

Reservation : Boon or Bane?

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The issue of reservation in India has always been a bone of contention between those who support it and those who don't. It has two connotations positive and negative. Modern day reservation in India can be defined as democratic principle to provide representation to the castes hitherto remained unrepresented in the various spheres of life. The history of reservation in India is as old as caste system. The caste system was also based on reservation to higher castes. The difference between the reservation under caste system and modern day reservation provided under the scheme of constitution is that the former was based on negativism and latter is on positivism. The policy of reservation cannot be understood or complete without going into the question of caste in India. The issue of caste system is of historical and contemporary relevance in the context of reservation.

It is well known that India is a caste based society; many studies have been done on the caste system of India. It is the most divisive and discriminatory system. It had been survived and still surviving on the basis of contempt and hate towards other castes. The creators of caste system leave no stone unturned to preserve it intact. Caste discrimination is caused by 'cognitive bias', that is, harm caused by an actor who is aware of the person's caste and who is motivated (consciously or unconsciously) by that awareness (Neil J & Paul B, 2001). The discrimination and oppression under caste system led to social exclusion of lower castes that are now called as Scheduled Castes, Scheduled Tribes and Other Backward Classes. They were denied basic rights like choice of profession and education.

The brutality, which caste system unleashed on a large section of lower castes prompted several scholars to think upon it and in the process they made very scathing comments on it. S.V. Ketkar, said that 'as long as caste in India does exist, Hindus will hardly intermarry or have any social intercourse with outsiders; and if Hindus migrate to other regions on earth, Indian caste would become a world problem (Ketkar, 1909). Caste system had prevailed for so long not because people of lower

castes wanted it but the higher castes that benefitted the most from it produced and reproduced the inequalities by and through the religious scriptures, cultural practices, discrimination, oppression, dominance, exploitation and the state power at their disposal. Privileges are 'systematically conferred on individuals by virtue of their membership in dominant groups with access to resources and institutionalized powers that are beyond the common advantages of marginalized citizens (A. Bailey, 1998).

Many benefits can be accrued from being privileged. It enables to possess disproportionately large share of positive social value or all those material and symbolic things as for which people strive. Examples of positive social value are such things as political authority and power, good and plentiful food, splendid homes, the best available health care, wealth and high social status (Sidanius & Pratto, 1999). Young's five faces of oppression, that is, exploitation, marginalization, powerlessness, cultural imperialism and violence, are completely true of Indian caste system (Young, 1990). Caste system provides abundant social capital to higher castes (Loury, 1995). Social capital refers to value an individual receives from membership in a community, such as access to information networks, mentoring and reciprocal favours. The gap, caste system creates between higher castes and lower castes, is projected as something natural. It is upheld as a natural system rather than a created system. The belief about social hierarchy under caste system as being natural provides a rationale for social dominance and absolves dominant groups from responsibility to address social inequalities (Gould, 2000). It is not only those higher castes make efforts to preserve it, but also feel and believe that they have inherited the characteristics that place them at advantageous position or they consciously ignore the socially constructed basis of their hegemony (Wonders, 2000). The sense of being entitled to be respected, acknowledged, protected and rewarded is so much taken for granted that, they are often shocked and angered when it is denied them (Rosenblum & Travis, 1996).

Connell extends this sense of entitlement to gender relations. In her key note address to men and relationships forum, said that 'from a long history of gender relations, many men have a sense of entitlement to respect, deference and service from women. If women fail to give it, some men will see it as bad conduct which ought to be punished'. She also points out that some men will regard women's challenge to male entitlement as a threat to their masculinity (Connell, 2000). Over a period of time, sense of entitlement got internalized among higher castes and developed prejudices against lower castes and women.

Christian missionary during colonial rule, Charles Grant, said that, Indians should embrace Christianity for salvation because the people of India lived in a 'degenerate' condition because of Hinduism which was the source of such evils as dishonesty, perjury, selfishness, social divisions, the low position of women, sexual vice, and etc.(Jha, Ancient India in Historical Outline, 2006). James Mill was harsher in his words about Indian Culture. He equated it with barbarianism and anti-rationalism. He characterized Indian rulers as despotic who upheld such barbarian social system and sought British legislation to reform India (Jha, 2006). British rulers addressed the ill effects of caste system by way of providing reservations to various castes. They began with reservations to Muslims in educational institutions after the recommendations of the Hunter Commission in 1882. Later they converted into caste reservations in educational institutions and jobs (Chalam, Caste Based Reservations and Human Development in India, 2010). The first Dalit boy applied for admission into a government school in Dharwar, Bombay Presidency in 1856, had created a furore in the administration which in turn attracted the attention of British rulers, who then formulated an educational policy in which it is stated that all government schools should give admissions to all sections without any distinction of caste, religion and race. But British did not implement this until 1872. Mahatma Phule contested this discrimination before the Hunter Commission. This led to enactment of Caste Disabilities Act of 1872. The movements and efforts of Mahatma Phule and Narayan Guru had a great impact on British (Chalam, 2010). Along with British rulers, Indian rulers of princely states also implemented reservations to lower castes. ChhatrapatiShahujiMaharaj of Kolhapur, Maharaja of Mysore and Baroda were among them.

Finally when India got its independence in 1947, the issue of reservation to lower castes, that is, Scheduled Castes, Scheduled Tribes and Other Backward Classes, had once again a bone of contention among members of Constituent Assembly mostly dominated by Congress and Brahmins. Upliftment and empowerment of lower castes had always been the concern of Dr. B.R. Ambedkar. He strongly felt that in view of India's unequal and undemocratic social fabric, there should be a strong protective mechanism for the benefit and welfare of lower castes. In such a social context, Indian Constituent Assembly was mandated to prepare a constitution for the future of India.

Expectations were very high from Constituent Assembly. The issues of democracy, equality, social justice, poverty and a host of many other issues were to be looked

at and dealt with. It was challenging to deal with such a plethora of conflicting and contradicting issues and bring about a constitution which caters to the needs and live up to the expectations, aspirations and dreams of millions. Given the age old oppressive, discriminatory and exploitative caste system we have, there was unanimity among all members of the Constituent Assembly, though with variations, to take certain measures to bring about a level playing field in the society so that none is left behind.

Granville Austin, in his master piece on Indian constitution said that one of the goals of the constitution is to bring social transformation (Austin, 2000). Whether the constitutional mandate of social transformation has been achieved or not, is a matter of debate. Christophe Jaffrelot counters what Austin had to say about social transformation. Citing the debates of Constituent Assembly, he says that Indian constitution reflects the conservative views of the majority members. Ambedkar's main concern was to have substantial equality rather than formal equality. To achieve this end he put forth many arguments and proposals for the serious consideration of Constituent Assembly. In the sub-committee on minorities, Ambedkar, the chairman of Drafting Committee, suggested that non-Scheduled Castes Hindu candidates should, before being declared elected, poll a minimum number of the minority communities, including the Scheduled Castes. He was the only person to support it in the committee. Congress members opposed it on the ground that it may lead to divisive tendencies. Congress members like K.M. Munshi, Seth Govind Das, Rajendra Prasad and SardarVallabhbai Patel rejected it tooth and nail (Jaffrelot, 2008). After the rejection of sub-committee, the same issue was again raised by one of the Ambedkar's disciples, S. Nagappa in the Constituent Assembly session with a slight variation. According to the scheme proposed by Nagappa, the winning candidate from the constituency reserved for the scheduled castes should poll more than thirty five per cent of the untouchables. He felt that such a system would give more legitimacy to the Scheduled Castes representatives (CAD, 1947). SardarVallabhbai Patel was the most critical of the proposal moved by Nagappa. He said:

To the Scheduled Castes friends, I also appeal,: 'Let us forget what Dr. Ambedkar or his group have done.' Let us forget what you did. You have nearly escaped partition of the country again on your lines. You have seen the result of separate electorates in Bombay, that when the greatest benefactor of your community[Gandhi] came to

Bombay to stay in Bhangi quarters it was your people who tried to stone his quarters. What was it? It was again the result of this poison, and therefore I resist this only because I feel that the vast majority of the Hindu population wish you well. Without them where will you be? Therefore secure their confidence and forget that you are a scheduled caste [...] those representatives of the Scheduled Castes must know that the Scheduled Castes must be effaced altogether from our society, and if it is to be effaced, those who have ceased to be untouchables and sit amongst us have to forget that they are untouchables or else if they carry this inferiority complex, they will not be able to serve their community (CAD, Speech on 28 August, 1947).

Patel was literally threatening Nagappa of being wiped out for having moved amendment in the Constituent Assembly. The tone and tenor of Patel's language was absolutely threatening and dominating. He wanted all marginalized communities to negate their assertion and autonomy claims and be part of Hindu society which throughout condemned them as sub-humans. He tried to equate the humble efforts of Scheduled Castes representatives for self-respect and dignity with partition. Such was the intensity of opposition to the measures moved by Scheduled Castes representatives in the direction of Ambedkar's dream to establish substantial equality.

The concept of reservation was not only confined to political arena. In fact, the Indian constitution envisages a comprehensive scheme of reservation which extends to (a) quotas in government jobs and educational institutions (b) provision of certain expenditures, services and ameliorative schemes such as scholarships, grants, loans, land allotments, health care and legal aid to Scheduled Castes, Scheduled Tribes, Other Backward Classes and women. (c) Special protections that safeguard vulnerable groups from oppression and exploitation (Acharya, 2008). Marc Galanter takes it to a lesser extent to issues like the distribution of land allotments, housing and other scarce resources (Galanter, 1984). Ambedkar's emphasis was more on reservations in administrative posts as he felt; it could really empower the lower castes. Access to the corridors of power is made easy through reservations in administrative posts (Jaffrelot, 2008). As a result several provisions were made in the constitution.

Apart from Ambedkar and Nagappa, there were others who argued for the reservation in administrative posts. PunjabraoDeshmukh, a Constituent Assembly member from

Maharashtra, introduced an amendment in which he came up with an idea of administrative posts to be allotted on the basis of population. He also said it is imperative for the advancement of India (CAD, VOL. IX, P. 603). Reservation was supported by many scholars and leaders on the ground that it is necessary to remedy the past injustice. One of the socialist leaders, Ram ManoharLohia, wholeheartedly accepted and supported the idea of reservation to lower castes. According him, five thousand year old Indian caste system is selective about abilities. As a result, 'certain castes have become especially gifted', such as the Saraswat Brahmins in intellectual pursuits and the Marwari Baniyas in industry and finance. He thought it is absurd to talk about competing with these castes unless others are given preferential opportunities and privileges for three to four decades. Later he changed his position at the third national conference of the socialist party held in 1959, where he declared that, 'until the caste system is totally destroyed, the reconstruction of India should have, instead of ability, preferential opportunity as its basis (Shrivastava, 2014). He gave slogan which goes like this: 'pichdepawesaumeinsaath' (backwards should get sixty out of hundred) (Editorial, 2014).

Justification of Reservation:

As, it has been made very clear, at the outset, that the issue of reservation is bone of contention between those for and against it. In view of the historical and social context of the caste it becomes inevitable to have reservation in India. In addition to that it is necessary to ensure productivity. In Manusmriti, a law book and the guiding force of caste system, all laws were based on caste and no merit was ever considered. Wealth, political power, spiritual leadership, education, ownership of land and trade and other lucrative aspects of life were reserved purely for the higher castes.

BrajRanjan Mani in his 'Debrahminising History' explains how Brahmins were given supremacy in Manusmriti. 'Thousands of words were invented to uphold Brahminical supremacy and glorify Brahmins: brahmajnani, vedagya, acharya, upadhyaya, devavani, shastragya, pandit, manushyadeva, bhudeva and jagatguru, etc. On the other hand many derogatory words were coined to abuse the Shudras: danav, daitya, rakshas, pishacha, chandala, mlechha, kshudra, nikrishta and dwijadasa, etc. The Manusmriti strictly instructs the Shudras to adopt names which should breed disgust, repulsion and hatred' (Mani, 2005). Manu says that caste is the creation of God, and the Brahmins, who are at the pinnacle of caste hierarchy, are the living

embodiments of God on earth. To use his words, 'a Brahmin is a great god whether he is learned or imbecile', and the Brahmins should be respected even if they commit crime. Manu has nothing to offer Shudras and Women, and places them on almost same status. He says that greatest religion of Shudras and Women is to play the role of willing victims and slaves, ever ready to be manipulated and exploited without a murmur of protest. Manu places women of all castes on same footing, expects them to surrender body and soul to men (Mani, 2005).

Manu also instructs the king to safeguard the supremacy and prestige of Brahmins. He says that the supreme duty of the king is to uphold this unequal social order under guidance of Brahmins. A king how mighty he may be is inferior to even a Brahmin child. The relationship between them is like that of father and son, of the two Brahmin child is father (Mani, 2005). This is how Caste system was enforced by Manusmriti with special emphasis on Brahmins.

The reservation under Manusmriti is negative in the sense that, it deprived a vast majority from having access to avenues of social and personal development. It was nothing but a social tyranny unleashed on lower castes. People were deeply divided along caste lines and had no sense of oneness and therefore, India had been subjected to numerous foreign invasions and aggressions, from Alexander to British.

Despite having been enjoyed cent percent reservation for near about three millennia, higher castes that were at the top of social ladder could not develop India but on the other hand they made it hostage and vulnerable to foreign aggressions and invasions. In spite of being one of the oldest civilizations and a place of many inventions, India could not emerge as a power to be reckoned with on the global stage. India owes this tragic state of affairs to cent percent reservation provided to the higher castes in general and Brahmins in particular. In ancient India merit had always been compromised. Selective reservation to only higher castes was at the expense of merit.

The so called warrior, of Mahabharata, Arjuna was also a product of reservation at the cost of extraordinary Ekalavya. Warriorship and valourship were imposed on Arjuna who in fact was not a natural warrior like Ekalavya. The reservation in ancient India was not meant to enhance productivity but to suppress real talent from being exposed. Present day reservation is about Social Justice which is part of comprehensive scheme of liberation- social, political, economic and spiritual. It is

meant to serve dual purposes of creating a level playing field and also to enhance efficiency and productivity. It is representative in nature. It ensures representation to all sections of the society. Representation leads to diversity, diversity leads to talent, talent leads to efficiency, efficiency leads to productivity, productivity leads to progress and progress leads to prosperity. Today India, having implemented reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes since independence, is aspiring to become a super power. It is one of the fastest growing economies of the world. A state like Tamil Nadu is implementing reservations more than Fifty per cent, a limit stipulated by Supreme Court, is doing well on all parameters. Most developed countries like United States of America and China are looking forward to clinch agreements with India on wide range of issues. Reservation proved to be a boon rather than a bane, to a nation as well as marginalized sections hitherto deprived of basic and minimum standard of living. It democratized Indian society as well as politics, though to a lesser extent.

But unfortunately some right wing forces in the country are polarizing people on the caste lines and fomenting the age old caste divisions among the people. They portray reservation in such a way that it is killing merit and snatching away the due meant for non-reserved category people. They never talk of reservations being provided to corporate sector in the form of tax concessions, land at cheaper rates and electricity at subsidized rate which cost lakhs of crores to the state exchequer every year. Recent scandals that rocked the nation's conscience and led Congress's defeat in the recently held general elections, that is, 2G Spectrum and Coalgate scam substantiate the Government's leniency towards corporate sector. Government often justifies these measures on the pretext of encouraging industry so that they can withstand competition with Multi-National Companies. Right wing forces never question government's soft corner towards big corporate houses. Unlike cent percent reservation under caste system, now we have reservation for Scheduled Castes, Scheduled Tribes and Other Backward Castes to the tune of only 49.5 per cent which is again disproportionate to their population. On the top of that, these 49.5 per cent reservations are not being implemented properly. Had the reservations been implemented properly, Ambedkar's dream of creating a social democracy would have been achieved by now. Instead of not implementing reservations properly, the government should see to it that reservations are implemented properly. Still thousands of backlog vacancies are to be filled in various departments.

Given Indian society-specific conditions and situations in most of the parts, reservation is absolutely needed and it is the most efficient way to achieve social

justice. It can be justified in the context of Indian society's innate inability to be just and fair to its own citizens. Social transformation and economic equality are impossible without reservation as our country is so orthodox, so archaic in its thoughts and its social structure that very few could even attempt to think of it. According to Ambedkar, "whichever action brings the people together is the right action and insistence on such action is satyagrah... Satyagrah is thus bringing people together". Social justice aims at proportionate empowerment and reservation secures it.

Social justice doesn't mean technical equality or formal equality but real and substantial equality. Caste is a vicious circle in which innocent human beings are trapped by birth over which he or she has no control and from which he or she cannot freely exit because the exit is blocked by a cruel and arrogant caste society. Past injustice done to the backward classes for centuries is still continuing and that injustice is required to be remedied. In addition to that developmental concerns also required to be met. Reservation is the only way ahead.

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