

Future of Reservation Policy in India

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Abstract

After attaining independence, the Indian Constitution presented a picture of a new emerging India. Constitution Makers believed that due to social system scheduled caste and scheduled Tribes have been socially and educationally backward and the were not given respect and equal opportunities in Indian Society and their share in nation-building activities has been reduced.

Therefore, the constitution Makers of India listed some groups as Scheduled Caste and Scheduled Tribes. In Indian Civilization and culture the diseases of untouchability was spread like cancer in Indian Social environment.

The future of India is pretty good as long as affirmative action programs are implemented with sincerity. This means that the privileged caste who block affirmative action programs with bureaucracy, nepotism, red-tape, legal blocks etc. While accepting the principles of equality, the constitution Makers of India, together, also believed that not everyone in India is equal, but in every society in the world there is economic inequality. On the basis of an estimate successive in equality was a doubting task of establishing a Modern democracy in a country of nearly 6000 ethnic categories. Therefore, constitution makers made special provision in the constitution to bring the scheduled caste & scheduled Tribes to the mainstream of the deprived and shareholder in nation building. This Provision has clearly made Provisions for reservation in Articles, 15 (4) 16 (4) 335, 340, 341, 342 of Indian Constitution. Our Constitution has quite deliberately deprived Classes of the same features with the constitution in order to from the constitution and 26th January 1950 AD began to facilitate the reservation, in order to ensure the presence of all the groups of society in the resources opportunities and governance system of the country.

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Introduction

Research method: -

The research paper presented is analytical and descriptive nature various sources has been used research articles for this details of essay articles published in mainly published paper and Journal, Google, internet and various research texts have formed the basis of the study of journals.

The purpose of the Proposed research.

- (1) Awareness of reservation policy in the public mind of India.
- (2) Provision of reservation policy in Indian constitution.
- (3) Establish public attitude and harmony to words reservation policy in secular nation, religions, sects, languages, regions various. Union territories and provinces in India.
- (4) Determining the right and proper condition and direction of reservation policy in India's democratic governance system.
- (5) Change the mind set of Indian public and government policies towards reservation policy and welcome good future results.
- (6) To extend the reservation policy of Dr. Bhimrao Ambedkar to scheduled caste, tribes, backward classes and the depressed classes.
- (7) Reservation policy of prime minister Narendra Modi and reservation for economically weaker people of upper caste seek future policy.

Fact Analysis

In the 21st century the Indian constitution has presented a picture of a new rise in India reservation policy has been a major topic after independence representation for SC-ST was fixed 10 years but in the future it has taken the form of tradition and it remains to this day which is challenging for the future although the constitution does not use the word reservation the word reservation is used instead.

How long will the chariot of reservation policy continue to be a challenge for the future and for the Indian public. because the future of reservation policy will change the way in which the future will decide but in present times the chariot of reservation policy is moving towards its direction and realizing the dreams of Gandhi & Dr. Bhimrao Ambedkar.

The Primary Objective of the reservation system in India is to enhance the social & educational status of under privileged communities and people thus improve their lives.¹

Quota systems Favoring certain castes and other communities existed before **independence** in several areas of **British India**. Demands for various forms of positive discrimination had been made, for example, in 1882 and 1891.²

Poona Pact

The Poona pact refers to an agreement between B.R. Ambedkar on behalf of Depressed class and caste Hindu leaders on the reservation of electoral sets for the depressed classes in the Legislature of British India Government. Contrary to popular erroneous belief, Mahatma Gandhi was not involved in signing and pact, as he was in jail and was fasting. it was made on 24 Sept. 1932 at Yerawada Central jail in Poona, India. And it was signed B.R. Ambedkar and some other leaders as a means to end the fast that Gandhi was undertaking in jail as a protest against the decision by British prime minister Ramsay MacDonald to give separate electorates to depressed classes for the election of members of provincial legislature assemblies in British India. They finally agreed upon 148 electoral seats.

The truth is that the nation in which hatred and untouchability feeling among human beings will continue to be the seeds of casteism if there is no development of society and nation, otherwise there will be a feeling of peace and fraternity.

When the Constitution came into force on 26 January 1950, SC and ST were given reservation at the society and educationally level at that time even at that time India's economic condition was not good. Even then, on the basis of economic basis, the standard of living of many classes and castes was low. From that time till today no constitution expert politicians and political parties have been noticed. Many five year plans since 1951 have also shown that the standard of living of more than 40% people is below the poverty line. The Constitution has also clearly explained that there is no provision for more reservation of 49.5% and the Supreme Court has also clearly said that the reservation cannot be given on economic basis. It has to be changed by Legislature. This is the only practical solution. Once fired arrow.³

Reservation Policy After the independence

After the independence of India in 1947 there were some major initiatives in favour of the STs, SCs and after the 1980s in favour of OBCs. (Other Backward Castes) and in 2019 for poor general category. The country's affirmative action programme was launched in 1950 and is the oldest such programme in the world.^[4] A common form of caste discrimination in India was the practice of untouchability. SCs were the primary targets of the practice, which was outlawed by the new Constitution of India.^[5]

In 1954, the Ministry of Education suggested that 20 percent of places should be reserved for the SCs and STs in educational institutions with a provision to relax minimum qualifying marks for admission by 5 percent wherever required. In 1982, it was specified that 15 percent and 7.5 percent of vacancies in public sector and government-aided educational institutes should be reserved for the SC and ST candidates, respectively.^[6]

A significant change began in 1979 when the **Mandal Commission** was established to assess the situation of the socially and educationally backward classes.^[7] The commission did not have exact population figures for the OBCs and so used data from the **1931 census**, thus estimating the group's population at 52 per cent.^[8] In 1980 the commission's report recommended that a reserved quota for OBCs of 27 per cent should apply in respect of services and public sector bodies operated by the Union Government. It called for a similar change to admissions to institutes of higher education, except where states already had more generous requirements.^[7] It was not until the 1990s that the recommendations were implemented in Union Government jobs.^[9] In 2019 the government announces the 10% reservation in educational institutions and government jobs for economically weaker section of general category.

The Constitution of India states in article 15(4): "Nothing in [article 15] or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially, and educationally backward classes of citizens of or for the Scheduled Castes and the Scheduled Tribes."^[10] Article 46 of the Constitution states that "The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation."^[11]

The **Supreme Court of India** ruled in 1992 that reservations could not exceed 50 percent, anything above which it judged would violate equal access as guaranteed by the Constitution. It thus put a cap on reservations.^[12] However, the recent amendment of the constitution exceeds 50% and also there are state laws that exceed this 50 percent limit and these are under litigation in the Supreme Court. For example, in the State of **Tamil Nadu**, the caste-based reservation stands at 69 percent and applies to about 87 percent of the population. Reservation is not just for SC,ST and OBC reservation is also for women's and transgender so they can get equal opportunity

Reservation Schemes in Employment

A fixed percentage of India's government and public sector jobs are made exclusive for categories of people largely based on their caste or tribe.

The 1993 Supreme Court ruling in the Indra Sawhney case said that reservations in job promotions are "unconstitutional" but allowed its continuation for five years.^{[13][12]} In 1995, the **77th amendment** to the Constitution was made to amend **Article 16** before the five-year period expired to continue with reservations for SC/STs in promotions.^[14] It was further modified through the 85th amendment to give the benefit of *consequential seniority* to SC/ST candidates promoted by reservation.^[15]

The 81st amendment was made to the Constitution to permit the government to treat the backlog of reserved vacancies as a separate and distinct group, to which the ceiling of 50 per cent did not apply.^[16] The 82nd amendment inserted a provision in Article 335 to enable states to give concessions to SC/ST candidates in promotion.^[17] The validity of all the above four amendments was challenged in the Supreme Court through various petitions clubbed together in *M. Nagaraj & Others Vs. Union of India & Others*, mainly on the ground that these altered the **Basic Structure of the Constitution**. In 2006, the Supreme Court upheld the amendments but stipulated that the concerned state will have to show, in each case, the existence of “compelling reasons” - which include “backwardness”, “inadequacy of representation” and overall “administrative efficiency - before making provisions for reservation. The court further held that these provisions are merely **enabling provisions**. If a state government wishes to make provisions for reservation to SC/STs in the promotion, the state has to collect quantifiable data showing backwardness of the class and inadequacy of representation of that class.^[18]

In 2007, the **Government of Uttar Pradesh** introduced reservation in job promotions. However, citing the Supreme Court decision, the policy was ruled to be unconstitutional by the **Allahabad High Court** in 2011.^[19] The decision was challenged in the Supreme Court, which upheld it in 2012 by rejecting the government’s argument because it failed to furnish sufficient valid data to justify the move to promote employees on a caste basis.²⁰

Reservation in Education

India scholarships or student aid is available for—SCs, STs, BCs, OBCs, women, Muslims, and other minorities. Only about 0.7% of scholarships or student aid in India is based on merit, given the grossly inadequate representation of above-mentioned categories in employment and education due to historic, societal and cultural reasons.^[21]

New rules implementation of UPA Government do not provide scholarship scheme and reservation quota of students and employees of colleges under central University and State University approved by the UGC.

In central-government funded higher education institutions, 22.5% of available seats are reserved for Scheduled Caste (SC) and Scheduled Tribe (ST) students (7.5% for STs, 15% for SCs).^[22] This reservation percentage has been raised to 49.5%^[22] 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 will next rotate in 2026 per the **Delimitation Commission**).^{2222 add}

Conclusion

The conclusion can be said that on the subject of reservation in democraticand

secular nations like India, India's politicians and constitution experts will have to set a new direction for the future. So that no government could not cook the bread of power in the name of reservation and does not take the form of ethnic conflict between the forward and back word cast in different countries, reservation is given to any class so that their standard of living can improve and come into the mainstream and develop themselves today those who come to power mislead the public in the name of giving their reservation.

The truth is that the nation in which hatred & untouchability feeling among human beings will continue to be the Seeds of casteism. If there is no development of society and nation, otherwise there will be a feeling of peace and fraternity

When the constitution came into force on 26 January 1950 SC & ST were given reservation at the social & educational level at that time so even at that time India's economic condition was not good. Even then on the basis of economic basis, the standard of living of classes & castes was low. From that time till today no constitution expert, politicians and political parties have been noticed. many five years plans since 1951 have also shown that the standard of living of more than 40% people is below the poverty line. The constitution has also clearly explained that there is no provision for more reservation of 49.5% & supreme court has also clearly said that the reservation cannot be given economic basis. It has to be changed by legislature. This is the only practical solution. Once fired arrow of reservation can never go back because surname gives away the cast & it is very difficult to prove discrimination. If this is the politics of reservation & the politics of vote bank, then in the coming time the Indian public will have to go through many ethnic struggles & class struggles & India of Gandhi's dreams will not be acceptance.

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11. ^ Article 46, Section 0 of the [Constitution of India](#) (1950)
12. ^ Jump up to: ^{a b} *"Indra Sawhney Etc. vs Union of India And Others, Etc. on 16 November, 1992"*. [IndianKanoon.org](#). Retrieved 22 August 2012. (4) Reservation being an extreme form of protective measure or affirmative action it should be confined to minority of seats. Even though the Constitution does not lay down any specific bar but the constitutional philosophy being against proportional equality the principle of balancing equality ordains reservation, of any manner, not to exceed 50%." , "Reservation in promotion is constitutionally impermissible as once the advantaged and disadvantaged are made equal and are brought in one class or group then any further benefit extended for promotion on the inequality existing prior to being brought in the group would be treating equals unequally. It would not be eradicating the effects of past discrimination but perpetuating it.
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