

Reservation Policy in India: A Critical Analysis of Social Justice and Political Representation

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Abstract:

Reservation, the constitutional practice of setting aside seats, posts and legislative constituencies for historically disadvantaged groups, remains India's most ambitious and most contested instrument of social justice. This paper critically examines the policy's normative foundations, constitutional evolution, judicial regulation and measurable outcomes in education, public employment and political representation. Drawing on constitutional provisions, landmark judgments and official datasets, including the All India Survey on Higher Education 2022–23, the Department of Personnel and Training's Annual Report 2024–25 and the Bihar caste survey of 2023, the analysis shows that reservation has widened entry-level access substantially: Scheduled Caste and Scheduled Tribe enrolment now approaches population shares, and reserved constituencies deliver stable descriptive representation. However, representation thins at senior levels, in faculty ranks and in the unreserved private economy, while intra-group inequality, unfilled reserved posts and a persistent data deficit weaken the policy's redistributive and integrative claims. Recent developments, namely the sub-classification of Scheduled Castes, the 2026 reformulation of the creamy-layer test, the Economically Weaker Sections quota and the decision to enumerate caste in Census 2027, are reshaping the debate. The paper argues for evidence-based recalibration rather than abolition or mere expansion, anchored in transparent data, effective monitoring and sustained investment in foundational education.

Keywords: reservation policy; social justice; political representation; caste; affirmative action; creamy layer; Scheduled Castes; India.

1. Introduction

Few public policies anywhere have been sustained as long, defended as fiercely and criticised as sharply as India's system of reservations. Rooted in the recognition that caste has historically structured access to land, learning, dignity and power, reservation sets aside a proportion of seats in educational institutions, posts in public employment and constituencies in legislatures for groups identified as historically disadvantaged, principally the Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs). Ambedkar (1936/2014) argued that caste is a graded hierarchy whose effects cannot be undone by charity or reform alone, and in his closing address to the Constituent Assembly he warned that political equality would coexist with deep social and economic inequality unless the latter was actively dismantled (Constituent Assembly of India, 1949). The constitutional text, particularly Articles 15(4), 16(4), 46 and 330, translated that concern into enabling provisions for group-based preference.

The scale of the regime is considerable. The Union government reserves 15 per cent of direct-recruitment vacancies and admissions for SCs, 7.5 per cent for STs and 27 per cent for non-creamy-layer OBCs, and since 2019 a further 10 per cent for Economically Weaker Sections (EWS), a combined 59.5 per cent. States differ widely; Tamil Nadu, for instance, maintains 69 per cent. The policy therefore shapes who enters medical colleges and civil services, who sits in Parliament and village councils, and, increasingly, who is counted in the Census.

The debate it provokes is rarely dispassionate. Defenders present reservation as a corrective to centuries of exclusion and a precondition for substantive equality (Galanter, 1984). Critics contend that it entrenches caste identity, benefits the better-off within beneficiary groups and conflicts with individual merit (Béteille, 1992). Empirical scholarship offers a more textured picture than either camp usually allows: caste gaps in economic outcomes remain wide and persistent (Deshpande, 2011; Thorat & Newman, 2010), yet quotas have demonstrably opened institutions that were previously closed.

This paper contributes a critical, evidence-informed assessment organised around four questions. What normative and constitutional foundations support reservation? How has the judiciary regulated its scope? What has reservation achieved, and where has it fallen short, in education, public employment and political representation? And how are current developments, including sub-classification, creamy-layer litigation, the EWS quota and caste enumeration in the forthcoming Census, reshaping the policy's future?

The study is doctrinal and analytical. It draws on constitutional provisions and Supreme Court judgments, on official statistical sources (the All India Survey on Higher Education [AISHE] 2022–23, the Department of Personnel and Training [DoPT] Annual Report 2024–25, Census 2011, the Bihar caste survey and Lok Sabha composition data) and on peer-reviewed research. Official series differ in reference years, coverage and definitions, so comparisons across tables are indicative rather than strictly like-for-like; limitations are flagged where they matter. Population shares for SCs and STs are taken from Census 2011 (Office of the Registrar General & Census Commissioner, India, 2011).

The paper proceeds in ten sections: conceptual framework (2); constitutional evolution, structure and judicial regulation (3–5); outcomes for social justice and political representation (6–7); contemporary contestations (8); and policy directions and conclusions (9–10).

2. Conceptual Framework: Three Ideas of Justice

Three overlapping ideas of justice underpin the reservation debate. The first is distributive: reservation as a mechanism for correcting inequalities in the allocation of educational and occupational opportunities. Rawls (1971) argued that inequalities are just only if they attach to positions open to all under fair equality of opportunity and work to the benefit of the least advantaged; advocates read caste-blocked opportunity as a paradigmatic violation of that condition. Sen (2009) cautions that justice depends on opportunities actually enjoyed, so a quota on paper is not a realised gain in capability.

The second idea is recognition. Fraser (1995) distinguishes injustices of maldistribution from those of misrecognition and argues that some collectivities are bivalent, suffering both at once. Caste fits this description. It is simultaneously an economic structure that concentrates land, capital and credentials, and a status order that stigmatises occupations and persons. Thorat and Attewell (2007), in a correspondence study, found that job applicants with Dalit or Muslim names received fewer positive responses than equally qualified applicants with upper-caste names, illustrating that misrecognition operates even where formal qualifications are equal.

The third idea is political presence. Young (1990) and Phillips (1995) argue that a politics of ideas is insufficient where the experiences of certain groups are systematically absent from decision-making, and Mansbridge (1999) offers a contingent defence of descriptive representation where historical distrust between groups is deep. Reserved legislative constituencies in India institutionalise a version of this argument.

Indian constitutional debate has its own vocabulary for these ideas. Reservation is often described as protective discrimination, a term that captures its remedial intent but obscures its representational function; the language of proportional inclusion, by contrast, stresses participation in the institutions of the state. The distinction matters because it implies different success criteria. A remedial policy should wither as disadvantage recedes, whereas a representational policy is judged by whether institutions come to reflect the society they serve. Much contemporary controversy, including over sub-classification and creamy layers, reflects unresolved disagreement about which purpose reservation primarily serves.

Against these positions, critics advance what Galanter (1984) called the tension between competing equalities: formal equality, which treats individuals alike, and compensatory equality, which corrects for group disadvantage. Béteille (1992) adds that group-based preferences may harden the very identities they aim to dissolve. This paper uses three lenses derived from these traditions: access (who enters institutions), mobility (who advances within them) and voice (who governs).

3. Historical and Constitutional Evolution

Compensatory preference predates the Constitution. In 1902 Shahu Maharaj of Kolhapur reserved half the posts in his administration for communities outside the Brahmin elite, and non-Brahmin movements in the Madras Presidency pressed similar demands (Galanter, 1984). Mysore's Miller Committee (1918) and Madras's communal government orders of the early 1920s extended the principle across southern India, and the Government of India (Scheduled Castes) Order of 1936, issued under the 1935 Act, produced the first official schedule that later informed Article 341. The Poona Pact of 1932, concluded between Gandhi and Ambedkar, replaced separate electorates for the Depressed Classes with reserved seats in general electorates, a template later adopted for independent India's legislatures.

The Constituent Assembly embedded the principle in several places: reserved legislative seats (Articles 330 and 332), reservation in public employment (Article 16(4)), the state's duty to promote the educational and economic interests of weaker sections (Article 46), the requirement to weigh SC and ST claims consistently with administrative efficiency (Article 335) and the lists of Scheduled Castes and Tribes (Articles 341 and 342). Educational reservation initially lacked an express basis; after the Supreme Court struck down a communal government order in *State of Madras v. Champakam Dorairajan* (1951), Parliament added Article 15(4) through the First Amendment. The 73rd and 74th Amendments (1992–93) later extended reservation to rural and urban local bodies.

The OBC question took longer to resolve. The Constitution deliberately left "backward classes" undefined outside the SC and ST lists, empowering the President to appoint a commission under Article 340; that openness explains why identification has remained the most litigated element of the regime. The First Backward Classes Commission (Kalelkar) reported in 1955 without effect. The Second (Mandal) Commission, reporting in 1980, estimated OBCs at roughly 52 per cent of the population on the basis of 1931 census data and recommended a 27 per cent quota (Mandal Commission, 1980). Its implementation in 1990 provoked violent protest and lasting electoral realignment, and it was upheld with important qualifications in *Indra Sawhney v. Union of India* (1992). Jaffrelot (2003) interprets the subsequent rise

of lower-caste parties in northern India as a silent revolution that reshaped political competition. Since 1992 the constitutional text has been amended repeatedly, as Table 1 shows.

Table 1- Key Constitutional and Legislative Milestones in India's Reservation Regime

Year	Milestone	Significance
1902	Kolhapur State order	Early reservation of half of administrative posts for non-Brahmin communities
1932	Poona Pact	Reserved seats within general electorates replaced separate electorates for Depressed Classes
1950	Constitution of India	Articles 16(4), 46, 330, 332, 335 and 341–342 create the enabling framework
1951	First Amendment	Article 15(4) added after <i>Champakam Dorairajan</i>
1955, 1980	Kalelkar and Mandal Commissions	Identification of backward classes; Mandal recommends a 27% OBC quota
1990–1992	Mandal implementation; <i>Indra Sawhney</i>	OBC quota upheld with a 50% ceiling, creamy-layer exclusion and a bar on promotion quotas
1995–2001	77th, 81st and 85th Amendments	Articles 16(4A) and 16(4B): promotion quotas, carry-forward of vacancies, consequential seniority
2005–2006	93rd Amendment; Central Educational Institutions Act	Article 15(5): reservation in higher education, including a 27% OBC quota
2019	103rd Amendment	Articles 15(6) and 16(6): 10% EWS quota
2020	104th Amendment	SC/ST legislative seats extended to 2030; Anglo-Indian nomination ended
2021	105th Amendment	States' power to notify their own OBC lists restored
2023	106th Amendment (Women's Reservation)	One-third of Lok Sabha and Assembly seats for women; notified into force April 2026, operative after delimitation

Note. Compiled by the author from constitutional texts and amendment acts; the 2023 entry reflects the April 2026 notification reported by LawStreet (2026).

4. The Architecture of Reservation Today

Reservation is not a single policy but a layered architecture. Vertical reservations for SCs, STs, OBCs and, since 2019, EWS operate alongside horizontal reservations for women (in some states), persons with benchmark disabilities and others, which cut across the vertical categories. Table 2 summarises the Union-level structure.

Table 2- Social Categories, Population Shares and Union-Level Reservation

Category	Population share	Union quota	Principal constitutional basis
Scheduled Castes	16.6% (Census 2011)	15%	Arts. 15(4), 16(4), 341
Scheduled Tribes	8.6% (Census 2011)	7.5%	Arts. 15(4), 16(4), 342
Other Backward Classes (non-creamy layer)	Not enumerated since 1931; Mandal estimate 52%	27%	Arts. 15(4), 15(5), 16(4), 340
Economically Weaker Sections	Not enumerated	10%	Arts. 15(6), 16(6)
Combined	—	59.5%	—

Note. Sources: Office of the Registrar General & Census Commissioner, India (2011); Mandal Commission (1980); constitutional provisions. OBC creamy-layer families (income ceiling ₹8 lakh, subject to status-based tests) are excluded from the OBC quota.

Three features deserve emphasis. First, the Supreme Court's 50 per cent ceiling, articulated in *Indra Sawhney*, governs reservations for backward classes but has been bypassed or contested by states and, in the case of EWS, treated as inapplicable by the Court's majority. Second, SC and ST beneficiaries are, at present, not subject to an income-based exclusion in Union recruitment and admissions, whereas OBCs are subject to the creamy-layer test. Third, while SC and ST lists are national and presidential, OBC lists exist at both central and state levels, with the 105th Amendment restoring states' authority to maintain their own. The result is a system whose eligibility rules differ by category, by level of government and by sector.

Reservation also extends, in limited ways, beyond the state's own institutions. Article 15(5) permits reservation in private educational institutions, aided or unaided, other than minority institutions, and the Right to Education Act, 2009 requires private unaided schools to reserve one-quarter of entry-level seats for children from disadvantaged groups and weaker sections. Employment in the private sector, by contrast, remains outside any statutory quota, a gap whose significance becomes clear when outcomes are examined below.

5. Judicial Regulation: The Court as Co-Author

The judiciary has been a co-author of the reservation regime, alternately expanding and constraining it (Table 3). Three arcs are discernible. The first moves from treating reservation as an exception to equality towards treating it as a facet of equality. *State of Kerala v. N. M. Thomas* (1976) and later *Indra Sawhney* accepted that substantive equality may require unequal treatment of unequals. The second arc constrains the policy: the 50 per cent ceiling, the creamy-layer exclusion for OBCs, and the requirement in *M. Nagaraj v. Union of India* (2006) that promotion quotas rest on quantifiable data on backwardness, inadequate representation and administrative efficiency. The third arc, visible since 2018, recalibrates who benefits within and beyond the traditional categories.

Table 3- Landmark Judicial Decisions on Reservation

Case (year)	Principal holding or significance
<i>State of Madras v. Champakam Dorairajan</i> (1951)	Communal order in college admissions struck down; prompted Article 15(4)
<i>M. R. Balaji v. State of Mysore</i> (1963)	Caste cannot be the sole criterion of backwardness; reservation should ordinarily stay below 50%
<i>State of Kerala v. N. M. Thomas</i> (1976)	Article 16(4) treated as an application of equality, not an exception to it
<i>Indra Sawhney v. Union of India</i> (1992)	27% OBC quota upheld; 50% ceiling; creamy-layer exclusion; no reservation in promotions
<i>M. Nagaraj v. Union of India</i> (2006)	Promotion quotas valid if backed by data on backwardness, inadequate representation and efficiency
<i>Ashoka Kumar Thakur v. Union of India</i> (2008)	OBC reservation in central educational institutions upheld, with creamy-layer exclusion
<i>Jarnail Singh v. Lachhmi Narain Gupta</i> (2018)	Creamy-layer principle applied to SC/ST in promotions; data on backwardness no longer required for SC/ST
<i>Jaishri Laxmanrao Patil v. Chief Minister</i> (2021)	Maratha quota struck down; 50% ceiling reaffirmed
<i>Janhit Abhiyan v. Union of India</i> (2023)	103rd Amendment (EWS quota) upheld by a 3:2 majority
<i>State of Punjab v. Davinder Singh</i> (2024)	By 6:1, states may sub-classify SCs/STs; <i>E. V. Chinnaiah</i> overruled
<i>Union of India v. Rohith Nathan</i> (2026)	OBC creamy-layer status cannot turn on parental salary alone; status-based test of the 1993 memorandum prevails

Note. Compiled by the author from the reported judgments cited in the reference list.

Indra Sawhney remains the constitutional anchor. A nine-judge bench accepted caste as a legitimate starting point for identifying backwardness while requiring attention to social and educational indicators, held that the 50 per cent limit should apply save in extraordinary circumstances, and confined the creamy-layer exclusion to OBCs. Its bar on reservation in promotions was overtaken by the 77th Amendment, which the Court in *Nagaraj* upheld only on condition that states demonstrate backwardness, inadequate representation and preservation of efficiency with data.

Recent decisions sharpen the picture. In *Janhit Abhiyan v. Union of India* (2023), a 3:2 majority upheld the 103rd Amendment, accepting economic disadvantage as a permissible basis for reservation and treating the 50 per cent ceiling as flexible. In *State of Punjab v. Davinder Singh* (2024), a seven-judge bench held by 6:1 that states may sub-classify Scheduled Castes to ensure that the most disadvantaged sections receive a fair share, overruling *E. V. Chinnaiah v. State of Andhra Pradesh* (2005); several concurring opinions went further and urged that a creamy layer be identified within SCs and STs. In *Union of India v. Rohith Nathan* (2026), a bench of Justices Narasimha and Mahadevan dismissed the Union's appeals and held that OBC creamy-layer status cannot be determined by parental salary income alone, restoring the status-based logic of the 1993 memorandum issued after *Indra Sawhney*.

Two concerns follow. The Court has become the principal arbiter of backwardness and adequacy of representation, yet the data it demands are often missing, so decisions rest on proxies. And doctrinal shifts arrive faster than administrative capacity to implement them: the Union has already sought clarity on how the 2026 creamy-layer ruling applies to civil services examination cycles that had substantially concluded before it was delivered (India Legal, 2026).

6. Social Justice Outcomes: Access and Mobility

6.1 Higher education

Access has widened markedly. In 2022–23, SC students formed 15.5 per cent of total higher-education enrolment and ST students 6.4 per cent, against population shares of 16.6 and 8.6 per cent; OBC students accounted for 39.0 per cent (Ministry of Education, 2026). The Gross Enrolment Ratio (GER) for SCs rose from 18.9 in 2014–15 to 27.3 in 2022–23, and for STs from 13.5 to 22.6, though both remain below the national figure of 29.5 (Table 4). The remaining ST gap of nearly seven points reflects school-level attrition, geography and language, factors that reservation at the point of admission cannot address.

Table 4- Higher Education: Participation and Staffing by Social Group, 2022–23 (%)

Group	Population share (2011)	Enrolment share	GER (18–23)	Teaching staff share	Non-teaching staff share
Scheduled Castes	16.6	15.5	27.3	10	15.2
Scheduled Tribes	8.6	6.4	22.6	3	4.8
Other Backward Classes	n.a.	39.0	n.a.	32	29.4
Others (general)	n.a.	39.1	n.a.	55	n.a.
All categories	100	100	29.5	100	100

Note. Sources: Ministry of Education (2026); Office of the Registrar General & Census Commissioner, India (2011). Staffing shares are as reported in AISHE and are rounded; n.a. = not available in the source.

The staffing columns of Table 4 reveal the mobility problem. SCs and STs form 10 and 3 per cent of teachers respectively, well below their enrolment shares and their quotas, whereas OBCs account for 32 per cent. Recruitment data reinforce the point. The Ministry of Education told Parliament that, of 30,720 vacancies filled in central higher-education institutions up to January 2026, 11,794 (38.4 per cent) were reserved posts: 3,692 SC, 1,561 ST and 6,541 OBC appointees (Sachdeva, 2026). Expressed as shares of all appointments, these are 12.0, 5.1 and 21.3 per cent, below the 15, 7.5 and 27 per cent benchmarks. Parliamentary scrutiny has attributed part of the shortfall to declaring reserved candidates not found suitable (Sachdeva, 2026).

The expansion of private provision also limits how far admission quotas can reach. In 2022–23, government colleges were 20.8 per cent of colleges but enrolled 33.1 per cent of college students, whereas private unaided colleges were 66.0 per cent of colleges and enrolled 46.5 per cent; government universities accounted for 71.6 per cent of university enrolment (Ministry of Education, 2026). Because reservation

binds most reliably in public and aided institutions, growth of the unaided segment constrains the policy's effective coverage even where legal provision exists.

Gender adds a further dimension. Women are 49.0 per cent of SC and 51.1 per cent of ST enrolment, and the SC female GER (28.0) exceeds the SC male GER (26.6), with a similar pattern for STs (22.9 against 22.2) (Ministry of Education, 2026). Yet among teachers there are only 64 women per 100 men in the SC category, against 79 overall. Reservation has thus opened classrooms to women from marginalised communities more readily than faculty positions.

Research on individual outcomes is more encouraging than the aggregate picture. Bertrand et al. (2010), studying engineering admissions, found that lower-caste students admitted through quotas earned substantially more than they would otherwise have, while the cost to displaced upper-caste students was small, although beneficiaries tended to come from relatively better-off families within their groups. Bagde et al. (2016) found, in the engineering colleges they studied, little evidence that preferential admission harmed beneficiaries' academic success. The distributional critique nonetheless has force, and Deshpande and Yadav (2006) argued for supplementing caste categories with measures of deprivation so that first-generation learners are prioritised.

6.2 Public employment

The DoPT Annual Report 2024–25 provides the first comprehensive dataset on Union government employment since 2018–19, covering 32.52 lakh employees in 80 ministries and departments as of 1 January 2024 (Department of Personnel and Training [DoPT], 2025). Table 5 shows that aggregate representation is close to quota benchmarks, with OBC representation having risen from 21.57 to 26.32 per cent over the period between releases while SC representation edged down from 17.49 to 16.84 per cent.

Table 5- Representation of SCs, STs and OBCs in Union Government Employment, 1 January 2024 (%)

Level	SC	ST	OBC
Quota benchmark (direct recruitment)	15.00	7.50	27.00
Group A	14.20	6.54	19.14
Group B	16.20	7.63	21.95
Group C (excluding sanitation workers)	16.75	8.94	27.29
All groups (32.52 lakh employees)	16.84	8.70	26.32

Note. Source: DoPT (2025), Annual Report 2024–25, as summarised in secondary reports of the release. Figures relate to 80 ministries and departments.

The pyramid narrows at the top. Group A, which supplies senior decision-makers, falls short of benchmarks for all three categories, most visibly for OBCs (19.14 against 27 per cent); Group C, excluding sanitation workers, is at or above benchmarks. At the same time, more than two-thirds of Group C safai karmacharis (sanitation workers) belong to SC, ST or OBC categories, evidence that caste-linked occupational segregation persists inside the state itself. Appointments to senior positions under the Central

Staffing Scheme carry no reservation at all (Press Information Bureau, 2016), and the DoPT release reportedly contains no data on EWS representation despite the quota's existence since 2019.

Evidence on efficiency is reassuring. Deshpande and Weisskopf (2014), analysing Indian Railways, found no evidence that a higher share of SC and ST employees reduced productivity, undermining the claim that quotas necessarily compromise performance. Wider labour-market studies point to gradual convergence: Hnatkovska et al. (2012) documented substantial narrowing of SC/ST and non-SC/ST gaps in schooling, occupations and wages between 1983 and 2005, though Desai and Dubey (2011) show that large gaps in income and poverty remain. Vacancy backlogs blunt the instrument further: Department of Expenditure data cited in Parliament showed nearly 10 lakh vacant Union posts across Groups A, B and C on 1 March 2021 (Parthiban, 2022). These figures are not disaggregated by category, but at that scale the pace of recruitment matters as much as quota percentages. Because the public sector employs a small fraction of the workforce, reservation cannot by itself remedy discrimination in the private economy documented by Thorat and Attewell (2007).

Taken together, the evidence suggests a consistent pattern. Reservation works best where entry is governed by a single, rule-bound public gate such as admissions or direct recruitment. It works less well where advancement depends on discretionary evaluation, as in promotions, faculty selection and senior appointments, and it does not reach unreserved sectors at all.

7. Political Representation: Voice and Its Limits

Political reservation is the oldest and, in some respects, the most successful component of the regime. Articles 330 and 332 reserve seats for SCs and STs in the Lok Sabha and state assemblies in proportion to population, and the 104th Amendment extended this arrangement to 2030. In the 18th Lok Sabha, 84 of 543 seats are reserved for SCs and 47 for STs, 131 in all, or 24.1 per cent of the House (Table 6), closely tracking the groups' combined 25.2 per cent share of the population. Articles 243D and 243T extend reservation to panchayats and municipalities, with additional reservation for women.

Table 6- Reserved Political Representation in the 18th Lok Sabha (2024)

Group	Population share (%)	Seats reserved (of 543)	Share of Lok Sabha (%)
Scheduled Castes	16.6	84	15.5
Scheduled Tribes	8.6	47	8.7
SC and ST combined	25.2	131	24.1
Other Backward Classes	n.a.	None	—
Women	≈48	None operational†	13.6 (74 elected)

Note. Sources: constitutional provisions; Office of the Registrar General & Census Commissioner, India (2011); Factly (2024). †The 106th Amendment reserves one-third of seats for women, including within SC and ST seats; it was notified into force in April 2026, but reservation takes effect only after delimitation.

Evidence that this presence matters is substantial. Pande (2003), using state-level data across several decades, found that greater political reservation shifted policy towards the reserved groups, increasing

targeted redistribution. Chattopadhyay and Duflo (2004), in a randomised natural experiment in village councils, found that women leaders invested more in public goods that women prioritised, such as drinking water. Jensenius (2017) reports modest but uneven socio-economic gains for Scheduled Castes in reserved constituencies.

The regime also has limits. Because reserved-seat candidates are chosen by parties and elected by all voters in the constituency, their accountability to the group they nominally represent can be weak, a critique with roots in the Poona Pact debate over joint versus separate electorates. OBCs, despite constituting the largest social bloc, have no reserved seats in Parliament or state legislatures, and their reservation in local bodies depends on state-level identification and on the Court's requirement of a dedicated commission, empirical data and adherence to the 50 per cent limit (*K. Krishna Murthy v. Union of India*, 2010). Women's representation illustrates the gap between enactment and effect. The Women's Reservation Act of 2023 was notified into force in April 2026, but seat reservation still awaits delimitation, and an attempt to fast-track it for the 2029 election through the Constitution (131st Amendment) Bill was defeated in the Lok Sabha on 17 April 2026 (LawStreet, 2026). The Parliamentary Affairs Minister has since warned that waiting for published census figures, including caste data, could delay implementation until at least the 2034 general election (All India Radio, 2026). The 2024 election returned 74 women (13.6 per cent), fewer than in 2019 (Factly, 2024). Intersectional questions, such as how women's reserved seats will be distributed within SC and ST quotas, remain to be settled in delimitation. Legislative reservation for SCs and STs is itself time-bound, since the 2030 sunset means Parliament must revisit the arrangement within this decade, and delimitation following Census 2027 is expected to reshape the reserved constituencies.

8. Contemporary Contestations

8.1 The data deficit and caste enumeration

Reservation for OBCs has long rested on data that are decades old. No caste count beyond SCs and STs has been published since 1931, and Mandal's 52 per cent figure is an extrapolation from that base. Bihar's 2022–23 caste survey, whose results were released in October 2023, changed the terms of debate by reporting that Extremely Backward Classes formed 36.01 per cent and Backward Classes 27.13 per cent of the population, together 63.14 per cent, with SCs at 19.65 per cent, STs at 1.68 per cent and general communities at 15.52 per cent (Government of Bihar, 2023). Bihar responded by raising reservation from 50 to 65 per cent (Table 7).

Table 7

Bihar: Caste Survey Shares and Reservation Before and After the 2023 Amendments (%)

Category	Share of population (2022 survey)	Quota before 2023 amendments	Quota under 2023 amendments†
Extremely Backward Classes	36.01	18	25
Backward Classes	27.13	12	18
Scheduled Castes	19.65	16	20
Scheduled Tribes	1.68	1	2
General communities	15.52	—	— (EWS 10 separately)
Combined reserved (categories shown)	84.48	47	65

Note. Sources: Government of Bihar (2023); *Gaurav Kumar v. State of Bihar* (Patna High Court, 2024).

†Struck down on 20 June 2024. The overall ceiling before the amendments was 50%; with EWS the amended scheme would have reached 75%.

The Patna High Court struck down the amendments on 20 June 2024 as violating Articles 14, 15 and 16 (*Gaurav Kumar v. State of Bihar*, 2024). The Supreme Court declined interim relief on 29 July 2024 while admitting the state's appeal (Supreme Court Observer, 2024), and on available accounts the appeal remains pending. The episode exposes a structural tension: if the state's own data show that backward classes form nearly two-thirds of the population, a 50 per cent ceiling can appear arbitrary, yet lifting it without limit risks converting a corrective device into a general entitlement.

Telangana's experience is similar. A September 2025 order raising Backward Class reservation in local bodies to 42 per cent, justified by a state caste survey, took total reservation to 67 per cent; the High Court stayed it on 9 October 2025 and the Supreme Court declined to interfere a week later (Telangana Today, 2025). Pressure on the ceiling comes from two directions. Groups classified as backward seek larger shares on the strength of population data, while numerically or economically dominant communities, such as the Marathas in Maharashtra, seek inclusion in the backward-class list itself (*Jaishri Laxmanrao Patil*, 2021). Both pressures are intensified by the limited supply of public-sector jobs, the vacancy backlog noted earlier notwithstanding: the quota becomes the arena in which competition for scarce state employment is fought. Census 2027 may resolve part of this dilemma. The Cabinet Committee on Political Affairs decided on 30 April 2025 to include caste enumeration, and the Union Cabinet approved the exercise in December 2025 with houselisting between April and September 2026 and population enumeration in February 2027 (Press Information Bureau, 2025). The household schedule notified in August 2026 includes a caste question, making this the first comprehensive caste enumeration since 1931 (ANI, 2026). Reliable data could allow reservation to be benchmarked against population shares and representation, but they will also intensify demands to revise quotas and test the ceiling.

8.2 Sub-classification and the creamy layer

The most consequential recent shift concerns internal differentiation. *Davinder Singh* (2024) legitimised sub-classification of SCs and STs, and Telangana became the first state to operationalise it: its 2025 Act

divides 59 SC communities into three groups within the existing 15 per cent quota, with 1, 9 and 5 per cent for Groups I, II and III respectively (ANI, 2025). The state rejected introducing a creamy layer within SCs. The allocation is instructive: Group I, with 3.29 per cent of the SC population, receives one-fifteenth (6.7 per cent) of the SC quota, roughly double its population share, while Groups II and III receive 60.0 and 33.3 per cent of the quota against population shares of 62.74 and 33.96 per cent (ANI, 2025). In effect the design tilts modestly towards the most disadvantaged group while remaining close to proportionality. Sub-classification responds to a long-standing argument that a few relatively advanced communities capture disproportionate benefits, an argument that Deshpande and Yadav (2006) made in favour of deprivation-sensitive design. Its risks are equally real: it depends on credible group-level data, may fragment political solidarity among Dalit communities and invites litigation over classification criteria. For OBCs, the Rohini Commission, constituted in 2017 to examine sub-categorisation of the central list, submitted its report to the President in July 2023 (All India Radio, 2023); its recommendations have not, on available accounts, been officially released, so the debate proceeds without the evidence the Commission compiled.

The creamy-layer question is more contested still. The Union government has opposed importing an income-based exclusion into SC and ST reservation, arguing that eligibility rests on historical untouchability and tribal disadvantage, not poverty, even as fresh petitions seek precisely that extension (Civildaily, 2026). *Rohith Nathan* (2026), for OBCs, shows the difficulty of operationalising the concept: a rule that treats salaried parents differently by employer, without regard to status, can exclude candidates who are in no meaningful sense socially advanced. Any creamy-layer test, whatever the category, must therefore be status-sensitive, transparent and applied consistently.

8.3 Economic criteria and the EWS quota

The EWS quota introduced a class-based criterion into a caste-based architecture; eligibility rests on an annual family income below ₹8 lakh together with asset tests, and SC, ST and OBC households are excluded. Supporters argue that poverty among groups outside the reserved categories is real and that Article 46 speaks of weaker sections generally. Critics reply that the quota excludes SCs, STs and OBCs from its benefit, that an income ceiling identical to the OBC creamy-layer line makes the category broad, and that it dilutes the historical-injustice rationale of the original scheme. The Supreme Court's majority in *Janhit Abhiyan* (2023) accepted the amendment, but the empirical questions of who qualifies, who benefits and how many posts are filled cannot be answered without the transparent reporting that Union statistics presently lack.

8.4 Merit, efficiency and legitimacy

The merit objection remains the most politically potent. The empirical evidence on productivity is reassuring (Deshpande & Weisskopf, 2014), and Article 335 already requires that SC and ST claims be weighed consistently with efficiency. The stronger version of the objection concerns legitimacy: where reserved posts lie vacant and where beneficiaries are stigmatised, reservation loses public support. Legitimacy depends less on the quota's size than on the perceived fairness of its administration.

9. Policy Directions

The analysis supports recalibration rather than either abolition or indiscriminate expansion. Six directions follow from the evidence.

First, build an evidence infrastructure. The Union and states should publish annual, caste-disaggregated data on applicants, selections, vacancies, promotions and EWS beneficiaries, and use Census 2027 to benchmark quotas against population and representation. Second, enforce vacancy discipline: carry-forward rules should be matched by time-bound special recruitment drives and independent audits of not-found-suitable declarations. Third, shift attention from entry to mobility. Group A posts, faculty positions and senior appointments need transparent selection procedures, structured mentoring and, where legally permissible, extension of representation norms to lateral and deputation routes.

Fourth, improve targeting without abandoning the group logic. Deprivation indices of the kind proposed by Deshpande and Yadav (2006), sub-classification supported by empirical commissions and status-based creamy-layer rules can direct benefits towards first-generation and most-disadvantaged beneficiaries while preserving caste as the primary marker of structural disadvantage. Fifth, invest upstream and outward. Foundational learning, scholarships, hostels and language support address attrition that quotas cannot, and, given the private-sector discrimination documented by Thorat and Attewell (2007), diversity reporting and enforceable anti-discrimination norms deserve serious consideration as complements to public-sector reservation. Sixth, sequence and communicate reforms. Sub-classification, creamy-layer revisions and EWS criteria should be introduced with published data, prospective effect and adequate notice, so that applicants and institutions can adapt; the dispute over how the 2026 creamy-layer ruling applies to civil services cycles already concluded illustrates the cost of doing otherwise.

10. Conclusion

Reservation in India is best understood as an evolving negotiation between competing conceptions of equality rather than a settled policy. Its constitutional foundations are firm, its judicial regulation is dynamic and its record is genuinely mixed. Through the lenses of access, mobility and voice, the evidence points in three directions. Access has expanded substantially, with SC and ST participation in higher education and public employment approaching population shares at entry level. Mobility remains constrained, as senior posts, faculty ranks and unreserved sectors show. Voice has been secured for SCs and STs in legislatures, but not for OBCs and only prospectively for women.

The current juncture is unusually consequential. The Supreme Court has permitted sub-classification and reworked the creamy-layer test, Telangana has operationalised quota-within-quota, Bihar's ambitious expansion awaits final judicial resolution, and Census 2027 will for the first time in nearly a century count caste beyond SCs and STs. These developments can either deepen the evidence base on which reservation is designed or intensify competition over its shares. Which path prevails will depend on whether policy-makers treat data, monitoring and complementary investment as seriously as they treat quotas themselves. Several limitations qualify these conclusions. The analysis relies on published aggregates whose definitions and reference years differ, and it cannot isolate the causal contribution of reservation from that of economic growth, school expansion and scholarships. AISHE and DoPT data cover different populations, and the Bihar findings are state-specific. For scholars, several questions merit further work: the distribution of benefits within OBC and SC categories once census data are available, the effect of sub-classification on outcomes, the operation of EWS reservation, and the intersection of gender with caste in political and professional representation. For policy-makers, the central lesson is that social justice is measured by realised opportunity, not by reserved percentages. Reservation is a necessary instrument in that project, but it is not a sufficient one.

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