

---

# RESERVATION AND MERIT: A CONSTITUTIONAL PERSPECTIVE

---

Tanya Sharma, B.A.LL.B. (Hons.), Amity Law School, Amity University, Lucknow

Dr. Jyotsna Singh, Amity Law School, Amity University, Lucknow

## ABSTRACT

In the Constitution of India, the discourse between Reservation policies and the principles of Meritocracy is a pivotal issue and a recurring subject of discussion in politics, courts, and policy-making bodies. The substantive basis of the debate revolves around the fact that, in a society shaped by a deeply ingrained social structure and caste-driven discrimination, equality should be understood. To achieve Formal Equality, ensuring equal treatment without discrimination is enshrined under Articles 15(4), 15(5) and 16(4) of the Indian Constitution. The Reservation intends to tackle the prolonged intergenerational marginalisation faced by SCs, STs and OBCs by enhancing inclusive access to education and representation and expanding employment opportunities.

Merit is often perceived as achievement in examinations. Thereby fostering the belief that reservations undermine merit. The notion neglects the unequal social conditions that shape individual attainments. Competition loses its fairness when the initial conditions are unequal. The affirmative measures may be necessary to reduce structural disparities, as our Indian Constitution guarantees equality of opportunity and not mere identical treatment.

The decisions given by the Court have reinforced this notion. In **Indra Sawhney v Union of India**<sup>1</sup>, the Supreme Court upheld reserving the Other Backwards Classes, affirming that equality permitted fair classification to achieve social Justice. In *Jarnail Singh v. Lachhmi Narain Gupta*, the court acknowledged that, notwithstanding constitutional guarantees, underrepresentation and backwardness persist. These decisions demonstrate that when assessing merit, reservation fosters the emergence of actual merit. In line with the Constitution's overarching goal of social justice, it advocates for inclusion, dignity and genuine equality as constitutional Weapons.

---

<sup>1</sup> *Indra Sawhney v. Union of India*, (1992) Supp. (3) S.C.C. 217 (India).

## **Introduction**

A wide constitutional argument that sees merit and reserve for the poor as essential social goals supports both. In a society marked by a persistent and entrenched inequality that has no historical connection to discrimination or unfair advantage, policy initiatives that enhance chances for the most disadvantaged are not just desirable but also crucial.

A balanced approach, however recognizes that if a small- in fact, declining percent of seats, post, promotions and allocations were made solely based on merit, public procedures would be more equitable. No more than other citizens have a basis for arguing that the great majority of appointments were not reserved for them, Upper caste and people in the upper classes would have no basis for asserting that the appointments were not granted based on merit aside from the fact that the candidates just so happened to belong to a group designated for Reservation. In fact, it is a fairness principle that those who have a presumptive advantage over others due to their social circumstances- for example, greater historical access to leadership, wealth, knowledge or influence should not be granted privileges and positions of social obligation as long as they exhibit clearly superior traits.

All of the pillars upon which merit and reservation are based are contained in the language of the Indian Constitution. These stem from clauses of equality and non-discrimination, which are arguably the most basic tenets of all civil and constitutional law. The goal of the provisions for special measures for Scheduled Castes and Scheduled Tribes, as well as initiatives for the socially and academically behind, is to advance social and economic justice, which forms the foundation for the Backwards Classes reservation of particular privileges.

According to the Constitution's preamble, socioeconomic and political fairness should be accessible to all citizens. The reserve policy provision can therefore be interpreted narrowly in a broader context.

## **2. Historical background of reservation in constitutional practice**

Trade and building an empire, not social reform, were the primary reasons the British settled in India. However, current legal, educational and administrative structures were brought about by colonial rule. Upper caste, particularly Brahmins, who already enjoyed educational advantages, were primarily eligible for these benefits. There were clear examples of caste-

based exclusion, such as when the Mahar youngster was turned away from school. In response, the British passed the Caste Disabilities Removal Act (1872) to eliminate caste-based civil disadvantages. And announced a policy in 1856 that forbade caste discrimination in education to eliminate caste-based civil disadvantages.

Instead of emphasising individual equality, the British centred political representation after 1857 on communal identity, princely realms like Mysore (1874, 1918) and Kolhapur implemented early versions of reservation, reserving public positions for non-Brahmins and underprivileged groups. Group based representation was made official in British India by the Poona Pact, the Government of India Acts (1909, 1919) and the Communal Award (1932). These actions established the framework for contemporary reservations.

Affirmative action was incorporated within the Constitution after independence in order to guarantee substantive equality. 1950 saw the introduction of reservations for SCs and STs, and 1951 saw the addition of Article 15(4), which gave the state the authority to assist socially and educationally disadvantaged groups. Backwardness was reviewed by the Kelkar Commission (1953), but a significant shift occurred in 1990 with the Mandal Commission's implementation, which gave OBCs 27% reservation.

The Supreme Court established a general 50% cap to establish the "creamy layer" approach, and affirmed OBC reservations in *Indra Sawhney 1992*. Reservations were later extended to private schools and promotions in other areas. The 103<sup>rd</sup> Constitutional Amendment 2019 recognised economic criteria independently and established a 10% reservation for economically weaker sections (EWS). The EWS quota was maintained by the Supreme Court in the *Janhit Abhiyan case of 2022*.<sup>2</sup>

All things considered, India's reservation system changed from colonial representation by communal groups to a constitutional instrument meant to accomplish social justice and fundamental equality, and it is still being modified by laws and court rulings.

### **3. Constitutional principles underpinning the reservation**

In India, reservations are not a departure from the equal treatment concept but rather a constitutionally approved means of attaining true equality. The constitutional framework

---

<sup>2</sup> Janhit Abhiyan v. Union of India, (2022) 10 S.C.C. 1 (S.C. India).

consciously adopts a content and outcome-oriented approach to equality, moving away from a strict one-size-fits-all interpretation. Formerly, equal laws alone cannot address the unequal starting positions generated by generations of caste-based discrimination, stratification of society, and institutional marginalisation, as the Framers recognised.

Therefore, where it helps to level the societal and educational playing field the constitutional permits Unequal treatment Therefore, reservations are part of constitutional larger transformative purpose which aims to eliminate long -standing patterns of disadvantage in addition to legal obstacles three interrelated principles serve as the foundation for its constitutional justification: The explicit authority of the state to implement affirmative action policies for socially and educationally disadvantaged groups, the guarantee of equality before the law as interpreted through substantive equality, and the underlying constitutional pledge to promote social justice, inclusive development, and welfare governance. When combined, these tenets guarantee that equality is not just asserted in theory but is realised in practice.

### **3.1 Equality before Law and Non-Discrimination**

Equal protection under the law and equality before the law are guaranteed by Article 14. Equality does not, however, imply the same treatment in every circumstance. Formal equality, which treats everyone equally and substantive equality, which treats unequals differently to achieve true fairness, are distinguished by Indian constitutional jurisprudence.

The concept of substantive equality is the foundation of reservation. The apex court has decided that the state may take exceptional action to establish true equality in cases where there are significant historical and social disparities, so long as the action serves a justiciable constitutional purpose.

If there is a discernible foundation behind the categorisation and a direct connection amongst the classifications. and the policy's goal Article 14 of the doctrine of justifiable classification allows for differentiated treatment due to their historically acknowledged marginalization scheduled Caste Scheduled Tribes and Other Backward Classes are eligible under this test Affirmative action is additionally permitted under Article 15(4), 15(5) and 15(6) which make it clear that reservation is a constitutionally approved means of attaining equality rather than an exception to it therefore reservation are seen by modern constitutional interpretation as a means of achieving inclusive and meaningful equality rather than as a breach of Article 14.

### **3.2 Special provisions for socially and educationally backward classes**

Article 15(4) and 16(4) of the Indian Constitution gave the state the authority to make reservations for Scheduled Cast, Scheduled Tribes and socially and educationally disadvantaged sections. By addressing ingrained social as well as educational disadvantages, especially those brought on by the caste system, these rules seek to establish substantive equality.

The Supreme Court has made it clear that reservations must be supported by objective data and are an enabling power rather than a required obligation. By excluding the more affluent members, the “creamy layer” idea ensures equity within backward classes, allowing assistance to reach those who are truly disadvantaged.

Affirmative action was expanded by fifteen-six and sixteen-six, which recognised economic hardship as a barrier to opportunity and established a 10% reservation for economically weaker sections EWS.

Courts have further emphasised balance by sustaining the 50% reserve level because they see it as a broad constitutional idea rather than a strict rule.

All things considered, reserved for regions are well-designed tools that promote inclusion and equality while maintaining administrative efficiency and constitutional coherence.

### **3.3 Justice, social welfare and the constitutional mandate**

The Constitution's fundamental idea of justice, which includes social, economic and political aspects, is closely related to reservations. The Framers' idea that constitutional governance must actively address ingrained social and economic hierarchies and go beyond formal legality is reflected in this commitment, which is embedded in the preamble. Thus, the Constitution was intended to be a transformational framework that would specifically empower populations that had been routinely denied opportunity, dignity and voice.

The directive principles of state policy reinforce this revolutionary goal. Affirmative action is normatively supported by provisions that work to reduce inequality, advance the economic and educational interests of underprivileged groups and guarantee equitable resource distribution. Even though courts cannot enforce these principles they are crucial in determining public

policy and provide interpretive guidance when making constitutional decisions. From a social welfare perspective, reservations serve as a remedial instrument that redistributes more than just tangible advantages; it gives marginalized groups access to areas of decision making, work, and education that have previously been closed off to them. Reservation breaks longstanding patterns of exclusion and promotes institutional democratization by enabling their presence into public institutions.

Reservation is also linked to the concept of representative justice in contemporary constitutional studies. The legitimacy and efficiency of democratic governance are improved when a variety of social groups are represented in the judiciary, bureaucracy, and academic institutions. In this way, inclusion is acknowledged as a structural requirement for a plural and active democracy rather than being justified just as a remedy for past injustice.

The idea of transformative constitutionalism, which sees the Constitution as an active force for social transformation, is being more and more resorted to in contemporary legal discourse. This perspective views affirmative action as a dynamic constitutional need that may adapt to new types of disadvantage and changing social conditions rather than as a temporary policy or exception.

#### **4. Reservation policy and merit: conceptual tensions**

Affirmative action and reservation policies in modern constitutional democracies function at the Nexus of two opposing principles: social fairness and merit. Reservation is intended to advance substantive equality as a remedy for centuries of structural exclusion and injustice. On the other hand, it is often criticised for undermining merit-based standards. Therefore, evaluating the morality, constitutionality, and wider societal effects of reservation laws requires a sophisticated grasp of the interplay between merit and social fairness.

##### **4.1 Defining merit in a constitutional framework**

###### **Merit as a multi-faceted and situational idea**

Merit is frequently understood simply as the idea that success, competence, or talent should be the basis for selection or reward. However, this concept falls short in a constitutional democracy. It is impossible to evaluate merit as an entirely objective or value-neutral metric that is divorced from social circumstances.

**Merit functions in legal and policy scores on several levels:**

Exam results, grades or other measurable performance indicators are used to gauge outcome oriented merit.

**Capacity-based merit:** Centred on a person's aptitude, potential and chances of success in the future.

**Context-sensitive merit:** It recognises that social, economic and educational differences impact performance and that people do not start from the same place. Merit, therefore, goes beyond numerical results in a constitutional context it entails determining if they had an equitable chance to attain those results in the initial place. This more expansive view clarifies why a number of constitutional democracies, such as India, use a contextualised approach to merit.

**Constitutional foundations**

A complex idea of equality is reflected in the Indian Constitution. The Constitution permits affirmative action for educationally and socially disadvantaged groups under Article 15(4),15(5) and 16(4), even though Article 14 ensures equality before the law and Article 15 forbids discrimination. These clauses show a dedication to substantive equality as well as formal equality. The Supreme Court made it clear, and in *Sawhney versus Union of India 1992*<sup>3</sup>, that reservation laws must strike a balance between the requirement to maintain administrative effectiveness and the goal of social betterment. Importantly, the court disagreed with the notion that reservation and merit are incompatible. Rather, it stressed that marriage should not be assessed abstractly but rather in the context of deeply ingrained social injustices.

**Merit and social structures**

Merritt is no longer viewed as a solely personal quality but rather as a socially constructed idea in contemporary academic schools in which equitable access to vital resources affects performance and accomplishment, including:

- Quality education

---

<sup>3</sup> Supp (3) SCC 217, (1992) 22 ATC 385

- Coaching and preparatory facilities
- Economic security
- Support networks and social networks

Sole dependence on performance-based matrix runs the risk of replicating current societal advantages when access to these resources is unequal. According to this viewpoint, reservations serve as a remedial measure meant to remove structural obstacles rather than lessen merit.

#### **4.2 Merritt versus social justice: Philosophical Debates**

Fundamentally philosophical in nature, the conflict between social justice and marriage stems from opposing views on fairness, equality and the proper role of government in society.

Some philosophical perspectives:-

This debate is broadly framed by a prominent school of thought

**Libertarian perspective:** Individual liberty and the idea that rewards ought to come after talent and hard work are highly valued in the libertarian perspective. According to this viewpoint, state policies that change results based on a group's identity are unjust intrusions into an impartial system. Proponents contain that a merit based system guarantees that the most competent people hold positions of power and responsibility. This reasoning is frequently used by opponents of reservation programs to argue that quotas violate equality and compromise standards by favoring some groups over others.

**Justice-based or progressive perspective:-** Egalitarian ideas, on the other hand, placed more emphasis on substantive justice than just formal equality. They understand that racial, class or caste-based social hierarchies result in long-lasting inefficiencies that cannot be eliminated without intentional government action. This approach views merit as something influenced by social and economic circumstances rather than as a singular, totally personal quality. According to philosophers like John Rawls, inequality can only be justified if it benefits the least fortunate. From this prospective, reservations are a type of remedial justice meant to guarantee true equality of opportunity.

### **Meritocracy: assumption and reality**

This concept of meritocracy assumes that everyone has an equal starting place; however, in reality, there are significant structural disparities that challenge this assumption:

- **Educational disparities:** Competitive results are skewed by unequal access to high-quality schools.
- **Economic differences:** Better living conditions, resources and coaching are available to wealthy kids.
- **Social capital:** Success is frequently determined by privileged information and unofficial networks.

Merit evaluations that ignore these variables run the risk of enhancing rather than eradicating current social injustices.

### **Critics and responses**

Opponents of the reservation frequently raise concerns such as:

- A perceived drop in administrative and academic standards.
- Unfair exclusion of candidates from non-reserve categories who may be equally or more qualified.
- The possibility that a long-term reliance on reservations will deter people from becoming self-sufficient.

In response, proponents contend that:

- Merit must be understood in conjunction with the social context and equity.
- Reservation is designed as a transitional mechanism to correct historical disadvantages.
- The objective is not to achieve but to expand access for those systematically denied

fair opportunities.

Ultimately, this debate extends beyond theory. It carries significant political implications and continues to shape public discourse and policy choices.

### **4.3 Empirical evidence on outcomes and opportunities**

Evaluating actual data on the practical effects of reservations on access results and upward mobility is essential to moving the conversation from theoretical stances to grounded analysis.

#### **Performance in education and access to it:**

Studies conducted in India and other Comparable jurisdictions reveal some recurrent themes:

**Improved access:** Because of affirmative action, historically underrepresented groups now enrol in college at a far higher rate, particularly in highly competitive disciplines like law, engineering and medicine.

**Increased retention and completion:** When reserved categories are combined with institutional support, academic mentoring, and scholarship, students from these categories show improved attention and graduation rates.

**convergence in performance:** Long term research shows that the academic performance discrepancies between students in the general category and those in the reserve group tend to close overtime indicating that early gaps caused by an equal educational experience rather than aptitude problems a crucial issue is shown by growing number of academic support units remedial courses and bridge programs being established in universities academic standards may be upheld without sacrificing inclusion with organized help.

#### **Participation in public employment**

Reservation has increased the participation of members of historically underrepresented groups in government services. The implications are not limited to numerical depiction according to empirical evaluations; diversity in public institutions boosts outreach to marginalised groups, increases institutional trust, and increases public trust. For example, improved community connections and a decrease in social tensions have been linked to inclusive representation in the local government and law enforcement.

### **Mobility or socioeconomic status across generations**

Evidence from long term research conducted in a number of Indian states demonstrates how reservations help to foster upward mobility over the course of multiple generations beneficiaries show quantifiable gains in income employment standing and educational attainment reservations have an impact that goes beyond a person's capacity to obtain work Oregon school they also help people enhance their skills which changes the prospects for entire households these benefits however are best maintained when backed by supplementary initiatives including funding inclusive infrastructure strong anti discrimination enforcement and more extensive social assistance program.

### **Merit efficiency and outcomes**

Despite widespread concerns, there is little empirical evidence to support the assertion that reservations substantially impair Institutional performance:

Uh, businesses in the public sector that operate under a reservation system typically achieve productivity and efficiency levels that are on par with those that do not initial performance gaps in the academic context, close as students advance, especially when sufficient academic support systems are in place. Accordingly, scientific evidence consistently fails to validate the notion that reservation inevitably diminishes excellence

### **Contemporary developments and emerging challenges( up to 2026)**

#### **Reframing backwardness and merit**

Alongside more conventional indicators of social backwardness economic disadvantage has been more prevalent in recent legal and policy discourse this change reflects continuous discussions over whether affirmative action program should address vulnerability based on income in various areas Supporters contend that this strategy addresses growing economic disparity and changing social realities while detractors warn that it runs the risk of weakening the historical goal of eradicating caste based discrimination.

#### **Reservations' expansion into the private sector**

Policy debates about the function of affirmative action outside of state employment drew more

heat by 2025 2026. In certain Indian states, incentive-based programs were implemented to encourage private companies to hire members of underrepresented groups. These initiatives aim to broaden opportunity frameworks and lessen dependency on government sector reserves alone, even though they are not required by the Constitution.

According to a preliminary evaluation, private companies are cautiously participating, frequently expressing worries about operational flexibility and assessment criteria. However, these efforts reflect a wider understanding that both market and governmental players must be involved in achieving social justice goals.

## **5. Judicial interpretations and landmark cases.**

### **1. Constitutional framework: Reservation and merit**

#### **a) Core constitutional provisions**

The Indian Constitution's equality framework includes affirmative action, two significant clauses from the structure:-

The State may implement special measures for the advancement of S CS and STS as well as socially and educationally backward classes, especially in educational institutions, according to Article 15 Clause 4. The goal is to actively encourage exes and participation for historically oppressed communities, not just to eradicate statutory discrimination.

The State may grant reservations in public employment to under Represented Backward Classes in Government Services under Article 16. Close four. This provision acknowledges that differential treatment may be necessary for equal opportunity in our society, which is highly unequal.

When combined, these clauses represent the substantive equality principle that the Constitution allows for remedial actions to address ingrained social and structural disadvantages rather than limiting itself to nominal equality (treating everyone equally).

#### **b) The constitutional idea of merit**

Marriott and reservation are not mutually exclusive, as the Supreme Court has repeatedly stressed. Instead, both stem from equality guaranteed by the Constitution. Therefore, rather

than working against social justice, merit must work in tandem with it.

## 2. Landmark judicial decisions

### a) Early constitutional conflict: State of Madras VS Champakkam Dorai Rajan, 1951<sup>4</sup>

In 1951, the Supreme Court heard one of the first challenges to the reservation. The court ruled that caste-based seat distribution in educational institutions was unconstitutional since it went against Article 29 (2)'s anti-discrimination clause. As a result of this ruling, Parliament passed the first Constitutional Amendment Act, adding Article 15(4). Affirmative action was given constitutional legitimacy when the amendment made it clear that the state might provide specific protections for underprivileged groups lengthy court discussion on striking the right balance between equality and reservation began with this episode.

### b) Indra Sawhney Versus Union of India 1992: The defining judgment

The most authoritative ruling on reservations is still the nine-judge bench ruling in this case.

The court established a number of fundamental principles:-

1. **50% ceiling rule:** generally speaking, reservation Should not go above 50% unless there are special circumstances. The purpose of this restriction was to avoid the general category from being overly excluded and to maintain equity in public employment.
2. **Creamy layer doctrine:** Members of OBCs who are economically and socially advanced must not be eligible for reservation benefits. Ensuring informative action reaches those who are truly disadvantaged was the goal.
3. **Merit safeguards:** The court made it clear that open competition cannot be entirely replaced by reservation, even though it is constitutional, you have to keep things in balance.

Crucially, the ruling disregarded the claim that Meredith was inevitably destroyed by reserve. Rather, it acknowledged that social deprivation might impact opportunity and performance;

---

<sup>4</sup> AIR 1951 SC 226

therefore, merit needs to be considered in the context of greater equality.

**c) Ashoka Kumar Thakur versus Union of India 2008<sup>5</sup>**

In this case the 93<sup>rd</sup> Constitutional amendments constitutionality of OBC reservation in higher education was reviewed. The Supreme Court reiterated the necessity of excluding the creamy layer while upholding the policy. The Court further underlined that equality allows for varied treatment to address historical injustices rather than at right banning affirmative action. The necessity of reviewing backwardness data regularly was another significant finding according to the Court. Reservation rules ought to be backed by current and trustworthy empirical data.

**d) Janhith Abhiyan VS Union of India 2022<sup>6</sup>: Economic reservation**

For those not covered by the current caste-based quotas, the 100<sup>th</sup> constitutional amendment established a 10% reservation for the EWS category. The Supreme Court affirmed the modification, and the majority came to the conclusion that exclusion of SCS, STS and OBCS from the AWS group did not contradict the fundamental structure and that economic criteria might be a legitimate basis for affirmative action.

The ruling added an additional dimension to the merit debate- Whether economic hardship alone warrants preferential treatment and broadens the discussions of reservations beyond caste. The changing conception of social fairness within constitutional bounds is reflected in the ruling.

**e) State of Punjab V Davinder Singh 2024<sup>7</sup>: Subclassification within SC/ST**

In a significant constitutional development, the Supreme Court permitted subclassification within SC and Street states, which may now create internal categories to ensure that the marginalised groups within these communities receive effective benefits. This ruling acknowledges that backward classes are not homogeneous and that internal disparities may require targeted intervention, demonstrating a refined understanding of equality and merit, recognising layered disadvantages within constitutionally recognised categories.

---

<sup>5</sup> (2008) 6 SCC 1.

<sup>6</sup> 2022) SCC OnLine SC 1540.

<sup>7</sup> 2024 SCC OnLine SC 1860 or 2024 INSC 562

**f) A recent clarification on Merit List( 2025 -2026)**

A key administrative concept that has been upheld by recent Supreme Court rulings: A candidate from a reserve category shall be counted in the general class rather than being subtracted from the reserve quota if they qualify based on open merit without using a waiver. Both open competition and reserve rights are safeguarded by the strategy it guarantees the integrity of the reservation system while preventing disadvantaged groups from being penalized for merit performance.

**3. Judicial reexamination of merit**

A limited score based understanding of merit has been progressively abandoned by Indian courts. Academic results are now directly impacted by social capital, economic stability, and access to high quality education according to judicial reasoning. Thus, merit is viewed as the result of opportunity. A solely Marx based evaluation may perpetuate existing inequalities in situations where opportunities are not disposed equitably. Reservations and merit are both derived from the fundamental promise of equality according to recent judicial comments. Therefore, the alleged conflict among them is fundamentally incorrect.

**4. High Court developments and emerging trends****a) Scrutiny of preference mechanisms**

When it seemed state measures were distorting fair competition, several high courts stepped in. For instance, inappropriate domicile preferences in specialized postgraduate medical admissions have been pronounced unconstitutional by courts, highlighting the need for open and transparent merit criteria to achieve professional competence. In a similar way, court decisions have questioned the granting of extra socio-economic points in promotions when doing so compromises impartial evaluation standards. These rulings show that arbitrary order balance preferences will not withstand legal scrutiny, even though farming actions are protected.

**b) Horizontal reservations and gender justice**

The appropriate application of horizontal reservations, such as those for women in the EWS category, has also been considered by the court. Accurate preparation of the merit list and

consistent overlap-free application of reservation categories have been ensured by judicial directives. This indicates that judges are paying more attention to procedural justice when implementing reservations.

#### **4. Contemporary constitutional questions**

As the reservation issue develops, significant questions are raised:

- Is it possible to expand reservation policies to private schools?
- Can deviations from the 50% ceilings be justified by extraordinary state conditions, or is it an absolute?
- Should more general metrics like diversity representation and institutional inclusivity be included in merit?

Several states have tried to go beyond the 50% threshold, which has led to new constitutional issues. These changes imply that, rather than being static, reservation during prudence is still evolving.

#### **5. Balancing Merit, Equality and Social Justice**

Reservation is not regarded as an exception to equality under the Constitution, it incorporates affirmative action into the concept of equality

Overtime judicial interpretation has been made clear that:

- One tool for substantive equality is reservation.
- A merit must not be viewed in a vacuum but rather in a context of society.
- To preserve equilibrium, safeguards like quantitative restrictions and the creamy layer doctrine are crucial.

#### **Reservation and merit: A constitutional perspective**

In India Affirmative action also referred to as reservation as constitutional provision intended to remedy systematic discrimination and long lasting historical injustices It aims to give groups

that have long been shut out of mainstream opportunities more access to political engagement public jobs and education however detractors frequently contain that reservations could weaken standards by sacrificing merit however social justice and merit are not seen as mutually exclusive under the Indian constitutional system rather it seeks to balance the two ideals recognizing the democracy necessitates both accidents in performance and equity in excess.

Therefore, creating policies that rationally and ethically balance merit and reservation rather than picking one over the other is the true difficulty.

## **6.1 Criteria and eligibility**

### **1. Constitutional foundations**

The Indian Constitution directly supports the legitimacy of reservations. The state is authorised to carry out affirmative action under some provisions:

- **Article 15(4) and 15(5)** Approve special measures to promote SCS and STS, especially in educational institutions and socially and educationally disadvantaged classes.
- **Article 16(4)** Permits the state to give under Represented Backward Classes in government services in reservation in public employment.
- **Article 46** Protection, which is a component of the DPSP instruct the state to safeguard the weaker from social injustice and advance their economic and educational interests.

The substantive equality idea is reflected in these clauses in order to establish true equality of opportunity, the Constitution allows for differential treatment when needed, rather than just guaranteeing similar treatment.

### **2. Determining eligibility: core criteria**

Instead of being based on arbitrary classification, reservation policies are created by recognisable and defined criteria among the primary determinants:

#### **a) Social backwardness**

Cast hierarchy has long been associated with socioeconomic disadvantage in India. Socially

backward groups are those that have experienced institutionalised stigma, Exclusion and occupational segregation. These criteria are evaluated by commissions and official lists to determine which localities they qualify.

#### **b) Educational and economic indicators**

Measurable variables, including literacy rates, dropout rates, household income, healthcare access, housing conditions and public resource availability, are progressively incorporated into the creation of modern policies in order to more precisely identify disadvantage. There is rising support for the use of multidimensional indices that incorporate living standards, income, education and health.

#### **c) Inadequate representation**

Proven under-representation in administrative services in public institution are high, and higher education is frequently used as a justification for employment reservations. The goal is to correct systematic exclusion from decision-making settings rather than only reduce poverty.

#### **d) Exclusion mechanisms**

Employment reservations are often justified by demonstrated underrepresentation in public institutions, higher education and administrative agencies. Instead of just reducing poverty, the objective is to address structural exclusion from decision-making environments.

### **3. Expanding the debate: Emerging categories**

Conventional caste-based frameworks have not been the focus of recent discussions. Today's policy discords look at:

- Should affirmative action be justified solely based on economic disadvantage?
- The necessity of addressing urban disadvantage in ways that might not neatly fit caste-based measures in rural areas.
- Intersectional disadvantage, which includes the joint impact of disability, gender and caste, these changes are indicative of a changing perception of backwardness

in modern-day India.

#### **4. Sector-specific variations**

The requirements of eligibility vary depending on the industry:

- Educational institutions: Disparities in school infrastructures, geographic disadvantage, and socio-economic background may be taken into consideration by admission criteria.
- Public employment: Diversity in administration and representation continues to be priorities.
- Political representation: To guarantee the inclusive participation of underrepresented groups distinct constitutional provision sets aside legislative seats.

Reservation is therefore not a standard technique; rather, it changes based on institutional goals.

### **6.2 Temporal limits and sunset clauses**

#### **1. Conceptual basis**

The original idea for reservations was to close the gap between historically marginalised Europe and the general public. Instead of seeing it as a permanent system, many constitutional philosophers saw it as a transitional tool.

By establishing temporal limitation affirmative action is kept purpose-driven and not limitless

#### **2. Importance of periodic review**

Sunset mechanisms have multiple purposes:

- Evaluation: They force decision makers to consider whether inequality still warrants action.
- Democratic accountability: They keep policies from solidifying without question.
- Policy flexibility: They permit revaluation in view of socioeconomic advancement

The design of the reservation may need to be modified rather than just continued because certain communities undergo upward mobility.

### **3. Practical challenges in India**

There are challenges in implementing sunset clauses in India:

- Persistent regional differences in socioeconomic status
- Politics in relation to reduction or withdrawal.
- A inadequate thorough data on long term result

However, current policy debates suggest conditional review procedures which type continuance to quantifiable standards like employment equity, proportional representation or literacy parity.

### **6.3 Monitoring accountability and data-driven evaluation**

#### **1. Necessity of ongoing assessment**

The goal of reservations is transformative inclusion, not just seed filling; therefore, the effectiveness of effective policy needs to be regularly evaluated, and monitoring makes sure that reservation supports social mobility, administrative diversity and academic success

#### **2. Strengthening data systems**

The best aggregated and trustworthy data is crucial for evaluation, which ought to monitor variables like:

- The rate of admission and completion
- Trends in professional growth
- Disparities by gender and region
- Generational mobility in the economy

### **3. A measuring outcomes beyond excess**

Policy success cannot be captured solidly by numerical representation; a meaningful evaluation has to contain:

- Higher education retention and graduation rates
- Learning new skills and increasing revenue over time
- Inclusion and dignity in work
- Advancement and leadership roles in government service

### **4. Institutional oversight**

Evidence-based evaluation can be supported by independent commissions, academic research institutions and civil society organisations. Studies that track recipients across a number of decades may provide further insight into the efficacy of initiatives.

### **5. Adaptive Policy Framework**

The refinement is made possible via ongoing evaluation:

- A modification of quotas in cases where gaps close
- Implementing training initiatives to boost competitiveness
- Creating exit plans and stages for groups that reach quantifiable parity.

### **Balancing merit and social justice: A constitutional dialogue.**

#### **1. Rethinking merit**

Merit is frequently presented as impartial and objective; however, performance outcomes are greatly influenced by excessive stable settings, social networks, nutrition and high-quality education. Therefore, it is impossible to comprehend merit without taking structural context into account.

Fair competition requires relatively equal starting conditions, which is acknowledged by the constitutional commitment to equality. Formal equality may serve to strengthen current hierarchies if corrective action is not taken.

## **2. Reservation as enabler of excellence**

In fact, inclusive policies can increase the pool of talent rather than lowering standards. Diversity boosts democratic legitimacy Broadens perspectives, and improves institutional resilience. Without reducing standards, reservations can turn potential into moments when combined with mentorship programs and economic support systems.

## **3. Future directions**

A balanced constitutional strategy needs to:

- Continue to uphold the dedication of substantive equality.
- Acknowledge that merit is socially conditioned rather than exclusively personal.
- Rely on reliable data 2 data 1 eligibility and continuation.
- Offer systematic review procedures connected to quantifiable results.

## **7. Social and economic impacts and regional variations**

### **7.1 Education, employment and mobility**

#### **Education**

Reservation in India represents one of the longest-standing constitutional tools designed to correct deep-rooted social disadvantage. The Constitution recognised that formal equality alone would not dismantle centuries of caste-based exclusion. Accordingly, Articles 15 and 16 authorised the state to introduce special measures for the advancement of socially and educationally backward classes, including SCS, STS and OBCS and more recently EWS category

Constitutionally mandated quotas in higher education, 15% for SCS, 7.5% for STS 27% for

OBCS and 10% for EWS in central institution had made it possible for marginalised amenities to attend universities. Reservation effects all education is multifaceted and cannot be boiled down to a single Story

**Expansion of access:** Reserved seats have helped historically underrepresented groups CR discernible increase in enrolment over time as a result, representation in higher education has gradually increased to match their demographic share.

**Unequal starting points:** Many attend an underfunded school, especially those in rural and rival areas. Academic readiness is impacted by inadequate facilities a shortage of qualified educators, and little exposure to competitor settings; therefore, educational inequalities are not always eliminated by access through reservation.

**Debate on merit:** One common complaint is that academic standards are compromised by lower qualifying scores. Supporters of reservations counter that their social environment cannot be separated from ballot economic stability, coaching facilities and access to high-quality education, all of which influence performance and competitive exams. According to this perspective, reservations aimed to raise opportunities rather than lower them.

The scope of reservation in education has also been broadened by judicial and constitutional developments, while the 100 Third Amendment established a 10% quota for the EWS category, indicating a shift towards integrating economic criteria alongside social backwardness and the 93<sup>rd</sup> Amendment allowed reservation for overseas and private unaided educational institutions apart from minority institutions.

## **Employment**

Public employment has been significantly impacted by reservations, particularly in government agencies, public sector projects and administrative services.

**Broader representation:** Members of the SC and Street were notably underrepresented in government deployment at the time of independence. Reservation policies have guaranteed them access to technical, administrative, and clerical jobs for decades. In addition to financial stability, stable work in the public sector has facilitated upward mobility and social recognition.

**Limitations in the private sector:** Reservation policies applied to governmental employment,

although the private sector mostly functions outside of them, opportunities and the reservations have comparatively decreased as government hiring has slowed recently and privatisation has expanded, creating questions about future inclusivity.

**Promotion and seniority issues:** Promotional reservations, which are backed by constitutional clauses like articles 16(4) and 16(4B), have come under intense legal examination before permitting promotional quotas. Quotas have demanded information on underrepresentation and backwardness. As a result, implementation differs between agencies and states, which has an impact on reserve category personnel's ability to grow in their careers.

### **Mobility**

Generational migration has been one of the most significant effect of reservations many families from previously marginalized communities have been able to enter the middle class because to access to education and TD work This change encompasses more than just income it also involves better living condition increased social standing and political involvement these benefits are not dispersed equally though relatively advanced subgroups frequently gain more consistently from reservation schemes Disparities within communities persist despite the cumulative theory which aims to stop the wealthier OBC members from monopolizing advantages the most marginalized groups within these categories may so continue to be under represented.

## **7.2 Regional disparities and accessibility**

### **State-level variations**

Different regions of India have different reservation regulations States vary there greatly in their administrative effectiveness political histories and demographic makeup which effects how they implement policies and how they turn out For instance Tamil Nadu which has a strong history of social justice activism has one of the biggest reservation system in the nation about 69% as a result under Served areas and now far more involved in public service and education however disparities still exist in these communities Up to date demographic information on that classes has been made available by recent caste based socioeconomic surveys conducted in states like Orissa and Telangana These studies show how reservation revolution continue to change in response to local reality and have an impact on state level policy decisions about

welfare programs and quota allocation.

Criteria like residence restriction, OBC sub-categorisation, and enforcement procedures for restricted positions also differ between states. These variations have a direct impact on how well benefits are received by the targeting groups.

### **The Division of Urban, Rural, and Infrastructure**

**Educational infrastructure gap:** It is common for students in remote or tribal aid community schools that lack digital access, libraries, labs and qualified teachers. Foundation labs can impair performance and confidence, even though reservations may help individuals get into higher education.

**Access to competitive resources:** Career counseling internships, and networking opportunities are generally more accessible to our students and these benefits increase their capacity to make efficient use of reservation benefits rural candidates on the other hand might experience limited access to information about opportunities financial limitation and relocation difficulties therefore whereas resolutions offer official entrance points the socio economic context infrastructure and geography all influence actual accessibility.

## **8. Policy recommendations for a strengthened constitutional alignment**

### **1. Redefining merit in an unequal society**

#### **1.1 Merit as context-based**

Exam results are quantifiable performance and are frequently the only criteria used to evaluate merit. This is predicated on the idea that all competitors have the same starting place. In actuality, a lot of people experience disadvantages like educational, financial difficulties, social discrimination and a lack of family support. Ignoring these elements results in an incomplete assessment of worth.

### **Policy suggestions**

- Include socioeconomic background, rural location, type of schooling and first-generation learner status in an evaluation system.

- Employ comprehensive evaluation techniques that assess not only academic achievement but also leadership, inventiveness, tenacity and problem-solving skills

Instead of focusing just on legal equality, this method represents substantive equality.

## **1.2 Balanced and weighted evaluation**

Social fairness and excellence must coexist; this equilibrium can be obtained with the aid of a systematic weighted system.

### **Policy suggestions:**

- The composite model in which the quantity favourable disadvantage is represented by 30% and the objective performance accounts for the majority (for example, 70%).
- To guarantee openness and evidence-based reports, the examination body must mandate that it categorise performance data.

### **Constitutional basis:**

Special arrangements for backward classes are allowed under Article 15, Class 4 and 16 Class Four. According to Article 16 class one equal opportunity is strengthened by contextual knowledge of merit.

## **2. Making reservation policies dynamic and evidence-based**

### **2.1 Periodic review mechanisms**

Without reevaluations, reservations should not be fixed, as economic and social circumstances evolve over time.

### **Policy suggestions:**

- Create impartial review Organizations at the federal and state levels.
- Symmetrics, including kingdom data, employment representation, education levels and access to basic services, to contain reviews every 5 years.

## **2.2 Gradual adjustment mechanisms**

The goal of affirmative action is to address inequality. It is not intended to be permanent without reassessment.

### **Policy suggestions**

- If quantifiable parity is reached, step-wise reduction should be implemented
- Make sure any adjustments are made gradually and with care.

### **Constitutional basis**

Flexibility in identifying backward classes depending on evidence is permitted by Article 16(4).

## **3. Strengthening support beyond quotas**

### **3.1 Pre-entry preparation**

Excess is granted by reservation, but preparation is necessary for success.

### **Policy suggestions**

- The established government has sponsored some programs for coaching and preparation.
- Increase the scope of scholarships to include bridge courses and mentoring.
- Create online educational resources for underprivileged areas.

### **3.2 Inclusive institutions**

Institutions must create environments where beneficiaries can succeed.

### **Policy suggestions**

- Provide academic support and mentorship programs.

- Train faculty members in diversity and sensitivity.
- Create efficient procedures for resolving Grievances.

#### **4. Responsible and inclusive implementation**

##### **4.1 Reducing social tension**

Reservations often lead to misunderstanding and polarisation.

##### **Policy suggestions**

- Run public education initiatives outlining the constitutional justification for reservations.
- Plan community conversations using factual information and encourage well-informed scholarly discussions.
- Social harmony can be strengthened through constructive discourse.

##### **4.2 Addressing stigma**

Beneficiaries should not face assumptions about incompetence

##### **Policy suggestions**

- Give prizes to underprivileged groups in recognition of their excellence
- Draw attention to encouraging success stories in the press and encourage the concept of greatness that is inclusive.

#### **5. Transparency and accountability**

##### **5.1 Reliable data collection**

Strong data is essential for effective policy

##### **Policy suggestions**

- Perform socioeconomic surveys regularly. Disaggregated Statistics on promotions, Employment and Admissions should be published
- To keep an eye on implementation, use digital systems.

## **5.2 Independent oversight**

Monitoring ensures fairness and efficiency

### **Policy suggestions**

- Establish an impartial body to assess the reservation result
- Release yearly reports and permit parliamentary examinations.

## **6. Role of the judiciary**

Quotes have shaped reservation law and must continue to balance equality with fairness.

### **Policy suggestions**

- Promote judicial review that is based on data
- Prevent abuse while preserving substantive equality
- Apply constitutional morality to the interpretation of Articles 15 and 16.

## **Conclusion**

Instead of preferring one over the other, India's constitutional debate on merit and reservation seeks to bring both together within the broader framework of equality. In a country that has historically been marked by a systematic disadvantage and caste-based exclusion, Reservation is a constitutionally sanctioned means of attaining substantive equality; It is not an exception to the equality principle. Since Unequal socio economic conditions result in unequal starting locations, Formal equality is insufficient to ensure actual justice. Thus, the state is permitted by articles 15 and 16 to use affirmative action in order to guarantee true equality of opportunity. In *Indra Sawhney v UOI*, the Supreme Court of India made it abundantly evident that merit and social reality are inextricably linked. Access to education, Economic stability and social

capital all have a significant impact on performance outcomes. Using ideas like the creamy layer theory and the 50% ceiling rule, the court has tried to strike a balance between institutional effectiveness and inclusivity. In *Janhit Abhiyan VS Union of India*, Economic disadvantage was later recognised as a basis for reservation, further illustrating the evolving understanding of equality under the Constitution. Empirical trends demonstrate that reservation Have enhanced representation, expanded access to public employment and education and encouraged upward mobility, even in the absence of hard evidence of reduced standards. Ultimately, the Constitution sees a positive relationship between social justice and greatness, acknowledging that true equality can only flourish when opportunities are distributed equitably. As a result, the reservation remains an essential instrument for fulfilling India's transformative pledge of equality.