



Reservation policy in India: Constitutional journey from social justice to economic justice

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Abstract

This research article analyzes the constitutional evolution of the reservation system in India, focusing on the conceptual and policy shift from social justice to economic justice. The Indian Constitution adopted reservation as an effective instrument of social justice for historically disadvantaged and oppressed classes, especially Scheduled Castes, Scheduled Tribes, and Other Backward Classes. The right to equality was given concrete shape through Articles 14, 15(4), 15(5) and 16(4).

Over time, changes in the social structure, increasing economic inequality and unequal availability of opportunities led the concept of reservation towards new discussions. In this sequence, the 103rd Constitutional Amendment Act, 2019 made provision for reservation for the Economically Weaker Sections (EWS), which expanded the traditional concept of social justice-based reservation and included economic justice in the constitutional discourse.

This study presents a critical analysis of the constitutional balance between social and economic justice, the role of the judiciary, and key judicial decisions especially *Indira Sawhney v. Union of India* and *Janhit Abhiyan v. Union of India*. The research concludes that this constitutional journey of the reservation system reflects the dynamism of the Indian Constitution, which attempts to establish inclusive democracy through the coordination of social and economic justice.

Keywords: Reservation system, social justice, economic justice, Indian Constitution, Right to Equality, 103rd Constitutional Amendment, EWS Reservation, judicial interpretation, policy-making, inclusive democracy

Introduction

The basic objective of the Indian Constitution was not merely to establish democracy, but to create a social democracy in which the historically deprived, exploited and marginalized sections could get equal opportunities and a dignified life. To achieve this objective, the framers of the Constitution considered the reservation system an effective tool for social justice. Reservation is not only a policy in the Indian Constitution, but also a practical expression of the right to equality^[1].

In the initial decades, the basis of reservation was social backwardness, caste-based discrimination and historical oppression. But with time, changes in the social structure, intensification of economic inequalities and new challenges of policy-making moved the concept of reservation from social justice to economic justice. The constitutional culmination of this change is the 103rd Constitutional Amendment Act, 2019, which provided for reservation for the Economically Weaker Sections (EWS).

Research methodology

This paper adopts a qualitative doctrinal research methodology, involving detailed analysis of legal texts, constitutional provisions, Parliamentary debates, Supreme Court judgments, and secondary scholarly literature. The research relies on primary sources such as Articles 15 and 16 of the Constitution, related amendments, and landmark judgments (*Indra Sawhney v. Union of India*, *Janhit Abhiyan v. Union of India*). Secondary sources include academic journals, books, government reports, and policy critiques. This method enables a nuanced understanding of the conceptual and legal evolution of reservation in India.

Concept of Social Justice and Constitutional Basis of Reservation

The Indian Constitution is not merely a document laying down the structure of governance, but a manifesto of social change, the fundamental objective of which is to eliminate historical injustice, social inequality and structural exclusion. At the time of independence, Indian society was plagued by deep caste divisions, social discrimination, economic exploitation and inequality of opportunities. The Constitution makers, accepting this reality, made it clear that mere formal equality cannot establish real equality in Indian society^[2]. For this reason, social justice was established as a central value in the Constitution.

The basic objective of the concept of social justice is to empower those sections of the society which have been deprived, oppressed and marginalized for a long time due to historical, social and cultural reasons. This concept is not limited to equality before the law, but emphasizes the establishment of substantive equality, in which special provisions are made to ensure equal opportunities rather than equal treatment under unequal circumstances. Social justice in the Indian context is specifically linked to the elimination of caste-based oppression, untouchability and social exclusion^[3].

To give concrete shape to this concept of social justice, the Indian Constitution adopted the reservation system as a legal and constitutional instrument. The spirit of “social, economic and political justice” enshrined in the Preamble of the Constitution provides constitutional validity to reservation through the right to equality in Article 14, and special provisions contained in Articles 15 and 16. In particular, Articles 15(4), 15(5) and 16(4) recognise that providing special protection and opportunities to socially and educationally backward classes is not a violation of the principle of equality but a fulfilment of it.

Furthermore, the Directive Principles of State Policy of the Constitution, particularly Article 46, direct the State to protect with special force the educational and economic interests of the Scheduled Castes, the Scheduled Tribes and the weaker sections of society. Thus, the reservation system emerges not just as a policy option but as a constitutional obligation.

Therefore, the concept of social justice and the constitutional basis of reservation reflects the transformative character of the Indian Constitution, which is moving towards compensating for historical injustice and building an inclusive, egalitarian and dignified society. Therefore, this role of social justice provides the conceptual and constitutional background for further study, through which the evolution of the reservation system, its justification and contemporary challenges can be deeply analyzed.

a. Constitutional Vision of Social Justice: The foundation of the Indian Constitution is not limited to political freedom or legal equality; rather, its basic objective is to establish such a social democracy in which every person can get respect, opportunity and a just life. Rather, its basic objective is to establish such a social democracy in which every person can get respect, opportunity and a just life. The Constitution makers clearly recognised that Indian society has historically been plagued by caste-based discrimination, social exclusion, inequality and exploitation. Keeping this social reality in mind, the Constitution enshrined social justice as its central value.

The constitutional vision of social justice goes beyond the limits of formal equality and accepts the concept of substantive equality. This means that it is not enough to give equal treatment to all sections of society, but also to those sections which have been historically deprived. Special protection and positive intervention are necessary to bring them into the mainstream. It is in this spirit that the Constitution, along with the right to equality, legitimizes special provisions to address inequalities^[4].

The "social, economic and political justice" enshrined in the Preamble of the Constitution is the essence of Indian constitutional philosophy. This is not merely a declarative ideal but is practically reflected in various provisions of the Constitution. Article 14 guarantees equality before the law, while Articles 15 and 16 empower the State to make special provisions for the socially and educationally backward classes, the Scheduled Castes and the Scheduled Tribes. Thus, equality and social justice have been developed as complementary principles rather than being considered contradictory^[5].

Furthermore, the Directive Principles of State Policy of the Constitution provide a moral and welfare basis to the constitutional vision of social justice. In particular, Article 38 directs the State to ensure justice in the social order, while Article 46 emphasizes the protection of the educational and economic interests of the weaker sections. These provisions give the state a welfare and responsible role.

Thus, the constitutional vision of social justice reflects the transformative character of the Indian Constitution. This vision envisions an inclusive social structure by removing the structural inequalities prevalent in the society, where equality becomes a social reality rather than just a legal

principle. This constitutional vision later becomes the basis for reservation, welfare policies and judicial interpretations. This constitutional vision later becomes the basis for reservation, welfare policies and judicial interpretations^[6].

b. Constitutional Provision for Social Reservation: The concept of social reservation in the Indian Constitution is a central element of the constitutional vision of social justice. The Constitution makers recognised that caste-based discrimination, social exclusion and historical oppression prevalent in Indian society deprived certain sections of society of equal opportunities. Therefore, formal equality alone is not sufficient; special provisions are necessary to ensure substantive equality^[7]. For this purpose, social reservation was granted constitutional recognition.

1. Article 14: General Principle of Equality: Article 14 guarantees "equality before the law" and "equal protection of the law." The Supreme Court has clarified that equality does not mean equal treatment to all, but equal treatment under similar circumstances. If circumstances are unequal, classification and special measures to achieve equality are constitutionally valid^[8]. Based on this principle, social reservation has been held to be complementary to Article 14, not contrary to it.

2. Article 15(4): Provisions for Socially and Educationally Backward Classes: Article 15(4) was added by the First Constitutional Amendment Act, 1951. Its purpose is to empower the State to make special provisions for the socially and educationally backward classes, Scheduled Castes and Scheduled Tribes^[9]. This provision was introduced in response to the decision in *State of Madras v. Champakam Dorairajan*^[10], in which the Court held that caste-based reservation without constitutional amendment was unconstitutional.

3. Article 15(5): Reservation in Educational Institutions: Article 15(5) was added by the 93rd Constitutional Amendment (2005), under which the state got the right to provide reservation for socially backward classes, SC/ST in private (except minority institutions) and public educational institutions. This provision aims to make access to education a means of social empowerment, as education is considered the most effective means of social mobility^[11].

4. Article 16(4): Reservation in Public Employment: Article 16(4) is the most important constitutional provision on social reservation. According to this, if the state feels that a particular class is not adequately represented in public services, it can provide reservation for that class. The Supreme Court clarified in *Indra Sawhney v. Union of India*^[12] that:

- Reservation should be based on social backwardness.
- Economic backwardness alone is not sufficient.
- Reservation should not exceed 50%.
- The creamy layer principle will apply.

This decision clarifies the constitutional limits and balance of social reservation.

5. Moral basis of social reservation in the Directive Principles of State Policy: Article 46 directs the State

to give special protection to the educational and economic interests of the Scheduled Castes, the Scheduled Tribes and the weaker sections of the society. Although the Directive Principles are not enforceable in court, they provide constitutional morality and ideological basis to social reservation^[13].

6. Social Reservations and Constitutional Balance:

Social reservations are viewed in the Constitution as a temporary special measure, not a permanent privilege. It aims to ensure representation, increase social mobility and compensate for historical injustices. The judiciary has, from time to time, tried to maintain a balance so that reservation does not destroy the right to equality, but rather makes it effective^[14].

Thus, the constitutional provisions for social reservation reflect the transformative character of the Indian Constitution. Articles 14, 15 and 16, along with the Directive Principles of State Policy, make it clear that social reservation is not a deviation from the principle of equality but a means of its actual implementation. Reservation is not only constitutionally valid for achieving social justice, but is also necessary from democratic and moral point of view.

The Concept of Economic Justice: An Emerging Constitutional Discourse

Economic justice is a fundamental ideal of the Indian Constitution, which is considered essential for establishing social equality and a dignified life. The resolution of “social, economic and political justice” contained in the Preamble makes it clear that the real success of democracy is possible only when economic inequalities are reduced and equal opportunities for development are provided to every individual^[15]. Economic justice has emerged as an emerging constitutional discourse as a result of changing socio-economic conditions over time, liberalization policies, and recent constitutional amendments and judicial interpretations, which redefines the welfare role of the state, the direction of policy-making and the process of social change^[16].

a. Meaning of Economic Justice: Economic justice refers to a system in which every person has a dignified life, equal opportunities for livelihood, fair wages, and equal access to resources. This is not limited to equality of income, but also:

- Elimination of economic inequalities.
- Equality of opportunities.
- Non-exploitative labour system.
- Socio-economic security it is our constitutional obligation to ensure.

Economic justice has been accepted in the Indian Constitution as a complement to social justice, because without economic empowerment social equality remains incomplete. However, initially the Constitution makers had envisioned economic justice to be achieved through welfare policies and not through reservation^[17].

b. The challenge of social change and policy-making: “Social, economic and political justice” enshrined in the Preamble of the Indian Constitution is the fundamental source of economic justice. The Directive Principles of

State Policy, especially Articles 38, 39, 41, 42 and 43, direct the State to ensure the minimization of economic inequalities, equitable distribution of resources, welfare of workers and living wages. Furthermore, judicial interpretation of Article 21 has provided a practical basis to economic justice by including livelihood and dignified life in the right to life.

Economic justice is a key tool for social change, because economic empowerment enables social mobility. When education, health, and employment opportunities are equally available. The disadvantaged, women, and the working class then become socially empowered. Thus, economic justice not only reduces poverty and inequality, but also helps build an inclusive and democratic society^[18].

Implementing economic justice poses a significant policy-making challenge in contemporary times. Liberalization and a market-based economy have placed increasing pressure on the role of the welfare state. The expansion of the unorganized sector, regional and gender disparities, and limited resources make it difficult for policymakers to strike a balance^[19].

Therefore, economic justice is a dynamic and evolving ideal of the Indian Constitution. Its provisions make the state an agent of social change. But the changing economy, new labour structures and growing inequalities pose serious challenges to policy-making. Economic justice will be realized only when a balance is established between constitutional values, inclusive policies and social consciousness.

103rd Constitutional Amendment: The Constitutional Journey of Economic Justice

Indian reservation policy has been inspired by the ideal of “social, economic and political justice” enshrined in the Preamble of the Constitution. In the initial decades, the objective of reservation was primarily to uplift those classes that had historically been victims of social exclusion^[20].

Articles 15(4) and 16(4) provided special protection to socio-educationally backward classes. However, over time, the argument grew stronger that economic deprivation, regardless of social class, also posed a serious obstacle to equal opportunity.

This discussion paved the way for taking the concept of reservation beyond social justice towards economic justice, which culminated in the 103rd Constitutional Amendment.

The Constitution (One Hundred and Third Amendment) Act, 2019, provided an independent constitutional basis for reservation for economically weaker sections. This amendment is based on the recognition that:

- Economic weakness directly impacts equality of opportunity;
- Reservations based solely on social backwardness do not fully address contemporary inequalities:^[21]
- It is the duty of the state to reduce economic inequality in accordance with the concept of welfare state^[2].

Thus, the 103rd Amendment does not negate the philosophy of social justice but constitutionally complements it with economic justice.

The constitution of India empowers the State to provide reservation for economically weaker sections up to a maximum of 10% in public and private (other than minority) educational institutions^[22].

Analytically, this provision:

- promotes meaningful equality beyond formal equality;
- links economic justice to education, recognizing it as a key means of social mobility;
- Incorporates a new economic dimension in the reservation policy.

The State to provide reservations up to 10% for economically weaker sections in government services^[23].

This provision differs from the traditional Article 16(4) because:

- Here, the basis of backwardness is not social, but economic;
- It extends the concept of reservation beyond historical injustice and links it to current economic deprivation.

The 103rd Amendment represents a constitutional rebalancing of the reservation system. While social justice focuses on redressing historical discrimination, economic justice addresses contemporary economic inequalities.

This amendment underlines the fact that the principle of equality is not static but dynamic and evolves over time in accordance with new socio-economic contexts^[24].

In *Janhit Abhiyan v. Union of India*^[25] (2022), the Supreme Court, while accepting the constitutional validity of the 103rd Constitutional Amendment, observed that:

- Reservation on economic grounds does not violate the basic structure of the Constitution;
- The 50% reservation limit is not an immutable rule;
- Economic justice is also an integral part of the principle of equality.

This decision provides judicial support to the constitutional journey from social justice to economic justice.

Conclusion

The development of the reservation system in India has been fundamentally linked to the concept of social justice, which aimed to provide equal opportunities to historically disadvantaged and excluded sections of society. The Constitution makers went beyond the formal principle of equality and accepted reservation as a constitutional instrument to establish real and meaningful equality. Thus, reservation became the main medium of social restructuring and inclusion.

Changes in social structure and economic conditions over time made it clear that caste-based social backwardness was not the only cause of inequality. Sections of society also emerged that, despite being socially advanced, were economically extremely vulnerable. This reality underscored the need to re-evaluate the reservation policy and expand its scope.

The 103rd Constitutional Amendment is the culmination of this constitutional development, which provided an independent constitutional basis for reservation to the economically weaker sections. This amendment recognized economic justice as an integral part of the principle of equality. This step is not a denial of the concept of social justice, but a logical extension of it.

This new balance between social justice and economic justice makes the reservation system more inclusive and realistic. It is the fundamental responsibility of a welfare state to address the historical injustices arising from social

backwardness as well as to address the current economic deprivations. In this sense, the objective of reservation policy becomes not just compensation but empowerment.

The Supreme Court's acceptance of the constitutional validity of the 103rd Constitutional Amendment provides judicial support to this transformative constitutional approach. This decision reinforces the fact that the principle of equality is not static but a dynamic principle that evolves in accordance with socio-economic changes.

Finally, "Reservation System in India: Constitutional Journey from Social Justice to Economic Justice" shows that the Indian Constitution is a living document, capable of adapting itself to the needs of the times. Through the coordination of social and economic justice, the reservation system can develop into an effective constitutional tool towards establishing a more balanced, inclusive and just society in the future.

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