

Law and Social Change Through Reservation in India: A Critical Analysis of Constitutional Provisions, Inclusivity, and Diversity

Bini Anil Pillai¹, Dr. Sanjaya Chaudhari²

¹ LL.B., LL.M, Research Scholar, Bhagwant University, Ajmer, Rajasthan, (Department of Law).

²Bhagwant University, Ajmer, Rajasthan, (Department of Law)

Abstract: *Reservation in India has long functioned as a transformative constitutional mechanism aimed at achieving substantive equality and social justice for historically disadvantaged communities. Rooted in the constitutional vision of equality under Articles 14, 15, and 16, reservation policies seek to address entrenched structural inequalities arising from caste, social exclusion, and economic marginalisation. This paper critically examines the role of reservation as an instrument of law-led social change, analysing its constitutional foundations, judicial evolution, and contemporary relevance within India's dynamic socio-legal landscape. Adopting a doctrinal and socio-legal approach, the study traces the evolution of reservation through landmark constitutional amendments and judicial interpretations, including key Supreme Court decisions that have shaped the contours of affirmative action. It evaluates how courts have attempted to balance competing constitutional values such as equality, merit, efficiency, and social justice, while responding to changing social realities. The paper further examines recent developments, including the expansion of reservation to Economically Weaker Sections, and assesses their implications for the traditional understanding of social backwardness and constitutional equality. Beyond traditional doctrinal analysis, the paper situates reservation within emerging legal challenges such as digital governance, algorithmic decision-making, environmental justice, and labour rights in the context of the gig economy. It argues that new forms of exclusion generated by technological advancement, climate-induced displacement, and precarious employment necessitate a re-examination of reservation policies through an inclusive and forward-looking constitutional lens. The paper contends that reservation must be understood not as a static policy tool but as a dynamic constitutional response to evolving patterns of inequality. It concludes by advocating for a responsive and principled legal framework that integrates constitutional morality, empirical assessment, and institutional accountability, ensuring that reservation continues to function as an effective mechanism for social transformation in a rapidly changing society.*

Keywords: Reservation, Social Justice, Constitutional Law, Social Change, Digital Governance

1. Introduction

Reservation in India constitutes one of the most significant constitutional instruments for achieving substantive equality and social justice. Designed to address historical exclusion, caste-based oppression, and structural disadvantage, reservation policies seek to expand access to education, public employment, and political representation for marginalised communities. Rooted in Articles 14, 15, and 16 of the Constitution, reservation reflects a conscious departure from formal equality towards a model of distributive justice that recognises group-based disadvantage. Over time, its scope and application have been refined through constitutional amendments and judicial interpretation, as courts have attempted to balance equality of opportunity with the constitutional mandate of inclusivity.

The relationship between law and social change provides the broader theoretical framework within which reservation operates. Law does not function in isolation; rather, it both shapes and is shaped by social realities. In post-independence India, the Constitution was conceived as a transformative document aimed at restructuring society by dismantling entrenched hierarchies and enabling social mobility. Reservation emerges as a central mechanism within this transformative constitutional project, translating abstract principles of equality and fraternity into concrete measures of inclusion.

Judicial doctrine has played a crucial role in mediating the relationship between reservation and social change. Through landmark decisions, the Supreme Court has delineated the constitutional limits of affirmative action, introduced concepts such as reasonable classification and creamy layer, and imposed evidentiary standards to ensure fairness and accountability. At the same time, evolving social conditions including economic restructuring, technological change, and new forms of exclusion continue to challenge traditional understandings of reservation. This paper situates reservation within the dynamic interplay between law and social change, examining how constitutional provisions, judicial interpretation, and contemporary socio-economic transformations collectively shape the discourse on inclusivity and diversity in India.

2. Conceptual Framework: Law as an Instrument of Social Change- Reservation In India

Roscoe Pound's conceptualisation of law as an instrument of social engineering provides a foundational framework for understanding reservation as a mechanism of social transformation in India. According to Pound, law is not merely a system for maintaining order but a purposive instrument designed to balance competing social interests and promote social welfare and equity. In the Indian constitutional context, reservation represents one of the most direct applications of this instrumental theory, where law is

consciously employed to correct historical injustices and restructure deeply entrenched social hierarchies. Reservation policies under Articles 15(4), 15(5), and 16(4) exemplify the deliberate use of law to address caste-based exclusion and unequal access to education, employment, and political power. Unlike neutral legal norms, reservation embodies an interventionist approach that recognises substantive inequality and seeks to transform social realities through group-based remedies. By institutionalising preferential measures for socially and educationally backward classes, Scheduled Castes, and Scheduled Tribes, the Constitution operationalises the idea of law as a tool for redistributive justice and social mobility.

The judiciary has played a crucial role in reinforcing the social engineering function of reservation. Through landmark decisions, courts have acknowledged that formal equality is insufficient in a society marked by structural disadvantage, and that affirmative action is necessary to achieve real equality. Judicial doctrines such as reasonable classification, creamy layer, and adequacy of representation reflect attempts to refine reservation policies while preserving their transformative purpose. In this manner, judicial interpretation has ensured that reservation remains constitutionally grounded, socially responsive, and aligned with evolving democratic values. Viewed through the lens of Roscoe Pound's theory, reservation emerges not merely as a policy choice but as a constitutional strategy for social change. It demonstrates how law can be deployed to reshape social structures, redistribute opportunities, and promote inclusivity, thereby affirming the Constitution's role as an instrument of transformative justice.

3. Law as a Product and Indicator of Social Change: Evolution of Reservation Jurisprudence

While law actively functions as an instrument of social transformation, it simultaneously operates as a reflection of evolving social realities and collective consciousness. As societal perceptions of inequality, representation, and justice change, legal frameworks respond through constitutional amendments, legislative reforms, and judicial reinterpretation. Reservation law in India provides a clear illustration of how legal norms evolve in response to shifting understandings of social disadvantage and inclusivity. The expansion of reservation jurisprudence beyond its original framework reflects changing societal recognition of structural inequality. Judicial developments such as the recognition of Other Backward Classes as beneficiaries of reservation and the subsequent introduction of the creamy layer doctrine demonstrate how evolving social and political realities shape constitutional interpretation. Similarly, the extension of reservation to promotions for Scheduled Castes and Scheduled Tribes, subject to constitutional safeguards, reflects a growing awareness of systemic barriers within institutional hierarchies.

More recently, the introduction of reservation for Economically Weaker Sections under the Constitution (One Hundred and Third Amendment) Act, 2019 signifies a significant shift in the social understanding of disadvantage. This development illustrates how economic vulnerability has

emerged as a recognised dimension of inequality alongside traditional markers such as caste and social exclusion. Judicial engagement with EWS reservation further highlights the law's responsiveness to contemporary social demands and changing conceptions of equality. These developments demonstrate that reservation law does not exist in isolation but evolves in dialogue with social movements, political discourse, and changing democratic aspirations. When law adapts to new social realities, it functions as an indicator of societal maturity and a willingness to confront historical and emerging forms of inequality. Thus, reservation jurisprudence exemplifies the dual character of law as both a driver of social change and a mirror reflecting the evolving values of an inclusive constitutional democracy.

4. Judicial Activism and Transformative Constitutionalism in Reservation Jurisprudence

The Indian judiciary has played a pivotal role in advancing social transformation through the doctrines of judicial activism and transformative constitutionalism, particularly in the evolution of reservation jurisprudence. By adopting a purposive and rights-oriented interpretation of the Constitution, courts have sought to translate the abstract ideals of equality and social justice into concrete mechanisms for inclusion. The expansion of Article 21 in *Maneka Gandhi v Union of India* marked a decisive shift from a narrow procedural understanding of rights to a substantive conception of fairness, dignity, and reasonableness. This interpretative shift laid the normative foundation for viewing reservation not merely as a policy choice, but as an essential constitutional tool for protecting human dignity and enabling equal participation in social and economic life.

Transformative constitutionalism has enabled courts to recognise that formal equality is inadequate in a society marked by historical and structural disadvantage. Reservation jurisprudence reflects this understanding by endorsing differential treatment as a legitimate means to achieve substantive equality. In *Indra Sawhney v Union of India*, the Supreme Court acknowledged caste-based disadvantage as a social reality and upheld reservation as a necessary corrective mechanism, while simultaneously introducing doctrinal safeguards such as the creamy layer to prevent misuse. Subsequent decisions such as *M. Nagaraj v Union of India* and *Jarnail Singh v Lachhmi Narain Gupta* further illustrate the judiciary's effort to balance social justice with constitutional discipline by subjecting reservation policies to principles of reasonableness, representation, and administrative efficiency.

Judicial activism has also ensured that reservation policies evolve in response to changing social realities. The Court's engagement with contemporary issues such as economic vulnerability in the context of the Economically Weaker Sections reservation reflects an expanding understanding of inequality within the constitutional framework. At the same time, the basic structure doctrine established in *Kesavananda Bharati v State of Kerala* ensures that core constitutional values, including equality and social justice, remain protected from arbitrary dilution, thereby safeguarding the transformative potential of reservation.

Through these interventions, the judiciary has transformed reservation from a static constitutional provision into a dynamic instrument of social change. Judicial activism, when exercised within constitutional limits, has thus played a central role in shaping reservation jurisprudence, reinforcing inclusivity, and advancing the Constitution's commitment to a more equitable and democratic social order.

5. Constitutional Framework on Reservation: Equality and Protective Discrimination

The constitutional framework governing reservation in India represents a deliberate departure from the notion of formal equality towards a substantive understanding of equality grounded in social justice. The framers of the Constitution recognised that equal treatment in a society marked by entrenched caste hierarchies and historical exclusion would merely perpetuate inequality. Consequently, the equality code under Articles 14, 15, and 16 was designed to reconcile the principle of equal protection with the necessity of targeted, group-based affirmative action. Reservation thus emerges not as an exception to equality, but as an essential mechanism for realising equality in its substantive sense.

5.1 Formal Equality and Substantive Equality

Article 14 guarantees equality before the law and equal protection of the laws, forming the foundational principle of the Indian constitutional order. However, judicial interpretation has consistently clarified that Article 14 does not mandate absolute equality or uniform treatment. Instead, it permits reasonable classification based on intelligible differentia that bears a rational nexus to the object sought to be achieved. Reservation operates within this framework by acknowledging that historically disadvantaged groups are not similarly situated to socially dominant sections. Articles 15 and 16 build upon this understanding by expressly authorising protective discrimination to remedy structural inequalities. Together, these provisions reflect a constitutional commitment to substantive equality, where differential treatment is justified to achieve equal outcomes and social inclusion.

5.2 Educational Access and Social Advancement

Education has been identified as a primary site for social mobility and empowerment. Article 15(4) empowers the State to make special provisions for the advancement of socially and educationally backward classes, as well as Scheduled Castes and Scheduled Tribes. Article 15(5), introduced through constitutional amendment, further extends this power to admissions in educational institutions, including private unaided institutions, while excluding minority institutions. These provisions recognise that access to education is deeply shaped by social location and that formal neutrality in admissions processes often masks systemic disadvantage. Reservation in education thus functions as a corrective mechanism aimed at dismantling barriers rooted in caste, poverty, and historical exclusion, thereby enabling meaningful participation in the social and economic life of the nation.

5.3 Reservation in Public Employment

Public employment represents another critical domain in which the Constitution seeks to promote inclusivity and representation. Article 16(4) permits reservation in appointments for backward classes that are inadequately represented in State services. This provision reflects the understanding that representation in public institutions is essential not only for individual advancement but also for institutional legitimacy and democratic governance. Articles 16(4A) and 16(4B) further address persistent underrepresentation by enabling reservation in promotions for Scheduled Castes and Scheduled Tribes and allowing the carry forward of backlog vacancies. These provisions underscore the Constitution's recognition that exclusion often persists beyond entry-level positions and that equality of opportunity must extend across hierarchical structures within public administration.

5.4. Abolition of Untouchability and Directive Principles

Article 17 abolishes untouchability and declares its practice in any form unconstitutional, embedding dignity and anti-discrimination as non-negotiable constitutional values. This provision provides the moral and normative foundation for reservation policies, particularly for Scheduled Castes. Complementing this, Article 46, a Directive Principle of State Policy, directs the State to promote the educational and economic interests of Scheduled Castes and Scheduled Tribes and to protect them from social injustice and exploitation. While non-justiciable, Article 46 informs the interpretation and implementation of reservation by situating it within a broader constitutional project of social welfare and transformative justice.

5.5 Political Representation and Local Governance

The constitutional commitment to inclusivity extends beyond education and employment to political representation. Articles 330 to 342 provide for reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Legislative Assemblies, ensuring their presence in decision-making bodies. Further, Articles 243D and 243T mandate reservation in Panchayats and Municipalities, embedding representational diversity at the grassroots level. These provisions reflect an understanding that democratic participation is incomplete without the inclusion of historically marginalised communities and that political reservation is essential for amplifying their voices in governance.

5.6 Economically Weaker Sections and the Expansion of Reservation

The introduction of Articles 15(6) and 16(6) through the Constitution (One Hundred and Third Amendment) Act, 2019 marked a significant doctrinal shift in reservation jurisprudence. By providing reservation for Economically Weaker Sections in education and public employment, the amendment decoupled economic disadvantage from traditional markers of social backwardness such as caste. This development introduced a new, non-caste axis of affirmative action, reflecting evolving societal understandings of

inequality. While expanding the scope of reservation, the EWS framework also raised complex constitutional questions regarding the nature of equality, the limits of affirmative action, and the relationship between economic and social disadvantage.

6. Judicial Evolution: Shaping Inclusivity and Constitutional Limits

Judicial interpretation has played a decisive role in defining the scope, legitimacy, and limits of reservation within the Indian constitutional framework. While the Constitution expressly permits protective discrimination, it is through judicial scrutiny that reservation has evolved into a carefully regulated instrument of social justice. The Supreme Court has consistently attempted to strike a balance between the competing constitutional values of equality, inclusivity, and administrative efficiency, thereby shaping reservation jurisprudence as a dynamic and evolving body of law.

A watershed moment in the evolution of reservation jurisprudence came with the decision in *Indra Sawhney v. Union of India* (1992). In this landmark judgment, the Supreme Court upheld the constitutional validity of reservation for Other Backward Classes under Article 16(4), recognising caste as a relevant indicator of social and educational backwardness in the Indian context. At the same time, the Court introduced crucial doctrinal safeguards to prevent the misuse of affirmative action. These included the imposition of a general 50 percent ceiling on total reservations, intended to preserve the principle of equality of opportunity, and the introduction of the creamy layer doctrine, which excluded socially advanced sections within OBCs from reservation benefits. The Court further clarified that backwardness for the purpose of reservation must be social and educational rather than purely economic, thereby preserving the original constitutional rationale of addressing structural and historical disadvantage.

The judicial discourse on reservation in promotions was further developed in *M. Nagaraj v. Union of India* (2006), where the Supreme Court examined the constitutional validity of Articles 16(4A) and 16(4B), which enable reservation in promotions for Scheduled Castes and Scheduled Tribes. While upholding these provisions, the Court subjected their implementation to stringent constitutional conditions. It required the State to establish, through quantifiable data, the backwardness of the beneficiary class, its inadequate representation in public services, and the consistency of such reservation with the maintenance of administrative efficiency as mandated under Article 335. This evidentiary framework reflected judicial concern over mechanical or politically motivated application of reservation and sought to ensure that affirmative action remained a proportionate and reasoned response to inequality.

Subsequently, in *Jarnail Singh v. Lachhmi Narain Gupta* (2018), the Supreme Court revisited the Nagaraj framework and refined its application. Acknowledging the constitutional recognition of Scheduled Castes and Scheduled Tribes as historically disadvantaged groups, the Court held that the requirement of proving backwardness through quantifiable data was unnecessary in their case. However, it retained the

requirements of demonstrating inadequate representation and maintaining administrative efficiency. This decision marked an important recalibration of judicial doctrine, easing the evidentiary burden while preserving constitutional discipline, and reaffirmed the Court's commitment to balancing social justice with institutional effectiveness.

The limits of State power to expand reservation were emphatically reinforced in the *Maratha Reservation* judgment (2021). The Supreme Court struck down the Maharashtra legislation granting reservation to the Maratha community beyond the 50 percent ceiling, holding that exceptional circumstances must be demonstrably established to justify any breach of this limit. The Court also clarified the scope of State authority in identifying backward classes following the 102nd Constitutional Amendment, thereby reinforcing the constitutional structure governing reservation. This judgment underscored the judiciary's role in preventing populist expansion of affirmative action in the absence of robust constitutional and evidentiary justification.

More recently, in *Janhit Abhiyan v. Union of India* (2022), the Supreme Court addressed the constitutionality of reservation for Economically Weaker Sections introduced through the 103rd Constitutional Amendment. Upholding the validity of Articles 15(6) and 16(6), the Court recognised economic disadvantage as a distinct and legitimate basis for affirmative action. It further held that the exclusion of SCs, STs, and OBCs from the EWS quota did not violate the equality code, as the amendment sought to create a separate classification rather than undermine existing reservations. While reaffirming the 50 percent ceiling as an important constitutional principle, the Court clarified that it operates as a guiding norm rather than an inflexible rule, thereby acknowledging the evolving dimensions of inequality in contemporary India.

Collectively, these decisions illustrate the judiciary's central role in shaping reservation as both an instrument of inclusivity and a constitutionally bounded policy. Through doctrinal innovations, evidentiary standards, and normative balancing, the courts have ensured that reservation remains aligned with constitutional morality, responsive to social change, and constrained by principles of equality and efficiency. Judicial evolution has thus transformed reservation into a nuanced constitutional mechanism one that advances social justice while preserving the integrity of the equality framework.

7. Balancing Equality, Inclusivity, and Efficiency

Academic literature and constitutional commentary consistently highlight that reservation jurisprudence reflects a continuous balancing act between equality of opportunity, social justice, and administrative efficiency. Through constitutional text, judicial doctrine, and evolving policy frameworks, reservation has recalibrated access, representation, and institutional diversity. This dynamic constitutional architecture underscores the role of reservation as a living instrument of social change one that must adapt to shifting social realities while remaining anchored in the foundational values of equality, dignity, and inclusivity.

7.1 Inclusivity and Diversity: What reservation has changed

Reservation has functioned as one of the most effective constitutional mechanisms for advancing inclusivity and diversity within Indian society. By intervening in domains historically dominated by socially privileged groups, reservation has altered patterns of access, representation, and institutional culture. Its impact extends beyond numerical inclusion to deeper forms of social transformation, although significant challenges and tensions persist.

7.2. Redistribution of Opportunity

One of the most visible outcomes of reservation has been the redistribution of opportunities in education and public employment for Scheduled Castes, Scheduled Tribes, and Other Backward Classes. Reservation has widened access to universities, professional institutions, and public sector employment, enabling individuals from historically excluded communities to enter spaces previously closed to them. This has reshaped student cohorts, professional pipelines, and leadership structures, gradually reflecting India's social diversity. The redistribution of opportunity has also contributed to intergenerational mobility, allowing beneficiaries to secure economic stability, social recognition, and enhanced life chances. In this sense, reservation operates not merely as a compensatory policy but as a transformative tool that disrupts entrenched hierarchies and promotes substantive equality.

7.3 Representation with Voice

Reservation in political institutions and local self-government has had a transformative impact on democratic participation. Political reservations for SCs and STs in Parliament, State Legislatures, Panchayats, and Municipalities have ensured the presence of marginalised communities in decision-making processes. Importantly, this representation has not remained symbolic. Empirical studies and governance experience indicate that representatives from reserved constituencies often prioritise issues such as access to basic services, social welfare schemes, education, health, and dignity-related concerns that were historically marginalised in public discourse. By amplifying the voices of disadvantaged groups, political reservation has deepened participatory democracy and strengthened the representative character of Indian governance.

7.4 Institutional Learning and Cultural Change

Beyond access and representation, reservation has compelled institutions to engage in processes of learning and adaptation. Educational institutions and public bodies have been required to confront implicit biases in admissions, recruitment, evaluation, and workplace culture. The presence of diverse cohorts has led to the gradual normalisation of difference and challenged entrenched notions of homogeneity and exclusivity. Support systems such as remedial education, mentorship programs, and grievance redress mechanisms have emerged in response to inclusion pressures. These changes contribute to long-term social transformation by

embedding diversity within institutional practices, extending the impact of reservation beyond quotas to structural reform.

8. Critical Challenges and Tensions

Despite its achievements, reservation continues to face complex challenges that complicate its role as an instrument of social change.

8.1 Creamy Layer and Intra-Group Inequities

The introduction of the creamy layer doctrine for OBCs has enhanced distributive fairness by excluding socially advanced sections from reservation benefits. However, intra-group inequities persist, with benefits often concentrated among dominant sub-groups within backward classes. Debates on extending the creamy layer principle to SCs and STs remain contentious due to the distinct nature of caste-based oppression, which operates beyond economic advancement. This tension highlights the difficulty of designing reservation policies that balance group identity with internal diversity.

8.2. Evidentiary Thresholds and Administrative Capacity

Judicially imposed requirements for quantifiable data particularly in the context of reservation in promotions aim to prevent arbitrary or politicised implementation. While these safeguards promote constitutional discipline and align with Article 335's concern for administrative efficiency, they also impose significant administrative burdens on States. Limited institutional capacity often results in delayed implementation, prolonged litigation, and uneven outcomes, thereby diluting the transformative potential of reservation.

8.3. Regional and Intersectional Disparities

India's federal structure and diverse social composition mean that similarly situated groups experience different outcomes across States. Variations in backward class lists, sub-categorisation practices, and demographic profiles create regional disparities. Further, women within backward classes, Adivasi communities facing geographic isolation, and persons with disabilities experience layered forms of exclusion that singular reservation categories often fail to address. These intersectional realities challenge the adequacy of one-dimensional affirmative action frameworks.

8.4. Merit Discourse and Social Stigma

Persistent narratives equating merit with standardised performance metrics undermine the legitimacy of reservation and reinforce stigma against beneficiaries. Such discourses ignore structural disadvantage and unequal starting points, reducing merit to an abstract and context-neutral concept. Institutional cultures often fail to actively counter these narratives, resulting in psychological marginalisation and exclusion even after formal access has been achieved. This stigma weakens the inclusive ethos that reservation seeks to foster.

8.5. Private Sector Gap and EWS Tensions

The confinement of reservation largely to the public sector and educational institutions leaves private employment as a significant site of exclusion. While debates on extending affirmative obligations to the private sector continue, concerns about constitutional feasibility and economic impact remain unresolved. Similarly, the introduction of EWS reservation has broadened the inclusion framework by recognising economic disadvantage, but it also raises concerns about diluting the caste-remedial focus of reservation, particularly when aggregate quotas approach the 50 percent threshold.

8.6. Reform Pathways to Deepen Inclusivity and Diversity

To ensure that reservation continues to function as a meaningful instrument of social change, reform must move beyond access towards sustained inclusion. Data-driven and time-bound calibration of reservation policies through periodic socio-economic surveys can address intra-group inequities while respecting constitutional limits. Reservation must be complemented by support mechanisms such as bridge courses, mentorship, academic assistance, and anti-discrimination enforcement to convert entry into genuine opportunity. Intersectional targeting addressing the compounded disadvantages faced by women, Adivasis, and persons with disabilities can refine the inclusivity framework. Transparent and uniform application of creamy layer norms, along with innovative private sector inclusion strategies such as procurement preferences and diversity-linked incentives, can expand the reach of affirmative action without immediate constitutional amendments. Finally, civic pedagogy and institutional culture must actively reframe merit as potential realised under fair conditions, reducing stigma and normalising diverse excellence.

9. Recommendations

To strengthen the role of reservation as a constitutional instrument of social change, a calibrated and evidence-based reform strategy is essential. First, reservation policy must be grounded in periodic, transparent, and disaggregated socio-economic data. Regular nationwide and State-level surveys should be conducted to assess representation across education, employment, and governance, enabling informed recalibration of quotas, sub-categorisation, and beneficiary identification without undermining constitutional limits.

Second, reservation must be complemented by institutional support mechanisms. Access alone is insufficient if beneficiaries continue to face structural barriers within institutions. Bridge courses, remedial education, mentoring systems, academic counselling, and workplace diversity cells should be institutionalised to ensure that inclusion translates into meaningful participation and advancement. Anti-discrimination enforcement mechanisms must be strengthened to address subtle and systemic exclusion within educational and professional spaces.

Third, intersectional vulnerabilities require targeted policy attention. Women within SCs, STs, and OBCs, geographically isolated Adivasi communities, and persons

with disabilities experience layered disadvantages that are inadequately addressed by singular reservation categories. Tailored measures, scholarships, and targeted outreach programs should be introduced to reflect the complexity of social disadvantage.

Fourth, the creamy layer doctrine should be periodically reviewed and uniformly applied with clear, objective, and auditable criteria. While maintaining doctrinal sensitivity to caste-based oppression, mechanisms must ensure that reservation benefits do not remain concentrated among advanced sub-groups, thereby enhancing distributive fairness.

Finally, the exclusion of the private sector from affirmative action remains a significant limitation. Without immediate constitutional amendment, the State can deploy indirect inclusion levers such as public procurement preferences, diversity-linked incentives, disclosure norms, and sectoral partnerships to encourage inclusive employment practices and widen the impact of reservation beyond public institutions.

10. Suggestions

Reservation policy must evolve from a static quota-based framework into a dynamic inclusion ecosystem. Policymakers should adopt a time-bound review model, where reservation categories and percentages are periodically reassessed in light of changing social realities, rather than treated as permanent classifications. Such an approach preserves the transformative purpose of reservation while responding to concerns of stagnation and politicisation.

Judicial standards relating to evidentiary requirements particularly in promotion and representation should be supported by enhanced administrative capacity. States must be assisted in developing institutional mechanisms for data collection and analysis so that constitutional safeguards do not become procedural obstacles to social justice.

Equally important is the need to address the merit–stigma discourse. Educational institutions, public bodies, and policymakers must actively challenge narratives that equate merit with social privilege. Public communication, academic curricula, and institutional training programs should promote an understanding of merit as context-sensitive and opportunity-dependent, reinforcing the legitimacy of reservation within constitutional morality.

Further, reservation policy should be integrated with broader social welfare measures, including access to quality primary education, healthcare, nutrition, and skill development. Such integration ensures that affirmative action operates not in isolation but as part of a comprehensive strategy to dismantle structural inequality.

11. Conclusion

Reservation has played a transformative role in India's constitutional journey by embedding inclusivity and diversity into the institutional fabric of the State. As a mechanism of protective discrimination, it has expanded access to education, public employment, and political representation

for historically excluded communities, thereby reshaping social hierarchies and enabling substantive equality. Through constitutional provisions and sustained judicial engagement, reservation has evolved into a central instrument of law-led social change.

At the same time, reservation jurisprudence reflects a continuous balancing act between equality, social justice, and administrative efficiency. Judicial doctrines such as the creamy layer, evidentiary thresholds, and the 50 percent ceiling illustrate the courts' efforts to refine affirmative action without diluting its constitutional purpose. Recent developments, including the introduction of EWS reservation, demonstrate that the framework of inclusion continues to evolve in response to emerging forms of disadvantage.

The future of reservation lies not merely in numerical representation but in deepening substantive inclusion. This requires data-driven policy calibration, institutional support beyond entry points, intersectional sensitivity, and engagement with new sites of exclusion such as the private sector. Reservation must remain a living constitutional instrument responsive to social change, anchored in constitutional morality, and oriented towards dignity and equal participation.

Ultimately, reservation embodies the Constitution's transformative promise: that equality is not achieved by treating unequals alike, but by enabling all citizens to participate meaningfully in the social, economic, and political life of the nation. When implemented with precision, accountability, and ethical commitment, reservation continues to serve as a powerful vehicle for social justice and democratic inclusion in India.

References

- [1] GRANVILLE AUSTIN, *THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION* (Oxford University Press, New Delhi, 1966).
- [2] MARC GALANTER, *COMPETING EQUALITIES: LAW AND THE BACKWARD CLASSES IN INDIA* (Oxford University Press, New Delhi, 1984).
- [3] H.M. SEERVAI, *CONSTITUTIONAL LAW OF INDIA*, Vols. I–IV (Universal Law Publishing, New Delhi, 4th edn., 2015).
- [4] D.D. BASU, *INTRODUCTION TO THE CONSTITUTION OF INDIA* (LexisNexis, New Delhi, 26th edn., 2022).
- [5] V.N. SHUKLA, *CONSTITUTION OF INDIA* (M.P. Singh ed., Eastern Book Company, Lucknow, 13th edn., 2018).
- [6] UPENDRA BAXI, *COURAGE, CRAFT AND CONTENTION: THE INDIAN SUPREME COURT IN THE EIGHTIES* (N.M. Tripathi, Bombay, 1985).
- [7] UPENDRA BAXI, *THE FUTURE OF HUMAN RIGHTS* (Oxford University Press, New Delhi, 2013).
- [8] S.P. SATHE, *JUDICIAL ACTIVISM IN INDIA: TRANSGRESSING BORDERS AND ENFORCING LIMITS* (Oxford University Press, New Delhi, 2002).
- [9] TARUNABH KHAITAN, *A THEORY OF DISCRIMINATION LAW* (Oxford University Press, New Delhi, 2015).
- [10] GURPREET MAHAJAN, *IDENTITY AND JUSTICE: AFFIRMATIVE ACTION IN INDIA* (Oxford University Press, New Delhi, 2005).
- [11] KALPANA KANNABIRAN, *TOOLS OF JUSTICE: NON-DISCRIMINATION AND THE INDIAN CONSTITUTION* (Routledge, New Delhi, 2012).
- [12] D.Y. CHANDRACHUD, *THE INFORMAL CONSTITUTION: UNWRITTEN CRITERIA IN CONSTITUTIONAL LAW* (Oxford University Press, New Delhi, 2014).
- [13] SUJIT CHOUDHRY, MADHAV KHOSLA & PRATAP BHANU MEHTA (eds.), *THE OXFORD HANDBOOK OF THE INDIAN CONSTITUTION* (Oxford University Press, New Delhi, 2016).
- [14] MANOJ KUMAR SINHA, *JUDICIAL ACTIVISM IN INDIA* (Oxford University Press, New Delhi, 2018).
- [15] VERMA, S.K., *AFFIRMATIVE ACTION: CONSTITUTIONAL PERSPECTIVES* (Indian Law Institute, New Delhi, 2000).
- [16] THOMAS SOWELL, *AFFIRMATIVE ACTION AROUND THE WORLD: AN EMPIRICAL STUDY* (Yale University Press, New Haven, 2004).
- [17] MARC GALANTER & JAYANTH KRISHNAN, *Bread for the Poor: Access to Justice and the Rights of the Needy in India*, 55 HASTINGS L.J. 789 (2004).
- [18] UPENDRA BAXI, *The Supreme Court under Trial: Undertrials and the Supreme Court*, INDIAN LAW INSTITUTE, New Delhi (2007).
- [19] *Indra Sawhney v. Union of India*, AIR 1993 SC 477.
- [20] *M. Nagaraj v. Union of India*, (2006) 8 SCC 212.
- [21] *Jarnail Singh v. Lachhmi Narain Gupta*, (2018) 10 SCC 396.
- [22] *Jaishri Laxmanrao Patil v. State of Maharashtra*, (2021) 8 SCC 1.
- [23] *Janhit Abhiyan v. Union of India*, (2022) 10 SCC 1.
- [24] *Constitution of India*, arts. 14, 15, 16, 17, 46, 330–342, 243D, 243T.
- [25] *Constitution (One Hundred and Third Amendment) Act, 2019* (India).