

DECONSTRUCTING MYTHS AND SOCIAL PREJUDICES AGAINST THE RESERVATION SYSTEM IN INDIA

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ABSTRACT

'Reservation' has always been an issue of debate not only among the intelligentsia but in society as a whole. It has occupied a dominant position in public discourse and has also been extensively discussed in the political domain. There are conflicting opinions pertaining to it. According to the subaltern school of thought, it is imperative to have such policies in order to establish an egalitarian society and to correct historical wrongs. It provides significant assistance to the marginalized groups that are positioned at the lowest rank in the societal hierarchy, with an objective of achieving a constitutional social order. But the others say it compromises 'Merit' and 'Efficiency' and, in fact, solidifies the existing discriminatory social order rather than dismantling it. Recent academic trends pertaining to this theme go in a unique direction. They revolve around a discourse—whether 'Reservation' actually delivers its sole purpose, i.e., to provide a constitutional shield to the downtrodden who are its actual beneficiaries; whether it has addressed the societal plights of the most marginalized, whether 'Caste' should be replaced with the 'Financial' criteria and whether it was introduced only for ten years. The researcher has attempted to inquire into all the aforesaid queries and exposed the myths and prejudices related to 'Reservation'. Doctrinal method has been followed for accomplishing this research paper. The empirical statistics reflect that there is a huge gap between perception and reality. The study concludes that reservation remains a significant tool for ensuring substantive equality and addressing long-standing structural disparities.

KEYWORDS: Reservation, Social Justice, Caste, Merit, Substantive Equality.

INTRODUCTION

*"The service of India means the service of the millions who suffer. It means the ending of poverty and ignorance and disease and inequality of opportunity. The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may be beyond us, but as long as there are tears and suffering, so long our work will not be over."*¹

- Jawaharlal Nehru

'Reservation' was introduced in the Indian Constitution to provide equal representation to historically sidelined communities. This is not a poverty eradication programme but an effort to provide equal share to the marginalized and to establish social justice. The prime recipients of caste-based reservation are Scheduled Castes, Scheduled Tribes, and Other Backward Classes. These communities were ignored from the educational, employment, and social quarters for centuries due to the oppressive caste system. They were placed at the lowest of the social structure, and because of this, they were given unequal and

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¹ GRANVILLE AUSTIN, *The Indian Constitution: Cornerstone of a Nation* 32 (Oxford Univ. Press 1966).

unfair treatment in almost all facets of life.

But when the Constitution came into existence, its impact was like a silent revolution. This transformative document came with a promise to ensure equal share and dignity to all, irrespective of the social standing of an individual.

Dr. B.R. Ambedkar, a great constitutionalist and an organic intellectual, in his scholarly speeches and writings, emphasized the need for a just and reasonable social order for the comprehensive development of the nation. According to him, a nation cannot prosper if its foundation is built on injustice and if the same remains unquestioned and unchanged. In his last address in the constituent assembly, he stated:

*"We must make our political democracy a social democracy as well. Political democracy cannot last unless there lies at the base of it - social democracy. What does social democracy mean? It means a way of life which recognizes liberty, equality and fraternity as the principles of life."*²

After extensive debate in the Constituent Assembly, and in tune with Dr. Ambedkar's vision of uplifting the weaker sections, Articles 14, 15, 16, 17, 29(2), 38, 46, 330, 332, 338 and 338A were incorporated into the Constitution. In this manner, the interests of marginalized communities were safeguarded by ensuring their equal representation in the educational and employment sectors. Hence, the hegemonic structure of privileged communities was dented by constitutional fairness.

India's reservation system is unique, combining anti-discriminatory measures with developmental and empowering provisions, but at the same time, it is equally criticized by scholars and the public at large. Much of the contemporary discourse about it is shaped by misconceptions—such as the belief that reservation compromises merit, benefits only a few, or is no longer relevant in modern society. Such understanding is flawed, as it ignores the continuing structural disparities, inadequate representation of the marginalized in the educational and employment sectors, and growing instances of caste-based violence. Critics often forget the constitutional mandate to create a level playing field for the underprivileged and to provide a chance for upward mobility and their better accessibility to power structures.

This study aims to deconstruct the prevailing myths and social prejudices surrounding the reservation policy and elaborates its actual purpose. The researcher has focused on higher education, where debates around merit, fairness, and representation are most intense. By exploring historical and philosophical foundations, court rulings, and empirical statistics, this research seeks to provide

² Constituent Assembly Debates, vol. 5, at 979 (Lok Sabha Secretariat).

a factual understanding beyond popular opinions and narratives.

1.1. OBJECTIVES OF THE STUDY

1. To elaborate the constitutional goal behind introducing 'Reservation'.
2. To examine the validity of the popular arguments, myths and social prejudices associated with the 'Reservation'.
3. To examine historical context, judicial rulings and empirical statistics in order to debunk the societal narratives about it.
4. To promote a balanced and informed understanding about 'Reservation' beyond social stereotypes and irrational beliefs.

1.2. RESEARCH METHODOLOGY

The method adopted for research is doctrinal. Existing research papers, judicial precedents, articles, statutes, and commentaries have been explored in order to portray a comprehensive picture of the topic— DECONSTRUCTING THE MYTHS AND SOCIAL PREJUDICES AGAINST THE RESERVATION SYSTEM IN INDIA. An analytical approach has been applied to examine the correctness of popular narratives and to arrive at an evidence-based conclusion.

2. HISTORICAL BACKGROUND OF RESERVATION

Reservation in India gradually developed as a counter to long-standing exclusion of certain communities in the social and educational spheres. In the pre-Independence period, particularly in late 19th century, the demand for caste-based quota had come into the picture. William Hunter and Jyotirao Phule were instrumental to this cause. At that time the subcontinent was broadly divided into British India and nearly 600 princely states. Some princely states had a progressive character. They wanted to modernise their overall administrative, social and educational structure. Therefore, Mysore State in the south, and Baroda and Kolhapur in the western side, took notable steps to uplift minorities and socially disadvantaged communities. Thus, it is in these princely states - we find the earliest documented instances of reservation policies, introduced to promote equitable access to education and public employment.³ However, our existing reservation system started on 4 August 1932 by British PM Ramsay Macdonald in the form of 'Communal Award'. As per this scheme, distinct electorates were introduced for Anglo-Indians, Europeans, Indian-Christians, Sikhs, Muslims and the Depressed Classes. But Poona Pact (Agreement between M.K Gandhi and Dr. Ambedkar on 24 Sept., 1932) later replaced it with the reserved seats within a joint electorate for Hindus.⁴ The GOI ACT, 1935 then institutionalised it in

³ Bhagwan Das, *Moments in a History of Reservations*, 35 Econ. & Pol. Wkly. 3831, 3831-34 (Oct. 21–Nov. 3, 2000).

⁴ Poona Pact, *Britannica* (Nov. 21, 2025), <https://www.britannica.com/event/Poona-Pact>.

provincial legislatures and ensured political representation to the Depressed Classes and other communities.

After independence, the Constitution of India (1950) reserved seats for the Dalits in legislatures and public sector. Later, OBCs were included following the Mandal Commission and a 10 percent quota for the Economically Weaker Section was added.

3. CONSTITUTIONAL AND LEGAL FRAMEWORK

The constitutional foundation for the 'Reservation' begins with the Preamble, which upholds Justice and Equality as foundational values. Article 14, 15 and 16 collectively permit reasonable classification and mandates the State to take special steps for socially and educationally backward communities, including SCs and STs. Over time, Articles 15 (4), 15 (5), 15 (6) and 16 (4), 16 (4A), 16 (4B), 16 (6) have expanded the scope of affirmative action in educational, employment and for EWS groups. Article 46 strengthens it by authorizing the State to advance educational and economic concerns of the SCs, STs and OBCs. Article 330-342 ensures legislative representation to SCs and STs combined with the safeguards for tribal areas in the Fifth and Sixth Schedules further reinforce this constitutional mechanism.

These norms and principles operate in consonance with Articles 14-16, which affirms equality, prohibits discriminations and permits affirmative action. In this way they create a constitutional foundation for policies aimed at achieving substantive equality.

3.1. IMPORTANT AMENDMENTS

The character of 'Reservation' in India has been shaped by several constitutional amendments. The First Amendment (1951) inserted article 15(4) – permitting special provisions for those social groups who are socially and academically backward.⁵ The Seventy-Seventh Amendment (1995) introduced article 16(4A) which restored reservation in promotions for the SCs and STs – which according to the State - are not appropriately represented in the public services.⁶ The 81st Amendment (2000) inserted article 16(4B) mandates the State to carry forward vacant reserved vacancies across years by placing them outside the 50 percent ceiling for particular recruitment year.⁷ Then in Eighty Second Amendment (2000) a proviso was added in Article 335 - which permits the State to ensure reservation in promotions for SCs and STs, while maintaining the administrative

⁵ India Const. art. 15, cl. (4).

⁶ India Const. art. 16, cl. (4A).

⁷ India Const. art. 16, cl. (4B).

efficiency, allowing relaxation in qualifying criteria, if needed.⁸ In 2005, Dr. Manmohan Singh government passed 93rd Constitutional Amendment Act which introduced Article 15 (5) - enabled reservation for SCs and STs and OBCs in private academic institutes.⁹ More recently, the 103rd Amendment (2019) introduced a 10 percent quota for EWS.¹⁰ The 104th Amendment (2020) extended the reservation of seats for Dalits in the Lower House of the Parliament and State Legislatures up to 2030.¹¹

3.2. JUDICIAL DEVELOPMENTS SHAPING RESERVATION POLICY

Judicial interpretations have played a crucial role in shaping India's 'Reservation' framework. In *State of Madras V. Champakam Dorairajan (1951)*¹² – The court had struck down the communal reservation leading to the 1st constitutional amendment. *M.R. Balaji V. State of Mysore (1963)*¹³ clarified the principles of backwardness and reasonable classification. *T. Devadasan V. Union of India (1964)*¹⁴ – The Apex Court had declared 'carry-forward' rule unconstitutional on the ground that it infringes Article 16 (1). The landmark *Indra Sawhney V. Union of India (1992)*¹⁵ case which is popularly known as 'Mandal Commission Case' - endorsed OBC reservation and introduced 27 percent quota, set the 50 percent ceiling and barred reservation in promotions. Subsequently, *M. Nagaraj V. Union of India (2006)*¹⁶ affirmed reservation in promotions for SCs and STs but imposed certain conditions such as – there must be quantifiable data on backwardness of SCs and STs, there is lack of representation of these communities in the service and the reservation so provided shall not affect overall administrative efficiency.¹⁷ In *Jarnail Singh V. Lachhmi Narain Gupta (2018)*¹⁸ – Top Court upheld the SC/ST reservation in promotions without requiring separate backwardness data, subject to maintaining administrative efficiency as mandated by Article 335. In *Janhit Abhiyan V. Union of India (2022)*¹⁹ Apex Court upheld the 103rd amendment and the 10 percent quota. A substantial development

⁸ India Const. art. 335, proviso.

⁹ India Const. art. 15, cl. (5).

¹⁰ India Const. art. 16, cl (6).

¹¹ The Constitution (One Hundred and Fourth Amendment) Act, 2019, No. 2 of 2020, The Gazette of India, pt.II, sec. 1 (Jan. 22, 2020).

¹² *State of Madras v. Champakam Dorairajan*, AIR 1951 SC 226.

¹³ *M.R. Balaji v. State of Mysore*, AIR 1963 SC 649.

¹⁴ *T. Devadasan v. Union of India*, (1964) 4 S.C.R. 680.

¹⁵ *Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217.

¹⁶ *M. Nagaraj v. Union of India*, (2006) 8 SCC 212.

¹⁷ Saurabh Mishra, *Reservation in promotions: The ball is again in the governments' court*, Bar & Bench (Feb. 19, 2022), <https://www.barandbench.com/columns/reservation-in-promotion-the-ball-is-again-in-the-governments-court>.

¹⁸ *Jarnail Singh v. Lachhmi Narain Gupta*, (2018) 10 S.C.C. 396.

¹⁹ *Janhit Abhiyan v. Union of India*, (2023) 1 SCC 1.

occurred in *State of Punjab V. Davinder Singh (2024)*²⁰ where the Supreme Court upheld sub-classification within SC reservation, overruling *E.V. Chinnaiah*.²¹ Together, these rulings define the constitutional structure for the affirmative action in India.

4. MYTHS, MISCONCEPTIONS AND SOCIAL PREJUDICES

"I, too, sing America. I am the darker brother.
They send me to eat in the kitchen When company comes,
But I Laugh, And eat well, And grow strong.

Tomorrow,
I'll be at the table When company comes.
Nobody'll dare Say to me, "Eat in the kitchen"
Then.

Besides,
They'll see how beautiful I am And be ashamed—
I, too, am America."²²

-Langston Hughes, Afro-American Poet

'Reservation' has occupied a central position in the intellectual discourse of our nation. Multiple social narratives surround it, most of which are unscientific and lack merit. It was introduced with the objective of building an egalitarian community based on liberty, equality, and fraternity. Yet, public opinions and perceptions are often shaped by misunderstandings and myths. These preconceived and stereotypical notions create a distorted image of what affirmative action policies aim to achieve. Consequently, society at large develops resentment and confusion without engaging with the historical context, empirical evidence, the purpose of affirmative action, or the socio-economic status of its beneficiaries.

A large section of society believes that 'Reservation' undermines 'merit'—that less meritorious candidates are preferred over more meritorious ones, it diminishes institutional efficiency, financial criteria are superior to 'caste', candidates selected through reservation perform poorly compared to others, caste discrimination no longer exists, it was meant to last only ten years, it constitutes reverse discrimination, a time limit should be imposed, or that it has not benefited

²⁰ *State of Punjab & Ors. v. Davinder Singh & Ors.*, 2024 INSC 562, 2024 SCC OnLine SC 1860 (India).

²¹ *E.V. Chinnaiah v. State of Andhra Pradesh*, (2005) 1 SCC 394.

²² Langston Hughes, *I, Too*, POETRY FOUNDATION, <https://www.poetryfoundation.org/poems/47558/i-too>.

the poor.

To portray a realistic picture of affirmative action, it is essential to expose and counter these myths and prejudices. The researcher has extensively examined the validity of popular arguments surrounding the reservation system, and the findings of the same are presented to the readers as follows:

4.1. DOES RESERVATION UNDERMINE MERIT AND EFFICIENCY?

It is popularly believed that the affirmative action policies undermine 'merit'. Less meritorious candidates are often selected over the more meritorious ones. This is viewed as an unfair practice and tantamount to injustice against intelligent individuals. Consequently, it is argued that affirmative action reduces the overall efficiency of an institution. However, this belief generates from a narrow understanding of the concept of 'merit'.

The notion of merit is explained persuasively in *Neil Aurelio Nunes and Ors. V. Union of India and Ors (2022)*²³ where the Supreme Court upheld the 27 percent reservation for Other Backward Classes in the NEET All India Quota seats in State government medical institutions. Dr. D.Y. Chandrachud, while upholding the quota, observed:

*"...scores in an exam are not the sole determinant of excellence or capability. Even if for the sake of argument, it is assumed that scores do reflect excellence, it is not the only value that is considered as a social good. We must look at the distributive consequences of merit. Accordingly, how we assess merit should also encapsulate if it mitigates or entrenches inequalities."*²⁴

The Court further emphasized the need to conceptualize the idea of merit and stated: *"...an examination can only reflect the current competence of an individual but not the gamut of their potential, capabilities or excellence, which are also shaped by lived experiences, subsequent training and individual character."*²⁵

It is clear from the aforesaid observations that marks scored by a candidate cannot be the only benchmark of merit. The socio-economic background of an individual must also be considered for a holistic assessment of their potential.

Noted human rights lawyer and author Bojja Tharakam, in his book *'In Quest*

²³ Neil Aurelio Nunes v. Union of India, 2022 SCC OnLine SC 75.

²⁴ *Ibid.*

²⁵ *Ibid.*

of Equality: Indian Constitution Since Independence', argued on the same line— "It is unfortunate that merit in this country is measured by marks obtained in a particular examination. It is in everybody's knowledge as to how marks are awarded to students and how prejudices in the name of caste work in this country."²⁶

Similarly, Prof. Prabhat Patnaik, one of India's foremost public intellectuals, writes- "*Affirmative action is designed to overcome hurdles to entry. But in a condition where talent has disparate scope across individuals and groups to manifest itself, any picking solely on the basis of revealed talent itself constitutes a hurdle to entry.*"²⁷

A significant empirical study on reservation in the Railway Department by Professor Ashwini Deshpande and Thomas Weisskopf (2010) reaffirms that reservation does not undermine merit or efficiency, rather it promotes both. Their findings are stated as follows:

*"...we have found no evidence whatsoever in support of the claim of critics of Affirmative Action that increasing the proportion of Affirmative Action beneficiaries adversely affects productivity or productivity growth. On the contrary some of the results of our analysis suggest that the proportion of SC-ST employees in high-level positions [at A and B jobs level] is positively associated with Indian Railway productivity growth"*²⁸

According to the authors of the '*Prejudice against Reservation Policies*'²⁹ - "*introducing affirmative action in hiring might even improve economic performance — particularly in high-level jobs — because individuals from marginalized communities may be especially motivated to perform well when they reach managerial positions after overcoming social prejudice. Their desire to prove detractors wrong can translate into stronger performance.*"³⁰

From the above discussion, it is evident that the belief that affirmative action compromises merit and efficiency is a myth. Empirical data and judicial insights show that reservation is foundational for democratic institutions. It promotes diversity and inclusivity, thereby enhancing both merit and institutional

²⁶ Bojja Tharakam, *In Quest of Equality: Indian Constitution since Independence* (The Shared Mirror Publ'g House 2019).

²⁷ Prabhat Patnaik, Affirmative Action and the "Efficiency Argument", in *Equalizing Access: Affirmative Action in Higher Education in India, United States, and South Africa* 89, 89–99 (Z. Hasan & M. Nussbaum eds., Oxford Univ. Press 2012).

²⁸ Sukhadeo Thorat, Nitin Tagade & Ajaya K. Naik, *Prejudice Against Reservation Policies: How and Why?*

²⁹ *Ibid.*

³⁰ *Ibid.*

efficiency. Diversity strengthens intellectual growth by enabling students to learn from one another's varied social, cultural, and regional experiences. Michael Sandel, a renowned political philosopher, reinforces this point in his book *'Justice: What is the right thing to do?'*.³¹ Noted philosopher Martha Nussbaum has also criticized the existing parameters of merit evaluation.

Therefore, a comprehensive and contextual approach is necessary to identify true talent and assess performance. Affirmative action policies address structural inequalities and open the doors of education and public employment to all. Therefore, they support—rather than undermine—the merit and effectiveness of an institution.

4.2. SHOULD CASTE-BASED RESERVATION BE REPLACED BY ECONOMIC CRITERIA?

The idea of replacing caste-based affirmative policies with economic criteria is often rooted in the belief that poverty is the primary barrier in development. There is no denial about it but economic disadvantage alone cannot account for the discrimination. It is a fact that social barriers are tied to an individual's social identity. Access to education, healthcare, and other resources is deeply shaped by one's social positioning.

The concept of reservation was originally designed to safeguard the interests of marginalised communities. These communities were—and, in some parts of the country, still are—subjected to dehumanizing treatment by privileged groups, regardless of their financial status. This constitutional scheme aimed to end their marginalization and integrate them into the mainstream.

According to popular narratives, economically well-off Dalits should be excluded from certain state benefits and may no longer require reservation. However, this is a flawed idea, based on weak theoretical foundation. Economically prosperous members of marginalized communities can still face oppression due to their caste identity. *"Social exclusion and discrimination are inherently "group concepts," rooted in group identity such as race, colour, ethnicity, religion, caste, or gender. In cases of group-based exclusion, all individuals belonging to a particular group are affected due to their social identity, regardless of their economic status, making the discrimination independent of individual wealth."*³² It is pertinent to mention that countries like Malaysia, South Africa, and several in the European Union have supplemented anti-poverty initiatives with fair opportunity policies for historically excluded

³¹ Michael J. Sandel, *Justice: What's the Right Thing to Do?* (Farrar, Straus and Giroux 2009).

³² Sukhadeo Thorat, Nitin Tagade & Ajaya K. Naik, *Prejudice Against Reservation Policies: How and Why?* 51 Econ. & Pol. Wkly. 61 (2016).

groups.³³

In his classic book *Working a Democratic Constitution: The Indian Experience*, Granville Austin³⁴ has narrated that "while the union cabinet was pondering upon presenting the first constitution amendment bill, it had received a telegram from the chief minister of erstwhile Madras, P.S. Kumaraswamy Raja, saying that Article 15(4) should provide for educational, economic, and social advancement of the backward classes. The word 'economic' was consciously dropped, and the remaining provision was forcefully supported by Nehru and Ambedkar in the Parliament. This indicates that Dr. Ambedkar, along with other members of the Constituent Assembly and the First Union Cabinet, did not endorse reservations based solely on economic criteria."³⁵ In the *Indra Sawhney* judgment, a nine-judge bench of the Apex Court categorically held that "a backward class cannot be determined only and exclusively with reference to economic criterion."³⁶

The essence of the above discussion is that financial hardship matters, but it cannot replace the deep and systemic disparities linked to caste; therefore, economic criteria can supplement — but not substitute — caste-based quotas.

4.3. THE MYTH OF THE TEN-YEAR LIMIT ON RESERVATION AND DR. AMBEDKAR'S POSITION

It is popularly believed that reservation for the SCs and STs was introduced only for ten years. However, this is incorrect. The ten-year limit applied only to political reservation, and had no connection with reservations in education or employment.³⁷ It is also often claimed that Dr. B.R. Ambedkar wanted reservation to last only for a decade. This, too, is inaccurate, as historical evidence clearly contradicts this view. Dr. Ambedkar never intended reservation to be a time-bound measure; rather, he argued extensively in the Constituent Assembly for its continuation over a much longer period. In one of his speeches delivered in the Assembly, on 25 August 1949, he contended:

³³ "Busted: Four Myths on Caste-Based Reservation Policies," *Economic and Political Weekly* (EPW, July 25, 2018), <https://www.epw.in/engage-interactives/busting-myths-on-caste-based-reservation-policies.html>.

³⁴ GRANVILLE AUSTIN, *WORKING A DEMOCRATIC CONSTITUTION: THE INDIAN EXPERIENCE* (Oxford Univ. Press 1999).

³⁵ Anurag Bhaskar, *Modi govt's 10 per cent quota for upper caste poor doesn't stand the test of Constitution*, *ThePrint* (Jan. 8, 2019), <https://theprint.in/opinion/modi-govts-10-per-cent-quota-for-upper-caste-poor-doesnt-stand-the-test-of-constitution/174419/>.

³⁶ *Ibid.*

³⁷ Anurag Bhaskar, *The Myth of the Ten-Year Limit on Reservations and Dr Ambedkar's Stance*, 15 *CONTEMP. VOICE OF DALIT* 1 (2022).

*"I personally was prepared to press for a larger time, because I do feel that so far as the Scheduled Castes are concerned, they are not treated on the same footing as the other minorities...it would have been quite proper I think, and generous on the part of this House to have given the Scheduled Castes a longer term with regard to these reservations...For the Scheduled tribes I am prepared to give far longer time. But all those who have spoken about the reservations to the Scheduled Castes or to the Scheduled tribes have been so meticulous that the thing should end by 10 years. All I want to say to them in the words of Edmund Burke, is 'Large empires and small minds go ill together'."*³⁸

It is absolutely clear from the above quote that Dr. Ambedkar's position on the issue of limiting the reservation period is contrary to prevalent societal narratives. In fact, such narratives and misinformation are often propagated by critics who wish to see affirmative action policies come to an end.

4.4. THE 'CREAMY LAYER' AND POVERTY MYTHS IN SCHEDULED CASTES RESERVATION

One of the most popular criticisms of the reservation policy is that the economically well-off among the SCs benefit the most, and it has failed to reduce poverty. Critics suggest sub-classification within the reserved categories to ensure that reservation benefits reach the most marginalised. Only a handful of communities are said to be taking advantage of the policy, resulting in the creation of an elite group within the marginalised. Hence, a sub-quota is considered essential to uplift those who have been left behind. This is only a half-truth.

As far as the poverty argument is concerned, it must be understood that the fundamental aim of the reservation policy is not to eradicate poverty, but to ensure a fair share of power for the marginalised sections. For poverty alleviation, the State has adopted separate measures in the form of various policies and legislations. However, as observed by Sukhadeo Thorat, Nitin Tagade and Ajaya K. Naik in an important piece published in *Economic & Political Weekly*, "not having any affirmative action policy in place would have further slowed the decline in poverty."³⁹

The researcher has also examined the validity of another widely circulated narrative of 'sub-classification' within the marginalised communities. This idea has, in fact, been endorsed by the SC in its seven-judge bench ruling in *State of*

³⁸ Constituent Assembly Debates, Vol. 9 (25 Aug. 1949), available at [constitutionofindia.net](https://www.constitutionofindia.net/debates/25-aug-1949/#112962), <https://www.constitutionofindia.net/debates/25-aug-1949/#112962>.

³⁹ Sukhadeo Thorat, Nitin Tagade & Ajaya K. Naik, *Prejudice Against Reservation Policies: How and Why*, 51 Econ. & Pol. Wkly. 61 (Feb. 20, 2016).

Punjab v. Davinder Singh (2024)⁴⁰. The judgment has triggered significant controversy, and opinions on the issue remain deeply polarised. This ruling has been widely welcomed by critics of affirmative action, who describe it as a step towards ensuring justice for the most marginalized. It is a matter of concern that SCs and STs as a whole remain grossly underrepresented, with many posts reserved for them continuing to lie vacant in premium institutions. Experts on the issue, Professor Ashwini Deshpande and Rajesh Ramachandran, in a piece published in *The Hindu* on November 5, 2024, described the "quota within quota" ruling as "not without merit." However, referring to an extensive study on the subject, they observed that while such a model may be justified in Punjab—where there is a clear disparity between SC subgroups—in many states like Andhra Pradesh and Tamil Nadu, there is little need for such classification.⁴¹

Amlan Sarkar's opinion regarding financial aspect is worth pondering. He writes in an article - "*economically well-off members of marginalized communities may have more access to capital within their own community, they still have significantly less capital than an economically well-off person from a privileged caste.*"⁴² Therefore, their capital should be evaluated in light of the wealth owned by the forward communities. Sukhadeo Thorat, a prominent public intellectual and economist, responding to the SC sub-classification ruling, emphasizes that the reservation policy has provided substantial benefits to economically weaker SCs and the perception that better-off Dalits dominate reserved posts is a misleading claim, the representation of these weaker SCs still remains largely confined to lower-grade jobs.⁴³

From the above discussion, an inference can be drawn that what is circulated about the RP in the public domain is not backed by empirical evidence, and there is no merit in the narratives prevalent against it.

4.5. RESERVATION IN THE PRESENT ERA: NECESSARY OR OBSOLETE?

It is often presumed, particularly among forward communities, that caste has become a thing of the past and that untouchability is now an outdated practice.

⁴⁰ State of Punjab & Ors. v. Davinder Singh & Ors., 2024 INSC 562, 2024 SCC OnLine SC 1860 (India).

⁴¹ Ashwini Deshpande & Rajesh Ramachandran, *Does Data Justify Subdivision of Quotas?*, *The Hindu* (Nov. 5, 2024), <https://www.thehindu.com/news/national/does-data-justify-subdivision-of-quotas/article68810384.ece>.

⁴² Amlan Sarkar, *All the Arguments You Need: to Advocate for Caste-Based Reservations*, *The Swaddle* (Sept. 14, 2022), <https://www.theswaddle.com/all-the-arguments-you-need-to-advocate-for-caste-based-reservations>.

⁴³ IUCSSRE, *Dalits' Condition Remains Dire Despite Reservation*, says Sukhadeo Thorat, *Countercurrents* (Dec. 5, 2024), <https://countercurrents.org/2024/12/dalits-condition-remains-dire-despite-reservation-says-sukhadeo-thorat/>.

On this basis, some argue that affirmative action policies should be abolished. This understanding is simplistic and lacks merit. Recent instances—"the lynching of Hariom Valmiki in Rae Bareilly, the suicide of IPS officer Y. Puran Kumar in Chandigarh, and the attempt to hurl a shoe at CJI Gavai inside his courtroom—demonstrate that caste continues to operate in our day-to-day lives. Although these occurrences differ in nature and involve individuals of distinct social standing, what is common to all of them is the underlying element of caste."⁴⁴ However, there has been an improvement in accessibility of civil rights but the status of Dalits is still dire despite decades of reservation policies.⁴⁵ Several studies confirm that they are not only underrepresented in the educational and employment sector but are subjected to humiliation and untouchability in many parts of the nation. Even when they secure jobs for themselves, they (Dalits) earn 8 percent less than their forward category counterparts in public sector and 20 percent less in private.⁴⁶ It is revealed in a study that 'Dalit entrepreneurs are often forced to sell goods (especially among retailers of food and beverages) at lower rates than their higher-castes counterparts.'⁴⁷ They are often sidelined in state administrative affairs, such as obtaining licenses and other approvals. They also suffer from limited caste networks and restricted access to social resources, since in India, caste operates as a form of social capital.⁴⁸ The SCs, STs and OBCs continue to face atrocities despite having a constitutional guarantee of equality and dignity. "The National Crime Records Bureau (NCRB) report, released in late September, reported that 57,789 cases were registered against SCs in 2023, marking a 0.4% increase over the 57,582 cases reported in 2022, and 12,960 cases were registered against STs in 2023, a sharp 28.8% increase over the 10,064 cases reported in 2022."⁴⁹ Such alarming statistics pointed towards continuing need for affirmative action policies, as they are instrumental in combating caste-based inequalities by uplifting the socio-economic status of subalterns. Hence, ideally and in principle, it should continue to exist until discrimination against the beneficiaries ceases.

⁴⁴ Yogendra Yadav, *From an IPS Officer to Chief Justice of India — Three Incidents Show Caste Isn't in Our Past*, The Indian Express, Oct. 14, 2025, <https://indianexpress.com/article/opinion/columns/yogendra-yadav-writes-from-an-ips-officer-to-chief-justice-of-india-three-incidents-show-caste-isnt-in-our-past-10305302/>.

⁴⁵ IUCSSRE, *Dalits' Condition Remains Dire Despite Reservation*, says Sukhadeo Thorat, Countercurrents (Dec. 5, 2024), <https://countercurrents.org/2024/12/dalits-condition-remains-dire-despite-reservation-says-sukhadeo-thorat/>.

⁴⁶ Sukhadeo Thorat, Nitin Tagade & Ajaya K. Naik, *Prejudice Against Reservation Policies: How and Why?* 51 Econ. & Pol. Wkly. 61 (2016).

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

⁴⁹ Harish S. Wankhede, *The need to address caste-based atrocities*, The Hindu (India) (Oct. 14, 2025), <https://www.thehindu.com/opinion/op-ed/the-need-to-address-caste-based-atrocities/article70159373.ece>.

5. CONCLUSION AND SUGGESTIONS

It is a harsh reality that India is an unequal society, with caste deeply rooted in its social fabric. It is experienced across all facets of life. Eminent sociologist and thinker Surinder Jodhka has argued in one of his scholarly articles that "*caste continues to matter not merely because it persists as an abstract cultural value, but because it also shapes social relations on the ground. It works as an ascriptive process of social hierarchies that structures power relations and institutionalises social relations of domination and humiliation.*"⁵⁰ To curb the menace of caste and to build an egalitarian social structure, our erudite Constitution-makers introduced affirmative action policies. However, several myths, prejudices, and misconceptions surround these policies—namely, that they are anti-meritocratic, undermine efficiency, were meant to operate only for ten years, most-marginalised, that the creamy layer should be extended to the SCs and STs, and that caste discrimination no longer exists in the contemporary era. The researcher has critically examined the sanctity of these arguments against RP and presents a comprehensive and realistic picture. The article also carried relevant constitutional principles and judicial insights on the issue.

The researcher observes a pressing need for critical engagement with caste in order to locate the true purpose of affirmative action policies. There exists caste blindness, particularly among the privileged social groups, who tend to believe that caste no longer operates in the modern era. Dr. D.Y. Chandrachud, while commenting on this tendency in a lecture, aptly remarked that "*'castelessness' is a privilege only the upper caste can afford.*"⁵¹ If the existing reality of caste is not acknowledged, its annihilation becomes impossible. It is, therefore, the constitutional responsibility of the State to educate the public about the real objectives underlying such policies and to debunk the myths surrounding them. Moreover, it is evident that the private sector is largely governed by arbitrariness, with favouritism and nepotism being widespread. Consequently, it becomes imperative to democratise the private sector by introducing reservation.

It is needless to say that ensuring justice for the most marginalised is essential; however, achieving this objective requires robust statistical data and an appropriate institutional framework. Each State presents a distinct socio-economic landscape, and therefore, a uniform approach cannot be applied across the board, as Professor Ashwini Deshpande has rightly pointed out in an article referred to in this paper. In premier educational institutions, posts reserved for the SCs and STs that remain vacant must be filled through effective implementation of reservation policies. Further, such institutions should

⁵⁰ Surinder S. Jodhka, *On the Futures of Caste*, 30 Rev. Dev. & Change 5 (2025).

⁵¹ Apoorva Mandhani, '*Castelessness is a privilege only upper caste can afford,*' says Justice D.Y. Chandrachud, ThePrint (Dec. 7, 2021), <https://theprint.in/judiciary/castelessness-is-a-privilege-only-upper-caste-can-afford-says-justice-d-y-chandrachud/777777/>.

institutionalise fairness and reasonableness so that students are able to realise their true potential—an approach advocated by Nobel Prize-winning economist and political philosopher Amartya Sen.

The essence of the matter is that affirmative action policies must be viewed through the lens of constitutional morality—as instruments to secure social justice for the subalterns and to foster the principles of equality, liberty, and fraternity.

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