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Reservation Policies and Judicial Interpretation: Impact on Dalits, Tribals and Minorities

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ABSTRACT

This paper examines how judicial interpretation has shaped the contours, scope, and limitations of reservation policies in India, with particular attention to their impact on Dalits, Scheduled Tribes, and religious minorities. Rooted in Articles 14, 15, 16, and 46 of the Constitution, reservation reflects a constitutional commitment to substantive equality and the redress of historical discrimination. The paper traces the constitutional framework and historical rationale for affirmative action, the evolution of judicial doctrine from an early emphasis on formal equality to the Mandal-era jurisprudence, and the development of principles such as the fifty per cent ceiling, the creamy layer exclusion, and the conditions governing reservation in promotions. It evaluates the differential effects of these policies across communities and assesses contemporary developments, including the introduction of economic criteria through the Economically Weaker Sections reservation. The paper considers whether judicial pronouncements have strengthened or diluted the constitutional promise of equality for marginalised communities in contemporary India.

Keywords: Constitution, Judiciary, Reservation, Tribal reforms, Creamy layer.

I. INTRODUCTION

The Constitution of India embodies a transformative vision aimed at achieving social, economic, and political justice. Recognising the deeply entrenched caste-based and social hierarchies that historically marginalised certain communities, the framers incorporated provisions for affirmative action, commonly known as reservation policies. These policies primarily benefit Scheduled Castes (Dalits), Scheduled Tribes, and Other Backward Classes, with the broader objective of ensuring substantive equality rather than mere formal equality.¹

Articles 15(4), 15(5), and 16(4) of the Constitution empower the State to make special provisions for the advancement of socially and educationally backward classes and for the

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¹ DURGA DAS BASU, INTRODUCTION TO THE CONSTITUTION OF INDIA 158 (LexisNexis, Gurugram, 26th edn., 2022).

reservation of appointments or posts in favour of underrepresented groups. Article 46 further imposes a directive obligation upon the State to promote the educational and economic interests of Scheduled Castes and Scheduled Tribes and to protect them from social injustice and exploitation. These constitutional mandates reflect an acknowledgment that equality must, where necessary, be achieved through differential treatment.²

The implementation of reservation policies has not, however, been free from legal and constitutional challenge. The judiciary, and particularly the Supreme Court of India, has played a decisive role in interpreting these provisions, often acting as a mediator between competing claims of equality and merit. Through landmark decisions, the courts have laid down doctrines such as the fifty per cent ceiling, the exclusion of the creamy layer, and the requirement of backwardness and inadequate representation.³

This judicial engagement has significantly influenced the trajectory of reservation policies. While some judgments have expanded the scope of affirmative action, others have imposed restrictions, thereby raising critical questions about the effectiveness of these policies in achieving their intended objectives. This paper analyses the impact of judicial interpretation on reservation policies and its implications for Dalits, Tribals, and minorities in India.⁴

II. CONSTITUTIONAL FRAMEWORK OF RESERVATION POLICIES

The constitutional architecture of reservation policies in India is firmly rooted in the principles of equality, social justice, and affirmative action. The framers consciously adopted a substantive notion of equality, recognising that formal equality would be insufficient to address the historical injustices faced by marginalised communities such as Scheduled Castes (Dalits), Scheduled Tribes, and socially and educationally backward classes. Articles 14, 15, and 16 collectively establish the right to equality while simultaneously permitting reasonable classification and affirmative measures to uplift disadvantaged groups.⁵

Articles 15(4) and 15(5) empower the State to make special provisions for the advancement of backward classes, particularly in educational institutions, including private institutions other than minority institutions. Similarly, Article 16(4) permits reservation in public employment

² INDIA CONST. arts. 15, 16, 46.

³ MARC GALANTER, *COMPETING EQUALITIES: LAW AND THE BACKWARD CLASSES IN INDIA* 121 (Oxford University Press, Delhi, 1st edn., 1984).

⁴ Anup Surendranath, *The Constitutional Logic of Affirmative Action in India*, 4 NUJS L. REV. 1 (2011).

⁵ M.P. JAIN, *INDIAN CONSTITUTIONAL LAW* 134 (LexisNexis, Gurugram, 8th edn., 2018).

where any class of citizens is not adequately represented. These provisions are not exceptions to equality but are integral to achieving real equality.⁶

Further, Article 46, a Directive Principle of State Policy, obligates the State to promote the educational and economic interests of Scheduled Castes and Scheduled Tribes and to protect them from social injustice. The constitutional validity of reservations has repeatedly been upheld by the judiciary as a tool of distributive justice. The constitutional framework thus reflects a delicate balance between merit and social equity, ensuring that historically marginalised communities receive meaningful opportunities for advancement.⁷

III. HISTORICAL CONTEXT AND RATIONALE FOR RESERVATIONS

The rationale behind reservation policies in India is deeply embedded in the country's socio-historical context, particularly the rigid caste system that perpetuated discrimination and exclusion for centuries. Dalits and tribal communities were systematically denied access to education, employment, and social mobility, leading to entrenched inequalities that could not be remedied through formal equality alone. Reservation policies were thus envisioned as compensatory measures to correct these historical injustices.⁸

During the colonial period, limited forms of representation and affirmative action were introduced, such as those under the Government of India Act, 1935. It was only after independence, however, that a comprehensive framework for reservations was institutionalised. Dr. B.R. Ambedkar, a key architect of the Constitution, strongly advocated safeguards to ensure the political and socio-economic empowerment of marginalised communities.⁹

The rationale extends beyond mere representation; it seeks to achieve inclusiveness and participation in governance and development. Reservations are intended to create a level playing field by addressing structural disadvantages rather than conferring undue advantage. The concept of protective discrimination acknowledges that certain communities require special support to overcome centuries of oppression.¹⁰

Reservation policies are therefore not merely welfare measures but instruments of social transformation. They aim to dismantle systemic barriers, promote dignity, and ensure the equal participation of Dalits, Tribals, and other backward classes in public life, thereby fulfilling the

⁶ INDIA CONST. arts. 15, 16.

⁷ INDIA CONST. art. 46.

⁸ GALANTER, *supra* note 3, at 121.

⁹ GRANVILLE AUSTIN, *THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION* 77 (Oxford University Press, New Delhi, 1st edn., 1966).

¹⁰ ASHWINI DESHPANDE, *AFFIRMATIVE ACTION IN INDIA* 111 (Oxford University Press, New Delhi, 1st edn., 2013).

constitutional vision of justice and equality.¹¹

IV. JUDICIAL INTERPRETATION: THE EARLY APPROACH

In the initial years following independence, the judiciary adopted a cautious approach towards reservation policies, often emphasising formal equality over substantive equality. One of the earliest landmark cases, *State of Madras v. Champakam Dorairajan*,¹² struck down caste-based reservations in educational institutions, holding them to be violative of Article 15(1). This decision highlighted the tension between equality and affirmative action and led to the First Constitutional Amendment, which inserted Article 15(4), explicitly enabling the State to make special provisions for backward classes.

The Supreme Court subsequently shifted towards a more accommodative stance. In *M.R. Balaji v. State of Mysore*,¹³ the Court recognised the validity of reservations but introduced the concept of reasonableness, suggesting that reservations should not exceed fifty per cent. The Court also emphasised that backwardness must be both social and educational, thereby limiting the scope of beneficiaries.

In *T. Devadasan v. Union of India*,¹⁴ the Court invalidated the carry-forward rule for reservations, reiterating that excessive reservation would undermine equality. These early judgments reflect a judicial attempt to balance affirmative action with the principle of merit.

The early phase of judicial interpretation was thus marked by scepticism and restraint, with the courts seeking to prevent the misuse of reservation policies while gradually acknowledging their necessity in addressing historical inequalities.¹⁵

V. THE MANDAL ERA AND THE EXPANSION OF RESERVATION JURISPRUDENCE

The Mandal Commission and its implementation marked a turning point in the evolution of reservation policies in India. The Commission, established in 1979, recommended a twenty-seven per cent reservation for Other Backward Classes in central government employment. The implementation of these recommendations in 1990 led to widespread political and social debate, culminating in the landmark judgment in *Indra Sawhney v. Union of India*.¹⁶

In that case, the Supreme Court upheld the constitutional validity of reservations for Other Backward Classes, affirming that Article 16(4) is an enabling provision for affirmative action.

¹¹ BASU, *supra* note 1, at 158.

¹² *State of Madras v. Champakam Dorairajan*, AIR 1951 SC 226 (India).

¹³ *M.R. Balaji v. State of Mysore*, AIR 1963 SC 649 (India).

¹⁴ *T. Devadasan v. Union of India*, AIR 1964 SC 179 (India).

¹⁵ H.M. SEERVAI, CONSTITUTIONAL LAW OF INDIA 197 (Universal Law Publishing, Delhi, 4th edn., 2015).

¹⁶ GOV'T OF INDIA, REPORT OF THE BACKWARD CLASSES COMMISSION 56 (Ministry of Home Affairs, 1980).

The Court introduced several significant principles, including the exclusion of the creamy layer from such reservations to ensure that benefits reach the truly disadvantaged. It also reaffirmed the fifty per cent ceiling on reservations, save in extraordinary circumstances.¹⁷

Importantly, the Court held that reservations should not be extended to promotions, thereby limiting the scope of affirmative action in public employment. The judgment also clarified that backwardness must be determined on social and educational criteria rather than solely on economic factors.¹⁸

The Mandal era thus marked a significant expansion of reservation jurisprudence, with the judiciary recognising the legitimacy of affirmative action while simultaneously imposing safeguards against its misuse. This period reinforced the view that reservation policies are essential for achieving substantive equality in a deeply unequal society.¹⁹

VI. RESERVATION IN PROMOTIONS AND THE JUDICIAL RESPONSE

The question of reservation in promotions has been one of the most contentious aspects of reservation policy and has prompted significant judicial intervention. Initially, in *Indra Sawhney*,²⁰ the Supreme Court held that reservations under Article 16(4) do not extend to promotions. This decision prompted legislative action, resulting in the Seventy-Seventh Constitutional Amendment, which inserted Article 16(4A) to permit reservation in promotions for Scheduled Castes and Scheduled Tribes.²¹

Subsequent amendments, including the Eighty-First, Eighty-Second, and Eighty-Fifth Amendments, further strengthened the framework for reservation in promotions by addressing issues such as carry-forward vacancies and consequential seniority. These provisions were challenged in *M. Nagaraj v. Union of India*,²² where the Supreme Court upheld their constitutional validity but imposed conditions. The Court required the State to demonstrate backwardness, inadequate representation, and administrative efficiency before implementing reservation in promotions.

Later, in *Jarnail Singh v. Lachhmi Narain Gupta*,²³ the Court modified the *Nagaraj* judgment by removing the requirement to establish the backwardness of Scheduled Castes and Scheduled Tribes, acknowledging their continued disadvantage.

¹⁷ *Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217 (India).

¹⁸ JAIN, supra note 5, at 134.

¹⁹ GALANTER, supra note 3, at 121.

²⁰ *Indra Sawhney*, supra note 17.

²¹ The Constitution (Seventy-Seventh Amendment) Act, 1995, s. 2 (India).

²² *M. Nagaraj v. Union of India*, (2006) 8 SCC 212 (India).

²³ *Jarnail Singh v. Lachhmi Narain Gupta*, (2018) 10 SCC 396 (India).

These judicial pronouncements reflect an ongoing effort to balance the interests of marginalised communities with concerns about efficiency and merit in public administration. While reservation in promotions has enhanced representation, the procedural requirements imposed by the judiciary have, in certain cases, also limited its effective implementation.²⁴

VII. THE CREAMY LAYER DOCTRINE AND ITS IMPLICATIONS

The creamy layer doctrine represents a significant development in reservation jurisprudence. Originating in the *Indra Sawhney*²⁵ judgment, the doctrine seeks to exclude the relatively advanced members of backward classes from the benefits of reservation, thereby ensuring that affirmative action reaches the most disadvantaged sections.

The rationale behind the creamy layer concept is to prevent the monopolisation of reservation benefits by a small, privileged segment within backward classes. By excluding individuals with higher income, education, or social status, the policy aims to promote an equitable distribution of opportunities. The criteria for determining the creamy layer are periodically revised by the government, primarily on the basis of income thresholds.²⁶

The application of the creamy layer doctrine has, however, been limited to Other Backward Classes and has not been extended to Scheduled Castes and Scheduled Tribes, on the ground that their backwardness is rooted in social discrimination rather than economic status. This distinction has been the subject of debate, with some arguing that the exclusion should apply uniformly across all categories.²⁷

The doctrine has had a mixed impact. While it has improved targeting within reservations for Other Backward Classes, it has also introduced complexities in implementation and raised questions about fairness. Nonetheless, the creamy layer principle reflects the judiciary's attempt to refine reservation policies and align them with the goal of substantive equality.²⁸

VIII. IMPACT OF RESERVATION POLICIES ON DALITS

Reservation policies have had a profound impact on the socio-economic conditions of Dalits, who have historically faced severe discrimination and exclusion under the caste system. By providing access to education, public employment, and political representation, reservations

²⁴ JAIN, *supra* note 5, at 134.

²⁵ *Indra Sawhney*, *supra* note 17.

²⁶ GALANTER, *supra* note 3, at 121.

²⁷ SEERVAI, *supra* note 15, at 197.

²⁸ Surendranath, *supra* note 4, at 1.

have enabled many Dalits to achieve upward mobility and to participate in mainstream society.²⁹

In the educational sector, reservations have increased the enrolment of Dalit students in schools, colleges, and universities, including prestigious institutions. This has contributed to the emergence of a growing Dalit middle class, which plays a crucial role in advocating for social justice and equality. Similarly, reservations in public employment have improved the representation of Dalits in government services, enhancing their economic security and social status.³⁰

The impact of reservations has not, however, been uniform. Many Dalits, particularly those in rural areas, continue to face barriers such as poor access to quality education, social stigma, and economic deprivation. Discrimination and exclusion persist in both subtle and overt forms, limiting the effectiveness of reservation policies.³¹

Judicial interpretation has both supported and constrained the implementation of reservations for Dalits. While the courts have upheld the constitutional validity of affirmative action, they have also imposed limitations that sometimes restrict its scope.³²

Overall, reservation policies have contributed significantly to the empowerment of Dalits, but challenges remain in ensuring that their benefits reach the most marginalised sections within the community.³³

IX. IMPACT ON SCHEDULED TRIBES

Scheduled Tribes, characterised by their distinct cultural, social, and geographical identities, have also been key beneficiaries of reservation policies. Historically isolated and economically disadvantaged, tribal communities have faced unique challenges, including displacement, lack of access to education, and exploitation. Reservation policies have sought to address these issues by providing opportunities for inclusion and development.³⁴

In education, reservations have facilitated access for tribal students to schools and higher educational institutions, helping to bridge the gap between tribal and non-tribal populations. Similarly, reservations in public employment have increased the representation of Scheduled

²⁹ SUKHADEO THORAT, *DALITS IN INDIA: SEARCH FOR A COMMON DESTINY* 89 (Sage Publications, New Delhi, 1st edn., 2009).

³⁰ Marianne Bertrand, Rema Hanna et al., *Affirmative Action in Education: Evidence from Engineering College Admissions in India*, 94 J. PUB. ECON. 16 (2010).

³¹ THORAT, *supra* note 29, at 89.

³² JAIN, *supra* note 5, at 134.

³³ Rohini Pande, *Can Mandated Political Representation Increase Policy Influence for Disadvantaged Minorities? Theory and Evidence from India*, 93 AM. ECON. REV. 1132 (2003).

³⁴ THORAT, *supra* note 29, at 89.

Tribes in government services, contributing to their socio-economic advancement.³⁵

The effectiveness of these policies is often hindered, however, by structural barriers such as inadequate infrastructure, language differences, and geographical isolation. Many tribal areas lack basic educational facilities, making it difficult for individuals to take advantage of reservation benefits.³⁶

Judicial interpretation has generally been supportive of reservations for Scheduled Tribes, recognising their unique disadvantages. At the same time, the courts have emphasised the need for proper identification and classification to prevent the misuse of benefits.³⁷

While reservation policies have made significant strides in improving the conditions of tribal communities, there remains a need for complementary measures, such as targeted development programmes and infrastructure improvements, to ensure holistic and sustainable progress.³⁸

X. RESERVATION AND RELIGIOUS MINORITIES

The question of reservation for religious minorities presents a complex legal and constitutional challenge. Unlike Scheduled Castes and Scheduled Tribes, reservations for minorities are not explicitly provided for under the Constitution, except in the context of socially and educationally backward classes. Certain minority groups have, however, been included within the category of Other Backward Classes, thereby becoming eligible for reservation benefits.³⁹

Judicial interpretation has played a crucial role in determining the scope of such inclusion. The courts have consistently held that reservations cannot be granted solely on the basis of religion, as this would violate the secular character of the Constitution. Any affirmative action for minorities must instead be based on social and educational backwardness.⁴⁰

In cases such as *T.M.A. Pai Foundation v. State of Karnataka*,⁴¹ the Supreme Court recognised the rights of minority institutions while balancing them with the principles of equality and merit. The Court has also scrutinised state policies that attempt to provide reservation exclusively for religious groups, frequently striking them down where they lack a valid constitutional basis.

The impact of reservation policies on minorities has therefore been indirect and limited. While

³⁵ Aimee Chin & Nishith Prakash, *The Redistributive Effects of Political Reservation for Minorities: Evidence from India*, 96 J. DEV. ECON. 265 (2011).

³⁶ GHANSHYAM SHAH, CASTE AND DEMOCRATIC POLITICS IN INDIA 204 (Permanent Black, Delhi, 1st edn., 2002).

³⁷ JAIN, *supra* note 5, at 134.

³⁸ NAT'L COMM'N FOR SCHEDULED TRIBES, ANNUAL REPORT 2013-14 18 (Ministry of Tribal Affairs, 2015).

³⁹ NAT'L COMM'N FOR RELIGIOUS AND LINGUISTIC MINORITIES, REPORT OF THE NATIONAL COMMISSION FOR RELIGIOUS AND LINGUISTIC MINORITIES 127 (Ministry of Minority Affairs, May 2007).

⁴⁰ JAIN, *supra* note 5, at 134.

⁴¹ *T.M.A. Pai Foundation v. State of Karnataka*, (2002) 8 SCC 481 (India).

some backward sections within minority communities benefit from reservations for Other Backward Classes, the absence of a comprehensive framework for minority reservation raises questions about inclusiveness.⁴²

The issue thus remains a contentious and evolving area of law, requiring a careful balancing of secularism, equality, and social justice.⁴³

XI. CONTEMPORARY CHALLENGES AND JUDICIAL TRENDS

In recent years, reservation policies have faced new challenges, both legal and socio-political. One significant development is the introduction of the One Hundred and Third Constitutional Amendment, which provides for a ten per cent reservation for the Economically Weaker Sections of society, irrespective of caste. This marks a shift from caste-based to economic criteria, raising questions about the future direction of affirmative action in India.⁴⁴

The Supreme Court, in *Janhit Abhiyan v. Union of India*,⁴⁵ upheld the validity of the reservation for Economically Weaker Sections, emphasising that economic disadvantage can also be a basis for affirmative action. The exclusion of Scheduled Castes, Scheduled Tribes, and Other Backward Classes from this category has, however, been criticised as discriminatory.

Another emerging issue is the demand for reservation in the private sector, which remains largely unregulated. As employment opportunities in the public sector decline, the effectiveness of reservations in achieving social justice is increasingly questioned.⁴⁶

Judicial trends indicate a continued effort to balance competing interests, including merit, efficiency, and social equity. The courts have shown a willingness to uphold affirmative action while imposing procedural safeguards against misuse.⁴⁷

Reservation policies in contemporary India are thus at a crossroads, with evolving judicial interpretations shaping their scope and impact. The challenge lies in ensuring that these policies remain effective tools for achieving substantive equality in a rapidly changing socio-economic landscape.⁴⁸

XII. CONCLUSION

Reservation policies in India constitute a cornerstone of the constitutional commitment to social

⁴² NAT'L COMM'N FOR RELIGIOUS AND LINGUISTIC MINORITIES, *supra* note 39, at 127.

⁴³ DESHPANDE, *supra* note 10, at 111.

⁴⁴ The Constitution (One Hundred and Third Amendment) Act, 2019, s. 2 (India).

⁴⁵ *Janhit Abhiyan v. Union of India*, 2022 SCC OnLine SC 1540 (India).

⁴⁶ Ashwini Deshpande, *Quest for Equality: Affirmative Action in India*, 44 INDIAN J. INDUS. REL. 154 (2008).

⁴⁷ JAIN, *supra* note 5, at 134.

⁴⁸ GALANTER, *supra* note 3, at 121.

justice and substantive equality. Designed as instruments of affirmative action, they seek to redress the deep-rooted historical injustices suffered by marginalised communities, particularly Scheduled Castes (Dalits), Scheduled Tribes, and socially and educationally backward classes. Over time, judicial interpretation has played a defining role in shaping the contours, scope, and implementation of these policies.⁴⁹

The judiciary has consistently attempted to strike a balance between the principles of equality and merit, while recognising the necessity of differential treatment to achieve real equality. Landmark judgments have validated the constitutional legitimacy of reservations, while simultaneously introducing doctrines such as the fifty per cent ceiling, the creamy layer exclusion, and conditions for reservation in promotions. These interventions have ensured that reservation policies remain aligned with constitutional principles, though they have also, at times, imposed constraints that limit their transformative potential.⁵⁰

For Dalits and Scheduled Tribes, reservation policies have facilitated greater access to education, employment, and political representation, contributing to social mobility and empowerment. Structural inequalities, social discrimination, and uneven implementation continue, however, to hinder their full realisation. In the case of minorities, the absence of a direct constitutional framework for reservation has resulted in limited and indirect benefits, raising concerns about inclusiveness.⁵¹

In the contemporary context, evolving judicial trends and policy developments, such as the introduction of economic criteria for reservation, indicate a shift in the discourse on affirmative action. While these changes reflect the dynamic nature of constitutional interpretation, they also pose challenges to the foundational rationale of reservations.⁵²

Ultimately, the success of reservation policies depends not only on judicial interpretation but also on effective implementation and complementary social reforms. A balanced and context-sensitive approach is essential to ensure that the constitutional promise of equality and justice is meaningfully realised for all sections of society.⁵³

⁴⁹ BASU, *supra* note 1, at 158.

⁵⁰ GALANTER, *supra* note 3, at 121.

⁵¹ PANDE, *supra* note 33, at 1132.

⁵² DESHPANDE, *supra* note 46, at 154.

⁵³ SEERVAI, *supra* note 15, at 197.