

CASTE-BASED RESERVATION: BACKWARDNESS IN DISGUISE

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ABSTRACT

Equality in status and opportunity is promised to all citizens of India by the Constitution through the Preamble. In spite of differences in caste, religion, place of birth and gender, a citizen of any age is entrusted with the same rights and duties as the other. The State tries and gives people who were deprived of their rights in pre-independent India back what they had lost. For instance, the people who belonged to the backward caste. One of the best ways that the state came up with to solve their problem of inequality is the caste-based reservation. This article deals with the meaning, origin, need merits, demerits and etc of the caste-based reservation.

MEANING

Before diving into the vast topic of reservation, it is crucial to understand the basic meaning of the term 'Reservation'. Reservation is generally defined as a system of quota-based affirmative action in India with the intention of providing equal opportunities to historically disadvantaged groups mainly in the fields of education, employment, scholarships, government schemes and politics. It is a process of uplifting people who faced historical injustice. Reservation is regulated by several constitutional and statutory laws.

CONSTITUTIONAL PROVISIONS

Several Articles of the Indian Constitution hold a place for the Reservation system in India. For instance, Part XVI talks about the reservation of Scheduled Castes (SCs) and Scheduled Tribes (STs) in the State and Central Legislatures. Article 15(4) and 16(4) of the Constitution allowed the State and Central Government to reserve seats for the members of the SC and ST community in government services. The newly inserted clause (4A) in Article 16 enabled the provision of reservation in promotion. Article 332 and 330 provide for specific representation through the reservation of seats for SC/STs in the State Legislature and the Parliament respectively. Article 233T and 243Z provide reservation for SC and ST in Municipality and Panchayat respectively. Under the provisions of Directive Principles of State Policy, the government has the duty to uplift the standard of living and provide free legal aid to the Backward Classes. Let us further discuss the need for a reservation system.

ORIGIN AND REASON OF EXISTENCE

A common form of caste discrimination in ancient India is untouchability. The origin of the Reservation system started with a small step of discrimination. Forbidding people from entering holy places, public places and even certain areas in the village, stating their religion and caste to be low in the society was the first cause of this revolution. Depriving them of their right to basic education and employment paved the way for a change. The reservation pattern followed today was introduced in 1933 by British Prime Minister Ramsay Macdonald. In 1947, after the Independence of India, there were several initiatives in favour of the SCs and STs. The main objective of the initiatives are:

- To resolve the historical injustice, inequality and oppression against the backward community in India
- To provide equal opportunity and representation for people belonging to all castes.
- To advance and promote the backward classes.
- To improve the social status of underprivileged communities.

ADVANTAGES

The following are the merits of the Caste based Reservation System in India:

Historical Injustice:

The first argument for the caste-based reservation stays with the reason that they were tortured and ill-treated. They were prohibited from their rights all their lives, centuries over centuries. They lost various opportunities to make their life better and increase their standard of living. All their representation and recognition were stolen by those who were privileged. The state takes reservation as a way of giving back to the backward community. It is on the basic ideology of “We give back what we owe” and it is the right thing to do.

Equal representation:

Implementation of reservations in different fields has led to an increase in the number of people belonging to the backward community in educational institutions, workplaces and administration, resulting in equal representation from different sections. It paved a way to give equal opportunity to compete for a seat with other deserving candidates without any discrimination.

Utilisation of Human Resources:

The reservation system plays as a tool for finding the hidden skill of a backward-class candidate. It ensures that no skill of the human resource is going waste or unnoticed. A study was made after the introduction of the reservation in various fields of employment. It was found that reservations have no negative effect on the efficiency of administration but have improved quality. For example, in Indian railways which comprised of SC/ST in higher numbers, the result was found to be better.

Equality:

Discriminating any person based on their caste, religion, place of birth, and gender is violative of Article 15 of the Indian Constitution. Giving equal opportunity to people who belong to any caste and religion is crucial. Reservation is a wonderful way of fulfilling this need. It brings out other competent candidates to the equally levelled ground of competition. Thus, equality under Article 14 is protected.

DISADVANTAGES

The following are the demerits of caste-based reservation in India:

- Most population of the SC/ST community has climbed up the ladder of society and are equally high in status, if not higher than the general population. The need for reservation is gradually diminishing.
- Reservation is not the only solution for historical injustice. It was a short-term solution
- There are so many viable ways to solve educational backwardness rather than with reservation. Reservations stop the state from coming up with an innovative solution as it gives short-term relief.
- Promotes casteism more than ever. It becomes a mechanism for exclusion more than inclusion.
- Previously advantaged communities have become disadvantaged to a larger extent due to the reservation. They are now highly affected by underemployment and poverty.
- When they are affected by illiteracy, it is unfair for a candidate even if they are from a forward caste.
- Well-deserving candidates tend to lose their opportunity, in spite of proper qualifications due to the sole reason of them belonging to a forward caste. It becomes violative of Article 15(1) but it is not given as much seriousness as Article 15(4) which deals with backward class and policies made in their favour.
- The whole purpose of reservation fails when one particular caste is treated as privileged over the others.
- It promotes nothing but backwardness in the society and equality.

OBSERVATION AND OPINION

The main point to be noticed is the acknowledgement of the fact that backward-class people were ill-treated and tortured at every point of the timeline. They were deprived of their rights to enter public places or even drink the same water as the forward-class people. Immediately after independence, reservation was one of many right things to do to compensate them with whatever they had lost. But

with the passage of time and change in the dynamic society, not all the backward class people are suffering from the same problem. Only around fifteen to twenty per cent of backward-class people of a small village who lack awareness about the law that prevails are affected by these problems. The rest of the backward population, especially of this generation is highly benefitted from the government schemes and reservation system. Over and over again, the next generation of privileged people will gain the same advantage. This becomes unfair when they are gaining an advantage without any problem over the ones who are suffering truly because of a lack of opportunity.

If we take into account the struggles of a deserving candidate who lost their opportunity due to poverty and the reservation system. How fair does that sound? The reservation system not only lessens the burden of seats but also the fees for the SC/ST community people. Let us assume, a poor candidate of a forward class has ninety per cent marks to join a college and the application fee for him is around a thousand and there is another candidate of an upper-middle class but of a backward caste who is applying for the same college with only seventy per cent marks and his application fee is around five hundred. Due to the reservation system prevailing in India, obviously, the candidate will get the seat solely because of the reason that he is from a backward caste. Is that fair when the other person deserved it better? No.

The second problem is the percentage of seats reserved in a particular institute. Around thirty to forty percent is always reserved for SC/ST candidates and it will not be filled with any other category even if nobody applies for that particular percent of seats. Forty percent of seats in a single university goes waste every year if it is not filled with right number. This injustice falls on the shoulders of a general quota candidate who lost his seat because of point five percentage. So, what should be done? Let's discuss.

SUGGESTIONS AND CONCLUSION

The main focus is on caste. So, as previously discussed above, still there are a particular number of people who are being treated badly because of their backward caste. So, caste-based society cannot be removed in its entirety or from the root. What serves as a better idea is that giving the opportunity to a person who really needs it out of poverty or any other reason which is valid. According to my opinion, rather than a caste-based society, it should be based on economic position. It serves as a stepping stone for a deserving candidate who is poor and of any caste or community.

As a next step for the ill-treated SC/ST candidates, it is necessary to find who really needs the concession and who is already at an advantage. An easy way to solve this problem is by reframing the same reservation system. That is, instead of giving seats for all the SC/ST candidates, seats should be allotted to those SC/ST candidates who are first-generation graduates. It prevents the child of a well-settled family from using the privilege to seize the opportunity of another deserving candidate.

Another step to reduce this inequality is to reduce the difference between the eligibility criteria of the candidates, especially the percentage and cut-off. There shouldn't be a difference of fifteen or twenty per cent. Caste defeating a person's knowledge is worse than losing it to another deserving candidate. Rather, five to seven is acceptable to pick up the deserving candidate from the backward caste. If these steps are taken, a fair reservation system can be established in India.

So, these are the advantages and disadvantages of caste-based reservation and suggestions to bring a change in the society where nobody feels like being treated unfairly.

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