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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

LAW, MEDIA, AND SOCIETY: THE ROLE OF LEGAL DISCOURSE IN PUBLIC OPINION

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I. Introduction

India is a highly diverse country but also a country where deep-seated inequalities have continued for centuries in the form of social exclusion and caste discrimination. For the purpose of filling this void and bringing about social justice, the makers of the Indian Constitution brought about the policy of reservation, with the main intention of lifting socially backward and disadvantaged classes like the Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs) out of their misery. The system of reservation is an axiom of positive action, an effort to make these classes gain entry into education, government jobs, and public office.

The policy has its roots in the Constitution in various provisions, specifically Articles 15(4), 16(4), 330, and 335, and has been reiterated and broadened by a line of pioneering decisions of the Indian judiciary. Reservation has grown from a temporary measure to a policy that has been a well-established practice, influencing the structure of Indian society and administration over the years. While the policy was created in order to set up social justice, it is today the most contentious and sensitive matter in Indian law and politics.

The policy has assisted in empowering marginalized sections through their increased access to government employment, education, and resources. However, it has also been criticized for creating a culture of segregation and of, at times, not reaching the most vulnerable in the targeted communities. In law, the policy of reservation has seen a lot of legal fights and

interpretations that indicate the shifting equations of Indian society. Decisions like *Indra Sawhney v. Union of India* (1992), which established the notion of the “creamy layer”, and the recent Economically Weaker Sections (EWS) reservation through the 103rd Constitutional Amendment have reshaped the notion and practice of reservations.

The current study seeks to present a comprehensive socio–legal perspective of India’s reservation policy. The study seeks to investigate its original origin, constitutional background, judicial intervention, social impact, and problems in contemporary times. Criticizing the effectiveness and limitation of the policy of reservation, the current study seeks to join the debate already on hand regarding whether the practice of reservation is still as effective as desired or in need of re-modification based on changing societal demands of the Indian populace.

II. Theoretical Frameworks

1. Habermas’ Theory of Communicative Action

This theory focuses on the role of communication in human interactions and social change. Habermas argues that communication should be the foundation for understanding and resolving conflicts in society, emphasizing dialogue rather than mere power struggles or coercion.

- Rational Communication

Habermas believes that for communication to be truly effective and meaningful, it must be rational and free from coercion. Rational communication involves participants using reason to discuss issues openly and respectfully. This form of dialogue helps in achieving mutual understanding and finding common ground, even when opinions differ.

- Ideal Speech Situation

Habermas introduces the concept of an “ideal speech situation,” where all participants in a conversation have equal power to speak and be heard. There are no power imbalances, and no one is forced or manipulated into agreeing. This ideal environment would allow for the free exchange of ideas, helping people reach decisions that are in the collective interest of society.

- Life World vs System

Habermas distinguishes between two aspects of society: the lifeworld and the system. The lifeworld refers to the everyday experiences, shared understandings, and cultural knowledge that individuals use to communicate. The system refers to the organized structures of power, such as governments or businesses, that can sometimes distort communication for their own benefit. Habermas argues that communication in the lifeworld must remain free from the control of the system to maintain true democratic dialogue.

- Speech Acts and Validity Claims

According to Habermas, every act of communication involves what he calls “speech acts” – expressions that carry certain claims to truth, rightness or sincerity. When we communicate, we implicitly make claims about the truth of what we say, the legitimacy of the actions we describe, and our genuine intentions. These claims should be open to criticism and discussion in the communicative process, helping to achieve mutual understanding.

2. Foucault’s concept of power-knowledge

Michael Foucault’s insights on the relationship between knowledge and power can be summarised:

- i. Knowledge Production and Power Structure

Foucault argued that knowledge and power are deeply intertwined with knowledge serving as a tool of social control.

- ii. Discourses as instruments of power

Discourses controlled by those in power shape societal norms and influence individuals’ perceptions of reality.

- iii. Bio-power and Governance

Foucault introduced bio-power highlighting how knowledge about bodies and behaviours became a tool for governing society.

- iv. Resistance through counter through knowledge

Counter knowledge produced by subaltern groups can challenge established power structures and narratives.

- v. Dynamics and relational nature

The relationship between power and knowledge is dynamic evolving in response to changing societal dynamics.

vi. Normalizational and Social control

Knowledge help make social rules seem normal. Supports existing social norms. Helps those power stay in control.

vii. Institutional power and Expertise

Particularly government and educational institutions. Utilising power through control and dissemination of knowledge. ¹

III. Mechanisms of Influence

The mechanisms through which India's reservation policy impacts different aspects of society, such as social, economic, educational, and political ones, are the means of influence. These mechanisms are required to ensure that the anticipated benefits of the policy reach the target communities, and they also serve to further the wider goals of social justice and equality. Some of the key mechanisms are listed below:

1. Education Opportunities:

One of the most influential weapons of the reservation policy is its powerful role in education. The policy has the goal to facilitate access for people from economically and socially disadvantaged groups to high-quality education by reserving positions at educational facilities for them so that they won't be excluded. This helps to break the poverty and schooling setbacks cycle which affects many oppressed groups. Slowly, it forms a richer and broader educational environment that promotes students of various backgrounds to interact and obtain new ideas.

2. Government careers:

Reservation in government jobs is as important. By applying affirmative action in government jobs, it ensures that socially disadvantaged communities like Scheduled Castes (SC), Scheduled Tribes (ST), and Other Backward Classes (OBC) get equal employment opportunities in the public sector. It not only ensures equality of job opportunities but also ensures that public services reflect the diversity of society. This makes the voice of weaker sections stronger in the policy-making process, which is necessary to enact equitable and impartial policies. The reservation system influences

¹<https://www.researchgate.net/publication/388918793> The Role of Media in Shaping Public Perception of the Law

political representation because it ensures that institutions and the elected legislatures have a greater percentage of members from weaker sections. Some parliamentary constituencies and certain legislative positions are reserved for Scheduled Castes, Scheduled Tribes, and Other Backward Classes. This promotes increased political participation and enables such communities to exert a greater influence on policy-making. This ensures that their perspectives, issues, and needs are considered while making policies and regulations, leading to a more democratic society. Social mobility is a chief objective of the reservation policy, aimed at the promotion of chances for disadvantaged groups. Reservation seeks to remove social barriers which debar individuals from achieving their dreams by giving access to education, employment, and political participation. In a nation like India, this assumes serious importance, because the caste system has long acted as a restriction on the rise of certain communities. Slowly, reservation can help to disassemble rigid social hierarchies, providing individuals from marginalized groups with the skills and opportunities to improve their economic and social status.

3. Reducing Social Disparity:

The basic objective of the policy of reservation is to reduce social disparity. The objective of the policy is to address discrimination and the historic disadvantages suffered by certain communities, particularly those belonging to lower castes. The policy is aimed at building a more equitable society through better access to education, employment opportunities, and political participation. In the long run, the vision behind these policies is to maximize social cohesion and minimize discrimination and prejudice based on caste. Economic empowerment is another means through which the policy of reservation affects society. Reservations allow poor societies to become economically independent and attain a better quality of life through enhanced access to education and employment opportunities. Job vacancies in government offices, scholarships, and other advantages provide opportunities for disadvantaged people to enhance their quality of life and provide for their families. This practice not only empowers people belonging to erstwhile underprivileged communities to become financially secure by engaging their capabilities and abilities but also supports the country's overall economic development. ²

² <https://legalserviceindia.com/legal/article-3258-public-opinion-and-role-of-media.html>

4. Legal and Constitutional Framework:

The policy of reservation has the support of the Indian Constitution, which provides a legal framework that serves as an effective means of its execution all over the country. The Constitution provides legal support in the form of Articles 15(4), 16(4), and 335, which enable the reservation of seats in schools, government jobs, and political posts. The legal legitimacy of the policy enables it to be applied within institutions, which demands obedience from government officers, and hence it becomes an effective instrument for social change.³

5. Cultural Shift:

With time, the reservation policy has influenced perceptions about caste and social status. As more individuals from weaker sections enter schools, government, and political office, they face and overcome prejudices and stereotypes questioning their abilities and worth. This cultural shift encourages diversity and inclusion as common practice in various social settings, which reduces caste-based discrimination. Having individuals who hail from disadvantaged backgrounds in leading positions is motivating for young people. It encourages them to work towards being successful despite the challenges from society.

6. Evaluation and Adjustment of Policy:

Modifications in the reservation policy also happen over time. It will be evaluated and adjusted according to its impact and success. Various government committees and commissions, such as the Mandal Commission and the Justice Rajinder Sachar Committee, have been tasked with reviewing the success of the policy and proposing improvements. The trends of influence justify the system of reservation in adapting to changing social and economic conditions so that it remains current and responsive to the needs of marginalized groups.⁴

IV. Impacts on Public Opinion

In India, reservation policy has enormously impacted the perception of the people in such a way that public opinion revolves around equality, fairness, justice, and access. The following is the manner it impacts people's thinking:

³ <https://www.amulufeblog.com/2025/02/the-role-of-media-in-shaping-public.html>

⁴ <https://kuey.net/index.php/kuey/article/download/2968/5631/14695>

1. Social justice and equality:

A high percentage of citizens believe that the policy of reservations is a remedy for historical injustice and an attempt to offer opportunities to backward communities like SCs, STs, and OBCs. It is seen as a tool to promote justice in a country that has been traditionally divided on the basis of caste. However, some argue that it promotes reverse discrimination and negates merit, claiming that opportunities should be based on talent and not caste.⁵

2. Concerns with Merit and Justice

Opponents argue that reservation undermines the merit system, giving opportunities to those who may not have the same credentials as others. This perception among people, especially among students and workers, is that merit should be the primary concern in education and employment. Activists argue that in order for true equality to be attained, it is necessary to address the inequalities brought about by caste, as these groups face structural barriers to their achievement. Regional and caste loyalties often determine public attitudes. Reservations are more strongly supported in areas where there are large numbers of backward classes, while areas with fewer such communities have more opposition. There have been tensions because some people feel excluded or discriminated against by the policy, leading to a rift between caste groups. Political parties have used the reservation issue to receive support from underrepresented groups, especially during election times. Some politicians have used reservation to create emotions and mobilize protests, as seen with the EWS reservation protests in 2019. Political agendas play a crucial role in determining how the public views the policy.⁶

3. Economic Opportunities

The reservation policy is considered a tool to provide access to education and employment for underprivileged groups. Many support the policy as it leads to greater representation in educational and governmental institutions. Some claim that it does not address broader economic inequalities and that policies

⁵ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5106989

⁶ <https://blog.ipleaders.in/impact-of-media-on-law-making-process/>

addressing economic empowerment and skill development are needed.⁷

4. Generational Differences

Older generations who have benefited from the policy usually support it, seeing it as a means of improving their socio-economic status. Older individuals may feel that the policy has done its job and can be abolished, while others still find it vital.

5. Judicial Impact

The Supreme Court of India played a crucial role in shaping the sentiments of people by upholding the legality of reservations, also by imposing conditions such as the proportion of reservations. These decisions have helped bridge concerns about merit and social justice.⁸

6. Caste and Identity

The political debate on caste has grown tremendously since the reservation policy. For some, caste is an obstacle to equality, while for others it is a large part of identity that should be recognized in the fight for social justice. Protest against reservations is a reflection of a shift in perception, especially among upper-caste communities that feel the policy has deviated from its original purpose.⁹

V. Implications for the Legal System and Democratic Governance:

In India, the policy of reservation has significant implications for the legal system and democratic government, influencing legal systems, political processes, and social structures.

1. Judicial Framework

- i. Constitutional Validity: India's Constitution is heavily in favor of the reservation policy, with specific articles such as 15(4) and 16(4) promoting affirmative action towards classes that are socially and educationally backward. The legal system is responsible for

⁷ <https://www.writinglaw.com/role-of-media-in-society/>

⁸ <https://www.lawctopus.com/academike/case-study-media-trials-impact-society-judiciary/>

⁹ <https://jspp.psychopen.eu/index.php/jspp/article/view/4761>

interpreting and enforcing these provisions so that the policy is in conformity with constitutional principles.

- ii. Role of Judicial System: The court plays a vital role in the evolution of the policy of reservations through its judgments. Especially, the Supreme Court has placed limits on the extent to which reservations can be made in an effort to balance the social justice issues against merit criteria. This ensures equality, limits the number of reservations, and ensures that the number of reservations is not excessive.
- iii. Legal Problems: The policy of reservation often faces legal hurdles that question its constitutionality or fairness. Current legal challenges in the courts are influencing public opinion and determining how effectively the policy functions, resulting in alterations to either the policy itself or its implementation.¹⁰

2. Democratic Governance

- i. Social justice and equality: Reservation policy is vital in upholding social justice and equality in a democracy like India. Building a more inclusive society is realized by providing opportunities to historically marginalized groups so that each individual receives access to education, employment opportunities, and representation in government services.
- ii. Political Mobilization: Political parties have employed the policy of reservation as a tool for mobilizing backward classes, especially during election times. In order to woo oppressed groups, political leaders often seek to enhance or modify reservation quotas. It influences democratic governance both positively and negatively, altering political strategies and marking the outcomes of elections.
- iii. Politics of caste: Reservation policies can consolidate politics of caste, as political parties often identify themselves with certain castes to garner support. Sometimes this may polarize society and result in conflict arising from caste, diluting the solidarity and unity which are essential for a democratic system.

¹⁰ <https://egyankosh.ac.in/bitstream/123456789/67135/1/Unit-9.pdf>

- iv. Policy Alterations and People's Views: In a democracy, the opinion of the masses plays a central role in guiding policy. The ongoing debates about the reservation policy, which involve criticism pertaining to merit fairness and concerns over reverse discrimination, have initiated discussions over potential alterations. It is vital that the legal and democratic mechanisms balance these opinions, while at the same time ensuring that the policies adequately address social inequality. Locating the Correct Combination of Merit and Social Justice.¹¹
- v. Equitable Representation: Reservation policy ensures that less represented groups have a say in crucial sectors like education and public services. This results in reforms in the sphere of governance by creating a leadership that is inclusive and diverse. However, it raises concerns over the possible loss of merit to social justice, which makes the legal system resort to a balance.
- vi. Policy Changes: The democratic structure allows for debates and changes to policies. The legal structure needs to evolve and be responsive to the changing demands of society, ensuring that reservations are a means for social upliftment without hurting the merit system or creating unnecessary divides.¹²

VI. Current trends and Challenges

1. Modifying Needs for Reservation

Several upcoming groups are demanding reservation benefits. In Rajasthan, Maharashtra, and Gujarat, among other states, groups like the Gujjars, Marathas, and Patidars have organized agitations, requesting reservations to be given because they are economically and socially backward. This shows that there is a change in orientation from reservation on the basis of caste to the consideration of economic needs as well.

2. Growing Concern for Economic Considerations

Earlier, reservations used to be mainly centered on backward castes and tribes. Today, however, the economic condition is also considered. The 10% quota for Economically

¹¹ https://gspp.berkeley.edu/assets/uploads/research/pdf/IEBSS_MacCoun_essay.pdf

¹² <https://iacajournal.org/articles/10.36745/ijca.528>

Weaker Sections (EWS) in the general category suggests a shift towards helping poor people irrespective of their caste consideration. This has raised questions regarding whether it is just or against the original purpose of social justice.

3. Obstacles to Execution

Even though reservations exist, numerous people from poorer backgrounds fail to benefit from them due to a lack of awareness, required documents, or proper guidance. Sometimes those who have better resources, the so-called “creamy layer,” keep receiving benefits again and again, and those in real need are neglected. In some rural areas, nepotism and corruption prevail in the implementation of reservation policies.

4. Demand for Quotas in the Private Sector

Government jobs and education currently have most reservations. But people are now demanding reservations in private firms too, which are the primary source of fresh job openings. This is a serious debate while some find it necessary to provide equal opportunity, others are concerned that it may affect business growth or quality.

5. Social Segregation and Demonstrations

Another challenge is that reservations may cause social conflicts at times. Those who are not given benefits may feel angry or left out. This has led to many court cases and demonstrations. It is difficult to maintain peace while also taking into account the rights of different communities.

6. Requirement for Regular Assessment

The reservation policy is meant to reduce inequality; yet, there is no uniform assessment to see whether it is indeed helping those that need it the most. Some people believe that reservations should not be permanent, and that they need to be reduced or phased out gradually once the goal has been achieved.

7. Political Exploitation of Quotas

Political parties often use reservations as a tactic during elections in order to win votes. Sometimes decisions are made based on a need for quick approval rather than seeking

enduring fairness. This affects the policy's fairness and sincerity.¹³

VII. Conclusion

In India, the reservation policy plays a vital role in addressing social and economic disparities. The purpose was to support communities that have historically faced exclusion and discrimination, specifically Scheduled Castes, Scheduled Tribes, and Other Backward Classes. As time has passed, it has allowed numerous individuals to access education, jobs, and political representation that was once unattainable for them.

The reservation system faces some criticism. Some think it influences merit, whereas others argue that it leads to new divisions within society. Now, other economically disadvantaged groups are seeking to be included in the reservation policy, showing a shift in the nature of inequality in India. Regular evaluations are necessary to confirm that assistance is provided to those in genuine need and to prevent it from being exploited for political purposes. Reservation supports our core constitutional values of equality and social justice within the structure of governance and democracy. It introduces diversity within organizations and provides an opportunity for marginalized groups to share their perspectives. Collaboration between the government and the judiciary is vital to achieving a balanced solution that unites equity and justice, making sure that all groups feel included.

In the future, the emphasis must shift from caste and class to ensuring that everyone has improved access to quality education, healthcare, and skill development. Reservation can serve as one of various methods to foster a fairer, more inclusive India, ensuring that every citizen has an equal opportunity to thrive, no matter their background.¹⁴

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¹³ <https://www.ijlmh.com/wp-content/uploads/2019/03/The-Role-of-Media-in-Spreading-Legal-Awareness.pdf>

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