

**UNRESERVED AND UNSEEN : MODERN DAY VICTIM- THE MISSING VOICE IN
THE QUOTA SYSTEM OF INDIAN EDUCATION**

Vaishnavi Bane, Student, Thakur Ramnarayan College of Law,
Mumbai.vaishnavibane1@gmail.com

ABSTRACT:

The Reservation System in Indian education was introduced to correct historical injustices and uplift socially marginalized communities. While its intent was noble, the implementation over time has raised critical concerns - this policy has sparked debates around meritocracy, economic disparity, and equality of opportunity and impact of this system. Is caste reservation solution to caste discrimination? This paper examines whether the relaxation of admission criteria in terms of marks and rank under reservation policies has genuinely led to social upliftment or whether it has created new forms of problems and inequality, particularly affecting economically disadvantaged students from unreserved groups. The study proposes various reforms focusing on economic criteria, curbing the misuse of the 'creamy layer', and fostering greater social integration to address the root causes of caste-based issues with special reference to its existence in Education System of India, Constitutional provisions on reservation, Laws and amendments related to it, role of Government in promoting national integration and equality. This paper highlights for reservation to truly serve as a tool of upliftment, it must evolve to reflect current socio-economic realities rather than remain tethered solely to its historical identity.

Keywords: Reservation, Discrimination, Indian Education System, Meritocracy, Equality, Laws, Government, Reforms, History and Reality.

INTRODUCTION:

A system which was introduced with the vision of creating an equal society - 'The Reservation Policy' initially targeted at communities which were known to be historically oppressed — particularly the Scheduled Castes (SCs), Scheduled Tribes (STs), and later Other Backward Classes (OBCs) etc. These communities were considered socially and educationally backward, based on indicators such as access to education, representation in public offices, and socioeconomic mobility. Over time, the idea of "backwardness" has evolved — and in some cases, even been diluted and manipulated. While the original intention was to uplift the most disadvantaged, questions are now being raised about whether the benefits are reaching the truly needy.

As society changes, a growing section of economically poor but non-reserved category individuals are left unsupported, while some well-off individuals from reserved categories continue to avail benefits. This shift raises important concerns about the balance between historical justice and present-day fairness.

FOCUS OF STUDY-ISSUES:

- Are we promoting equality or simply replacing one form of exclusion with another? Is caste the only valid criteria for backwardness in a rapidly modernizing India? What about poor students from unreserved backgrounds who face the same social and economic disadvantages but are denied support because of their caste label?

The policy which initially intended as a temporary provision for a period of ten years (Article 334), which later got extended multiple times through constitutional amendments due to the persistence of caste-based inequality has now become an instrument of political appeasement? misused by the politically influential within backward classes, leading to fresh forms of exclusion?

Does the current reservation policy in competitive exams (e.g., CLAT and UPSC) create an unfair disadvantage for non reserved candidates ? undermining the principles of equal opportunity?

Is caste still a valid basis for providing educational upliftment or a finance-based affirmative action can be a better alternative and more equitable basis for reservation in present day India ?

RULES, LEGAL FRAMEWORK AND ANALYSIS:

FOR ISSUE 1:

• Article 15(4) empowers the State to make special provisions for the advancement of socially and educationally backward classes.¹

Article 15(5) allows reservations in educational institutions, including private ones.¹

• Article 16(4) permits reservation in public employment for backward classes not adequately represented.²

• In *Indra Sawhney v. Union of India*,³ the Supreme Court held that caste can be a factor for determining backwardness, but economic criteria alone were not enough, and reservations should not exceed 50%.

• *M. Nagaraj v. Union of India*⁴ and *Ashoka Kumar Thakur v. Union of India*⁵ reaffirmed that affirmative action must not compromise equality and merit, and must be based on quantifiable data.

• The 103rd Constitutional Amendment introduced 10% reservation for Economically Weaker Sections (EWS) in educational institutions and public employment, marking a shift to economic criteria.⁶

Many individuals from economically weaker general-category backgrounds face social and educational disadvantages similar to those from backward classes, yet remain excluded from reservation benefits due to their caste label.

In the Supreme Court in *Indra Sawhney v. Union of India* firmly established that reservations should not exceed 50% but many states like Tamil Nadu, Maharashtra, and Telangana have crossed this threshold. These states justify exceeding the limit based on extraordinary circumstances.

This practice raises concerns under Article 14 of the Constitution, which guarantees equality before law and equal protection of the laws. The EWS quota, only partially corrects this imbalance and is limited in scope (10%), leaving the middle-class general category underrepresented.

¹ Article 15(4), Constitution of India

² Article 16(4), Constitution of India

³ *Indra Sawhney v. Union of India*, AIR 1993 SC 477

⁴ *M. Nagaraj v. Union of India*, (2006) 8 SCC 212

⁵ *Ashoka Kumar Thakur v. Union of India*, (2008) 6 SCC 1

⁶ The Constitution (103rd Amendment) Act, 2019

FOR ISSUE 2 :

• Article 334 of the Indian Constitution originally mandated that the reservation of seats for Scheduled Castes (SCs) and Scheduled Tribes (STs) in the Lok Sabha and State Legislative Assemblies would expire ten years after the commencement of the Constitution (i.e., by 1960).¹

• This period was extended via several constitutional amendments: the 8th (1959), 23rd (1969), 45th (1980), 62nd (1989), 79th (1999), 95th (2009), and 104th (2019) Amendments, the last of which extends the reservation up to 2030.²

Although Article 334 was framed as a temporary, time-bound provision, its continued renewal for over seven decades suggests that the policy has strayed from its original intent. The recurring extensions, without robust data review mechanisms, raise concerns of political convenience overpowering constitutional morality.

• “How Narratives Shape Reservation Politics”

1. People are made to believe that reservation is an absolute right under the Constitution — when it's actually a policy exception to equality, not a fundamental right.

2. No effort is made to educate the public about this distinction.

3. Rather than improving access to quality education or employment, parties expand reservation slabs for electoral gain.

Communities are told:

"If you don't get reservation, you will be left behind."

This leads to unrest, division, and competitive victimhood.

4.No regular audits are done to track actual beneficiaries of reservation, leading to confusion and resentment among those who don't benefit despite being economically backward.

5.Media (regional news, WhatsApp forwards, and caste-based YouTube channels) spread half-truths and misinformation.

e.g-

"General category is snatching your seats,"

"Only reservation will give you justice."

Political leaders and interest groups emotionally charge caste identities, using slogans and speeches, Parties use collective past suffering to create a victim narrative, keeping communities emotionally bound to reservations — even if many within the group are no longer disadvantaged.

Opportunities exist — but access to them is limited by poor governance, unemployment, and failing education systems, not just caste. However, by focusing public anger on reservation lines rather than policy failures, politicians redirect blame and create loyal vote banks.

This is how entire communities are manipulated to feel perpetually excluded, even when the real struggle today is more about class than caste.

¹ Constitution of India, Article 334.

² The Constitution (104th Amendment) Act, 2019.

Gupta, D. (2000). *Interrogating Caste* – Discusses how caste narratives are politically used

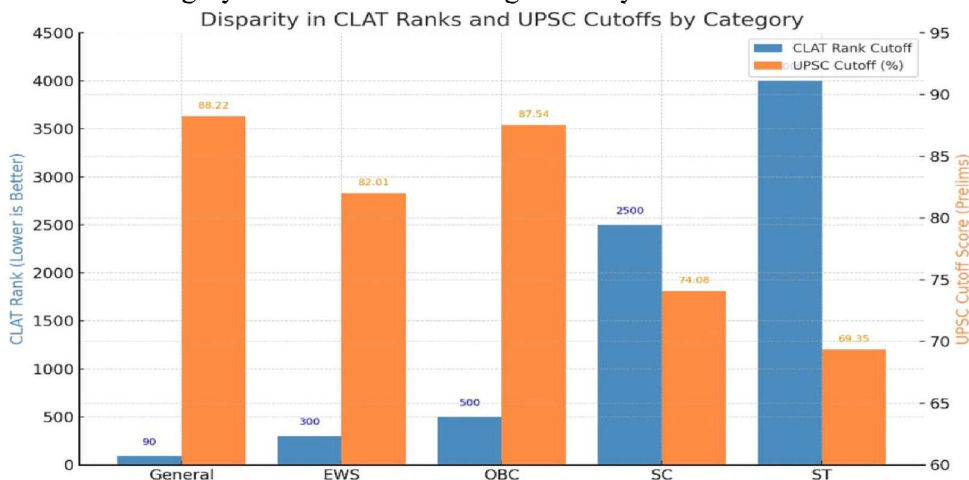
FOR ISSUE 3:

- Article 14 – Guarantees equality before the law and equal protection of the laws to all persons within the territory of India.¹

- Article 15(1) – Prohibits the State from discriminating against any citizen on grounds of religion, race, caste, sex, or place of birth.²

- Article 15(4) – Introduced via the First Constitutional Amendment, it empowers the State to make special provisions for the advancement of socially and educationally backward classes or for the Scheduled Castes (SCs) and Scheduled Tribes (STs).³

While the intent of reservation is to uplift historically disadvantaged communities, in practice, the current system often leads to reverse discrimination, particularly in competitive exams where: Reserved category candidates have significantly lower cut-off scores for the same seats.



(Difference in cut-offs in competitive exams based on quota system) - accurate numbers can vary due to different cut-off rank every year. (Source- 1.,2.)

The above graph represents the disparity in qualifying ranks across different categories (General, EWS, OBC, SC, ST,) in competitive exams like CLAT and UPSC , it shows how General category candidates are required to score higher ranks compared to reserved categories indicating inequality .

¹ *The Constitution of India*, Art. 14.

² *Ibid*, Art. 15(1).

³ *Ibid*, Art. 15(4), inserted by the Constitution (First Amendment) Act, 1951.

1. Consortium of NLUs. *CLAT 2023 Cut-off Analysis*, available at: <https://consortiumofnlus.ac.in> (Accessed July 2025).

2. Union Public Service Commission (UPSC). *Cut-off Marks – Civil Services Examination 2023*. Available at: <https://www.upsc.gov.in/examinations/cut-off-marks> (Accessed July 2025).

RESERVATION IN INDIAN EDUCATIONAL INSTITUTIONS (CENTRAL GOVT. INSTITUTIONS):

Category Reservation %

Scheduled Castes (SC) - 15%

Scheduled Tribes (ST) - 7.5%

Other Backward Classes – Non-Creamy Layer (OBC-NCL) - 27%

Economically Weaker Sections (EWS – General Category) - 10%

Total Reserved Seats - 59.5%

Open Category (Merit-based/General) - 40.5%

• The Supreme Court's 1992 Mandal judgment (*Indra Sawhney v. Union of India*) capped reservation at 50%, but this was breached after EWS was introduced in 2019 via the 103rd Constitutional Amendment.

Admitting candidates with significantly lower scores into premier institutions or critical roles may create competence gaps, undermine meritocracy, and erode public trust. This not only affects the efficiency of key systems but also breeds resentment among meritorious general category candidates. It can potentially compromise the quality of professionals selected for critical roles in governance, law, and administration.

When citizens observe that key public roles (like judges, IAS/IPS officers, or public prosecutors) are not uniformly selected on high merit standards, it:

- Erodes public trust,
- Creates resentment among unreserved sections,
- Leads to a perception of political appeasement over national interest.

FOR ISSUE 4:

The Supreme Court in *Indra Sawhney v. Union of India* (1992)¹ upheld caste as a proxy for backwardness but clarified that economic criteria alone cannot be the sole basis for reservation. However, *Janhit Abhiyan v. Union of India* (2022)² upheld the EWS quota, affirming the constitutional validity of economic-based affirmative action for unreserved categories.

Caste-based reservation was crucial in addressing historic discrimination and social exclusion. However, in present-day India, where the socio-economic landscape has evolved, caste alone no longer reflects backwardness uniformly. Many individuals from reserved categories now enjoy better opportunities, while economically disadvantaged individuals from the general category continue to face exclusion without support.

A dual system, where reservation is granted both on the basis of caste (SC/ST/OBC) and economic status (EWS), creates layered complexities and risks of overlap, leading to unequal outcomes.

- More complex verification processes (caste + income).
- Higher chance of false claims and fraudulent certificates.
- Dilutes the original intent of both policies.
- Confuses whether the goal is social justice or poverty alleviation.

¹ *Indra Sawhney v. Union of India*, AIR 1993 SC 477

² *Janhit Abhiyan v. Union of India*, (2022) 10 SCC 1

REFORMS & POSSIBLE SOLUTIONS :

- Introduce a “Creamy Layer” for SC/ST, extend the concept of creamy layer to SC/ST groups. Avoid elite capture within the reserved categories and promote genuine upliftment of truly disadvantaged groups.
- Promote policies that ensure quality public education accessible to all – regardless of class, caste, or geography. Invest in model government schools where both privileged and underprivileged children study under one roof.
- Rather than isolating students by caste, efforts should be made to bring diverse backgrounds together in the same classrooms, fostering equality from the foundation. Mixed classrooms of economically rich and poor, upper caste and marginalized groups can reduce stereotypes and prejudices.
- Many reserved category students suffer from the “inferiority complex” or face taunts and exclusion from peers, making integration harder. At the same time, general category students feel punished for their identity, leading to resentment, a more integrated and balanced approach would reduce this two-sided trauma.
- Reservation doesn't eliminate caste bias — it sometimes reinforces it by labeling beneficiaries. Instead, laws like: Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Abolition of Untouchability (Article 17) — should be strongly enforced in educational institutions - Promoting Anti-discrimination cells and programmes.
- Regular Review Mechanism - Create a 10-year mandatory review clause for all reservations. Ensure policies stay relevant, data-driven, and objective. Review should be conducted by an independent constitutional body.
- Time-Bound Exit Strategy - Reservation must not be seen as a permanent right but a pan for a gradual phase-out as equality is achieved.

CONCLUSION:

Continuation of reservation in the current form requires serious introspection. A balanced approach that considers both social and economic disadvantage while preserving meritocracy is essential for India's progress. The concerns of the middle class must be acknowledged and addressed to ensure that affirmative action serves the purpose of true equality, rather than relying solely on caste-based quotas, greater focus should be placed on reducing discrimination through awareness, and promoting equal opportunities from the ground, reducing the reliance on quota-based admissions, India can move toward a society where equal opportunity is determined not by one's birth, but by one's merit and need. True equality will only be achieved when affirmative action empowers all disadvantaged individuals, regardless of caste, through shared spaces, common goals, and equal respect.

REFERENCES:

1. *India Const.* Art. 15(4), 15(5), 15(6), 16(4), 334.
2. *Indra Sawhney v. Union of India*, AIR 1993 SC 477.
3. *M. Nagaraj v. Union of India*, (2006) 8 SCC 212.
4. *Janhit Abhiyan v. Union of India*, (2022) SCC OnLine SC 1540.
5. *Ashoka Kumar Thakur v. Union of India*, (2008) 6 SCC 1.

- 6.B.R. Ambedkar, *Annihilation of Caste* (Navayana Publ'g 2014) (original work published 1945).
 - 7.Government of India, *Report of the Second Backward Classes Commission (Mandal Commission)*, Vol. I, New Delhi, 1980.
 - 8.Consortium of National Law Universities (NLUs), *CLAT 2024 Admission Brochure*, <https://consortiumofnlus.ac.in> (last visited July 19, 2025).
 - 9.Union Public Service Commission, Annual Report 2023: *Category-wise Cut-off Scores and Selection Data*, <https://upsc.gov.in> (last visited July 19, 2025).
 - 10.The Central Educational Institutions (Reservation in Admission) Act, No. 5 of 2006, Acts of Parliament, 2006 (India).
 - 11.The Constitution (First Amendment) Act, 1951, No. 1, Acts of Parliament, 1951 (India).
 - 12.The Constitution (Eighth Amendment) Act, 1959, No. 21, Acts of Parliament, 1959 (India).
 - 13.The Constitution (Twenty-Third Amendment) Act, 1969, No. 23, Acts of Parliament, 1969 (India).
 - 14.The Constitution (Forty-Fifth Amendment) Act, 1980, No. 10, Acts of Parliament, 1980 (India).
 - 15.The Constitution (Sixty-Second Amendment) Act, 1989, No. 17, Acts of Parliament, 1989 (India).
 - 16.The Constitution (Seventy-Ninth Amendment) Act, 1999, No. 34, Acts of Parliament, 1999 (India).
 - 17.The Constitution (Ninety-Fifth Amendment) Act, 2009, No. 10, Acts of Parliament, 2009 (India).
 - 18.The Constitution (One Hundred and Fourth Amendment) Act, 2019, No. 1, Acts of Parliament, 2020 (India).
-