

Reservation in India: Empowerment, Inequality and Policy Reform

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Abstract

Reservation in India is a form of affirmative action policy that provides special treatment to certain sections of society in education, employment, and other areas. In the past, reservation was designed to correct the historical imbalance and give opportunities to certain sections of society, such as Dalits and Adivasis. Currently, the caste system, which is still prevalent in Indian society, helps people gain access to jobs, education, and other areas through reservations; at the same time, the brightest people may be denied qualified jobs and seats in the education sector. Historically, Dalits and Adivasis were discriminated against in both employment and education. However, Dr. B. R. Ambedkar, during the time of the Constitution, supported the reservation policy with the objective of improving the lives of the weaker sections of society and giving them equal opportunities in employment, education, and other areas. He also suggested that the reservation policy should continue for a limited period, up to ten years; however, due to political pressures and subsequent amendments to the Constitution, reservations are still in place today. In the current scenario, reservations are based on caste, and not on the economic status of the people. As a result, the reservation policy has become a political tool in the hands of political parties, who divide society along caste lines. Currently, people are judged and selected on the basis of their caste, and not on their merit or talent. The government must ensure that all citizens have an equal opportunity based on talent and not on caste. Although the reservation policy is beneficial to the neediest sections of society compared to those who are economically better off, the government must provide proper and accurate information about the true meaning and implications of reservations.

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1. INTRODUCTION

Reservation in India is a government policy that is a requirement of the Indian constitution. It aims to provide equal opportunities in government employment and education. The purpose of the policy is to ensure that socially and economically backward classes develop, including Scheduled Castes, Scheduled Tribes, and Other Backward Classes, and not just the wealthy. Currently, the total central reservation is 59.5%. Nowadays, reservation is a crucial part of every field. Sometimes, talented and skilled people remain unemployed due to reservation, and political parties can also cause huge gaps.

What Is Reservation?

Reservation in India refers that Indian Government has allotted seats based on the category for SCs, STs and OBCs castes to get Government job opportunities and in education institutions, which is validate in Indian Constitution under Article 15⁴.

Historical background of reservation policies in India

During historical period reservation brings injustice to the people and treated them as slaves, during British period the concept of reservation based on caste was first introduced by Willam Hunter and Jyotirao Phule in 1882²

Pre-Independence

- **1909:** The British Government introduced reservation in the Government of India Act of 1909 Introduces communal representation in Indian politics and provided separate electorates to certain communities.

- **1902:** The Princely state of Kolhapur, under the rule of Chhatrapati Shahu Maharaj, he is the first person who introduced the reservation system to support backward class peoples and provide social justice.
- **1921:** The reservation initiatives, primarily known as the First Communal Government Order (G.O) were introduced by the Madras Presidency by the Justice Party government not directly by a Central Government of India Act in 1921 itself.
- **1927:** In the year 1927 there is significant milestone for reservation policy, particularly in Madras Presidency the Communal Government Order was passed and the grouped communities was divided into five groups for government employment setting fixed quotas they are:
 - Non- Brahmin Hindus: 44%
 - Brahmin: 16%
 - Muslim: 16%
 - Anglo-Indians and Christians: 16%
 - Scheduled castes and Scheduled Tribes: 12%
- **1932:** MacDonald/Communal Award provided for separate electorates for backward classes, including

Dalits. Later the Poona Pact was abandoned separates electorates for backward classes in support they increased reservation seats for backward classes.

- **1935:** The Government of India Act of 1935 extended the communal representation by giving them separate electorates to backward classes, especially for women and labour.
- **Post- Independence:**
- **1951:** The First Constitutional Amendment in Constitution to legalise caste- based reservation in India.
- **1990:** The Mandal Commission (1979) recommended 27% of reservation for OBCs and it is implemented.
- **2023:** Recent constitution amendment in India has changed reservation aspect changes include the 106th Amendment (2023) providing 33% women's reservation in legislatures the 103rd Amendment (2019) introducing 10% EWS quota, and the 104th Amendment (2020) extending SC/ST seat quotas in parliament until 2030.

What are the constitutional provisions relating to reservations in India?

The Constitution of India Provides for reservation in various forms, including	
Article	Reservation
Article 15(4)	Nothing in this article or in clause 2 of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes. ³
Article 16(4)	Nothing in this article shall prevent the State from making any provision 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.
Article 16(4A)	Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of Scheduled Castes and the Scheduled Tribes which in the opinion of State are not adequately represented in the services under the State. ⁴
Article 16(4B)	Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent, reservation on total number of vacancies of that year. ⁵
Article 39A	The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. ⁶
Article 243D	Not less than one-third of the total number of seats reserved under clause 1 shall be reserved for women belonging, to the Scheduled Castes or, as the case may be, the Scheduled Tribes.
Article 243T	Reservation for SCs/STs and Women in Urban Local Bodies
Article 330 and Article 332	Reservation of seats for the SCs and the STs in the Parliament and in the State Legislative Assemblies respectively. ⁷

2. RESERVATION EMPOWERMENT IN INDIA

- **Educational and Job Quotas:** Generally Indian government has divided the reservation quotas for SCs, STs, and OBCs for higher educations and job opportunities and it is mandated by the central government. Covering the scheduled for Scheduled Castes (SCs) 15%, Scheduled Tribes (STs) 7.5%, and Other Backward Classes (OBC) 27%, for Economically Weaker Section (EWS) 10% it is an Additional quota which is implemented by the central government in the

year of 2019, and the total percentage of reservation is 59.5%.⁸

- **Political Empowerment:** Under political empowerment our Indian government has made historic changes in political areas under 73rd and 74th Amendments (1992) of Indian constitution they brought one-third reservations seat quotas for SCs, STs women in local governance for correcting the historical discrimination and remove gender inequalities.

- Later in 2023 the 106th Amendment Act (128th Amendment Bill) reserves 33% of seats for woman in Lok Sabha, state legislative assembly and also in Delhi assembly. This reservation includes reserved seats for SCs and STs and it is effective for 15 years.
- **Reservation in inequality**
- **Internal Inequality within Reserved Groups:** “The creamy layer within SC/ST/OBC groups use most of the reservation benefits, while the poorest peoples are still didn’t get benefit by the reservation and some are not getting benefits if they are in same reservation category because of inheritance.
- **Perceived Reverse Discrimination:** The reservation is made for certain group of people but they used this reservation in inappropriate manner, because of this other people are not provided with better opportunities and they are treated unfairly this known as perceived reverse discrimination.
- **Educational Gaps:** Even the reservation is benefiting for the students from backward classes still they are facing higher dropout rates and struggle with performance due to education foundation. Still (90%) of the students are dropout from the colleges like IIT.⁹
- **Regional Variations:** Reservation quotas are differing from state to state, the southern states like Tamil Nadu, Karnataka, and Kerala having higher quotas (66-79%) compared to other regions, reflecting different political histories.¹⁰
- **Policy Reforms in Reservation:**
- **Promotion quotas:** The 77th Amendment (1995) added Article 16(4A), enabling reservation in promotions for SC/ST candidates, later strengthened by the 85th Amendment (2001) for consequential seniority.
- **103rd Amendment (2019):** Introduced 10% EWS reservation in central/state government jobs and education, modifying Articles 15 and 16.
- **Filling Vacancies:** The 81st Amendment (2000) introduced Article 16(4B), allowing unfilled SC/ST vacancies to be treated as a separate class of vacancies, exceeding the 50% limit in later years.
- **50% Ceiling Relaxation:** Judicial interpretations, specifically in *Janhit Abhiyan vs Union of India* (2022)¹¹, upheld that the 50% reservation cap is not absolute, allowing for modifications like the EWS quota.

3. JUDICIAL INTERPRETATION ON RESERVATION

- **Indra Sawhney Case Judgement (1992 Supp (3) SCC 217, AIR 1993 SC 477)**¹²

Ruling: The Supreme Court upheld the implementation of 27% reservation for OBCs in government services and educational institutions, but with a crucial exception—the creamy layer (the more advanced members of the OBCs) should be excluded from the benefits of reservation. The Court also reaffirmed that total reservation in any public institution should not exceed 50%, except in exceptional circumstances.

Impact: This case had a profound impact on reservation policies across India. It not only confirmed the legitimacy of reservations for OBCs but also introduced the **creamy layer** concept, which ensured that only the most disadvantaged members of OBCs benefit from reservations. The 50% cap on reservations, as reaffirmed in this case, has become a fundamental aspect of the reservation policy. The ruling also

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sparked widespread protests and debates, but it remains a cornerstone of the legal framework surrounding reservation in India.

M. Nagaraj & Others vs Union of India & Others (2006) 8 SCC 212)¹³

Ruling: The Supreme Court upheld the [77th Amendment](#), which allowed for reservations in promotions for SC/ST employees, but it laid down strict guidelines for its implementation. The Court held that reservations in promotions should only be implemented if the State could prove that there was inadequate representation of SCs and STs in the service. It also emphasised that administrative efficiency must not be compromised when implementing such policies.

Impact: This case clarified the criteria for implementing reservations in promotions and stressed the importance of balancing the need for social justice with the efficiency of the public administration. It also reinforced the idea that the government must substantiate its decision to provide reservations in promotions with **quantifiable data** on backwardness and under-representation.

12. Indra Sawhney Case Judgement (1992 Supp (3) SCC 217, AIR 1993 SC 477)

13. M. Nagaraj & Others vs Union of India & Others (2006) 8 SCC 212)

State of Madras v. Champakam Dorairajan (1951) AIR 226, 1951 SCR 525¹⁴

Ruling: The Court struck down the Madras Government’s policy of reserving seats in educational institutions based on caste, as it violated the equality clause. The case led to the [First Amendment of the Constitution](#), which inserted **Article 15(4)**. This article empowered the state to make special provisions for the advancement of socially and educationally backward classes, Scheduled Castes, and Scheduled Tribes.

Impact: While the judgement was overturned by the constitutional amendment, it marked the beginning of judicial scrutiny of reservation policies. The First Amendment, which allowed for caste-based reservations, laid the foundation for future reservation cases and set the stage for broader discussions on social justice.

M.R. Balaji v. State of Mysore (1963) Supp (1) SCR 439¹⁵

Ruling: The Court ruled that a reservation exceeding 50% in educational institutions was unconstitutional. The judgement established the principle that reservation should not exceed the 50% cap unless there were extraordinary circumstances that justified exceeding this limit.

Impact: The decision set a significant precedent by imposing a **50% ceiling** on reservations, which continues to shape state policies on affirmative action. While some states, like Tamil Nadu, have exceeded this cap by placing their policies under the Ninth Schedule, most states adhere to the 50% limit in line with this ruling.

Criticism:

Anti-reservationists criticised that Article 15(4) does not provide any reservation in educational institute expressly. If we interpret the words used in article 15(4), it is found that the state is authorised to make special provisions for the educational and social advancement of backward classes or SCs and STs. Phrase “educational advancement” does not mean reservation. It is the executive or judiciary who interpreted this phrase in such manner and used reservation in education as apparatus for educational advancement (16).

4. CONCLUSION

Reservation in India has helped many people for backward classes to get easy access to education, jobs, etc... it is introduced to reduce socio-economic inequalities and has given opportunity those were excluded earlier. However, in some cases the benefits of reservation didn't reach the needy people and the reservation has been used inappropriately by the people's and the government should make awareness of what does the actual reservation means. The reservation must be improved through policy reform, it should be supported by better education, skill development and to have regular senses those who are benefits from the reservation and those don't get benefit. The critics has mentioned because reservation policy the actual skilled and talented people are losing their jobs and losing educational institutions based on the reservation category, yes the reservation category can be followed based

on their merits and skills but not based on their caste and categories, which creates rucks between the group of people. It shows the differences among people, At Today's scenario the Supreme Court of India has declared that the reservation quotas can be provided with 50% and it should provide based on their merits not based on their caste.

Conflict of Interest

Conflict of interest declared none.

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5. REFERENCES

1. The Author is currently pursuing BA LLB (HONS) Final year at Dr. M. G. R University, Email.id: ravoorswarna@gmail.com
2. <https://vajiramandravi.com/@By Vajiram Editor - Jan 4, 2026, 23:20 IST...>
3. Added by the Constitution (First Amendment) Act, 1951, S.2.
4. Inserted by the Constitution (Seventy- Seventh Amendment) Act, 1995, S.2 (w.e.f. 17-6-1995).
5. Inserted by the Constitution (Eighty-first Amendment) Act, 2000, S.2(w.e.f. 9-6-2000)
6. Inserted by the Constitution (Forty-Second Amendment) Act, 1976, S.8 (w. e. f. 3-1-1977)
7. Substituted by the Constitution (Fifty- first Amendment) Act, 1984, S.3, for certain words (w.e.f. 16-6-1986).
8. <https://www.clearias.com/> updated on February 6, 2025
9. . <https://www.epw.in/engage/article/Survey-at-an-IIT-Campus> ISSN (Print) - 0012-9976 | ISSN (Online) - 2349-8846
10. International Journal of Humanities and Social Science Invention (IJHSSI) ISSN (Online): 2319 – 7722, ISSN www.ijhssi.org ||Volume 14 Issue 3 || March 2025 || PP. 84-90
11. Janhit Abhiyan v. Union of India 2022 SCC Online SC 1540
12. Indra Sawhney Case Judgement (1992 Supp (3) SCC 217, AIR 1993 SC 477)
- 13.. M. Nagaraj & Others vs Union of India & Others (2006) 8 SCC 212
14. State of Madras v. Champakam Dorairajan (1951) AIR 226, 1951 SCR 525
15. M.R. Balaji v. State of Mysore (1963) Supp (1) SCR 439
16. LAW MANTRA THINK BEYOND OTHERS (International Monthly Journal, I.S.S.N 2321 6417) Journal.lawmantra.co.in
www.lawmantra.co.in