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Evolving Landscape of Reservations in India: Constitutional Framework and Sub-Categorisation Policy

- Kajal Tyagi

Abstract

The reservation system in India, a pivotal instrument for social justice, has undergone significant transformations since its inception in the Indian Constitution. This article delves into the evolving landscape of reservations, tracing its constitutional foundations and exploring the contemporary policy of sub-categorization within reserved categories. The paper examines the historical context and judicial interpretations that have shaped the reservation framework, highlighting key amendments and landmark judgments. Furthermore, it critically examines the ongoing debate surrounding sub-categorization, aiming to promote a fair allocation of benefits among diverse sub-groups within reserved categories. By assessing the implications of these developments, the article provides insights into the challenges and potential future trajectories of India's reservation policy.

Keywords: Reservation system, Indian Constitution, sub-categorization, social justice, judicial interpretations, policy analysis, equitable distribution.

Introduction

The reservations system in India has been a cornerstone of social justice, aimed at uplifting historically marginalized communities. The framework rooted in the Indian Constitution, ensures equal opportunities in employment, education, and political representation for Scheduled Tribes (STs), Scheduled Castes (SCs), and Other Backward Classes (OBCs). Over the decades, reservations have significantly influenced Indian society, fostering socio-economic progress for historically marginalized groups while simultaneously fueling debates about their scope and effectiveness.

Brief Overview of the Reservations System in India:

The reservations system in India was established as a response to centuries of social discrimination and exclusion faced by certain communities, particularly the SCs and STs. The

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Indian Constitution⁹, through various provisions, mandates affirmative action in the form of reserved seats in government jobs, educational institutions, and legislative bodies. The primary objective was to level the playing field and provide these communities with opportunities to participate fully in the nation's socio-economic fabric.

Importance and Impact on Indian Society:

The impact of the reservations system on Indian society has been profound. It has facilitated access to education and employment for millions, contributing to the gradual socio-economic upliftment of marginalized communities. However, it has also been a subject of intense debate, with questions about its long-term efficacy, the criteria for identifying beneficiaries, and its implications on social cohesion. Despite these debates, the system has been instrumental in promoting inclusivity and reducing historical inequities.

Introduction to the New Policy of Sub-Categorisation:

The evolving dynamics of reservations¹⁰ in India have led to the introduction of the policy of sub-categorisation, particularly within the OBC category. This policy aims to rectify the unequal distribution of reservation benefits among diverse sub-groups within the broader Other Backward Classes (OBC) category. By establishing sub-categories, the policy seeks to ensure that the most disadvantaged groups within the OBCs receive their fair share of the benefits, thereby promoting a more equitable distribution of resources and opportunities.

This article will explore the constitutional framework underpinning the reservations system, the historical context, and the implications of the new policy of sub-categorisation, shedding light on the evolving landscape of reservations in India.

⁹ Nagaveni, Preethi Lolaksha. "Untouchability, a Unique Form of Violation of Human Rights:A Study of Practice of Untouchability in the Form of Manual Scavenging and Caste-Based Discrimination in Higher Educational Institutions in India" , Lancaster University (United Kingdom), 2023

¹⁰ "Muslims in Telangana", Springer Science and Business Media LLC, 2021

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Historical Background

The Roots of Affirmative Action in India

The concept of reservations in India has its roots in the pre-independence era, primarily aimed at addressing the profound social inequalities and historical injustices faced by specific communities. The earliest form of reservations was introduced in the late 19th and early 20th centuries by the British colonial administration. The Government of India Act of 1909¹¹ (also known as the Morley-Minto Reforms) provided for separate electorates for Muslims, marking the beginning of official recognition of minority rights.

The contrasting views of Mahatma Gandhi and Dr. B.R. Ambedkar significantly influenced the development of reservation policies. The Poona Pact¹², which was a result of their debates, ensured reserved seats for the Scheduled Castes (Depressed Classes¹³) in provincial legislatures within the framework of the joint electorate. This agreement marked a crucial milestone in the evolution of India's reservation system, shaping the course of social justice and political representation for marginalized communities.

Key Milestones in the Evolution of Reservation Policies

Post-independence, the Indian government continued to address social disparities through various policies and constitutional amendments. Some key milestones include:

1. Indian Constitution (1950):¹⁴ The adoption of the Constitution laid the groundwork for affirmative action. Specifically, Articles 15 and 16 prohibited discrimination and ensured equality of opportunity in public employment, while allowing the state to implement special provisions for the advancement of socially and educationally backward classes, Scheduled Tribes (STs), and Scheduled Castes (SCs).

¹¹ <https://www.britannica.com/topic/Indian-Councils-Act-of-1909>

¹² <https://www.constitutionofindia.net/historical-constitution/poona-pact-1932-b-r-ambedkar-and-m-k-gandhi/>

¹³ Annapurna Waughray. "Capturing Caste in Law - The Legal Regulation of Caste Discrimination", Routledge, 2022

¹⁴ <https://www.constitutionofindia.net/read/>

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- Article 15: The Indian Constitution's Article 15 safeguards citizens against discrimination based on religion, race, caste, sex, or place of birth, ensuring equal treatment under the law. This fundamental right also extends to the private domain, securing equal access to public spaces and facilities for all individuals. Furthermore, Article 15's Clause 4 authorizes the state to implement measures that promote the welfare and development of socially and educationally disadvantaged groups, including Scheduled Castes and Scheduled Tribes, thereby promoting affirmative action and reservation policies to uplift marginalized communities.
- Article 16: The Indian Constitution's Article 16 guarantees equal opportunities for all citizens in public employment, prohibiting discrimination based on religion, race, caste, sex, descent, place of birth, or residence. Additionally, Clause 4 of Article 16 enables the state to implement special measures, including reservations, to address the underrepresentation of disadvantaged groups in its services, thereby promoting inclusive policies and social upliftment.
- Articles 330 and 332: The constitutional provision of reserving seats in State Legislative Assemblies and the House of the People for Scheduled Tribes and Scheduled Castes is designed to enhance their political participation and promote social equity, addressing the historical disadvantages faced by these communities.
- Article 335: The Indian Constitution's Article 335 mandates that the interests of Scheduled Castes and Scheduled Tribes are taken into account during the recruitment process for Union and State government services and posts, ensuring their representation in the administrative machinery. This provision is subject to the condition that the efficiency of administration is maintained. The article allows for the relaxation of qualifications or standards for SC/ST candidates in public service appointments, ensuring their representation in government positions.
- Article 340: The President has the authority to establish a commission to examine the circumstances of socially and educationally disadvantaged groups, with the mandate to propose measures to enhance their socio-economic status.

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These constitutional provisions have been instrumental in shaping India's reservation policies, ensuring affirmative action to uplift historically marginalized communities and promote social justice.

Constitutional Framework

Explanation of Relevant Constitutional Articles

The Indian Constitution¹⁸, adopted in 1950, embodies the principles of social justice and equality, providing the legal basis for the¹⁹ reservation system. Several key articles lay the foundation for affirmative action policies:

- Article 15: This article ensures equal opportunities by prohibiting discrimination based on religion, race, caste, sex, or place of birth. Moreover, the state is empowered to take affirmative action to promote the welfare of socially and educationally disadvantaged groups, including Scheduled Castes and Scheduled Tribes, under Clause 4. The 93rd Amendment Act of 2005 further extended this provision to allow the state to implement special measures in educational institutions, excluding minority institutions, to support these groups.
- Article 16: The constitution guarantees equal opportunities in public employment, ensuring a level playing field for all. Additionally, the state is empowered to take measures to reserve positions for underrepresented backward classes, as deemed necessary. Furthermore, a subsequent amendment (77th Amendment Act, 1995) has extended this provision to include reservations in promotions for Scheduled Castes and Scheduled Tribes, promoting greater inclusivity and representation.
- Article 330 and 332: The constitution sets aside a certain number of seats in the Lok Sabha and State Legislative Assemblies for Scheduled Castes and Scheduled Tribes, guaranteeing their representation in the country's legislative bodies.
- Article 335: The constitution requires that the needs and concerns of Scheduled Castes and Scheduled Tribes are duly taken into account, while also ensuring the upkeep of

¹⁸ "Muslims in Telangana", Springer Science and Business Media LLC, 2021

¹⁹ Meghna Sabharwal, Evan M. Berman. "Public Administration in South Asia - India, Bangladesh, and Pakistan", CRC Press, 2017

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administrative efficacy, during the recruitment process for central and state government positions.

- Article 340: The President has the power to constitute a commission to examine the socio-economic and educational condition of marginalized communities, and to recommend strategies to improve their overall welfare and development. This provision has led to the creation of bodies such as the Mandal Commission, which has significantly contributed to the expansion of reservation policies.

Role of the Constitution in Shaping Reservation Policies

The Constitution of India not only establishes the framework for reservations but also reflects the commitment of the nation to address historical injustices and social inequalities. The architects of the constitution intentionally incorporated affirmative action provisions to establish a fair and equitable society, where historically disadvantaged groups can access equal opportunities in education, employment, and political participation, thereby bridging the gap between them and the rest of the population.

The role of the Constitution in shaping reservation policies is multifaceted:

1. **Legal Foundation:** The Constitution lays the legal foundation for reservation policies, thereby anchoring affirmative action initiatives in a framework of constitutional legitimacy and ensuring that they are guided by the principles of justice and equality.
2. **Social Justice:** The constitutional provisions underscore the commitment to social justice, aiming to uplift historically disadvantaged communities and bridge socio-economic disparities.
3. **Flexibility and Adaptability:** Through various amendments and provisions, the Constitution allows for the evolution and adaptation of reservation policies to address emerging challenges and changing socio-economic conditions.

Supreme Court Judgments Influencing Reservations

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India's judicial system has had a profound impact on the development and interpretation of reservation policies, serving as a key arbiter in shaping their scope and implementation. Some landmark Supreme Court judgments include:

1. **Mandal Commission (Indra Sawhney Case, 1992)²⁰**: In 1979, the Mandal Commission was established, and it proposed a 27% quota for Other Backward Classes (OBCs) in central government positions and educational institutions. The implementation of these recommendations sparked widespread protests and legal disputes. The Supreme Court's landmark ruling in the Indra Sawhney v. Union of India case (1992) validated the 27% quota for OBCs but struck down the provision for reservations in promotions. Additionally, the court introduced the concept of the "creamy layer," which excluded more affluent OBC members from benefiting from reservations.
2. **Nagaraj Case (2006)²¹**: In a significant ruling, the Supreme Court addressed the issue of reservations in promotions for Scheduled Castes and Scheduled Tribes. The court upheld the legitimacy of reservations in promotions, but established three key prerequisites: the group in question must be socially backward, their representation in public employment must be inadequate, and the reservation must not compromise overall administrative efficiency.
3. **Jarnail Singh Case (2018)²²**: In a reversal of its earlier stance, the Supreme Court clarified that states are not required to gather empirical evidence to demonstrate the backwardness of Scheduled Castes and Scheduled Tribes in order to implement reservations in promotions. This decision simplified the process, allowing reservation policies in promotions to continue without the burden of collecting exhaustive data.
4. **Janhit Abhiyan v. Union of India (2022)²³**: In a pivotal ruling, the Supreme Court validated the 103rd Constitutional Amendment, which introduced a 10% quota for

²⁰ Indra Sawhney v. Union of India, AIR 1993 SC 477; 1992 Supp (3) SCC 217

²¹ M. Nagaraj & Others v. Union of India & Others, (2006) 8 SCC 212

²² Jarnail Singh & Others v. Lachhmi Narain Gupta & Others, (2018) 10 SCC 396

²³ Janhit Abhiyan v. Union of India, Writ Petition (Civil) No. 55 of 2019, decided on 7th November 2022 by the Supreme Court of India. Asang Wankhede, [Affirmative Action for Economically Weaker Sections and Upper-Castes in Indian Constitutional Law: Context, Judicial Discourse, and Critique](#), Routledge India, 2022

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Economically Weaker Sections (EWS). By a narrow 3:2 majority, the court held that the EWS reservation did not compromise the Constitution's basic structure, despite exceeding the 50% cap established in the Indra Sawhney v. Union of India (1992) judgment. This decision signified a substantial expansion of the reservation policy, as it extended benefits to previously uncovered sections beyond traditional caste-based reservations.

These judgments have significantly influenced the contours of reservation policies, ensuring that they align with constitutional principles while addressing contemporary socio-economic challenges. The judiciary's interventions have helped balance the goals of social justice with the need for administrative efficiency and meritocracy.

Current Reservation Policies

Overview of Existing Reservation Policies for SC, ST, OBC, and EWS²⁴

India's affirmative action policies are designed to promote social equity by providing opportunities to marginalized groups, including the Scheduled Castes, Scheduled Tribes, Other Backward Classes, and the newly introduced Economically Weaker Sections, who have historically faced discrimination and exclusion. These policies span across education, employment, and political representation, ensuring a holistic approach to affirmative action.

1. Scheduled Castes (SC):
 - Reservation Quota: 15%
 - Scope: Public sector jobs, educational institutions, and legislative bodies
 - Objective: To uplift communities historically subjected to untouchability and socio-economic deprivation.
2. Scheduled Tribes (ST):
 - Reservation Quota: 7.5%
 - Scope: Public sector jobs, educational institutions, and legislative bodies
 - Objective: To address the socio-economic disadvantages and geographical isolation of tribal communities.

²⁴ https://dpe.gov.in/sites/default/files/Reservation_Brochure-2.pdf

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3. Other Backward Classes (OBC):

- Reservation Quota: 27%
- Scope: Public sector jobs and educational institutions
- Objective: To support socially and educationally backward communities who have been historically marginalized.

4. Economically Weaker Sections (EWS):

- Reservation Quota: 10%
- Scope: Public sector jobs and educational institutions
- Objective: To provide opportunities to economically disadvantaged individuals who do not fall under the SC, ST, or OBC categories. This was introduced through the 103rd Constitutional Amendment Act, 2019.

Implementation and Impact on Various Sectors

1. Education:

- Implementation: Reserved seats in central and state educational institutions, including prestigious institutions like IITs, IIMs²⁵, and central universities.
- Impact: Increased access to higher education for SC, ST, OBC²⁶, and EWS categories. The reservation policies have significantly boosted the enrollment of students from these communities, contributing to greater diversity and inclusivity in educational institutions. Scholarships, fee waivers, and other support mechanisms further aid these students.

2. Employment:

- Implementation: Reserved positions in public sector jobs and promotions within government services.
- Impact: Enhanced representation of SC, ST, and OBC communities in government jobs. The reservation policies have facilitated socio-economic mobility and improved the standard of living for many individuals from these communities. However, the

²⁵ "The Future of Higher Education in India" , Springer Science and Business Media LLC, 2019

²⁶ Nishith Prakash. "The impact of employment quotas on the economic lives of disadvantaged minorities in India" , Journal of Economic Behavior & Organization, 2020

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effectiveness varies across states and departments, with challenges in implementation and adherence to reservation quotas in some areas.

3. Politics:

- Implementation: Reserved seats in the House of the People (Lok Sabha) and State Legislative Assemblies for SC and ST communities.
- Impact: Greater political representation and participation of SC and ST communities. This has led to increased advocacy for the rights and issues of these communities within legislative bodies. The presence of SC and ST representatives has also influenced policy-making and the allocation of resources to marginalized regions and groups.

Challenges and Criticisms

While the reservation policies have made significant strides in addressing historical injustices and promoting inclusivity, they also face several challenges and criticisms:

- Implementation Gaps: Inconsistent implementation of reservation policies across different states and sectors. Some states struggle to meet the prescribed quotas, particularly in higher education and public employment²⁷.
- Creamy Layer: The concept of the "creamy layer" in OBC reservations aims to exclude the more affluent members from reservation benefits, but identifying and implementing this exclusion remains complex.
- Political and Social Tensions: Reservations often lead to political debates and social tensions, with some communities feeling excluded or unfairly treated. Balancing the demands of different groups while maintaining social harmony is a continuous challenge.
- Meritocracy Concerns: Critics argue that reservations may compromise meritocracy, particularly in highly competitive fields like higher education and public services. However, proponents emphasize that reservations are necessary to level the playing field for historically disadvantaged communities.

²⁷ Rahul Chorangudi, Sony Pellissery, N. Jayaram. "Caste Matters in Public Policy - Issues and Perspectives" , Routledge, 2022

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Despite these challenges, the reservation policies in India have played a crucial role in promoting social justice and ensuring that marginalized communities have access to opportunities for education, employment, and political participation. The introduction of the EWS quota marks a significant expansion of these policies, reflecting the evolving understanding of affirmative action in the Indian context²⁸.

New Policy of Sub-Categorisation

Introduction to the Concept of Sub-Categorisation²⁹

Sub-categorisation refers to the division of larger reserved categories into smaller sub-groups to ensure a more equitable distribution of benefits³⁰. In the Indian context, this primarily applies to the Other Backward Classes (OBC) category, which is a broad and diverse group encompassing numerous castes and communities with varying levels of social and economic disadvantage. The aim is to address intra-category disparities and ensure that the benefits of reservations reach the most disadvantaged sub-groups within the OBC category.

Objectives and Rationale Behind the Policy

The primary objectives of sub-categorisation are:

1. **Equitable Distribution:** To ensure that the benefits of reservation policies are not concentrated among the more advanced or dominant sub-groups within the larger reserved categories, but are evenly distributed among all sub-groups, including the most marginalized.
2. **Social Justice:** To enhance the effectiveness of affirmative action by addressing internal inequities within reserved categories and promoting a more inclusive approach to social justice.

²⁸ Nagaveni, Preethi Lolaksha. "Untouchability, a Unique Form of Violation of Human Rights:A Study of Practice of Untouchability in the Form of Manual Scavenging and Caste-Based Discrimination in Higher Educational Institutions in India" , Lancaster University (United Kingdom), 2023

²⁹ https://www.business-standard.com/india-news/rohini-commission-decoded-understanding-sub-categorisation-of-obcs-123102600760_1.html

³⁰ R. M. Channaveer, Rajendra Baikady, Haruhiko Sakaguchi, Cheng Sheng-Li. "Social Welfare Policies and Programmes in South Asia" , Routledge, 2019

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3. Targeted Benefits: To make affirmative action more precise and impactful by identifying and prioritizing sub-groups that have historically received fewer benefits from reservation policies.

The rationale behind sub-categorisation stems from the recognition that within the broad OBC category, there are significant disparities. Some sub-groups have managed to advance socio-economically, while others remain severely disadvantaged. Sub-categorisation aims to rectify this imbalance and ensure that all sub-groups have access to the opportunities intended by reservation policies.

Committee Recommendations (e.g., Rohini Commission)³¹

The Rohini Commission, established in 2017, was tasked with examining the sub-categorisation of OBCs and making appropriate recommendations. Key recommendations from the commission include:

1. Creation of Sub-Categories: The commission proposed dividing the OBC category into sub-categories based on the relative socio-economic status of various sub-groups. This would help ensure that reservation benefits are more evenly distributed.
2. Data Collection and Analysis: Emphasized the need for comprehensive data collection and analysis to accurately identify the socio-economic status of different sub-groups within the OBC category. This data would form the basis for sub-categorisation.
3. Review of Existing Policies: Recommended a periodic review of reservation policies and their implementation to ensure that sub-categorisation remains relevant and effective in addressing intra-category disparities.
4. Awareness and Outreach: Suggested initiatives to raise awareness about sub-categorisation and its benefits among OBC communities to garner support and ensure smooth implementation.

Government Initiatives and Actions Taken

³¹ Ibid.

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The Indian government has taken³² several steps to implement the policy of sub-categorisation, including:

1. **Formation of the Rohini Commission:** As a significant step towards addressing intra-category disparities, the government established the Rohini Commission to study and recommend measures for sub-categorisation within the OBC category.
2. **Data Collection Efforts:** Initiatives have been undertaken to collect detailed socio-economic data on various sub-groups within the OBC category. This data is crucial for informed decision-making and effective implementation of sub-categorisation.
3. **Legislative and Policy Frameworks:** The government is working on creating the necessary legislative and policy frameworks to facilitate the implementation of sub-categorisation. This includes amendments to existing reservation policies and guidelines for state and central government agencies.
4. **Pilot Projects and State-Level Initiatives:** Some states have already implemented sub-categorisation within their respective OBC categories as pilot projects. These initiatives serve as models for broader implementation and provide valuable insights into the practical challenges and benefits of sub-categorisation.

The policy of sub-categorisation represents a significant evolution in India's approach to affirmative action. By addressing internal disparities within reserved categories, it aims to create a more equitable and just society. The ongoing efforts of the Rohini Commission and government initiatives are crucial steps towards achieving this goal, ensuring that the benefits of reservations reach all sections of society, particularly the most disadvantaged.

Implications of Sub-Categorisation

Expected Benefits of Sub-Categorisation

The policy of sub-categorisation within reservation systems aims to enhance the equitable distribution of benefits, particularly among the OBC category. The expected benefits include:

³² Mrutyunjaya Mishra, Pettala Ramakrishna. "Education of Socio-Economic Disadvantaged Groups - From Marginalisation to Inclusion", Routledge, 2023

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1. **Equitable Distribution of Benefits:** By creating sub-categories within larger reserved groups, sub-categorisation ensures that the reservation benefits reach the most disadvantaged sub-groups. This prevents dominant or relatively better-off sub-groups from monopolizing the benefits, leading to a more balanced and fair distribution.
2. **Targeted Affirmative Action:** Sub-categorisation allows for more precise and targeted affirmative action. By identifying and focusing on the most deprived sub-groups within a larger category, the policy can more effectively address specific socio-economic challenges and disparities.
3. **Increased Social Mobility:** Providing reservations to the most marginalized sub-groups within OBCs can facilitate their socio-economic mobility. This can lead to improved access to education, employment, and political representation, contributing to the overall upliftment of these communities.
4. **Reduction of Intra-Category Inequalities:** Sub-categorisation addresses the existing inequalities within larger reserved categories. By ensuring that all sub-groups receive appropriate representation and benefits, it promotes a more inclusive and equitable approach to social justice.

Challenges and Criticisms

While the policy of sub-categorisation aims to promote fairness and equity, it is not without challenges and criticisms:

1. **Complexity in Implementation:** Sub-categorisation involves detailed data collection and analysis to accurately identify and categorize sub-groups within larger reserved categories. This process can be complex, time-consuming, and resource-intensive. Ensuring accuracy and fairness in this process is critical but challenging.
2. **Potential for Increased Social Tensions:** The creation of sub-categories within reserved groups can lead to social tensions and conflicts. Different sub-groups may compete for limited resources and benefits, potentially leading to friction and division within the broader community. Managing these tensions requires careful planning and communication.

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3. **Administrative and Bureaucratic Hurdles:** Implementing sub-categorisation requires changes in existing administrative and bureaucratic processes. This includes updating reservation policies, creating new guidelines, and training officials. The transition can be cumbersome and may face resistance from various stakeholders.
4. **Political Opposition and Criticism:** Sub-categorisation can be a politically sensitive issue. Some political groups and communities may oppose the policy, arguing that it complicates the reservation system or that it unfairly benefits certain sub-groups over others. Building consensus and addressing these concerns is crucial for successful implementation.
5. **Balancing Meritocracy and Social Justice:** Critics argue that extensive sub-categorisation may compromise the principles of meritocracy. While affirmative action aims to promote social justice, ensuring that it does not adversely affect overall efficiency and merit-based selection processes is a delicate balance.

Addressing Intra-Category Disparities³³

Sub-categorisation directly addresses intra-category disparities by ensuring that all sub-groups within a larger reserved category receive their fair share of benefits. This involves:

1. **Data-Driven Identification:** Collecting and analyzing socio-economic data to identify the most disadvantaged sub-groups within larger categories. This data-driven approach ensures that sub-categorisation is based on objective criteria and accurate assessments of need.
2. **Inclusive Policy Design:** Designing reservation policies that reflect the diverse needs and challenges of different sub-groups. This includes setting appropriate quotas, providing targeted support mechanisms, and regularly reviewing and updating policies to ensure their effectiveness.
3. **Community Engagement:** Engaging with communities to raise awareness about the benefits of sub-categorisation and to address any concerns or misconceptions. Effective

³³ <https://www.civildaily.com/the-hindu-op-ed-intra-group-caste-variances-equality-and-the-courts-gaze/>

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communication and participation of all stakeholders are essential for building trust and ensuring smooth implementation.

4. **Monitoring and Evaluation:** Establishing robust mechanisms for monitoring and evaluating the impact of sub-categorisation. This includes tracking the socio-economic progress of different sub-groups, identifying any gaps or issues, and making necessary adjustments to policies and implementation strategies.

While sub-categorisation presents several challenges, its potential benefits in promoting equitable distribution of reservation benefits and addressing intra-category disparities are significant. Careful planning, transparent processes, and inclusive approaches are essential for realizing the full potential of sub-categorisation and advancing social justice in India.

Case Studies and Examples

Examples of Sub-Categorisation in Other States or Countries³⁴

1. **Tamil Nadu, India:**³⁵
 - **Context:** Tamil Nadu has a long history of implementing reservation policies, including sub-categorisation within the OBC category.
 - **Sub-Categorisation:** The state has divided OBCs into Backward Classes (BC), Most Backward Classes (MBC), and Denotified Communities (DNC) to ensure a more equitable distribution of reservation benefits.
 - **Successes:** This sub-categorisation has allowed for a more targeted approach in providing educational and employment opportunities, resulting in improved socio-economic conditions for the most disadvantaged groups within the OBC category.
 - **Challenges:** The primary challenge has been managing the complex administrative processes involved in maintaining and updating sub-categories. Additionally, balancing the interests of various sub-groups has sometimes led to social tensions and political debates.
2. **Rajasthan, India:**

³⁴ <https://thewire.in/rights/sc-sub-quota-verdict-revisiting-the-long-drawn-struggle-for-reservation-justice>

³⁵ Ma., "Impact of reservation policies: India's quota politics during the post-independence period, 1950--2011", Proquest, 2012.

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- Context: Rajasthan has implemented sub-categorisation within the OBC category to address internal disparities.
 - Sub-Categorisation: The state has created sub-categories like Extremely Backward Classes (EBC) to ensure that the most marginalized communities receive adequate representation and benefits.
 - Successes: The initiative has led to better access to education and public sector jobs for the most disadvantaged groups, helping to reduce socio-economic inequalities.
 - Challenges: Similar to Tamil Nadu, administrative complexity and potential for intra-group conflicts have been significant challenges. Ensuring that the benefits reach the intended recipients without dilution has required continuous monitoring and adjustments.
3. United States:
- Context: While not identical to India's reservation system, affirmative action policies in the United States offer a comparative perspective.
 - Sub-Categorisation: Affirmative action in the U.S. includes targeted support for various minority groups, such as African Americans, Hispanics, Native Americans, and others, recognizing the unique challenges faced by each group.
 - Successes: These policies have improved access to higher education and employment for historically marginalized communities. The granular approach has allowed for more tailored interventions addressing specific needs of different groups.
 - Challenges: Affirmative action policies in the U.S. have faced legal challenges, political opposition, and public debate. Balancing affirmative action with meritocracy and addressing perceptions of reverse discrimination remain ongoing issues.
4. Debate Over Caste Census (2023-2024):
- News: Several states, particularly Bihar, initiated their own caste census in 2023. This move sparked a national debate on the necessity and implications of caste data collection, influencing the conversation around sub-categorisation within reservations.
 - **Case Law: State of Uttar Pradesh v. Pradip Tandon (1975)³⁶**

³⁶ State of Uttar Pradesh v. Pradip Tandon, (1975) 1 SCC 267.

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- Details: Although not directly related to the recent caste census, this case dealt with the classification of backward classes and emphasized the need for objective data to determine the beneficiaries of reservation policies. The current debate on caste census ties back to the need for accurate data in determining caste-based reservations.
- 5. Government's Proposal for Sub-Categorisation of OBCs (2023):
 - News: The Union Government is reportedly working on a proposal for the sub-categorisation of Other Backward Classes (OBCs) to ensure equitable distribution of the 27% OBC reservation quota. This proposal is expected to be based on the findings of the Rohini Commission, which submitted its report in 2023.
 - **Case Law: Indra Sawhney v. Union of India (1992):** This case is again relevant here as it initially laid down the principles for OBC reservations, including the exclusion of the "creamy layer" and the idea of internal classification within the OBC category. The Rohini Commission's recommendations and the government's proposal for sub-categorisation can be seen as a continuation of the principles laid down in this case.

Analysis of Their Success and Challenges

The examples from Tamil Nadu, Rajasthan, and the United States provide valuable insights into the successes and challenges of sub-categorisation:

- ❖ Successes:
 - Targeted Benefits: Sub-categorisation has led to a more equitable distribution of benefits, ensuring that the most disadvantaged sub-groups receive appropriate support.
 - Improved Socio-Economic Conditions: By focusing on the most marginalized, sub-categorisation has contributed to better access to education, employment, and socio-economic mobility.
 - Inclusive Policy Design: Tailored policies that recognize the unique challenges of different sub-groups have proven more effective in addressing disparities.
- ❖ Challenges:

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- **Administrative Complexity:** Implementing and maintaining sub-categorisation requires detailed data collection, monitoring, and continuous updates, posing significant administrative challenges.
- **Social Tensions:** Dividing larger reserved categories into sub-groups can lead to intra-group conflicts and social tensions, necessitating careful management and communication.
- **Legal and Political Issues:** Sub-categorisation policies often face legal challenges and political opposition, requiring strong legal frameworks and consensus-building efforts.

Lessons Learned for India

The experiences from these examples offer several lessons for India as it navigates the policy of sub-categorisation:

1. **Data-Driven Approach:** Accurate and comprehensive data collection is crucial for effective sub-categorisation. India must invest in robust data systems to identify and analyze the socio-economic status of various sub-groups within the OBC category.
2. **Transparent and Inclusive Processes:** Transparency in policy design and implementation, along with active community engagement, is essential to build trust and minimize conflicts. Ensuring that all stakeholders are involved in the process can help address concerns and misconceptions.
3. **Ongoing Oversight and Assessment:** It is essential to regularly review and assess the effectiveness of sub-categorization policies, tracking the social and economic advancements of various sub-groups and pinpointing any new challenges that arise, in order to make informed adjustments and optimize their impact.
4. **Balancing Equity and Efficiency:** While promoting social justice, it is important to maintain a balance with meritocracy and administrative efficiency. Policies should be designed to minimize disruptions and ensure that the overall system functions effectively.
5. **Legal and Policy Frameworks:** Establishing clear legal and policy frameworks can help address potential legal challenges and provide a stable foundation for sub-

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categorisation. Building political consensus and addressing opposition through dialogue and negotiation are also critical.

The experiences of sub-categorisation in Tamil Nadu, Rajasthan, and the United States highlight both the potential benefits and challenges of this policy. By learning from these examples and adopting a data-driven, transparent, and inclusive approach, India can effectively implement sub-categorisation to promote social justice and ensure equitable distribution of reservation benefits.

Future Prospects

Potential Impact on Indian Society and Economy

The sub-categorisation of reservations in India holds the potential to significantly transform both society and the economy:

1. Social Impact:
 - Enhanced Social Justice: Through targeted sub-categorization, the benefits of reservation can be channeled to the most vulnerable and marginalized sub-groups, thereby advancing the principles of social justice and promoting a more equitable society. This can lead to a more inclusive society where historically marginalized communities receive their fair share of opportunities.
 - Reduction of Intra-Category Inequities: Sub-categorisation can help reduce disparities within larger reserved categories, fostering a more balanced and equitable distribution of resources.
 - Empowerment of Marginalized Communities: Providing targeted support to the most deprived sub-groups can empower these communities, enhancing their socio-economic status and improving their quality of life.
2. Economic Impact:
 - Increased Workforce Diversity: A more equitable reservation system can lead to greater diversity in the workforce, promoting inclusivity and innovation. Diverse teams are often more creative and effective, which can benefit various sectors of the economy.

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- **Improved Human Capital:** By ensuring that the most marginalized groups have access to education and employment opportunities, sub-categorisation can contribute to the development of human capital. This can enhance productivity and economic growth.
- **Reduction in Poverty and Inequality:** Targeted affirmative action can help lift disadvantaged sub-groups out of poverty, reducing overall economic inequality and contributing to more sustainable economic development.

Future Developments and Possible Amendments

As India continues to evolve its reservation policies, several future developments and potential amendments could shape the landscape of sub-categorisation:

1. **Refinement of Sub-Categories:** Continuous data collection and analysis can lead to the refinement of sub-categories within larger reserved groups. This ensures that the policy remains relevant and effective in addressing emerging socio-economic challenges.
2. **Expansion to Other Categories:** While the focus has primarily been on OBCs, sub-categorisation could potentially be expanded to other reserved categories, such as SCs and STs, to address intra-category disparities more comprehensively.
3. **Integration of Economic Criteria:** Future amendments might include integrating economic criteria with social and educational backwardness to ensure a more holistic approach to reservations. This could help address criticisms related to the exclusion of economically disadvantaged individuals who do not fall under traditional reserved categories.
4. **Periodic Review and Updates:** Establishing mechanisms for periodic review and updates of reservation policies can ensure that they remain dynamic and responsive to changing socio-economic conditions. This includes assessing the impact of sub-categorisation and making necessary adjustments.

Role of Judiciary and Civil Society in Shaping the Policy

Both the judiciary and civil society serve as vital catalysts in the evolution and refinement of sub-categorization policies, influencing their development and implementation through their respective roles in promoting social justice and equality:

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- Judiciary:
- Judicial Review: The judiciary, through its power of judicial review, can ensure that sub-categorisation policies comply with constitutional principles. Landmark judgments, like those in the Indra Sawhney and M. Nagaraj cases, have already significantly influenced reservation policies.
- Balancing Equity and Meritocracy: The judiciary often addresses the delicate balance between social justice and meritocracy, ensuring that affirmative action policies are fair and do not compromise overall efficiency.
- Guidance on Implementation: Through its rulings, the judiciary can provide guidance on the implementation of sub-categorisation, ensuring that it is carried out in a manner that is just and equitable.
- Civil Society's Impact:
- Advocacy and Awareness: Civil society organizations serve as champions of fair reservation policies, actively promoting awareness about the advantages and complexities of sub-categorization, and thereby contributing to a more informed public discourse. They can mobilize public opinion and influence policy-making.
- Data Collection and Research: NGOs and research institutions can contribute to data collection and analysis, providing valuable insights that inform sub-categorisation policies. Their research can highlight gaps and suggest improvements.
- Monitoring and Accountability: Civil society can act as a watchdog, monitoring the implementation of sub-categorisation policies and holding the government accountable. They can report on the ground realities and ensure that policies are effectively reaching the intended beneficiaries.
- Facilitating Dialogue: By fostering dialogue among various stakeholders, including marginalized communities, policy-makers, and the general public, civil society can help build consensus and address conflicts that arise from sub-categorisation.

The future prospects of sub-categorisation in India are promising, with the potential to significantly impact both society and the economy. Continuous refinement of policies, active involvement of the judiciary and civil society, and a focus on equitable distribution of benefits

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will be crucial in ensuring that sub-categorisation achieves its intended goals of social justice and inclusion.

Conclusion

India's reservation policies have undergone substantial transformations over the years, mirroring the country's steadfast dedication to fostering a more equitable society and promoting social justice for all its citizens. The constitutional framework, with its well-defined articles and amendments, has provided the legal backbone for affirmative action, ensuring that historically disadvantaged communities receive the opportunities they deserve.

Summary of Key Points

The article has outlined the historical background of reservations, tracing their roots from pre-independence initiatives to post-independence constitutional provisions. Key milestones, such as the Poona Pact and the Mandal Commission, have shaped the trajectory of reservation policies. The constitutional framework, through various articles and amendments, has provided a robust legal basis for these policies, ensuring their alignment with the principles of social justice³⁷.

Reflection on the Importance of Evolving Reservation Policies

India's reservation policies have been instrumental in empowering marginalized communities, granting them access to education, employment, and political participation. The recent introduction of sub-categorization marks a significant evolution in these policies, tackling disparities within categories and promoting a more balanced allocation of benefits. Furthermore, the judiciary has played a vital role in shaping the trajectory of these policies, with seminal judgments like the Indra Sawhney case leaving an indelible mark on their development.

Final Thoughts on the Way Forward

³⁷ Vidhu Verma. "Non-discrimination and Equality in India - Contesting boundaries of social justice", Routledge, 2011

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As India continues to grow and develop, it is essential to adapt and refine reservation policies to meet emerging challenges. The policy of sub-categorisation represents a significant step towards a more inclusive approach, addressing internal disparities within larger reserved categories. However, its implementation must be handled with care, ensuring that it does not lead to increased social tensions or administrative complexities.

The trajectory of India's reservation policies will hinge on the sustained cooperation between the government, judiciary, and civil society. Striking a delicate balance between merit-based systems and social justice imperatives is essential, as the nation seeks to promote affirmative action without compromising overall efficiency. Through a data-driven and inclusive approach, India can pave the way for a more fair and equitable society, where all individuals have the opportunity to realize their full capabilities and contribute to the country's growth.

In conclusion, the evolving landscape of reservations in India underscores the importance of continuous efforts towards social justice. With thoughtful policies, transparent processes, and a commitment to inclusivity, India can achieve its vision of a more equitable future for all its citizens.

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