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**SUBSTANTIVE EQUALITY AND AFFIRMATIVE ACTION:
CONSTITUTIONAL PERSPECTIVES IN INDIA**

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ABSTRACT

This research paper examines the concept of substantive equality and its relationship with affirmative action (reservation) under the Indian Constitution. It explores constitutional provisions (Articles 14–18, 15(4)–15(6), 16(4)–16(6), landmark Supreme Court judgments (e.g., *Indra Sawhney v. Union of India*, *Janhit Abhiyan v. Union of India*, *State of Madras v. Champakam Dorairajan*), and scholarly literature to evaluate how India’s affirmative action regime reconciles formal equality with remedial egalitarianism. The paper also contextualizes India’s model with international perspectives on affirmative action. The doctrinal method guides the research, rooted in a review of secondary sources, judicial pronouncements, and academic commentary.

Keywords: Substantive equality, affirmative action, reservation, Indian Constitution, Dr. B.R. Ambedkar, Articles 14–16, Supreme Court jurisprudence.

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INTRODUCTION

Substantive equality in India transcends the mere notion of formal equality by addressing structural disadvantages that prevent historically marginalized groups from enjoying equal opportunities in education, employment, and social participation². The framers of the Indian Constitution, guided by the vision of Dr. B.R. Ambedkar, recognized that equality before the law alone could not dismantle centuries of caste-based oppression, social exclusion, and economic deprivation³.

Dr. Ambedkar, as Chairman of the Drafting Committee of the Indian Constitution, emphasized that true equality requires positive state action to uplift socially and educationally backward classes⁴. This perspective is embedded in Articles 14, 15, and 16 of the Constitution, which not only guarantee equality and prohibit discrimination but also empower the State to make special provisions for SCs, STs, and OBCs in education and public employment⁵. According to Ambedkar, affirmative action (reservations) is a constitutional tool to correct historical injustices and ensure that equality of opportunity becomes a lived reality rather than a theoretical principle⁶.

The Preamble of the Constitution further reflects this commitment by enshrining social, economic, and political justice and equality of status and opportunity as guiding principles of the Republic⁷. Landmark Supreme Court cases, such as *Indra Sawhney v. Union of India*⁸ and *State of Madras v. Champakam Dorairajan*⁹, illustrate the judiciary's role in interpreting these constitutional provisions, striking a balance between formal equality and remedial measures for disadvantaged groups. These cases demonstrate that affirmative action is not an exception to equality but an essential mechanism to achieve substantive equality in a deeply stratified society.

In contemporary India, the pursuit of substantive equality continues to guide policy and jurisprudence, especially as new categories of socially and economically disadvantaged

²Constitution of India, art. 14, available at <https://www.india.gov.in/my-government/constitution-india>.

³Granville Austin, *The Indian Constitution: Cornerstone of a Nation* 114–118 (Oxford Univ. Press 1966).

⁴B.R. Ambedkar, *The Problem of the Rupee: Its Origin and Its Solution* (1946); see also Constituent Assembly Debates (Nov. 25, 1948), available at <https://www.constitutionofindia.net/>.

⁵Constitution of India, arts. 15(4), 16(4).

⁶B.R. Ambedkar, Speech in Constituent Assembly, Nov. 25, 1948, available at <https://www.constitutionofindia.net/>.

⁷Constitution of India, Preamble, available at <https://www.india.gov.in/my-government/constitution-india>.

⁸*Indra Sawhney v. Union of India*, (1992) 3 SCC 217.

⁹*State of Madras v. Champakam Dorairajan*, AIR 1951 SC 226.

citizens, such as the Economically Weaker Sections (EWS), are included in reservation schemes¹⁰. This paper examines the constitutional framework, judicial interpretation, and scholarly perspectives on affirmative action in India, highlighting how the principle of substantive equality has evolved to become a cornerstone of social justice.

REVIEW OF LITERATURE

Indian constitutional scholarship consistently recognizes substantive equality as a core principle underlying the Constitution's equality code. Granville Austin characterizes the Indian Constitution as a document aimed at achieving a "social revolution," wherein formal legal equality is insufficient without mechanisms to uplift historically oppressed communities¹¹. Scholars emphasize that Articles 14, 15, and 16 must be read harmoniously to understand equality not merely as non-discrimination but as a tool for redistributive justice¹².

Dr. B.R. Ambedkar's constitutional philosophy occupies a central position in this discourse. Ambedkar repeatedly argued during the Constituent Assembly Debates that political democracy cannot survive without social and economic democracy¹³. He maintained that caste-based inequalities required constitutionally sanctioned affirmative measures, as neutrality of the state would perpetuate existing hierarchies¹⁴.4 Ambedkar viewed reservations not as privileges but as protective discrimination essential for ensuring real equality of opportunity for marginalized groups¹⁵.

At the national level, extensive legal scholarship analyzes affirmative action as an instrument of substantive equality. Upendra Baxi argues that the Indian Supreme Court has gradually shifted from a formalistic interpretation of equality to a more contextual and justice-oriented approach, recognizing structural disadvantage¹⁶. This transition is evident in landmark decisions such as *State of Kerala v. N.M. Thomas*, where the Court upheld preferential treatment as a facet of equality rather than an exception to it¹⁷.

¹⁰Ministry of Social Justice and Empowerment, Reservation Policy for Economically Weaker Sections (EWS), Government of India, 2019, available at <https://socialjustice.nic.in>.

¹¹Granville Austin, *The Indian Constitution: Cornerstone of a Nation* 73–78 (Oxford Univ. Press 1966).

¹²H.M. Seervai, *Constitutional Law of India* vol. 1, 430–435 (4th ed. 2013).

¹³Constituent Assembly Debates, Vol. XI (Nov. 25, 1948).

¹⁴B.R. Ambedkar, *Annihilation of Caste* (1936).

¹⁵B.R. Ambedkar, *Speech in Constituent Assembly* (Nov. 30, 1948).

¹⁶Upendra Baxi, *The Supreme Court Under Trial* 89–95 (1980).

¹⁷*State of Kerala v. N.M. Thomas*, (1976) 2 SCC 310.

The seminal judgment in *Indra Sawhney v. Union of India* has received significant scholarly attention for laying down constitutional limits on reservations, including the 50% ceiling and the creamy layer principle¹⁸. While some scholars critique these limits as judicial overreach, others argue that they strike a balance between merit and social justice¹⁹. Recent academic commentary also examines *Janhit Abhiyan v. Union of India*, where the Supreme Court upheld reservations for Economically Weaker Sections, expanding the understanding of backwardness beyond caste alone²⁰.

State-specific literature highlights the varied implementation of affirmative action across Indian states. Studies focusing on southern states note that state policies have historically used reservations as a tool for social mobility and political empowerment²¹. Judicial developments such as *State of Punjab v. Davinder Singh* have generated scholarly debate on sub-classification within SC/ST categories, recognizing intra-group inequalities and reinforcing the principle of substantive equality at the state level²².

Regional legal commentaries emphasize that effective realization of substantive equality depends not only on constitutional permission but also on state-level empirical assessment of backwardness, representation, and exclusion²³. These studies underline the need for context-sensitive affirmative action policies rather than uniform implementation.

International legal literature situates India's affirmative action framework within a broader global discourse on equality and special measures. The United Nations Committee on Economic, Social and Cultural Rights recognizes that temporary special measures are permissible and sometimes necessary to achieve de facto equality²⁴. Comparative constitutional scholars draw parallels between India's reservation system and affirmative action policies in jurisdictions such as the United States, South Africa, and Brazil, though they note India's uniquely caste-based historical context²⁵.

¹⁸Indra Sawhney v. Union of India, (1992) 3 SCC 217.

¹⁹Marc Galanter, Competing Equalities: Law and the Backward Classes in India 124–130 (Univ. of Cal. Press 1984).

²⁰Janhit Abhiyan v. Union of India, (2022) 10 SCC 1.

²¹M.S.S. Pandian, Caste, Nationalism and State in India 201–210 (Oxford Univ. Press 2007).

²²State of Punjab v. Davinder Singh, (2020) 8 SCC 1.

²³Law Commission of India, 273rd Report on Implementation of Reservation Policies (2018).

²⁴UN Committee on Economic, Social and Cultural Rights, General Comment No. 20 (2009).

²⁵D. Kennedy, Affirmative Action: Comparative Constitutional Perspectives 45–52 (Cambridge Univ. Press 2012).

John Rawls' theory of justice, particularly the difference principle, has been frequently invoked by scholars to justify affirmative action as morally legitimate when it benefits the least advantaged members of society²⁶. International scholarship generally supports the view that substantive equality requires differentiated treatment where social realities demand it, aligning closely with the Indian constitutional approach shaped by Ambedkar's vision.

Despite extensive scholarship, gaps remain in integrating Ambedkarite constitutional philosophy with contemporary judicial developments such as EWS reservations and sub-classification within reserved categories²⁷. Much of the literature also focuses on doctrinal analysis without sufficiently examining how evolving interpretations of substantive equality respond to new forms of disadvantage. These gaps justify further research into how constitutional principles can adapt to changing socio-economic realities while remaining faithful to the foundational vision of justice and equality.

PROBLEMATISATION OF SUBSTANTIVE EQUALITY

Despite the constitutional guarantee of equality under Articles 14, 15, and 16 of the Constitution of India, social and economic inequalities rooted in caste, class, and historical exclusion continue to persist in Indian society²⁸. Formal equality, which treats all individuals alike before the law, has proved inadequate in addressing structural disadvantages faced by Scheduled Castes, Scheduled Tribes, Other Backward Classes, and other marginalized groups²⁹. The core problem lies in reconciling the constitutional ideal of equality with the need for differentiated treatment to achieve real and meaningful social justice.

Dr. B.R. Ambedkar cautioned that political democracy without social and economic democracy would remain fragile and incomplete³⁰. His concern was that mere non-discrimination would perpetuate existing hierarchies unless accompanied by positive state intervention. However, affirmative action policies, particularly reservations, have also generated constitutional and political debates concerning merit, efficiency, equality of opportunity, and the scope of state power³¹. Judicially imposed limits such as the 50%

²⁶John Rawls, *A Theory of Justice* 75–83 (Harvard Univ. Press 1971).

²⁷Gautam Bhatia, *The Transformative Constitution* 156–160 (HarperCollins 2019).

²⁸Constitution of India, arts. 14–16.

²⁹Granville Austin, *The Indian Constitution: Cornerstone of a Nation* 73–78 (Oxford Univ. Press 1966).

³⁰B.R. Ambedkar, *Speech in Constituent Assembly*, Nov. 25, 1948

³¹Marc Galanter, *Competing Equalities: Law and the Backward Classes in India* 124–130 (Univ. of Cal. Press 1984).

ceiling, the creamy layer principle, and evolving criteria for backwardness have further complicated the implementation of substantive equality³².

The problem, therefore, is not the legitimacy of affirmative action per se, but the constitutional calibration of such measures to ensure they remain consistent with equality while effectively addressing disadvantage. Recent developments, including the recognition of Economically Weaker Sections (EWS) and sub-classification within reserved categories, raise significant questions about whether the current constitutional framework adequately reflects the transformative vision of equality envisaged by the framers³³. This study seeks to address these tensions and evaluate whether India's constitutional approach to affirmative action continues to serve the objective of substantive equality.

OBJECTIVES OF THE STUDY

The primary objective of this study is to critically examine the concept of substantive equality as embedded in the Indian constitutional framework and its operationalization through affirmative action policies. The Constitution of India, particularly Articles 14, 15, and 16, envisions equality not merely as formal non-discrimination but as an active constitutional commitment to social justice³⁴. This study seeks to analyze how these constitutional provisions enable the State to address historical and structural disadvantages faced by marginalized communities.

A further objective of this research is to evaluate the constitutional vision of Dr. B.R. Ambedkar concerning equality and social justice. Ambedkar consistently argued that equality of opportunity cannot be realized without compensatory discrimination in a society structured by caste hierarchy³⁵. This study aims to assess how Ambedkar's vision has influenced legislative action and judicial interpretation in shaping India's affirmative action regime.

Another significant objective is to examine the role of the judiciary, particularly the Supreme Court of India, in interpreting the equality code and balancing the competing claims of merit, efficiency, and social justice. Landmark decisions such as *State of Kerala v. N.M. Thomas* and *Indra Sawhney v. Union of India* have redefined equality as a dynamic and contextual

³²Indra Sawhney v. Union of India, (1992) 3 SCC 217.

³³Janhit Abhiyan v. Union of India, (2022) 10 SCC 1; State of Punjab v. Davinder Singh, (2020) 8 SCC 1.

³⁴Constitution of India, arts. 14–16.

³⁵B.R. Ambedkar, Annihilation of Caste (1936); Constituent Assembly Debates, Vol. XI (Nov. 25, 1948).

principle³⁶. This study analyzes whether judicial intervention has strengthened or constrained the realization of substantive equality.

Finally, the study aims to place India's affirmative action framework within a comparative and international context, assessing whether Indian constitutional practices align with global principles on equality and special measures. International human rights instruments recognize affirmative action as a legitimate tool to achieve de facto equality, and this research seeks to examine India's position within that broader discourse³⁷.

HYPOTHESES

The first hypothesis of this study is that formal equality alone is insufficient to achieve social justice in a deeply stratified society like India. The constitutional commitment to equality under Article 14 must be supplemented by affirmative action measures under Articles 15(4) and 16(4) to address entrenched social and economic disadvantages³⁸.

The second hypothesis posits that affirmative action is not an exception to equality but an intrinsic component of substantive equality. Judicial interpretation, particularly in *State of Kerala v. N.M. Thomas*, supports the view that differential treatment aimed at uplifting disadvantaged groups enhances, rather than undermines, the constitutional guarantee of equality³⁹.

The third hypothesis asserts that Dr. B.R. Ambedkar's constitutional philosophy continues to guide contemporary affirmative action jurisprudence, even as new categories such as Economically Weaker Sections (EWS) are incorporated. While the form of affirmative action may evolve, its foundational objective achieving social and economic democracy remains consistent with Ambedkar's vision⁴⁰.

The fourth hypothesis contends that judicially imposed limitations on reservations, such as the 50% ceiling and the creamy layer principle, reflect an ongoing tension between merit-

³⁶State of Kerala v. N.M. Thomas, (1976) 2 SCC 310; Indra Sawhney v. Union of India, (1992) 3 SCC 217.

³⁷UN Committee on Economic, Social and Cultural Rights, General Comment No. 20, 8–10 (2009).

³⁸Granville Austin, *The Indian Constitution: Cornerstone of a Nation* 73–78 (Oxford Univ. Press 1966).

³⁹State of Kerala v. N.M. Thomas, (1976) 2 SCC 310.

⁴⁰B.R. Ambedkar, Speech in Constituent Assembly (Nov. 30, 1948); Janhit Abhiyan v. Union of India, (2022) 10 SCC 1.

based equality and distributive justice⁴¹. This study hypothesizes that such limitations, while intended to preserve constitutional balance, may require periodic reassessment to ensure they do not dilute the objective of substantive equality.

RESEARCH METHODOLOGY

This research adopts a doctrinal legal research methodology, which involves a systematic analysis of constitutional provisions, statutes, judicial decisions, and authoritative secondary sources⁴². The doctrinal method is particularly suited to the present study, as it enables a structured examination of the concept of substantive equality as developed through constitutional interpretation and judicial reasoning.

Primary sources for this research include the Constitution of India, Constituent Assembly Debates, and landmark judgments of the Supreme Court and High Courts, such as *State of Madras v. Champakam Dorairajan*, *State of Kerala v. N.M. Thomas*, *Indra Sawhney v. Union of India*, and *Janhit Abhiyan v. Union of India*⁴³. These cases are analysed to trace the evolution of equality jurisprudence and the constitutional legitimacy of affirmative action.

Secondary sources comprise scholarly books, peer-reviewed journal articles, Law Commission reports, and international legal instruments addressing equality and special measures⁴⁴. Special emphasis is placed on the writings and speeches of Dr. B.R. Ambedkar to contextualize contemporary jurisprudence within the original constitutional philosophy. Comparative references to international human rights norms are used to evaluate whether India's approach aligns with global standards on substantive equality.

The doctrinal analysis is supplemented by a critical and analytical approach, focusing on identifying constitutional principles, judicial trends, and normative tensions. While the study does not employ empirical or statistical data, it relies on authoritative legal reasoning to assess the effectiveness and constitutional coherence of affirmative action as a tool for achieving substantive equality in India.

⁴¹Indra Sawhney v. Union of India, (1992) 3 SCC 217; Marc Galanter, *Competing Equalities: Law and the Backward Classes in India* 124–130 (Univ. of Cal. Press 1984).

⁴²C.R. Kothari, *Research Methodology: Methods and Techniques* 25–30 (2d ed. 2004).

⁴³State of Madras v. Champakam Dorairajan, AIR 1951 SC 226; State of Kerala v. N.M. Thomas, (1976) 2 SCC 310.

⁴⁴Law Commission of India, 273rd Report (2018); UN Committee on Economic, Social and Cultural Rights, General Comment No. 20 (2009).

RESULTS

The doctrinal analysis of constitutional provisions, judicial pronouncements, and scholarly literature reveals that the Indian judiciary has consistently interpreted affirmative action as an essential component of substantive equality, rather than as an exception to the principle of equality. The results demonstrate a clear evolution in constitutional jurisprudence from a narrow understanding of equality as formal non-discrimination to a broader, transformative conception aimed at redressing historical and structural disadvantages.

The Supreme Court's early interpretation of equality under Article 14 emphasized formal equality, as reflected in *State of Madras v. Champakam Dorairajan*⁴⁵. In this case, the Court struck down caste-based reservations in educational institutions, holding that Article 15, as originally framed, prohibited discrimination solely on the ground of caste. The immediate constitutional response the First Constitutional Amendment, 1951, inserting Article 15(4) significantly altered the equality framework, establishing that special provisions for backward classes are constitutionally permissible⁴⁶. This development confirms that the Constitution itself evolved to prioritize substantive equality over rigid formalism.

A major doctrinal shift occurred in *State of Kerala v. N.M. Thomas*, where the Supreme Court held that affirmative action is not an exception to equality but a facet of it⁴⁷. The Court observed that treating unequals equally perpetuates inequality, and that Articles 15 and 16 must be interpreted as instruments to achieve real equality of opportunity. This judgment strongly reflects Dr. B.R. Ambedkar's vision that equality requires compensatory measures to uplift those placed at a disadvantage by social structures⁴⁸. The result of this jurisprudence is a constitutional understanding that equality under Article 14 is contextual and outcome-oriented, rather than merely procedural.

The landmark judgment in *Indra Sawhney v. Union of India* constitutes a pivotal result in affirmative action jurisprudence⁴⁹. The Supreme Court upheld reservations for OBCs under Article 16(4) but introduced constitutional limitations, including: the 50% ceiling on total

⁴⁵State of Madras v. Champakam Dorairajan, AIR 1951 SC 226.

⁴⁶Constitution (First Amendment) Act, 1951; Constitution of India, art. 15(4).

⁴⁷State of Kerala v. N.M. Thomas, (1976) 2 SCC 310.

⁴⁸B.R. Ambedkar, Constituent Assembly Debates, Vol. XI (Nov. 25, 1948).

⁴⁹Indra Sawhney v. Union of India, (1992) 3 SCC 217.

reservations, the exclusion of the creamy layer, and the prohibition of reservation in promotions (later partially relaxed).

These limitations reflect the Court's attempt to balance substantive equality with administrative efficiency and merit. Scholarly analysis indicates that while these safeguards preserve constitutional balance, they also constrain the State's flexibility in addressing evolving forms of disadvantage⁵⁰. Nonetheless, *Indra Sawhney* firmly establishes that backwardness must be understood in social and educational terms, reinforcing the substantive equality framework.

A significant contemporary result emerges from *Janhit Abhiyan v. Union of India*, where the Supreme Court upheld the 103rd Constitutional Amendment, enabling reservation for Economically Weaker Sections (EWS)⁵¹. The Court recognized that economic disadvantage could constitute a distinct form of inequality warranting affirmative action, even outside traditional caste categories. This judgment marks a constitutional expansion of substantive equality by acknowledging new dimensions of exclusion, while maintaining the broader egalitarian objective envisioned by the framers.

However, dissenting opinions cautioned that excluding SCs, STs, and OBCs from EWS benefits may undermine the inclusive spirit of substantive equality⁵². This judicial divergence highlights ongoing constitutional tensions within affirmative action jurisprudence.

High Courts have contributed significantly to refining the doctrine of substantive equality. In *State of Punjab v. Davinder Singh*, later affirmed by the Supreme Court, the judiciary upheld sub-classification within Scheduled Castes to ensure that the most marginalized among them receive adequate representation⁵³. This recognition of intra-group inequality aligns with the substantive equality principle by ensuring that benefits are not monopolized by relatively advanced sub-groups.

⁵⁰Marc Galanter, *Competing Equalities: Law and the Backward Classes in India* 124–130 (Univ. of Cal. Press 1984).

⁵¹*Janhit Abhiyan v. Union of India*, (2022) 10 SCC 1.

⁵²*Id.* (D.Y. Chandrachud & S. Bhat, JJ., dissenting).

⁵³*State of Punjab v. Davinder Singh*, (2020) 8 SCC 1.

Similarly, various High Court decisions have emphasized the necessity of empirical data to justify reservations, reinforcing that affirmative action must be evidence-based and periodically reviewed to remain constitutionally valid⁵⁴.

The cumulative result of Supreme Court and High Court jurisprudence indicates that: (i) Substantive equality is a transformative constitutional principle (ii) Affirmative action is constitutionally legitimate when it addresses real and demonstrable disadvantage (iii) Judicially imposed limits seek to maintain constitutional balance but must evolve with social realities, and (iv) Dr. B.R. Ambedkar's vision of social and economic democracy continues to guide constitutional interpretation.

Thus, the Indian constitutional experience demonstrates that equality is not static but an evolving principle responsive to historical injustice and contemporary socio-economic conditions.

DISCUSSION

The judicial evolution of affirmative action in India reveals a sustained effort to reconcile the constitutional commitment to equality with the realities of deep-seated social and economic disparities. The results of this study indicate that the Supreme Court and High Courts have progressively moved from a formalistic interpretation of equality toward a transformative and substantive understanding, though not without internal contradictions and constitutional tensions.

The early decision in *State of Madras v. Champakam Dorairajan* reflected a rigid formalist approach to equality, where any classification based on caste was viewed as antithetical to Article 15⁵⁵. While constitutionally sound within the original text, the decision failed to account for India's social context, thereby exposing the limitations of formal equality in addressing entrenched discrimination. The subsequent First Constitutional Amendment marked a decisive shift toward substantive equality, validating special provisions as a constitutional necessity rather than a deviation from equality⁵⁶.

⁵⁴See, e.g., *Chebrolu Leela Prasad Rao v. State of A.P.*, (2020) 5 SCC 332.

⁵⁵*State of Madras v. Champakam Dorairajan*, AIR 1951 SC 226.

⁵⁶Constitution (First Amendment) Act, 1951; Constitution of India, art. 15(4).

This legislative–judicial dialogue underscores the Constitution’s transformative character, aligning with Dr. B.R. Ambedkar’s insistence that equality must dismantle social hierarchies rather than merely proclaim neutrality⁵⁷.

The jurisprudence following *N.M. Thomas* firmly establishes that affirmative action enhances equality by compensating for systemic disadvantage⁵⁸. The Court’s reasoning that “equality is among equals” represents a decisive break from classical liberal notions of equality. This doctrinal development resonates strongly with Ambedkar’s constitutional philosophy, which emphasized group-based remedies to counter collective historical oppression⁵⁹.

However, judicial endorsement has not been unconditional. The judiciary has assumed the role of a constitutional gatekeeper, determining the permissible scope of state action. While this has prevented arbitrary or politically motivated reservations, it has also resulted in judicially imposed constraints that may dilute the redistributive potential of affirmative action.

Indra Sawhney v. Union of India exemplifies the judiciary’s attempt to balance substantive equality with constitutional principles such as efficiency and equality of opportunity⁶⁰. The introduction of the 50% ceiling and the creamy layer principle reflects a concern that excessive or misdirected reservations could undermine administrative efficiency and individual merit.

Critically, scholars argue that these constraints lack explicit constitutional text and represent judicial norm-creation, potentially restricting legislative discretion in social policy⁶¹. While these limits have stabilized reservation jurisprudence, they may not adequately reflect contemporary social complexities, particularly in regions with high concentrations of backward populations. The insistence on rigid numerical caps risks converting substantive equality into a static doctrine, contrary to its transformative intent.

The decision in *Janhit Abhiyan v. Union of India* signals a significant expansion of substantive equality by recognizing economic disadvantage as a constitutionally valid ground

⁵⁷B.R. Ambedkar, Constituent Assembly Debates, Vol. XI (Nov. 25, 1948).

⁵⁸*State of Kerala v. N.M. Thomas*, (1976) 2 SCC 310.

⁵⁹B.R. Ambedkar, *Annihilation of Caste* (1936).

⁶⁰*Indra Sawhney v. Union of India*, (1992) 3 SCC 217.

⁶¹*Upendra Baxi, The Supreme Court Under Trial 89–95* (1980).

for affirmative action⁶². This judgment demonstrates judicial willingness to adapt equality jurisprudence to changing socio-economic realities. However, the exclusion of SCs, STs, and OBCs from EWS reservations raises concerns about fragmentation of equality discourse and potential dilution of caste-based remedies⁶³.

The dissenting opinions in *Janhit Abhiyan* highlight a critical constitutional dilemma: whether expanding affirmative action without addressing existing caste inequalities risks undermining Ambedkar's vision of social justice⁶⁴. This divergence underscores the unresolved tension between universal poverty alleviation and historically grounded caste-based redress.

Equality High Court decisions, particularly on sub-classification within reserved categories, represent an important refinement of substantive equality. The affirmation of sub-classification in *State of Punjab v. Davinder Singh* recognizes that equality must operate within groups as well as between groups⁶⁵. This approach aligns with the principle that substantive equality requires targeted remedies for the most marginalized.

Nevertheless, the requirement of robust empirical data to justify sub-classification places a significant evidentiary burden on states, potentially slowing reform⁶⁶. While such safeguards promote constitutional discipline, excessive judicial scrutiny may impede timely policy responses to social inequality.

The discussion reveals that Indian equality jurisprudence embodies a delicate constitutional balancing act. The judiciary has embraced substantive equality in principle but remains cautious in its application. Dr. B.R. Ambedkar's transformative vision continues to influence constitutional interpretation, yet contemporary judicial limitations risk constraining the dynamic potential of affirmative action.

Ultimately, the effectiveness of substantive equality depends on the judiciary's ability to remain responsive to evolving social realities while respecting constitutional boundaries. A rigid or overly cautious approach may weaken the Constitution's emancipatory promise,

⁶²*Janhit Abhiyan v. Union of India*, (2022) 10 SCC 1.

⁶³Gautam Bhatia, *The Transformative Constitution* 156–160 (HarperCollins 2019).

⁶⁴*Janhit Abhiyan v. Union of India*, (Chandrachud & Bhat, JJ., dissenting).

⁶⁵*State of Punjab v. Davinder Singh*, (2020) 8 SCC 1.

⁶⁶*Chebrolu Leela Prasad Rao v. State of A.P.*, (2020) 5 SCC 332.

whereas a contextual and evidence-based application of affirmative action can reinforce equality as a lived constitutional value.

SUGGESTIONS / POLICY RECOMMENDATIONS

The constitutional objective of achieving substantive equality through affirmative action requires continuous refinement in light of changing social realities and judicial interpretation. Based on the analysis of constitutional provisions and judicial trends, the following policy recommendations are proposed.

First, reservation policies must be grounded in updated and transparent empirical data. The Supreme Court has repeatedly emphasized that backwardness and inadequate representation must be supported by quantifiable data, particularly in matters relating to promotion and sub-classification⁶⁷. Periodic socio-economic surveys should be conducted by independent constitutional or statutory bodies to ensure that affirmative action measures accurately reflect contemporary patterns of disadvantage rather than outdated assumptions.

Second, there is a need to adopt a context-sensitive and flexible approach to constitutional limitations such as the 50% ceiling. While *Indra Sawhney* established this cap as a constitutional principle, the Court itself acknowledged that extraordinary circumstances may justify deviation⁶⁸. Policymakers should consider regional and demographic variations, especially in states with disproportionately high populations of historically backward communities, while remaining within constitutional boundaries.

Third, sub-classification within reserved categories should be encouraged where intra-group inequalities are demonstrable. The recognition of such classification in *State of Punjab v. Davinder Singh* reinforces the principle that substantive equality must operate even within constitutionally recognized groups⁶⁹. However, safeguards must be instituted to prevent political misuse, ensuring that such classifications are evidence-based and subject to judicial review.

Fourth, affirmative action policies must be supplemented by capacity-building and enabling measures, such as quality education, skill development, and institutional support. Dr. B.R.

⁶⁷M. Nagaraj v. Union of India, (2006) 8 SCC 212; Jarnail Singh v. Lachhmi Narain Gupta, (2018) 10 SCC 396.

⁶⁸Indra Sawhney v. Union of India, (1992) 3 SCC 217

⁶⁹State of Punjab v. Davinder Singh, (2020) 8 SCC 1

Ambedkar consistently emphasized that reservations alone cannot achieve social emancipation unless accompanied by broader structural reforms in education and economic opportunity⁷⁰. Judicial recognition of equality as a dynamic concept implies that affirmative action should evolve from mere access-based measures to empowerment-oriented policies.

Finally, constitutional discourse should strive for harmonization between caste-based and economic criteria. While the recognition of EWS reservations expands the scope of substantive equality, care must be taken to ensure that such measures do not dilute protections for historically oppressed communities⁷¹. A balanced constitutional approach is required to integrate economic disadvantage without undermining the core objective of social justice rooted in caste realities.

CONCLUSION

The Indian Constitution envisions equality not as a static or formal principle, but as a transformative constitutional value aimed at dismantling entrenched structures of social and economic inequality. Through Articles 14, 15, and 16, the Constitution authorizes affirmative action as a legitimate and necessary means to achieve substantive equality. The jurisprudence of the Supreme Court and High Courts demonstrates an evolving understanding of equality that recognizes historical disadvantage, group-based exclusion, and the need for remedial state action.

Dr. B.R. Ambedkar's constitutional philosophy remains central to this evolution. His insistence that political democracy must be accompanied by social and economic democracy continues to inform judicial reasoning and policy debates⁷². The shift from formal equality, as reflected in early cases like *Champakam Dorairajan*, to a more inclusive and contextual interpretation in *N.M. Thomas* and *Indra Sawhney*, illustrates the Constitution's adaptive capacity to serve social justice⁷³.

At the same time, contemporary developments such as EWS reservations and sub-classification within reserved categories highlight ongoing constitutional tensions. These tensions underscore the necessity of maintaining a delicate balance between equality, merit,

⁷⁰B.R. Ambedkar, *Annihilation of Caste* (1936); Constituent Assembly Debates, Vol. XI (Nov. 25, 1948)

⁷¹*Janhit Abhiyan v. Union of India*, (2022) 10 SCC 1.

⁷²B.R. Ambedkar, *Speech in Constituent Assembly*, Nov. 30, 1948

⁷³*State of Madras v. Champakam Dorairajan*, AIR 1951 SC 226; *State of Kerala v. N.M. Thomas*, (1976) 2 SCC 310.

efficiency, and distributive justice. The judiciary's role as a constitutional sentinel has been instrumental in preserving this balance, though excessive rigidity risks constraining the emancipatory potential of affirmative action.

In conclusion, substantive equality in India is not merely a constitutional promise but an ongoing project. Its realization depends on principled judicial interpretation, evidence-based policymaking, and sustained commitment to the values of justice, dignity, and inclusion. Affirmative action, when applied thoughtfully and constitutionally, remains a vital instrument for fulfilling the transformative vision of the Indian Constitution and advancing the egalitarian ideals championed by Dr. B.R. Ambedkar.