a descriptive analysis of India's reservation system, emphasizing the limited scholarly focus on sub-quotas. The Supreme Court's decision to strike down the Maharashtra State Reservation for Socially and Educationally Backward Classes (SEBC) Act, 2018 was also investigated in the research.

Weisskopf (2004) evaluated the impact of reservations on higher education admissions, specifically for SC and ST students. The study found that while literacy rates have improved, SC/ST enrollment in institutions of repute like IITs, IISc, and IIMs remains low. Dinesha (2015) reviewed the state of reservation policies in higher education, noting that reservations have helped SC/ST students gain access to universities. The study highlighted that the gap in entry-test scores between SC/ST students and others has been narrowing over time.

Yoganandham *et. al* (2023), in their study on 'An Evaluation of the Reservation System in India' have emphasized that the goal of India's

reservation policy is to provide the poor equal opportunities. To provide those from lower castes an opportunity to establish themselves, the reservation system needs to be enhanced. Reservations should to be adjusted to meet the requirements of different communities. To address the outdated method, reservations should be fixed. Reservations ought to be granted only to those who are in genuine need. Reservation would be unjust to other groups who strive for excellence. Goals should be attained through merit, not through reluctance. Few individuals should be allowed to make reservations.

Methodology

Indian society is defined by structural inequality and discrimination as it has been divided into castes with unequal and hierarchical privileges under Brahminical Hinduism, with the untouchables experiencing the worst oppression. Untouchable castes, now also known as Scheduled Castes, are the most oppressed in Indian society as they were not only denied access to fundamental liberties, but also experienced exclusion and residential segregation. This article is both observational and theoretical in nature and provides well-structured factual information. It only draws information from secondary sources that are pertinent to the issue under study. The compilation of secondary data involves using a variety of empirical studies and reports, both published and unpublished available on internet and local College/University libraries.

Data Presentation and Analysis

The notion of reservation is rooted in social justice and affirmative action. Social justice advocates for equitable distribution of opportunities and resources, especially for communities historically subjected to discrimination. Affirmative action, implemented in many countries, aims to rectify the

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structural discriminations by compensating the destitute segments of society. The reservations aim to bridge the historical gap created by systemic discrimination, ensuring marginalized communities have representation in education and employment.

Reservation policies were first introduced by the British administration in response to demands from marginalized communities. Notable initiatives include the Government of India Act, 1935, which provided for separate electorates and reserved seats for depressed classes. Post-independence reservation is an affirmative action program in India that gives representation to the traditionally understated groups in government scholarships, programs and politics. The Indian Constitution permits the Union Government and its States and Territories to assign quotas at a certain proportion, for "socially and educationally backward" citizens in educational admissions, jobs, promotions and political organizations.

The first laws to publicly acknowledge the need for quota in India after independence were the Constitution (Scheduled Castes) Order, 1950, and the Constitution (Scheduled Tribes) Order, 1950. The scope of reservation was further extended in 1980 when the Mandal Commission recommended that social, educational, and economic backwardness should be the criteria for inclusion under reservation procedures. As a result, OBCs now get a 27 percent reservation in government employment and educational establishments, as upheld in the landmark case of Indra Sawhney v/s Union of India. The reservation framework has expanded over time, to include a number of areas, such as education, employment, and political representation.

The Constitution of India has multiple provisions that enable reservations for disadvantaged groups. These provisions fall under Fundamental Rights and Directive Principles of State Policy (DPSP). As regards the Fundamental

Rights, Article 14 mentions that Right to equality is provided before the law and also equal protection of laws is assured. The Article 15(4) & 15(5) empowers the state to make special provisions for the advancement of SCs, STs, and socially and educationally backward classes; whereas the Article 16(4) & 16(4A) offer reservations in government jobs and promotions for SCs and STs.

Article 46 in DPSP (Part IV) instructs the State to advance the economic and educational goals of SCs, STs, and other marginalized groups. Besides above, the special provisions for political representation are provided in Article 330 & 332, which provide reservations for SCs and STs in the State Assemblies and Lok Sabha, and Article 334, which specifies the time frame for the reservation of seats in legislatures, which has been extended periodically. According to the 93rd Amendment (2005) to the Constitution, 93[2(a)]. The state may, so far as it relates to admission to educational institutions, including private educational institutions, whether aided or unaided by the State, except the minority educational institutions mentioned in clause (1) of Article 30, make special provisions for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes, notwithstanding anything contained in Articles 15 and 19. This is a significant alteration to the reservation policies and represents a wide expansion in the sphere of affirmative action to private educational institutions.

The 103rd amendment giving reservation to EWS in the preferred category was passed in 2019, adding economic criteria to the caste-based criteria of traditional reservation while marking a historical change in the system. This is not to be muddled with reservations granted under the reservation regime for SCs, STs and OBCs. The inclusion of EWS is a result of the EWS reservation

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mechanism being given greater stress in development, due to extensive economic discrepancy which exists in most domains. Article 243D allows SCs and STs to have reserve seats in each *Panchayat*. Every municipality has seats reserved for SCs and STs under Article 233T. The Article 335 of the Constitution stresses that the prerogatives of SCs and STs must be taken into account in a way that maintains the administration's effectiveness.

In brief, the post-independence developments in policy of reservation include the following:

- **1950:** The India's Constitution came into force with special provisions for SCs and STs.
- **1951:** The First Amendment added Article 15(4) to allow reservations in education.
- **1979:** Formation of the Mandal Commission in order to identify socially and educationally backward classes (SEBCs), recommending a 27% reservation for OBCs.
- **1990:** Mandal Commission recommendations implementation which led to nationwide protests and debates.
- **1992:** In the Indra Sawhney Case, the Supreme Court upheld the 27% OBC reservation but capped the total reservation at 50%.
- **2019:** The 103rd Constitutional Amendment introduced a 10% reservation for Economically Weaker Sections (EWS) in education and jobs.

These provisions and amendments underscore the Indian intent to correct historic prejudice and provide opportunity of education for all the sections of the society. In some ways, they aid in on-going effort to balance social justice essentials with the ideal of equality and meritocracy.

Current Reservation Structure in India is shown in the following table:

Table-1: Current Reservation Structure in India

Class	Percentage of Reservation
Scheduled Castes	15
Scheduled Tribes	7.5
Other Backward Classes	27
Economically Weaker Sections	10
Persons with Disabilities	4
Total Reservation	Capped at 50 percent (except EWS)

It is evident from the above table-1 that various categories, including SCs, STs, OBCs, and EWS, receive 60 percent reservation in regard to government employment and educational institutions. Additionally, reservations are given to disabled individuals at 4 percent. This leaves 40 percent of the places open for applicants with merit.

The majority of empirical research on the effects of reservation clearly shows that the presence of Scheduled Castes, Scheduled Tribes, and Other Backward Classes in government employment and higher education has significantly increased as a result of reservation regulations. Reservation laws have been shown to draw a significant number of SC and ST students to Universities who otherwise would not go for higher education, as well as to redeploy SC and ST students upward in the University's quality hierarchy. Some studies suggest that reservation policies have contributed to the socioeconomic mobility of marginalized communities. Thus, reservation policies have been able to

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achieve the aim to ensure fair representation of marginalized communities in education and employment, addressing historical injustices and systemic inequalities.

However, some social scientists still argue that reservation policies, particularly caste-based reservation, can inadvertently perpetuate caste identities and divisions in society. Studies suggest that even within reserved categories, there can be inequalities, with some groups benefiting more than others. There are concerns that reservation policies might compromise merit-based selection in education and employment. Some studies also argue that reservation policies can negatively impact the efficiency and quality of institutions and workplaces. Studies have shown that kids from underprivileged castes can face psychological impediments due to caste consciousness and negative stereotypes.

Critics also argue that reservation challenges the principles of meritocracy and can lead to reverse discrimination. They claim that favoring certain groups based on identity rather than individual merit could create inefficiencies. Supporters counter this by emphasizing that merit must be contextualized within socio-economic realities. Marginalized communities face significant barriers in accessing quality education and professional opportunities due to historical deprivation, making affirmative action a necessary corrective measure.

Additionally, the quota system is based on the principle of corrective justice, which accepts past injustices and seeks to provide fair compensation. By implementing quotas, the State acknowledges the institutional obstacles that have historically excluded backward classes from full participation in India's political, social and economic scenery. Beyond empowerment, reservation

policies also contribute to fostering diversity and inclusion, thereby strengthening the social fabric of the nation.

It must be remembered that the effect of reservation policies in India is an intricate and multifaceted matter. While they have demonstrably increased access for marginalized groups, there are also concerns about probable drawbacks and unintended consequences. Further exploration is required to fully understand the lasting effects of reservation policies and to develop strategies for ensuring that they effectively promote social equity and justice thereby conforming to the very aim for which they were established.

Results and Discussion

India's reservation system has proved to be a significant tool for promoting social justice and inclusion. While it has led to increased representation and upward mobility for marginalized groups, it has also sparked debates on meritocracy, economic impact, and social cohesion. Various scholars have conducted empirical studies to assess the effectiveness and demerits of reservation policies in India, analyzing their implications on schooling, political representation and employment.

Empirical studies conducted by Borooah *et al.* (2007), Basu (2021), Mandal (2021), Thorat (2023) among many others present mixed results regarding the effectiveness of reservation policies. While some scholars highlight their role in improving the social and economic status of marginalized groups, others point to challenges such as social divisions and the reinforcement of caste identities.

Higher education is a crucial area where reservation policies have played a role in increasing access for disadvantaged communities. However, empirical evidence from studies by Weisskopf (2004) and Dinesha (2015) suggests that

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while literacy rates have improved, enrollment in premier institutions remains a challenge. However, the entry-test-score gap between SC/ST students and other candidates has been narrowing over time.

Some scholars have analyzed the legal and policy challenges that reservation policies face in India. For example, Yoganandham *et al.* (2023) evaluated the broader reservation framework and emphasized the deficiency of scholarly focus on sub-quota systems. The study also examined the Supreme Court's rejection of the Maharashtra State Reservation for socially and educationally Backward Classes (SEBC) Act, 2018, highlighting the ongoing legal debates surrounding reservation policies.

Reservation policies in the political sphere have meaningfully increased the representation of disadvantaged groups in legislative bodies. Studies conducted by Pande (2003), Besley *et al.* (2004), Dunning & Nilekani (2013), Jensenius (2017) and many others indicate that these policies have influenced governance styles and policy priorities. The findings suggest that constituencies with reserved seats for SCs tend to have increased investment in public goods, particularly in education and health. Political reservations for SCs and STs have resulted in improved access to government services for these communities, leading to a reduction in social disparities.

Political reservations have also been extended to women, particularly at the local governance level through the 73rd and 74th Constitutional Amendments, which mandate the reservation of one-third of seats in Panchayati Raj Institutions and urban local bodies for women. Chattopadhyay & Duflo (2004) conducted an empirical study in West Bengal and Rajasthan and found that constituencies with reserved seats for women had a higher allocation of resources towards issues prioritized by women, such as water supply, sanitation, and health. Bhavnani (2009) found that women's reservations at the

local level increased the likelihood of women contesting and winning elections even after the quota period ended, suggesting a long-term impact on political empowerment.

Empirical studies on the outcomes of reservation policies for Scheduled Castes, Scheduled Tribes, Other Backward Classes, Economically Weaker Sections, and Persons with Disabilities present a mixed picture. Research indicates that reservations have significantly improved political representation, educational attainment, and employment opportunities for SCs, STs, and OBCs. However, many scholars have argued that challenges such as elite capture, limited mobility beyond quotas, and vacancies in reserved positions persist. Similarly, the reservation system has facilitated increased participation of PwDs in education and employment, but studies indicate that infrastructural and attitudinal barriers remain obstacles to full inclusion.

For the EWS category, introduced through the 103rd Constitutional Amendment in 2019, early assessments suggest that while it expands opportunities for economically disadvantaged upper-caste individuals, its long-term impact remains under-researched. Some scholars argue that it lacks the historical and social justice rationale that underpins reservations for SCs, STs, and OBCs. In higher education, Weisskopf (2004) found that reservations helped SC/ST students move up the University hierarchy, but disparities in enrollment in elite institutions still persist. Despite the successes of reservation policies in fostering social inclusion, scholars emphasize the need for complementary measures such as economic support, quality education, and skill development to ensure true equality and social mobility.

The reservation system, driven by India's legacy of caste-based discrimination, developed through democratic will, through constitutional modifications, legal

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interventions and judicial assertions, reflecting an obligation to social justice and equality. Education has emerged as a thoughtful lever of empowerment, with reservation policies in educational institutions playing a vital role in outspreading access to those groups previously denied educational openings, nurturing social mobility and economic growth.

Conclusion

India's reservation system has played a vital role in elevating marginalized groups, but it remains a subject of debate and reform. While it provides necessary affirmative action, there is a growing call for policy modifications to ensure fair and effective distribution of benefits. Need for 'Periodic Review' must be emphasized at this stage. The government and judiciary may reassess the need and structure of reservations. This is pertinent as the long-term empowerment requires quality education and vocational training for skill development. Besides this, a shift toward economic-based reservations might be considered to balance affirmative action with economic fairness. It may be concluded that the reservation system continues to be a dynamic and evolving policy, requiring careful consideration to maintain social justice while ensuring national progress.

Reservation is facing many controversies and challenges. There is the issue of 'Merit vs. Social Justice' as critics argue that reservations compromise merit-based assortment and competence. Creamy layer concept has been applied to OBCs to exclude financially well-off individuals from benefits, but not yet applied to SCs/STs. The Supreme Court of India has intervened multiple times to balance reservations with the right to equality. There is continuing demand for more reservations as some communities, like *Jats* and *Marathas*, have sought OBC status. Moreover, the introduction of economic-based reservation

for EWS quota has led to debates on its necessity and implementation. There is urgent need to address these issues on priority based on consensus among various political parties at national level.

The effectiveness of reservation policies must be continuously assessed and refined to ensure they serve their intended purpose without exacerbating social divisions. Future policies should focus on improving implementation mechanisms, addressing economic disparities, and promoting educational reforms to create a more equitable society.

Suggestions

To enhance the effectiveness of reservation policies for Scheduled Castes, Scheduled Tribes, Socially and Educationally Backward Classes, Other Backward Classes, and Persons with Disabilities, following key measures can be implemented:

- **Strengthening Implementation and Monitoring:** This requires ensuring strict enforcement of reservation quotas in education, political representation and employment by addressing backlog vacancies, improving transparency and accountability in recruitment and admission processes to prevent misuse and elite capture, and establishing an independent regulatory body to oversee reservation policies and ensure they achieve intended objectives.
- **Enhancing Access to Quality Education:** This stresses on improvement in primary and secondary education for marginalized communities to build a strong foundation before higher education, offering them financial assistance, scholarships, and free coaching for competitive exams to bridge the skill gap, and strengthening higher education institutions in tribal and rural areas to improve accessibility.

- **Skill Development and Employment Opportunities:** Promoting vocational training and entrepreneurship programs tailored to the needs of SCs, STs, OBCs, and PwDs; encouraging private sector participation in reservation by incentivizing inclusive hiring practices; and implementing mentorship and career guidance programs to assist marginalized students and job seekers navigate professional challenges.
- **Addressing Structural Barriers for PwDs: Structural barriers for PwDs can be countered by** ensuring universal accessibility in educational institutions, workplaces, and public infrastructure; implementing assistive technologies and flexible work/study environments for persons with disabilities; and strengthening legal protections and awareness drives to combat discrimination against PwDs.
- **Revisiting Reservation Policies Based on Data and Need: This underlines the need for** conducting periodic reviews of reservation policies based on empirical studies to ensure effectiveness; considering sub-categorization within OBCs to ensure equitable distribution of benefits; and expanding affirmative action beyond quotas, integrating economic and social empowerment measures.

By adopting a holistic approach that combines reservations with quality and merit based education, skill development, and structural reforms, reservation policies can become more effective in achieving true social and economic inclusion.

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