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BEYOND FIXED CATEGORIES: DYNAMIC AFFIRMATIVE ACTION, INDIVIDUAL MOBILITY AND THE PROGRESSIVE ANNIHILATION OF CASTE IN INDIA

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I. ABSTRACT

India has one of the most extensive affirmative-action programmes in the world. Reservation developed as a constitutional response to deeply rooted caste-based exclusion and continuing inequalities in education, employment and social life. Its purpose is based on substantive equality, because treating everyone the same on paper does little when people begin from unequal social positions. Recent evidence shows that caste still affects education, occupation and wealth, while affirmative action has created real opportunities for historically disadvantaged groups. This raises an important question: if affirmative action is meant to create a society where caste matters less to a person's opportunities, status and treatment, should the policy itself remain permanently fixed? I suggest a concept called Dynamic Affirmative Action. Its basic idea separates caste identity from eligibility for affirmative-action benefits. A person's caste would not change. An SC remains SC, an ST remains ST, an OBC/BC remains OBC/BC, and an unreserved person remains part of their community. What can change is eligibility for a particular benefit as a person's economic, educational and social circumstances change. An SC individual who makes substantial progress could gradually move to a lower level of protection or eventually to the open category without losing their SC identity. Similarly, an OBC/BC individual could lose eligibility after sustained progress, while a seriously disadvantaged person from an unreserved community could receive appropriate support without being reclassified. The principle is simple: collective disadvantage should not mean collective immobility. The proposal also recognises concerns about stigma and unfair treatment faced by affirmative-action beneficiaries, while acknowledging that the evidence

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is not conclusive. This is not a call to abolish reservation. It is a gradual, evidence-based shift towards a system that remains protective but becomes more dynamic, individualised and responsive to changing circumstances, helping affirmative action move from corrective justice towards transformative equality.

II. KEYWORDS

Caste, Reservation, Affirmative Action, Dynamic Affirmative Action, Social Mobility.

III. INTRODUCTION

Reservation debates in India are often presented as a conflict between equality and affirmative action, but that is too simple. Reservation is itself rooted in the constitutional idea of substantive equality because treating everyone identically cannot remove inequalities created by long-standing exclusion. Articles 15 and 16 permit affirmative action, while Article 17 abolishes untouchability. The harder question arises when affirmative action has helped someone significantly.

Imagine a person from a historically disadvantaged caste who enters university through reservation, earns an advanced degree, builds a successful career, becomes financially secure and moves higher socially. Legally, they remain part of the same caste, but their circumstances may now be very different from another member of that caste who never received the same opportunity and continues to face educational, economic and social disadvantage. This raises an important question: should both individuals continue to receive the same affirmative-action benefits simply because they share the same inherited caste identity?

This proposal does not seek to erase caste identity or suggest that caste discrimination disappears with success. Its claim is narrower: a person's caste can remain unchanged while their affirmative-action status responds to their present circumstances. An SC person remains SC, an ST person remains ST, an OBC/BC person remains OBC/BC, and an unreserved person remains part of their community. What changes is the entitlement attached to present disadvantage. Thus, the proposed trajectory is not "SC becomes BC becomes OC." Instead, it is SC identity, individual advancement, reduced need for

affirmative assistance, and eventually movement towards an intermediate or unreserved tier where appropriate. The caste remains the same; only the legal status connected to present need changes. This distinction forms the theoretical foundation of Dynamic Affirmative Action.

A. Research Problem

The current reservation framework is pulled in two directions at once. On one hand, caste is still a strong predictor of disadvantage, both historical and ongoing. Recent empirical work keeps finding sizeable caste gaps in education, occupation and wealth. Some indicators, however, show convergence. OBC reservation also appears to have had a genuine positive effect on access to tertiary education.²

On the other hand, people who share a caste do not automatically share the same degree of disadvantage. A caste can remain disadvantaged as a group. At the same time, particular members can become highly educated, financially secure and socially influential. This raises the central problem does someone have to stay locked into the same affirmative action category until their entire caste or community has developed?

A related question sits on the other side of the fence. If a person from an unreserved community is genuinely struggling economically, educationally, socially should the fact that their inherited community was never classified as backward permanently rule out any form of assistance? The introduction of the Economically Weaker Sections (EWS) category is one sign that Indian policy has already begun to answer this question by looking past caste categories altogether.³

There is also a stigma problem worth naming. Some research finds that students who enter through affirmative action face harsher, more skeptical evaluation from their peers,

²Ashwini Deshpande and Rajesh Ramachandran, 'Caste Disparities and Affirmative Action in India' (2024) 40 Oxford Review of Economic Policy 630.

³Constitution (One Hundred and Third Amendment) Act 2019 (India); Janhit Abhiyan v Union of India (2023) 5 SCC 1.

and other work documents a related reluctance among eligible people to actually use their reservation benefits.⁴

Putting all this together, the research problem breaks into three connected questions. Can disadvantage at the level of the community be separated from disadvantage at the level of the individual? Can affirmative-action eligibility be made dynamic without touching a person's caste identity at all? And would making these categories less permanent help ease category-based stigma while keeping protection against caste discrimination intact?

B. Research Objectives

1. This article asks whether affirmative action, if ultimately meant to create a society where caste matters less to a person's opportunities, status and treatment, should have the policy itself remain permanently fixed or whether it should evolve.
2. It sets out to develop the concept of Dynamic Affirmative Action, whose basic idea is to separate caste identity from eligibility for affirmative-action benefits, so that a person's caste remains unchanged while their eligibility for a particular benefit can change with their economic, educational and social circumstances.
3. It aims to establish the principle that collective disadvantage should not mean collective immobility that a community may remain disadvantaged as a group even as some of its members no longer require the same degree of assistance.
4. It examines whether disadvantage at the level of the community can be separated from disadvantage at the level of the individual, and whether affirmative-action eligibility can be made dynamic without touching a person's caste identity at all.

⁴Ashwini Deshpande, 'Double Jeopardy? Stigma of Identity and Affirmative Action' (2019) 46 Review of Black Political Economy 38; Ashwini Deshpande, 'Stigma or Red Tape? Roadblocks in the Use of Affirmative Action' in Zoya Hasan and others (eds), *The Empire of Disgust: Prejudice, Discrimination, and Policy in India and the US* (2018) 21.

5. It assesses whether making affirmative-action categories less permanent could help ease category-based stigma while keeping protection against caste discrimination fully intact.
6. It seeks, in a gradual and evidence-based way, to move the discussion towards a system that remains protective but becomes more dynamic, individualised and responsive to changing circumstances helping affirmative action move from purely corrective justice towards transformative equality.

C. Research Questions

1. Primary research question

- Can a dynamic affirmative action framework one that separates caste identity from individual reservation eligibility advance substantive equality while gradually shrinking the institutional and social weight that caste carries?

2. Secondary questions

- Does belonging to a historically disadvantaged caste necessarily mean that every individual within that community continues to experience the same level of disadvantage?
- Can an individual's educational, economic and social advancement be taken into account when determining their continued eligibility for affirmative action?
- Can affirmative-action eligibility become flexible without changing a person's caste identity or weakening protection against caste discrimination?
- What can the creamy-layer principle, EWS framework and the jurisprudence on sub-classification tell us about the possibility of individualised affirmative action?

- How should continuing caste-based discrimination be considered when assessing whether an individual has genuinely moved beyond the disadvantage that justified affirmative assistance?
- How can individual mobility be accommodated without weakening the collective protection that historically disadvantaged communities continue to require?
- Can a more dynamic form of affirmative action contribute, over time, to reducing the role of caste in determining individual opportunity while advancing the constitutional aspiration of equality?

D. Research Hypotheses

This proposal is offered as a set of testable socio-legal hypotheses, not as something already empirically proven. Out of this comes a testable hypothesis: where affirmative action categories stay socially visible and permanent, they may combine with existing caste prejudice to shape perceptions of merit even long after an individual has substantially advanced. A closely related hypothesis is that separating caste identity from affirmative-action eligibility might reduce how much a person's current professional or educational identity is defined by their past affirmative-action status

E. Research Methodology

1. **Doctrinal analysis:** It works through Articles 14, 15, 16 and 17 of the Constitution, the statutory reservation provisions, the relevant constitutional amendments, Supreme Court case law, the creamy-layer doctrine, EWS, and the sub classification of protected groups.
2. **Historical analysis:** It traces the distinctions between varna, jati, occupation, social function, hereditary caste, and the layer added by colonial administrative classification.

3. **Socio-economic analysis:** It draws on the empirical literature on caste disparities, education, wealth, employment, the measured outcomes of affirmative action, social mobility and stigma.
4. **Normative analysis:** Finally, it discusses about Dynamic Affirmative Action as a normative policy proposal. This is offered as a testable socio legal hypothesis, not as something already empirically proven.

F. Literature Review

The literature bearing on this proposal falls into four broad strands: historical and anthropological scholarship on the nature of caste; empirical socio-economic research on caste disparities and the measured effects of affirmative action; doctrinal and constitutional scholarship on reservation law; and a smaller body of work on the social and psychological experience of affirmative-action beneficiaries. Each strand is reviewed in turn, followed by an account of the gap in the existing literature that this article seeks to address.

1. Historical and Anthropological work on Caste

Anthropological work on caste has long distinguished the broad, largely ideological fourfold *varna* scheme from *jati*, the numerous local and regional communities that actually structure everyday social life.⁵ This distinction, and the related literature on colonial census classification, cautions against reading the modern, hereditary caste system backward onto every period of Indian history.⁶ Marc Galanter's comprehensive study of compensatory discrimination in India remains the foundational bridge between this historical and anthropological literature and the constitutional law of reservation, tracing how courts and legislatures translated a contested social category into a legal one over three decades of policy.⁷ This article draws on that literature primarily to establish

⁵Fox; B  teille (n 16).

⁶Samarendra (n 18).

⁷Marc Galanter, *Competing Equalities: Law and the Backward Classes in India* (University of California Press 1984).

that social classifications, including caste itself, have never been wholly static a premise on which the case for a more dynamic affirmative-action status ultimately rests.

2. Empirical Socio-Economic Literature on Caste and Affirmative Action

A substantial empirical literature documents continuing caste disparities alongside measurable gains from affirmative action. Using National Family Health Survey data, Deshpande and Ramachandran find persistent caste gaps in education, occupation and wealth, alongside convergence in some indicators and a genuine positive effect of OBC reservation on access to tertiary education.⁸ The edited volume by Thorat and Newman brought together correspondence studies and labour-market audits documenting discrimination against Dalits and religious minorities across urban private-sector hiring, wages and access to markets, providing much of the empirical foundation on which later work, including this article, relies.⁹

Deshpande's *The Grammar of Caste* extends this analysis using two large national data sets to show that caste-based labour-market discrimination is not a rural relic but a persistent feature of the modern, formal economy.¹⁰ Taken together, this literature supports two propositions this article relies on: that caste continues to shape material outcomes at the level of the community, and that affirmative action has produced real, measurable gains for some individuals within protected categories — the very divergence that motivates the community/individual distinction developed below.

3. Doctrinal and Constitutional Literature

The doctrinal literature on reservation centres on three developments. First, the creamy-layer principle recognised in *Indra Sawhney* established that social advancement within a backward class could justify exclusion from Article 16(4) benefits, without displacing

⁸Deshpande and Ramachandran (n 1).

⁹Sukhadeo Thorat and Katherine S Newman (eds), *Blocked by Caste: Economic Discrimination in Modern India* (Oxford University Press 2010)

¹⁰Ashwini Deshpande, *The Grammar of Caste: Economic Discrimination in Contemporary India* (Oxford University Press 2011).

caste as an indicator of backwardness.¹¹ Second, the 103rd Constitutional Amendment and its validation in *Janhit Abhiyan* introduced economic weakness, independent of caste, as a ground for affirmative action.¹²

Third, the Constitution Bench in *Davinder Singh* held that sub-classification within the Scheduled Castes is constitutionally permissible where empirically justified, and that the creamy-layer principle extends to Scheduled Castes and Scheduled Tribes.¹³ Deshpande's short introduction to affirmative action in India situates these doctrinal developments within the wider history and politics of the reservation debate, offering an accessible account of the rationale, implementation and continuing controversy surrounding the policy.¹⁴ Read together, this doctrinal literature already contains the conceptual move this article generalises: that group membership is not the same thing as identical individual disadvantage.

4. Literature on Stigma and Beneficiary Experience

A smaller but important literature examines how affirmative-action categories are socially received. Deshpande's survey-based work finds that upper-caste peers evaluate affirmative-action beneficiaries' academic performance unfairly despite no measurable difference in effort or attitude, and separately documents that a meaningful share of eligible individuals avoid using reservation benefits because of stigma or bureaucratic obstacles.¹⁵ Ahire's mixed-method study of Dalit-Buddhist respondents in Mumbai similarly finds that a minority come to oppose extending reservation into the private sector, tracing this in part to internalised, upper-caste-defined notions of merit and a fear

¹¹*Indra Sawhney v Union of India* 1992 Supp (3) SCC 217.

¹²*Janhit Abhiyan v Union of India* (n 2).

¹³*State of Punjab v Davinder Singh* 2024 INSC 562.

¹⁴Shweta Suresh Ahire, 'Psychology Behind Rejection of Caste-based Reservations in the Private Sector: A Mixed Method Study Among Dalit Buddhists in India' (2024) 5 *Caste: A Global Journal on Social Exclusion* 237..

¹⁵Deshpande, 'Double Jeopardy?' and 'Stigma or Red Tape?' (n 3).

of workplace stigma.¹⁶ This literature is central to the stigma hypothesis developed later in this article, though, as that later discussion stresses, it remains suggestive rather than conclusive, and does not establish that reservation itself causes caste prejudice.

5. The Gap in the Existing Literature

What emerges from these four strands is a body of scholarship that repeatedly brushes against the individual/community distinction without ever making it the organising question. The creamy-layer doctrine, the EWS category, the Justice G. Rohini Commission on sub-categorisation of OBCs, and the *Davinder Singh* sub-classification judgment each modify, in different ways, the assumption that every member of a broad backward-class category is identically situated.

The Rohini Commission is particularly important because it was constituted under Article 340 in 2017 to examine whether OBC reservation benefits were being distributed inequitably among communities in the Central List, and to consider sub-categorisation so that benefits could reach the more disadvantaged among them. Its report was submitted to the President on 31 July 2023, but its findings have not been publicly operationalised, illustrating both the relevance and the political difficulty of internal differentiation.

Even so, none of these developments, individually or together, offers a general framework for treating affirmative-action eligibility as a variable distinct from, and potentially more dynamic than, caste identity itself. The empirical literature establishes that individual outcomes diverge sharply within a single caste category, and the stigma literature suggests that permanent, socially visible categories may carry costs beyond their legal purpose. Yet these strands have not been drawn together into a proposal for individualised, reviewable affirmative-action status of the kind developed in this article. It is this gap, between an empirical literature that documents individual divergence and

¹⁶Shweta Suresh Ahire, 'Psychology Behind Rejection of Caste-based Reservations in the Private Sector: A Mixed Method Study Among Dalit Buddhists in India' (2024) 5 Caste: A Global Journal on Social Exclusion 237.

a doctrinal-administrative literature that has so far responded to it only piecemeal, that Dynamic Affirmative Action seeks to fill.

IV. RESEARCH AND ANALYSIS

A. Historical Foundations: Varna, Jati and Caste

1. The danger of projecting modern caste backwards

Any serious discussion of caste has to start with a note of caution: the caste system as we know it today cannot simply be read backward onto every period of Indian history. Anthropologists draw a sharp line between varna and jati, and generally treat jati rather than the fourfold varna scheme as the social unit that actually does the work in real caste organisation.

That distinction matters a great deal. The four varnas represent a broad and largely ideological classification. In contrast, jatis are the numerous local and regional communities to which people actually belong in their everyday lives. What we now call caste developed through a much more complex historical process. Birth, endogamy, occupation, ritual status, social hierarchy, political power, economic organisation, local customs, and later administrative classifications all played a role in shaping it. For that reason, this avoids two equally simplistic claims: that "the Vedas had no caste," and that "the modern caste system was already fully formed in the Vedic period." The more defensible question is how social classifications gradually became hereditary and rigid, and what part occupation, social function and individual mobility played in that shift.

2. Varna, Social Function and the Question of Mobility

Ancient texts do discuss social roles, personal qualities, duties and forms of social organisation. The Bhagavad Gita, for instance, describes the fourfold order through the ideas of guna and karma.¹⁷ That gives us a starting point for thinking about how qualities, conduct, duties and social function were understood to relate to one another. But it would

¹⁷Bhagavad Gita 4.13

be a mistake to stretch these references to guna and karma into the unsupported claim that caste in ancient India was strictly determined by occupation. The historical picture is messier than that. The safer conclusion is that the relationship between birth, occupation, social function and status was not constant across every period, and that the rigid, hereditary caste structure of later India should not be projected automatically back onto the earliest Vedic era.

3. Why does this historical nuance matter here?

It matters because social identities and classifications have never been completely fixed. They have changed over time and have often been debated and contested. This helps us move from a question about the past: how fixed were social identities then, which leads us to a question that is much more relevant today: how fixed should affirmative-action status be now?

4. From Social Classification to Hereditary Caste

Over time, caste hardened into something increasingly hereditary, with firmer social boundaries. Marriage restrictions, occupational traditions, ritual hierarchy and social exclusion all fed into the consolidation of caste communities. The crucial socio legal shift was the tightening link between birth, caste identity, social status and life chances.

Untouchability was the most brutal expression of that hierarchy, and the Constitution's abolition of it under Article 17 has to be read as a direct legal rejection of the idea that inherited social status can define a person's dignity. But constitutional prohibition did not make caste vanish; its social effects persisted regardless. That persistence is what created the need for affirmative action in the first place.

B. Colonial Administration and the Classification of Caste

Colonial administration added yet another layer. Caste predates colonial rule, so it would be wrong to credit colonialism with inventing it. What colonial census operations and administrative classification did do was change how caste identities were counted, described and mobilised politically. A number of scholars have argued that the modern

academic and administrative idea of caste itself was substantially shaped by late-nineteenth-century colonial census practices.¹⁸

None of this means caste was somehow invented or fictitious. It means the state's act of classifying people can itself shape the social meaning and political weight those categories carry. That observation matters for reservation directly, because today's state has to classify individuals and communities in much the same way to decide who qualifies for affirmative action. The real question is not whether classification is necessary it plainly is but whether a classification designed for corrective purposes can outlive its usefulness and become socially permanent even after someone's circumstances have genuinely changed.

C. The Constitutional Transformation

The Constitution turned caste from a social hierarchy into a constitutional problem. Article 14 lays down equality as a general principle. Article 15 bars discrimination while carving out room for specified special provisions. Article 16 guarantees equal opportunity in public employment and permits reservation under defined conditions. Article 17 abolishes untouchability outright. Article 46 directs the state to actively promote the educational and economic interests of weaker sections, SCs and STs in particular. Put together, this is a constitutional model that combines formal equality with substantive equality. Reservation is not justified by treating certain citizens as inherently different it is justified because history and structure produced radically unequal starting points. So, the constitutional goal was never permanent hierarchy; it was always equality. Which brings us to central paradox: the state has to recognise caste-based disadvantage in order to fix caste-based inequality, even though the ultimate constitutional aspiration is a society where caste no longer decides anyone's opportunities.

D. Community Disadvantage and Individual Disadvantage

¹⁸Padmanabh Samarendra, 'Local Jatis and Pan-Indian Caste: The Unresolved Dilemma of MN Srinivas' (2016) 50 *Contributions to Indian Sociology* 214.

The theoretical basis of this is the gap between disadvantage measured at the level of the community and disadvantage measured at the level of the individual. A community can stay disadvantaged as a whole without every one of its members being equally disadvantaged. Take an OBC/BC community as an example. One member might be poor, a first-generation university student, educationally behind and socially marginalised. Another might be highly educated, professionally established, financially secure and socially influential. A third might be a senior civil servant, a judge, a professor or a successful entrepreneur. Same community, same caste identity wildly different lived realities.

The proposition that follows is straightforward: a community can remain disadvantaged without every individual within it remaining equally disadvantaged.

1. The Central Principle: Collective Disadvantage Should Not Require Collective Immobility

Suppose a community is still officially recognised as disadvantaged, because a large share of its population continues to face social, educational or economic hardship. An individual within that community may nonetheless have advanced substantially. Why should that person have to wait for the whole community to catch up before their own progress counts for anything?

The answer is that they should not have to wait. The state could go on recognising the community as disadvantaged while still allowing individual mobility within it. Out of that comes the central principle: collective disadvantage should not require collective immobility. Two things can be true simultaneously. The community may still need protection. And some of its members may no longer need the same degree of assistance. Neither fact cancels out the other.

2. Dynamic Affirmative Action

This model proposed here goes by the name Dynamic Affirmative Action, and the underlying idea is fairly simple. In the conventional arrangement, caste identity determines the reservation category, and the reservation category determines individual

entitlement a fairly direct chain. Under the proposed arrangement, caste identity still anchors a form of historical recognition, but a person's present circumstances are separately assessed for disadvantage, and it is that separate assessment which determines eligibility for affirmative action.

Caste (community name) identity does not change. Only affirmative action status does.

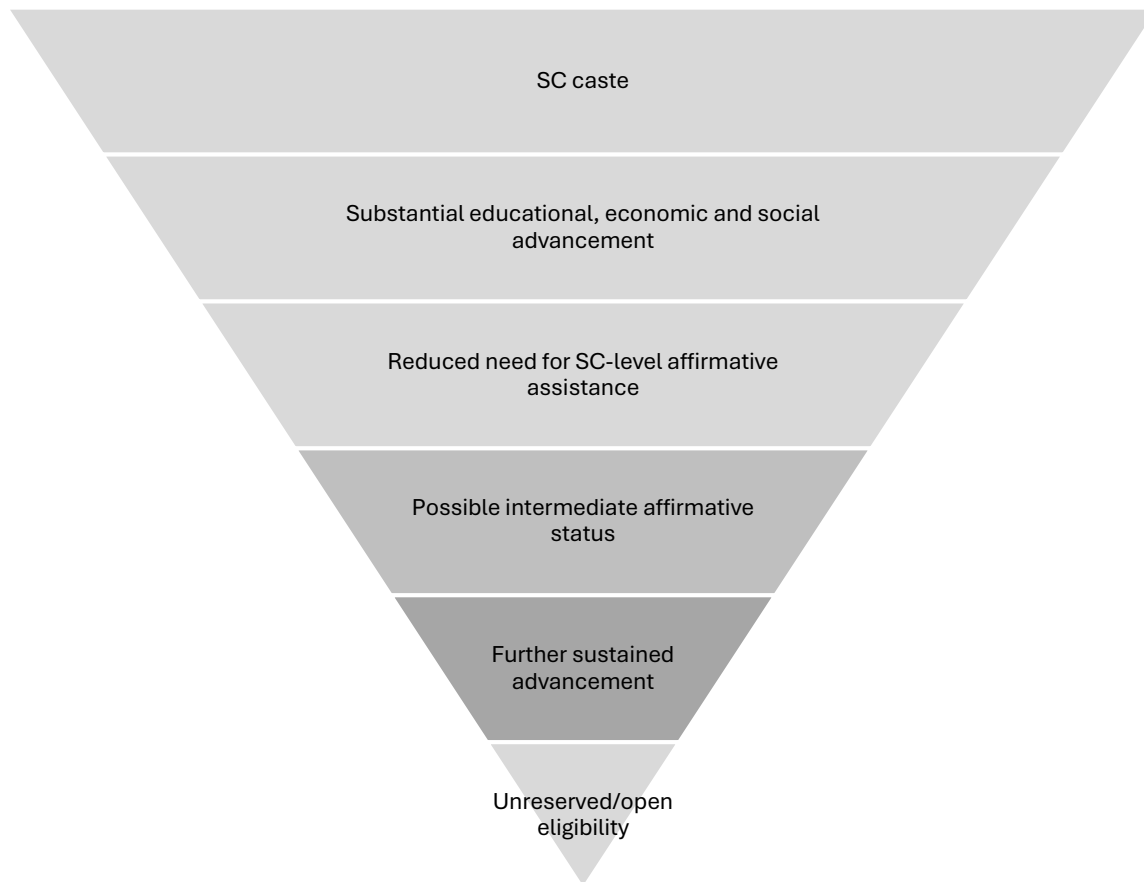
3. Dynamic Status Is Not Dynamic Caste

This point needs to be stated plainly, because it is easy to misread. The proposal is not that SC caste turns into BC caste. It is that an individual who belongs to an SC caste may, after substantial advancement, become eligible for a lower tier of protection or eventually for the open category while still being SC by caste. The same logic applies elsewhere. An OBC/BC individual might become eligible for the open category without their caste changing at all, and someone from an unreserved community might become eligible for support without being reclassified as OBC.

So, caste, as a historical and social identity, stays fixed. Affirmative-action status, as a policy and legal matter, is what can move. Everything in this proposal rests on keeping those two things distinct.

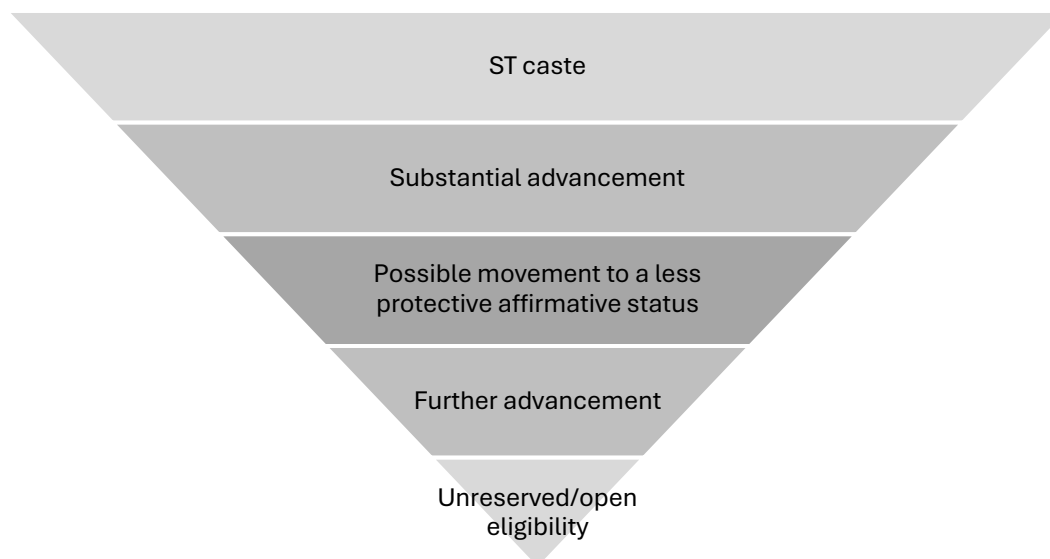
4. The Proposed Mobility Model

- SC individual



The caste (community name) stays the whole way through.

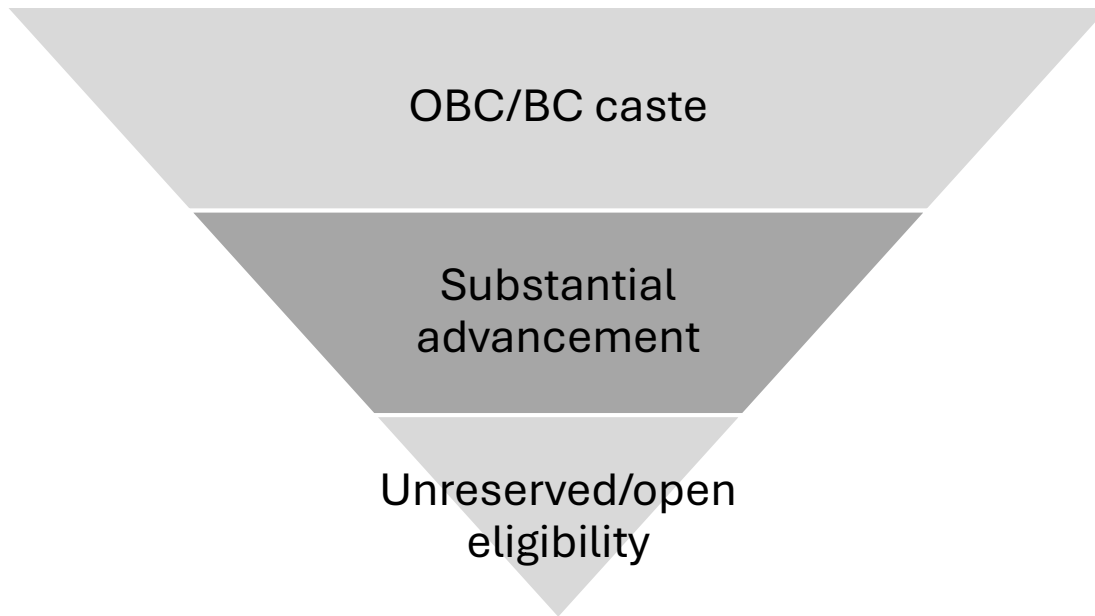
- ST individual



ST

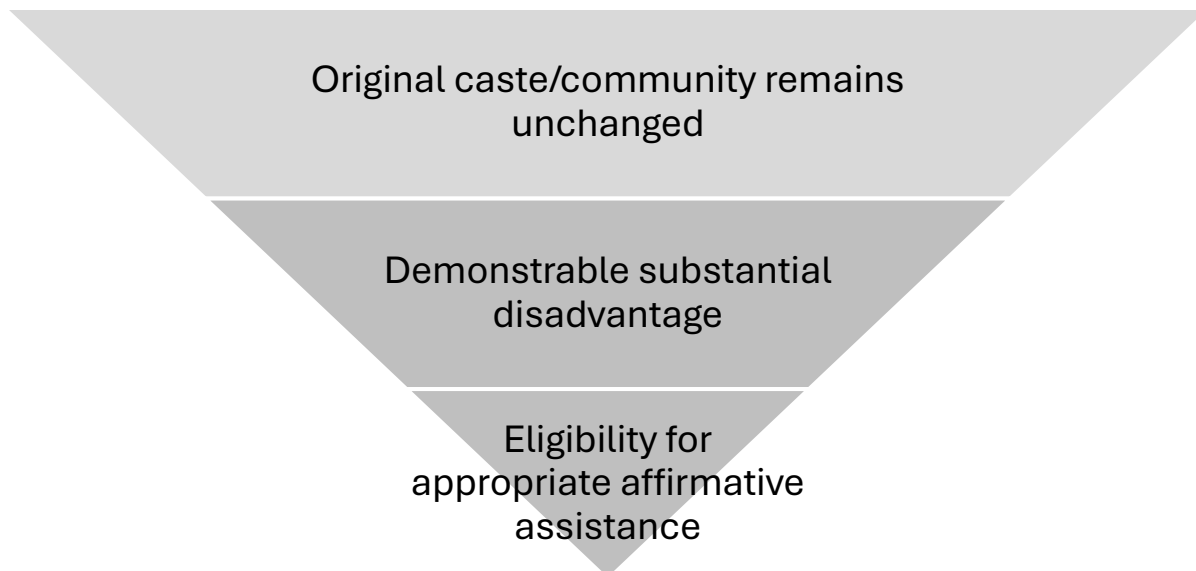
The caste (community name) stays the whole way through.

- OBC/BC individual



The caste (community name) never changes.

- Unreserved individual



This person does not become OBC by caste. What moves is a policy entitlement, not a caste label.

V. WHY THIS DIFFERS FROM THE CURRENT LEGAL POSITION

It is worth being upfront that none of this describes existing Indian law. Right now, an SC or ST person's constitutional status is fixed by the applicable statutory and constitutional framework and by the Presidential lists there is no existing general mechanism for moving from SC/ST status to an intermediate category and then to unreserved status. This is not merely an inference from doctrine; it has also been the Government of India's own stated position on more than one occasion, and the Supreme Court had likewise confined its creamy-layer discussion to Other Backward Classes, expressly stating that it had no relevance to Scheduled Castes and Scheduled Tribes.

Article 341 vests the President with power to notify the castes, races or tribes deemed Scheduled Castes in relation to a State, fixing SC status to that list rather than to case-by-case judicial or executive determination. The Government's press releases state that "As regard SC/ST reservation, at present, there is no concept of creamy layer," and that Scheduled Castes are notified under Article 341, "under which there is no provision of exclusion of creamy layer." In *Indra Sawhney v Union of India*, the Court confined its creamy-layer discussion to Other Backward Classes, stating that it "has no relevance in the case of Scheduled Tribes and Scheduled Castes," a position to be compared with *State of Kerala v NM Thomas*.¹⁹

That judicial position has since begun to shift. In *State of Punjab v Davinder Singh*, a majority of the seven-judge Bench went beyond the sub-classification question actually before it and held that the creamy-layer principle should extend to Scheduled Castes and Scheduled Tribes as well, directing the State to evolve a policy identifying and excluding a creamy layer from within those categories. Writing for the majority, Gavai J held that "[t]he State must evolve a policy for identifying the creamy layer even from the

¹⁹ Constitution of India, art 341; Ministry of Social Justice and Empowerment, 'Review of Creamy Layer for SCs/STs and OBCs' (Press Release, 5 February 2020) PIB PRID 1602086; Ministry of Social Justice and Empowerment, 'Introduction of the "Creamy Layer" Concept in the Scheduled Caste Category' (Press Release, 3 August 2022) PIB PRID 1847844; *Indra Sawhney v Union of India* 1992 Supp (3) SCC 217 [86]; *State of Kerala v NM Thomas* (1976) 2 SCC 310.

Scheduled Castes and Scheduled Tribes so as [to] exclude them from the benefit of affirmative action,” with Gavai, Vikram Nath, Pankaj Mithal and Satish Chandra Sharma JJ holding that the creamy-layer principle “is also applicable to Scheduled Castes and Scheduled Tribes.” This holding concerns eligibility for affirmative-action benefits; it does not hold, and this article does not suggest, that caste discrimination ceases once an individual advances economically.²⁰

That holding does not establish that successful SC/ST individuals no longer face caste discrimination, and this does not mean it that way. What it does show is that individual economic and social advancement is already being treated, by a majority of the sitting Court, as a legally relevant variable for affirmative-action eligibility even within the SC/ST category while the political branches, as recently as 2022, maintained that no such mechanism exists. That gap between the executive's stated position and the emerging judicial one is precisely the kind of unresolved doctrinal space this article is asking whether policy should move into.

This proposing future legal reform, then, not describing the law as it stands a distinction that matters for scholarly accuracy. The question it is really asking is whether constitutional and legislative policy should evolve toward a system where individual affirmative-action eligibility can become dynamic, while caste identity and anti-discrimination protections stay exactly where they are.

VI. THE CREAMY LAYER DOCTRINE AS A FOUNDATION

This proposal is not floating entirely free of existing doctrine, either. In *Indra Sawhney v Union of India*, the Supreme Court recognised that a “creamy layer” should be excluded from OBC reservation. The nine-judge Bench recognised exclusion of the creamy layer from OBC reservation, holding that social advancement within a backward class could justify exclusion from Article 16(4) benefits. The Government subsequently confirmed

²⁰*State of Punjab v Davinder Singh* 2024 INSC 562 [295], [296(vii)].

that its creamy-layer policy for OBCs was adopted in pursuance of this judgment.²¹ The principle behind that ruling matters here: belonging to a backward class does not mean every member of it is equally backward. The judgment required socially advanced individuals to be excluded from the OBC reservation framework, accepting that caste can serve as an indicator of backwardness while still demanding differentiation among the people within that caste.²²

So, the doctrine already contains the conceptual move this article wants to generalise: group membership is not the same thing as identical individual disadvantage. Dynamic Affirmative Action simply asks what happens if that distinction is taken further.

A. EWS and the Expansion of the Idea of Disadvantage

EWS adds another wrinkle. The Constitution was amended in 2019 to allow special provisions for economically weaker sections outside the SC, ST and non-creamy-layer OBC categories.²³ The Supreme Court, in *Janhit Abhiyan v Union of India*, upheld the 103rd Amendment's validity by a 3:2 majority.²⁴

What makes EWS significant is that it shows affirmative action is no longer conceptually locked to caste categories alone. Which prompts a bigger theoretical question: if disadvantage can be recognised outside caste altogether, could affirmative action eventually move toward a multidimensional framework where caste is one factor among several, rather than the sole determinant of entitlement? This article is not arguing that caste should become irrelevant right away only that EWS proves a more layered understanding of disadvantage is already possible within the existing constitutional order.

²¹*Indra Sawhney v Union of India* (n 10); Ministry of Social Justice and Empowerment, 'No Proposal for Removal of Creamy Layer for OBCs' (Press Release, 2 August 2018) PIB PRID 1541273.

²²*M Nagaraj v Union of India* (2006) 8 SCC 212, requiring the State to demonstrate backwardness, inadequacy of representation, and administrative efficiency before extending reservation to promotions; refined in *Jarnail Singh v Lachmi Narain Gupta* (2018) 10 SCC 396, which held that the creamy-layer principle applies to Scheduled Castes and Scheduled Tribes as an aspect of the equality guarantee itself.

²³Constitution (One Hundred and Third Amendment) Act 2019 (n 2).

²⁴*Janhit Abhiyan v Union of India* (n 2).

B. The SC/ST Question: Why Economic Development Alone Is Insufficient

The strongest pushback against this proposal comes from SC and ST communities, and for good reason. A person can become an IAS officer, a judge, a professor, a doctor, a lawyer, a successful entrepreneur genuinely prosperous by any economic measure and still run into caste-based discrimination. Money does not reliably wash away caste prejudice, social exclusion, discriminatory marriage practices, stigma, family-level discrimination or hostility from the wider community.

So, this rejects any simple equation between economic success and the disappearance of disadvantage. Whatever framework gets built has to account for more than one dimension of disadvantage at once. That matters especially for SC and ST communities, since their constitutional protection was never only about poverty it is tied to forms of social exclusion that have proven far more durable than income alone.

C. Sub-Classification, the Rohini Commission and Davinder Singh

State of Punjab v Davinder Singh is a particularly important data point for this debate. In 2024, a seven-judge Constitution Bench held, by a 6:1 majority, that sub-classification within the Scheduled Castes is constitutionally permissible, provided it satisfies constitutional standards and is empirically justified. In doing so, the Bench overruled *EV Chinnaiah v State of Andhra Pradesh*, which had treated the Scheduled Castes as a homogeneous class incapable of further sub-classification.

The same concern had already appeared in administrative policy through the Justice G. Rohini Commission on sub-categorisation of OBCs. Constituted under Article 340 in 2017, the Commission was tasked with examining the unequal distribution of OBC reservation benefits and the possibility of sub-categorising OBC communities so that the more backward among them were not displaced by relatively dominant groups within the same category. The Commission submitted its report to the President on 31 July 2023, but the report has not been made publicly available or implemented in a settled policy form. This stalled status is important: it shows that internal differentiation is not merely

a judicial abstraction but a live administrative project, while also demonstrating how politically difficult such differentiation can be.

The point of citing *Davinder Singh* and the Rohini Commission is not that either establishes Dynamic Affirmative Action; clearly, they do not. What they establish is more limited but significant: disadvantage is not always evenly distributed within a single constitutionally or administratively recognised category. That conceptual shift pushes the law and policy toward a sharper question: within a protected category, who is actually receiving the benefit, and who is still being left out? Dynamic Affirmative Action takes the same logic one step further by asking whether an individual's own advancement can eventually bear on their continued eligibility. That question remains one for future constitutional, legislative and empirical development.²⁵

D. Affirmative Action and the Possibility of Stigma

There is another layer to this proposal, concerning what affirmative action categories come to mean socially. Reservation is legally meant to correct disadvantage, but its social reception can cut the other way. Ashwini Deshpande's research found evidence of stigma attached to affirmative action among some respondents, along with institutional barriers that beneficiaries have to navigate.²⁶

More pointedly, a study of university students found that upper-caste peers tended to judge affirmative-action beneficiaries' academic performance unfairly, even though there was no measurable difference in effort or academic attitude between beneficiaries and non-beneficiaries.²⁷

A related but distinct strand of research finds that some beneficiaries respond to that same stigma by rejecting affirmative action benefits themselves. A mixed method study of Dalit-Buddhist respondents in Mumbai found that a minority had come to oppose

²⁵*State of Punjab v Davinder Singh* (n 12); *EV Chinnaiah v State of Andhra Pradesh* (2005) 1 SCC 394 (overruled).

²⁶Deshpande, 'Stigma or Red Tape?' (n 3).

²⁷Deshpande, 'Double Jeopardy?' (n 3).

extending reservation into the private sector, tracing this in part to an internalised, upper-caste-defined notion of merit and a fear of being marked out as a reservation beneficiary at the workplace.²⁸

That finding matters a lot for this whole argument. It suggests a category can pick up a social meaning that has little to do with its legal purpose. Put simply: a policy meant to fix structural disadvantage can end up becoming the very label through which some beneficiaries get socially sorted. It is worth being careful here, though. It would be wrong to claim that reservation causes discrimination caste discrimination existed long before modern reservation and continues independently of it. The more defensible claim is that existing caste prejudice can interact with the social visibility of affirmative-action categories, reinforcing stigma in particular settings. That remains an empirical claim requiring further testing, not a settled fact.

E. The Successful Beneficiary and the Permanent Label

Picture someone from an SC community who gets into university through reservation, does exceptionally well, finishes a postgraduate degree, builds a successful career, becomes financially independent, and later wins a position through open competition on their own merit. Their caste, and possibly their reservation history, may still be widely known.

So, they may keep being seen through the lens of "SC" or "reservation beneficiary" rather than through everything they have subsequently achieved. That is the paradox worth naming: the person has moved on, but the social meaning attached to the category that once helped them may not have moved with them.

²⁸Shweta Suresh Ahire, 'Psychology Behind Rejection of Caste-based Reservations in the Private Sector: A Mixed Method Study Among Dalit Buddhists in India' (2024) 5 *Caste: A Global Journal on Social Exclusion* 237 <https://doi.org/10.26812/CASTE.V5I2.910>.

This article is not assuming that this happens to everyone it is asking whether it happens, under what conditions, and whether a dynamic affirmative-action status could loosen that label's grip.

F. The Stigma Hypothesis

Out of this comes a testable hypothesis: where affirmative action categories stay socially visible and permanent, they may combine with existing caste prejudice to shape perceptions of merit even long after an individual has substantially advanced.

A closely related hypothesis is that separating caste identity from affirmative-action eligibility might reduce how much a person's current professional or educational identity is defined by their past affirmative-action status. Both remain hypotheses rather than proven causal claims a distinction worth stressing for an international readership.

G. The "Double Identity" Problem

An individual can end up carrying two identities at once: a historical one ("I belong to this caste or community") and an administrative one ("I am classified under this affirmative-action category"). These are not the same thing, even though the law often treats them as inseparable. The first may last a lifetime; the second, under this proposal, would not have to. That opens up the possibility of moving away from a permanent administrative identity and toward something more like a reviewable policy status. What this article is proposing, then, is not to erase historical identity, but to stop administrative eligibility from acting as a permanent stand-in for present-day disadvantage.

H. Dynamic Affirmative Action as a Stigma-Reduction Possibility

If affirmative action status became dynamic, the category itself might come to mean something different. Instead of signalling permanent membership in a backward group, it would signal that a person currently meets the legal criteria for a specific benefit nothing more, nothing less. The distinction sounds subtle but does it really work: one is a statement about identity, the other a statement about eligibility. What this proposal is really attempting is to shift the legal meaning of affirmative action away from permanent

classification and toward responsive assistance. Whether that shift would actually reduce stigma in practice is an empirical question, not something this idea can settle on its own.

VII. THE MULTIDIMENSIONAL DISADVANTAGE MODEL

Income alone cannot carry the weight of this proposal. A purely economic test would miss ongoing caste discrimination entirely. So, the framework proposed here rests on five separate dimensions.

1. **Economic disadvantage:** Relevant indicators might include household income, wealth, property, employment security, family assets and financial vulnerability.
2. **Educational disadvantage:** Relevant indicators might include parental education, school quality, first-generation university status, access to higher education and educational deprivation more broadly.
3. **Social disadvantage:** Relevant indicators might include social exclusion, geographic isolation, weak social networks, limited institutional access and direct discrimination.
4. **Historical disadvantage:** The historical position of a person's community remains a relevant factor in its own right.
5. **Continuing discrimination:** Evidence of ongoing caste-based discrimination has to be weighed separately from the other four dimensions. The model, in short, works across economic, educational, social, historical and continuing-discrimination factors together not through economic status on its own.
6. **The Entry Principle:** Any dynamic system needs a way in, as well as a way out. Someone from an unreserved community may be genuinely disadvantaged, and if that can be objectively established, they should be able to access some form of affirmative assistance. This does not turn them into an OBC by caste it simply makes them eligible for a policy remedy justified by their present circumstances. Their caste stays exactly what it was. The underlying principle is that being

unreserved should never be treated as automatic proof that no individual disadvantage exists.

7. **The Exit Principle:** The mirror-image mechanism is exit. Someone who achieves sustained advancement may eventually stop qualifying for a particular benefit. But leaving a reservation category is not the same as leaving one's caste, and it is not the same as losing anti-discrimination protection. This is one of the more important safeguards built into the whole framework.

VIII. RESERVATION ELIGIBILITY AND ANTI-DISCRIMINATION PROTECTION MUST BE SEPARATED

A person can, at the same time, be ineligible for a specific reservation benefit and fully protected against caste discrimination. These are genuinely separate legal questions does this person currently need affirmative assistance, and is this person protected from discriminatory treatment? The proposed model only changes the answer to the first question. It leaves the second untouched.

So, an economically successful SC individual who exits a particular affirmative action category would still be fully protected against caste discrimination. That guards against a dangerous slide into thinking that development cancels out the right to protection. It does not, and should not.

1. Why the Community Should Continue to Receive Protection?

One obvious objection is that if the more advanced individuals leave a category, the community as a whole could lose representation. The response is to separate individual exit from community recognition a community can keep its recognised status because many of its members are still structurally disadvantaged, regardless of what a handful of advanced individuals have achieved. Individual mobility, in other words, does not force community wide derecognition. The state can keep supporting members who remain disadvantaged even as others exit. Community protection and individual mobility are not in tension; they can run side by side.

2. Why the Whole Caste Should Not Have to Develop First?

This is really the crux of the whole proposal. Say a community needs three generations to work through structural disadvantage. It would be unrealistic to expect every individual in it to develop at exactly the same pace some will pull ahead within a single generation, others will remain disadvantaged for several more.

Given that, the state has no strong reason to treat full community development as a precondition for recognising individual development. An individual should be able to move once they have actually developed, while the community keeps receiving protection for as long as it remains disadvantaged as a whole. That gives collective justice and individual mobility room to operate together rather than one blocking the other.

Table 1: The Proposed Model in One Table

Issue	Existing conceptual approach	Dynamic Affirmative Action
Caste identity	Relevant to category	Remains historically recognised
Individual disadvantage	Often inferred substantially through group membership	Individually assessed alongside group history
Community disadvantage	Central	Remains important
Individual advancement	Limited role depending on category	Can produce mobility
SC/ST/OBC identity	Generally fixed	Caste identity remains fixed

Reservation eligibility	Relatively category-bound	Potentially dynamic
Unreserved disadvantage	Separate EWS framework	Potentially integrated into broader model
Anti-discrimination protection	Continues	Continues independently
Exit from benefit	Limited/but varies by category	Institutionalised as a principle
Entry into benefit	Category specific	Potentially broader
Long-term objective	It Correct disadvantage	Correct disadvantage + reduce dependence on caste

3. The Proposed Model Is Not "Merit Over Reservation"

It would be a mistake to read this as a familiar "merit versus reservation" argument dressed up in new language. The claim is not that reservation should go away because merit matters more, and it is not that everyone should be treated identically regardless of history. What it actually asks is narrower: can merit, achievement and present circumstances start to carry more weight once a person has moved past the disadvantage that justified assistance in the first place?

That is a different question entirely. Nobody should be penalised for having received help when help was genuinely needed. But needing assistance once does not automatically mean the same assistance is needed forever.

4. Affirmative Action as a Transitional Mechanism

Which points toward a broader way of thinking about affirmative action altogether one that can be understood in two registers. The corrective register provides assistance

because disadvantage exists, full stop. The transformative register provides assistance in order to eventually shrink that disadvantage until it stops mattering as much.

Dynamic Affirmative Action tries to hold both registers at once. Run the policy forward and it looks like a chain: historical disadvantage, corrective assistance, individual development, individual mobility, less reliance on category-based assistance, deeper social integration, and over time a caste that carries progressively less weight.

5. Ambedkar and the Long-Term Objective

The normative backbone of this idea is the broader ideal B.R. Ambedkar called the annihilation of caste. Ambedkar originally wrote *Annihilation of Caste* in 1936 as a speech for a reform organisation in Lahore; when the organisers withdrew their invitation, he published the text himself instead.²⁹

Ambedkar's target was caste as a system of hierarchy and enforced separation. This argument is not claiming that Ambedkar himself proposed anything like Dynamic Affirmative Action that would misrepresent his work. Instead, it asks a present-day question inspired by his broader project: can affirmative action itself be designed as a transitional mechanism, one whose long-term success is measured partly by whether society becomes progressively less dependent on caste? The line between corrective justice and transformative justice runs right through the middle of this argument.

6. The Paradox of Caste-Conscious Affirmative Action

The paradox is: caste has to be recognised in order to remedy caste-based disadvantage, and yet the whole point of the exercise is to shrink the social importance of caste over time. That does not mean reservation creates caste it means a caste-conscious remedy needs periodic checking against its own long term, transformative goal.

The state will still need caste data to measure inequality, track representation, spot discrimination and design corrective policy. None of that requires caste to remain a

²⁹BR Ambedkar, *Annihilation of Caste* (1936)

permanent determinant of every individual's affirmative-action eligibility forever. Which suggests a workable principle: keep measuring caste to understand and remedy discrimination, but steadily reduce how much inherited caste alone determines what a person is entitled to today.

7. Original Contribution of the Article

There is already a large literature on reservation, merit, caste, the creamy layer, EWS, OBC sub-categorisation through the Rohini Commission, SC sub-classification after *Davinder Singh*, social mobility, discrimination and stigma, each debated more or less on its own terms. What this article tries to add is a single distinction that threads through all of them: permanent caste identity does not require permanent affirmative-action status.

That leads to a third position, sitting between two familiar extremes. Position A calls for abolishing or sharply cutting back caste-based reservation. Position B insists on keeping fixed, group-based reservation because historical disadvantage has not gone away. Position C Dynamic Affirmative Action keeps community recognition and protection in place while letting individual affirmative-action status shift with present disadvantage and advancement. The aim is to hold historical justice, individual mobility, social protection and transformative equality together, rather than trading one off against the others.

IX. CONSTITUTIONAL OBJECTIONS

1. **Objection: SC/ST disadvantage is structural:** It is exactly why this proposal does not call for removing SC/ST protection any time soon. What it calls for instead is an empirical assessment of individual advancement running alongside continued protection for the community as a whole.
2. **Objection: Economic success does not eliminate caste discrimination:** Which is precisely why exit cannot be based on income alone continuing discrimination has to stay independently relevant to the assessment.

3. **Objection: Individualisation could weaken group protection:** It will be a real risk. The answer is that community recognition has to continue regardless of whether particular individuals exit a given benefit.
4. **Objection: The system could become bureaucratically complex:** A serious concern, and probably the hardest one to fully answer. A workable dynamic system would need transparent criteria, reliable data, independent review, periodic reassessment, appeal routes and safeguards against fraud.
5. **Objection: Individuals may conceal disadvantage:** Also, possible. Which is why assessment has to rest on several objective indicators rather than a single self-declared statement.
6. **The Most Serious Objection: Can the State Measure "Social Advancement"?:** Economic advancement is relatively easy to measure. Social advancement is not. Someone can have a high income, an advanced degree and a respected professional title, and still run into caste discrimination on a regular basis. So, the proposed system cannot pretend social advancement reduces neatly to a single number. What it needs instead is a multidimensional, periodically reviewed assessment criteria that stay transparent but flexible enough to take continuing discrimination seriously. This is one point at which constitutional law genuinely needs empirical social science to do some of the heavy lifting.
7. **Empirical Research Agenda:** Sooner or later, this proposal needs testing against real data. A future study could survey four groups SC, ST, OBC/BC and unreserved individuals drawn from university students, government employees, private-sector employees, professionals and entrepreneurs. Such a study could look at disclosure (do people reveal their caste, and how does that information reach others), perception (are beneficiaries seen as less meritorious, and does that perception shift as they advance professionally), workplace effects (on hiring, promotion, working relationships and performance reviews), university effects (on classroom dynamics, peer relationships, faculty attitudes and assumptions about merit), and individual identity (whether successful beneficiaries feel their

caste or reservation history still clings to them socially, whether some choose not to disclose it, and whether stigma actually fades with professional success). Research along these lines could put the stigma hypothesis to a real test.

8. **Possible Policy Model:** Any such system would probably need to develop gradually rather than be introduced all at once. In the first stage, the existing constitutional protections would remain in place while caste-based disadvantage continues to be significant. The next stage would focus on making existing safeguards more effective so that benefits do not become concentrated among those who are already relatively better placed. Once reliable ways of assessing individual disadvantage are developed, the system could begin to recognise cases where a person's circumstances have changed substantially and allow them to move out of particular benefits. At the same time, there should be room to address serious disadvantage among people who fall outside the traditional reservation categories. The later stages would require the State to examine whether caste-based inequalities are actually declining before reducing reliance on inherited categories. In other words, the proposal is not about abolishing reservation; it is about creating a careful transition in which the need for particular forms of assistance can change as society changes.

X. SUGGESTIONS AND RECOMMENDATIONS

1. Separate caste identity from reservation eligibility

The first reform should be to recognise that caste identity and eligibility for affirmative action are not necessarily the same thing. A person should not lose their caste identity merely because their educational, economic or professional position has improved. At the same time, substantial improvement in an individual's circumstances may justify reconsidering whether that person continues to require the same level of affirmative assistance. This would allow affirmative action to respond to present disadvantage without treating caste as a permanent administrative status.

2. Assess present disadvantage, not caste alone

Eligibility should not depend exclusively on a person's caste certificate. Where legally and constitutionally appropriate, the assessment should also consider factors such as family income, parental education, educational opportunities, occupation, access to resources and social circumstances. The purpose should not be to replace caste with income, but to understand whether the particular individual continues to face the disadvantage that affirmative action is intended to address.

3. Do not treat economic success as proof that caste discrimination has disappeared

A person becoming financially successful does not automatically mean that caste-based disadvantage has disappeared. This is particularly important for SC and ST communities, where social discrimination may continue even after educational or economic advancement. Therefore, any system of individual reassessment should consider continuing social discrimination separately rather than assuming that economic mobility equals complete social mobility.

4. Create a gradual rather than abrupt system of exit

If an individual's circumstances substantially improve, removal from affirmative-action benefits should not necessarily happen suddenly. A gradual exit mechanism could be considered, particularly where the person has only recently crossed the relevant threshold. This would avoid creating a situation in which one year of improved circumstances immediately results in the complete loss of support.

5. Protect the person even after reservation eligibility ends

Leaving a particular affirmative-action benefit should never mean leaving the protection of the law against caste discrimination. A person whose reservation eligibility has ended should continue to have access to legal remedies against discrimination, exclusion, harassment and other caste-based wrongs. In simple terms, exit from affirmative action should not mean exit from equality protection.

6. Preserve community-level protection

Individual mobility should not be interpreted as evidence that the entire caste or community has overcome historical disadvantage. The State should continue to recognise and address community-level disadvantage even when particular individuals become less dependent on affirmative action. This would prevent the success of some members from being used to justify the premature withdrawal of protection from the wider community.

7. Make reassessment evidence-based and transparent

If affirmative-action eligibility becomes capable of changing over time, the process must not depend on arbitrary bureaucratic discretion. The State would need clear criteria, accessible procedures and an opportunity for the individual to explain their circumstances. Any reassessment should be based on evidence and should allow a person to challenge an incorrect decision.

8. Keep the process confidential

A dynamic system should not create a new form of social labelling by publicly identifying people as having “exited” reservation. Information relating to an individual's eligibility should therefore be treated with appropriate confidentiality. Otherwise, a reform intended to reduce stigma could unintentionally create another administrative label.

9. Introduce the model gradually and test it before expanding it

Dynamic affirmative action should not be introduced across every category and institution at once. A cautious approach would involve pilot programmes, independent evaluation and periodic review. The State should first examine whether the system actually improves targeting, reduces unnecessary dependence, preserves protection against discrimination and avoids excluding people who remain disadvantaged.

10. Keep the long-term objective in view

The ultimate purpose should not be to make people “leave” reservation as quickly as possible. The broader objective should be to create conditions in which reservation becomes less necessary because social and educational inequalities themselves are

reducing. In that sense, individual mobility should be treated as a sign of progress, while continuing disadvantage should remain deserving of protection.

“The aim should not be to punish people for succeeding, but to ensure that affirmative action remains available to those who continue to need it.”

XI. LIMITATIONS

This proposal has real limits, and they are worth stating plainly. Caste discrimination has not gone away, and recent research keeps finding substantial gaps in education, occupation and wealth.³⁰ Economic advancement cannot simply be assumed to erase social discrimination. Measuring individual social advancement is methodologically difficult in ways this idea has not fully solved. A dynamic system would carry real administrative costs.

Some individuals may exit affirmative action while their communities remain structurally disadvantaged. And making categories less socially visible could, ironically, make structural discrimination harder to track. None of these amounts to a case for swapping out India's current reservation system overnight; it is a proposal aimed at future constitutional and policy development.

XII. DISCUSSION

This article is not trying to argue that India's reservation system has failed. The evidence points the other way in important respects affirmative action has produced really educational and representational gains, even as caste disparities continue to justify corrective measures.³¹

The argument here is different: success itself raises a new policy question. Once someone has genuinely advanced, should the law keep treating them exactly like a person who

³⁰Deshpande and Ramachandran (n 1).

³¹*ibid.*

remains severely disadvantaged, purely because they share the same inherited caste identity?

The existing system already contains partial answers, if you look for them. The creamy-layer principle already recognises individual advancement within OBCs. EWS already recognises economic disadvantage outside the traditional reserved categories. Davinder Singh already recognises internal differentiation within Scheduled Castes. And the stigma research shows affirmative-action categories carry social consequences that reach beyond their legal purpose. Taken together, these developments suggest Indian affirmative action policy is not frozen in place conceptually it has already been moving, piece by piece.

Dynamic Affirmative Action tries to gather these separate developments into one coherent framework.

XIII. CONCLUSION

The argument of this proposal is simple: caste identity can remain unchanged while affirmative-action status becomes dynamic. An SC individual remains SC, an ST individual remains ST, an OBC/BC individual remains OBC/BC, and someone from an unreserved community remains part of that community. What can change is a person's eligibility for particular affirmative-action benefits as their circumstances change. Someone who has genuinely progressed should be able to gradually move out of certain benefits, while someone who remains disadvantaged should continue to receive support.

A disadvantaged person from an unreserved community should also be able to receive appropriate assistance without changing their caste identity. No one should have to wait for their entire caste or community to progress before their own progress is recognised. This is the idea of collective disadvantage without collective immobility. The proposal also recognises that affirmative-action categories can carry social meanings beyond their legal purpose.

Research has found evidence of stigma and unfair evaluation of beneficiaries, particularly in educational settings. Dynamic affirmative action may help reduce the weight of such

labels over time, but this remains a question for future research rather than a proven conclusion. This proposal does not suggest that reservation causes caste discrimination or that economic success erases caste disadvantage. Its claim is narrower: eligibility can change, caste identity remains, and protection against discrimination continues regardless.

The aim is not to erase history, but to prevent historical identity from permanently determining individual opportunity. In this sense, the proposal connects with Ambedkar's broader vision of equality and fraternity and the ideal of annihilating caste. It does not claim that reservation alone can achieve this, because caste is sustained through family, marriage, social networks, economic structures, political mobilisation, culture and prejudice. Instead, it argues that affirmative action can gradually move from a mainly corrective approach towards a more transformative one.

Success should therefore be measured not only by how many people receive reservation, but also by how many still need caste-based classification to achieve equality. Dynamic Affirmative Action seeks to preserve caste identity where historically relevant while allowing individual progress to change the need for affirmative action, moving gradually towards a society where caste has less influence over opportunity, dignity and worth.

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