



RESERVATION JURISPRUDENCE IN INDIA: SUB-CLASSIFICATION, EQUALITY AND CONSTITUTIONAL DOCTRINE

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Abstract

Driven by this conviction, the article reflects on the constitutional voyage of the reservation policy in India from the lenses of sub-classification, substantive equality, and Ambedkarite constitutionalism. It depicts how the Supreme Court has, in its journey from a caste-based social order concept to the 2024 judgment in the State of Punjab v. Davinder Singh case, progressively redefined the concept of equality under Articles 14–16. The work examines the court's transition from formal to substantive equality and the internal division within Scheduled Castes and Tribes to identify the unrepresented weaknesses of the groups. Drawing upon the judicial precedents, constitutional debates and socio-economic data, it attempts to answer the question whether the current framework fulfils the emancipative promise of justice. Also, it examines the effects of the Davinder Singh case on the creamy layer doctrine and the middle-class trap that limits the growth of the disadvantaged groups. It ends with the idea that the reservation system should turn into a flexible and data-driven model that would be able to balance the historical redress with present inequities and thus be in line with Ambedkar's constitutional vision of liberty, equality, and fraternity.

Keywords: *Reservation Policy, Sub-Classification, Substantive Equality, Ambedkarite Constitutionalism, Caste Discrimination.*

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I Introduction: A Nation at the Crossroads of Equality

IN a sunlit village school in 2025, a Dalit girl named Meera stands outside the gate of a temple festival. Meera, a bright and determined student, has topped her class year after year and dreams of making something big in her life—yet the priest tells her she cannot enter. Her brilliance, it seems, cannot outshine her birth.¹ India's caste fault lines still ripple beneath the skin of modernity, even seventy-five years after Dr. B.R. Ambedkar had drafted a Constitution that promised *justice, equality, and human dignity*.² Reservations—the *most radical social justice tool of the Republic*—have been the means by which millions have crossed the threshold of dignity; however, the door remains half-open.³ The Supreme Court in 2024 recognizing the need for sub-classification within the SC/ST categories, a new question arose: can the law once again realize the dream that Ambedkar had started? This is the story of an unfinished revolution—of equality created by law but limited in life, of a nation that is proud of its progress yet courageous enough to reform it.

India's system of reservations, initially designed as a constitutional tool for equality, stands at crossroads today. It has indeed lifted millions of people from the margins, but at present, it is struggling with complex issues—*sub-classification* within castes, the controversial *creamy layer* debate, and the newly formed *middle-class trap* that hinders the real

¹ Cf. Anuradha Sharma, "Caste and Social Exclusion in Contemporary India" 30 *Economic and Political Weekly* 45-50 (2023).

² B.R. Ambedkar, *Annihilation of Caste* 45 (Critical Quest, New Delhi, reprint edn., 2008).

³ Marc Galanter, *Competing Equalities: Law and the Backward Classes in India* 112 (Oxford University Press, Delhi, 1984).

mobility of the caste.⁴ These conflicts unveil a system that is weighed by both its achievements and its stagnation. A major development took place in August 2024, in the case of *State of Punjab v. Davinder Singh*⁵ in which the Apex Court allowed differentiation of sub-classes within SC/ST groups, thus reviving Ambedkar's vision of *justice through difference*.⁶

Dr. B.R. Ambedkar, the *Father of the Indian Constitution*, was born in a family that were considered *untouchables*. He experienced caste-based discrimination from the very beginning of his life.⁷ These struggles fuelled his vision towards the Indian Constitution, embedding equality as its foremost principle.⁸ The continued concentration of a large proportion of SC/ST households in low-income categories, even in 2025, highlights the enduring influence of caste on socio-economic inequality in India. This article is about India's caste-based reservation system as the fulfilment of Ambedkar's dream and the ongoing quest for justice—a conciliator from past grievances to present equality of the oppressed.

II Evolution of the Caste System: From Sacred Order to Social Stranglehold

A. From Varna to Exclusion

The origin of the Caste system in India traces back to the Vedic idea of varna, a system that aimed to maintain social harmony by labour

⁴ M.P. Singh, *Constitutional Law of India* 112 (Eastern Book Company, Lucknow, 6th edn., 2021).

⁵ *State of Punjab v. Davinder Singh*, (2024) 7 SCC 1.

⁶ *Supra* note 2 at 67.

⁷ Eleanor Zelliot, *From Untouchable to Dalit: Essays on the Ambedkar Movement* 25 (Manohar Publishers, New Delhi, 1996).

⁸ The Constitution of India, arts. 14, 15, 16.

division rather than birth.⁹ The people were divided into four varnas i.e., Brahmins, Kshatriyas, Vaishyas, and Shudras—according to the type of work. The Brahmins were assigned the roles of spirituality and education; the Kshatriyas, of ruling and protection; the Vaishyas, of trade and agriculture; and the Shudras, of helping and doing manual labour. The very first texts referred to karma (deeds), not janma (birth), thus indicating that social mobility was possible by merit and good conduct.¹⁰

Nevertheless, this seemingly inclusive system was, in practice, exclusive in nature.¹¹ Those who carried out “impure” works—later called Dalits—were completely removed from the varna system.¹² Over time, economic stratification and ritual purity turned occupational division into a birth-based hierarchy.¹³ Those in the upper castes, viewed themselves as the guardians of purity, perceived lower castes as inherently inferior—a view based on superiority complexes that eventually got stronger because they were passed from generation to generation.

B. Descent into Discrimination

When India's agriculture-based economy expanded, the varna system—originally flexible—fragmented into thousands of jatis i.e. sub-castes. These were no longer the guilds that were open and shared but became hereditary units that were linked to land, labour, and locality. The divisions were deepened by feudalism as the upper castes had the

⁹ R.S. Sharma, *Sudras in Ancient India: A Social History of Degraded Aryans* 5 (Motilal Banarsidass, Delhi, 1990).

¹⁰ S. Radhakrishnan, *The Principal Upanishads* 89 (HarperCollins, New Delhi, 2018).

¹¹ *Supra* note 2 at 15.

¹² G.S. Ghurye, *Caste and Race in India* 32 (Popular Prakashan, Mumbai, 2008).

¹³ André Béteille, *Caste, Class and Power: Changing Patterns of Stratification in a Tanjore Village* 41 (Oxford University Press, New Delhi, 2012).

control of property and power while the lower castes were engaged in the most degrading types of work. The notion of pollution was used as a reason to maintain social distance—who one could eat with, marry, or even take water from.¹⁴

Colonial rule ossified caste hierarchies. The British Census of 1871 strictly classified Indians on the basis of caste thus turning the ones that were fluid into permanent administrative labels. The policies regarding land and recruitment were designed in such a way that *martial* and *loyal* castes were favoured, thus opening the way for privilege and deprivation to be institutionalized.¹⁵ What had been a moral and ritual order was now transformed into an economic one—a stranglehold which was responsible for the continuous perpetuation of exclusion of different generations.¹⁶

C. Religious Interplay and Reformist Saints

Religion played a dual role of both sustaining the caste system and of questioning it too. For example, the *Manusmriti* and other texts gave a religious sanction to hierarchy, setting the fourfold division of society as a natural and eternal order.¹⁷ Yet, dissent arose within the same religious tradition. The Bhakti movement of the 15th—16th centuries was a spiritual revolution and a very important epoch in Indian religious history. Saints like Ravidas, Kabir, and Guru Nanak rejected ritual purity

¹⁴ Louis Dumont, *Homo Hierarchicus: The Caste System and Its Implications* 45 (Oxford University Press, New Delhi, 1980).

¹⁵ Nicholas B. Dirks, *Castes of Mind: Colonialism and the Making of Modern India* 43 (Princeton University Press, Princeton, 2001).

¹⁶ Susan Bayly, *Caste, Society and Politics in India from the Eighteenth Century to the Modern Age* 91 (Cambridge University Press, Cambridge, 1999).

¹⁷ Patrick Olivelle, *The Law Code of Manu* 21 (Oxford University Press, New Delhi, 2005).

and declared that faith was the only factor that determined a person's value and not lineage.¹⁸

Bhagat Ravidas, a Bhakti saint from a Dalit artisan community, envisioned *Begumpura*—a casteless, classless society where *all are equal before God*.¹⁹ His idea—that *God is one and caste disappears before Him*—is still the driving force behind the anti-caste ideologies even now. Currently, when Dalits are reported to be occasionally denied temple entry in certain areas of northern India, the call of Ravidas remains loud and clear to the conscience of the country that is struggling to practice what it preaches.²⁰

D. Enduring Realities of Caste in Contemporary India

Even after several decades of changes being made to the constitution to stop the discrimination based on caste, however, such a discrimination persists—in both rural and urban India.²¹ Although the legal framework has done away with the practice of untouchability, the social realities still disobey the law.

In rural areas, caste still determines the access to the water sources, temples, and even utensils.²² An eye-witness account in a village located in the northern part of India showed that different utensils were kept for

¹⁸ Charlotte Vaudeville, *Bhakti Saints of North India: Kabir and Ravidas* 45 (Oxford University Press, Delhi, 1974).

¹⁹ Ramnarayan Rawat, *The Saints and Social Reform: Ravidas and the Dalit Consciousness* 33 (Manohar Publishers, New Delhi, 2010).

²⁰ Christophe Jaffrelot, *India's Silent Revolution: The Rise of the Lower Castes in North India* 102 (Hurst & Co., London, 2003).

²¹ Human Rights Watch, *Hidden Apartheid: Caste Discrimination against India's "Untouchables"* 12–15 (Human Rights Watch, New York, 2007).

²² Ghanshyam Shah, *Caste and Democratic Politics in India* 121 (Permanent Black, New Delhi, 2002).

lower-caste people when they ate in the houses of higher-caste families — a little but very strong sign of the continuation of the discrimination. In the cities of India, the discrimination is equally prevalent but in a more subtle way. It can be seen in secluded housing areas, chosen marriages, and biased job opportunities in companies.²³

E. From Ritual Hierarchy to Constitutional Justice

The caste system's journey reflects a long tug-of-war between a divinely mandated system, the economic exploitation of the classes, and their democratic reform.²⁴ On one hand, medieval temple economies and religious dogmas not only sustained segregation but sanctified it and on the other hand, colonial policies gave it a bureaucratic face; and post-Independence India sought to dismantle it through constitutional guarantees.

Religious texts and temple economies were the main sources of segregation during the middle ages. Post-independence India sought to reverse this legacy through constitutional rights and reservations. The Constitution (Scheduled Castes) Order, 1950, together with the affirmative action for Other Backward Classes, represented a deliberate effort to open up opportunities to all.²⁵ Nevertheless, inequalities are still alive even after seventy-five years. The studies suggest that the reservation benefits are unevenly distributed as the dominant sub-castes

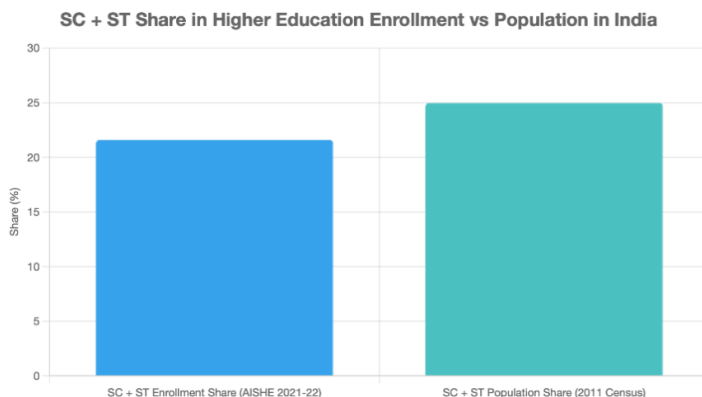
²³ Sukhadeo Thorat and Paul Attewell, "The Legacy of Social Exclusion: Job Discrimination in Urban India" 42 *Economic and Political Weekly* 4141–4145 (2007).

²⁴ *Supra* note 20 at 23.

²⁵ *The Constitution (Scheduled Castes) Order*, 1950, (No. 19 of 1950), issued under Article 341 of the Constitution of India.

get most of the advantages while the very marginalized remain devoid of it.²⁶

The persistence of caste discrimination is mirrored in access to higher education and economic mobility. As per the All India Survey on Higher Education (AISHE) 2021-22 report, the combined share of Scheduled Castes and Scheduled Tribes in total enrolment in higher education was only 21.6% whereas their combined share in the population was over 25%.²⁷ The difference is an indicator of the barriers that are still deeply ingrained in the systems of education and opportunities which have been around for a long time.



The gap is getting smaller slowly, but it still serves as a symbol of systemic imbalance - a sign that legal equality is still far from being actual lived equality.²⁸

²⁶ Surinder S. Jodhka, "Caste and Affirmative Action in Contemporary India" 51 *Economic and Political Weekly* 18 (2016).

²⁷ Government of India, Ministry of Education, "All India Survey on Higher Education (AISHE) 2021-22" (Department of Higher Education, New Delhi, 2023).

²⁸ Amartya Sen, *The Idea of Justice* 64-67 (Penguin Books, London, 2009).

The existence of differences within the groups of these communities is the reason why the debate on reclassification of sub-caste is ahead of the Supreme Court's 2024 judgment as the final instance in the *State of Punjab v. Davinder Singh*.²⁹ By upholding intra-group quotas, the Court acknowledged that “equality is not about treating everyone the same, but about treating unequals unequally.” That is to say that justice has to account for difference.

Therefore, the caste system’s arc—from the divine chants of the *Rigveda* to the data-driven constitutionalism of 2025—maps out India’s metamorphosis from a society of ritual hierarchy to one under the Constitution striving for equality.

III B.R. Ambedkar and the Poona Pact: The Personal as Political

A. Early Exclusion and Awakening

In the dry and dusty roads of Satara, in the 1890s, a young Bhimrao Ramji Ambedkar could be found sitting outside his classroom with a slate on his lap. He was forbidden to drink water from the communal pot as he was born a *Mahar*.³⁰ The humiliation of exclusion became the fuel for his relentless pursuit of education as dignity. It was not only academic but also a moral rebellion—voyage from a segregated school in Satara to Columbia University and the London School of Economics.³¹ The experiences eventually shaped his conviction that social equality, not mere political reform, was India’s true measure of justice.

²⁹ *Supra* note 5.

³⁰ Dhananjay Keer, *Dr. Babasaheb Ambedkar: Life and Mission* 12–15 (Popular Prakashan, Bombay, 1990).

³¹ *Supra* note 7 at 45.

B. The Poona Pact, 1932

In the 1930s, Dr. B.R. Ambedkar emerged as the strongest voice for the rights of the Depressed Classes. He, therefore, regarded the British Communal Award of 1932 which gave separate electorates to the Untouchables as their very first tool of political self-representation.³² Mahatma Gandhi was afraid that the Hindu community would split so he tried to stop the Communal Award by his fast unto death at Yerwada Jail.³³ After a lot of moral pressure, Ambedkar concluded the *Poona Pact*—exchanging separate electorates for reserved seats. Although it curtailed Dalit political independence, it formalized representation and laid the groundwork for India’s constitutional reservation system, thereby marking the transition from protest to sustained political empowerment.³⁴

C. Continuing Legacy

Nearly a century later, the spirit of compromise embodied in that moment continues to guide India’s debates on social justice. The 2025 conversations about sub-classification among SCs and STs, as well as the requests for an equitable distribution of benefits, go back morally to Ambedkar’s struggle for fair representation.³⁵ His major book, *Annihilation of Caste*, is still very much alive in the educational

³² *The Communal Award*, Government of India Notification, August 16, 1932.

³³ Ramachandra Guha, *Gandhi: The Years That Changed the World 1914–1948* 508 (Penguin Random House, New Delhi, 2018).

³⁴ *Supra* note 20 at 63.

³⁵ *Supra* note 5.

institutions and courts, reminding India that equal rights cannot be imposed by law if the deeply rooted hierarchies are not torn down.³⁶

IV Constitutional Doctrine: Equality vs. Equity

A. Foundational Provisions

The Indian Constitution incorporates equality as both a desirable goal and a right that can be enforced, thus aimed at dismantling entrenched caste hierarchies. Article 14 guarantees that *every person shall be equal before the law* and shall be entitled to the *equal protection of the laws*; however, it also allows for the different treatment if it is reasonable classification to achieve substantive justice.³⁷ The Supreme Court, in the case of *State of West Bengal v. Anwar Ali Sarkar* (1952), considered this as a permission for the distinctions which are based on the *intelligible differentia* that can be understood and that have a rational connection with a legitimate objective.³⁸

Article 15 is a good supplement to this structure, by setting forth the prohibition of discrimination that is based on the factors of religion, race, caste, sex, or place of birth and at the same time, it opens the door to the creation of special provisions for the SEBCs (socially and educationally backward classes) that includes both Scheduled Castes (SCs) and Scheduled Tribes (STs).³⁹ Article 16 further extends the principle of equality by including *public employment* into its ambit, and at the same time, it allows a system of reservation for those groups that are in a

³⁶ *Supra* note 2 at 41.

³⁷ The Constitution of India, art. 14.

³⁸ *State of West Bengal v. Anwar Ali Sarkar*, AIR 1952 SC 75.

³⁹ The Constitution of India, art. 15.

disadvantageous position or underrepresented.⁴⁰ Article 17 eradicates the *stigma of untouchability* and makes the occurrence of this practice a punishable offence, while Article 46 urges the *state to be instrumental* in the education and economic empowerment of SCs, STs and other marginalized groups.⁴¹

In order to secure the implementation of these rights enshrined in the constitution, certain institutional structures were also put in place. Article 338 speaks of the *National Commission for Scheduled Castes*, whereas Article 338A refers to the *National Commission for Scheduled Tribes*.⁴² Such organizations are the guardians of constitutional rights, given the authority to hold inquiries, supervise the execution, and give their advice to the government regarding the policy concerning the welfare of these communities.

The Constitution (Scheduled Castes) Order, 1950, through which constitutional commitment was made operational, is the instrument by which SCs and STs—at first only for ten years but always extended, recognizing the continuation of the inequalities—were institutionalized by reservations.⁴³ The Mandal Commission Report (1980) and its implementation in the early 1990s extended affirmative action significantly to the category of Other Backward Classes (OBCs), thus enabling the introduction of a 27 % quota in central government employment and education.⁴⁴ Scholarly works, in particular Marc

⁴⁰ The Constitution of India, art. 16.

⁴¹ The Constitution of India, arts. 17, 46.

⁴² The Constitution of India, arts. 338, 338A.

⁴³ *Supra* note 25.

⁴⁴ Government of India, *Report of the Backward Classes Commission (Mandal Commission)* (1980).

Galanter's *Competing Equalities* (1984), put forward the view that these devices represented the constitutional integration of *formal equality regulated by compensatory discrimination*—a practical way to social transformation instead of immediate equality.⁴⁵

B. Judicial Evolution

The Supreme Court, over time, has delineated constitutional assurances into the doctrine of substantive equality. This involves a balance between formal equality and affirmative action. The journey has been largely influenced by court decisions.

The Court in *Indra Sawhney v. Union of India* (1992) recognized the desirability of reservations for OBCs but also introduced the idea of the creamy layer concept which aimed at the exclusion of the socially advanced among the backward classes so as to avoid the taking over of the benefits by the same. It also confirmed a limit of 50 percent for reservations and required the production of measurable data to warrant the inclusion, thus bringing affirmative action in line with Article 14 which is the test of *intelligible differentia* and *rational nexus*.⁴⁶

Notably, the expression “*creamy layer*” was first articulated by Justice V.R. Krishna Iyer in *State of Kerala v. N.M. Thomas* (1976), who cautioned that “*the benefits of reservation shall be snatched away by the top creamy layer of the backward class, leaving the weakest among the weak behind, and permitting the fortunate few to consume the whole of the cake.*”⁴⁷ This

⁴⁵ *Supra* note 3 at 113.

⁴⁶ *Indra Sawhney v. Union of India*, AIR 1993 SC 477.

⁴⁷ *State of Kerala v. N.M. Thomas*, AIR 1976 SC 490.

judicial foresight laid the conceptual foundation for later refinements in affirmative action jurisprudence.

In 1995, the Parliament enacted the 77th Constitutional Amendment Act, inserting Clause (4A) into Article 16. This clause specifically empowered the State to make provisions for reservation in matters of promotion for Scheduled Castes (SCs) and Scheduled Tribes (STs), provided they were not adequately represented in such services.⁴⁸ The decision emphasized once again that Article 14 not only includes different forms of formal equality but also the concepts of fairness and natural justice, as had been previously recognized in the case of *Maneka Gandhi v. Union of India* (1978), thus establishing a connection between equality and due process.⁴⁹

Follow-up amendments, in particular, the 81st Constitutional Amendment (2000), allowed the *carry-forward* of unfilled reserved vacancies, thus solving the problem of implementation that was discovered after the Mandal Commission. This amendment allows unfilled reserved vacancies from one year to be carried forward to subsequent years as a separate class, without being clubbed with the reserved vacancies of that later year. This prevents reserved posts from lapsing and ensures that the 50% limit applies only to the vacancies arising in the current year, not to the accumulated backlog.⁵⁰ The doctrinal discussion reached an important point with *State of Punjab v. Davinder Singh*⁵¹, where by a 6:1 majority, the powers of the state to sub-

⁴⁸ The Constitution (Seventy-Seventh Amendment) Act, 1995.

⁴⁹ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

⁵⁰ The Constitution (Eighty-First Amendment) Act, 2000.

⁵¹ *Supra* note 5.

classify SCs and STs were sustained, in fact, the court expressly overruled *E.V. Chinnaiah v. State of Andhra Pradesh* (2005).⁵² Former Chief Justice D.Y. Chandrachud argued that the *idea of homogeneity within the SC/ST category is a legal fiction* and that if sub-classification is carefully done and based on data, it actually promotes equality instead of violating it. The dissent warned against the administrative arbitrariness and anticipated the 2025 requests that the creamy-layer exclusion for SC/STs be extended, which is a debate that will decide whether the economic progress of the castes recognized by the constitution should be treated differently or not.

The Court's interpretative tactic, according to Upendra Baxi in *The Indian Supreme Court and Politics* (1980), has been to "*politicize equality by converting it into an instrument of social engineering.*"⁵³ The tradition goes on, the concept of equality being more and more determined by the *allocation of opportunities* rather than by the simple *non-existence of discrimination*.

C. Sub-Classification Debate

Empirical evidence, for instance, the recent studies published in EPW (2024), confirms the necessity of recalibrating the caste quotas within castes. Reports suggest that, in Telangana, Malas (1/3rd of SCs) are able to obtain more out of the total benefits of the SC quota, while Madigas (2/3rd of SCs) get less,⁵⁴ and similar disparities have been found in

⁵² *E.V. Chinnaiah v. State of Andhra Pradesh*, AIR 2005 SC 2233.

⁵³ Upendra Baxi, *The Indian Supreme Court and Politics* 45 (Eastern Book Company, Lucknow, 1980).

⁵⁴ Justice Shameem Akhtar Commission, "Report on Sub-Classification of Scheduled Castes in Telangana" 25–30 (Government of Telangana, Hyderabad, April 2024).

Karnataka as well.⁵⁵ Based on the principle of *reasonable classification* of Article 14,⁵⁶ the Supreme Court in its 2024 verdict acknowledged the legitimacy of state-specific sub-quotas, like a one percent reservation for the certain Group I SC sub-castes in Telangana if it is based on empirical deprivation indices.⁵⁷

Nevertheless, problems still remain. Critics alleged that the Dalit political community might split up and that the merit would be diluted, and these are the very concerns that Ashwini Deshpande's *Affirmative Action in India* (2013) voices.⁵⁸ It casts doubt on the risk of micro-quotas reproducing the hierarchies within the groups of the disadvantaged.

In 2021, the 2020 Act of Haryana, which gave top priority to Deprived Scheduled Castes (like Balmikis) for 50% of the SC quota,⁵⁹ was invalidated in the light of E.V. Chinnaiah (2004).⁶⁰ The Supreme Court's decision in *State of Punjab v. Davinder Singh* (2024)⁶¹ overruled Chinnaiah and permitted statistical SC sub-classification, as Punjab's policy. As a result, the Haryana 2024 sub-quota comeback became possible but also vocalized the fear of communal rifts, thereby underlining the necessity of having sub-quotas strictly based on the evidence.

⁵⁵ Karnataka State Backward Classes Commission, "Report on Scheduled Caste Quota Distribution" 20 (Government of Karnataka, Bengaluru, November 2023).

⁵⁶ *Supra* note 37.

⁵⁷ *Supra* note 5.

⁵⁸ Ashwini Deshpande, *Affirmative Action in India* 101 (Oxford University Press, New Delhi, 2013).

⁵⁹ The Haryana Scheduled Castes (Reservation in Admission in Government Educational Institutions) Act, 2020 (Act 31 of 2020).

⁶⁰ *Supra* note 52.

⁶¹ *Supra* note 5.

In comparison, Indian debates sound very much like U.S. affirmative-action case law, such as *Regents of the University of California v. Bakke* (1978) in which the U.S. Supreme Court allowed a limited use of race in admissions while it rejected strict quotas.⁶² Both judicial systems are dealing with the same philosophical challenge—the one of individual merit vs. group-based correction—which is at the core of a global battle to find the way from equality to equity.

Besides that, there are still practical limitations of India's regime: the benefits of the SC/ST reservation are limited to the state of origin, so as to stop the claims of migration from other states; and caste, which is determined by birth and not by marriage, does not allow high-caste spouses of SC/ST individuals to get the benefits. These restrictions reveal the judiciary's cautious attempt to maintain the Constitution's stability while accepting the social dynamics.

V Contemporary Challenges: Barriers to True Equality

A. The New Inequalities: Creamy Layer and the Middle-Class Trap

Creamy layer refers to the wealthier or more educated members of the backward groups who are excluded from certain reservation benefits. The threshold for OBCs is ₹8 lakh yearly income, as per a 2018 notification.⁶³ In 2025, there are requests in the Supreme Court to apply this also to SCs and STs. These requests have their base in the Supreme Court's landmark judgment of *State of Punjab v. Davinder Singh* (2024).

⁶² *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978).

⁶³ Office of the Registrar General and Census Commissioner, Government of India, "Notification on Creamy Layer Threshold for OBCs" (August, 2018).

While the judgment's main holding is on sub-classification, it also refers to the creamy layer doctrine as a complementary principle. A 4:3 majority (consisting of Justices B.R. Gavai, Vikram Nath, Pankaj Mithal, and Satish Chandra Sharma) found that the "*creamy layer*"—rich or socially advanced individuals among the SCs/STs—should be kept out of the advantages of the reservation so that these benefits could be given to the SCs/STs that are truly deprived.⁶⁴

However, there are significant arguments around it. The proponents say it prevents "elite capture," for instance, when the children of the SC/ST officers such as IAS or IPS take all the benefits. While the opponents claim it dilutes the whole essence of reservations that are supposed to rectify caste-based injustices, not just focus on poverty.

The *Davinder Singh* case has been instrumental in promoting substantive equality through the approval of sub-classification; however, it also opens up the debate regarding excessive powers being exercised by the judiciary. The court, by going beyond mere interpretation and entering the area of the legislature, blurs the boundary between the two and thus, inevitably, it questions the fine line between judicial activism and democratic accountability.⁶⁵

The creamy layer idea, which was an attempt to maintain fairness in the distribution of reservation benefits, is often in danger of punishing the first generation of the historically oppressed groups. As an example, a person belonging to a reserved community who, with great struggle, achieves a salaried position cannot be put on the same level as of a

⁶⁴ *Supra* note 5.

⁶⁵ *Supra* note 53 at 112.

landlord or industrialist from the general category, who has been privileged for generations. Even though they have a stable income, the increasing costs of living, the lack of inherited assets, and continuing social discrimination keep them in a precarious economic and psychological state. Taking away the reservation benefits from them is a violation of the core of Article 14 - substantive equality, i.e., *equality among equals, not unequals*. So, the actual *creamy layer* should only be the people whose families have, over several generations, been out of the cycle of caste-based deprivation, rather than those who are the first in their lineage to go beyond the threshold of opportunity.⁶⁶

Meanwhile, the Middle-class trap brings to light a new paradox in the debate about reservations—it is about the rise of first-generation achievers from SC/ST communities who have gone beyond poverty but have not overcome the feeling of insecurity. Quite a number of such families dream of IITs and the civil services; however, the escalating cost of coaching—₹2–3 lakh a year—turns these dreams into something unattainable. They make too much money to be given scholarships, but too little to be able to get real opportunities. Inflation in cities and digital deprivation in rural areas aggravate this struggle.⁶⁷

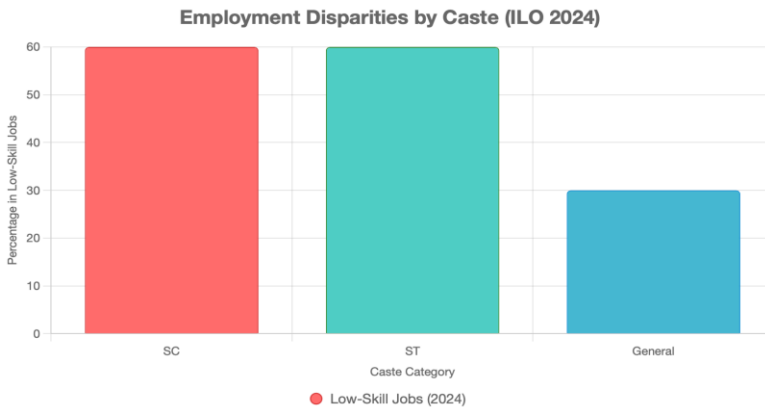
B. Structural Barriers and Fewer Opportunities

Caste still hinders the access to land, jobs, and education. In Bihar, Dalits are frequently refused land rights, thus, going against the provision of Article 17 that *prohibits untouchability*. The 2024 ILO report vividly

⁶⁶ *Supra* note 60 at 45.

⁶⁷ Sahil Kumar, *Socio-Economic Barriers for SC/ST Middle Class in India* (2024) (Unpublished LL.M dissertation, Indian Law Institute).

showcases how caste-based discriminations have remained a significant obstacle and among the most striking facts is that 60% of SC/ST people are still engaged in low-skilled jobs; thus, inequalities in access to jobs continue to exist.⁶⁸



As an example, the relaxation of qualifying marks for SC/ST students in schools and colleges governed by UGC regulations has drawn attention, while super-speciality courses admit students solely based on merit.⁶⁹ This contrasts to the 2025 debates about the dissatisfaction of SC/ST individuals with their jobs, emphasizing that even though provisions like Article 16(4) (i.e., *provision for reservation in public employment*) exist, its implementation in real life is limited. Even though the Sikh Light Infantry has a glorious history of recruiting *Mazhabi* and *Ramdasia Sikhs*—Scheduled Caste communities with a strong military tradition—their socio-economic marginalization is still going on, as low incomes

⁶⁸ International Labour Organization, *India Employment Report 2024: Caste, Gender and Labour Market Inequalities* 45–49 (ILO, Geneva, 2024).

⁶⁹ University Grants Commission, *UGC Guidelines on Admission and Reservation Policy in Higher Education Institutions* (December, 2023).

among SC/ST families are an indication.⁷⁰ Critics argue that it is necessary to have more precise data and more rigorous implementation in order to make sure that affirmative action leads to real, rather than only formal, opportunities.⁷¹

These issues represent the presence of strong caste problems. We have to implement reforms that align with Ambedkar's vision of equality, otherwise, the divide will keep increasing.

C. Contemporary Reflections: Caste and the Unfinished Struggle for Dignity

Though India has seen significant social progress, caste prejudice continues to cast a shadow over its democracy—even at the highest levels. The recent incident of an advocate throwing his shoe at Chief Justice of India *Justice B.R. Gavai*,⁷² the only second SC individual to hold the office after *Justice K.G. Balakrishnan*, was not only the attack on the person but, as *Senior Adv. Kapil Sibal* said in an interview that, “*it is an assault on the entire community.*” Such audacious contempt along with the tragic, alleged infamous caste-based suicide of a Haryana IPS officer, reveals the persistence of caste’s shadow on the society in the 21st

⁷⁰ Sikh Light Infantry, *Indian Army Regiments: Official Overview* (Government of India, Ministry of Defence, New Delhi, 2023), available at: <https://www.indianarmy.nic.in> (last visited on Oct. 26, 2025).

⁷¹ Sukhadeo Thorat and Paul Attewell, *Blocked by Caste: Economic Discrimination in Modern India* 66–72 (Oxford University Press, New Delhi, 2010).

⁷² Ananthakrishnan G, “Advocate throws shoe at Chief Justice of India B.R. Gavai,” *The Indian Express*, Oct. 7, 2025, available at <https://indianexpress.com/article/india/advocate-throws-shoe-chief-justice-india-b-r-gavai-court-proceedings-10290523/> (last visited on Oct. 25, 2025).

century.⁷³ Although some vertical mobility has been secured through constitutional guarantees, the lofty goal of Article 17—the abolition of untouchability—is still, regrettably, not realized at the social level.⁷⁴ The deeply entrenched prejudice continues to erode the foundation of real equality that has been promised.

V Reimagining Reservations: A Path Forward

The reservation system in India has been instrumental in ensuring social justice. To illustrate, the representation of SC/ST candidates has increased substantially—from almost zero in the 1950s to them making up 15% of the successful UPSC aspirants in 2024—a fact which shows remarkable progress.⁷⁵ However, for the system to continue being efficient, it needs to match up to the pace of changing social and economic realities of the society.

One potential reform to the reservation system is the sub-classification of the SC/ST groups, a move supported by the Supreme Court's recent decision and inspired by the Rohini Commission's work regarding OBCs.^{76 77} This would ensure that the extremely disadvantaged sub-groups receive targeted benefits under the supervision of the National Commission for Backward Classes.

⁷³ Vikas Pathak, "Y Puran Kumar: IPS officer's final note alleges caste discrimination, public humiliation," *The Indian Express*, Oct. 9, 2025, available at <https://indianexpress.com/article/cities/chandigarh/y-puran-kumar-ips-officers-final-note-caste-discrimination-public-humiliation-10295661/> (last visited on Oct. 25, 2025).

⁷⁴ *Supra* note 41, art.17.

⁷⁵ Union Public Service Commission, *Annual Report 2024* 42-45 (UPSC, New Delhi, 2024).

⁷⁶ *Supra* note 5.

⁷⁷ Justice G. Rohini Commission, *Report on Sub-Categorisation of Other Backward Classes* 120-125 (Government of India, New Delhi, 2023).

Further progress can be made by implementing the creamy layer concept to SC/ST groups, thus, with the necessary safeguards. This idea is based on the Indra Sawhney verdict and goes a step further to ensure that the comparatively well-off SC/ST households do not take over the all opportunities that are meant for the disadvantaged ones.⁷⁸ The use of a hybrid model with caste and economic criteria can be used to determine who has access to which resources, thus recognizing both the historical injustice and current deprivation.

Equally essential is the empowerment of people beyond the establishment of quotas. A lot of individuals belonging to the reserved categories are experiencing the phenomenon of the '*middle-class trap*'—they are not poor enough to be beneficiaries of specially designed schemes, yet not privileged enough to have access to them.⁷⁹ Among the solutions are free coaching centres, rural educational hubs, and digital access initiatives, which can help to overcome systemic barriers.

Ultimately, this redesign is in harmony with Ambedkar's vision—where reservations are only a means, not the end. He was the greatest advocate of the eradication of the caste system through education, dignity, and opportunity—rather than permanent reliance on quotas.⁸⁰ The next step must bear Ambedkar's courage and constitutional conscience—leading to the refinement of affirmative action which will become real equality, social justice, and shared dignity.

⁷⁸ *Supra* note 46.

⁷⁹ *Supra* note 58 at 105.

⁸⁰ *Supra* note 2.

VII Conclusion & Suggestions: Beyond Reservations, Toward a Caste-Less Future

India's reservation policy which is a product of Ambedkar's dream and Poona Pact,⁸¹ serves as a means to connect the injustices of the past to the assurance of equality. However, the continued caste discrimination in education, employment, and institutions indicates that changes in law are not enough.⁸² The realization of the constitutional ideal of equal dignity for everyone demands a vibrant and data-informed mechanism.

Key Suggestions:

1. **Data-Driven Sub-Classification:** As part of the Rohini Commission model, conduct regular, open, and transparent assessments to distribute benefits fairly among the most disadvantaged sub-castes of SC/ST and OBC groups.⁸³
2. **Socio-Economic Integration:** Use hybrid models combining caste and economic factors to avoid the caste-based elite's capture and, thus, better allocate the most deprived ones.
3. **Educational & Digital Empowerment:** Make more free coaching centres, establish rural learning centres, and develop digital infrastructure to remove the urban-rural gap in access to opportunity.

⁸¹ B.R. Ambedkar, *What Congress and Gandhi Have Done to the Untouchables* 65–70 (Samyak Prakashan, New Delhi, 2017).

⁸² *Supra* note 1.

⁸³ *Supra* note 77 at 120.

4. **Institutional Sensitization:** Introduce a program of anti-discrimination education in the judiciary, police, and bureaucracy to deal with implicit caste bias and make it mandatory.
5. **Periodic Review Mechanism:** Create a reservation review institution with constitutional powers to continually monitor reservation outcomes and new disparities.

Most of all, the goal has to be turning reservations into something redundant—not by taking them away prematurely, but by reaching a society where one's origin doesn't determine one's future. The Indian way of social justice must change from being a mere compensatory tool into a shared moral value which is essential for the realization of Dr. B.R. Ambedkar's eternal ideal: "*We are Indians, firstly and lastly*".⁸⁴

⁸⁴ B.R. Ambedkar, *The Buddha and His Dhamma* 320 (Siddharth Publications, New Delhi, 1957).