



INTERNATIONAL LAW  
JOURNAL

---

**WHITE BLACK  
LEGAL LAW  
JOURNAL**  
**ISSN: 2581-  
8503**

*Peer - Reviewed & Refereed Journal*

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

[WWW.WHITEBLACKLEGAL.CO.IN](http://WWW.WHITEBLACKLEGAL.CO.IN)

## **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal

– The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK  
LEGAL

## **EDITORIAL TEAM**

### **Raju Narayana Swamy (IAS ) Indian Administrative Service officer**



Dr. Raju Narayana Swamy popularly known as Kerala's Anti Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala . He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University . He also has an LLM (Pro) ( with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru and a

professional diploma in Public Procurement from the World Bank.

### **Dr. R. K. Upadhyay**

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB , LLM degrees from Banaras Hindu University & Phd from university of Kota.He has succesfully completed UGC sponsored M.R.P for the work in the ares of the various prisoners reforms in the state of the Rajasthan.



## **Senior Editor**

### **Dr. Neha Mishra**



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; Ph.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St.Louis, 2015.

### **Ms. Sumiti Ahuja**

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi, Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



### **Dr. Navtika Singh Nautiyal**

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of Law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.

## **Dr. Rinu Saraswat**



Associate Professor at School of Law, Apex University, Jaipur,  
M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

## **Dr. Nitesh Saraswat**

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.



## **Subhrajit Chanda**



BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

## ***ABOUT US***

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **RIGHT TO EQUALITY IN THE LIGHT OF RESERVATION IN INDIA**

AUTHORED BY: ADITI SHUKLA

LL.M

## **ABSTRACT**

The reservation policy in India, while initially conceived as a mechanism to address historical injustices and empower marginalized communities, creates a complex tension with the right to equality enshrined in the Indian Constitution. This study hypothesizes that while the reservation policy has made significant strides in promoting representation and social upliftment, its current implementation faces challenges in striking a balance between addressing historical disparities and upholding principles of meritocracy and equal opportunity. The research aims to explore the effectiveness of the reservation policy in achieving its objectives, evaluate its impact on various sectors, and propose potential reforms that align with the constitutional ideals of equality, while also considering the ethical and practical dimensions of such reforms. Through a multidimensional analysis, this study seeks to provide a comprehensive understanding of the evolving relationship between the right to equality and the reservation policy in India.

WHITE BLACK  
LEGAL

## **CHAPTER 1**

### **1.1 INTRODUCTION**

The Constitution of India guarantees equality for all citizens and prohibits discrimination based on religion, sex, colour, caste, or race. The main objective was to convert a society fragmented on the lines of religion, caste, and economic status into a homogenous society. Right to equality and reservation in India is a complex balance which delves into intricate interplay between the fundamental right to equality and the practice of reservation in Indian context. This paper explores the historical, social and legal dimensions of this contentious issue that has shaped the Nation's journey towards inclusivity and social justice. The fundamental rights are guaranteed to protect the basic human rights of all citizens of India and are put into effect by the courts, subject to some limitations. One of such fundamental rights is the Right to Equality. Right to Equality refers to equality in the eyes of law, discarding any unfairness on grounds of caste, race, religion, place of birth sex. It also includes equality of prospects in matters of employment, abolition of untouchability and abolition of titles. Articles 14, 15, 16, 17 and 18 of the Constitution of India highlight the Right to Equality in detail. This fundamental right is the major foundation of all other rights and privileges granted to Indian citizens. It is one of the chief guarantees of the Constitution of India. The main goal is to transform a community that is divided between the lines of religion, caste, and economic status into a homogeneous society. However, the reservation system in India has been a subject of legal scrutiny in relation to Article 14.





## **Chapter 2:**

### **Article 14**

According to Article 14:

*“Equality before law—The state shall not deny any person equality before the law or equal protection of the laws within the territory of India.”*

Article 14 uses two expressions, “equality before the law” and “equal protection of the laws”. The underlying principle of Article 14 is that, all persons and things similarly circumstanced should be treated alike, both in privileges conferred and liabilities imposed. Amongst equals the law should be equal and should be equally administered. The like should be treated alike. What is prohibited is discrimination between persons who are substantially, in similar circumstances or conditions. Article 14 applies to “any person” and is not limited to citizens alone. Both individuals and juristic persons are entitled to the benefit of Article 14. Thus, Constitutional provisions obligate the states to be non-discriminatory as the right to equality is an essential postulate, a guarantee or important principle of

the Constitution. It was held in *Natural Resource Allocation, re, Special Reference No. 1 of 2012*<sup>1</sup> that the objective Article 14 is to secure to all persons, citizens and non-citizens, equality of status and opportunity referred to in the Preamble. Balancing individual rights with societal or collective rights is a part of mandate under Article 14. True effect of Article 14 is to ensure that few individuals do not enrich themselves at the cost of all others that would amount to deprivation to the plurality, i.e. the nation itself.

According to Chandrachud CJ, positive equality is the antithesis to arbitrariness. Krishna Iyer J was of the view that equality is the ally of demagogic authoritarianism. Right to equality is ensured by two concepts:

- i) Equality before law, and;
- ii) Equal protection of laws.

The word “law” in the former expression is used in a generic sense whereas the word “laws” in the latter expression denoted specific laws<sup>2</sup>. The expression equality before law is a negative concept, similar to the Dicean concept of rule of law in England. It is a declaration of equality of persons and is taken from English common law. Explaining this concept, Dicey opined, “with us every official, from a Prime Minister down to a constable, or a collector of taxes is under the same responsibility for any act done without any legal justification as any other citizen”. In his treatise, *Law of the Constitution*<sup>3</sup>, Dicey identified three principles that together establish the rule of law.

- i) Absolute supremacy or predominance of regular law as opposed to the influence of arbitrary power;
- ii) Equality before the law or the equal subjection of all the classes to the ordinary law of the land administered by the ordinary courts;
- iii) Law of the constitution is a consequence of the rights of individuals as defined and enforced by the courts.<sup>4</sup>

## **2.1 EQUALITY BEFORE LAW**

The guarantee of equality before law insists upon even administration of justice and ensures to every man, the freedom under law. It is a concept implying the absence of any special privilege in favor of any individual. It brings about subjection of all persons to the ordinary law or as Dicey would put it,

---

<sup>1</sup> (2012) 10 SCC 1

<sup>2</sup> Sri Srinivasa Theatre v. Govt. of T.N., (1992) 2 SCC 643: AIR 1992 SC 999

<sup>3</sup> Dicey, *Law of the Constitution* (10<sup>th</sup> Edn. 1959) 187

<sup>4</sup> Halsbury's *Laws of England*, Vol. 8, “Constitutional Law and Human Rights”, para 6, fn I

to the regular law of land, and to the jurisdiction and authority of the ordinary regular law courts. This is, however, not an absolute rule and there are numbers of exceptions to it, for example, foreign diplomats enjoy immunity from a country's judicial process; Article 361 extends to the President of India and the State Governors. Public officers and judges also enjoy some protection; similarly, backward classes and some special groups have also been given special privileges. According to Dr. Jennings, *"equality before law means that amongst equals, law should be equal and equally administered, that, like should be treated alike. The right to sue and be sued, to prosecute and be prosecuted, for the same kind of action should be same for all citizens of full age and understanding without the distinction of race, religion, wealth, social status, or political influence."*<sup>5</sup>

## **2.2 EQUAL PROTECTION OF LAWS**

The concept of equality is positive in nature and is taken from the US Constitution's 14<sup>th</sup> Amendment, which states the equal protection will be meted out to persons in similar circumstances. The US Supreme Court has, from time to time, described it as a pledge of equal laws<sup>6</sup> and has provided for subjection for subjection to equal laws applying alike to all in any like situation<sup>7</sup>. Intended to afford legal equality to the blacks as against the white, it is said to mean equality amongst equals. It implies that there should be no discrimination between one person and another.

The second expression of equal protection of laws is corollary of the first and it is difficult to imagine a situation of any violation of equality before law, without violation of equal protection if laws<sup>8</sup>. Thus, what is meant by two principles is that like should be treated alike, recognizing the fact that absolute equality might lead to inequality.<sup>9</sup>

---

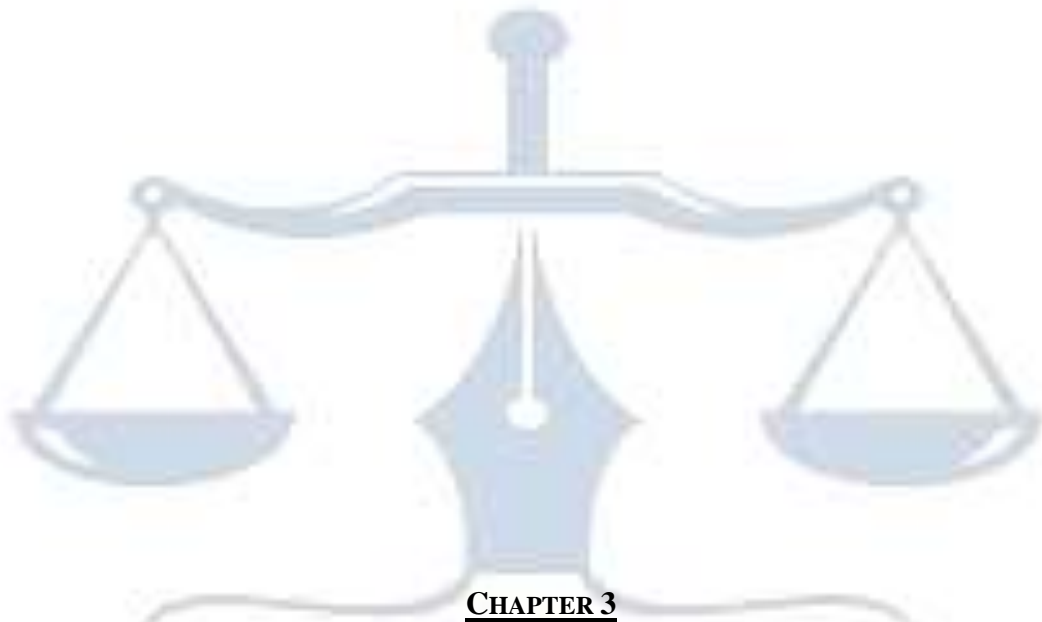
<sup>5</sup> Jennings, Law of the Constitution (3<sup>rd</sup> Edn)

<sup>6</sup> Yick Wo v. Hopkins, 30 L Ed 220: 118 US 356 (1886)

<sup>7</sup> Southern R. Co. v. Greene, 54 L Ed 536: 216 US 400 (1910)

<sup>8</sup> State of West Bengal v. Anwar Ali Sarkar, AIR 1952 SC 75: 1952 SCR 284

<sup>9</sup> Kedar Nath Bajoria v. State of W.B., AIR 1953 SC 404: 1954 SCR 30



### **CHAPTER 3**

#### **RESERVATION**

Reservation is an assenting action system in India that gives traditionally underprivileged groups involved in education, employment, and politics. According to the Indian Constitution, permission is granted to the Union Government, States, and Union Territories of India to designate reserved quotas or seats for “socially and educationally backward individuals” in exams, job opportunities, and so on. Reservation is primarily granted to four groups, shortened as “SC, ST, OBC, and EWS”. Initially, reservations were available solely to SC and ST societies. Following the adoption of the “Mandal Commission report” in 1987, it was extended to include OBCs. In 2019, reservations for the “Economically Weaker Section” (EWS) in the general category were expanded. The first category is Scheduled Castes. They were seen to be at the lowermost or below the caste structure in South Asia, even below the “Shudra varna”. Agricultural labour, manual scavenging, laundry, day-to-day wage works, fishing, and so on were the hereditary professions of this society. They were exposed to the

practices of untouchability that included a variety of social boundaries ranging from not touching other castes, not using a similar water supply, or living in the same place. The goal of providing them with reservations is not merely to provide jobs but to empower them and ensure their contribution to the state's policy making process. The Scheduled Tribes are the next group. "Indications of primitive features, peculiar culture, geographical isolation, shyness of contact with the community at large, and backwardness" were considered to be the characteristics of this section once. The majority of these people are "Adivasis" and indigenous occupants, while the rest are nomadic tribes that were designated as "criminal tribes" during the British administration. They live in a variety of ways, ranging from subsistence agriculturalists with outside contact to hunter-gatherer communities who remain in the forests. During the colonial era, the British routinely exploited many of them and their properties. The Other Backward Classes (OBC) are the third major group. They were not initially included in reservation policy, but during Morarji Desai's leadership, the "Mandal Commission" researched all groups in India to determine which caste was behindhand in comparison to the general population. According to the 1931 census figures, they calculated that 52 percent of our nation's population belonged to "backward" castes on the basis of socioeconomic characteristics such as wealth or traditional professions. The bulk of the OBCs was born in "Shudra varna" and had low ritual status, in addition to being economically disadvantaged. The potential of providing reservations to these groups is permitted by Articles 15(4) and 16(4)<sup>27</sup>. Even though the Centre keeps its own directory of OBCs, which includes more than 5000 castes and subcastes, each and every state is free to develop its own backward caste list for in-state reservations. Some castes belonging to the OBC list are regarded as "dominant castes" for their greater number and in many circumstances are the implementers of the caste order even though they are ritually low.

### **3.1 HISTORY OF RESERVATION IN INDIA**

The caste system in Hinduism stratifies people into four groups or varnas, "Brahmins, Kshatriyas, Vaishyas, and Shudras". Hindus believe that these four groups were created by "Brahma", the inventor of the universe, Vedas, and individuals. The caste system is regarded as the distorted form of the Varna system. Brahmins were intellectuals who functioned as teachers and priests. The Kshatriyas who were considered to be descended from Brahma's arms were regarded as kings and warriors. Vaishyas who took the third position are traders, artisans, or farmers. They were considered to be derived from Brahma's thighs. The Shudras, who were believed to be descended from Brahma's feet, were the lowermost of this stratification. They used to perform all of the low-wage professions

in society. In 1882, William Hunter and Jyoti Rao Phule devised the concept of reservation policy in India based on the caste system and the practice of untouchability. However, the current reservation system in India was implemented in 1933 by British Prime Minister Ramsay Macdonald in the way of the “Communal Award”. The communal award was provided for distinct electorates for “Europeans, Anglo - Indians, Indian Christians, Muslims, Sikhs, and Dalits”. However, when Mahatma Gandhi and Dr. Ambedkar signed the Poona Pact agreement on September 24, 1932, it was concluded that for Hindus, there would be a solo option with specific reservations for the poor people. When India gained freedom from British rule in the year 1947, it got partitioned into India and Pakistan. After this division, many Muslims went to Pakistan, and Hinduism turned out to be the dominant religion in India. As a consequence, when the constituent assembly was drafting the Indian Constitution, social inequalities based on the caste system was a major impediment to social equivalence. As a result, the provision of reservations for disadvantaged sections was incorporated into the Indian Constitution. Reservations were originally installed for a 10-year period and only for SCs and STs, but they were extended with many amendments. Following the Mandal Commission’s references, OBCs were involved in the reservation category in 1991. Reservation was adopted in the “All India Quota Seats” in 2007, with 15 percent of seats reserved for the SC category and 7.5 percent reserved for the ST category. When the 103rd Constitutional Amendment was implemented on 14th January 2019, a 10 percent reserve was granted to the EWS in the general class under Articles 15(6) and 16(6). Reservations for the EWS class were added to the current 50 percent reserve for the SC/ST/OBC classes. On July 29, 2021, the Government of India concluded to offer a 27 percent reservation for OBCs and a 10 percent reservation for the EWS in the All India Quota Scheme for undergraduate and postgraduate medical/dental courses beginning with the 2021-22 academic year.

### **3.2 NEED FOR RESERVATION IN INDIA**

Reservation was intended to be a step toward the improvement of Dalits and other inferior castes in our nation. Reservation in India is a helpful action that gives the current and traditionally underprivileged individuals representation in education, work, and policymaking. People who are provided with reservation policies endured significant social and educational inequality at one point of time in history and they were underrepresented. For many years, the majority of the population was denied access to school and employment. Inferior classes were resisted through numerous methods. Reservation is similar to contributing support to such dejected individuals on the basis of their caste, which they were previously denied. People nowadays say that we are living in the 21st

century and there is no caste-based prejudice now. They argue that caste discrimination was in the past, which is known as history, and today SC and STs are entirely favoured and evolved. This is not entirely correct. We see discrimination every day where inferior class people are treated in a different way by higher class people. Manual scavenging is still practised by such people. Discrimination exists in the medical and nutrition industries as well. According to a sample survey, over 65 percent of Dalits were not allowed in healthcare fields and also in ration stores. There have also been numerous reports of SC and ST fellows being stressed or victimized by authorities. They are underrepresented in law enforcement as well as in the courts and other public agencies. A sample survey done in 2014 by “Dalit AdhikarAbhiyan” and supported by “ActionAid” discovered that 88 percent of state education centres in Madhya Pradesh victimized Dalit pupils. Dalit students are prohibited from mid-day meals in 79 percent of the schools investigated. In 35 percent of schools, they are forced to be seated apart at lunchtime, and in 28 percent they must eat on properly marked plates. Now the question which arises is whether reservations can help to solve these issues. Reservations are not intended to solve caste disparity, which is the responsibility of the dominant higher caste to address. They are proposed to repair some of the damage caused by centuries of persecution and to prevent caste bigots from outright, denying the underprivileged their opportunities.

### **3.3 RESERVATION AND EQUALITY**

The issue of reservation is a debatable topic in the realm of legal intellectuals. When compared to the concept of equality, it appears to a common man to be an arbitrary practice of authority and a violation of the right to equality. The reservation system is not only a legal issue but also has political implications. Justice has been assured by the state according to Article 14 of the Indian Constitution, and this article is referred to be the soul of the Constitution because no nation can be regarded as a republic without equality, and it is the requirement for equality that has forced humans to come under the state so that they can get safety, equal protection under the law, and equality in all aspects. The word equality is borrowed from the French Revolution in our Preamble, which demonstrates the goals of our constitution, and Article 14 is a step in the right direction. It allows for the appropriate classification of “like” and “unlike” so that unlike are provided with specific treatment to put them on an equal level with that of like, since similar treatment in unequal situations would themselves amount to discrimination. The idea of impartiality will not be regarded as accomplished until everyone is on equal footing. Thus, the idea of impartiality gave birth to the idea of reservation or affirmative act. Reservation is a unique action provided to the unlike until they are on an equal level

with the like in society. Reservation is a notion established to help the weak overcome their weakness and contest with the powerful. The Supreme Court's landmark decision in *D.V. Bakshi v Union of India*<sup>10</sup> and *Air India v Nargesh Mirza*<sup>11</sup> demonstrated that discrimination will never be accepted anywhere and so the verdicts in these instances set new milestones in the notion of equality. Reservations have been demonstrated to be incredibly fruitful in many nations. For e.g., the United States has positive actions for blacks and in many other countries also, reservation is playing a vital part in decreasing the gap between different groups.<sup>38</sup> India has been independent for 75 years, and the concept of equality among Indians has yet to be realized. This implies that something is definitely wrong with our country's education and job systems. As mentioned earlier, the reservation system in India was implemented to solve the caste system. Initially, the caste system was a division based on occupation, but over time it took a nasty turn leading to limitations on caste intermingling which in turn led to the social ill of untouchability and hostility among the groups. Social discrimination based on caste, religion, gender, and creed is an inhumane and immoral practice that persists in most regions of our country. Reservation has significant economic, social and political implications in such a country, despite being the world's greatest democracy.

---

<sup>10</sup> AIR 1993 SC 2374

<sup>11</sup> 1981 (4) SCC 335





## Chapter 4

### Article 15

*“In trying to attain equality, we come up against certain principles of equality laid down in the Constitution. That is a very peculiar position. We cannot have equality because we cannot have non-discrimination; for if you are thinking of raising those who are down, you are somehow affecting the status quo, undoubtedly. You are thus said to be discriminating because you are affecting the status quo.” - Jawaharlal Nehru<sup>12</sup>*

Article 14 embraces within its sphere general principles of equality whereas Article 15 is an example of specific application of this rule. Out of the three concentric circles of Article 14, 15 and 16, Article 15 occupies the middle space, the outer being held by broad principles of equality i.e. Article 14 and innermost by Article 16.

Article prohibits discrimination on the grounds of religion, race, caste, sex or place of birth, it states: *“Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth—(1)The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.*

---

<sup>12</sup> Parliamentary debates, Vol. 12-13, Part II Col. 96717, **while defending reservation clause**

Article prohibits discrimination on the grounds of religion, race, caste, sex or place of birth, it states:  
“*Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth—(1)The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.*

*(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to--*

*(a) Access to shops, public restaurants, hotels and palaces of public entertainment; or*

*(b) The use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public*

*(3) Nothing in this article shall prevent the State from making any special provision for women and children*

*(4) Nothing in this article or in clause (2) of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes<sup>13</sup>.*

*(5) Nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30.”<sup>14</sup>*

#### **4.1 ARTICLE 15(4)**

Article 15(4) mandates the state from making the State for making special privileges for the advancement of Socially Economically Backward Classes (SEBCs) of citizens or for the SCs and the STs.

In *Union of India v. Rakesh Kumar*<sup>15</sup>, the courts have discussed various other types of affirmative action measures, namely, proportionate representation, adequate representation and compensatory discrimination. Explaining the difference, it was held that reservation of seats under Article 15(4) and Article 16(4) for SEBCs is an example of proportional representation. Principle of adequate

---

<sup>13</sup> Added by the Constitution (1<sup>st</sup> Amendment) Act, 1951 S.2

<sup>14</sup> Inserted by the Constitution (93<sup>rd</sup> Amendment) Act, 2005, S.2

<sup>15</sup> (2010) 4SCC 50: AIR 2010 SC 3244

representation is adopted when it is found that a particular community is under-represented and measures are taken to achieve the desired level of representation. Reservation of one third seats for women in panchayats is an example of adequate representation whereas reservation of 50 percent for Schedule Tribes (STs) in panchayats in scheduled areas is an example of compensatory discrimination.

#### **4.1.1 STATE OF MADRAS V. CHAMPAKAM DORAIRAJAN<sup>16</sup> AND INTRODUCTION OF THE CONSTITUTION (1ST AMENDMENT) ACT, 1951**

State of Madras v. Champakam Dorairajan was a landmark judgment in which the court struck down the communal Government Order (GO) of Madras government, which had fixed the proportion of students of each community that could be admitted in the State medical colleges with the objective of helping the backward classes. Although Article 46 lays down that the State shall promote with special care the educational and economic interests of the weaker sections of the people and protect them from social injustice, the Supreme Court held in the instant case that the directive principles of state policies embodied in Article 46 could not override the fundamental rights secured to the citizens by Part III of the Constitution.

The first landmark case dealing with important and controversial issue of reservation was the *Balaji's case*<sup>17</sup>. In the instant case, the State of Mysore issued an order that all communities excepting the Brahmin community, fell within the definition of SEBCs and Scheduled Castes (SCs) and STs and 75 percent of the seats in educational institutions were reserved for them. By another order, the backward classes were divided into two categories, backward classes and more backward classes. The order reserved 68 percent seats in the engineering and medical colleges and other technical institutions for SEBCs and SCs and STs and left only 38 percent seats for the merit pool. The orders were challenged in the Supreme Court. It was contended that the classification was irrational and the reservation of the 68 percent of the seats was a fraud on the Constitution. The Supreme Court held that the impugned order, which categorized backward classes on the basis of caste, was a fraud on the constitutional powers conferred to the State and the same was quashed.

To nullify this decision, Constitution (1<sup>st</sup> Amendment) Act, 1951 resulted in the introduction of Article 15(4), which enabled the government to make special provision for the advancement of the SCs, STs or SEBCs of citizens. The position in case of SCs and STs are clear but non-clarity regarding

---

<sup>16</sup> AIR 1951 SC 226: 1951 SCR 525

<sup>17</sup> AIR 1963 SC 649: 1963 Supp (I) SCR 439

SEBCs persisted, as the term was nowhere defined in the Constitution. So the first and the foremost task was to laydown a criteria for defining SEBCs and the next was to lay down the limit of reservation so as not to destroy Article 14 under the grab of Article 15(4). In the *Balaji's Case* the important question, thus was, whether caste can be the sole criteria for determining the question whether a particular class was backward or not. Answering the question in negative the Supreme Court declared that caste couldn't be the sole criterion for determining the backwardness under Article 15(4). The court laid certain important principles as summarized below:

- i) Caste, though, may be a relevant factor, cannot be sole criterion for determining whether a particular person is backward or not.
- ii) Backwardness must be both, social and educational, and not either social or educational.
- iii) Clause (4) under Article 15 is only an enabling provision to make special and not exclusive provisions for the backward classes.
- iv) Poverty, occupation, place of habitation may contribute towards backwardness and, therefore, such factors cannot be ignored.

In *R. Chitralekha v. State of Mysore*<sup>18</sup> the Government Order of the State of Mysore was challenged on the grounds that caste had been completely ignored for determine the backwardness and was based on economic conditions and occupation. The Supreme Court ruled that though caste is a relevant circumstance in ascertaining the backwardness of a class, there is nothing to preclude the authority concerned from determining the backwardness of a group of citizens, if it can do so without reference to the caste. Mere educational backwardness or inadequate representation in the services of the State is not enough to give protection under Article 15(4).<sup>19</sup>

The criterion for determining backwardness should be social circumstances and education similar to the backwardness from which the SCs and STs suffered.<sup>20</sup> In *P. Rajendran v. State of Madras*<sup>21</sup> fixation of district wise quota on the ratio of the district population of the total State population, for admission of the state medical colleges is discriminatory. The object in selecting the candidates for admission is to get the best talent but this purpose cannot be achieved by allocation of seats district wise as better qualified candidate from one district maybe rejected, while less qualified candidate from other district may be admitted. If classification was based solely based on the caste of the

---

<sup>18</sup> AIR 1964 SC 1823: (1964) 6 SCR 368

<sup>19</sup> Triloki Nath Tiku v. State of J&K, AIR 1967 SC 1283

<sup>20</sup> State of A.P. v. P. Sagar, AIR 1968 SC 1379

<sup>21</sup> AIR 1968 SC 1012

citizens, it may be open to objections<sup>22</sup>.

#### **4.1.2 RESERVATION ON GEOGRAPHICAL BASIS**

The question of validity of reservation on the basis of rural areas, hill areas and Uttarakhand was raised in the *State of U.P v. Pradip Tandon*<sup>23</sup>, where the Supreme court upheld reservation in favor of hill and Uttarakhand as it was satisfied that people there were socially and educationally backward, but reservation in favor of rural areas was held unconstitutional. The rural population being 80 percent of the entire state population, the courts found it incomprehensive so as to how such a large population could be regarded as backward. The courts refused to accept the test of poverty as the “determining factor of social backwardness”. Poverty is not the common trait of rural people alone; it is widespread in India, and to take poverty as an exclusive test would mean that a large population in India is held backward. This decision was reiterated in *Nishi Maghu*<sup>24</sup>

Reservation on geographical basis cannot be questioned on the basis that classification has no rational nexus with the object to be achieved. However in the case of *Bhawna Garg v. University of Delhi*,<sup>25</sup> reservation of as many as 260 seats may not be justified.

#### **4.1.3 LOWER INCOME LIMIT**

According to the Supreme Court in *K.S. Jayasree v. State of Kerala*<sup>26</sup>, upholding the constitutionality of a provision where reservation could be extended to a person with a lower limit of income, the courts observed that:

*In ascertaining social backwardness of a class of citizen, it may not be irrelevant to consider the caste of the group of citizens. Caste cannot however, be made the sole or dominant test. Social backwardness is in the ultimate analysis of the result of poverty to a large extent. Social backwardness, which results from poverty, is likely to be aggravated by considerations of their caste.*

An executive order of the Madhya Pradesh government, which had completely relaxed minimum qualifying marks in pre-medical examination for selection of students of medical colleges of the state, in respect of SC and ST candidates was upheld. The Supreme Court in the instant case held that under Article 15(4), the State is obliged to do everything possible for the upliftment of the SCs and the STs

---

<sup>22</sup> State of A.P. v. U.S.V. Balram (1972) 1 SCC 660

<sup>23</sup> 1975 I SCC 267: AIR 1975 SC 563

<sup>24</sup> (1980) 4 SCC 95: AIR 1980 SC 1975

<sup>25</sup> AIR 2012 SC 3299

<sup>26</sup> (1976) 3 SCC 730: AIR 1976 SC 2381

and other backward communities and is entitled to make reservations for them in the matter of admission to medical and other technical institutions. In the absence of any law to the contrary, it is open to the government to impose such conditions as to make reservation effective. In any particular situation, taking into consideration the realities and circumstances prevailing in the state, the government is entitled to vary and modify the conditions regarding selection for admission, if such modification is necessary for achieving the purpose of reservation.<sup>27</sup>

In *K.C. Vasanth Kumar v. State of Karnataka*<sup>28</sup> the Supreme Court clearly laid down that the test of economic backwardness ought to be applicable to SCs and STs. The backward classes should be comparable to SCs and STs in their backwardness and should satisfy the “means test” in the context of economic conditions. In *Indira Sawhney v. Union of India (Mandal Case)*<sup>29</sup> the Supreme Court was of the opinion that the sub-classification of backward classes and more backward classes can be done legally.

In *Preeti Srivastava v. State of M.P.*<sup>30</sup> holding that reservation for the SCs and STs in super-specialty courses cannot be made and in case, if in specialty courses it should be made, the courts held that all public policies in the area of reservation have to be tested on the anvil of reasonableness and ultimate public good. Therefore, consideration of national interest and interest of the community or the society as a whole, cannot be ignored in determining the reasonableness of a special provision under Article 15(4).

## **4.2 ARTICLE 15(5)**

### **4.2.1 CONSTITUTION (93<sup>RD</sup> AMENDMENT) ACT, 2005**

In *T.M.A Pai Foundation v. State of Karnataka*<sup>31</sup> The 2-judge Constitution bench headed by the Chief Justice held that the state government cannot regulate the admission policy of unaided educational institutions run by linguistic and religious minorities. This does not mean that the state government cannot specify the academic qualification for students and frame rules for maintaining educational and academic standards. In *Islamic Academy of education v. State of Karnataka*<sup>32</sup>, the courts held that the state can fix quota for admission to educational institutions but it cannot fix fees. The

---

<sup>27</sup> State of M.P. v. Nivedita Jain, (1981) 4 SCC 296

<sup>28</sup> 1985 Supp SCC 714

<sup>29</sup> AIR 1993 SC 477

<sup>30</sup> AIR 1999 SC 2894

<sup>31</sup> (2002) 8 SCC 481

<sup>32</sup> (2003) 6 SCC 697

admission to these institutions can be on the basis of common entrance and merit. In *P.A. Inamdar v. State of Maharashtra*<sup>33</sup> observing that education is the national wealth essential for the nation's progress and prosperity, the Supreme Court held that the right to establish an educational institution, being an occupation, is guaranteed to all citizens under Article 19(1)(g) and to minorities under Article 30. However, merely because Article 31 has been enacted, minority educational institutions do not become immune from the operations of regulatory measures. The right to administer does not mean the right to maladministration.

To overcome the effect of above three decisions of the Supreme Court, clause (5) was added to article 15 of the Constitution by the Constitution (93<sup>rd</sup> Amendment) Act, 2005 which lays down that nothing in Article 19(1)(g) shall prevent the state from making any special provision by law for advancement of the SEBCs of the citizens or for the SCs and the STs. Such special provisions relate to admission into educational institutions including private educational institutions whether aided or unaided by the states, other than the minority educational institutions under Article 30(1) of the Constitution.

### **CHAPTER 3**

#### **ARTICLE 16**

Article deals with the equality of opportunity in the matters of public employment. It states:

*Equality of opportunity in matters of public employment—(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.*

*(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.*

*(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment.*

*(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favor of any backward class of citizens, which, in the opinion of the State, is not adequately represented in the services under the State.*

*(4A) Nothing in this article shall prevent the State from making any provision for reservation in*

---

<sup>33</sup> (2005) 6 SCC 537

*matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favor of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.*

*(4B) Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent reservation on total number of vacancies of that year.*

*(5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.*

### **3.1 ARTICLE 16(4)**

Article 16(4) provides that the state can make provisions for reservation in favor of backward classes of citizens which are not adequately represented in the services under the State, thus the two conditions are necessary to be fulfilled. Firstly, the class is backward and secondly, it is not adequately represented. In the judicial decisions it was not clearly laid down whether caste is the sole criterion or it should be based on economic backwardness. After *Mandal's case*, the Supreme Court examined the scope and extent of Article 16(4) and gave elaborate directions in this regard.

In *Rangachari*<sup>34</sup> the Supreme Court stated that the reservation quotas can be introduced by reasonable classification of the society and its specific needs. Quotas, relax standards, age wavers, high grading in service records and all other relaxation, concession and facilities are constitutional and therefore, reservation is only one of the few methods used for promoting affirmative actions but it is not affirmative action per se. The courts insisted that the whole sole reservation will lower the quality of graduates and reduce efficiency in services. It is urged the states to take into account, the factor of administrative efficiency in making reservation in services, in an attempt to strike reasonable balance between the claims of merit and claims of backward classes and public interest involved in the maintenance of efficiency.

---

<sup>34</sup> AIR 1962 SC 36: (1962) 2 SCR 586



The courts further observed that reservation under 16(4) is intended to give adequate representation to backward communities. It cannot be used to create monopolies and unduly or illegitimately disturbing the legitimate interests of other employees. State's determination if based on relevant grounds is justifiable.<sup>35</sup>

In the *Balaji's case* the Supreme Court opined that though the caste of a person cannot be a sole test for determining the backwardness of caste, if an entire caste is socially and economically backward, it may be included in the list of backward classes. Moreover, the courts also emphasized that once the caste is considered backward it would not remain backward forever. The backwardness should be reviewed and it is found that the class has progressed taking the benefits of the reservation, it should be deleted from the list of backward classes.

In *State of Kerala v. N.M. Thomas*<sup>36</sup> the relation between article 16(1) and Article 16(4) and also between Article 14, 15 and 16 was considered. The question was whether 16(1) protected the exemption of lower division clerks belonging to SCs and the STs from passing the special test for promotion as upper division clerks and the filling up of 34 out of 51 vacancies of upper division clerks by promoting lower division clerks from these groups in preference to those who had passed the tests. Hence, the question arose that whether Article 16(1) permits such preference on the basis of rule of reasonable classification or whether Article 16(4) is an exception to Article 16(1) can be curtailed, and also whether Article 16(4) exhausts the equality of opportunity which can be made available to the members of the backward classes of citizen. The majority of judges held these exemptions and promotions valid.

In *Akhil Bhartiya Sohit Karamchari Sangh (Railway) v. Union of India*<sup>37</sup>, following the decision in the *N.M. Thomas's case*, it was held that under Article 16(1), the state may classify groups or classes based on **intelligible differentia**. The right to equality of opportunity has to be read as justified and the categories of STs and SCs must be dealt with separately from the rest of the community for the purpose of adequate representation in the services under state. In the instant case, the Supreme Court upheld the validity of the Railway Board Circular under which reservation made in the selection posts for SC and ST candidates. The court also overruled its earlier stance of 50 percent reservation rules and upheld 64.4 percent reservation, which was not excessive "as mathematical precisions could not be applied in dealing with human problems" Striking the rule which added the reserve vacancies by

---

<sup>35</sup> Triloki Nath Tikku v. State of J&K, AIR 1969 SC 1

<sup>36</sup> AIR 1976 SC 490

<sup>37</sup> (1981) 1 SCC 246

virtue of carrying forward rule to 54 percent, the courts in *T. Devadasan v. Union of India*<sup>38</sup> made it clear that where reservation was so excessive that it would deny other classes of equal opportunity is fraud on the Constitution. Similarly, no writ can be issued to the government to make reservation since Article 16(4) is only an enabling provision.<sup>39</sup>

The Supreme Court in the above cases could not clearly lay down guidelines for the basis of reservation and its extent. Therefore the State of Karnataka requested the Supreme Court to give clear guidelines to be followed for SCs and STs in *Vasanth Kumar*<sup>40</sup>. In the instant case, the Supreme Court tried to lay clear guidelines giving the “means test” as the basis for reservations. The courts held that the reservation in the favor of SCs and STs should be continued on the basis of test of economic backwardness after 2000. Insofar as the Other Backward Classes (OBCs) are concerned, two tests should be conjunctively applied for identifying them for the purpose of reservation in employment and education that:

- i) They should be comparable to the SCs and the STs in the manner of their backwardness
- ii) They should satisfy the means test, such as the State Government may lay down in the context of prevailing economic conditions.

The court further added “*the State should give due importance and effect to dual Constitutional mandates of maintenance of efficiency and equality of opportunity for all persons. The nature of extent of reservation should be reasonable and rational*”.

In the case of *Nair Service Society v. State of Kerala*<sup>41</sup>, a petition was filed by a society of a forward class challenging the guidelines fixed for identification of creamy layers amongst backward classes. The Narendran Commission was also challenged which was formed to determine what should be the criteria to be adopted to exclude those belonging to the creamy layer amongst the OBCs. The Supreme Court held that the petition raises an issue of great importance and cannot be rejected. In *Mandal's case* inter alia, the states were directed to identify the creamy layer amongst backward classes and exclude them from the purview of reservation. The Union of India appointed a commission laying down the guidelines for identifying the creamy layer, inter alia, stipulating that the sons and daughters of the persons having a gross annual income of Rupees 1,00,000 or above would be excluded. The state of Kerala did not comply with the said direction of the court. In Kerala State and Subordinate Service

---

<sup>38</sup> AIR 1964 SC 179

<sup>39</sup> P&T Schedule Caste/Tribe Employees' Welfare Assn. v. Union of India, (1988) 4 SCC 147

<sup>40</sup> 1985 Supp SCC 714; AIR 1985 SC 1495

<sup>41</sup> (2007) 4 SCC 1; AIR 2007 SC 2891

Rule, 1958, although reservation for backward classes under the scheme was carried out, even if thereafter no backward classes are available, such posts are left unfilled. The petitioner society raised this question before the court as well as the Narendran Commission, appointed to determine backward classes. The court in the instant case, set aside the report of the Narendran Commission and directed the State to appoint a fresh commission to go into the matter.

In *Rajesh Kumar Daria v. Rajasthan Public Service Commission*<sup>42</sup>, it was held that where special reservation for women is provided within the social reservation for SCs, the proper procedure is, first to fill up the quota for SCs in order of merit and then find out the number of candidates amongst them who belong to special reservation group of “Scheduled Caste Women”. If the number of women in the list is equal to or more than the number of special reservation quota, then there is no need for further selection towards the special reservation quota. Only if there is any shortfall the requisite number of SC women shall have to be taken by deleting the corresponding number of candidates from the bottom of the list relating to SCs. To this extent **horizontal** (special) reservation is applied. Thus, women selected on merit within the **vertical** reservation quota will be counted against the horizontal reservation for women.

### **3.1.1 HORIZONTAL AND VERTICAL RESERVATION**

Explaining the difference between horizontal and vertical reservation in *Rajesh Kumar Daria*<sup>43</sup> the courts observed that social reservation in favor of SCs, STs and OBCs under Article 16(4) are vertical reservation. Special reservation for physically handicapped, women etc. under Article 15(3) or 16(1) are horizontal reservations. Where a vertical reservation is made in the favor of backward classes under Article 16(4), the candidate belonging to such backward classes may compete for a non-reserved post. If they are appointed to non-reserved posts on their own merit, their number will not be counted against the quota reserved for respective backward classes. But this principle, applicable to vertical reservation, is not application to horizontal reservation. To this extent, horizontal reservations differ from vertical reservations.

### **3.2 ARTICLE 16(4-A) AND 16(4-B)**

The constitutionality of the carry forward rule framed by the government under Article 16(4) was

---

<sup>42</sup> (2007) 8 SCC 785: AIR 2007 SC 3127

<sup>43</sup> *Union of India v. Virpal Singh Chauhan*, (1995) 6 SCC 684: AIR 1996 SC 448; *R.K. Sabarwal v. State of Punjab*, (1995) 2 SCC 745: AIR 1995 SC 1371

challenged in *T. Devadasan*<sup>44</sup>. This rule provided that if sufficient number of candidates belonging to the SCs and the STs were not available for appointment to the reserved quota, the vacancies that remained unfulfilled would be treated as unreserved and filled by fresh candidates available but a corresponding number of posts would be reserved for the SCs and the STs in the next year in addition to the reserved quota. The Supreme Court struck down the carry forward rule on the ground that power vested in the government under Article 16(4) could not be exercised as to deny reasonable opportunity in the matters of public employment for other members. In the *Mandal's case*, overruling *T. Devadasana*, the Supreme Court held the carry forward rule to be valid as long as in a particular year, the reservation does not exceed 50 per cent of the vacancies, the limitation being relaxed in extraordinary situations.

The Constitution (77<sup>th</sup> Amendment) Act, 1995 introduced a new clause (4-A) to Article 16 to nullify the decision of the Supreme Court in the *Mandal's Case*. The new clause provided that nothing in this article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in the service of State for SCs and STs which, in the opinion of the state, are not adequately represented in the services under the State.

By 2000, Constitution (81<sup>st</sup> Amendment) Act, a new clause was introduced in Article 16 to end 50 percent ceiling on the reservation for SCs and STs and OBCs in backlog vacancies which could not be filled up in previous years due to non-availability of eligible candidates. The Constitution (81<sup>st</sup> Amendment) Act, 2000 gave legislative assent to the judgment in *R.K Sabharwal's case*. Moreover, to further dilute the effect of *Mandal's case* Constitution (85<sup>th</sup> Amendment) Act, 2002 substituted in clause (4-A) the words "*in matters of promotion to any class*" with the words "*in matters of promotion, with consequential seniority, to any class*". This amendment aims at extending the benefit of reservation in favor of the SCs and STs in matters of promotion with consequential seniority. This is from April 1995 when the Constitution (77<sup>th</sup> Amendment) Act, 1995 was enacted.

---

<sup>44</sup> AIR 1964 SC 179



## W H I T E                      B L A C K

### Chapter 6

### CONCLUSION

Negligence suffered in the past and injustice make the backward communities eligible for reservation in India. Reservation renders a level playground for the suppressed backward sections in society. Without providing such an equal ground, meritocracy will not have any meaning. In a country like India, the reservation based on caste was inevitable to reduce gaps between the higher and inferior caste groups. Though an effective tool to resolve social and educational backwardness, reservation cannot be considered the sole solution for all the social and economic disparities. The system can provide only a short-term consolation to the so-called historical inequalities. If one looks at the situation objectively, he will see that the goal behind reservations is not all flawed, but it is the connotation and implementation of the same that have proven ineffectual. Reservation has reinforced

and exacerbated caste distinctions, resulting in the formation of various sections within the so-called backward classes and upliftment has been achieved only in the topmost layer of them throughout the years. The benefits of reservation have not reached the poorest members of society. Furthermore, it has extinguished the sense of brotherhood and healthy competition, as well as the drive to advance and exert effort. Reservations on the basis of the restricted definition of religion are so inherently incorrect and have consequently failed. It is necessary to put aside the thrive for political mileage and consider where things have gone wrong objectively. Nobody appears to care about the well-being of the underdog but rather wants to earn a significant amount of political capital. Reservations should not be abandoned since everyone want society to flourish as a whole and gain profits from development. However, in place of being focused on caste to fulfill the political requirements of our power-hungry politicians, reservations should be based on more acceptable principles that benefit all sections of society. We must identify those who are truly in need, oppressed, and underprivileged. Then we must offer them appropriate encouragement, such as education, opportunities, and financial support. Afterward, genuine skill and sincere efforts must be recognized and rewarded, rather than thoughtlessly guaranteeing someone a safe future solely based on class, even if he or she is less deserving. Excellence should be the standard because the country needs the best of its people to grow, not individuals who are reaping undeserved and unearned privileges simply because they fit into a sector of society that has been fortunately identified in the constitution as underdeveloped. It is extremely depressing to witness a deserving applicant with a promising future lose out to another less deserving candidate just because he comes from a reserved segment of society. Nothing has improved in the previous years, demonstrating that we have misplaced our energies. We have completely failed to put the underprivileged on an equal level with the rest. Rather, it appears that the reservation strategy is frequently used to avenge the wrongs done to disadvantaged people throughout the ages. In short, it is high time to take away the reservation from the clutches of the political powers and implement it to the real, needy, underdeveloped sections of the society rather than the same being offered merely on the basis of the caste system. This will turn out to be more beneficial to upgrade the communal, economic, and scholastic status of the disadvantaged communities in India

## **BIBLIOGRAPHY**

1. Pasricha Seema, Caste Based Reservation in India (2006)
2. G.S. Ghurye, Caste and Race in India (1968).
3. Nidhi Khurana, The Way Forward for Caste-Based Reservations in India (The Wire)

4. Kailash Jeender, Reservation Is About Adequate Representation, Not Poverty Eradication (The Wire)
5. Basavaraju, C. "Reservation Under the Constitution of India: Issues and Perspectives." Journal of the Indian Law Institute
6. Alexander Brown, Ronald Dworkin's Theory of Equality: Domestic and Global Perspectives
7. Dworkin, R. (1981). What is Equality? Part 1: Equality of Welfare. Philosophy & Public Affairs
8. Dworkin, R. (1981). What is Equality? Part 2: Equality of Resources. Philosophy & Public Affairs
9. B. Shivarao, The Framing of India's Constitution, Vol. III



W H I T E   B L A C K  
L E G A L