

Affirmative Action and Meritocracy in India: A Detailed Analysis of the National Commission for Backward Classes (NCBC)

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Abstract:

This paper consists of Affirmative action policies in India particularly caste-based reservations, have played a crucial role in addressing centuries of social and educational discrimination. These policies, while designed to promote equity often face criticism for allegedly undermining meritocracy. This research paper offers a comprehensive analysis of affirmative action and meritocracy in India through the lens of the National Commission for Backward Class (NCBC).

It explores the functions and duties of the NCBC, landmark judicial judgement, and the evolving legal framework surrounding reservation policies. Furthermore, it examines the ongoing tension between social justice and meritocracy, the impact of the creamy layer principle, and the recent introduction of the Economically Weaker Section (EWS) quota.

Through empirical evidence and contemporary challenges, this paper evaluates the effectiveness of affirmative action policies. Additionally, the research highlights regional disparities in the implementation of reservation policies, the role of the private sector and the need for consistent reforms to prevent the monopolization of reservation benefits by relatively privileged groups.

Introduction:

Background

Reservation policies and affirmative action in India are constitutional mechanisms aimed at addressing historical inequalities and ensuring social justice. Under the Indian constitution, Articles 15(4), 16(4), and 46¹ empower the state to make special provisions for the advancement of socially and educationally backward classes, including Scheduled Castes (SC), Scheduled Tribes (ST), and other Backward Classes (OBC).

The reservation policy aims to provide representation in education, employment, and politics to marginalized communities who have been historically excluded. The historical roots of reservation policies can be traced back to the pro-independence era, where leaders like Dr. B.R. Ambedkar advocated for affirmative action to uplift oppressed castes. The policy was institutionalized in 1950 with the adoption of the Constitution, ensuring quotas for SC's and STS in legislatures, government jobs, and educational institutions.

Over the years, these policies expanded to include OBCs and more recently the Economically Weaker Sections (EWS) through the 103rd constitutional Amendment². Meritocracy on the other hand emphasizes selection based on individually ability and performance rather than social background. It

plays a vital role in judicial and administrative systems, ensuring efficiency and competence. However, the intersection of reservation policies and meritocracy

¹ India Const. arts. 15(4), 16(4) & 46.

² The Constitution (One Hundred and Third Amendment) Act, 2019, No. 103, Acts of Parliament, 2019 (India).

has sparked debates about balancing social justice with efficiency, especially in competitive sectors like education and public services.

Research questions and Objectives:

- What is the judiciary's role in balancing reservations and merit?
- How have courts interpreted reservation policies over time?
- What challenges arise in balancing affirmative action with meritocracy?

The objectives of this paper are to examine the legal interpretations of reservation policies by Indian courts, analyze the evolving judicial stance on meritocracy versus affirmative action and assess the implications for governance and public administration.

Significance of the study

This study is particularly significant in the current context of ongoing debates over reservation policies, Supreme Court rulings, and their impact on governance. The 103rd Constitutional Amendment which introduced reservations for EWS, and the recent challenges in implementing the 106th Amendment ³reflect the growing complexities in balancing affirmative action with meritocracy. By exploring judicial interpretations and policy impacts, this paper contributes to academic and policy discussions by providing insights into how reservation policies can be more effectively implemented without undermining the principles of meritocracy. It offers a comprehensive analysis relevant for legal scholars, policymakers, and administrators seeking to navigate the delicate balance between social justice and efficiency.

Historical Background of Affirmative Action in India

The roots of affirmative action in India can be traced back to the colonial era, when the British introduced limited forms of preferential treatment for certain disadvantaged communities. The Government of India Act, 1935, provided for communal representation in legislative councils, reserving seats for marginalized groups, including Dalits (then referred to as Depressed Classes) and religious minorities. However, these early measures were largely political and failed to address the socio-economic inequalities entrenched in the caste system. The colonial policies, while limited in their reach, laid the foundation for the future affirmative action programs by creating a framework for identifying and categorizing disadvantaged groups. The colonial legacy influenced post-independence policymakers to adopt more extensive and structured reservation policies. Following independence in 1947, Indian leaders recognized the need for structural reforms to correct historical injustices. Affirmative action became a constitutional mandate, aimed at ensuring social justice and equality of opportunity. The Indian constitution adopted in 1950 incorporated several provisions to promote the advancement of backward classes. Article 15(4) empowers the state to make special provisions for the socially and educationally backward, while Article 16(4) allows for reservations in public employment for backward classes. Additionally, Article 46 directs the state to promote the educational and economic interests of

weaker sections particularly SCs and STs and to protect them from social injustice and exploitation. These constitutional provisions form the backbone of India's

³ The Constitution (One Hundred and Sixth Amendment) Act, 2023, No. 106, Acts of Parliament, 2023 (India).

affirmative action framework, providing legal legitimacy to caste-based reservations. The First Amendment Act of 1951 further reinforced these provisions by enabling the government to implement reservation policies in educational institutions. Over the decades these constitutional safeguards laid the foundation for affirmative action policies aimed at bridging the socio-economic divide in India. Through successive amendments and policy adaptations, the reservation system has evolved into a multifaceted framework designed to address historical injustices, promote representation, and facilitate upward mobility for marginalized groups. This evolution reflects India's ongoing commitment to social justice while also raising complex questions about equity and fairness.

The Mandal Commission and Its Impact

In 1979, the Mandal Commission (officially known as the Socially and Educationally Backward Classes Commission) was established under the chairmanship of B.P. Mandal. Its primary objective was to identify socially and educationally backward classes (SEBCs) and recommend measures for their advancement. The 1980 Mandal Commission Report concluded that approximately 52% of India's population belonged to OBCs. It recommended a 27% reservation in public sector jobs and educational institutions to enhance their representation. The Commission's findings were based on extensive socio-economic data, highlighting the systemic disadvantages faced by backward classes in terms of education, employment and social mobility. The report provided justification for expanding reservation policies. The implementation of the Mandal Commission's recommendations by the V.P. Singh government in 1990 marked a turning point in India's affirmative action history. While the policy sought to promote social justice, it also ignited widespread protests particularly from upper caste groups, who viewed it as a threat to meritocracy. The backlash highlighted the deep-seated divisions and the challenges of balancing equity with efficiency. Despite the opposition the Mandal Commission reforms significantly reshaped India's reservation landscape, expanding affirmative action to include OBCs. This not only broadened the scope of reservation policies but also intensified the discourse on the fairness and efficacy of caste based affirmative action, making it a defining issue in Indian politics and social policy. The Mandal Commission's legacy continues to shape contemporary debates on affirmative action and meritocracy.

The National Commission for Backward Classes (NCBC): Functions and Duties

The NCBC was initially constituted as a statutory body under the NCBC Act, 1993⁴, in response to the Mandal commission's recommendations. However, the 102nd Constitutional Amendment Act, 2018, elevated it to a constitutional body under Article 338B⁵, enhancing its authority and independence. The NCBC plays a critical role in overseeing the implementation of affirmative action policies and ensuring that backward classes receive the benefits they are entitled to. The transformation into a constitutional body significantly enhanced its credibility

⁴ **The National Commission for Backward Classes Act, 1993, No. 27, Acts of Parliament, 1993 (India).**

⁵ The Constitution (One Hundred and Second Amendment) Act, 2018, No. 102, Acts of Parliament,

⁶2018 (India) (establishing the National Commission for Backward Classes as a constitutional body under Article 338B).

and influence enabling it to play a more robust role in shaping policy outcomes and addressing grievances. The NCBC also works on identifying new backward classes and reviewing the existing backward class lists, ensuring that reservation policies remain relevant and effective. The NCBC's functions include investigating complaints of right deprivation, monitoring the implementation of reservation policies, and advising the government on measures for the socio-economic development of backward classes. The Commission also addresses grievances related to discrimination or exclusion from backward class lists and submits annual and special reports to the President, which are tabled before Parliament. Through its advisory role, the NCBC significantly influences policy decisions related to backward class welfare and reservation policies. Additionally, the NCBC engagement with regional governments and administrative bodies ensures that reservation policies are effectively implemented, and instances of discrimination or noncompliance are addressed. This proactive oversight makes the NCBC a key institution in promoting social justice.

Constitutional and legal framework:

The Indian Constitution contains several provisions aimed at promoting social justice and ensuring equitable representation for historically disadvantaged groups. These provisions form the legal foundation for reservation policies and affirmative action measures.

Article 15(4) and 15(5): These articles enable the state to make special provisions for the advancement of socially and educationally backward classes (SEBCs), Scheduled Castes (SCs), and Scheduled Tribes (STs).

Article 15(4) was introduced through the First Amendment Act of 1951, in response to the Supreme Court's decision in *State of Madras v. Champakam Dorairajan* (1951)⁶, which struck down caste-based reservations in educational institutions. This amendment allowed the state to reserve seats in educational institutions, including private institutions for SEBCs, SCs and STs.

Article 15(5) was added by the 93rd Constitutional Amendment Act, 2005⁷, empowering the state to make special provisions for the admission of SEBCs, SCs and STs in private educational institutions, except minority institutions. This expanded the scope of affirmative action to include private education, ensuring broader access to higher education.

Article 16(4) and 16(4A): These articles pertain to reservation in public employment.

Article 16(4) allows the state to make reservation in appointments or posts for any backward class of citizens that, in the opinion of the state, is not adequately represented in public services. This provision serves as the foundation for reservation in government jobs.

Article 16(4A) was introduced by the 77th constitutional Amendment Act, 1995⁸, enabling reservation in promotions for SCs and STs. This was done in response to the Supreme Court's decision in *Indra Sawhney v. Union of India* (1992), which had prohibited reservation in

⁶*State of Madras v. Champakam Dorairajan*, (1951) 2 S.C.R. 525 (India).

⁷The Constitution (Ninety-Third Amendment) Act, 2005, No. 93, Acts of Parliament, 2005 (India).

⁸The Constitution (Seventy-Seventh Amendment) Act, 1995, No. 77, Acts of Parliament, 1995 (India).

promotions. The amendment aimed to rectify the underrepresentation of SC's and STs in higher administrative positions.

Article 46: This article is part of the Directive Principles of State Policy (DPSP) and mandates the state

to promote the educational and economic interests of weaker sections, particularly SCs and STs.

It also directs the state to protect them from social injustice and all forms of exploitation. Although not enforceable in a court of law, Article 46 provides a guiding principle for the formulation of reservation policies and welfare measures.

Article 338 and 340: These articles establish commissions to monitor and safeguard the rights of marginalized communities.

Article 338 provides for the establishments of the National Commission for Scheduled Castes (NCSC). The commission is tasked with investigating and monitoring issues related to the safeguards of SCs, evaluating their socio-economic conditions, and recommending policy measures to address their challenges.

Article 340 empowers the President to appoint a commission to investigate the conditions of socially and educationally backward classes (SEBCs) and recommend measures for their advancement. This provision laid the foundation for the formation of the Mandal Commission, whose recommendations in 1980 led to the introduction of 27% reservations for OBCs in government jobs and educational institutions.

Landmark Judicial Pronouncements:

The judiciary has played a significant role in shaping affirmative action policies in India, delivering landmark judgements that have defined the scope, limitations and implementation of reservation.

In the *Indra Sawhney v. Union of India* (1992)⁹ case, the Supreme Court upheld the 27% OBC reservation but imposed a 50% cap on total reservation to maintain administrative efficiency and prevent excessive fragmentation of opportunities. The Court also introduced the creamy layer principle, which excluded affluent OBC's from reservation benefits, ensuring that affirmative action reached the truly disadvantaged.

In *Nagaraj v. Union of India* (2006)¹⁰, the Court upheld reservations in promotions for SCs and STs but imposed strict conditions. The government was required to demonstrate the backwardness of the group, prove their underrepresentation and ensure that reservation did not compromise administrative efficiency or violate the principle of equality.

⁹*Indra Sawhney v. Union of India*, (1992) Supp. 3 S.C.C. 217 (India).

¹⁰*M. Nagaraj v. Union of India*, (2006) 8 S.C.C. 212 (India).

In *Jarnail Singh v. Lachmi Narain Gupta* (2018)¹¹, the Court extended the creamy layer principles to SCs and STs in promotions, ensuring that the most disadvantaged groups benefited from affirmative action rather than privileged members of the same community. These judicial pronouncements have significantly influenced the legal framework governing affirmative action in India.

Affirmative Action vs. Meritocracy Debate:

Affirmative action policies have been implemented in India to address long standing socio - economic disparities and ensure equal representation for marginalized groups. Supporters of affirmative action argue that socio economic inequalities persist, making reservations necessary to promote equality of opportunity. The policy is viewed as a means to rectify historical injustices and provide disadvantaged communities with access to education, employment and political representation.

Proponents also highlight the difference between equality of opportunity and equality of outcomes, arguing that without affirmative action, structural discrimination would continue to hinder marginalized

groups. Empirical data reflects significant underrepresentation of SCs, STs, and OBCs in the judiciary, bureaucracy, and higher education institutions, justifying the need for continued affirmative action measures. On the other hand, advocates of meritocracy express concerns over the potential for reverse discrimination, arguing that reservations may compromise efficiency and quality. They contend that in critical roles such as the judiciary and higher civil services, selection based on merit is essential to ensure competence and effectiveness.

Opponents also point to case studies of merit dilution in highly technical and professional roles, where reservation-based selections may lead to the recruitment of less qualified individuals, potentially affecting institutional performance. The judiciary plays a crucial role in balancing affirmative action with meritocracy. Several landmark cases reflect this balancing act. For instances, case studies of merit dilution in highly technical and professional roles have prompted the courts to impose limitations on reservations, especially in fields where expertise and proficiency are paramount.

The introduction of the Economic Weaker Section (EWS) reservation under 103RD Constitutional Amendment is a recent example of the judiciary's evolving interpretation of affirmative action. The EWS quota introduced economic criteria as a basis for reservation, reflecting the judiciary's effort to expand affirmative action while addressing concerns over caste-based reservations. This demonstrates the judiciary's attempt to strike a balance between promoting social justice and maintaining efficiency in public institutions.

¹¹Jarnail Singh v. Lachhmi Narain Gupta, (2018) 10 S.C.C. 396 (India).

Empirical Evidence on Affirmative Action:

Empirical studies have shown that affirmative action policies have had a tangible impact on education, employment, and social mobility. Research by Alexander Lee (2020) found that reservations increased educational attainment and enhanced government job representation increased among OBCs. Other studies have highlighted how reservations have reduced caste-based exclusion and improved access to public services. However, evidence also indicates that the benefits of affirmative action are not uniformly distributed, with the creamy layer often monopolizing reservation benefits, leaving out the most disadvantaged.

Contemporary Challenges and Criticism of Affirmative Action in India:

Affirmative action in India, primarily in the form of reservations, was introduced to promote social justice and address centuries of systemic discrimination against marginalized communities. The policy was enshrined in the Indian Constitution to uplift Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs) by providing them with access to education, public sector employment, and political representation. Over the decades, affirmative action has successfully improved the representation of disadvantaged groups in public institutions and educational establishments. However, it also faces mounting challenges, including issues related to the creamy layer principle, reverse discrimination, legal constraints, and administrative inefficiencies. These challenges have sparked intense debates over the balance between equity and meritocracy, raising complex legal, social and political questions. Furthermore, as India's socio-economic landscape evolves, questions re being raised about the relevance and fairness of caste-based reservations, with some advocating for a shift toward socio economic criteria. This complex interplay of legal judgments, social justice goals, and practical implementation difficulties makes affirmative action a highly contested policy in contemporary India.

1. The Creamy Layer Controversy

The creamy layer principle, introduced in the *Indra Sawney v. Union of India* (1992) judgment, aims to exclude affluent OBCs from reservation benefits, ensuring that affirmative action reaches the genuinely disadvantaged. However, its implementation remains inconsistent, allowing relatively privileged OBCs to benefit, while the most marginalized remain underserved.

The *Jarnail Singh v. Lachhmi Gupta* (2018) ruling extended the creamy layer concepts to SCs and STs in promotions, aiming to prevent elite capture. However, this was met with resistance from Dalit organizations, which argued that economic advancement does not shield SCs and STs from caste-based discrimination, making the creamy layer principle unfair for them.

2. Reverse Discrimination and the Meritocracy Debate

Critics of affirmative action argue that it promotes reverse discrimination, disadvantaging general category candidates despite their merit. They claim that quota-based selection prioritizes caste identity over competence, sometimes reducing institutional efficiency by placing less qualified candidates in key roles.

However, defenders argue that merit cannot be separated from social privilege. They emphasize that individuals from privileged backgrounds often have greater access to education and resources, giving them an unfair advantage. Thus, reservations are essential to level the playing field for historically marginalized groups.

3. Legal Challenges and the 50% Cap

The 50% cap on reservations established by the *Indra Sawney* ruling, has been a longstanding legal safeguard intended to preserve the balance between affirmative action and merit-based selection. The Supreme Court held that while reservations are essential for promoting social justice, they should not exceed 50% to ensure that merit and efficiency are not compromised. However, in recent years this cap has been challenged, leading to a series of legal and constitutional debates. The introduction of the Economically Weaker (EWS) quota in 2019, which reserved 10% of seats for economically disadvantaged individuals from unreserved categories, effectively breached the 50% limit.

The EWS quota was justified on the grounds of promoting economic justice by extending reservation benefits to poor individuals regardless of caste. However, its implementation has been controversial. Critics argue that the EWS quota dilutes the original intent of affirmative action, which was designed to address historical caste-based discrimination.

They contend that by prioritizing economic disadvantage alone, the policy overlooks the socio-cultural discrimination that marginalized castes continue to endure. In 2021, the Supreme Court struck down the Maharashtra government's Maratha reservation law, which sought to grant 16% reservation to the Maratha community, declaring it unconstitutional for violating the 50% cap.

This ruling reaffirmed the importance of maintaining merit-based selection and administrative efficiency. Nevertheless, the EWS quota, which also breaches the 50% cap has raised questions about the consistency of judicial interpretation. The ongoing legal battles surrounding the reservation cap reflect the growing tension between expanding affirmative action policies and preserving meritocracy.

4. Bureaucratic Inefficiencies and Corruption

Despite constitutional safeguards, the implementation of affirmative action policies in India is frequently plagued by bureaucratic inefficiencies and corruption. These administrative flaws undermine the effectiveness of the system and contribute to public mistrust. One of the most significant issues is the fraudulent acquisition of caste certificates by individuals from non-backward classes. In several states, it

has been reported that people have illegally obtained SC, ST, or OBC certificates to avail of reservation benefits.

This misuse not only distorts the system but also deprives genuinely disadvantaged individuals of their rightful opportunities. Moreover, affirmative action policies are often exploited for political gains. During elections, political parties frequently promise increased or extended reservations to secure vote banks.

This politicization reduces the focus on genuine socio-economic upliftment, transforming affirmative action into a mere electoral tool. Additionally, bureaucratic inefficiencies, such as delays in processing caste certificate and lack of proper monitoring mechanisms, further hinder the policy's implementation. The absence of a transparent and accountable verification system allows for widespread misuse and corruption. To address these challenges, experts have called for the introduction of digital verification systems, such as blockchain-based caste certificate authentication, to prevent fraud. Stricter legal penalties for individuals involved in caste certificate fraud and regular audits of the reservation system could also enhance transparency and accountability.

Empirical Evidence on the Impact of Affirmative Action:

Empirical studies reveal that affirmative action in India has improved education access and public sector representation for marginalized communities but still faces challenges like high dropout rates and limited private sector impact.

1. **Education:** according to NSSO data, reservation policies have significantly increased SC, ST, and OBC enrollment in higher education. Studies by Deshpande and Ramcharan (2019) show improved literacy rates among marginalized groups, with greater representation in elite institutions like IITs and IIMs. However, dropout rates among SC and St students remain higher due to socio economic challenges and lack of support, highlighting the need for mentorship programs and financial aid.
2. **Employment:** affirmative action has boosted public sector representation. A World Bank (2016) study shows increased SC and ST employment in government jobs, contributing to socio-economic upliftment. Research by Lee (2020) indicates that reservation reduce wage gaps and promote income equality. However, the private sector lacks affirmative action policies, limiting marginalized groups access to broader job opportunities.
3. **Key Challenge:** Critics argue that privatization reduces the effectiveness of reservations, promoting calls for extending affirmative action to the private sector through incentives rather than mandates.

Policy Recommendations:

To enhance the effectiveness and fairness of affirmative action policies, several reforms are necessary. Addressing issues of elite capture, administrative inefficiencies, and limited private sector representation will be crucial for ensuring that affirmative action achieves its intended objectives.

1. Regular Assessment and Data-Driven Reviews:

One of the primary challenges of affirmative action in India is the lack of regular evaluation and revision. To ensure that reservation policies remain relevant and effective, the government should conduct periodic reviews by:

- Regular collecting and analyzing socio economic data to assess the impact of reservation on marginalized communities.
- Monitoring trends in education, employment, and income levels to make informed decisions about

modifying or expanding reservation criteria.

- Identifying marginalized communities that remain underrepresented even with existing policies and introducing targeted interventions for them.
- revising the creamy layer criteria periodically to prevent elite capture by adjusting income thresholds and socio-economic indicators, ensuring that only genuinely disadvantaged individuals benefit.

2. Educational Reforms for academic Success:

While affirmative action policies improve access to educational institutions ensuring the academic success of marginalized students requires broader reforms. The government should

- Introduction pre-admission coaching and preparatory programs specifically for SC, ST and OBC candidates. These programs would provide academic training and mentorship to bridge the educational gap and enhance their competitiveness.
- Expand financial aid programs for economically disadvantaged students within reserved categories. This would reduce financial burdens on marginalized families, encouraging higher retention and graduation rates.
- Promote inclusive curricula in educational institutions, fostering diversity and challenging caste-based biases.
- Implement anti-discrimination program and sensitization workshops to create more equitable and supportive academic environment.

3. Transparency and Anti-Corruption Measures:

To curb the misuse of affirmative action policies, the government must introduce stronger transparency and anti-corruption measures including:

1. Blockchain – based verification systems for caste certificates to prevent fraud and ensure that only eligible individuals benefit from reservations. Blockchain technology would create tamper-proof records, enhancing transparency.
2. Introducing legal penalties, including fines and imprisonment for individuals who obtain fake caste certificates. This would act as a deterrent and safeguard the integrity of the system.
3. Establishing independent monitoring bodies to oversee the implementation of affirmative action policies. These bodies could conduct regular audits, investigate fraudulent practices, and recommend policy reforms.

Incorporating Socio-Economic Criteria:

While caste -based reservations remain essential, there is growing support for including socio-economic criteria in affirmative action policies. This could involve:

1. Gradually expanding EWS reservations to ensure that economically disadvantaged individuals across castes benefit from affirmative action.
2. Introducing financial assistance schemes for economically marginalized students, regardless of caste, to promote equal access to education.
3. Adopting a hybrid reservation model that combines both caste and socio-economic criteria, prioritizing historical disadvantage and contemporary economic deprivation.

Private Sector Representation:

To extend the benefits of affirmative action beyond the public sector, the government should promote diversity and representation in private employment by:

1. Introducing voluntary diversity quotas or incentives in private companies.
2. Offering tax incentives or financial benefits to companies that promote diversity by hiring individuals from marginalized backgrounds.
3. Collaborating with private institutions to establish mentorship and skill building programs for marginalized individuals, enhancing their employability.

Comparative Analysis of Other Constitutional Amendments:

India's Experience with Affirmative Action

India's history with affirmative action policies has been a significant force in addressing systematic inequalities. The reservation system for Scheduled Castes (SC), scheduled Tribes (STs) and Other Backward classes (OBC) has been in place since the adoption of the Constitution in 1950. The 81st, 82nd and 85th Amendments (2000-2001) allowed for the carry forward of unfilled SC/ST reservation quotas. This indicates how affirmative action policies in India have evolved over time, adjusting to ground realities and the need for flexibility. Similarly, the 102nd Amendment (2018) granted constitutional status to the National Commission for Backward Classes (NCBC), highlighting the necessity for institutional support in implementing reservation policies. The 103rd amendment (2019) introduced a 10% reservation for Economically Weaker Section (EWS), sparking debates over whether reservations should be based on economic criteria rather than social identity.

Global Comparisons:

In the United States, affirmative action focuses on race-based diversity in education and employment. However, the 2023 Harvard College v. SFFA ruling struck down race-conscious college admissions, citing reverse discrimination. Unlike India's legally mandated quotas, the U.S relied on holistic admissions policies, which are now restricted, raising concerns over declining diversity.

South Africa adopted race-based affirmative action post-apartheid through the Black Economic Empowerment (BEE) program.¹² It mandates quotas for Black representation in jobs, education, and business ownership. While India reserves seats and jobs for marginalized castes, South Africa's policies also apply to the private sector, making them broader in scope. However, both systems face criticism for benefiting the relatively privileged within disadvantaged groups.

Brazil uses a hybrid model, combining racial and socio-economic quotas. In public universities, 50% of seats are reserved for low-income, public-school students, including Afro-Brazilians and Indigenous groups. This dual approach aims to tackle both racial and class disparities, unlike India's predominantly caste-based system. Brazil's model offers India a potential framework for integrating economic criteria alongside caste reservations.

Conclusion:

Affirmative action in India has been a crucial tool for social justice, addressing historical inequalities by enabling marginalized communities, such as Scheduled Castes (SC) and Scheduled Tribes (ST), to access education, employment and governance opportunities. This policy has fostered greater social mobility and empowerment, increasing representation in key sectors like civil services, education and politics.

However, challenges remain. Elite capture limits the benefits to the already privileged within marginalized groups, while reverse discrimination concerns persist among upper-caste individuals.

Additionally, administrative inefficiencies and poor enforcement hinder the policy's full impact. To enhance its effectiveness, regular reviews and reforms are essential. Introducing socio-economic criteria alongside caste-based reservations would create a more equitable framework, ensuring that the economically disadvantaged, regardless of caste also benefit. Furthermore, expanding vocational training, financial aid, and social safety nets can promote genuine empowerment rather than mere representation.

As India evolves, affirmative action must remain dynamic, adapting to changing socio economic realities. By refining these policies, India can strive for a fairer society, where opportunities are accessible to all based on merit and need, ensuring no one is left behind due to systemic barriers.

¹²**Broad-Based Black Economic Empowerment Act 53 of 2003 (S. Afr.).**

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