

Dynamics of Reservation Policy – Moving towards inclusive growth based on Social Justice

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Abstract -Reservation and Inclusive Growth have been among the most intensely debated issues surrounding public policy in India, and the term has,almost, entered the world of planning, policy debates and academic discourse. The various provisions in the constitution allows the Union and the State Governments and UT's to reserve quotas or seats, which lowers the qualifications needed in exams, job openings etc. for the 'socially and educationally backward citizens'. The policy of reservation has been a measure for the emancipation of the socially and economically backward people of the nation known as Scheduled Castes (SC), Scheduled Tribes (ST) and the hugely debated Other Backward Classes (OBC).The present research paper seeks to explore the mutual relationshipbetween the policy of reservation and the aim of achieving a social order based on Social Justice and through reasoned evaluation, checktheir desirability for national development.

Keywords– Reservation, Inclusive growth, Social Justice,Constitution, National Development

Introduction –Reservation policy or the policies of affirmative action or preferential treatment and compensatory justice are one of the many tools adopted to promote positive equality and work towards a towards a more egalitarian society based on equality and non-discrimination. Indian society is characterized by a huge social conflict between the dominant and the depressed classes and to reduce this chasm and bring about positive equality, three types of affirmative actions: positive discrimination, reverse discrimination and compensatory discrimination are employed.Positive discrimination denotes providing special treatment to those who are susceptible to exploitation and discriminating positively to remove their exploitation. Reverse discrimination is a sort of vindictive measure, which means discrimination against those who had discriminated. Compensatory discrimination involves adoption of measures to safeguard the interests of historically disadvantaged sections of people. Affirmative action and reservation policy are measures of distributive justice that endeavor to remedy such inequalities within a liberal framework. It was deliberately taken up as a social policy by the Indian state to ensure the empowerment of the historically excluded section of the Indian society – through the mechanism of positive discrimination by way of fixing of quota in the electoral, public employment and educational institutions. Aristotle has also mentioned about 'Corrective Justice' in 'Politics' that aims at providing counter-balancing benefits to those individuals who have been wrongfully injured/ deprivedhistorically in the past so as to bring them up to the level of wealth and welfare

which they would have had if they had not been disadvantaged or in other words, to undo the wrongs done to them in the past.

Reservation is also called 'Discrimination in Reverse' or Reverse Discrimination. This terminology connotes that reservation, which works as a protection to the reserved categories i.e. scheduled castes, scheduled tribes and other backward classes, acts as a reverse discrimination against the upper castes. In fact, reservation seeks to make the constitutional promise of equality of opportunity and social justice a reality. The three concepts, that of Equality, Rights and Justice are central to the debate on reservations. The concept has led to different competing ideas on social justice, merit and group identity, which are very much relevant in any discussion on reservation. Inclusive growth is a broad concept covering economic, social, and cultural aspects of development. It is often used interchangeably with terms such as, including 'broad-based growth', 'shared growth', and 'pro-poor growth' and includes a large part of the country's poor, disadvantaged, deprived and excluded sections of citizens. Inclusive growth strategy suggests that people of all sections and regions, who have been excluded from the growth process, get an opportunity to participate and have access to all sections including those who had been excluded so far. Inclusive growth in India would mean that there are opportunities, access and security in agricultural growth, employment generation, poverty reduction, investment in social sector, and reduction in regional and other socio-economic and sectoral disparities. Inclusive Growth is a process in which economic growth measured by a sustained expansion in GDP, contributes to an enlargement of the scale and scope of all four dimensions mentioned above.

Reservations – Historical antecedents-

In the early Vedic period, the varna system is thought to have separated society into four classes/groups: Brahmanas, Kshatriyas, Vaishyas, and Shudras, each with specific occupations: (Rigveda– Purusha Sukta, Gita). The varnas evolved into castes over time, and Indian society was divided into several castes and sub-castes. Caste evolved into a strict and hierarchical endogamous organisation over time, and as a result, it became the source of social inequality and economic disparities. The lowest castes were referred to as "untouchables," and they were forced to work in physical labour and serve the castes above them, resulting in social marginalisation, neglect and underdevelopment.

Reservation policy has been an important aspect of British and Princely India's public policy. In the post-independence era, it was eventually extended to recruitment, promotion, and educational institutions and various provisions of the Constitution. The reservation policy was sustained by successive democratic governments and remained the core of inclusive governance, with minor cosmetic adjustments made now and then. The preamble and key provisions of the country's constitution reflect the post-independence Indian state's attitude towards these groups: the principles of 'non-discrimination and equal opportunity,' and 'the directive to the state to take steps to ensure non-discrimination and equal opportunity in practice.'

Assessment or Evaluation of Reservation policy for inclusive growth-Reservation was conceived and advocated, not merely as a tool for allocation of few seats or a percentage-based quota, but as a mission to embark on the path of building a strong nation, based on social harmony and equity. The rationale was to evolve into a nation, wherein every citizen of the country, irrespective of caste, creed, religion, sex etc. could have opportunities to grow and develop to the fullest of their potential. It is therefore that the policy of reservation is referred as the policy of positive or protective or compensatory discrimination in favour of the backward classes for the purpose of mitigating inequalities and ensuring justice.

Compensatory discrimination policies have undeniably resulted in significant redistributive consequences. Reserved seats gave the SCs and STs a strong legislative presence, as well as a steady stream of patronage, attention, and favourable policies. The reservation of positions has provided them with a significant percentage of the earnings, as well as the security, information, patronage, and status that come with government employment. Members of these groups have been elevated to positions of power in society that were unfathomable only a few decades ago. There has been a significant redistribution of educational and employment opportunities to them; a significant portion of these groups can take advantage of these opportunities and pass these benefits on to their children; their concerns are firmly entrenched on the political agenda and cannot be easily dismissed or ignored. There has also been undeniably considerable redistribution of various opportunities to these groups and the broad participation afforded by reserved seats and reserved jobs is, for many, a source of pride and war. There is evidence to suggest that there has been a large increase in the enrolment of the SCs and STs in educational institutions. In 1981, the proportions of the SCs and STs among total graduates were estimated to be 3.3% and 0.8% respectively, far below their shares in the total population. By the late 1990s, however, these figures had risen to 7.8 per cent and 2.7 per cent. The representation of Scheduled Castes (SC), Scheduled Tribes (ST) and OBCs under the central government was 17.49 per cent, 8.47 per cent and 21.57 per cent respectively till January 1, 2016, according to the Minister for State Personnel. (Minister for State Personnel, Hindustan times, 2022) Nevertheless, these figures are still low, compared with the groups' shares of total population. There is also evidence that the enrolment shares of the SCs, STs and OBCs are much lower in preferred educational institutions.

The formal reservation policy in the government sector and the informal affirmative action policy programmes have also contributed to an improvement in the overall development of the SCs and STs. Seats are reserved for the SCs and STs in the Central and State legislatures in proportion to their shares of population and in the local bodies. Over the years, it has been noted that there has been a considerable increase in the share of the SCs and STs in government employment and educational institutions. Reservations in the legislature have also provided a space for the SCs and STs in the executive and the decision-making process and policy making. Studies conducted to assess the impact of reservation at the grass roots have shown that reservation for the SCs, STs, OBCs and women in the Panchayati raj has made a huge difference and has transformed the political space through representation. The studies have shown that reservation is not only a tool to ensure adequate representation but also adequate delivery of

public goods and services to disadvantaged groups, negating the scepticism founded or prejudice that women or the excluded ones are not capable of being independent leaders. Researches have shown that, in spite of challenges and ordeals these leaders from the excluded sections do make a difference on the ground and help in correcting imbalance in politics as well as in inequities in other spheres as well.

Importantly, however, what has not happened, but was expected, was, that the policy of reservation and positive discrimination, would, weaken and eventually wipe out the stigma and exclusiveness which would lead to an egalitarian and inclusive polity. This has unfortunately not happened. Biases and Prejudices are at work, preventing deeper penetration of the benefits into the inbuilt hierarchies and enabling inclusion. The rate of improvement nevertheless has been rather slow, in human development attainment between the SCs, STs and OBCs on one hand, and the and disparities, on the other hand, continue even today.

Some other problems have also become apparent during the course of the implementation of India's reservation policy. It has undeniably succeeded in accelerating the growth of a middle class within these groups-who are urban, educated and largely in government service. However, what was expected was, that, education and jobs would eventually weaken the stigmatizing association of the backward sections and enable their inclusion and mainstreaming. This has only been partially achieved.

Moreover, the present system of reservation, benefits people belonging to the sons and daughters of officers working in the government or private sector, judges, ministers and economically better off persons get the benefit of reservation as economic criterion is not considered. By and large, the policy can be credited with producing a self-sustaining dynamic of inclusion. Due to indirect resistance, the extension and spread of reservation policy to several government and private sectors has also been slow and delayed.

Another issue which cannot go unnoticed is the fact that reserved quotas remain unfulfilled, partially, because of the insensitive and an obstructionist bureaucracy, particularly in the higher echelons and a whole set of mechanisms and prejudices are operative throughout the career, preventing the SCs from climbing the hierarchy ladder.

The anti-reservationists argue that the caste-based reservation will only perpetuate the notion of caste in society, rather than weakening it as envisaged by the constitution. Reservation is a tool to meet narrow political ends. Allocating quotas is a form of discrimination which is contrary to the right to equality. Reservations reduce elections to quid pro quos pitting castes against each other and fragmenting Indian society. They also complain that the policy of reservation has never been subject to a widespread social or political audit. Before extending reservation to more groups, the entire policy needs to be properly examined, and its benefits over a span of nearly 60 years have to be gauged.

They also go further to say that the 60% of India that is rural, needs schools, health care and

infrastructure in rural areas, not reservation in urban institutions. True inclusion can only be meaningful if education, and facilities are able to everyone right from the grassroot level itself, in the remotest corner of the country, which will enable to compete at the higher levels, in fact without reservations. Reservation without adequate opportunities and educational infrastructure in the remotest corner of the country is making the whole exercise of reservation meaningless as those who have never got the opportunity to go to school will never be able to avail of the policy and always remain deprived. This policy of the government has already caused increase in brain drain and may aggravate further. In the absence of proper primary and secondary education, groups remain under represented in higher institutes, who could have become natural competitors without reservations. Nonetheless, a modern global India has to find ways through which the new generation youngsters of the excluded communities/ castes can be included and pushed forward towards upward mobility.

Conclusion—All said and done, Reservation is a system that gives disadvantaged people access to education and jobs depending on their caste. It continues to be a fundamental to achieving social justice. The Reservation was designed to create more equitable provisions for education and employment for everyone. It has, however, proven to be one of the most difficult techniques for achieving social equality and justice. In any case, providing additional chances for everyone till date remains the weakest link in India's journey toward a more egalitarian society is essential.

It has been categorically realized, that there is a need to have a broad-based and inclusive growth to benefit all sections of the society. However, in order to achieve inclusive growth, besides reservation policy, more people-centred and pro-poor macro-policies need to be adopted. Since achieving inclusive growth is far more challenging than raising economic growth rate and that public policy should give priority to the 'inclusive' sectors to avoid lop-sided growth benefiting only few sections of the population. It is argued that growth and equity should be pursued simultaneously rather than the 'growth first and equity next' approach.

There are strong social, economic, and political reasons for pursuing broader and inclusive growth. Socially, lack of inclusive growth leads to unrest among people. Economically, the measures which raise equity also promote economic growth. Politically, no government in a democracy can afford to ignore large sections of workers and non-working population. It is increasingly realized that the process of development in India must become more socially and economically inclusive. If it is not inclusive it can generate very severe social tensions that can lead to disruption and violence. Thus, even for having a stable and democratic society one needs to have inclusive growth. The agenda of inclusive growth has to be given highest priority in order to reduce exclusion, social tensions, inequality and improve overall economic development. India will be a running tiger if growth is more inclusive and benefit all sections of society. India must adopt a growth paradigm that ensures broad-based improvement in the quality of life of the people, especially the poor, SCs/ STs, other backward castes (OBCs), minorities and women. The target should not just be higher GDP and faster growth but also

inclusive growth, that is, a growth process which yields broad-based benefits and ensures equality of opportunity for all.

Reservation decision must be taken based on objective basis, rather than political and emphasis should be given to proper primary (and secondary) education so that groups under-represented in higher education institutes and workplaces become natural competitors, without even the need for reservations. The number of seats should be increased in the prestigious higher education institutes.

Although caste is an important factor of exclusion at work in Indian society, other factors such as gender, economic conditions, geographical disparities and kind of schooling received cannot be altogether ignored. For example, a child studying in a village or municipal school does not enjoy the same status in society as another who has studied in an elite public school, caste notwithstanding. Some academics have argued that a better system of Affirmative Action and inclusion would be one which seeks to address all the factors of exclusion at work in society which restrict a person's competitive abilities. The policy of reservation in its myriad forms and manifestations, with all other enabling and empowering constitutional provisions, implemented and monitored honestly, can be an effective strategy to ensure faster inclusive growth.

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