

Essay on Reservation Policy

"It is against the fundamental principles of humanity, it is against the dictates of reason that a man should, by reason of birth, be denied or given extra privileges"

—Mahatma Gandhi

The Constitution of India does provide special privileges to the downtrodden sections of society called Scheduled Castes and Scheduled Tribes. The special provisions were primarily for a limited period of ten years from the date of application of the constitution. There is no fixed period for the continuation of this privilege. The ten years period of constitutional safeguards continued to be extended each time by ten years, before the period of earlier ten years expired.

According to historians, the most important factor in the growth of caste system was the occupations. Occupations were classified in order of their social status. Initially based on Karma and the percentage of the Gunas; Sattva, Rajas, Tamas, the system became very rigid. During the British reign, it was proposed that the Scheduled Castes be treated as a separate community and granted separate representation under the Government of India Act 1935. But the historic fast of Gandhiji prevented it. After Independence, the Constituent Assembly formed the Advisory Committee on Fundamental Rights and Minorities headed by Sardar Vallabhbhai Patel. The Committee recommended special privilege to the Scheduled Caste and Scheduled Tribe for a limited period of 10 years. The privileges were meant for the upliftment of the lower castes, but it has become gross abuse in the hands of self-centered politicians and so-called Dalit Leaders. Dalit Leaders argue that the higher castes have suppressed the lower castes for a long time, so now they will also have to

suffer equally for long period. Some argue that Reservation is a political, social, economic, and constitutional policy to accord justice by absorbing the SCs and STs in the social mainstream.

In 1992, the Supreme Court ruled out that reservation quotas could not be applied in promotions of Government employees beyond 1997, but Parliament through the 86th Amendment bill restored the scheme of reservation for SCs and STs in promotions too. The government has further given reservations to OBCs (Other Backward Classes). Our Prime Minister, Mr. Atal Bihari Vajpayee, pointed out recently that "In an unequal society where the Schedule Castes, Scheduled Tribes, and OBCs are still suffering from historical disabilities, what they want is Social Justice and empowerment and not mere welfare. Whatever may be the intentions of Mr. Vajpayee, the point is Can Social justice be actually restored to such cross-sections of society, at the cost of gross injustice to the rest? The very concept of reservation is against the essence of the Preamble to the Constitution of India which promises equality of status and opportunity.

While providing privileges in the Constitution for a limited period of ten years, it was felt that the feeling of casteism would vanish. But even after 55 years of independence, reservation based on birth has catalyzed the widening gap, caste differences, hatred among different castes. Fifty-five years of reservations have enabled these Scheduled Castes and Scheduled Tribes to occupy most of the higher posts in government offices and institutions. In many cases, their hatred towards high caste has been clearly pronounced. This could certainly not be the dream of our founding fathers. Reservation has resulted in mediocrity and repudiation of quality. With the help of legislative support of reservation, the 'not so eligible' has climbed to the high posts and the better qualified, with high marks are just facing the injustice being done with them. In the educated urban

middle class, there is a strong feeling of displeasure, discontent who repeatedly suffer due to their privileged counterparts.

Reservation based on birth has resulted in benefits to already benefitted family again and again. Once a person of a reserved caste gets the benefit, his social status, economic status become high, now again his family members are getting the benefit thus depriving other needy of his own caste.

For more than half a century, India has maintained quotas for socially disadvantaged classes in government jobs, political bodies, and educational institutions. Brahmins and other supposedly privileged groups were left to fend for themselves. Here in the State of Rajasthan, however, the government recently proposed an idea that some say turns the logic of affirmative action on its head: it wants quotas for high-caste Indians, albeit on the basis of economic need.

Supporters say they are merely trying to make the system fairer. But to many people, the initiative is yet another example of how interest-group politics is subverting the goals of a vast experiment in social engineering that already bestows preferential treatment on roughly half of India's billion-plus people.

"The existing quotas ... deny the eligible the opportunities they rightly deserve," the news magazine India Today said in a recent editorial. "Every other day one caste or the other is struggling to be labeled Other Backward Classes ... The quota system, in reality, has become a huge political enterprise."

The trouble began in 1990 when Parliament passed a law reserving another 27 percent of government jobs for members of 3,743 lower castes, or "Other Backward Classes". The measure infuriated young upper-caste Indians who saw it as a threat to their employment

prospects.

The Supreme Court's endorsement of the expanded quota system came with the caveat that 50 percent of government jobs should be filled solely on the basis of merit. The court also created a National Commission on Backward Classes, which so far has added 676 "socially and educationally" disadvantaged castes to the original list.

In deciding which groups to include on the list, the Commission considers factors such as literacy rates, the prevalence of child marriage, and more obscure benchmarks such as whether widows are permitted to remarry (considered a sign of backwardness because upper-caste widows typically do not remarry).

The process can seem arbitrary. India's Muslim minority, for example, is outside the caste system and therefore, has been largely left out of quota policies, despite a history of discrimination. Still, other groups have been overlooked because "they are so backward, they have no knowledge of the system", said Ram Surat Singh, a retired judge who chaired the Commission. And some cases are considered backward in some states and forward in others.

In the mid-1990s, for example, Rajasthan's Jats applied for inclusion in the backward classes list. They cited, among other things, 1931 census data showing that child marriage in their community was more prevalent than among other officially backward castes, according to Dharam Vir, a Jat leader.

In 1997, the Commission recommended to Parliament that the Rajasthan Jats be added to the list. But it wasn't until two years later, during a heated electoral campaign, that Vajpayee promised to follow through on the pledge, after mass rallies by the large and well-organized Jat community.

Although Jats once were tenant farmers, many now own land as a result of post-independence agricultural reforms, and are, therefore, better off than many from higher castes who do not own land, government officials say.

“The Jats got the reservation because of their agitation and political power,” said C.P. Joshi, a Cabinet Minister in the State’s Congress Party government, which recently proposed a 14 percent quota for upper-caste poor in government jobs. “All parties are fighting for their political survival and they are using the reservation as a tool.”

By setting up a Group of Ministers (GoM) to study the possibilities of a Constitution Amendment Bill to provide for job reservation to the forward castes on economic grounds, the Union Government has set the ball rolling for yet another controversy on the concept of quotas. The decision to refer the issue to a GoM came after the Prime Minister, Atal Bihari Vajpayee, committed himself to a constitutional amendment at a public meeting in Rajasthan. The Prime Minister’s commitment came in response to a resolution orchestrated by the Rajasthan Chief Minister, Ashok Gehlot, recommending statutory changes to reserve 14 percent of Government jobs for the poor among the forward castes. Mr. Gehlot’s shrewd move put immense pressure on the Bharatiya Janata Party’s Rajasthan unit, even triggering an internal revolt. A campaign on the same issue by the Social Justice Front has been in full swing for some time; it gained strength after Jats were included in the list of Other Backward Classes a couple of years ago.

In a State where the forward castes continue to play a significant role in determining election outcomes, Mr. Gehlot’s move set the terms of the discourse. With elections to the State Assembly due November 2003, the BJP could not have possibly stayed out of the

promise-making game. The high level of unemployment is a general problem, but it is particularly severe among people belonging to the forward castes. The proportion of educated unemployed should after all be higher among the forward castes than among castes kept out of the education system over the years. Political parties across the spectrum can hardly afford to gloss over this reality in a context where the Government continues to be seen as of job provider. Add to this the sense of power that comes with Government jobs in most parts of India and one can understand the desperation in the quest for such opportunities.

A Constitutional Amendment, however, is not as simple as promised by PM, Vaipai. A proposal to include the poor among the forward castes in the reservation bracket was made by the Congress party in the context of implementing the Mandal Commission's recommendation. The Narasimha Rao Government's proposal to reserve 10 percent of Government jobs for the poor among the forward castes was struck down as unconstitutional by the Supreme Court in 1992 in Indira Sawhney vs. Union of India. Article 15 (4) of the Constitution, inserted by the Constitution (First Amendment) Act, 1951, is very specific. The Scheduled Castes and the Scheduled Tribes aside, it sanctions special provisions "for the advancement of any socially and educationally backward classes." Article 16 (4) sanctions reservation in Government jobs for "any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State." Article 340 relates to the appointment of a Commission to investigate the conditions of backward classes what is established by a series of Supreme Court judgments is that only social and educational circumstances can be taken as determinants of backwardness. The proposal now is to amend the Constitution but amendments are subject to judicial review and need to avoid falling foul of the 'basic structure' doctrine propounded and refined by the Supreme Court. These contentious issues will come up when the GoM

begins to discuss the idea initiated by Mr. Gehlot and endorsed by Mr. Vajpayee. A consensus among political parties might turn out to be a necessary but insufficient condition for making a reservation for the poor among the forward castes a feasible proposition.

What all these assurances show that how the quota system has become an integral part of the political game? No thought is being given to end this reckless extension of reservation.

The concept of affirmative action began on the right note with reservations only for the SCs and STs, for a limited period of ten years, but now it has become a virtual free for with not only the backward but even a section of the so-called forwards trying to secure a slice of the cake. Evidently, logic has been overruled by politics.

All our social and religious reformers have tried to break casteism down. It is regrettable that we have not been able to treat all men as equal even today. In the modern world, there is no place for caste or racial discrimination. What matters is the capabilities of a person and his contribution to society. By giving reservations to Dalits or Tribes we are inflicting handicaps on those 'more advantageously placed' due to their birth in a particular caste. Our policymakers need to be more pragmatic. Reservation of all kinds must be abolished at all, if found essential, it should not be based on caste, creed, or birth, but on the basis of financial and economic status and benefits should reach the grass-root level, to the real needy one. Rightly said by Mr. Jefferson, "That all men are created equal, that they all endowed by the creator with certain unalienable rights, life liberty and pursuit of happiness."