

International Journal of Law Research, Education and Social Sciences

Open Access Journal – Copyright © 2025 – ISSN 3048-7501
Editor-in-Chief – Prof. (Dr.) Vageshwari Deswal; Publisher – Sakshi Batham



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Caste and Class in Contemporary India: Analysing Affirmative Action through a Socio-Legal Lens

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Received 11 August 2025; Accepted 10 September 2025; Published 15 September 2025

This article examines the interactions between caste and class in the formulation of affirmative action in India. Caste has been a barrier to equality for a very long time, while class has emerged as a new division in changing times. These together determine who gains access to opportunities and who will continue to be deprived of them. This article examines the journey of reservations in India, commencing from the colonial measures that were being followed, including the Poona Pact, to the constitutional visions and landmark judgments that introduced the concept of ‘creamy layer.’ The paper also examines recent debates regarding the 103rd amendment creating the EWS quota. The Supreme Court’s move to allow sub-classification within SC/ST groups, and the growing call for a caste census. The paper argues that policies should be able to adapt to the present inequalities by combining both class and caste simultaneously, expanding the welfare quota. It concludes by suggesting reforms that include time-bound reviews and private sector participation, keeping alive the justice and equality in a society that is still divided by class and caste.

Keywords: caste, class, affirmative action, reservation system, constitution, social justice.

INTRODUCTION

Caste and class within the Indian social fabric have been explained as separate systems of stratification, one ascriptive, the other achieved. In reality, though, they are like a double helix that together form the pattern of privilege and exclusion. Caste, based on centuries-old hierarchies, still governs the borders of social acceptance, marriage alliances, and access to resources. Class, surfacing more evidently during the times of industrialisation and liberalisation, controls access to education, employment, and consumption. But here, as in much of India, the two seldom exist apart from one another. A Dalit Delhi lawyer might have risen the earnings ladder, but caste prejudice can continue to haunt his career, while an upper-caste rural labourer might be economically deprived without the social reputation that attaches to historically marginalised groups.

It is in this complex crossroads that affirmative action, colloquially referred to as the “reservation system,” functions. Designed to correct past injustice, reservations aim to provide representation and access to Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs) in education, public employment, and legislatures. This framework has been expanded, elaborated, and challenged over the years, mirroring both the persistent strength of caste and the rising relevance of class.

The past decade has witnessed a number of revolutionary changes: the 103rd Constitutional Amendment added an Economically Weaker Sections (EWS) quota, officially entering class into the reservation landscape, and the Supreme Court's 2024 judgment in *State of Punjab v Davinder Singh*.¹ Sanctioned sub-classification in SC/ST categories and political discourse over a countrywide caste census have only become more heated. Together, these changes call into question the starting assumptions of affirmative action in India — assumptions founded in the initial post-independence settlement, when the framers of the Constitution viewed caste as the main axis of disadvantage.

¹ *State of Punjab v Davinder Singh & Ors* (2020) 8 SCC 1

HISTORICAL FOUNDATIONS (PRE-COLONIAL TO INDEPENDENCE)

The caste system has been an enduring social hierarchy in human history. It has shaped India's interpersonal relations and also access to resources, education, and political power for centuries. The historical foundations of the reservation policy based on the caste system did not emerge from a vacuum but are a product of social stratification, colonial codification, and nationalist reformist politics. Each period has contributed to the eventual embedding of affirmative action in independent India.

Caste in the Pre-Colonial Social Order: The caste system, as we know it today, is a dynamic and evolving manifestation of this form of social organisation in the Indian subcontinent. Records from that period, such as the Rigveda scriptures, discussed a division into four varnas: Brahmins (priests), Kshatriyas (warriors), Vaishyas (traders and farmers), and Shudras (servants); however, this known classification was added after Vedic times.

This gradually became more rigid, especially in the post-Vedic period, when it was perceived to form a part of an indivisible social organisation where religion, information, and economics had authenticated themselves over time as well-structured entities that held together so long as society held together. Varna participants were classified by the function and employment drawn from texts and practical cases of ancient India. The spread of jatis (birth-based sub-castes) only made the system even more intricate and localised; one did not just belong to a caste based on his/occupation, it went on to determine habits, food, marriage links, and residential clusters in a village.

However, it should be clearly understood that this was not the case in precolonial India, and lower castes were hardly uniformly oppressed. They may be localised in time and space, such as the Bhakti movement of medieval India, when poets like Kabir, Tukaram, and Basavanna began celebrating social mobility and spiritual equality. In some South Indian kingdoms, warrior Shudras held high civilian and military positions. However, caste-based discrimination, especially untouchability, continued in monumental proportions, chiefly among the agrarian communities.

Early Challenges to Caste Hierarchies: Various social reform movements emerged during the late medieval period, which questioned caste-based inequality. These were followed by the

Bhakti and Sufi movements, which propagated the message of spiritual unity across communities. Guru Nanak in Punjab, Chokhamela in Maharashtra, and Narayana Guru in Kerala, among others, were some of those who had openly criticised caste barriers.

These criticisms resurged in the late 19th century amid the impact of Western education, Western ideas of equality, and social reform movements. In Maharashtra, Jyotirao Phule started the Satyashodhak Samaj (Truth Seekers' Society) in 1873 with its primary focus being on education for lower castes and women. Supported by the Princely States, Periyar E.V. Ramasamy rejected Brahminical control in a self-respect movement instead. These were movements that didn't just want charity for those who had been oppressed, but they actually demanded changes to the system itself, which then would be used as a precedent for future affirmative actions.

Colonial Codification of Caste: Though caste predated British rule, colonial administration reformulated caste in extremely significant ways. This desire to obsessively classify by the British administration codified caste identities through censuses, legal codes, and administrative categories. In fact, for the first time, the Decennial Census of 1871² itself, colonial officials began recording caste as a primary social identity they recorded on this particular Census, which often froze fluid and local hierarchies into their fixed bureaucratic boxes.

The British coined the term “Depressed Classes” to refer to those communities that felt the brunt of social ostracism, but the untouchables in particular. At the same time, they specified the “Backward Classes” for special education and employment. Firstly, this classification helped in institutionalising social divisions, allowing the British to control, and secondly, it legitimised specific welfare for particular groups, leading them towards their allegiance.

Early Reservation Measures in Princely States: We erroneously believe that reservations only started in the post-1947 era, where one would be surprised to find implementations of affirmative action measures in many princely states well before India made it its own instrument of affirmative action.

² Henry Waterfield, ‘Memorandum on the Census of British India of 1871-72’ (*People's Archive of Rural India*, 01 January 1875) <<https://ruralindiaonline.org/en/library/resource/memorandum-on-the-census-of-british-india-of-1871-72/>> accessed 05 August 2025

- The Maharaja of Mysore issued orders reserving certain government jobs for “Backwards Classes” as early as 1902, one of the first times that the policy was formally documented.
- Kolhapur under Chhatrapati Shahu Maharaj, who introduced vast scholarships and job quotas for non-Brahmins in the early 20th century.
- In Travancore and Cochin, reservation in education was made on religious and caste bases, with a fixed percentage of reservation for different communities.

The first policies generally were not based on constitutional law, but rather on the obligation those in positions of authority and power felt, or they did it for partisan and political advantage. Still, they set a precedent that the state could act to remedy historical inequities.

The Poona Pact and The Institutionalisation of Reservations (1932–1935): The 1932 Poona Pact³ between Mahatma Gandhi and B.R. Ambedkar also ditched the idea of separate electorates for Depressed Classes, but carved out more seats within the Hindu electorate. Some right-wing groups have since opposed it, thus giving a somewhat distorted version of history. Reservation meant that Hindus stayed united even as they were independent from outward oppression. This adjustment affected how the design of political reservations occurred in free India. The Government of India Act 1935⁴, developed this further by providing for representation of the Scheduled Castes, Scheduled Tribes, and other minorities in provincial legislatures (reserving seats), and increasing communal representation in public services. Taken together, these moves set the political and administrative stage for the reservation regime that would follow independence in India.

Ambedkar’s Vision and The Constituent Assembly: Affirmative action was, by the time of independence, no longer a radical idea; most political leaders had embraced the need for it. Protective discrimination was not justified, except that Ambedkar, as Chairman of the Drafting Committee of the Constitution, ensured so. But he also viewed quotas as a “stopgap” to rectify centuries of structural discrimination and believed that commitment to social reform would render them unnecessary, eventually.

³ Poona Pact 1932

⁴ Government of India Act 1935

LEGACY OF THE PRE-INDEPENDENCE PERIOD: Reservation policy has bestowed upon India three historical legacies, but all of them are derived from the trajectory of post-independence reservations.

- The institutional precedent that existed between Mysore and Madras had already established a preexisting legitimacy for state intervention in social inequalities.
- Caste based representation represented an inevitable part of India's political bargaining from the Poona Pact to the Communal G.O.S.
- Census and Legal Classifications wherein the British system defined these categories as Scheduled Castes (SCs), Scheduled Tribes (STs), Backwards Classes, whose classification continues to form the bedrock of reservation policy.

At independence in India, these legacies would determine the drafting of constitutional provisions, the range of judicial review, and the “social justice” responsibility.

CONSTITUTIONAL VISION AND EARLY JUDICIAL INTERPRETATION

The draftsmen of the Indian Constitution were well aware that freedom would not of itself eliminate the highly ingrained inequalities of Indian society. In debates in the Constituent Assembly, whether affirmative action must be caste like or class-based was one of the most hotly debated topics. Legislators such as B.R. Ambedkar and K.M. Munshi contended that caste was not just an economic backwardness but a separate, hereditary, graded system of inequality. Hence, economic upliftment alone could not reverse the social exclusion and stigma attached to caste.

Others, like T.T. Krishnamachari, accepting caste-based oppression, still held that backwardness could also be interpreted in more general socio-economic terms to prevent the establishment of permanent caste-based entitlements. This philosophic tension informed the compromise inherent in the Constitutional provisions, which merged both caste-specific and more general backwards-class criteria.

Constituent Assembly Debates: Caste v Class Criteria: The Indian Constitution framers wrestled deeply with whether to base affirmative action on caste, a socially entrenched stratification, or class, as an economic stratification that could potentially cut across caste. Members like B.R. Ambedkar⁵ contended that caste was the principal axis of historical discrimination in India and needed to be specifically acknowledged and addressed. Others, including T.T. Krishnamachari,⁶ emphasised the convergence of economic disadvantage with caste position. In the end, the Assembly embraced a caste-sensitive but not caste-exclusive strategy, providing reservations for Scheduled Castes (SCs), Scheduled Tribes (STs), and socially and educationally backward classes (SEBCs), while also supporting broader welfare commitments under the Directive Principles of State Policy.

Constitutional Framework: Substantive provisions in the Constitution of India 1950 reflect this vision:

Article 15(4) and 15(5)⁷: Facilitate special provisions for the upliftment of socially and educationally backward classes, SCs, and STs, including in schools.

Article 16(4)⁸: Allows reservations in public service for backward classes, which are not adequately represented.

Article 17⁹: Prohibits untouchability.

Article 46¹⁰: Authorises the state to advance the educational and economic interests of weaker sections, especially SCs and STs.

The language portrays a tension between equality of opportunity (Articles 14–16) and positive discrimination in favour of historically disadvantaged groups.

Early Judicial Interpretation: Judicial experience at the early stages with the reservation policy betrays a tension between substantive and formal equality.

⁵ Constituent Assembly Debates 1949, vol 11

⁶ *Ibid*

⁷ Constitution of India 1950, arts 15(4) and 15(5)

⁸ Constitution of India 1950, art 16(4)

⁹ Constitution of India 1950, art 17

¹⁰ Constitution of India 1950, art 46

In **State of Madras v Champakam Dorairajan (1951)**,¹¹ the Court invalidated communal quotas in educational admissions, as being violative of Article 29(2). This necessitated the First Constitutional Amendment (1951), adding Article 15(4) to justify special provisions for backward classes.

M.R. Balaji v State of Mysore (1963)¹² ruled that “backwardness” has to be social and educational and not merely economic, and limited reservations to 50% to keep merit-based access in balance.

The path-breaking **Indra Sawhney v Union of India (1992)**¹³ confirmed 27% reservations for OBCs but reserved “creamy layer” members, those in backward classes who had made considerable socio-economic progress, from their benefits, thus entrenching the creamy layer doctrine in constitutional law.

The creamy layer concept marked a transition: affirmative action was not an open-ended right for a whole caste but a means-tested allowance reserved for the most disadvantaged within a group.

MODERN DEBATES AND LEGAL EVOLUTION

103rd Constitutional Amendment and EWS Reservations: The 103rd Amendment (2019)¹⁴ brought Articles 15(6) and 16(6) into effect, allowing for a maximum of 10% reservation for the Economically Weaker Sections (EWS) from classes not presently covered by reservation. This was an important change: affirmative action was applied for the very first time solely on economic grounds, based on no social backwardness.

In **Janhit Abhiyan v Union of India (2022)**¹⁵, the 3:2 Supreme Court majority confirmed the amendment on the basis that exclusion of SCs, STs, and OBCs from the EWS quota was not discriminatory because they were already accorded reservation benefits based on caste. Critics

¹¹ *State of Madras v Champakam Dorairajan* (1951) SCC 351

¹² *M R Balaji v State of Mysore* (1963) Supp (1) SCR 439

¹³ *Indra Sawhney & Ors v Union of India & Ors* (1992) Supp (3) SCR 217

¹⁴ The Constitution (One Hundred and Third Amendment) Act 2019

¹⁵ *Janhit Abhiyan v Union of India & Ors* (2023) 5 SCC 1

contend this sets up parallel systems of entitlement, jeopardising the initial justification of compensating for systematised caste-based oppression.

Sub-Classification Within SCs and STs: In *State of Punjab v Davinder Singh (2020)*¹⁶ and reaffirmed in 2024, the Supreme Court held that states can sub-classify within SCs and STs so that benefits extend to the most deprived sub-groups. It is an increasing judicial recognition that intra-caste inequalities are important—dominant sub-groups among SCs/STs tend to monopolise disproportionate benefits.

Caste Census Debate: The demand for a caste census has gained momentum, with supporters arguing that empirical evidence is needed to re-tune reservation policy and reach the most marginalised. Critics say this will cause political fragmentation and sharpen caste divisions. The debate picked up after Bihar's 2023 caste survey,¹⁷ which found underrepresentation of some backward classes in public jobs and education institutions despite decades of reservations.

Intersectionality: Caste-Class Overlap: Modern sociology illustrates that caste and class correlate but do not perfectly coincide. In rural India, caste continues to be a more significant life-chance determinant, particularly in land holding and social capital. In urban India, education and income mobility obfuscate but do not eliminate caste disadvantage, e.g., Dalits in professional occupations continue to experience social exclusion in housing or marriage markets. This nuance undermines the binary of "caste-based vs. class-based" affirmative action, indicating that hybrid criteria are more likely to capture actual disadvantage.

POLICY CHALLENGES AND FUTURE DIRECTIONS

Affirmative action in India has reached a turning point. While it undoubtedly has increased representation for hitherto marginalised groups, its structural and social implications have come under growing challenge. As the socio-economic face of the nation becomes more diverse, the system has a twin obligation: maintaining its mandate of redistributive justice while responding to issues of equity, efficiency, and responsiveness to emergent inequalities.

¹⁶ *State of Punjab & Ors v Davinder Singh & Ors* (2020) 8 SCC 1

¹⁷ 'Validity of the Bihar Caste Census' (*Supreme Court Observer*) <<https://www.scobserver.in/cases/validity-of-the-bihar-caste-census/>> accessed 08 August 2025

Merit and Efficiency Concerns: Critics argue that reservations undermine the "merit" and efficiency of institutions. This, however, presumes a level playing field, forgetting that historical exclusion taints opportunities. Empirical evidence, e.g., in 'The grammar of caste: Economic discrimination in contemporary India'¹⁸ by Ashwini Deshpande 2013, suggests that diversity policies have not considerably lowered productivity in public institutions. The actual challenge is to provide quality preparatory assistance so that beneficiaries are capable of competing on an equal basis.

Reform Proposals —

Hybrid Models: Combine economic disadvantage and caste to see that benefits accrue to both historical and existing deprivation groups. Example: Impose creamy layer income ceilings equally across all reserved classes, including SCs/STs.

Time-Bound Reservations: Establish time-bound reviews (every 15–20 years) to consider if a community still merits reservations, to avoid permanent entitlements.

Private Sector Affirmative Action: Expand diversity orders to big private employers, particularly in growing industries, with latitude in achieving targets (e.g., training collaborations, hiring drives).

Specific Welfare Outside Reservations: Enhance public schooling, healthcare, and skill development programs aimed at underprivileged groups, keeping quotas supplemented.

Socio-Legal Roadmap for Equitable Representation: An innovative reservation policy must incorporate the following pillars —

Data-Driven Policy: Conduct a national caste census and correlate findings with dynamic quota allocations.

Hybrid Criteria: Use both caste and economic criteria to identify true disadvantage.

¹⁸ Ashwini Deshpande, *The Grammar of Caste: Economic Discrimination in Contemporary India* (OUP 2011)

Periodic Review: Make it obligatory for independent commissions to review policy every 10 years.

Expansion Beyond State Sector: Extend affirmative action to private employment with incentives and protection.

Holistic Inclusion: Coordinate reservations with education, skill-building, and anti-discrimination enforcement.

The future of affirmative action is to be flexible. A dogmatic, unchanging approach may lose credibility; a dynamic, evidence-based approach can stay true to the promise of equality under the constitution while adapting to the dynamics of rapidly changing India.

CONCLUSION

The course of affirmative action in India is a perpetual negotiation among constitutional ideals, socio-political realities, and changing concepts of equality. From its pre-colonial and colonial roots to its constitutional enshrinement and judicial elaboration, the policy has attempted to destroy deeply entrenched hierarchies based on caste and balance competing imperatives of merit and representation. The initial constitutional imagination, as framed by the Constituent Assembly, identified caste as the central axis of disadvantage while leaving room to include more general social and economic backwardness. Judicial interventions ranging from Champakam Dorairajan to Indra Sawhney cases have delineated the limits of reservation, bringing doctrines such as the creamy layer to guarantee benefits reach the most marginalised. Current developments like the 103rd Amendment to include EWS quotas, the Supreme Court's endorsement of sub-classification in SC/ST groups, and the controversy surrounding a caste census indicate a move towards more sophisticated interpretations of disadvantage. Simultaneously, intersectional experience in urban and rural India warns us against reductionist binaries of caste and class.

The future would be in formulating a socio-legal map that is dynamic, data-informed, and hybrid in its criteria. Reservations need to be reviewed periodically, extended in the non-state sector if needed, and complemented by strong welfare interventions in education, health, and skill development. It is only by combining affirmative action with wider structural changes that India can inch towards substantive equality. The problem really is to maintain the moral imperative

of social justice while reshaping its tools to the needs of an evolving society, keeping the constitutional promise of equality a living, adaptive commitment, and not a fixed historical accommodation.