
REVISITING RESERVATION: A TOOL FOR SOCIAL UPLIFTMENT OR POLITICAL STRATEGY?

Abhay Jha, Bennett University

“Political democracy cannot last unless there lies at the base of it social democracy.”

— Dr. B.R. Ambedkar, *Constituent Assembly Debates*, 1949

In the vast constitutional landscape of India, few provisions have oscillated so violently between moral grandeur and political manipulation as the policy of reservation. Conceived as a social justice instrument to dismantle historically entrenched caste hierarchies and ensure the substantive participation of the most marginalised, the reservation policy has traversed a complex trajectory. It has evolved from a principled attempt at affirmative action into a political commodity frequently exchanged for electoral dividends. The central question that this essay explores is whether reservation, as it exists and operates today, continues to function as a legitimate tool of social upliftment—or whether it has metamorphosed into a political strategy, distanced from its ethical roots. Through an interdisciplinary lens spanning constitutional law, social theory, political practice, and judicial interventions, this essay argues that while reservation remains a constitutionally indispensable corrective, its over-politicisation risks diluting its emancipatory core.

Reservation, at its conception, was rooted in the philosophy of distributive justice. Dr. B.R. Ambedkar, the principal architect of the Indian Constitution, consistently stressed that political democracy must be complemented by social and economic democracy. Formal equality, in his view, was insufficient to address the deep inequities borne from centuries of caste oppression. In his speech to the Constituent Assembly on 25 November 1949, Ambedkar warned of the contradiction between political equality and social inequality, stating that “those who suffer from inequality will blow up the structure of political democracy” unless the contradiction is resolved. The Constitution, accordingly, embedded provisions such as Articles 15(4), 16(4), and 46 to ensure that the State may undertake affirmative action¹ for the advancement of

¹ Constitution of India 1950, arts 15(4), 16(4), 46.

socially and educationally backward classes. These provisions are not mere policy options—they represent a normative commitment to substantive equality.

However, the arc of justice that reservation was meant to bend has not been a linear or unproblematic one. While reservation undoubtedly facilitated entry points for Dalits, Adivasis, and later OBCs into institutions of higher education and public employment, its implementation has not always adhered to the principle of greatest need. The emergence of a "creamy layer" among backward communities has created intra-group inequalities, where the relatively privileged among the marginalised continue to reap the benefits of affirmative action while the most disenfranchised remain excluded. In *Indra Sawhney v Union of India*,² the Supreme Court acknowledged this distortion by excluding the creamy layer from OBC reservations, emphasising that social backwardness must be dynamic and evidence-based. This landmark judgment not only reiterated the need for a 50% ceiling on reservations³ but also urged the State to ensure that affirmative action reaches those truly in need. However, the failure to apply similar filters to SCs and STs⁴—alongside lack of rigorous socio-economic audits—has allowed reservation benefits to cluster among a few while the masses remain disempowered.

Parallel to these structural concerns is the more overt transformation of reservation into a political strategy. The implementation of the Mandal Commission recommendations in 1990 by the V.P. Singh government⁵ was as much a political manoeuvre as it was a social justice initiative.⁶ The urgency with which the recommendations were enforced—bypassing deliberative consensus and institutional readiness—provoked intense social unrest and forever changed the lexicon of Indian politics. In the post-Mandal era, political parties have increasingly relied on identity-based quotas to consolidate vote banks. Electoral manifestos are often replete with promises of expanding reservations for new groups: from Marathas in Maharashtra to Jats in Haryana and Patidars in Gujarat.⁷ These are not communities historically disenfranchised; rather, they are dominant caste groups mobilising economic distress into

² *Indra Sawhney v Union of India* AIR 1993 SC 477.

³ *Indra Sawhney v Union of India* AIR 1993 SC 477.

⁴ *M. Nagaraj v Union of India* (2006) 8 SCC 212, [123].

⁵ Government of India, *Report of the Backward Classes Commission (Mandal Commission)* (1980), Vol. I & II.

⁶ Christophe Jaffrelot, *India's Silent Revolution: The Rise of the Lower Castes in North India* (Permanent Black 2003).

⁷ EPW Research Foundation, 'Demands for Reservation: Caste or Politics?' (2015) 50(33) *Economic and Political Weekly* 8.

caste-based backwardness for strategic gains. In this inversion of logic, reservation becomes less about historical injustice and more about contemporary negotiation.

The Constitution (One Hundred and Third Amendment) Act, 2019,⁸ which introduced a 10% reservation for Economically Weaker Sections (EWS) among the general category, reflects the growing detachment of reservation policy from the principle of social justice. For the first time, the criterion of economic disadvantage was unmoored from social backwardness, effectively altering the foundational logic of reservation. The amendment was upheld by the Supreme Court in *Janhit Abhiyan v Union of India*,⁹ with the majority viewing it as an expansion of affirmative action. However, critics argue that the EWS quota not only breached the 50% ceiling established in *Indra Sawhney* but also ignored the intersectional nature of disadvantage in India, where economic hardship is often both a cause and consequence of caste exclusion. The EWS quota, in this light, is seen by many as a populist response to upper-caste anxieties rather than a principled expansion of affirmative action.¹⁰

As Marc Galanter has argued, reservation policies are “a fragile victory against deeply embedded hierarchies.”¹¹ The politicisation of reservation has also led to the dilution of institutional autonomy. Universities and public institutions often face political pressure to implement politically-motivated quotas, sometimes without adequate infrastructure or academic preparedness. The Supreme Court has on multiple occasions warned against treating reservation as a populist entitlement rather than a constitutional remedy. In *M. Nagaraj v Union of India*,¹² the Court reiterated that reservation is not a right, but a means to ensure adequate representation. It must therefore be backed by empirical evidence of backwardness and underrepresentation. Yet, successive governments have circumvented these requirements, issuing blanket quotas often timed suspiciously close to elections, with little regard for constitutional or evidentiary standards.

But to argue that reservation has failed is to ignore the very real emancipatory outcomes it has produced. It has enabled the emergence of a Dalit middle class, increased the representation of backward communities in public employment, and created spaces for marginalised voices in

⁸ The Constitution (One Hundred and Third Amendment) Act 2019.

⁹ *Janhit Abhiyan v Union of India* 2022 SCC OnLine SC 1540.

¹⁰ Rajeev Dhavan, ‘Reservations: The New Pandora’s Box’ (2019) 54(5) *Economic and Political Weekly* 24.

¹¹ Marc Galanter, *Competing Equalities: Law and the Backward Classes in India* (Oxford University Press 1984).

¹² *M. Nagaraj v Union of India* (2006) 8 SCC 212.

academia, bureaucracy, and law. In the judiciary itself, there have been calls to diversify representation to reflect the pluralistic character of Indian society. However, these successes must be tempered with introspection. The overreliance on reservation as the sole instrument of social upliftment has crowded out other equally vital avenues—land redistribution, education reform, healthcare access, and economic support systems. Reservation can compensate for exclusion, but it cannot dismantle the structures that produce exclusion in the first place. Without parallel investments in public goods and social infrastructure, reservation alone cannot catalyse systemic change.

Moreover, the lack of periodic review mechanisms has fossilised the reservation matrix. Ambedkar had envisioned reservation as a temporary necessity—a bridge, not a destination. Yet, the absence of sunset clauses, the failure to update beneficiary lists based on evolving socio-economic conditions, and the political risk of reform have made reservation a permanent fixture rather than a transitional remedy. The need of the hour is not the abolition of reservation, but its recalibration. A data-driven, dynamic model of affirmative action—backed by caste census data, intersectional criteria, and robust exclusion mechanisms—is essential. Additionally, reservation should increasingly target sectors where marginalisation is most entrenched, rather than applying broad, static quotas.¹³

In conclusion, the story of reservation in India is a paradoxical one. As quoted by Marc Galanter “Reservations are not a charity, but a constitutional right born from the ashes of historical wrongs.”¹⁴ It is both the most potent expression of constitutional morality and the most abused instrument of political calculation. Its foundational promise—of levelling the field for those historically excluded—remains valid and urgent. But this promise is jeopardised when reservation is reduced to an electoral gimmick, when its benefits are hoarded by the privileged among the backward, and when its logic is extended indiscriminately to those who were never historically oppressed. To revisit reservation is not to repudiate it, but to rescue it from the sediment of political self-interest and restore it to its rightful place: as a temporary, targeted, and transformative mechanism for social justice. The question is not whether India should have reservations, but whether it has the constitutional courage to wield them responsibly.

¹³ Kimberlé Crenshaw, ‘Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color’ (1991) 43 *Stanford L Rev* 1241.

¹⁴ Marc Galanter, *Competing Equalities: Law and the Backward Classes in India* (Oxford University Press 1984).