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Q1. 76 years of independence, there is a growing call to revisit India's reservation system in the larger interest of society and to advance transformative constitutionalism. Critically analyze the need for reassessing the reservation policy to ensure social justice and inclusive development. 38 marks

Rights are entitlements to act in a particular way or to be treated in a particular way. Reservation was introduced in Indian constitution to bring every individual at a level playing field to provide equal opportunities to serve social justice.

Reservation in Indian constitution is mentioned in Part III <sup>and IV</sup> in Article 15 and 16. and 46.

### CONSTITUTIONAL MANDATE RELATED RESERVATION

- Article 46 :- On the basis of this govt. introduced reservation for scheduled caste and tribe in admission. In champakam Dorai Rajan case S.C. declared it as a violative of 15 and 29(2)
- Parliament enacted 15(4) which empowered state

to make special provision for socially and educationally backward class.

3. Mandal commission :- Reservation in admission to OBC.

4. P.A 103<sup>rd</sup> AA :- 10% reservation to economically weaker section.

5. 16(4) allowed state to make reservation of post in favour of backward class.

The reservation policy needs a revisit because its purpose seems to be deviated as even after 75 years more and more people are willing to be called as backward.

### POSITIVES OF RESERVATION

1. To compensate historical injustice and to bring social justice and equality.
2. To provide level playing field.
3. To maintain the status of welfare and democratic state the balance between meritocracy and equality is needed.
4. The Mandal commission referred 1991.



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Census and identified 3743 caste as socially and educationally backward consisting 52% population other than SC/ST.

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## NEED OF ASSESSMENT OF RESERVATION POLICY

### 1. VOTE BANK POLITICS

Politicisation of caste in order to gain votes has become every party's agenda and the original purpose of reservation has been lost.

### 2. RIGID SYSTEM

Reservation has remained a rigid system which has not resulted in the distribution of benefits to all sections as there is no flexibility of inclusion and exclusion.

For example :- Meena community in Rajasthan community just getting the benefit of reservation and remaining STs are excluded from it.

### 3. OUTDATED DATA

The data which worked as a foundation stone of reservation is 1921 census which is around 100 years old. So, updated

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data with inclusion and exclusion principle is needed to give targetted benefits.

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#### 4. NON - UNIFORM DISTRIBUTION

The preliminary report of Rohini commission says that only 4% of the communities in OBC have availed around 90% benefits.

#### 5. CASTE BASED IDENTITY

It creates a sense of divisiveness in the society as it is caste based. Hence, it has contributed to caste based discrimination.

#### Way Forward

1. Supreme court suggested quantifiable data for backwardness must be collected before giving benefits.
2. In current scenario, reservation now should be given on the basis of economic criterion.
3. updation of caste data by new census to assess the level of backwardness prevailing in India.
4. Flexible inclusion and exclusion principle.
5. Creamy layer concept should be introduced.



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in SC/ST as recommended by B.R Ambedkar in recent supreme court judgement.

Thus, reservation policy is a short term goal tool to achieve larger goals therefore, other initiative shall also be taken for empowerment. As rightly quoted by justice Ravindra in Ashok Thakur case that, "When more people aspire to call as backwardness rather than forwardness then the country is itself is stagnant".