

# Indian Journal of Modern Research and Reviews

This Journal is a member of the '*Committee on Publication Ethics*'

Online ISSN:2584-184X



Research Article

## Reservation As an Instrument of Substantive Equality Under the Indian Constitution

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**DOI:** <https://doi.org/10.5281/zenodo.19032555>

### Abstract

The principle of equality lies at the heart of the Indian constitutional framework. However, the Indian Constitution does not conceive equality as mere formal or arithmetic equality. Instead, it embraces a richer, transformative vision of equality—substantive equality—which recognizes historical injustices, structural disadvantages, and social hierarchies embedded in Indian society. Reservation, as a form of affirmative action, is one of the most significant constitutional tools devised to achieve this goal. This article examines reservation as an instrument of substantive equality under the Indian Constitution by analysing its constitutional foundations, philosophical underpinnings, judicial interpretation, and contemporary challenges. It argues that reservation is not an exception to equality but a necessary means to realize genuine equality in a deeply unequal society.

### Manuscript Information

- ISSN No: 2584-184X
- Received: 26-01-2026
- Accepted: 23-02-2026
- Published: 15-02-2026
- MRR:4(3); 2026: 234-236
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- Plagiarism Checked: Yes
- Peer Review Process: Yes

### How to Cite this Article

Panda D K. Reservation as an Instrument of Substantive Equality under the Indian Constitution. Indian J Mod Res Rev. 2026;4(3):234-236.

### Access this Article Online



[www.multiarticlesjournal.com](http://www.multiarticlesjournal.com)

**KEYWORDS:** Reservation; Substantive Equality; Affirmative Action; Indian Constitution; Social Justice.

### 1. INTRODUCTION

India's social structure has historically been characterised by rigid hierarchies based on caste, class, gender, and community. For centuries, large sections of society—particularly Scheduled Castes (SCs), Scheduled Tribes (STs), and other backward classes—were systematically excluded from education, employment, and political power. When India adopted its Constitution, the framers were acutely aware that political independence alone would not dismantle entrenched social inequalities.

The **Constitution of India**, therefore, envisioned equality not merely as equal treatment before the law, but as a dynamic principle capable of correcting historical wrongs. Reservation emerged as a constitutionally sanctioned mechanism to translate this vision into reality. Far from undermining equality, reservation seeks to **operationalize substantive equality** by enabling disadvantaged groups to compete on more equal terms.

### Formal Equality and Its Limitations

Formal equality is based on the idea that all individuals should be treated alike, regardless of their social or economic background. This concept finds expression in the traditional liberal notion of equality before the law. While formal equality ensures non-discrimination on its face, it often fails to address deep-rooted inequalities.

In the Indian context, treating unequals equally can perpetuate injustice. A Dalit student denied access to education for generations cannot be expected to compete on equal footing with a student from a historically privileged caste merely because the law is neutral in wording. Thus, formal equality, though necessary, is insufficient in a society marked by structural and intergenerational disadvantage.

### Concept of Substantive Equality

Substantive equality goes beyond identical treatment and focuses on **real-world outcomes and opportunities**. It recognizes that historical discrimination creates cumulative disadvantages and that corrective measures are required to dismantle systemic barriers.

Substantive equality involves:

- Acknowledging existing social and economic inequalities
- Permitting differential treatment to uplift disadvantaged groups
- Ensuring equality of opportunity rather than mere equality of treatment

Reservation policies reflect this approach by redistributing opportunities in education, employment, and political representation to those historically excluded.

### Constitutional Foundations of Reservation

Article 14: Equality Before Law

Article 14 guarantees equality before the law and equal protection of laws. Judicial interpretation has clarified that Article 14 allows **reasonable classification**, provided it is based on intelligible differentia and has a rational nexus with the objective sought to be achieved. Reservation falls squarely within this framework as it aims to remedy identifiable social disadvantages.

Articles 15 and 16: Enabling Provisions

- **Article 15(4)** permits special provisions for socially and educationally backward classes, SCs, and STs.
- **Article 15(5)** extends this to admissions in educational institutions, including private unaided institutions (except minority institutions).
- **Article 16(4)** allows reservation in public employment for backward classes not adequately represented in state services.
- **Article 16(4A)** enables reservation in promotion for SCs and STs.

These provisions demonstrate that reservation is not an exception carved out grudgingly but an **integral component of the equality code**.

### Political Reservation

Articles 330 to 342 provide for reservation of seats for SCs and STs in Parliament, State Legislatures, and local bodies. Political reservation ensures that marginalized communities have a voice in decision-making processes, reinforcing democratic inclusivity.

### Reservation as a Tool of Social Justice

The Preamble of the Constitution commits the State to securing **social, economic, and political justice**. Reservation operationalizes this commitment by:

- Enhancing access to education and employment
- Promoting representation in governance
- Breaking cycles of exclusion and poverty

Reservation thus serves not merely as a welfare measure but as a **structural reform** aimed at transforming social relations.

### Judicial Interpretation of Reservation and Substantive Equality

The Supreme Court of India has consistently upheld the constitutional validity of reservation while laying down safeguards to prevent misuse.

Reservation as a Facet of Equality

Judicial pronouncements have emphasized that reservation is not antithetical to equality. Instead, it is a means to achieve equality in fact. Equality, according to the Court, must be understood in a **contextual and realistic manner**.

Backwardness and Inadequate Representation

Courts have required that reservation be based on:

- Social and educational backwardness
- Inadequate representation in public services

This ensures that reservation targets genuine disadvantage rather than becoming a tool of political patronage.

Creamy Layer Principle

To ensure intra-group equality, the concept of the **creamy layer** excludes socially advanced members of backward classes from reservation benefits. This doctrine reflects the substantive equality principle by ensuring that benefits reach the truly disadvantaged.

50% Ceiling and Balance

The judicially evolved 50% ceiling seeks to balance affirmative action with the principle of merit and administrative efficiency. While exceptions exist, the ceiling underscores the need for proportionality in reservation policies.

### Reservation and Merit: A False Dichotomy

A common critique against reservation is that it compromises merit. However, this argument rests on a narrow understanding of merit as purely performance-based, ignoring social context. Merit itself is socially conditioned. Access to quality education, resources, and networks significantly shapes individual performance. Reservation does not reject merit; it **redefines merit** by recognizing potential and effort in unequal conditions. By broadening the pool of talent and enabling participation from diverse backgrounds, reservation strengthens institutions rather than weakening them.

### Reservation as Transformative Constitutionalism

The Indian Constitution is often described as a **transformative document**—one that seeks to transform society by dismantling entrenched hierarchies. Reservation embodies this transformative vision by:

- Challenging caste-based exclusion
- Redistributing opportunities
- Promoting dignity and self-respect

It aligns with constitutional morality, which demands fidelity to the values of justice, equality, and fraternity even in the face of social resistance.

### Contemporary Challenges and Debates

Despite its constitutional legitimacy, reservation faces several challenges:

- Demands for inclusion by politically dominant groups
- Tensions between economic and social criteria
- Concerns over efficiency and governance
- Inadequate data on backwardness and representation

These challenges call for **periodic review**, evidence-based policy-making, and a continued commitment to the constitutional vision of substantive equality.

### CONCLUSION

Reservation under the Indian Constitution is a powerful instrument for achieving **substantive equality**. It acknowledges that historical injustices cannot be undone by formal equality alone and that corrective measures are essential for genuine social transformation. Far from being an exception to equality, reservation is its most meaningful expression in an unequal society.

As India continues its constitutional journey, reservation remains central to realizing the promise of justice, dignity, and equal opportunity for all. The true measure of equality lies not in identical treatment, but in the creation of conditions where every individual can meaningfully exercise their rights and realize their potential.

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