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Review Paper

A Comparative Study: Laws Related to Reservation Policies in Different States of India

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ABSTRACT

Reservation has been present in India since the British rule with a focus to put affirmative action in the country for the underprivileged and marginalized. It was introduced by William Hunter and Jyotirao Phule in 1882 and this review paper has given a close examination to the current affirmative action and reservation policies in India. The paper has tried to find out the impact of some of the landmark judgements in India and its implementation across different states. The paper has also explored the evolution, implementation, and socio-economic impacts of such measures across countries like the United States, Brazil, South Africa, France, and Germany to understand the importance of Reservation policies and how it can bring change in India with even implementation. The paper has looked into how reservation policies are diversely applied across different states such as Maharashtra, Tamil Nadu, Karnataka, Haryana and Bihar. The purpose of the study is to find out the gaps that are present in the current legal system and provide a legally sustainable and socially equitable policy landscape that can balance meritocracy with affirmative action for all.

1. Introduction

The Government of India had implemented a reservation system in India as a tool to address historical injustices and promote social inclusion among the marginalized communities of the country. Reservation system was introduced by William Hunter and Jyotirao Phule in 1882 and was put to action after India secured its independence from British Rule (Parashar, 2022). Reservation and affirmative policies are focused on amending the discrepancies that are a result of India's caste-based discrimination and social exclusion (Malik, 2024). Deep-rooted religious and social biases have long hindered the equitable development of society and thus, the India constitution has several reservation policies in its system to uplift its masses. Article 15(4) and 15(5) have been introduced to empower the state to make special provisions for the advancement of socially and educationally backward classes (Rao, 2023). Article 16(4) has allowed for reservation in public employment. Articles 341 and 342 have put in to identify and list Scheduled Castes (SCs) and Scheduled Tribes (STs) and give them equal participation in the nation's economy (Ahmad, 2022). Article 46 has directed the state to promote the educational and economic interests of weaker sections. All of this together, aim to uplift disadvantaged groups by providing access to opportunities traditionally denied to them. The aim of this study is to analyse and compare the legal frameworks and policies that have been made in India for reservation and affirmative action. The study would assess the effectiveness of the actions, and judge the socio-political impact of reservation policies in selected Indian states. This would help in drawing parallels with global affirmative action models. The study also seeks to identify existing research gaps and suggest potential pathways for reformation in the system.

2. Legal Framework of Reservation in India

The reservation system has passed on through many changes and amendments. It had begun as a constitutional mandate to ensure the representation of historically marginalized and disadvantaged communities. Some of the main Articles that act as a guide to uplift the marginalised are: Article 15(4) and 15(5), Article 16(4) and Articles 341 and 342 (Ahmad, 2022). As per these constitutional laws, marginalised people are given special provisions for the advancement of socially

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and educationally backward classes. They are given the permission to have reserved posts in public employment and be adequately represented in the services under the state. The reservation system in India was amended once in 1990 where it was ensured that total reservations would only stay up to 50% and would not exceed that (Paudel, 2023). With that, the Mandal Commission's recommendations in 1990 also led to the inclusion of Other Backward Classes (OBCs) in the reservation framework. Later on, an additional 10% quota for the Economically Weaker Sections (EWS) was also added among the unreserved category (Verma, 2023). This was completely based on economic criteria and had also marked a shift in the reservation system. It has made the reservation system being recognised as not just caste-based but also income-based.

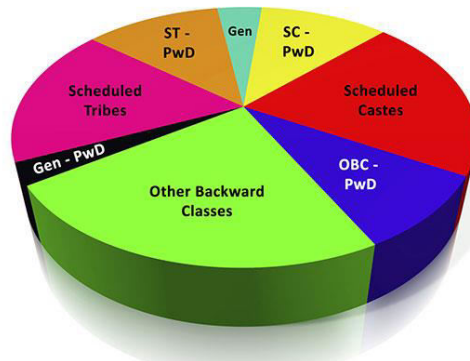


Fig 1: Reservation Categories in India. (Source: Shankar et al., 2023)

In India, both the state and central Government have the power to implement and regulate reservation policies as per the need of the state. However, states like Bihar, Maharashtra and Tamil Nadu have some diverse interpretations, extensions and exercises (Shankar et al., 2023). The Supreme Court often has to intervene in the actions of the state as it has the autonomy to tailor reservation policies based on their socio-economic contexts. This often leads to legal disputes.

3. Impacts of Affirmative Action Measures Across Countries

Affirmative action and reservation policies have been implemented across the globe to address systemic inequalities. Many countries have implemented affirmative actions to uplift the lives of people who come from minorities in their states. Some of the countries which have varying socio-economic policies are the United States, Brazil, South Africa, France, and Germany. The use of affirmative action in the United States has been a positive development for improving access for underrepresented racial minorities, especially in higher education and employment. Important cases such as Regents of the University of California versus Bakke (1978) and Fisher versus University of Texas (2013) have illustrated the legitimate and positive uses of diversity in education (Zisk, 2022). In the latest ruling Students for Fair Admissions versus Harvard (2023) have its policies reduced if not completely changed from results-based approaches to race-neutral options. This has also raised questions about whether diversity can be maintained through these alternatives without perpetuating inequities. Brazil's quota law which is also known as 'Lei de Cotas, 2012' has seen substantial uptake of African Brazilians and underprivileged minorities into university spaces (Martins, 2024). While positive in closing education gaps, there is concern about where education will take people, and socially integrating, while there have been questions which dominate; racial or economic criteria. In respect to South Africa and the Black Economic Empowerment (BEE) policies, the focus has been fundamentally about correcting faults of apartheid (Makgoba, 2023). With BEE policies being appropriate. Here, part of the black political elite has benefitted more than the wider exploitative black population as such there exists an inequitable distribution of opportunity rather than broad-based economic transformation.



Fig 2: Reservation in Brazil under Lei de Cotas, 2012'. (Source: Souza, 2022)

France also tends to impose socio-economic measures of assimilation. However, France does not encourage categorisation based on race, in reference to laïcité and moves positively using the constitutional principle *crisp* (Fernandes, 2021). Critics have expressed their concerns that this is not good enough to eliminate poverty and inequality in France structurally. In Germany, gender-based quotas in companies, including corporate and public, have increased the number of women in leadership positions, even as the gender equity agenda still features faulty implementations that require gender-sensitive support measures.

4. Comparative Analysis of State-Specific Reservation Policies

Although reservation is a uniform bill in India, the Indian states do not follow it uniformly. There are different specifications of reservation quota in each state due to varied socio-political, economic, and demographic contexts. The central government has prescribed the maximum threshold at 50% with a broad framework of 27% reservation for OBCs, 15% for Scheduled Castes (SCs), and 7.5% for Scheduled Tribes (STs). However, many states have changed these percentages based on local backwardness, caste compositions, and political pressures.

Table 1: Comparative Analysis of Reservation in Indian States (Source: Yoganandham et al., 2023)

State	Reservation Percentage	Legal Justification
Tamil Nadu	69%	"Tamil Nadu Reservation Act, 1993"
Maharashtra	67% (Maratha quota)	"Maharashtra State Reservation for Socially and Educationally Backward Classes (SEBC) Act of 2018"
Karnataka	85% (if implemented)	The Government has categorised OBCs into categories IIA, IIB, IIIA, and IIIB for more granular distribution.
Telangana	62%	50% Reservation limit with 12% reservation to Muslims.
Rajasthan	64%	Reservations proposed for regional communities such as the Gujjars.
Chhattisgarh	58%	Higher quota demanded for meeting the needs of the large tribal population.
Uttar Pradesh & Bihar	Varies	Policies for SC/ST and EWS reservations.

Tamil Nadu: This Indian state has changed its reservation policy a lot and has provided 69% reservation in the following categories: 30% for Backward Classes (BCs), 20% for Most Backward Classes (MBCs), 18% for SCs, and 1% for STs (Yoganandham et al., 2023). Tamil Nadu has justified its discourse as having a diverse political consensus and an overrepresentation of Vanniyars. Thus, this proposed system keeps stability in the state. Critics have looked at the model of Tamil Nadu to have more influence of political consensus over the need for stability around affirmative action. It has also been argued that such overrepresentation can dilute merit and cause unfair privileges.

Maharashtra: This state has also crossed the reservation mark as decided by Indian Constitution. Maharashtra has provided 57% reservation to its marginalised communities with added 10% reservation to the EWS section (Pasricha, 2024). Although the Supreme Court has condemned this action, a fresh law has passed in 2024 that attempts to reinstate Maratha quota under a revised legal framework.

Rajasthan: This state has provided a total of 59% reservation to its classes with 21% for OBCs, 16% for SCs, 12% for STs and 10% to the EWS (Yadav, 2023). Rajasthan has however proposed that its quota be increased to 64% that would have additional 5% reservation for the regional tribes called 'Gujjars' (Beri, 2025). This proposal is under-review due to its crossing the 50% ceiling. Although not recognised, Rajasthan has also put forward many horizontal reservations for women, persons with disabilities, and ex-servicemen.

Chhattisgarh: The initial reservation in Chhattisgarh was 32% that was suddenly escalated to 58% (Standard, 2023). The move has been challenged in the High Court and is under judicial review. Chhattisgarh has also argued that its demographic profile has a concentration of tribals and thus, the state justifies its demand for higher quotas (Dutta, 2022).

Uttar Pradesh: Uttar Pradesh is one of India's most populous states and it follows the central pattern of 21% SC, 2% ST, and 27% OBC reservation (Yoganandham et al., 2023). The state has also implemented 10% EWS reservation. As caste dynamics dominate politics in Uttar Pradesh, the state is very sensitive to such changes and any shift in reservation policy has significant impacts on the electoral consequences.

Bihar: This state can be considered as the pioneer of reservation policies as it was the first to implement the Mandal Commission recommendations in 1991. As of now, Bihar has not exceeded the 50% limit and offers 18% reservation to EBCs, 12% to OBCs, 16% to SCs, and 1% to STs, totaling 47% (Imam, 2024). Bihar has conducted a caste survey in 2023 and it might bring in a unique model for evidence-based policy formulation for sub-categorization within OBCs and EBCs.

Karnataka: Karnataka is to leave behind all India states in crossing the reservation threshold. It has proposed 51% reservation for the OBCs who constitute 70% of their population (Patil, 2025). The state government has tried to remove the 4% Muslim reservation and put it under OBC for redistribution to Vokkaligas and Lingayats (Patil, 2025). However, this action was restrained by the Supreme Court. As of now, Karnataka's reservation structure shows both administrative sophistication and the tensions arising from identity politics.

Telangana: In Telangana, the reservation limit is under 50% but with an additional reservation to Muslim (12%) (Deccan Herald.com, 2025). The community has been granted the reservation based on BC-E category and although it is pending under Presidential assent, the State has argued for exceptions based on its unique demographic composition and tribal-dominated areas.

5. Key Issues and Debates

Although the reservation policies have been made to uplift the marginalised people. Many scholars and economists have begun to believe otherwise. Besides, the reservation policies have become subjects of legal, political, and ethical debate in India and worldwide. They have been subject to judicial scrutiny, merit and social justice topic, uniformity concerns and have been overruled to political influence.

Judicial Scrutiny and Constitutional Limits: Indian courts have played a critical role in determining the limits of reservation and equity. The landmark Supreme Court ruling in *Indra Sawhney v. Union of India* (1992) accepted reservation for Other Backward Classes (OBCs) but imposed a 50% limit on total reservation, encompassing affirmative action with the concept of balance (Jain, 2023). The 103rd Constitutional Amendment (2019) introduced a 10% reservation for Persons from Economically Weaker Sections (EWS), excluding SCs, STs, and OBCs (Mandal, 2021). This has also taken India from a caste-based reservation policy to an economic one, it has been challenged in court to determine if it violates the basic structure of the Constitution. Courts will continue to determine if the recent quotas fulfill the requirement of the Constitution or threaten equal opportunity.

Uniformity over Regional Autonomy: There are many states that do not encourage uniformity. These states have opted to exceed the 50% reservation cap through legislative provisions and state-specific socio-political dynamics. States like Tamil Nadu and Maharashtra that have more than 23.7% of SCs and 47.5% of Backward Classes (Jesudasan, 2022). Thus, the administrations of these states have chosen to exceed the uniform national ceiling that gives them political favour at the cost of state level to dictate flexibility.

Reservation Category	Reservation Quota (%)
ST	7.5
SC	15
OBC	27
EWS	10
Total	59.50%

Fig 3: Exceeding Reservation Quota by 9.5%. (Source: George, 2025)

Merit and Social Justice: The continuing debate is meritocracy vs. social justice. Critics of reservation policies argue that reservations violate or lower academic and professional standards, generating sub-optimal outcomes (Burns, 2024). Supporters argue that merit cannot be evaluated independently of historical advantage and disadvantage and that merit is fundamentally contextualized (Fulton, 2022). In simple terms, the debate revolves around absolute merit versus situational merit.

Sub-Categorization within Communities: Many studies and reports have suggested that the sub-categorization of reserved categories for the OBCs has ordained them with many dominant benefits. Andhra Pradesh and Haryana have discussed internal categorisation of non-dominant OBCs and non-OBCs to protect Extremely Backward Classes (EBCs) or Most Backward Classes (MBCs) in reservations (Menon, 2022). However, with these constitutional amendments, there are constitutional and administrative issues that have brought forward the necessity for and availability of accurate data and for the legality of internal categorization capabilities.

Global Comparisons and Best Practices: As compared to the actions of international countries, India has had a reservation system to fill up the socio-economic gaps. In countries like the USA, reservations have been made for race-based admissions which is now challenged by legal rulings advocating race-neutral alternatives (Nadeem, 2023). Other than that, Brazil has also overcome racial and economic indicators of prejudice and discrimination for bringing in positive outcomes in educational inclusion (de Oliveira, 2023). France and Germany do not encourage race or caste-based quotas. These countries have focused more on socioeconomic and gender criteria.

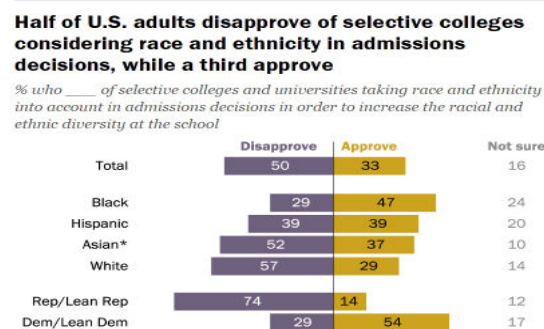


Fig 4: Race-Based Admission in the USA. (Source: Nadeem, 2023)

6. Findings and Observations

India's reservation policy is exposed to many traits and aspects. It has multiple structural, socio-political, and legal complexities that are designed to address historical injustices. In India, reservations have evolved through judicial interpretations and years of legislative amendments. Many of the Articles that have been amended in the Constitution favour the marginalised but there has been a growing divergence between central guidelines and state-level implementations. States like Tamil Nadu, Rajasthan and Maharashtra have consistently exceeded the 50% reservation cap (Beri, 2025). This has not only revoked local socio-political imperatives but has also led to judicial scrutiny and legal disputes. The growing trend of economic criteria-based reservations, as seen with the EWS quota has also reflected a shift from purely caste-based affirmative action to class-based inclusion mechanisms (Jain, 2023). Some states have emphasised on the need for sub-categorization within reserved categories. This is to make sure that their tribes who are not categorised under any distinguished category can also avail the benefits. Thus, sub-categorisation of OBCs into OBCs and EBCs have brought more inequalities (Jain, 2023). It has presented data and administrative challenges, with states like Bihar advocating for caste surveys that can be used to rationalise resource allocation. Analysis of the international affirmative policies have shown that reservation based on gender and race has helped them to uplift the marginalized. The US has been able to undo its discrimination to race-based systems, Brazil has also overcome discrimination from racial factors, while France has adhered to economic reservation and Germany has reserved gender-based seats in its employment sector (Habimana, 2025). India too can follow a mixed gender policy that can help it to promote education and public employment and more inclusion of backward people.

7. Conclusion and Recommendations

The reservation system of India is diverse and circumscribes major backward classes. However, the country and its policies are lacking uniform measures and the reservation systems have been exposed to over-politicization, and structural dependency. The system has overruled the central policies and has shifted policy rationales to underscore the need for a coherent national framework that balances social justice with constitutional equity. Although the reservation system is providing access opportunities in education and employment to women, people with disabilities and SCs, STs, OBCs, EWS, the reservation ratio is not the same in all states. Besides, economic-based reservations have brought more disadvantages and have raised new equity debates.

Thus, India needs to strengthen its reservation system and affirmative policies. It has to conduct a nationwide caste and socio-economic data collection that would provide it the scope to divide quotas effectively. The states should not increase and decrease reservation ratios for their political preference and follow constitutional caps and judicial rulings. This would allow them to balance social realities. Sub-categorisation should not lead to unfair distribution of reservation and the focus should be on helping reach the most marginalized within reserved groups. Besides, Indian administration should design affirmative policies that can complement reservation with investment in education, skill development, and social infrastructure. The policies also have to be reviewed and revised on a periodic basis so that privileges do not come at the cost of merit and reservation are provided under judicial limitations.

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