

“Unpacking Inequality: Examining the Reservation System in India’s Social Fabric”

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Abstract

Reservation in India is a constitutional provision designed to address historical injustices and promote social equity by ensuring representation for marginalized communities in key sectors. Originating from the colonial era and formalized in the Indian Constitution post-independence, reservation policies are enshrined in Articles 15(4) and 16(4). Nonetheless, the implementation differs between states and institutions, with the central government periodically adjusting reservation percentages to account for demographic changes and evolving social conditions.

Despite its intended goals, reservation has been a subject of controversy. Critics argue that it undermines meritocracy and perpetuates caste divisions, while proponents highlight its role in empowering historically oppressed communities. The reservation system has indeed facilitated social mobility. Yet, challenges such as inadequate implementation, the creamy layer phenomenon, and caste-based discrimination persist, necessitating ongoing reforms and affirmative action measures. The purpose of this research study is to explore the multifaceted dimensions of the Reservation system in India.

Key Words: Constitutional Provisions, Government Policies, Judiciary, Social Structure.

Introduction

India's reservation system was based on the political and social situation in British India. It changed after the country got its freedom to fix long-standing social problems. Initially, the British colonial administration and Indian reformers recognized the need for measures to uplift marginalized communities. Early efforts can be traced back to the late 19th and early 20th centuries, where various forms of positive discrimination were proposed and implemented.

One of the earliest significant moves was made by Rajarshi Shahu, the Maharaja of Kolhapur, in 1902. He introduced reservations for non-Brahmins and backward classes, providing free education and establishing hostels to improve access to education. This initiative aimed to create a more equitable society by ensuring that disadvantaged groups had opportunities for education and employment.

Review of Literature

Bora, M. H..(2023) examined the reservation system in India, which has been extended for 72 years and is set to continue until 2030. The objective is to uplift underprivileged communities by providing reserved quotas in jobs and education, initially for SC and ST communities and later for OBCs. Through academic analysis and political scrutiny, the paper explores both the positive and negative impacts of reservation, considering the broader implications on the political landscape.

Imam, M. A. (2023) delved into India's reservation policy, designed to address historical injustices faced by marginalized communities like Scheduled Castes, Scheduled Tribes, and Other Backward Classes. It explores the constitutional foundations of reservation in education, employment, and political representation, navigating the debates surrounding its necessity for social justice versus criticisms of its impact on meritocracy. Through a thorough examination of its historical evolution and legal framework, the study aims to provide a balanced understanding of the

reservation policy's origins, implementation challenges, and societal implications in India's complex socio-political landscape.

Saxena, A., et al. (2022, December) examined the reservation system in India, focusing on its role in addressing historical discrimination between Backward Class (BC) and Forward Class (FC) individuals. The study employs social network analysis using an Erdős-Rényi network model to investigate the impact of weak ties between these groups on reducing social distance. The mathematical model demonstrates that the addition of these ties leads to a logarithmic decrease in social distance, supporting the claim that even a small number of links can foster societal harmony. The findings underscore the potential benefits of the reservation system in promoting social cohesion.

Research Methodology

Objective of the study

The primary aim of this study is to look into and understand the effects of India's reservation system on the country's social structure. This entails assessing the system's impact on different societal sectors, such as marginalized people, and looking at how it addresses previous injustices.

Reservations are divided into following communities

1. Scheduled Castes: These groups were historically positioned at the lowest tier of the caste system in South Asia, even below the Shudra varna. Traditionally, their occupations included agricultural labor, manual scavenging, tanning, laundry, daily wage labor, and fishing. They were subjected to untouchability and faced numerous social restrictions, such as prohibitions on physical contact with higher castes, limited access to communal water sources, and segregated living areas. Consequently, many members of these castes remain landless laborers today.

2. Scheduled Tribes: Scheduled Tribes possess, primitive features a unique culture, remote location, and a reluctance to assimilate with the broader community, contributing to their retrogression.

3. Other Backward Classes: Initially excluded from the reservation program, these groups were later included following the recommendations of the Mandal Commission during Morarji Desai's tenure as Prime Minister. The Commission analyzed communities across India to identify castes that were socially and economically disadvantaged compared to the general population. Based on the 1931 census data, they estimated that 52 percent of India's population belonged to backward castes due to various socioeconomic factors, such as wealth and traditional occupations. Articles 15(4) and 16(4) of the Indian Constitution empower the government to provide reservations for these backward classes, ensuring affirmative action to enhance their opportunities in education and employment.

Affirmative Action Policies

1. In Workforce: The government and public institutions hire candidates based on reservation quotas for two groups:

Class of reservations:

Open categories Quota categories—which reserve 33% of the workforce for women—are given precedence in terms of employment. When recruiting in the open category, individuals with similar qualifications—such as the same rank or set of marks—are given equal priority. The highest court in the country declared that employment promotions including reservations are unconstitutional in Mandal Commission case (1993), however they were permitted to continue for a period of five years. 77th Constitutional Amendment. was passed in 1995 in order to revise Article 16 before the five-year period concluded, preserving the SC/ST restrictions in promotions. Consequential seniority was introduced by the 85th Amendment for SC/ST candidates who were elevated on the basis of reservations. the court in Allahabad ruled in 2011 that the reservations for job promotions implemented by the Uttar Pradesh state government in 2007 were unlawful, citing a ruling by the Supreme Court. The Supreme Court affirmed this ruling in 2012 because the government had not shown enough evidence to support promotions based on caste.

2. In Education: Universities allocate seats based on reservation quotas for two categories:

Class of reservations

- Open categories

Priority is given to reserved categories, including a 33 percent of the reservation for women. Government universities allocate seats considering reservation percentages for entrance exam fees, cut-off marks, seat allocation, and other government programs. Due to historical, sociological, and cultural factors, these categories have inadequate representation in employment and education, with only about 0.7 percent of student aid being merit-based. India's quota system has evolved significantly over time, with various measures implemented to ensure affirmative action for underprivileged groups in education and employment. The system continues to adapt to address social and economic disparities, aiming for a more equitable society.

State/UT	SC	ST	OBC	EWC	Other Reservation	Total
West Bengal	22	6	17	10		55
Uttarakhand	18	3	13	10		44
Uttar Pradesh	21	2	27	10		60
Tripura	17	31	2	10		60
Telangana	15	6	29	10		60
Tamil Nadu	18	1	50			69
Sikkim	7	18	40		20	85
Rajasthan	16	12	21	10		59
Punjab	29		12	10		51
Ruducherry	16		34			50
Odisha	16	22	11	10		59
Nagaland		80				80
Mizoram		80				80
Meghalaya		80				80
Manipur	3	34	17			54
Maharashtra	13	7	32	10		62
Madhya Pradesh	16	20	14	10		60
Lakshadweep		100				100
Kerala	8	2	40	10		60
Karnataka	15	3	32	10		60
Jharkhand	10	26	14	10		60
Himachal Pradesh	25	4	20	10		59
Haryana	20		23	10		53
Gujarat	7	14	27	10		59
Goa	2	12	27	10		51
Delhi	15	7	27	10		60
Dadra and Nagar Haveli and Daman and Diu	3	9	27			39
Chhattisgarh	13	32	14	10		69
Chandigarh			27			27
Biher	15	1	34	10		60
Assam	7	15	27	10		59
Arunachal Pradesh		80				80
Andhra Pradesh	15	6	29	10		60
Andaman and Nicobar Islands		12	38			50

Reservation Schemes in India

3) States: Specific reservations include 20% for ESC, 12% for SCA, 16% for SC-B, 22% for SC-C, and 18% for SC-D. With an additional 27% for Other Backward Classes (OBCs), the total reservation percentage has been increased to 49.5%. Various states and territories also have gender quotas ranging from 5% to 33.33%.

4) Gender: There are caste and social divides among women, which significantly impacts the challenges faced by women at the lowest levels of governance. Since 2015, Kerala has reserved 55% of positions in local bodies for women.

On July 21, 2021, the Indian state of Karnataka became the first to reserve one percent of all government jobs exclusively for transgender individuals. Following the modifications to the Karnataka public service regulations, the government

released an official announcement to that effect. Male or female applicants in the same category may be given the post if transgender individuals are not available.

5) Religion: Tamil Nadu government reduced the OBC quota from 30% to 26.5% by allocating 3.5% of seats to Christians and Muslims. This policy, however, does not account for individuals from Other Backward Castes who identify as Muslim or Christian, complicating inclusivity issues. In 2004, the Andhra Pradesh government passed a law granting a 4% reservation quota to Muslims. In 2010, the Supreme Court upheld this statute in an interim decision, forming a Constitution bench to further examine its constitutionality. The Kerala Public Service Commission reserves 12% of its quota for Muslims. reservation policies in India have evolved to address the needs of various socially and economically disadvantaged groups. These policies encompass reservations based on caste, gender, religion, and even include provisions for transgender individuals, reflecting the country's efforts to promote inclusivity and equity across different segments of the population.

Constitutional Provisions in India Governing Reservation:

Reservation for SC and ST Representation

Section XVI talks about how people from Scheduled Castes (SC) and reserved tribes (ST) are represented in the Central and State governments. Articles 15(4) and 16(4) of the Constitution say that the State and Central Governments can set aside jobs in the government for SC and ST people. The Constitution (77th Amendment) Act of 1995 added a new section (4A) to Article 16 that lets the government set aside seats for people who want to be promoted. The Constitution (Amendment) (No. 85) Act of 2001 also changed clause (4A) to give SC and ST candidates promoted through reservation policies more status.

The Constitutional (81st Amendment) Act of 2000 created Article 16 (4B), which lets the state fill open SC/ST-reserved jobs the following year. This gets around the 50% reservation limit on the total number of positions that year. In the Parliament and State Parliamentary Assemblies, Articles 330 and 332 set aside places just for minority groups.

In each the Panchayat, Section 243D sets reserved places for SCs and STs. In all Municipalities, Section 233T does the same. Article 335 makes sure that the claims of SCs and STs are taken into account, which keeps the effectiveness of the administration system.

These provisions highlight the Indian Constitution's commitment to providing representation and opportunities for SCs and STs across various levels of government and administrative bodies, ensuring a more inclusive and equitable society.

Required Reserving:

- To address the historical mistreatment faced by the country's lower castes.
- To create a more equitable environment for disadvantaged groups who have been unable to compete with those who have long had access to resources and wealth.
- To ensure that backward classes receive adequate representation in government services.
- To promote the progress of disadvantaged classes.
- To establish equality as the cornerstone of meritocracy, ensuring all individuals start at the same level before assessing their merit.

Reasons for the rise in reservation requests:

- Reservation is seen as a response to the negative effects of poorly designed development initiatives.

- In economically robust states like Haryana, Gujarat, and Maharashtra, residents contend with three significant challenges: severe agrarian distress, sluggish job growth, and stagnant development.
- In such a situation, governments often prefer to resist altering their approach rather than adapting. Concerns about losing privileges and reluctance to embrace change contribute to the rising demand for reservations among upper castes.
- Upper castes now perceive themselves as disadvantaged, particularly in terms of government employment, where they do not receive the same advantages as lower castes.

Benefits of Reservation:

- It ensures diversity in higher education, workplace equality, and protection against bigotry.
- It aids in the emancipation of underprivileged people and promotes equality for all.
- It dispels preconceived notions regarding caste, religion, and ethnicity.
- It facilitates social mobility.
- It is necessary to compensate for centuries of oppression and prejudice and to level the playing field.
- It aims to promote equality by addressing "graded disparities"

Negative aspects of Reservation:

- There are worries that meritocracy is deteriorating.
- It can reinforce prejudices by diminishing the accomplishments of underrepresented groups.
- People who fall under the purview of reserve have their achievement attributed to reservation, rather than their skills and effort.
- There are worries that reservations can facilitate discrimination in reverse.
- Even once discriminatory concerns have diminished, it is difficult to withdraw the reservation because to vote bank politics.

Recent difficulties encountered by the Reservation

- Regarding the application of reserve, we can observe numerous obstacles in society. These are as follows:
- SCs and STs in the country are ill-informed about the new education and development policies.
- Social Structure is also accountable for the improper execution of India's reservation policy.
- Corruption is crucial to reservation policy's diminished relevance.

Conclusion

In conclusion, reservation in India remains a complex and evolving policy tool aimed at promoting social justice and inclusivity. While it has made significant strides in addressing historical injustices, reservation continues to be a contentious issue, requiring careful balance between affirmative action and merit-based principles to ensure equitable representation and opportunities for all citizens. The last words regarding reservation policy are concerned with treating everyone equally and treating everyone unequally. It is a component of the Indian constitution's underlying protected discrimination principle. Educational entrance, employment, and other government policies play a larger role in promoting social justice.

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