



## Historical background and constitutional basis of Caste-Based reservation In India: A critical analysis

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### Abstract

This article focused on the system of caste-based reservation in India is an important social policy adopted to remove social injustice and historical deprivations. It originated during British India, when the concept of reservation was first introduced by the Hunter Commission in 1882. In 1901, Shahu Maharaj introduced reservation in the Kolhapur state of Maharashtra, which was the first government order for Dalits and backward classes. After independence, reservation for socially, educationally and economically backward classes got constitutional recognition through provisions like Articles 15(4), 16(4), and 46 in the Indian Constitution. The Supreme Court fixed the maximum limit of reservation at 50% and introduced the concept of 'creamy layer'.

This article focuses on how reservations have played a vital role in social justice. How this policy helps promote social inclusion and equality. This article also highlights its critical aspects, including concerns about eligibility, social divisions, political exploitation, and policy misuse.

In this article writer focused on, the historical evolution of reservation, its constitutional basis, judicial decisions, and its impact have been analysed in detail, thereby presenting a comprehensive picture of its role and limitations.

**Keywords:** Scheduled castes (sc), scheduled tribes (st), other backward classes (obc), reservation percentage, articles 15(4), 16(4) of the constitution, mandal commission, creamy layer, right to equality, social inclusion, positive discrimination, judicial decisions, constitutional amendments, economically weaker sections (ews), social justice, caste system, historical deprivation reservation in education and employment, social division

### Introduction

This critical analysis of caste-based reservation in India, based on its historical background and constitutional basis, attempts to understand the legal and social aspects of how this policy has evolved towards social justice. The analysis highlights the social benefits of reservation as well as its criticisms, such as impact on merit, social divisions, political exploitation, and challenges of misuse. Also, it has been seen how the Supreme Court tried to maintain policy balance while determining the limits and direction of reservation. This introduction outlines the basis of this entire analysis, which presents a holistic view of the significance of caste-based reservations in Indian society, enacted rules, and judicial interventions.

Thus, this introduction not only explains the historical and constitutional basis of reservation, but also points out its contemporary controversies and reform needs, which are essential for the growth and successful implementation of the policy. This analysis provides a comprehensive integrated view of the need for, achievement of, and reform of caste-based reservation in Indian society.

### Historical Background of Caste-Based Reservation in India

The concept of caste based reservation in India is a step taken to eradicate the social inequalities and the roots of caste system, which was mainly started with the aim of providing opportunities to backward and deprived communities.

**a. Beginning in the colonial period:** In the late 19th century, social reformers like Jyotirao Phule and

prominent British officials felt the need for reservation to reduce social injustice in the society. In 1882, William Hunter called for increased representation for the weaker sections in Hindu society.

- b. First Local Reservation:** In 1901, Shahu Maharaj of Kolhapur introduced reservation in jobs and education for Dalits, which is considered a symbol of social advancement of the deprived communities.
- c. Efforts for reservation at the state level:** In 1921 the Mysore State introduced the innovation for the rear army, which later extended to other provinces as well. The Government of India Act of 1935 included provisions for special constituencies and reservations for Dalits, ensuring political representation.
- d. Contribution of Dr. Ambedkar:** Dr. Bhimrao Ambedkar considered reservation as a necessary measure for the rights of Dalits and demanded its legal provision in the Constitution after independence.
- e. Constitutional acceptance in independent India:** In 1950, the Indian Constitution gave constitutional validity to reservation for socially and economically backward classes by including it in Articles 15(4), 16(4), and 46. This subsequently laid the foundation for the expansion and development of reservations for various social classes.

Thus, the historical background of caste-based reservations is a result of India's continuous efforts towards social

justice. Its purpose is to reduce social inequalities and provide equal opportunities to all citizens. The idea of caste-based reservations stems from a desire to address the social injustice and inequality of opportunity prevalent in pre-colonial Indian society.

The Constituent Assembly began discussing reservations after independence in 1947. When the Indian Constitution came into force in 1950, constitutional provisions for reservations were included in Articles 15(4), 16(4), 46, and 340<sup>[1]</sup>. The first amendment to the Constitution, which was made in 1951 regarding reservation, gave legal recognition to reservation.

**f. The Mandal Commission:** it's formed to identify socially and educationally backward classes and provide them with reservations and other benefits. In 1980, the Mandal Commission issued recommendations recommending 27% reservation for OBCs.

Mandal Commission report<sup>[2]</sup> implemented in 1990; political and social controversy arose. In the year 1992, special constitutional protection was provided to the reservation policy for SC/ST (Scheduled Castes/Scheduled Tribes), and its limits and conditions were also clarified<sup>[3]</sup>. The Supreme Court ruled in 2006 that the reservation limit should not exceed 50%. In 2019, the 103rd Constitutional Amendment provided for 10% reservation for the economically weaker sections (EWS).

### Constitutional Basis of Caste-Based Reservation

The provision of caste-based reservation in the Indian Constitution is deeply rooted in the constitutional concepts of social justice, equality, and human dignity. India's social structure has historically been influenced by the caste system, in which social status, occupation, education and access to resources have been determined by birth. This system kept a large section of the society, especially the Scheduled Castes and Scheduled Tribes, socially, economically and educationally deprived for a long time. The framers of the Constitution, recognizing this historical injustice, embraced the concept of substantive equality, rather than merely formal equality. It was against this backdrop that the constitutional basis for caste-based reservations developed<sup>[4]</sup>.

The Preamble of the Constitution declares India to be a sovereign, socialist, secular and democratic republic and expresses its resolve to establish justice, social, economic and political. This ideal of social justice provides the moral and ideological basis for the reservation policy. The concept of equality has been expanded from being limited to equality before the law to equality of opportunity. This approach provides constitutional validity to caste based reservation.

The Indian Constitution provides the right to equality before the law and equal protection of the laws<sup>[5]</sup>. Judicial interpretation has made it clear that Article 14 does not adopt an absolute concept of equality but accepts reasonable classification. When the purpose of classification is logical and has a direct bearing on the objective sought to be achieved, such classification is not considered a violation of Article 14. Caste-based reservation is based on this principle of rational classification, as it aims to bring historically disadvantaged sections into the mainstream<sup>[6]</sup>.

The right to equality<sup>[7]</sup> applies to various spheres of social life. Article 15(1) prohibits the State from discriminating on

grounds of religion, race, caste, sex, or place of birth. However, Article 15(4) extends this general prohibition, not an exception. It allows the state to make special provisions for socially and educationally backward classes and for the Scheduled Castes and Scheduled Tribes. This provision recognizes the fact that equal treatment does not always produce equal results, especially when initial conditions are unequal.

Guarantees equal opportunity in the field of public employment<sup>[8]</sup>. Article 16(1) makes a general declaration of equal opportunity, whereas Article 16(4) empowers the State to make reservations for such backward classes as are not adequately represented in the services of the State. This provision reflects the objective of social representation and administrative inclusion. The Supreme Court has from time to time clarified that Article 16(4) is not contrary to the principle of equality but is a means to achieve its objective. Article 46 contained in the Directive Principles of State Policy further strengthens the constitutional basis for caste-based reservation. This article directs the State to promote with special force the educational and economic interests of the Scheduled Castes, the Scheduled Tribes and other weaker sections and to protect them from social injustice and exploitation. Although the Directive Principles of State Policy are not enforceable by the courts, they serve as guiding principles in the policy-making process of the State. In terms of political representation, Articles 330 and 332 provide for reservation of seats for Scheduled Castes and Scheduled Tribes in Parliament and State Legislatures. This provision seeks to ensure the participation of marginalized groups in the democratic process. Furthermore, Article 335 mandates that SC/ST claims be considered with a view to administrative efficiency, from which it becomes clear that the Constitution wants to establish a balance between social justice and administrative efficiency.

Article 340 provides for the establishment of a commission to identify and investigate the status of backward classes. The Kaka Kalelkar Commission and later the Mandal Commission were established under this article. This constitutional arrangement underlines the fact that identification of backwardness is a dynamic process, which requires periodic re-evaluation.

From a judicial perspective, the constitutional basis of caste-based reservation has been clarified and refined by various decisions of the Supreme Court. In particular, in the *Indra Sawhney v. Union of India*<sup>[9]</sup> decision, the Court declared that reservation is not an exception to the right to equality, but an expression of it. The Court also held that social backwardness should be the main basis for reservation and mere economic poverty cannot be a sufficient criterion. Also, attempts were made to balance the reservation policy through principles such as the general limit of 50 per cent and the creamy layer principle.

Thus, the constitutional basis for caste-based reservation is multifaceted. It combines the principles of equality, social justice, representation, and dignity. Both the Constitution makers and the judiciary have recognised that as long as structural inequalities exist in society, there will be a need for affirmative measures like reservation. Therefore, caste-based reservation should be seen neither as a temporary political convenience nor as a permanent privilege, but should be understood as a constitutional instrument of social change, whose ultimate objective is to establish an egalitarian and just society<sup>[10]</sup>.

### Judicial Approach for the Constitutional Basis of Caste-Based Reservation

The Supreme Court has played a crucial role in clarifying the constitutional validity and limits of caste-based reservation in India. The provisions relating to reservation in the Constitution are relatively broad, but the responsibility of their interpretation, implementation and balance has been on the judiciary. Through its decisions from time to time, the Court has attempted to strike a constitutional balance between equality, social justice and administrative efficiency.

*State of Madras v. Champakam Dorairajan* <sup>[11]</sup>, this decision is considered the first significant judicial decision concerning reservations in India. The Madras State challenged caste-based reservations in education. The Supreme Court ruled that discrimination on the basis of caste was prohibited under Article 15(1) and that the state order was unconstitutional. This decision led to the First Constitutional Amendment, 1951, which added Article 15(4). Thus this decision proved to be a historic milestone in the constitutional development of the reservation policy.

*State of West Bengal v. Anwar Ali Sarkar* <sup>[12]</sup>, this case interpreted the principle of equality under Article 14. The Court established the principle of reasonable classification. This decision further provided the basis for validating caste-based reservation under Article 14, as reservation was seen as a reasonable classification.

*M.R. Balaji v. State of Mysore* <sup>[13]</sup> in this decision, the Supreme Court clarified for the first time that the scope of reservation cannot be unlimited. The Court held that "backward classes" could not be identified solely on the basis of caste and that the amount of reservation should generally not exceed 50 percent. This decision was an initial attempt to strike a balance in the reservation policy.

*Devadasan v. Union of India* <sup>[14]</sup> This case challenged the "Carry Forward Rule." The Court held that excessive reservations were against Article 16(1). This decision clarified that reservations cannot completely abrogate the right to equality.

*State of Kerala v. N.M. Thomas* <sup>[15]</sup> This decision is considered a turning point in the constitutional philosophy of reservation. The Court held that Article 16(4) is not an exception to, but an extension of, Article 16(1). This decision reinforced the concept of "substantive equality."

*Indra Sawhney v. Union of India* <sup>[16]</sup> This decision is considered the most comprehensive and decisive judgment on caste-based reservations. In this case, the constitutional validity of the Mandal Commission's recommendations was challenged.

The Supreme Court upheld the 27% OBC reservation. It also enunciated several important principles:

1. The general limit for reservation should not exceed 50%;
2. The primary basis for backwardness should be social backwardness;
3. The creamy layer principle would apply,
4. Reservation in promotions would generally be unconstitutional.

This decision provided a permanent constitutional framework to the reservation policy.

*M. Nagaraj v. Union of India* <sup>[17]</sup>, This decision upheld the validity of the 77th, 81st, 82nd, and 85th Constitutional

Amendments relating to reservation in promotions for SCs/STs.

*Jarnail Singh v. Lachhmi Narain Gupta* <sup>[18]</sup>, in this decision, the Court clarified that re-certification of backwardness is not required for SC/STs, but the creamy layer principle will still apply to SC/STs. This decision further clarified the balance between social justice and equality.

*Jaishri Laxmanrao Patil v. State of Maharashtra* <sup>[19]</sup> This case declared the Maratha reservation unconstitutional and upheld the 50% limit as part of the basic structure of the Constitution. This decision reaffirmed the limits on reservation.

### Conclusion

The above judicial decisions make it clear that the constitutional basis for caste-based reservations is not limited to legislative provisions but has been continuously evolving through judicial interpretations. The Supreme Court has recognized reservation as a means of social justice and has also set limits on it. Thus, the judiciary has neither allowed the reservation policy to become an absolute privilege nor to go against equality. Caste-based reservation is today a vibrant constitutional concept, which has been continuously refined by judicial discretion in accordance with social realities.

These decisions have tried to maintain a balance between social justice and equality while keeping the reservation policy within constitutional limits. These decisions were given keeping in mind the socio-political context of Indian society in their respective periods.

The Indian Constitution considers caste-based reservation as an effective tool for social reconstruction and redressal of historical injustice. The Indian Constitution recognizes caste-based reservation as an effective tool for social reconstruction and redressal of historical injustices. It promotes inclusive development and seeks to bring marginalized groups into the mainstream. Its constitutional provisions are subject to judicial review, so as to maintain balance in society and efficiency in administration.

### References

1. There was a need to identify backward classes under Article 340 of the Constitution. The report of the Kaka Kalelkar Commission had not been fully implemented, so a new commission was needed, 1953.
2. The Mandal Commission was established on to identify the Other Backward Classes (OBCs) in India and to ensure their fair representation and social justice in education and government services. It was formed based on promises made in the Janata Party government's election manifesto and a socio-political consensus. The commission was formed by the government of then Prime Minister Morarji Desai. B. P. Mandal was appointed its chairman, 1979.
3. This is mainly understood in the context of the decision of *Indra Sawhney vs Union of India* AIR 1993 SC 477. In this case, the Hon'ble Supreme Court upheld the OBC reservation recommendations of the Mandal Commission and laid down fundamental principles like 50% limit, creamy layer principle and prohibition of OBC reservation in promotions.
4. <https://book.iledu.in/wp-content/uploads/2023/09/42.pdf>.
5. Article 14 Constitution of India.

6. <https://repository.nls.ac.in/cgi/viewcontent.cgi?article=1473&context=nlsj>.
7. Article 15 Constitution of India.
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11. AIR 1951 SC 226.
12. AIR 1952, SC 75.
13. AIR 1963 SC 649.
14. AIR 1964 SC 179.
15. AIR 1976 SC 490.
16. AIR 1993 SC 477
17. AIR 2007 SC 71.
18. AIR 2018 SC 4729.
19. AIR Online 2021 SC 240.