

# The introduction to the reservation problem politics essay



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The main objective of the Indian reservation system is to increase the opportunities for enhanced social and educational status (i. e. each time make it better than the previous - until it becomes equal to that enjoyed by an average member of the community) of the underprivileged communities and, thus, enable them to take their rightful place in the mainstream, of the Indian society.

This is the primary reason why this policy was adopted, but, unfortunately the present scenario depicts a very different picture.

John Locke said that “ the right to life and property are natural rights which are enjoyed by everyone alike and are not separable from the person. This gives us an idea that the right to equality is more basic than natural law itself. Thus, in its creation, the state is obliged to provide for this right, not just legally but functionally.”

The preamble of the Constitution of India contains phrase “ equity - social, political and economic”. Furthermore, Article 14 of the Constitution, which is construed as one of the fundamental rights of the people living under it,

reads that “ the state shall not deny to any person, equity before the law or the equal protection of the law within the territory of India”. The phrase “ equity before law” is an adaptation of a postulate of the rule of law followed by the equity courts of England.

The 93rd amendment to the Constitution of India in 2005 allows the government to make special provisions for “ advancement of any social and educationally backward classes of citizen”, including, but not limited to, in their admission in aided or unaided private educational institutions.

Gradually, over a period of time, this reservation policy was to be implemented in private institutions and corporate entities as well. This move led to opposition from those categories of people who were to be excluded from the benefits being extended to the reserve category students, inasmuch as, the proposal was to reduce the available seats for the general category from the existing 77. 5% to less than 50. 5% (since members of OBC’s are also allowed to contest in General category).

Article 15(4) of The Constitution of India empowers the government to make special provisions for advancement of backward classes. Similarly Article 16 provides for equality of opportunity in matters of employment or appointment to any post under the State.

“ Clause 2 of article 16 lays down that no citizen on grounds of religion, race, caste, sex, descent, place of birth, residence or any of them be discriminated in respect of any employment or office under the State.”

However clause 4 of the same article provides for an exception by conferring a certain kind of power on the government:

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“ it empowers the state to make special provision for the reservation of appointments of posts in favour of any backward class of citizens which in the opinion of the state are not adequately represented in the services”

Thus two conditions have to be satisfied:

The class of citizens is backward.

The said class is not adequately represented.

Reservation is usually based on caste and gender. On one hand our constitution states and we fight for equality and on the other we support or suppress it, which itself shows and proves the existence thereof in the society.

When the reservation policy was first introduced in the early 1930's and formalized later in 1950, the political leaders who pioneered this policy, justified it primarily on grounds of citizen /human rights violation, drawing largely from the theoretical development and political science. Each and every person living in this complex social system is affected by this policy, knowingly or not.

### **Reservation in general:**

Reservation is seen at every rudimentary level in our Indian society.

Reservation for old or handicapped people in buses and trains or other privileges given to them due to age and healthcare are considered morally right hence they are considered good reservations. But on the other hand reservation in various institutions and work places are not very happily

accepted by people who are not favored as they feel they are denied what belongs to them.

In the case of the reservation policy it is seen that it has been adopted for alleviating inequalities in the political and economic scenarios. This is a method of achieving substantive equality. India has a pluralistic society and the main forms of discrimination are caste and religion. India being a male dominated society, sex is also an important basis for inequity. The constitution swears to not discriminate on any of these grounds and hence we have a reservation policy for the protection of the interests of all discriminated groups. The problem arises in targeting this group and meeting the ends for which reservation is created.

### **Reservation based on Caste:**

The reservation policy stands by a quota system in which a part of seats or any other privileges are booked or set aside for underprivileged people according to the government

These quotas are generally seen in colleges or work places.

People who qualify to get the benefit of the said reservation policy were categorized and listed under different schedules to the Constitution and came to be known as the Scheduled Castes, Scheduled Tribes and Other Backward Classes, popularly known as SC/ST/OBC.

This issue had attracted a lot of attention in the print and electronic media, namely news-papers, magazines, cinema, etc. The idea of this policy is to help and bring people at par with the main stream society. But,

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unfortunately, due to administrative reasons, poor implementation or misinterpretation of the policy, or any other reason, at times the result is quite the opposite and without benefiting the target people adversely affects the people of the general category who miss out their chance of being absorbed in the position they deserve. Even if a reserved category person, otherwise not as qualified as the general category candidate gets the said position, and a deserving candidate of the general category is left out they are bound to look suspiciously at the person who gets their deserved seat due to quota system. Even when people who belong to quota and people who have reached that position with merit come in similar surroundings they are not able to get along well. This policy in its attempt to get people on an equal level does not assure or even promise equality to the underprivileged. It is often seen in higher educational institutes that children who have come through quota are segregated for the majority of the class and are confined to their own groups.

The reservation policy in the basis of castes started when the Simon Commission came to India with the rule of separate electorates and reservations for depressed classes. But a concrete legislation was passed only later on after independence when Dr. B. R. Ambedkar fought for the rights of the SC's, ST's and OBC's. During the constitutional assembly debates, he supported the cause of backward castes time and again and believed that reservation policy is the only way to eradicate these disparities. However, the reservation policy was always a provisional one and not permanent. For years now, the time limit has been increasing as the

government did not feel that the required amount of equality has been achieved in the social, economic or political life of people.

In central government funded higher educational institutions, 22.5% of available seats are reserved for Scheduled Caste (SC) and Scheduled Tribe (ST) students (15% for SCs, 7.5% for STs). This reservation percentage has been raised to 49.5%, by including an additional 27% reservation for OBCs. This ratio is followed even in Parliament and all elections where a few constituencies are earmarked for those from certain communities (which keep rotating as per the delimitation commission).

The exact percentage varies from state to state:

In Tamil Nadu, the percentage of reservation is 18% for SCs and 1% for STs, being based on local demographics.

In Andhra Pradesh, 25% of educational institutes and government jobs for OBCs, 35% for SCs, 6% for STs and 4% for Muslims.

In West Bengal, 35% of educational institutes and 45% of government jobs for SC, ST, and OBC. (25% SC, 12% ST, and 10% Muslim).

In a case *Balaji v/s State of Mysore* (AIR 1963 SC649) it was held that 'caste of a person cannot be the sole criteria for ascertaining whether a particular caste is backward or not. Determinants such as poverty, occupation, place of habitation may all be relevant factors to be taken into consideration. The court further held that it does not mean that if once a caste is considered to be backward it will continue to be backward for all other times. The

government should review the test and if a class reaches the state of  
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progress where reservation is not necessary it should delete that class from the list of backward classes.' like the creamy layer (that is Son(s)/daughter(s) of those who earn 4.5 lakh Rs. or more annually for three consecutive years are excluded from reservation)

### **Reservation based on gender:**

In 1993, an amendment to the Constitution of India called for a random one third of village council leader, or pradhan, positions in gram panchayat to be reserved for women. The village council is responsible for the provision of village infrastructure – such as public buildings, water, and roads – and for identifying government program beneficiaries. Although all decisions in the village council are made by majority, the pradhan is the only full-time member and exercises significant control over the final council decisions. Recent research on the quota system has revealed that it has changed perceptions of women's abilities, improved women's electoral chances, and raised aspirations and educational attainment for adolescent girls. In furtherance of the said objective the government has also introduced and implemented the reservation for women in such key areas by a proper statute.

Here we see reservation is made on higher educational, jobs that may be in public or private sector. But, reservation is missing in its elementary stage which is at the schools, the grass root level children. Only those who have primary and secondary education can be candidates to higher educational institutions. Furthermore, only these graduates and well qualified people can attain good jobs. Hence, reservation should be there in basic schooling also



for underprivileged children and gradually this reservation should be dissolved.

Reserved seats in higher educational institutions and work places are used by people who fall in the underprivileged section but are economically not very backward as they have managed to educate their children. These underprivileged educated children who come from a stable economic background do not need help of any reservation as they should now fall into the general category and should be governed by the merit list itself.

In spite of all the reservations in the society the under privileged are not allowed to step in few places:

### **Institutions kept out of the purview of reservation**

The following institutions have been kept out of the purview of Central Educational Institutions (Reservation in Admission) Act, 2006:

Homi Bhabha National Institute, Mumbai and its constituent units, namely:

Bhabha Atomic Research Centre, Trombay

Indira Gandhi Centre for Atomic Research, Kalpakkam

Raja Ramanna Centre for Advanced Technology, Indore

Institute for Plasma Research, Gandhinagar

Variable Energy Cyclotron Centre, Kolkata

Saha Institute of Nuclear Physics, Kolkata;

Institute of Physics, Bhubaneswar

Institute of Mathematical Sciences, Chennai

Harish-Chandra Research Institute, Allahabad

Tata Memorial Centre, Mumbai

Tata Institute of Fundamental Research, Mumbai

North Eastern Indira Gandhi Regional Institute of Health and Medical  
Sciences, Shillong

National Brain Research Centre, Manesar, Gurgaon

Jawaharlal Nehru Centre for Advanced Scientific Research, Bangalore

Physical Research Laboratory, Ahmedabad

Space Physics Laboratory, Thiruvananthapuram

Indian Institute of Remote Sensing, Dehradun

These scientific institutes are not governed by the reservation policy as these places mentioned above hold the key to the nation and only capable people are allowed to be part of such institutions for development in various technological fields for improvement and growth of the country.

Reservation should be purely made on the basis of the economical conditions of the applicant and nothing else. The kind of reservation policy that our

government currently follows does nothing but divide the society into different sections.

To remove this evil it suggested the following:

Make education mandatory and free for all till age of 15

Propose reservation based on economic status

Provide opportunity to students to earn while they study.

Instead of introducing reservations for these backward classes what is required is to bring about revolutionary changes in our education system at the grass-root level. When proper education is not provided to children belonging to such categories during the primary stage itself then on what basis are the reservations provided at a subsequent stage.

Reservations are nothing but means to prosper the vote banks of politicians. They are hindering the country's growth, development and competency in all aspects. On one hand the preamble of our constitution states that we are a free, democratic and sovereign nation and on the other hand reservation system is chaining all these aspects into its clutches. It is creating disparity and differences amongst the people. The constitution lays down that every child has a right to education and nowhere expresses that any child belonging to a backward class has a little more of this right than the general category. By reserving one category against another creates a feeling of division which is now resulting in a chaos with every small section of the society asking for it.

Reservations on the basis of caste and not on the basis of condition are bad and unacceptable. Fair and just reservations to uplift the people with poor conditions of life, those who don't have meals to eat, clothes to wear and no home to live in. They shall be made on the basis of factors such as gender as women are more disadvantaged than men since primitive times, domicile, family education, family employment, family property, family income and if any disabilities and traumas. The process of reservation should be such that it filters the truly economically deprived individuals and bring them all to justice.

Thus reservations are anti-thesis of development and equality. We don't need reservations based on castes or religion but only to actually provide aid to those who have minimal resources; and merit should be given equal and due importance in admission procedures as well employment opportunities. This way we would be successful in removing caste discrimination and unite the economically rich together in helping the economically poor, irrespective of their castes.

ALL FACTS HAVE BEEN TAKEN FROM <http://www.wikipedia.org/>