Reservation Policy In India

1) Introduction
   - Reservation in India is the process of facilitating a person in education, scholarship, jobs, and in promotions who has category certificates.
   - Reservation is a form of quota-based affirmative action.
   - Recently the Maharashtra government has cleared reservation for the Maratha community in education and government jobs.
   - It will have implications on other communities which have been demanding reservation such as Kapus in Andhra Pradesh, Jats in Haryana and Patidars in Gujarat.

2) Background
   - Inequality, or lack of opportunity — has led to political debates and upheavals in a wide variety of countries.
   - One major category of policies used in removing restrictions on freedoms is positive discrimination or what we call it reservation.
   - The first such policy in independent India dates to 1950.
   - The reservation policies address historically disadvantaged groups, defined primarily by a caste system.

3) Constitutional Provisions
   - Part XVI of the Indian Constitution deals with reservation for scheduled castes (SC) and scheduled tribes (ST) in federal and state legislatures.
   - It also deals with constitutional authority of the president to establish commissions to examine and recommend remedies for the welfare of SC and ST groups.
   - A socially and educationally backward class can be extended benefits of reservation under Articles 15(4) and 16(4) of the Constitution.

4) Why Communities are asking for Reservation?
   - The Jats in Haryana, Patels in Gujarat and Kapus in Andhra Pradesh also seem to believe that reservations offer a redress to the crisis confronting them.
   - These predominantly agrarian communities have been hit by the rural distress, especially the crisis in agriculture.
   - Unemployment was one of the major factors triggering the demand for reservation.
   - The agitation for quotas also stems from the fear of losing privilege and the inability to engage with change.
   - Wages in the private sector are much lower than in the public sector. Salaries of government jobs are mostly attractive at entry-level.
   - Previously advantaged castes, such as Brahmins, Rajputs and Chettiar, have begun to feel severely disadvantaged.
   - They want to include the economically disadvantaged among them in the reserved groupings.
5) **Court’s Response to Reservation**

- According to Indira Sawhney judgement by the Supreme Court, the total reservation for SC/ST and other backward classes or special categories should not exceed 50 per cent.
- The decision by the Maharashtra government after passing the law, is likely to be challenged before the court.
- In 2014, the then government had granted 16 per cent reservation for the Marathas. However, the reservation was stayed by the Bombay High Court.
- In Rajasthan, the Supreme Court had said quota in jobs and education in the state has exceeded the 50 per cent cap and it cannot be stretched further
- A petition challenging the Tamil Nadu reservation policy is pending before the Supreme Court.

6) **Arguments for Reservation**

- Due to historical negligence caste based reservation are necessary in India.
- Reservation helps in level playing field because we cannot expect groups who are historically deprived of education, skills, and economic mobility to suddenly start competing with those who had access to these means for centuries.
- Though Meritocracy is an important aspect, it has no meaning without equality.
- To a great extent caste based reservation reduced the gap between upper and lower castes.
- A study to measure the impact of reservations on efficiency, concluded that reservations have not hampered the efficiency of administration, rather they have enhanced quality.
- The example of the Indian railways proves that where SC/ST employees are more in number, the results have been better.

7) **Arguments against Reservation**

- Many people of lower castes have stepped up the social ladder and are now on an equal footing with the ‘general’ population.
- Quotas offer only a limited, short-term solution to these problems.
- Reservation is indeed an instrument to rectify social and educational backwardness, but it does not have solutions for every social and economic ailment.
- It is a failure of imagination of the leadership of these communities that reservation is seen as the only safety net that can address their concerns.
- As the reservation pie grows larger, in effect, it becomes a method of exclusion rather than inclusion.
- In Ashok Kumar Thakur v. Union of India, Justice Ravindran opined that when more people aspire for backwardness instead of forwardness, the Country itself stagnates.
- The reservation system can harm the economic structure of the country as it could bring down the efficiency of its labour.
- Many upper castes are still suffering from poverty and illiteracy.

8) **Concerns / Challenges**

- Castes that should be actually benefitted are not being benefitted, and the others are reaping the benefits of the reservation system.
- Today, the reservation system has just become a tool for politicians to gain vote banks.
- The Jat agitation in Haryana resulted in several deaths, cancelation of hundreds of trains, and the loss of many working days in schools and workplaces across Haryana.
- One community after another will start demanding reservations due to the success of others.
Many in the above communities are politically and economically strong enough and placing the whole community under the reservation system will be unethical.

It will lead to neglect of merit and it may cause social unrest as it was at the time of Mandal commission.

9) **Way Forward**

- The government will have to expand the economic aspect and create fresh opportunities so that people, especially young people, who leave agriculture are absorbed in non-farm sectors.
- It is time that India made a critical assessment of its affirmative action programmes.
- The government should consider the economic, political and social wellbeing of the community and make a balanced decision.
- Problems of these castes should be addressed through government schemes and programmes.
- Progressive steps should be taken to ensure that poorer section among the backward communities get the benefit of reservation system.
- The policy of reservation should be gradually phased out after it serves its purpose.