

From Affirmative Action to Political Instrument: A Critical Review of Reservation Policy

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Abstract

Caste-based reservation has been practiced in India since the Constitution came into effect. The rationale for establishing caste-based reservations in India, as noted by Tavleen Singh, was a "vital gesture of atonement for the injustices inflicted upon the lower castes" (Singh). The architect of our Constitution, Dr. B.R. Ambedkar, intended reservations to last only 10 years; however, they continue to persist. Many have often confused the right to reservation with a fundamental right. The Supreme Court has consistently affirmed that the right to reservation is not a fundamental right. The state and central governments have the discretion to make and revoke reservations at any given point. Youths from backward classes have the false impression that they no longer need to work hard. When establishing reservations, it was not just a required affirmative action, it was a crucial step for those deprived of the right to education and social equality. However, the time for reservations has now passed. Reservations have caused more problems than they have resolved.

Caste-based reservation has been practiced in India since the Constitution came into effect. The rationale for establishing caste-based reservations in India, as noted by Tavleen Singh, was a "vital gesture of atonement for the injustices inflicted upon the lower castes" (Singh). The architect of our Constitution, Dr. B.R. Ambedkar, intended reservations to last only 10 years; however, they continue to persist. Many have often confused the right to reservation with a fundamental right. The Supreme Court has consistently affirmed that the right to reservation is not a fundamental right. The state and central governments have the discretion to make and revoke reservations at any given point. Youths from backward classes have the false impression that they no longer need to work hard. When establishing reservations, it was not just a required affirmative action, it was a crucial step for those deprived of the right to education and social equality. However, the time for reservations has now passed. Reservations have caused more problems than they have resolved. The issues of unemployment, poor quality of education, resentment, and corruption continue to increase. The primary question arises from this is whether caste-based reservations are still necessary. Reservations create a divide between the upper and lower classes. They convey a misleading impression about the merit required to attain jobs and study at prestigious universities. Justice Katy stated, "An upper caste youth who scored 90 per cent in his exams may be denied admission or a job. At the same time an SC/BC individual who scored 40 per cent may receive it through reservation. This naturally causes distress for the former" (Garg). Backward classes faced injustices, and the concept of reservation was established to address these injustices. This concept was proposed a decade ago and is still being implemented seven decades after. With more than seventy years of reservation, the question before the government is why are scheduled castes and tribes still getting additional benefits? Abolishing caste-based reservations is a topic that has been considered but never implemented. India is a nation of

equality and equal opportunity. While the scheduled castes and tribes had less representation at the time of independence, that era has since passed. The time has come to work toward a merit-based society because of the scarcity of jobs and the intense rivalry for university entrance. Since gaining independence, our nation has come a long way. A move toward equality of opportunity by abolishing caste-based reservations would accelerate its progress. I argue that India should completely abolish with caste-based reservations.

The caste-based reservation system has become outdated, obsolete, and susceptible to misuse by individuals. The misuse of caste-based reservations in India recently over the last two decades has been a cause of concern. People have been exploiting the system of reservations for extensive personal gain with no thought for society. Individuals who have access to a plethora of resources and do not need any form of reservation are the ones that avail this benefit. People create a divide among themselves, despite being of the same nation, with the implementation of caste-based reservations where brotherhood is encouraged on a national level. Individuals with reservations pose a significant obstacle to the country's growth and development, as deserving people are overlooked in favour of them. This not only diminishes the morale of candidates but also affects the quality of work in the reserved sectors. Socially and educationally backward classes should be granted reservations according to Article 15 of the Indian Constitution. Nevertheless, this system has entirely transformed into a caste-based reservation framework (Tomar and Kumar). Taking reservations for granted has become somewhat customary. Reservations were created to uplift the oppressed. However, considering the current state of affairs, this goal remains far from achieved. How can the caste-based reservation system be considered "affirmative action" if it contradicts the fundamental principle of equality? Equal opportunity for all is explicitly stated in the Constitution, yet it remains only partially implemented in our country. The reservation system is not only a legal issue but also has political implications. The Indian Constitution's Article 14 guarantees justice by the state. Often referred to as the soul of the Constitution. Without equality, no nation can be considered a republic (Shyam 350). Our country continues to implement reservations based on the most recent census data in India, which was conducted in 2011. Caste cannot and should not be the only basis for granting reservations to individuals. Several factors are of much more importance, such as economic conditions that should get preference over the caste of any individual. Until equal opportunity is provided to everyone, the goal of a welfare state will remain a distant dream. Granting reservations based on caste contradicts the constitutional guarantee of equal opportunity for all. Such a violation of an individual's fundamental rights would be disastrous for societal development (Garg).

The concept of the creamy layer in reservations was intended to address exploitation and misuse. Unfortunately, it has not been effective. The primary issue with the creamy layer system was that it applied solely to Other Backward Classes (OBC) and not to Scheduled Castes. The concept of a creamy layer requires more rigorous implementation and clear guidelines for better accomplishment. The exploitation of reservations is not only limited to the people of backward classes but also used by politicians as a tool to gain votes. Politicians often promise exorbitant percentages of reservations if elected, in an attempt to increase their vote bank. These reservations were to be a temporary system, reviewed periodically and discussed for their necessity. However, years have passed and this system has undergone no significant reform. Though a majority of the communities have gone through a socio-economic leap, they still enjoy reservations, while deserving candidates are left to suffer. Communities who no longer experience such a disadvantage are accused of manipulating this static approach. All these factors lead to an increase in hatred between different castes. Hence, increasing the divide between them. In many instances, the

advantages of reservations are repeatedly enjoyed solely by a segment of individuals who are more affluent than others. The most marginalized communities are continued to be excluded from this initiative, despite it being established for their benefit. A 50% cap was put in place by the Supreme Court in 1992 to prevent the excessive use of reservations. However, many states have blatantly ignored this direction given. Tamil Nadu has 69%, Arunachal Pradesh hits 80%, and Lakshadweep goes to 100% for Scheduled Tribes. Bihar, Madhya Pradesh, Karnataka, they've all jumped on the bandwagon, increasing their quotas well beyond the court's limit (Hallan). Where do we draw the line? Is this still about fairness, or has it turned into something more sinister? These questions have sparked a debate often. The policy of caste-based reservations is not only unjust to the middle class of society but also to students. Reservation based on the caste system is unfair to the general category of meritorious students as it restricts their entry into their desired colleges. In Uttarakhand, the results of NEET 2019, the last seat availed by an unreserved category student in Uttarakhand was at about 529 marks. A reserved category student availed of the same seat around 338 marks. Such colossal difference in figures has taken a toll on the unreserved meritorious students (EducationTimes). Opportunities for students must be based on their potential and financial frameworks instead of caste-based advantages.

The recommendations of the Mandal Commission, published in 1991, were followed to implement caste-based reservations in India. The Commission ignored several factors while making their recommendations. The commission failed to account for economic status as a key factor. The 1931 census failed to account for the division of obc's throughout the country when formulating the report. The Commission could not provide a clear roadmap and a long-term plan to eventually and gradually phase out reservations in our country. In September 1990, several prominent jurists challenged the commission's views. They contended that Mandal's methodology for identifying backward castes was flawed, relying on a statistical sample that was too small to be credible. The Mandal report was completed in the late '70s when the total population was much lower but, more comprehensive. People of India (poi) covered 4,592 villages and urban blocks while Mandal covered only 793 villages (India Today). The startling difference in the obc lists stated that Poi's total was 1,046, while Mandal's soared to 3,743, which was no small difference. It was based on this arbitrary categorisation that Mandal recommended 27 per cent job reservations for the obcs (India Today). The commission submitted its report over 30 years back. The situation of our country was entirely different to what it is now. Various schemes, policies and concessions introduced by the government have helped abridge the gap between castes. Another prominent issue created was the politicisation of caste. The Commission's report turned caste from a social issue to a political tool. Post the report, political parties began to form alliances based on caste. Leaders began showcasing themselves as fighters for the backward classes to gain votes. Thirty years after the report was published, its importance remains very much present. Politicians still use the Mandal Commission's report and the debates it generated to win votes (Malpani). The Mandal Commission used the economic factor to identify castes but it did not use the economic factor to go beyond caste. It is worth noticing that the Constitution had defined backwardness in class terms and not caste terms (Agarwal & Aggarwal). People's caste should not be confused with their level of backwardness. All castes can have both wealthy and impoverished individuals in a household. The Commission made a mistake by concentrating just on castes for reservations. Our society has been further harmed by the caste-based divisiveness that has emerged from this reservation.

To summarize, the concept of caste-based reservations as a policy has become outdated. India has now outgrown this, and the time calls for a change. The Supreme Court has repeatedly affirmed that caste-

based reservation is not a fundamental right. Reservations are at the discretion of the state and may be revoked at any time. When they were first implemented, they were a crucial step for upliftment, although that necessity has passed. With decades of development and struggle, our country has now achieved a better position in caste equality. A shift towards a merit-based society is the way to progress. Merit must be prioritized by us as a nation to enhance our development. Quality is a key factor and striving towards a merit based society would help achieve this goal. Caste-based reservations were intended to rectify injustices faced by backward classes, yet they have hindered development. Individuals who are disadvantaged simply for not belonging to a backward class experience injustice. A certificate of backward class status has become more significant than merit. Misguided reservations have intensified the call for their abolition. Equality and equal opportunity for all is a fundamental right. The idea of caste-based reservations has limited this fundamental right without sufficient justification. Reservations have fostered an unwarranted divide among various castes. This concept has resulted in the upper caste being notably critical and resentful of the backward classes. The necessity of reservations in India has consistently been questioned. The rising issues of unemployment, subpar education, and corruption have intensified since reservations were implemented. Those with access to resources exploit this scheme to their advantage, while others are left without it. The Constitution of our country provides reservations only for socially and educationally backward classes. The current system has transformed into a caste-based framework. The introduction of the creamy layer seemed to curtail the damages, although that failed too and failed to curtail the exploitation. Inadequate restrictions and safeguards in place have led to the current misuse of reservations in India. The implementation of reservation was based on the recommendations made by the Mandal Commission. The report published by the Commission had several errors and omissions that are hindering us currently. This report led to the politicization of caste. The report further failed to recognize economic factors as a reason for reservations. To provide for equal opportunity the concept of caste-based reservations must be abolished altogether. The policy is outdated and we as a country have outgrown it. The time has now come for a change.

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