

RESERVATION POLICY IN INDIA: URGE FOR SOCIAL JUSTICE AND EQUALITY IN EDUCATION AND GOVERNMENT SERVICES

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Abstract:

The Indian society is characterized by a high degree of structural inequality and discrimination based on the tenets of the Indian caste system which is origin based on the principles of the purity and pollution with unequal and hierarchal assignment of economic and civil rights ascribed by birth. Brahmins, Kshatriya, and Vaisya are the three highest 'Varnas' in the caste hierarchy. The so called lower castes 'Avarna', beyond the four fold Varna system, suffer the stigma of 'untouchability' and discriminatory forms of social exclusion exists even today. Despite the fact that the system of reservation had been introduced during the British period itself as result of social reform movements that emerged side by side with the freedom movement. The system of reservation policy ensures inclusion of deprived groups in the area of admission in educational institutions, employment in government services and a certain number of seats in Union Parliament and State Legislative Assemblies. On January 26, 1950, Indian Constitution prohibits any caste based discrimination and abolished practice of untouchability, the Union and State government ensured special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes. Since 1990 in India, the reservation policy emerged a debated issue not only in parliament and state Assemblies, but also in public spear. This paper outlines the implementations of reservation for SC in education and Government jobs, from primary levels to higher education instaurations. I would like to show that the reservation policy in independent India in the education and employment spheres, actual needy scheduled caste communities did not get benefit as they required, because it had not been properly implemented in accordance to constitutional provisions.

Index Terms: India, Scheduled Caste, Affirmative actions, Reservation, Education, Government Jobs, Justice and Equality

Introduction:

The Indian society is characterized by a high degree of structural inequality and discrimination based on the tenets of the Indian caste system which is origin based on the principles of the purity and pollution with unequal and hierarchal assignment of economic and civil rights ascribed by birth. 'Jatis' in the three highest Varnas in the hierarchy—Brahmins, Kshatriya, and Vaisya—are considered "twice-born" according to Hindu scripture, meaning they are allowed to participate in Hindu ceremonies and are considered more "pure" than the Sudras and "polluting" untouchables. This concept of pollution versus purity governs the interaction between members of different castes. The touch of an untouchable is considered defiling to an upper caste Hindu.¹ The so called lower castes 'Avarna', beyond the four fold Varna system, suffer the stigma of 'untouchability' and discriminatory forms of social exclusion exists even today. Despite the fact that the system of reservation had been introduced during the British period itself as result of social reform movements that emerged side by side with the freedom movement. Reservation is meant to increase representation of Scheduled Castes to improve the socio - economic status and to bring in social equality among different communities by upgrading the standard of living, literacy, political representation of the depressed classes.² The system of reservation policy ensures inclusion of deprived groups in the area of admission in educational institutions, employment in government services and a certain number of seats in Union Parliament and State Legislative Assemblies. On January 26, 1950, Indian Constitution prohibits any caste based discrimination and abolished practice of untouchability, the Union and State government ensured special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes(SC) and Scheduled Tribes(ST).³ The reservation policy had its embryonic origin in the colonial India since 1909 with the announcement of 'Morley-Minto Reforms', the Government of India Act of 1935 furthered this processed. With the promulgation of the constitution of India in 1950, the government processes further its impetus and constitutional sanctity. Since 1990 in India, the reservation policy emerged a debated issue not only in parliament and state Assemblies, but also in public spear. Even in the present days frequently the reservation policy is criticized by upper caste students, academicians, sociologists

etc. Because of the policy has remained a cause of disagreement between the reserved and non-reserved section of the society and also the question as to who should get the benefit of reservation has remained a knotty one.

This paper outlines the implementations of reservation for SC in education and Government jobs, from primary levels to higher education institutions. I would like to show that the reservation policy in independent India in the education and employment spheres, actual needy scheduled caste communities did not get benefit as they required, because it had not been properly implemented in accordance to constitutional provisions.

Review literatures:

The existing literature on 'Affirmative action' or 'reservation' policy, caste discrimination social exclusion and justice gives us an over view of reservation policy in Indian parliamentary democracy. Some sociologists observed our society deeply pointed out a 'ethico-philosophical concept' of inequality, social hierarchy and injustice articulated discriminatory practices like caste based exploitation, deprivations and atrocities appear to be part of the human condition and these practices negatively impact historically oppressed and marginalized group over the thousands of years in Indian subcontinent.⁴ Ray Haynes and Meera Alagaraja noted a significant difference in the legal authority for *Affirmative Action* in United Nation of America and Reservation in India. It is easy to understand that *Affirmative Action's* and Reservation's focus on education and employment.⁵ Education generally prepares one for employment, and employment is necessary to individual and familial economic viability. Gainful employment is connected to human dignity and productive societal participation, therefore employment in governmental jobs is essential to individuals and society.⁶ Beteille rightly says reservation is 'constitutional protections' for weaker sections of people from social injustice and exploitation attempt is to identify the constraints in implementing policies and programmes for the development of SC and to suggest remedial measures. He argues that the SC programmes are welfare-oriented and not development.⁷ Thorat argue that requirement for reservation in the private sector. They provide reasons for reservation policy in private sector as a remedy against discrimination in labour, capital and other markets and indicate general guidelines for framing such a policy. He says that discrimination is an inherent feature of economic system. The governments enact an equal opportunity law to provide legal safeguard against discrimination in various markets.⁸ Few researchers have attempted to study the relevant issues revolving with social justice and empowerment with reference to Dr. B. R. Ambedkar. They discuss Ambedkar's perspective of social justice and with special reference to his theory of caste and untouchability in order to contribute a theoretical frame, which in turn would pave the way for practical responses to the problem of casteism and untouchability in the Indian society.⁹ They concentrate mainly on socio - political aspect of reservation in favour of weaker section of the society particularly SC and setup arguments for special provisions have been given through the legal framework and critically evaluated. Some researchers observe 'the structure of reservation policy' and its problem and solution.¹⁰ Indians, inherent in cultural pluralism and nebulous Hinduism, are known for their capacity to accommodate conflicting interests, reconcile opposing views and cope with crisis. In the context of the problem of caste reservation what is required is a new national consensus in the light of the experience of the last six decades.

Reservation in Education:

The Government of India, after independent has taken several steps such as constitutional provisions of Article 15(4), 29, 30, 45-46 and 350(A) all are related to educational development and strengthen the peoples belonging to SC and STs. Already, Indian Constitution was adopted in 1950 which stated 'untouchability' is 'abolished its practice in any form is forbidden', and Directive Principles of State policy include universal education to all children up to the age of fourteen years, promotion with special care to make it constitutional for the state to reserve seats for scheduled caste and Tribes in the public educational institutions, by a Governmental order on 14 September in 1950 announced 12.5 percent reservation in governmental jobs for SC.¹¹ As education promotes all round and harmonious development of nation, and Indian government has special concern and commitment for the weaker sections as the still behind the mainstream society due to their socio-economic backwardness. The SC and ST passed through the process of welfare and development during the past six decades.

Education has long been identified as key to achieving the advancement of the SCs. In line with Article 15(4) of the Constitution, which empowers the State to make special provisions for the educational development of SCs, the Indian government currently allows the reservation of 15 percent of seats for SCs in universities and colleges. State governments observe different rates of reservation, based on the size of their SC populations. Along with these measures, Central and state governments have also instituted scholarship or stipend programs, as well as initiatives to furnish SCs with special tutoring, books, mid-day meals, stationery and uniforms. One such scheme, funded entirely by the Central government, provides four years of special and remedial tutoring to select secondary-school students to help SCs gain admission to universities and technical institutions.

Table: I
General Literacy Development of SC and All in General Category, India.

Year	India	
	SC	All in General
1961	10.27	28.3
1971	14.68	34.45
1981	21.38	42.17
1991	37.41	52.21
2001	54.69	65.38
2011	63.89	74.04

Sources: Census of India, data projected from 1961 to 2011

The national literacy mission was launched in 1988 aiming at improving functional literacy. It has helped increasing the level of literacy and which is reflected in the entire study region. According to Census of India, the percentage of scheduled caste population to the country's total population is 14.82 percent in 1971 and it raised 16.20 percent in 2001. The above table shows the literacy progress among the all general people and 'SC' as well. In 1961 the literacy rate of general was 28.30 percent and Scheduled Caste was only 10.27 percent which more than the double. The development of literacy rate among the SC is very slower than the general category. Further, we see in the census of 2011 the SC literacy rate is 63.89 percent and general category is 74.4 percent, but the gap between them has been increased as in 1961 was 7.03 percent and it raised in 2011 is 10.15 percent.

Table: II
Enrolment of SCs at Various Level of Higher Education, India, March,1992

Course	Boys	Percentage	Girls	Percentage	Total	Percentage
Ph.D/D.Sc/D.Phil	724	0.0001	208	0.28	932	0.28
Post-Graduation (MA+M.Sc.+M.Com.)	27,341	10.59	6494	8.87	33,835	10.20
Under-graduation (General)	2,07,799	80.46	60,943	83.03	2,68,742	81.09
Under-graduation (Engineering+ Medicine +Education)	22,371	8.66	5515	7.53	27,886	8.41
Total	2,58,235	100	73,160	100	3,31,395	100

Source: India, 1993, Selected Educational Statistics: 1991-92, MHRD, New Delhi.

The policy covers enrolment in various undergraduate and graduate courses of general, technical, medical and other professional education. Reservations can also extend to the allotment of places in dormitories. State governments observe different rates of reservation, based on the size of their SC populations. The above table -II, shows the enrolment of scheduled caste boys and girls in various higher educational institutions. SC enrolment in Under-graduation General Courses was comparatively higher than other higher degree of courses. In Under-graduation General Courses, they enrolled 81.09 percent in year of 1992. But, it was very little in terms of admission in higher education both in Under-graduation of Engineering, Medicine, Education, which was 8.41 percent and in Post-Graduation, MA, M.Sc., M.Com. was 10.2 percent and in Ph.D, D.Sc, D.Phil. courses was only 0.28 percent.

Employment of Scheduled Caste in Government Jobs:

The provision of the constitution, both at Central and State Governments had been taken many schemes and steps to improve social life of SC, ST and OBC for securing employment in All-Indian services for them. Under this schemes, not only

implemented reservations as their safeguard but also has been established pre-examination training centres for coaching which has given SC and ST candidates in 'confidence building and interview techniques'¹² Although the government machinery is actively geared to meet these objectives, even after six decades of independence there has not been any substantial improvement in the situation particularly as far as performance and value change are concerned. According to B.K. Roy Burman, 'Even twenty five years after independence, the promotion of Scheduled caste in Class I, II, and III services are meager in spite of reservations'¹³ In fact in many public sectors organizations large numbers of reservation jobs remain unfilled due to their inability to get suitable SC/ST candidates even with the relaxed conditions.

Table-III
Percentage of SC Employees in Central Government Jobs

Year	Class			
	I	II	III	IV
1959	1.18	2.38	6.95	17.24
1965	1.64	2.82	8.88	17.75
1974	3.2	4.6	10.3	18.6
1984	6.92	10.36	13.98	20.2
1995	10.12	12.67	16.15	21.26

Sources: National Commission for SC/ST, Seventh Report, April 1984 - March 1985, 5; Commissioner for SC/ST, Sixteenth Report, 1966-1967, 15; National Commission for SC/ST, Fourth Report, 1996-1997 and 1997-1998, Volume I, p.14

The above table-II shows clearly that there has been a general risen SC representation in all four categories of employment in central services across time. The SC presence in Class I, for instance, has increased by ten-fold, from 1.18 percent in 1959 to 10.12 percent in 1995. The Class II figures show an upward trend from 2.38 percent in 1959 to 12.67 percent in 1995. The lowest class, which initially had more SC employees in 1959 than any of the other classes had in 1995, has had a slower rate of increase. While these are all good indications that reservations are working, it is difficult to ignore certain realities that detract from this success. First, SC representation in the Classes I and II, after over 50 years, it still fall short of the reservations quota of 15 percent for SCs. while the less-prestigious and lower-paid Class III and IV jobs are amply filled. Even prior to 1970, when quotas were set at 12.5 percent, only Class IV met the quota of places allotted to SCs. However, because reservations apply to only current appointments and the average service career is around 30 years, it is a time-consuming process for the percentage of posts held to equal the percentage of positions reserved.⁷⁹The steep increase in Class I and II positions since the 1960s suggests that the percentage of new SC recruits is nearing the SC reservation quotas.

Table-IV
Representation of SCs in Teaching/Non-teaching Posts in Central Universities (as on 1/1/93)

Position	Total Employees	SC Employees	% of SC Employees
Professor	1,155	2	0.17
Reader/Associate Professor	1,774	6	0.34
Lecturer/Assistant Professor/ Director of Physical Education	1,491	35	2.35
Research Assistant	257	3	1.71
Group-A, Non-Teaching	756	26	3.44
Group-B, Non-Teaching	1525	49	3.1
Group-C, Non-Teaching	9001	414	4.60
Group-D, Non-Teaching	10635	2368	22.27

Source: National Commission for S.C & ST Annual Report, 1996-97 and 1997-98, excludes Indira Gandhi Open University.

According to the data available in the above table-IV, out of eight categories of posts, the reservations quota is met in one, and, as is the case with all central government services, it is the bottom-ranked, lowest paid group of positions: Group D. None of the remaining job groups has more than five percent SC employees. In all central universities, SCs held two out of a total of 1,155 professorships. The National Commission for Scheduled Castes and Scheduled Tribes attributed this low level of representation to the "lukewarm attitude of the authorities in the Union Department of Education" which failed to initiate

legislation making the implementation of reservations in central universities mandatory. As a result, universities were not instituting reservations because the University Acts contained no legally binding provisions to do so.

Conclusion:

The problem with reservation policy is that through the basis of preferential treatment is caste, the whole caste as such does not get benefited but individual. Since a caste suffered collective discrimination in the past, caste remained the basis of compensatory justice in the present too. The discriminatory practices like caste based exploitation, deprivations and atrocities appear to be part of the human condition and these practices negatively impact historically oppressed and marginalized group over the thousands of years in Indian subcontinent. Another pertinent issue is how long the reservation should remain in force; compensatory discrimination has both self-perpetuating and self-liquidating features. It appears to be more likely that the reservation are irreversible so long as the inequalities among the castes remain, till the number of people from the reserved communities is in the same proportion in education public employment as their proportion is in the total population. Historically, the vulnerable groups of the Indian society, namely, the Scand STs, Other Backward Classes (OBC) and women have suffered deprivation in all walks of life including education. The government in the post-independence period has been trying to promote the educational status of these groups through several measures but the progress made in their case is well below the targets envisaged. During the post-independence period, the Government of India inherited the legacy of educational backwardness in addition to many other drawbacks.¹⁴ The Constitution of India is a '*Magna Carta*' for the SC, ST and OBCs and women in respect of the special provisions made for them, for example, reservations in jobs and educational institutions and the provisions against discrimination.¹⁵ Reservation and nation building are not antagonistic. Another question is the issue of 33 percent reservation on 'women reservation' in Parliament and state Assembly, but quite interestingly there was no opposition to women reservation by the upper caste non-reserved intelligentsia and the media on the ground of merit. A large number of the SC students in higher education come from backgrounds that may be considered disadvantageous for education. That most of them happen to be first-generation entrants to colleges or high schools in the family would indicate positive returns from the investment on the education of the SC. A majority of them aspire to study up to graduation and do not consider themselves bound to their traditional occupations. They display a tendency to move out of the caste defined confinement to low status occupations. These findings seem to reflect a trend in the orientation towards upward social mobility among the SC students. In practically, most of the SC students belonging to lower educational backgrounds accept the importance of higher education in leading to the achievement of better and fair jobs, while for those with highly educated and professionally qualified backgrounds its importance lies in removing the drawbacks of the community and improvement of the socio-economic status in society.

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