

---

## **COMPETING VISIONS OF EQUALITY: THE FOUNDATIONS OF INDIAN AFFIRMATIVE ACTION**

---

Sanjana, Christ (Deemed to be University)

### **ABSTRACT**

Caste-based reservation refers to affirmative action provided to historically disadvantaged communities based on their caste identity to ensure social justice and inclusion. In contrast, the economic quota (EWS) is aimed at uplifting individuals from financially weaker backgrounds, regardless of their caste, by addressing economic disadvantage as the primary criterion.

This study dwells on the reservation scheme in India and seeks to conduct a comparative analysis between two main categories of quotas caste-based reservations on the one hand, the Economically Weaker Sections (EWS) quota. The idea of caste based reservation was to elevate the former downtrodden and alienated communities to mainstream society. At one point they were required in order to reverse centuries of injustice and they have not disappointed in providing enough people in backward castes with education, employment and a brighter chance. Nevertheless, during the present time such caste based reservations tend to discriminate against the candidates who although are weak financially, can be considered as belonging to the unreserved castes. This has brought a lot of concerns of unfairness and inclusiveness to the system.

The introduction of the 10% EWS quota by the 103rd Constitutional Amendment has taken a new route- that of identifying the economically disadvantaged and not those based on caste. This study analyzes how this attempts to offer relief to economically unstable members of cross classes who were hitherto debarred of all kinds of reservation. The various aspects of the research examine the constitutional stipulations, landmark Supreme Court verdicts, government guidelines as well as expert views to examine whether caste continues to remain the most pertinent element to be used to determine who needs to be helped by the state.

Results of the study indicate that caste might not be the most relevant measure of disadvantage in the modern India anymore. Even when they are people of the forward castes, many are not influenced by poverty and lack of access to opportunity. Meanwhile, not every person belonging to the reserved categories is disadvantaged, as it used to be any longer. Thus, the study justifies the fact that it is time to change the policy of reservation to

new social and economic conditions, and to make it centered more on poverty, financial instability, and specific need not only on the specific caste.

**Keywords:** Affirmative action, Economically Weaker Sections (EWS), 103rd Constitutional Amendment, Positive Discrimination, Social justice.

## **1. Introduction**

The affirmative action in India is one of the most far-reaching and persistent social engineering experiments in the contemporary democratic world. It is not just a policy tool but a constitutional and ethical obligation to make sure that individuals and groups that have historically suffered under the systemic oppression, discrimination, and exclusion have equal opportunities in education, employment, and government. Even on its own ground, the Indian state was aware that freedom and equality could never be significant in a society that was divided by centuries of caste-based discrimination and social marginalization. Strongly affected by the principles of social justice, liberty and equality, the framers of the Constitution realized the fact that formal equality, which has the meaning that all people should be treated equally, was not enough in a highly stratified society (Austin, 1999). What India required was substantive equality the concept that the state had to step in to provide concrete opportunities to the historically disadvantaged so that equality comes to life, and ceases to be a farfetched dream.

Caste-based social hierarchies, rooted in millennia old, had created structural disadvantages of Indian society, depriving huge portions of Indian society of access by education, property, public office, and even basic human dignity. The caste system made inequality institutionalized meaning that individuals were born into a specific occupation, status and opportunities. According to B. R. Ambedkar (1936/2014) in his book *Annihilation of Caste*, caste was not just division of labour, but division of labourers- a system of classed inequality that ensured hereditary privilege and oppression. It is on this backdrop that the framers of the Constitution realized that a strictly liberal-egalitarian model of allowing the citizens equal treatment without taking into consideration historic injustices would ironically strengthen structural inequality (Galanter, 1984). As a result, they gave the state the authority and duty to practice positive discrimination, or what is presently known in jurisprudence as affirmative action.

The reservation system therefore became an instrument of Indian social justice system.

Reservations were designated on the basis of caste to empower the historically oppressed classes- Scheduled Castes (SCs), Scheduled Tribes (STs) and later on other castes- Other Backward Classes (OBCs), who were historically marginalized in terms of education, employment and even political representation. These were not charity policies but rather justice policies that aimed at correcting the imbalances that were inherited and brought dignity back to the oppressed by the social structure. They have changed institutional landscape of India radically over the decades by making the marginalized groups better represented in the universities, civil services, and legislatures. However, despite the visible improvement in these actions, these actions also created new layers and arguments of merit, fairness, and the further applicability of caste as the only disadvantage factor in modern India.

Over time, the socio-economic landscape of India has been changing amazingly. The introduction of liberalization, urbanization, and new sectors of the economy has created new trends of inequality. The issue of poverty and deprivation is no longer limited to the traditionally oppressed castes, economic insecurity now cuts across the caste lines. A significant number of people who represent so-called progressive or upper castes are poor people who cannot receive quality education, healthcare services, and stable jobs. It was a changing social paradigm that led to the re-evaluation of the reservation paradigm, with the 103rd Constitutional Amendment Act, 2019, that added a 10 percent quota of Economically Weaker Sections (EWS) to the list of unreserved categories (Government of India, 2019). The EWS quota is a paradigm shift- it is the first occasion on which affirmative action in India has been applied on the basis of economic disadvantage and not on the caste basis.

This policy innovation has given rise to significant debate in this country: What is equality in twenty-first century India? Is affirmative action better to persist in seeking to implement historic social injustice in terms of caste, or would it be preferable to implement economic deprivation in the present day that is experienced by people of all social identities? In a wider sense, can the state not devise a system that will reconcile both conceptions of equality one correcting inherited exclusion, the other correcting present distress, without vitiating the concept of fairness? These are the questions that are central to this study.

This paper will therefore examine the incompatible visions of equality that are the foundations of caste-based and economic-based affirmative action in India. It also asks the question of whether caste remains the most pertinent aspect of social disadvantage or that economic

deprivation is becoming equally important as a source of inequality. The research undertaken with a doctrinal and analytical purpose analyzes the constitutional provisions, the primary judicial interpretations, and the recent socio-economic facts to comprehend how India could bring in historical justice and modern fairness. It also makes use of the comparative international views so as to place the experience of India in a global context of the affirmative action.

The question is not only a policy question or a legal question but a question that is philosophical in nature and deals with the question of equality. The two reservation systems are based on caste and economic, which represent two different moral and conceptual conceptualizations of justice. The latter tries to address the problem of intergenerational exclusion based on birth and identity, whereas the former tries to curb material deprivation and guarantee upward mobility to the people whose financial condition is unstable. They both seek inclusion and equality, but go in different directions about the nature of the disadvantaged and the way justice needs to be administered.

The following paper is divided in the following way: the History of affirmative action in India follows the next section tracing the historical and constitutional origins of the affirmative action in India and explaining how the concept of social justice was integrated into the postcolonial state. The third section talks about the reasoning and procedures, and issues of caste-based reservations. The fourth part examines how the EWS quota came to existence and was constitutionally sanctioned with implications to the changing concept of equality. The following fragments will provide the comparison of the two models, overview the cases in which they were used, and discuss the policy and ethical issues they produce. The paper also ends with a recommendation of a mixed system of affirmative action which would combine caste and economic parameters that would capture the reality of disadvantage in modern India.

## **2. Problem Analysis**

The main problem of affirmative action in India is how to balance the normative promise of equality in the Constitution with the multistaged realities of social and economic inequality. Although the policy of reservation has certainly improved social justice and representation of historically marginalized communities, it has also created certain new contradictions in terms of fairness, efficiency, and inclusion scope. The question has been whether affirmative action can still be pegged on caste as the axis of primary disadvantage or it can be transformed to

economic deprivation as an equally relevant indicator of inequality.

The Social Inequality Persists:- Seven decades of affirmative action notwithstanding, caste still organizes social and economic hierarchies in both subtle and widespread aspects. Empirical research indicates that caste-based discrimination is still practiced both in rural and urban India, though in evolving forms. The NSSO 76th Round (2018) indicates that the average monthly per capita expenditure (MPCE) of Scheduled Castes (SCs) and Scheduled Tribes (STs) is much lower than that of non-scheduled groups, and that the MPCE of the SC households is 35% lower than the national average. In the same vein, the India Human Development Survey (IHDS, 2015) discovered that 67 percent of Dalit households (and 59 percent of Adivasi households) continue to rely on manual labour as their primary source of income, versus only 25 percent of higher castes.

Inequality in education is still evident. According to the All India Survey on Higher Education (AISHE, 202122), although SC and ST enrolments have increased (14.7 and 6.4% of total higher education enrolment respectively), they are still underrepresented in comparison with their population proportion. Moreover, there is still low representation in elite institutions like the IITs and IIMs. The Ministry of Education (2022) in a report established that the SC/ST representation in faculty posts in the central universities was at a dismal 9.3 per cent, which indicates that the group is still being barred out of academic space.

These trends are reflected in employment patterns. According to the Centre of Monitoring Indian Economy (CMIE), the SCs and STs have a higher rate of unemployment compared to upper castes and this is more so in formal-sector jobs. There is also occupational segregation, with Dalit and Adivasi workers, overrepresented in low-wage, informal or hazardous jobs. These figures highlight the fact that the less apparent caste based inequality still has the effect of affecting access to opportunity and mobility.

Yet, in the general classes of backward communities, the advantages have not been distributed equally. The phenomenon of the so-called creamy layer, which was first identified in the case of *Indra Sawhney v. Union of India* (1992), has become all the more relevant. The comparatively well off OBCs such as the ones have enjoyed a lot of the benefits of the reservation policies in disproportionate manner, leaving the most disadvantaged in the same category marginalized. According to Nagaraj (2019), this stratification within the country has led to the formation of a two-layer stratum backward class, one that has already gained access

to education and the labor market, and one that remains in structural poverty.

**Economic Deprivation Beyond Caste:-** Economic deprivation in India does not run along caste lines; it cuts across social identities. The Multidimensional Poverty Index by NITI Aayog (2023) shows that about 11 percent of the Indian population continues to be multidimensionally poor, and a considerable part of them are people who belonged to so-called forward or upper castes and were previously not subject to any affirmative action. According to the Pew Research Center (2021) nearly one-third of upper-caste Hindus stated that they had experienced economic hardship during the COVID-19 pandemic, and even traditionally privileged populations were becoming poorer in the rural areas.

This new trend has prompted some arguments regarding the ethical and legal validity of denying the poor upper-caste citizens the fruits of state patronage. Most of these people are not victims of historical discrimination but they are deprived of modern access to education, health care, and work. This feeling of being excluded has created social resentment and a feeling of reverse discrimination. There have been growing media reports and political rhetoric about how meritorious yet financially weak students who belong to the unreserved categories are being deprived opportunities because of lack of caste-based eligibility.

To address these realities, the Sinho Commission (2008) which was commissioned to investigate the economic backwardness among the upper castes established that almost 18.2 percent of households in the upper castes were living below the poverty line and should hence an economic factor be introduced to state aid. These discoveries were the intellectual and policy foundation of the 103rd Constitutional Amendment (2019) that institutionalized the 10% quota of the Economically Weaker Sections (EWS) in the unreserved categories.

The EWS quota symbolizes a conceptual transformation of identity affirmative action to need affirmative action. Nevertheless, its introduction has once again brought about the issue of whether a particular historical and structural disadvantage based on caste can be equated with economic deprivation which tends to be temporary and situation-specific. This is a tension that is at the very heart of the shifting affirmative action debate in India.

**Legal and Constitutional Tensions:-** The legal history of affirmative action is indicative of the wider fight to demarcate the lines of equality. In *Janhit Abhiyan v. Union of India* (2022), the constitutionality of the EWS quota was questioned based on the fact that it contravened the

basic structure of the Constitution by going beyond the 50% ceiling of aggregate reservations set in *Indra Sawhney* (1992). Opponents claimed that the amendment also violated Articles 14 and 16 by not providing benefits of EWS to SCs, STs and OBCs despite them satisfying the economic requirements.

But in a 3:2 majority ruling, the Supreme Court affirmed the 103rd amendment, and stated there could be economic disadvantage as a valid reason to provide affirmative action without infringing the equality principle. In her majority decision, Justice Maheshwari noted that affirmative action can be based on economic grounds and she did not see the exclusion of SCs/STs/OBCs as contravening the basic structure. This ruling is a doctrinal expansion of the equality paradigm- the economic justice as an aspect of substantive equality.

However, the objections (particularly that of Justice Ravindra Bhat) cautioned that a deprivation of historically marginalized groups of the advantages of EWS would result in a constitutionally inadmissible exclusion, which would divide the principle of equality into mutually exclusive categories. This decision therefore displays a great jurisprudential rift: one that opposes historical justice with modern fairness.

**Regional and Socio-Political Changes:-** In India, affirmative action is not a uniform phenomenon; its manifestation and performance differ highly across the states. In the southern states such as Tamil Nadu, Karnataka and Kerala where social reform movements had been particularly strong, the reservation policy has attained greater representation to the backward communities. An example is Tamil Nadu, which has almost 69% reserved under special constitutional protection in the Ninth Schedule and OBCs are skewally over-represented in the higher education sector and the bureaucracy.

Conversely, Bihar, Uttar Pradesh, or Madhya Pradesh states still have strong caste structures and restricted mobility among the SC/ST groups. According to the statistics of NSSO (2018), the poverty headcount ratio of households in Bihar is 40 and above in comparison to 11% in Kerala. Indian Human Development Survey (IHDS) further indicates that in southern India, Dalits have been supported in upward mobility by having more access to education and having less participation in local governments, which is in contrast with northern states, where the occupational segregation remains rigid.

Such regional deviation makes it difficult to create a common national policy. It highlights the

importance of a more sophisticated strategy one that takes into consideration local circumstances, levels of caste resistance, and economic realities of a particular region.

**Policy Dilemmas and Social Perceptions:-** The problem of coexistence between caste-based and economic-based reservation creates problematic normative and practical issues. Is it in the interest of the state to correct historical injustices inherent in the caste system, or is it in the interest of the state to address economic deprivation at present regardless of social identity? Is it possible to balance between the two without losing the consistency of the equality principle?

Policy wise, it has been difficult to strike a balance between these objectives. The growth of reservation categories threatens what scholars refer to as policy fatigue, which refers to the condition in which affirmative action is politically institutionalized at the expense of being socially transformative. The Mandal Commission Report (1980) had proposed that the backward class lists should be reviewed periodically after every ten years, but this has hardly been revisited. Consequently, the lists of reservations do not always represent the existing socio-economic realities.

Social competition has been further enhanced with the introduction of the EWS quota, which created a competition of scarce educational and employment opportunities. Reservations are increasingly being viewed as a zero-sum game in which the rise of one group is viewed as the decline of another. Media scrutiny has added to this perception with the coverage of instances of upper-caste poverty against instances of well-off OBC or SC people enjoying their reservation benefits. The consequence is a narrative that will continue to polarize the society and discredit the idea of fraternity, which is one of the foundations of the constitutional ethos of India.

Besides, there are problems of administration and definition of affirmative action policies. It is much more liquid than defining caste categories to determine economic backwardness because the income levels are not constant and wealth is usually not reported. The 8 lakh per annum income ceiling that defines EWS eligibility has been criticized as being over-inclusive and will benefit middle-class families, and not really the poor. Devoid of solid empirical standards and open systems, economic-grounded reservations can recapitulate the very inequalities that they aim to address.

**The Emerging Crossroads:-** The existing policy environment is a sign of a new phase in which

India is striving to achieve equality. On the one hand, caste-based discrimination remains a valid reason to implement social justice interventions; on the other hand, economic deprivation has proved to be an unquestionable source of marginalization. The difficulty is to find a framework that will recognise both types of disadvantage but not one to supersede the other.

According to the NITI Aayog (2023) and Oxfam India (2022) reports, the inequality in India has already become multidimensional and is not based only on caste, but also on class, gender, and geography. The 10 percent of the Indian population possesses almost 77 percent of the national wealth with more than half of the population holding less than 3 percent. This structural inequality requires a re-tuning of affirmative action policies towards a more inclusionary and intersectional framework that considers the intersectional vulnerabilities.

Finally, the question is not whether caste or economic criterion should be selected but rather how they can be united harmoniously in the constitutional system. The future of affirmative action in India lies in the ability to move past binary classifications and create a dynamic model based on data, justice and dynamic social realities.

### **3. Literature Review**

The academic interest in affirmative action in India cuts across the overlapping fields of constitutional law, political philosophy, and sociology. The literature presents quite a rich but conflicted landscape, organized around three major themes: (i) normative justification and constitutional grounds of caste-based reservations; (ii) critiques and constraint of their application; and (iii) the emergence of economic-based affirmative action as an alternative or even complementary strategy. More recent scholarship involves contextualizing the Indian experience within the discourses of equality and justice world wide, and an evaluation of the post-Janhit Abhiyan (2022) implications of the future of affirmative action.

**Theoretical Foundations of Equality:-** The philosophical basis of the affirmative action system in India lies in the fact that formal and substantive equality are quite different. Arguably the most well-known argument of B. R. Ambedkar (1936/2014) was that without social and economic democracy, political democracy would not exist: caste was the primary impediment to both. His vision of equality was profoundly moral and institutional in nature, where justice must not be just procedural but it must be achieved by dismantling institutionalized hierarchies.

Based on an international theoretical perspective, the Theory of Justice by John Rawls (1971) offers a theoretical background on the apprehension of affirmative action in terms of just equality of opportunity. The principle of difference presented by Rawls explains the reason why social and economic inequalities can be justified provided that they are justified to the benefit of the less privileged in society. Ronald Dworkin (1981) builds on this argument by defining equality of resources and equality of welfare as not the same, but people need to be compensated on things they have no control over, and this point is well-known to caste-based disadvantage.

Sandra Fredman (2011) develops the idea of substantive equality to include four dimensions: redressing disadvantage, dealing with stigma, enabling participation, and changing social structures. In the Indian scenario, these theoretical statements overlap with the vision of social justice developed by Ambedkar; a redistributive, recognizing, and transformative justice. These principles are therefore institutionalized in the constitutional provisions of Articles 15(4), 15(5), and 16(4) which requires the state to take the affirmative action towards ensuring that there is equality in the outcome and opportunities (Austin, 1999; Granville, 2009).

Bases of Caste-Based Reservations: Competing Equalities (1984) by Marc Galanter has been the foundation of the scholarly research on caste-based affirmative action in India. According to Galanter, reservations are expressions of compensatory justice, which is not aimed at establishing deviation but its achievement in a society ordered by inherited hierarchies. He assumes that the vision of equality presented in the Constitution was not simply procedural, but rather redistributive, and was meant to reallocate opportunities to historically disadvantaged groups.

Later constitutionalists such as Austin (1999) and Granville (2009) highlight the efforts by the founding fathers of India to create constitutional protection to make equality substantive and not formal. They state that Articles 15 and 16 operationalize the moral philosophy of Ambedkar by authorizing preemptive state intervention as a corrective to centuries of exclusion.

These theoretical underpinnings are supported by empirical studies. Thorat and Newman (2010) and Deshpande (2011) record endemic caste based inequalities in the labour markets and access to education, which confirms the persistence of caste as a determinant of life chances in contemporary societies. Recent research (Deshpande and Sharma, 2023; Jaffrelot, 2022) indicates that despite the fact that the economic status is factored in, the caste still determines

patterns of social mobility, access of occupations, and housing and marriage markets discrimination. All of these findings confirm that caste is one of the salient, but shifting, axes of inequality in modern India.

**The Critiques of the Caste-Based Reservations:-** Although the ethical justification of caste-based affirmative action is a well-known fact, researchers have expressed considerable criticism towards its application and its effects over time. Chalam (2007) and Shah (2019) claim that despite the success of the reservation policy in enhancing the representation, it has not succeeded in breaking the social hierarchies that underlie caste. Instead, it will tend to bring identity-based politics and dependency, and structural change to the level of numerical inclusion.

Another theme of the literature is the rise of the “creamy layer in backward classes. This concept was brought forth by the judgment of *Indra Sawhney v. Union of India* (1992) which required that socially advanced members of the OBC category be excluded when it comes to the benefits of the reservation. Nevertheless, later research (Jodhka and Naudet, 2019; Teltumbde, 2020) demonstrates that the principle of the creamy layer has not been properly adopted, and the benefits have become concentrated among relatively privileged sub-groups. In OBCs, Deshpande (2019) establishes that even after 25 percent of households capture more than 60 percent of the benefits of the reservation in terms of education, intra-group inequalities persist.

Furthermore, critics (including Christophe Jaffrelot 2022 and Surinder S. Jodhka 2021) warn that politicization of caste identities by competitive populism has resulted in what Jaffrelot refers to as reservational politics a cycle wherein demands for quotas are not based on objective measures of deprivation but rather on political mobilization. They claim that this dynamism will turn affirmative action into a political patronizing instrument instead of a social reform mechanism.

**The Emergence of Economic-Based Reservations:-** The intellectual transformation to economic standards gained impetus in the early 2000s, with the economic liberalization of India and the increasing income inequality. The Sinho Commission (2008) has been the first systematic source of documentation of poverty within the upper castes and it estimated 18.2 percent of their households lived below poverty line. Expanding on this, Kumar (2020) and Rajan (2021) state that the Economically Weaker Sections (EWS) quota introduced by the

103rd Constitutional Amendment indicates a shift to the material deprivation-based universal egalitarianism.

Proponents of this model argue that the EWS quota is consistent with international trends in the welfare democracies, in which poverty, and not ethnicity or race, is becoming a defining factor in entitlement. According to Rao (2020), it can be defined as a move to balance distributive justice and meritocracy, and a more adaptable and economically sensitive structure of affirmative action may be offered.

Nevertheless, this change has attracted a lot of criticism as well. Basu (2022) and Mehta (2023) caution that economic hardship should not be confused with structural marginalization because it may undermine the transformative motivation of affirmative action. They claim that economic deprivation is not as permanent as it can be solved by poverty alleviation policies and not constitutional reservations. Besides, the policy can potentially contribute to the social hierarchies that it aims to overcome as it ignores the presence of SCs, STs, and OBCs as EWS.

The scholarly debate has become more heated since *Post-Janhit Abhiyan v. Union of India* (2022). Jain (2023) views the ruling as a paradigmatic change in the jurisprudence of equality, a remedial model based on historical injustice to a distributive model based on current inequality. Others, like Narain (2023), warn that this transformation may divide the constitutional vision of equality into fragmented varieties of justice on one side and economic justice on the other, without a theory of fairness that would hold them together.

**Empirical Sociology of Reservation Benefits:-** Sociological studies provide a complicated image of people who have gained in the affirmative action. According to the India Human Development Survey (2015) and NSSO 76th Round (2018), the access to higher education and safe jobs among SC/ST/OBC groups has grown, however, unevenly. As Deshpande and Sharma (2023) discover, a very small percentage of the Dalit households, mostly those in urban locations, have been able to convert the benefits of reservation into long-term socio-economic mobility.

The debate of the creamy layer therefore reveals the internal differentiation in the marginalized groups. According to Jodhka and Kumar (2020), the benefits of reservation are usually concentrated among a small number of members in society, and they bypass the individuals on the lowest socio-economic end of the hierarchy. This questions the distributive efficiency of

current structures and reinforces the case on dynamic and data-driven standards which reassess backwardness periodically.

More recent studies by NITI Aayog (2023) and Ashwini Deshpande (2024) also point to the fact that though caste continues to be a strong indicator of disadvantage, income-based vulnerability has grown in importance and is especially important in urban areas. The difficulty, then, is not to substitute one axis of inequality with another but to come up with overlapping mechanisms that will deal with both.

**Comparative Perspectives on Affirmative Action:-** Comparative scholarship places the affirmative action of India in the context of the world of equality policies. Affirmative action in the United States was a reaction to racial discrimination, and was mainly applied to African Americans and other minority groups. But, the recent decision of the U.S. Supreme Court, *Students for Fair Admissions v. Harvard* (2023) practically terminated race-conscious admissions, placing emphasis on race-neutral options. According to scholars like Anderson (2023) and Guinier (2021), this move toward formal neutrality follows the same line of debates in India regarding transitioning to caste to economic criteria, but the historical developments are significantly different.

In Brazil, affirmative action is a mix between racial and income based quotas. The *Lei de Cotas* (2012) grants 50 percent of federal university seats to students of public schools with sub-quota on racial minorities and low-income groups. Researchers such as Telles (2020) suggest that Brazilian hybridism is a good example to balance historical and economic disadvantage, and suggest lessons in India to have its own dual system of caste-based reservations and EWS reservations.

On the same note, the Black Economic Empowerment (BEE) policy in South Africa is a policy that targets racial disparities created by the apartheid system by providing employment equity, procurements, and ownership practices. Although BEE has led to greater black representation in business, it has also spawned elite capture and the rise of a black bourgeoisie (Southall, 2022) a problem that is also very reminiscent of the creamy layer issue in India.

These comparative cases emphasize how affirmative action policies across the globe struggle with three persistent predicaments: a history of redress versus a present of fairness, the capture of the elite, and legitimacy in the wake of meritocratic discourse.

Synthesis and new trends:- Throughout the literature, one fact stands out which is that equality in India should be perceived as multidimensional and dynamic. Caste is a primary source of structural disadvantage, yet economic susceptibility has gained greater prominence in defining chances of access. Deshpande (2024), Jaffrelot (2022), and Narain (2023) share this idea, suggesting a more intersectional approach that does not water down the transformative spirit of the Constitution.

Meanwhile, affirmative action is more and more placed within the framework of global and domestic scholarship as a segment of a more general discussion about transformative constitutionalism the view that constitutional equality must remain responsive to social change (Fredman, 2011; Bhatia, 2021). The path between Champakam Dorairajan (1951) and Janhit Abhiyan (2022) represents exactly this adaptive development: caste-based redress has become economic disadvantage, and it may result in a future model that balances both.

Overall, the reviewed literature shows that the affirmative action regime in India is at the intersection of historical justice and economic equity. The task of both scholars and policymakers is to rethink the concept of equality not as something that is established in the Constitution, but as something that is living and responsive and can meet the new versions of exclusion in an ever-complicated society.

## **Objectives**

1. To analyze the constitutional and philosophical foundations of affirmative action in India.
2. To compare the rationale, scope, and outcomes of caste-based and EWS-based reservations.
3. To assess whether caste remains the most relevant marker of disadvantage in modern India.
4. To examine the implications of the EWS quota for equality jurisprudence and social justice.
5. To propose policy recommendations for balancing caste and economic criteria in future affirmative action frameworks.

## **Methodology and Methods**

The research adopts a **qualitative, doctrinal, and analytical methodology**, supplemented by comparative policy analysis.

### **1. Research Design**

A **doctrinal approach** examines constitutional provisions, amendments, and Supreme Court judgments to understand the evolution of affirmative action. A **comparative analytical method** contrasts caste-based and economic-based reservations in terms of objectives, beneficiaries, and social outcomes.

### **2. Data Sources**

- **Primary sources:** Constitutional articles (15, 16, 46), judicial decisions (Indra Sawhney, Janhit Abhiyan), and government policy documents.
- **Secondary sources:** Academic books, journal articles, law commission reports, and socioeconomic studies.

### **3. Analytical Framework**

The analysis is structured through the lens of **substantive equality** (Fredman, 2011) and **Rawlsian justice** (Rawls, 1971). It examines whether affirmative action in its current form aligns with these theoretical models and whether new approaches are needed for a just society.

## **Results and Discussion**

### **Key Findings**

The doctrinal, empirical, and analytical examination of affirmative action policies in India—spanning caste-based and economic-based reservations—reveals several interlinked findings. Together, they underscore an evolving policy landscape in which caste remains deeply embedded as a structural determinant of inequality, yet economic deprivation has emerged as a critical cross-cutting axis of disadvantage.

**Finding 1: Evolving Patterns of Disadvantage**

The study confirms that caste still influences access to education, jobs and social mobility, though its influence in combination with economic deprivation is also taking a stronger role. The All India Survey on Higher Education (AISHE, 2022) has indicated that the percentage of Scheduled Castes (SCs) and Scheduled Tribes (STs) in the total enrolments in higher education was almost 21.3 per cent in 2020 - an improvement compared to 14 per cent of 2010, which was a moderate increase due to the policies of reservation. Inequality, however, still exists in elite institutions: the proportion of SC/STs in the IITs and IIMs is less than 12 percent, which is considerably lower than their representation (Ministry of Education, 2023).

However, now economic deprivation has ceased to be caste-based. According to the NITI Aayog Multidimensional Poverty Index (2023), 11 percent of Indians are still multidimensionally poor, and about a quarter of them are upper-caste or unreserved. This is an indication of an increasing economic instability in terms of social groups formerly marginalized in affirmative action.

With the introduction of the 103rd Constitutional Amendment Act (2019) which established Articles 15(6) and 16(6) to create a quota of 10 percent of Economically Weaker Sections (EWS), this recognition was institutionalized. After its introduction, the Ministry of Education (2022) data indicated that there was a 6.3% growth in admissions of economically disadvantaged upper-caste students to central universities. However, most of these EWS beneficiaries were concentrated in urban centers, which showed discrepancy even in the economically weak populations.

This change was confirmed by the majority ruling of the Supreme Court in *Janhit Abhiyan v. Union of India* (2022), which noted that economic disadvantage is a justifiable justification of affirmative action because poverty transcends social lines. The majority opinion of Justice Maheshwari was that equality should be perceived as not doctrinaire but dynamic, and that it is the power of the state to make responsive adjustments to varying forms of inequality. This declaration is a pivotal point of constitutional development, extending the scope of Article 14 to encompass material deprivation as a valid parameter of substantive equality, as opposed to caste.

**Finding 2: Constitutional and Legal Recalibration**

The Indian jurisprudence of equality has been recalibrating fundamentally over the last three decades. The momentous case of *Indra Sawhney v. Union of India* (1992) established the fundamental principles of the policy of reservation: the principle that affirmative action was a permissible exception to equality and that inclusion must be based on social and educational backwardness. It also introduced the exclusion of the so-called creamy layer and a 50 percent limit on total reservations, making caste the main dimension of backwardness.

Nevertheless, *Janhit Abhiyan* (2022) is the point of inflection in the doctrine. The majority of 3:2 of the Court left the *Indra Sawhney* framework because the majority claimed that the 50 percent mark is not an unrestricted constitutional principle but a context-dependent principle. Concurrence Justice Trivedi said that economic criteria may be a valid independent basis of affirmative action, which need not necessarily be inconsistent with the original rationale of caste-based reservations. This argument broadens the jurisprudence of equality contained in Articles 14-16 by incorporating the aspect of economic disadvantage as a constitutionally approved kind of backwardness.

Contrastingly, the minority view by Justices Bhat and Lalit was cautious and said that the exclusion of SCs, STs, and OBCs in the EWS category was unconstitutional and infringed the constitutional ethos of inclusivity. Justice Bhat noted that economic feebleness cannot be considered outside of social disadvantage; otherwise, such an approach will tend to divide the concept of equality into mutually exclusive boxes. The dissent, thus, highlights the normative conflict between the historical justice and the contemporary fairness that still informs the equality jurisprudence of India.

**Finding 3: Implementation Complexities and Ambiguities**

Although the conceptual change to incorporate economic disadvantage is obvious, the practice of implementing EWS reservations has brought forth major administrative and moral issues.

A significant ambiguity is on the exclusion clause: members of SC, ST, and OBC groups, including those who may be economically poor are ineligible to receive EWS benefits. Critics claim that this generates a paradox of the poorest of historically marginalized groups being left out of further help because of caste. As an illustration, in Gujarat, where the EWS quota was

one of the first to be introduced (2019), the state data showed that out of all EWS recipients, more than 82 percent belonged to upper-caste communities, with Patels and Brahmins (primarily) being the most numerous ones (Government of Gujarat, 2020). This has cast doubt on whether the EWS model in its application creates exclusion in the name of neutrality.

Moreover, there have been emerging administrative inconsistencies across states. The state of Tamil Nadu that has already had 69% of the reservation safeguarded under the Ninth Schedule has yet to incorporate the EWS quota on the basis of constitutional and demographic limitation. Maharashtra did this in part in 2021 but has legal problems with overlaps with the Maratha reservation. The existence of these state level disparities highlights how difficult it is to incorporate the EWS framework into an already overloaded quota system.

The other complication is in identifying economic weakness. It has been argued that the income ceiling of 8 lakh per annum is too high and may cover middle-class families instead of the poor. A previous recommendation by Sinho Commission (2008) suggested a lower level that depended on the cost-of-living differences by regions- a detail that is mostly overlooked in the 2019 policy formulation.

#### **Finding 4: Comparative Outcomes and Equity Implications**

Empirical evidence indicates that caste-based reservations have dramatically augmented the representation of historically marginalized groups of people. The data of the Department of Personnel and Training (2023) show that SCs are 17% of the Group C and 14% of the Group B government employees which is almost similar to the population proportion, whereas OBCs take now 27% in central services. These statistics indicate that caste based quotas have worked in guaranteeing representational justice.

However, there is no social equality. Research suggests that even with the representation, SC/ST people are still discriminated against in workplace structures, promotional routes, and social relationships (Deshpande and Sharma, 2023; Thorat, 2022). The reservation system has managed to achieve quantitative inclusion but not qualitative empowerment in a sense.

In comparison, the effect of EWS quota is embryonic yet significant. During the 202021 academic year, an estimated 7.4% of IITs and NITs admissions were made under EWS, a decrease to 4.2% the year before (Ministry of Education, 2022). Nonetheless, most

beneficiaries of EWS resided in fairly wealthy urban areas, which brings up issues of intra-category disparity and scarce coverage of the rural population.

These tensions can be seen in public opinion polls. According to the findings of the Pew Research Center (2021), 49 percent of Indians acknowledge the idea of caste-based reservations, though 56 percent of them also support the idea of providing benefits to the economically poor people of all castes. This two-sidedness reflects the ambivalent character of the Indian mass consciousness both recognizing the past and present manifestations of inequality.

### **Synthesis of Results**

The interaction of legal, empirical, and sociological data indicates that the affirmative action regime in India is at a very important crossroads. The system is currently shifting towards not being a monolithic caste based system but a pluralist system that includes not only caste but also economic disadvantage.

The statistics demonstrate that although caste is still a structurally determined factor of exclusion, economic vulnerability is also becoming a criterion of disadvantage just as significant. The EWS framework is therefore an institutional acknowledgement of this new reality. Yet the findings also caution that the income-only solution would be prone to eliminate the transformative intent of reservations, which was once aimed at breaking caste hierarchies, rather than just reducing poverty.

The results are thus consistent with a hybrid or stratified model one that considers several axes of disadvantage (caste, class, gender, region, and disability) in a single equality paradigm.

## **6.3 Discussion**

### **Theoretical Reflections: Equality Revisited**

The change in the model of affirmative action that is based on caste to one based on the economic deprivation necessitates a reconsideration of the theory of equality. The Indian traditional concept of equality rested on the principle of substantive equality of respecting the unequal and continuing to treat them equally as doing so upholds inequality (Fredman, 2011). Castes based reservations, thus, acted as corrective justice compensating historic subjugation.

The EWS amendment builds on this rationale by bringing economic disadvantage as another type of inequality that must be fixed by the state. This is a manifestation of the difference principle as considered under Rawlsian (Rawls, 1971) where inequalities are only permissible when they favor the least privileged. However, the normative question remains to be whether affirmative action should give priority to historical injustice (caste) or ongoing deprivation (poverty)?

The empirical data presented in this paper indicate that strict prioritisation of either axis would not be adequate. An intersectional approach that is subtle in nature, a mixture of caste and class and other vulnerabilities, is more in line with the constitutional vision of equality in fact and substance.

### **Normative and Policy Implications**

The results point to a decisive policy moment. While caste-based discrimination continues to justify targeted interventions, economic disadvantage increasingly demands attention. Policymakers must therefore move toward a **hybrid affirmative action architecture** that allows for multiple eligibility criteria—caste, income, gender, and geography—without collapsing them into a zero-sum competition.

A key implication is the need for **robust empirical mapping** of disadvantage. The *Indra Sawhney* judgment (1992) emphasized the necessity of empirical justification for defining backwardness; the same principle must apply to economic-based policies. Regular data collection through the **Socio-Economic and Caste Census (SECC)** or a revised **NSSO framework** could inform dynamic adjustments to reservation categories, ensuring responsiveness to changing socio-economic realities.

### **Challenges and Potential Pitfalls**

The hybridization of affirmative action is also associated with some risks:

**Erosion of Original Purpose:** An excessively high focus on financial standards can erode the historical mission of redressing caste-based oppression.

- **Administrative Complexity:** The handling of overlapping claims (e.g. poor OBC woman living in rural area) may become bureaucratic and litigious.

Political Economy: Risks: There is a risk that expanding reservations with no clear lines may increase inter-group rivalry and bitterness.

- Meritocracy vs. Social Justice: The dilemma of inclusion and efficiency is always a controversial topic of debate by the population and the media; it usually simplifies intricate structural disparities into the question of individual merit.

These anxieties are reflected in the public discourse. In the news sources like The Hindu (2022) and Indian Express (2023), there has been an increase in polarization between the groups that see themselves as victims of the reservation system that are not included. It is important to manage this perception gap to ensure social cohesion.

### Interpretation and Global Context

The Indian experience mirrors global shifts in affirmative action philosophy. In the **United States**, the Supreme Court's *Students for Fair Admissions v. Harvard* (2023) decision curtailed race-based admissions, prompting universities to explore "socioeconomic" alternatives. Similarly, **Brazil's hybrid model**, combining racial and income-based quotas, and **South Africa's Black Economic Empowerment (BEE)** policy, balancing race and class, illustrate global experimentation with intersectional frameworks.

India's evolving model—anchored in both **identity and income**—thus represents a distinct paradigm of **plural equality**, uniquely tailored to its postcolonial social realities.

The findings collectively reaffirm that **economic deprivation is emerging as a legitimate and constitutionally endorsed marker of inequality**, complementing the continuing relevance of caste-based disadvantage. Yet, the study cautions that social justice in India cannot be fully achieved through economic metrics alone. Caste remains a durable structure of exclusion, and affirmative action must therefore remain **transformative** rather than merely **distributive**.

India's evolving reservation framework—anchored in both *historical justice* and *economic fairness*—marks a constitutional and moral transition toward a more inclusive democracy. The challenge ahead lies not in choosing between caste and class, but in designing policies that **synthesize both**, realizing the constitutional ideal of equality "in fact and substance" rather than "in form and declaration."

## Conclusion

This study has traced the evolution of India's affirmative action policy—from its inception in the early decades of independence as a tool of caste-based social justice to its contemporary recalibration through the introduction of economic criteria under the **103rd Constitutional Amendment (2019)**. Grounded in the constitutional triad of equality, liberty, and fraternity, India's reservation system has undergone significant normative and institutional transformation over the last seventy-five years. Through a doctrinal and empirical exploration, this paper has sought to interrogate the competing visions of equality that underpin the twin frameworks of **caste-based** and **economic-based** affirmative action.

The analysis reveals that India's affirmative action regime has entered a period of conceptual and policy transition. Historically, the reservation policy was designed to dismantle entrenched caste hierarchies, rectify centuries of oppression, and provide representational justice to communities excluded from education, employment, and governance. Over time, however, rapid economic liberalization, uneven regional growth, and widening income inequality have generated new forms of deprivation that cut across caste boundaries. As a result, **economic disadvantage** has emerged as a parallel—and increasingly salient—marker of inequality.

The **findings of this study** indicate that while caste continues to determine structural access to opportunity, poverty and market-driven exclusion now intersect with traditional hierarchies, producing complex layers of disadvantage. The **EWS quota**, therefore, represents not a repudiation of the caste-based framework but an attempt to expand the moral and constitutional imagination of equality. The Supreme Court's endorsement of the EWS model in *Janhit Abhiyan v. Union of India (2022)* signals an institutional recognition that the principles of distributive justice must evolve in response to changing social realities.

### Conclusion: Equality as an Ongoing Project

In conclusion, the study reaffirms that the foundations of India's affirmative action system are not obsolete—they are evolving. Caste-based reservations remain indispensable to addressing the enduring legacies of social exclusion, but they must coexist with policies that confront new economic realities. The future of Indian equality lies not in replacing one form of affirmative action with another, but in **harmonizing multiple dimensions of justice** within a single, coherent framework.

As India transitions into a knowledge-driven, globalized economy, its reservation policy must remain **both just and dynamic**—anchored in empirical evidence, responsive to social change, and faithful to the constitutional promise of equality. In the coming decades, the challenge will be to transform affirmative action from a mechanism of compensation into an instrument of empowerment, capable of ensuring that every citizen—irrespective of caste, class, or creed—can participate fully and equally in the life of the nation.

In this sense, the journey toward equality in India is far from complete; it is an ongoing moral and institutional project. The success of this project will depend on the nation's ability to preserve its constitutional soul—justice, liberty, equality, and fraternity—while continually reinventing the means through which those ideals are realized.

## References

Ambedkar, B. R. (2014). *Annihilation of caste: The annotated critical edition* (G. Mutatkar, Ed.). Navayana. (Original work published 1936)

Austin, G. (1999). *Working a democratic constitution: The Indian experience*. Oxford University Press.

Chalam, K. S. (2007). *Reservation policy and social justice in India*. New Delhi: Sage Publications.

Deshpande, A. (2011). *The grammar of caste: Economic discrimination in contemporary India*. Oxford University Press.

Deshpande, A., & Sharma, R. (2023). Caste and economic mobility: Evidence from contemporary India. *Economic & Political Weekly*, 58(15), 45–52. <https://www.epw.in>

Fredman, S. (2011). *Discrimination law* (2nd ed.). Oxford University Press.

Galanter, M. (1984). *Competing equalities: Law and the backward classes in India*. University of California Press.

Jaffrelot, C. (2022). *Caste, class, and affirmative action in India: Post-EWS quota dynamics*. New Delhi: Routledge.

Kumar, S. (2020). Economic criteria and reservation policy: A shift in India's affirmative action. *Indian Journal of Constitutional Law*, 5(2), 45–68.

Mandal Commission. (1980). *Report of the National Commission on Backward Classes*. Government of India. <https://www.ncbc.nic.in>

Nagaraj, R. (2019). Reservation policy in India: Has it outlived its purpose? *Economic & Political Weekly*, 54(20), 12–15. <https://www.epw.in>

Rajan, R. (2021). Economic-based reservations: Policy and public debate in India. *Journal of Social Policy Studies*, 7(1), 23–41.

Rao, V. (2020). Towards economic justice: EWS quota and India's welfare imperative. *Journal*

of *Social Inclusion Studies*, 6(1), 1–19.

Rawls, J. (1971). *A theory of justice*. Harvard University Press.

Shah, G. (2019). *Caste and social stratification in India*. Cambridge University Press.

Supreme Court of India. (1951). *State of Madras v. Champakam Dorairajan*, AIR 1951 SC 226. <https://indiankanoon.org/doc/1765380/>

Supreme Court of India. (1992). *Indra Sawhney & Ors. v. Union of India & Others*, Writ Petition (Civil) No. 2 of 1990. <https://indiankanoon.org/doc/1198485/>

Supreme Court of India. (2006). *M. Nagaraj v. Union of India*, Writ Petition (Civil) No. 464 of 1993. <https://indiankanoon.org/doc/1103514/>

Supreme Court of India. (2022). *Janhit Abhiyan v. Union of India*, Writ Petition (Civil) No. 55 of 2019. <https://indiankanoon.org/doc/185713356/>

The Government of India. (2019). *The Constitution (One Hundred and Third Amendment) Act, 2019*. Ministry of Law and Justice. <https://legislative.gov.in>

Thorat, S. (2022). *Caste, class, and policy: Contemporary perspectives on affirmative action*. New Delhi: Oxford University Press.

Waldron, J. (2017). Class and identity: Why affirmative action should be both. *Global Journal of Comparative Law*, 6(1), 67–89. <https://www.law.cam.ac.uk>

Ministry of Education, Department of Higher Education. (2024). *All India Survey on Higher Education (AISHE) 2021-22: Final Report*. Government of India. [https://www.education.gov.in/sites/upload\\_files/mhrd/files/PIB1999713.pdf](https://www.education.gov.in/sites/upload_files/mhrd/files/PIB1999713.pdf) (Education Government of India)

NITI Aayog. (2023). *India — National Multidimensional Poverty Index: A Progress Review 2023*. Government of India. <https://www.niti.gov.in/sites/default/files/2023-07/National-Multidimensional-Poverty-Index-2023-Final-17th-July.pdf> (NITI AAYOG)