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## Unraveling the Tapestry: Reservations and Caste Dynamics

This editorial is based on “**What Tavleen Singh doesn’t get: Reservation is the oxygen for my uphill journey**” which was published in The Indian Express on 15/12/2023. The article argues that reservation is a necessary corrective measure to address historical injustices and discrimination faced by certain communities. These injustices may have denied these groups equal opportunities in the past.

**For Prelims: Reservation, Article 15, Article 16, Economically weaker sections (EWS), SCs and STs, Casteism, Other Backward Class**

**For Mains: Reservation in India:** Challenges and Way Forward

Many political experts and people are of the opinion that **reservations** in India should be eliminated. At the same time, many argue that categorizing **affirmative action** discussions as controversy **undermines the struggles and resilience of communities benefiting from reservations**. The supporters highlight the profound impact of reservations, emphasizing that they are not undeserved advantages but a means to address chronic societal disadvantages as recognized by the **Indian Constitution**.

### What is Reservation System in India?

#### ■ About:

- The **age-old caste system** of India is responsible for the origination of the reservation system in the country.
  - In simple terms, it is about facilitating access to seats in government jobs, educational institutions, and even legislatures to certain sections of the population.
- These sections have faced **historical injustice** due to their **caste identity**.
- As a quota based **affirmative action**, the reservation can also be seen as **positive discrimination**.

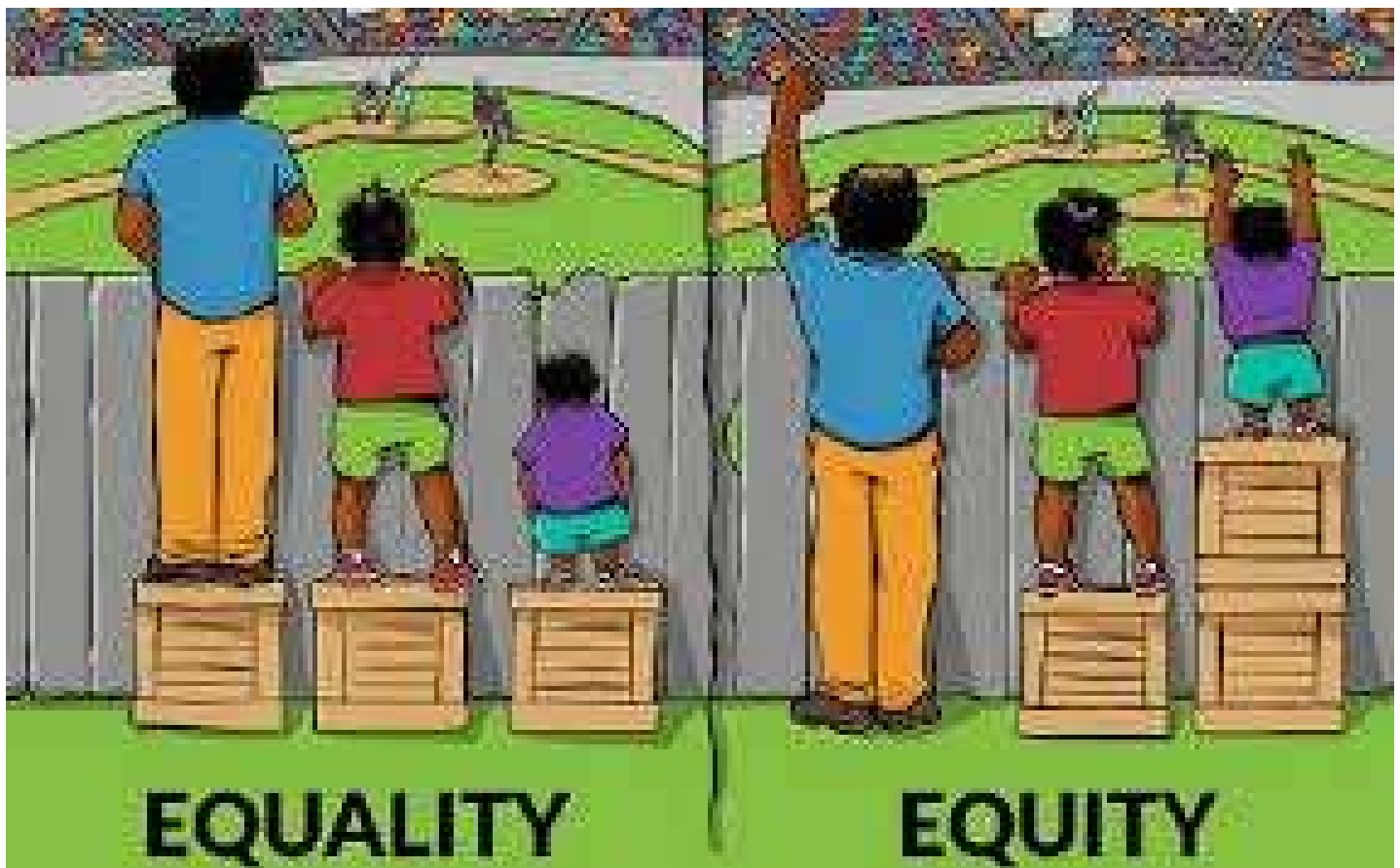
- In India, it is governed by government policies backed by the **Indian Constitution**.

## ■ **Historical Background:**

- **William Hunter and Jyotirao Phule** in 1882 originally conceived the idea of caste-based reservation system.
- The reservation system that exists today, in its true sense, was introduced in 1933 when British Prime-Minister Ramsay Macdonald presented the '**Communal Award**'.
- The award made provision for separate electorates for Muslims, Sikhs, Indian Christians, Anglo-Indians, Europeans and the Dalits.
- After long negotiations, Gandhi and Ambedkar signed the '**Poona Pact**', where it was decided that there would be a single Hindu electorate with certain reservations in it.

## ■ **Post-Independence:**

- After independence, **initially reservations** were provided only for **SCs and STs**.
- **OBCs were included** in the ambit of reservation in 1991 on the recommendations of the **Mandal Commission**.
- The concept of '**creamy layer**' also gained currency through this judgment and provision that reservation for backward classes should be confined to initial appointments only and not extend to promotions.
- Recently, the **Constitutional (103rd Amendment) Act of 2019** has provided 10% reservation in government jobs and educational institutions for the "**economically weaker sections**" in the unreserved category.
  - The Act amends **Articles 15 and 16** of the Constitution by adding clauses empowering the government to **provide reservation on the basis of economic backwardness**.
  - This 10% economic reservation is over and above the 50% reservation cap.



How did the Reservation System Evolve in India?

▪ **Constitutional Provisions and Amendments:**

- **Part XVI** deals with reservation of SC and ST in Central and State legislatures.
- **Article 15(4) and 16(4)** of the Constitution enabled the State and Central Governments to reserve seats in government services for the members of the SC and ST.
- The Constitution was amended by the **Constitution (77th Amendment) Act, 1995** and a new **clause (4A)** was inserted in Article 16 to enable the government to provide reservation in promotion.
  - Later, **clause (4A) was modified by the Constitution (85<sup>th</sup> Amendment) Act, 2001** to provide **consequential seniority** to SC and ST candidates promoted by giving reservation.
- **Constitutional 81<sup>st</sup> Amendment Act, 2000** inserted Article 16 (4B) which **enables the state to fill the unfilled vacancies of a year** which are reserved for SCs/STs in the succeeding year, thereby nullifying the ceiling of fifty percent reservation on total number of vacancies of that year.
- **Article 330 and 332** provides for specific representation through reservation of seats for SCs and STs in the Parliament and in the **State Legislative Assemblies** respectively.
  - **Article 243D** provides reservation of seats for **SCs and STs in every Panchayat**.
  - **Article 233T** provides reservation of seats for **SCs and STs in every Municipality**.

## ■ Judicial Pronouncements:

- The **State of Madras v. Smt. Champakam Dorairajan (1951)** case was the **first major verdict** of the **Supreme Court** on the issue of Reservation. The case led to the First amendment in the constitution.
  - The Supreme Court in the case pointed out that while in the case of employment under the State, Article 16(4) provides for reservations in favour of the backward class of citizens, no such provision was made in Article 15.
  - Pursuant to the Supreme Court's order in the case the Parliament **amended Article 15 by inserting Clause (4)**.
- In **Indra Sawhney v. Union of India (1992) case** the court examined the scope and extent of Article 16(4).
  - The Court has said that the **creamy layer of OBCs should be excluded** from the list of beneficiaries of reservation, there should not be reservation in promotions; **and total reserved quota should not exceed 50%**.
- The Parliament responded by enacting 77th Constitutional Amendment Act which introduced Article 16(4A).
  - The article **confers power on the state to reserve seats in favour of SC and ST in promotions** in Public Services if the communities are not adequately represented in public employment.
- The Supreme Court in **M. Nagaraj v. Union Of India 2006 case** while **upholding the constitutional validity of Art 16(4A)** held that any such reservation policy in order to be constitutionally valid shall satisfy the following three constitutional requirements:
  - The SC and ST community should be socially and educationally backward.
  - The SC and ST communities are not adequately represented in Public employment.
  - Such reservation policy shall not affect the overall efficiency in the administration.
- In **Jarnail Singh vs Lachhmi Narain Gupta case of 2018**, Supreme Court holds that reservation in promotions does not require the state to collect quantifiable data on the backwardness of the Scheduled Castes and the Scheduled Tribes.
  - The Court held that **creamy layer exclusion extends to SC/STs and, hence the State cannot grant reservations in promotion to SC/ST individuals** who belong to the creamy layer of their community.
- In 2019, the Supreme Court upheld the Karnataka law that allows reservations in promotions for SCs and STs with consequential seniority.

What is the Need for Reservation In India?

- **Historical Discrimination:** India has a history of caste-based discrimination, and certain communities have been historically marginalized. Reservation aims to rectify this historical injustice and provide opportunities for those who have been socially and economically disadvantaged.
- **Lack of Human Development Indicators:** Data and reports consistently show significant disparities in education, employment, and access to resources among different caste groups.
  - Reservation policies are designed to bridge these gaps by ensuring representation and access to opportunities for marginalized communities.
- **Promoting Social Justice:** The **Indian Constitution, under Articles 15(4) and 16(4)**, allows for the provision of reservation for socially and educationally backward classes. This constitutional mandate reflects the commitment to promoting social justice and equality.
  - Reservation in **educational institutions ensures that students from marginalized communities have access to quality education.**
    - This, in turn, helps break the cycle of poverty and uplifts the overall socio-economic status of these communities.
- **Prevalence of Backwardness:** The **Mandal Commission, in 1980**, recommended reservations for Other Backward Classes (OBCs) in government jobs and educational institutions. The implementation of these recommendations has aimed at addressing the backwardness of certain social groups.
- **Socioeconomic Census Data:** **Socio Economic caste census** data often reveals the disproportionate concentration of poverty and lack of development in specific communities. Reservation policies seek to uplift these communities by providing them with opportunities in education and employment.
- **Government Reports and Policies:** Various government reports, such as the **Sachar Committee Report**, highlight the socio-economic backwardness of certain minority communities and **National Sample Survey Organisation reports** highlight the deplorable conditions of lower castes.
- **Equitable Representation in Public Employment:** Reservation in government jobs ensures representation from all sections of society in public services, promoting diversity and inclusivity. This is supported by data reflecting under-representation of certain groups in government employment as per **Periodic Labour Force Survey Reports.**

What are the Issues with Reservation System in India?

- **Quality of Education and Employment:** Reservation policies primarily target access to education and government jobs. However, there is a concern that these policies may **compromise the quality**

**of education and workforce in the long run**, as candidates may be selected based on quotas rather than merit.

- **Brain Drain:** Some argue that reservation policies can lead to a "brain drain" where **talented individuals from unreserved categories may choose to study or work abroad** to escape the reservation system, potentially causing a loss of talent within the country.
- **Resentment and Division:** Reservation can sometimes **create social and economic divisions within society**. This division can lead to resentment among those who do not benefit from the policies, potentially hindering social cohesion and development.
- **Inefficiencies and Corruption:** Reservation policies have sometimes been marred by **inefficiencies, corruption, and the manipulation of caste certificates**. These issues can undermine the effectiveness of the system and hinder development.
- **Ghost Beneficiaries:** Reservation policies often rely on broad categories, which may not accurately target the most disadvantaged individuals within those categories. **Some individuals from reserved categories may not be as disadvantaged** as others and may still benefit.
- **Stigma and Stereotyping:** Reservation can sometimes lead to the **stigmatization and stereotyping** of individuals from reserved categories, which can impact their self-esteem and overall development.
- **Economic Development vs. Social Development:** Reservation policies tend to **focus on social development, but they may not directly address economic disparities**. Economic development is also crucial for addressing inequality and promoting overall development.
- **Political Exploitation:** Reservation policies are **sometimes used for political gain**, which can lead to a focus on short-term political objectives rather than long-term development goals.

## What Should be the Solution to Reservation?

- **Reboot Infrastructure of Opportunity:** Rebooting our infrastructure of opportunity requires accelerating reforms to our **3Es of education, employability, and employment**.
  - **In education**, state governments must **fix government schools** without wasting more energy on small class sizes, teacher qualifications or teacher salaries but focusing on the binding constraints of performance management, governance , and soft skills.
  - **In employability, we must attract massive new financing for skills from employers by redesigning the system around the five design principles** of learning by doing, learning while earning, learning with qualification modularity, learning with multimodal delivery, and learning with signaling value.
  - **In employment**, massive non-farm, high-wage, formal job creation requires cutting the regulatory cholesterol for employers that breeds litigation, compliance, filings and criminalisation by passing new labor codes.

- **Equal Treatment:** Ensuring that all individuals are treated fairly and without discrimination is a fundamental aspect of promoting equality. This means that **people should not face disadvantages or privileges based on their background, such as their parents' status.**
- **Unbiased Competition:** Encouraging competition on a level playing field, **where individuals have equal opportunities to succeed based on their skills, abilities,** and efforts, is crucial. This promotes excellence by motivating individuals to strive for their best.
- **Impartially Judged Outcomes:** Outcomes should be determined **through a fair and impartial evaluation of an individual's performance, skills, and contributions.** This ensures that merit and achievement are the primary factors in determining success.
- **Judging Based on Effort and Courage:** Emphasizing the **importance of hard work, determination, and the courage** to pursue one's goals helps foster a culture of personal responsibility and individual effort.
- **Use the Resources Judiciously:** A modern state is a welfare state and being a good ancestor requires a government that uses society's resources to subsidize and deliver quality food, education, healthcare and housing to those who need it.
  - **But this Safety Net should not become a Hammock:** Unemployed workers cannot get the same income as those working because people get much more from work than income. And rich people should not get cheap food, gas or diesel.
  - Policy must accelerate the **Aadhaar-enabled Direct Benefit Transfer** revolution for subsidies.

## Conclusion

**Gandhiji** believed that **Sarvodaya (development of all)** would be accomplished through **Antyodaya (welfare of the weak)**. Philosophers have built on his thinking and concluded that if you were designing the world without knowing your place in it, you would ensure fairness for all. Reservation is a valuable tool for social justice but after years of Poorna Swaraj, it's time to discard something often subject to political manipulation **for something more universal over the next few decades.**

### **Drishti Mains Questions**

What is the need of having reservations in India? Analyze the issues with the reservation policies and suggest reforms.

## Horizontal Reservation VS Vertical Reservation - In Depth | ...



### UPSC Civil Services Examination, Previous Year Questions (PYQs)

**Q.** Whether the National Commission for Scheduled Castes (NCSC) can enforce the implementation of constitutional reservation for the Scheduled Castes in the religious minority institutions? Examine. **(2018)**

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