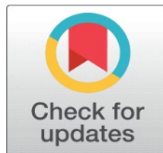
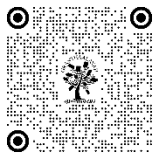


# AFFIRMATIVE ACTION IN INDIA: A CRITICAL LEGAL APPRAISAL OF RESERVATION POLICY AND ITS EFFICACY IN REALIZING SOCIAL JUSTICE

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## ABSTRACT

Affirmative action, known as reservation in India, remains one of the most significant tools of social engineering adopted by the Indian State to combat historical injustices and ensure equitable access to resources and opportunities. This research paper critically examines the evolution of reservation laws, the constitutional and statutory framework, and the policy implications of its implementation. It traces the jurisprudence surrounding reservations, explores emerging challenges including the demand for religious minority reservation, and assesses whether the existing model has effectively addressed social inequalities. The paper argues for a rational, evidence-based, and inclusive approach to affirmative action, balancing constitutional ideals with evolving socio-economic realities.

**Keywords:** Affirmative, Reservation, Social



## 1. INTRODUCTION

India's complex socio-cultural landscape is profoundly influenced by centuries of caste-based hierarchy, social exclusion, and economic disparity. The varna system and subsequent rigid caste stratification created deep divisions, relegating certain communities, particularly the Scheduled Castes (SCs) and Scheduled Tribes (STs) to the margins of society. These groups historically suffered from untouchability, landlessness, illiteracy, and denial of access to public goods and civil rights. The resulting inequities were not just economic but structural and institutional, perpetuated through generations.

Recognizing the gravity of these inequalities, the framers of the Indian Constitution envisioned a transformative document—not merely a legal framework, but a social contract. Leaders like Dr. B.R. Ambedkar, who himself belonged to a Dalit community, emphasized that political democracy without social democracy would be hollow. Hence, affirmative action policies, especially reservations, were designed as corrective mechanisms to provide historically oppressed communities access to education, employment, and political representation.

Initially, the constitutional mandate for reservation was limited to SC's and ST's, with explicit provisions under Articles 15(4), 16(4), and 330–342. However, the notion of 'backwardness' was not limited to caste alone. Post-

independence commissions, particularly the Kaka Kalelkar Commission (1955) and later the Mandal Commission (1979), extended the discourse to include socially and educationally backward classes (SEBCs), which culminated in the implementation of 27% reservation for OBCs in 1990 following intense political and social mobilization.

In the past two decades, however, new claimants to the benefits of affirmative action have emerged. These include the Economically Weaker Section (EWS) among the so-called upper castes, who argue that economic deprivation, even without social stigma, is a valid basis for state intervention. The 103rd Constitutional Amendment Act, 2019, which introduced 10% reservation for EWS, marked a significant shift in the policy paradigm by prioritizing economic criteria over social and educational disadvantage.

Simultaneously, demands from religious minorities, especially Muslims—who face documented socio-economic marginalization—have intensified. Reports such as the Sachar Committee Report (2006) and the Ranganath Misra Commission Report (2007) revealed that large segments of the Muslim population fare worse than even SCs and STs on indicators such as literacy, employment, and access to public services. This has sparked a critical debate on whether religion-neutral affirmative action is adequate to address the intersectional disadvantages faced by Muslims.

These evolving dynamics have led to growing concerns about the scope, fairness, and effectiveness of India's reservation policy. Key questions arise: Should reservation be solely caste-based? Can it be extended to economically poor individuals from forward castes without diluting its original purpose? How can affirmative action address religious or regional disparities without violating constitutional secularism? Socially and Educationally, Backward Classes of citizen or for the Schedule Caste and Schedule Tribes.

Given this backdrop, there is compelling need to critically examine the legal and policy foundations of India's reservation framework, assess its historical evolution, and explore whether it continues to serve its intended role in the face of shifting socio-economic realities. This paper seeks to undertake such an inquiry, analysing the constitutional provisions, judicial pronouncements, and policy adaptations that have shaped India's affirmative action regime.

## **2. CONSTITUTIONAL FRAMEWORK OF RESERVATION**

The Constitution of India lays a comprehensive and progressive foundation for affirmative action, designed to rectify entrenched inequalities and promote substantive equality. Far from merely prohibiting discrimination, the Constitution also empowers the State to actively uplift disadvantaged communities by providing special provisions for their advancement in various spheres of life, particularly in education, public employment, and access to opportunities.

### **2.1. ARTICLE 15(4) – EDUCATION-BASED AFFIRMATIVE ACTION**

Inserted through the First Constitutional Amendment in 1951, Article 15(4) was a direct response to the Supreme Court's decision in *State of Madras v. Champakam Dorairajan* (1951), which had struck down caste-based reservations in educational institutions. The amendment was crucial in restoring the State's power to promote social justice, especially in higher education. It allows the State to make “special provisions for the advancement of any socially backward classes.”

This article marked a turning point in constitutional jurisprudence by balancing formal equality under Article 15(1) with the need for substantive equality through positive discrimination.

### **2.2. ARTICLE 15(5) – INCLUSION OF PRIVATE EDUCATIONAL INSTITUTIONS.**

Introduced by the 93rd Constitutional Amendment Act, 2005, Article 15(5) significantly widened the ambit of affirmative action. It empowered the state to make special provisions for the advancement of SEBCs, SC's and ST's in private educational institution, whether aided or unaided, excluding minority-run institutions protected under Article 30(1). This provision recognized the growing role of the private sector in education and sought to prevent the marginalization of backward communities in an increasingly privatized academic environment.

### **2.3. ARTICLE 16(4) – PUBLIC EMPLOYMENT AND REPRESENTATION**

Article 16 guarantees equality of opportunity in public employment, but its Clause (4) carves out an enabling provision for reservation. It permits the State to provide 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.”

Unlike Article 15, which speaks of social and educational backwardness, Article 16(4) focuses on representation in State services, thus introducing adequacy of representation as a criterion. The phrase “in the opinion of the State” has been interpreted to allow policy discretion, provided it is exercised based on relevant data and rational classification.

## 2.4. ARTICLE 46 – DIRECTIVE PRINCIPLE OF STATE POLICY

Though non-justiciable, Article 46 of the Directive Principles mandates that, “The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.” This moral imperative reinforces the State’s constitutional duty to ensure social equity and can be read harmoniously with Part III (Fundamental Rights) when interpreting affirmative action policies.

## 2.5. HOLISTIC CONSTITUTIONAL INTERPRETATION

Together, these constitutional provisions reflect a vision of social justice rooted in historical consciousness and transformative constitutionalism. They enable both Parliament and State Legislatures to enact laws and frame policies that bridge the gap between legal equality and real-world inequality. Importantly, the Constitution does not prescribe religion as a basis for reservation; rather, it uses social and educational backwardness—defined through empirical indicators—as the principal criterion.

Judicial interpretations have consistently held that reservation is not an exception to the equality clause, but a means of achieving true equality by addressing systemic disadvantages. Hence, the constitutional framework represents a carefully calibrated mechanism that empowers the State to act affirmatively without deviating from the foundational values of secularism, equality, and fraternity.

## 3. JUDICIAL INTERPRETATIONS AND PRECEDENTS

The Indian judiciary, particularly the Supreme Court, has played a pivotal role in shaping the trajectory and limits of the reservation policy. While the Constitution provides enabling provisions for affirmative action, it is the judiciary that has defined the contours within which the State can exercise this power. Through a series of landmark judgments, the Court has sought to balance the objectives of social justice with the principles of equality, efficiency, and meritocracy.

### 3.1. INDRA SAWHNEY V. UNION OF INDIA AND OTHERS (1992)

This landmark case—popularly known as the Mandal Commission Case—was a turning point in Indian affirmative action jurisprudence. The Supreme Court, in a majority verdict, upheld the validity of 27% reservation for Other Backward Classes (OBCs) in public employment, as recommended by the Mandal Commission. However, the Court laid down several critical doctrines:

- **50% Cap:** The Court ruled that, total reservation should not exceed 50% of available vacancies, to maintain the balance between affirmative action and general merit. This ceiling was intended to preserve the principle of equality under Article 14, except in extraordinary circumstances.
- **Creamy Layer Exclusion:** The Court introduced the concept of the “creamy layer”, i.e., the socially advanced and economically well-off members of OBCs who were to be excluded from reservation benefits. This principle was based on the logic that affirmative action must target the truly disadvantaged within a class.
- **No Reservation in Promotions:** The judgment clarified that Article 16(4) does not permit reservations in promotions, although this was later addressed by constitutional amendments and subsequent rulings.

The Indra Sawhney judgment laid the foundation for a rational and data-driven approach to reservations, emphasizing objective criteria, periodic review, and internal classification.

### 3.1. M. NAGARAJ AND OTHERS VS. UNION OF INDIA AND OTHERS (2006)

In response to constitutional amendments (77th, 81st, 82nd, and 85th) enabling reservation in promotions for SCs and STs, the Court in *M. Nagaraj* upheld the amendments but imposed three critical conditions:

- 1) The State must collect quantifiable data to demonstrate backwardness of the class.
- 2) There must be evidence of inadequate representation in public employment.
- 3) Reservation must not affect administrative efficiency, as mandated by Article 335.

This judgment reinforced the idea that affirmative action is not automatic, but must be based on measurable justification. It also highlighted the importance of judicial scrutiny to prevent misuse of reservation for political motives.

### 3.2. ASHOKA KUMAR THAKUR VS. UNION OF INDIA AND OTHERS. (2008)

This case challenged the 93rd Constitutional Amendment, which enabled reservation for OBCs in private educational institutions. The Court upheld the amendment and permitted 27% reservation in central educational institutions like IITs and IIMs.

#### Key takeaways:

- The Court reaffirmed the exclusion of the creamy layer among OBCs, even in education.
- It clarified that reservation cannot be implemented mechanically—it must be preceded by proper classification and identification of backwardness.
- The judgment emphasized the need for maintaining academic standards and merit, while also pursuing social justice.

Ashoka Kumar Thakur thus extended the constitutional logic of targeted affirmative action to the field of education and reinforced the importance of data-backed reservation policies.

### 3.3. JARNAIL SINGH VS. LACHHMI NARAIN GUPTA (2018)

This decision revisited the *M. Nagaraj* judgment, particularly concerning reservation in promotions for SCs and STs. The Court ruled that:

- The State is not required to collect data on backwardness of SCs and STs, as their status is already constitutionally recognized.
- However, the State must provide data on inadequate representation and impact on administrative efficiency.
- Importantly, the Court extended the creamy layer exclusion to SCs and STs, holding that the most advanced members within these groups should not corner benefits, thereby upholding the principle of intra-group equity.

This decision was groundbreaking, as it brought SC/ST reservations under the same scrutiny previously applied to OBCs, further reinforcing the idea that, affirmative action must serve the most marginalized, not merely fulfil political agendas.

## 4. POLICY EVOLUTION: FROM SOCIAL TO ECONOMIC CRITERIA

The history of reservation policy in India reflects an evolving understanding of disadvantage and marginalization. At its inception, affirmative action was designed primarily to correct the injustices rooted in the caste system, a unique feature of Indian society that institutionalized discrimination and Untouchability over centuries. The original beneficiaries of reservation—Scheduled Castes (SCs) and Scheduled Tribes (STs), were those communities most severely impacted by social Ostracization, exclusion from public institutions, and denial of basic civil rights.

As the Indian polity matured, the concept of backwardness expanded beyond caste to include socially and educationally backward classes (SEBCs), which led to the identification of Other Backward Classes (OBCs) through the recommendations of the Mandal Commission (1980). Implemented in 1990, the Mandal recommendations led to the

inclusion of OBCs in public employment and later in education, solidifying caste-based affirmative action as a central feature of Indian democracy.

However, by the early 21st century, increasing attention was drawn to poverty and economic deprivation among communities that were not traditionally categorized as backward. Members of upper castes or forward classes, particularly in rural India, began to articulate a sense of relative deprivation, citing lack of access to state benefits, rising competition, and a shrinking welfare net. This led to mounting pressure for affirmative action based on economic criteria rather than purely on social origin.

#### 4.1. THE 103RD CONSTITUTIONAL AMENDMENT ACT, 2019

The most consequential development in this context was the enactment of the 103rd Constitutional Amendment Act, 2019, which introduced new paradigm in reservation policy. The amendment inserted Articles 15(6) and 16(6) into the Constitution, allowing the State to make special provisions for Economically Weaker Sections (EWS) of citizens other than those covered under SCs, STs, and OBCs.

##### Key features of the amendment:

- It provides for 10% reservation in educational institutions and public employment to EWS.
- The criteria for identifying EWS include household income, land ownership, and other material indicators, as defined by the State.
- The amendment bypassed the 50% ceiling on reservations set by the Supreme Court in *Indra Sawhney* (1992), bringing total reservations in many states to 60% or more.

This marked a paradigm shift, for the first time, economic deprivation alone became a constitutionally recognized basis for affirmative action.

#### 4.2. DEBATE AND CRITICISM

The inclusion of EWS has generated considerable academic, legal, and political debate:

- Supporters argue that poverty is a legitimate and pressing form of disadvantage, irrespective of caste. They emphasize the principle of equity, asserting that economically poor individuals from upper castes often face hardships similar to those in traditional backward groups.
- Critics, however, contend that economic deprivation is transient, whereas caste-based exclusion is historical, structural, and deeply embedded in societal norms. They caution that equating poverty with systemic social discrimination dilutes the very purpose of affirmative action, which was to address stigma, humiliation, and denial of dignity—not just material lack.
- Legal scholars have also raised concerns about the constitutionality of breaching the 50% reservation cap without judicial justification or compelling circumstances. The matter has been reviewed in the Supreme Court case of *Janhit Abhiyan vs. Union of India* (2022), wherein a 5-judge Constitution Bench upheld the amendment by a 3:2 majority, validating the EWS quota.

#### 4.3. IMPLICATIONS FOR RESERVATION POLICY

The EWS amendment reflects a broadening of the reservation discourse from one focused solely on caste-based injustice to one encompassing economic vulnerability. It suggests an emerging hybrid model of affirmative action that combines social and economic disadvantage. However, it also raises critical policy questions:

- Should reservations continue to be the primary tool of redistribution, or should other welfare mechanisms, such as direct benefit transfers, education subsidies, and healthcare guarantees be enhanced for EWS?
- Can economic criteria alone capture the intersectional vulnerabilities experienced by communities facing both poverty and social stigma?
- How limited state resources and public employment opportunities should be equitably distributed across competing claims of historical injustice and present-day poverty?



## 5. INCLUSION OF RELIGIOUS MINORITIES: THE POLICY CONUNDRUM

The inclusion of religious minorities, particularly Muslims, in the framework of affirmative action presents one of the most complex and contested debates in Indian public policy. At the hearts of this issue lies a constitutional paradox: while the Indian Constitution prohibits discrimination on the grounds of religion (Articles 15 and 16), it also allows the State to make special provisions for socially and educationally backward classes, regardless of their religious affiliation.

This raises an important legal and ethical question: Can the State extend affirmative action to members of religious communities who are objectively backward, without violating the principle of secularism? And if so, what is the proper framework to do so?

### 5.1. CONSTITUTIONAL POSITION AND SECULARISM

The Constitution of India, under Articles 15(4) and 16(4), empowers the State to make special provisions for the advancement of any socially and educationally backward classes, or for those not adequately represented in public employment. The terms caste and religion are notably absent from these clauses, suggesting that empirical backwardness—not identity is the legitimate basis for inclusion.

However, the Preamble and Article 15(1) declare India to be a secular State, and prohibit discrimination on the basis of religion alone. Therefore, reservation explicitly based on religion, such as for “all Muslims” or “all Christians”—has generally been struck down by the judiciary as violative of secularism.

Yet, the inclusion of backward sub-groups within religious communities—such as Muslim weavers, butchers, or artisans, under Other Backward Classes (OBC) categories has been upheld, provided such inclusion is based on objective criteria and quantifiable data, not on religious identity.

### 5.2. EMPIRICAL BASIS: SACHAR AND MISRA REPORTS

The demand for extending affirmative action to Muslims is not rooted in religion, but in socio-economic reality. This has been substantiated by two landmark government-commissioned reports:

- 1) Sachar Committee Report (2006): Commissioned by the Prime Minister’s Office, this report presented a grim picture of the Muslim community in India. It highlighted that Muslims:
  - Have lower levels of education, income, and employment.
  - Are underrepresented in government services, including the police, judiciary, and administrative services.
  - Face exclusion from formal financial institutions, lack of access to housing, and ghettoization in urban centres.

The report concluded that Muslims, on several socio-economic parameters, fare worse than even SCs and STs in many regions.

- 2) Ranganath Misra Commission Report (2007): The National Commission for Religious and Linguistic Minorities (NCRLM) went a step further. It recommended:
  - 10% reservation for Muslims and 5% for other religious minorities in education and employment, under the SEBC category.
  - That Dalit Muslims and Christians be granted Scheduled Caste (SC) status, just like their Hindu, Sikh, and Buddhist counterparts.
  - That such provisions be implemented without breaching the 50% ceiling, possibly by creating a sub-quota within the existing OBC reservation.

Both reports emphasized that the grounds for reservation should be socio-economic, not religious. However, despite their compelling findings, the implementation of their recommendations has been slow and politically contentious.

### 5.3. JUDICIAL RESISTANCE TO RELIGION-BASED QUOTAS

One of the most notable examples of judicial intervention was the case of *T. Muralidhar Rao v. State of Andhra Pradesh and Others*, (2010). The Andhra Pradesh Government had introduced a 4% reservation for Muslims as a separate category. The Andhra Pradesh High Court Struck down this provision, holding that:

- The reservation was religion-specific and lacked adequate empirical data.
- It violated the principles of secularism and equality enshrined in the Constitution.
- The State had failed to demonstrate that the entire Muslim population constituted a backward class.

This ruling reinforced the judicial stance that affirmative action must be guided by evidence-based classification, not by religious labelling. The courts have repeatedly affirmed that groups within religious communities can be included under OBCs, but blanket religion-based quotas are unconstitutional.

### 5.4. THE CORE CHALLENGE: OBJECTIVE IDENTIFICATION VS. COMMUNAL LABELLING

The fundamental policy dilemma is how to address the backwardness within religious minorities without appearing to base policy on religion itself. This requires the State to adopt a caste- and occupation-based approach within minority communities. For instance:

- Julaha, Ansari, Qureshi, and Momin communities among Muslims have been recognized as OBCs in various states based on their traditional occupations and social status.
- Similarly, Pasmanda Muslims, who come from Dalit and backward castes, have been actively demanding inclusion under OBC and SC categories based on objective indicators of deprivation.

The way forward lies in micro-classification, social audits, and periodic reviews, allowing the government to identify and include truly backward sub-groups within religious communities without infringing upon the secular character of the Constitution.

## 6. CHALLENGES IN IMPLEMENTATION

While India has developed a robust constitutional and legal framework for reservations, the implementation of these policies remains fraught with practical, political, and administrative challenges. One of the most significant issues is the uneven application of the 'creamy layer' principle, which aims to exclude the relatively well-off among backward classes from availing reservation benefits. Although mandated by the Supreme Court in *Indra Sawhney vs. Union of India* (1992) for OBCs, its application across states is inconsistent, and often absent in SC/ST reservation policies, despite recent judicial directions. As a result, benefits are disproportionately captured by the more advanced sub-groups, leading to intra-group inequality and denial of justice to the most marginalized.

Further complicating implementation is political interference and opportunism. In many instances, reservation policies are expanded or revised not on the basis of empirical data, but electoral considerations. Such unscientific classification undermines both the credibility and efficacy of affirmative action. The lack of updated socio-economic and caste data exacerbates the problem. The last caste-based census in India was conducted in 1931, and although the Socio-Economic and Caste Census (SECC) was conducted in 2011, its data has not been fully released or utilized for policy planning.

Additionally, judicial delays in deciding reservation-related disputes—such as challenges to sub-categorization, creamy layer applicability, or EWS quotas—create legal uncertainty and administrative paralysis. Meanwhile, the absence of mandatory periodic reviews of reservation policies means that many benefits continue indefinitely, without evaluation of their outcomes or relevance.

These challenges collectively hinder the original goal of reservations, to be a dynamic instrument of social transformation. Without reform, transparency, and regular assessment, the risk remains that reservations may harden into entitlements, rather than act as a transitional tool for achieving equality.

## 7. INTERNATIONAL COMPARISONS AND LESSONS

Affirmative action, though shaped by the unique historical and social context of each nation, shares a common goal across the world: to promote inclusion and equality for marginalized communities. By comparing India's reservation policy with global models, particularly those in the United States, Malaysia, and South Africa, valuable lessons can be drawn regarding the design, implementation, and oversight of such programs.

### 7.1. UNITED STATES: RACE-CONSCIOUS BUT CONSTITUTIONALLY CONSTRAINED

In the U.S., affirmative action primarily addresses racial inequalities, with a focus on African-Americans, Hispanics, and Native Americans. Unlike India's quota-based system, the U.S. model emphasizes holistic consideration in education and employment, wherein race may be one among many factors. Landmark judgments such as *Grutter v. Bollinger* (2003) and *Fisher v. University of Texas* (2016) upheld limited race-based considerations to achieve diversity. However, recent rulings (*Students for Fair Admissions v. Harvard*, 2023) have curtailed race-conscious admissions, stressing race-neutral alternatives. This underscores the American principle of strict judicial scrutiny, where affirmative action must serve a compelling state interest and be narrowly tailored.

### 7.2. MALAYSIA: THE BUMIPUTRA MODEL

Malaysia's Bumiputra policy, introduced in 1971, reserves privileges in education, employment, business, and land ownership for ethnic Malays and indigenous groups. While it succeeded in creating a strong Malay middle class, it has also faced criticism for fostering ethnic polarization, elite capture, and undermining meritocracy. The absence of periodic assessment mechanisms has allowed the policy to persist without clear evidence of continued need.

### 7.3. SOUTH AFRICA: ECONOMIC REDRESS IN A POST-APARTHEID SOCIETY

Post-apartheid South Africa adopted Broad-Based Black Economic Empowerment (BBBEE) to rectify the racial injustices of the past. The policy goes beyond quotas, incorporating measures like skills development, equity ownership, and preferential procurement to promote Black representation in the economy. Importantly, it includes regular performance reviews and links state contracts to compliance, ensuring accountability and outcome measurement.

## 8. LESSONS FOR INDIA

These international models offer important takeaways for India's affirmative action framework:

- **Evidence-Based Design:** Like the U.S., India should ensure all reservation policies are rooted in empirical data, with mechanisms for on-going validation of backwardness.
- **Multi-Dimensional Indicators:** As seen in South Africa, affirmative actions should move beyond quotas to include capacity building, financial inclusion, and entrepreneurial support.
- **Periodic Review and Sunset Clauses:** Malaysia's experience highlights the risks of policies becoming permanent and politicized. India must introduce time-bound evaluation mechanisms to avoid stagnation.
- **Legal Oversight and Transparency:** Robust legal scrutiny, as practiced in the U.S., can safeguard the balance between social justice and individual rights.

## 9. THE WAY FORWARD: RETHINKING AFFIRMATIVE ACTION

To ensure that affirmative action in India continues to serve its constitutional purpose of achieving social and economic justice, it is imperative to undertake a series of structural and policy-level reforms. The current reservation framework, while successful in expanding opportunities for many marginalized groups, must evolve to address intra-group disparities, changing socio-economic conditions, and growing public concerns over fairness and effectiveness.

Firstly, the identification of beneficiaries must be grounded in empirical evidence. A long-overdue socio-economic and caste census can provide granular data to assess the current levels of disadvantage across castes, sub-castes, and



religious communities. Without such data, the classification of backwardness risks becoming arbitrary or politically manipulated.

Secondly, there is a need for sub-categorization within OBCs. Dominant groups within the OBC category often capture a disproportionate share of reservation benefits, leaving more vulnerable sub-groups behind. Sub-quotas based on regional and occupational backwardness can ensure equitable distribution within backward classes.

Thirdly, the scope of affirmative action should extend beyond quotas. Scholarships, fellowships, vocational training, soft-skill development, and start-up support are crucial tools to empower marginalized communities holistically. This multi-pronged approach would address not just access, but also outcomes.

Fourth, affirmative action policies must be subject to periodic review, guided by measurable indicators of impact. This will help in retaining policies that work, modifying those that need adjustment, and discontinuing those that no longer serve their purpose.

Fifth, political consensus and judicial guidance are critical for sustaining the legitimacy of the reservation system. Uniform standards and principled debate must replace ad hoc political announcements.

Finally, reservations should be viewed as a transitional mechanism, not a permanent entitlement, designed to level the playing field until equality becomes a lived reality for all sections of society.

## 10. CONCLUSION

The reservation system in India has played a crucial role in breaking centuries of social exclusion, offering historically marginalized communities a pathway to education, employment, and political participation. It stands as a testament to the Indian Constitution's commitment to social justice and equality of opportunity. However, as society evolves, so must the mechanisms designed to ensure fairness. The challenges of today, rising economic disparities, intra-group inequality, and demands for inclusion from new marginalized groups, require a reassessment of the current model of affirmative action.

To remain relevant and effective, reservation policies must be anchored in empirical evidence, guided by transparency, accountability, and periodic impact assessment. Rather than being treated as permanent entitlements, they should function as dynamic tools of empowerment, subject to review and reform. A more inclusive approach that combines caste, class, gender, and regional considerations will better serve India's pluralistic society.

Ultimately, the goal of affirmative action is not merely representation, but transformation—to create a society where justice is not granted by exception but becomes the norm for all citizens. Moving forward, India must strike a careful balance between compassion and competence, ensuring that the principle of equality is not just constitutional rhetoric, but a lived reality.

## CONFLICT OF INTERESTS

None .

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