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WE THE PEOPLE OF INDIA



EDITOR
DR. RANJANA SHRINGARPURE

WE THE PEOPLE OF INDIA

■ Dr. Ranjana Shringarpure

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Reservation Movements in Indian Democracy

D.S.Shambharkar

Professor & HoD (Political Science) S.B.Mahila Mahavidyalaya Mahal
Nagpur-440032 ,dnyaneshwarshambharkar@gmail.com

Reservation is an indivisible part of Indian society now. It was introduced to ensure the historically underprivileged communities giving access to resources as without economic progress they would have remained socially disadvantaged forever. Now the reservation policy is known as affirmative action. That means a set of procedures designed to eliminate unlawful discrimination among masses, remedy as the results to such discrimination and prevent any discrimination in the future. In India the roots of reservation find in the caste system that started with arrival of Aryans. The history of reservation has vast background in the past i.e. pre-independence and post independence. The concept of reservation goes back to late 18th century. The idea of caste-based reservation was originally conceived by Mahatma Jyotirao Phule and William Hunter in 1882. That time Mahatma Phule demanded primary education, scholarships, independent academics etc particularly in favor of Shudra and Untouchables. This is the first movement for reservation.

Mahatma Phule this movement is succeeded by the great Chhatrapati Shahu Maharaj. He was a great visionary and social worker. Backward classes welfare in education and social sector was his priority. Chhatrapati Shahu Maharaj contributed two things to Phule movement: He gave effective boost to the Satyashodhak Movement with sympathy and strong support.

His financial and ideological support, encouragement, policies and programmes foster the movement directly or indirectly.

When Shahu Maharaj was in England to attend the coronation of King Edward VII on 26th July 1902 issued historic gazette order originally in English and followed by Marathi according to administrative style of his Karveer (Kolhapur) State. He ordered: "From the date of this order 50 per cent of the vacancies that may occur shall be filled by recruits from among the backward classes. In all offices in which the

proportion of officers of the backward classes at present is less than 50 per cent. The next appointment shall be given to a member of those classes. A quarterly return of all appointments made after the issue of order shall be submitted by all the Heads of Departments. For the purposes of these orders the backward classes shall be understood to mean all castes other than Brahmins, Prabhu, Senavi, Parsees and other advanced classes." Shahu Maharaj is father of reservation in India.

Implementation of this order is called the Practice of Reservation and this is the earliest example of Affirmative Action in the Indian history. Shahu Maharaj's decision has to see in following perception:

- Not only privileged get participation in polity or bureaucracy
- Fair chance of representation for all castes to live a contented life
- A new era began in Indian Social Order

Dr Babasaheb Ambedkar's life and mission inspired by Shahu Maharaj with financial support for higher education and Mook Nayak a fortnightly paper. At the time of 1918 South Bureau Commission visit to India along with Lokmanya Tilak and Congress three more person put demand before Britishers for representation. They were Babasaheb Ambedkar, Barrister Jinnah and Bhaskarrao Jadhav. Bhasrrao jadhav was sent by Shahu Maharaj. The demand did not reflect in 1919 First British India Act due Congress oppose. Then in 1928 Simon Commission came to India to complete task of representation. Babasaheb welcomed it whereas Congress opposed giving slogan "Go Back Simon" and showing black flags. The task remained incomplete. Further British government called round table conferences in 1930 and 1931. There Babasaheb demanded for separate electorate and independent representation for untouchables and got success having Communal Award in favor on August 17, 1932 but Mahatma Gandhi opposed it strongly with fast-unto-death that ultimately resulted into Poona Pact getting joint electorates instead of separate one. Main purpose of reservation was defeated. But then British Prime Minister Ramsay Macdonald's Communal Award made provision for separate electorates for Muslims, Sikhs, Indian Christians, Anglo-Indians, Europeans and Dalits is base of today's reservation system.

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Babasaheb Ambedkar when getting opportunity for drafting the Constitution of India strongly inserted the reservation policy enforced from 26 January, 1950. Some provisions of the Constitution can be cited as below:

- Article 46 says, the State shall promote with special care the education and economic interests of weaker sections of the people and in particular of Scheduled Castes and Scheduled Tribes and protect them from social injustice and all forms of social exploitation.
- Article 330 and 332 provide reservation for Scheduled Castes and Scheduled Tribes in Lok Sabha and Legislative Assemblies respectively. The number of seats reserved in any State or Union Territory for such castes and tribes will be made on the proportion basis.
- Article 335 deals with the claims of the members of the Scheduled Castes and Scheduled Tribes shall be taken into consideration consistently with the maintenance of efficiency of administration in the making of appointments to services and posts in connection of Union or States.
- Supreme to this the Preamble has started and ended with the word 'We the People' with conferring justice social then economic and political and equality of status and opportunity.
- Part XVI deals with reservation of SC and ST in Central and State legislature.
- Article 15(4) and 16(4) enabled the State and Central Government to reserve seats in government services of SC and ST.
- 77th Constitutional Amendment 1995 with new clause 4A in article 16 enables government providing reservation in promotion.
- 81st Constitutional Amendment 2000 inserted article 16(4) B enabling state to fill unfilled vacancies of a year reserved for SC/STs in the succeeding year nullifying ceiling of 50 percent on total number of vacancies of that year.
- Article 243D provides reservation of seats for SC/STs in every Panchayat.
- Article 233T provides reservation of seats for SC/STs in every Municipality.

The primary objective of Indian reservation system is to enhance the social and educational status of underprivileged communities and thus improve their lives. It is not only providing reservation to Scheduled Castes and Scheduled Tribes in services giving jobs but empowering them and ensuring their participation in the decision-making process of the State. Accordingly Scheduled Castes (15%), Scheduled Tribes (7.5%) and Other Backward Classes (27%) reservation is provided. The age-old caste system is responsible for the origin of the reservation system in the country. Historical injustice due to caste identity is behind it. The reservation is seen as positive discrimination. Backed by the Constitution government policies are governed accordingly. Present reservation position in the country is seen as:

State/UT	S C	ST	O B C	E W S	Other Reserva tions	Tot al
Andhra Pradesh	1 5	6	29	10	--	60
Andaman and Nicobar Islands	--	12	38	--	--	50
Arunachal Pradesh	--	80	--	--	--	80
Assam	7	15	27	10	--	59
Bihar	1 5	1	24	10	--	60
Chandigarh	--	--	27	--	--	27
Chhattisgarh	1 3	32	14	10	--	69
Dadra & Nagar Haveli & Daman & Diu	3	9	27	--	--	39
Delhi	1 5	7	27	10	--	60
Goa	2	12	27	10	--	51
Gujarat	7	14	27	10	--	59
Haryana	2 0	--	23	10	--	53

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Himachal Pradesh	2 5	4	20	10	--	59
Jharkhand	1 0	26	14	10	--	60
Karnataka	1 5	3	32	10	--	60
Kerala	8	2	40	10	--	60
Lakshadweep	--	10 0	--	--	--	10 0
Madhya Pradesh	1 6	20	14	10	--	60
Maharashtra	1 3	7	32	10	--	62
Manipur	3	34	17	--	--	54
Meghalaya	--	80	--	--	--	80
Mizoram	--	80	--	--	--	80
Nagaland	--	80	--	--	--	80
Odisha	1 6	22	11	10	--	59
Puducherry	1 6	--	34	--	--	50
Punjab	2 9	--	12	10	--	51
Rajasthan	1 6	12	21	10	--	59
Sikkim	7	18	40	--	20	85
Tamil Nadu	1 8	1	50	--	--	69
Telangana	1 5	6	29	10	--	60
Tripura	1 7	31	2	10	--	60
Uttar Pradesh	2	2	27	10	--	60

	1					
Uttarakhand	1 8	3	13	10	--	44
West Bengal	2 2	6	17	10	--	55

While talking about reservation chapter can be incomplete without OBC reservation. An exercise of the powers conferred by the article 340 of the Constitution, the President of India can appoint Backward Class Commission. According the First Backward Class Commission was set up by on 29th January 1953 under Chairmanship of Kaka Kalelkar which submitted its report on 30th March 1955. Its recommendation and report was caught among dispute hence of no use. Then on 1st January 1979 the Second Backward Class Commission was headed by Bindeshwari Prasad Mandal which submitted the report on 31st December 1980. The commission was to determine the criteria for defining India's "socially and educationally backward classes" and recommend steps to be taken for the advancement of those classes. The Commission accepted OBC population approximately 52 percent and recommended 27 percent reservation to them. It was based on eleven indicators of social, educational and economic backwardness not only for Hindus but for Muslims, Sikhs, Christians and Buddhists. It has generated an all-India OBC list of 3743 castes and a more underprivileged depressed backward classes list of 2108 castes.

Due change in central government report was pending but then Prime Minister Vishvanath Pratap Singh gave way to its implementation in 1991. This decision made uproar in the country with pro and anti agitations. On 16th November 1992 the Supreme Court by its verdict upheld the government decision that caste was an acceptable indicator of backwardness and with this in 1992 implementation of recommendation of reservation for OBCs in Central government services came into force. This Supreme Court case is known as Indra Sawney Case. The Court upheld 27 percent quota for backward classes but total reservation should not exceed than 50 percent. The concept of creamy layer is also put down

by this decision to OBCs. Recently 103rd Constitutional Amendment 2019 amending articles 15 and 16 provided 10 percent reservation for economically backward class in unreserved category and that is over and above the 50 percent reservation cap.

Reservation policy has gone through judicial scrutiny time to time as:

- The State of Madras vs Smt. Champakam Dorairajan 1951: The Supreme Court issued verdict and case led to First Constitutional Amendment. The Parliament amended article 15 by inserting clause (4).
 - Indra Sawhney vs Union of India 1992: The Court examined scope and extent of article 16(4), introduced Creamy Layer for OBCs and 50 percent cap on reservation. The parliament responded by enacting 77th Constitutional Amendment Act that introduced 16(4A). The article confers power on the state reserving seats for SC/STs in promotions in Public Services if not adequately represented.
 - M.Nagraj vs union of India 2006: The case upheld constitutional validity of article 16 (4A) subjects to condition satisfying three conditions i.e. socially and educationally backwardness of SC/STs, not adequately represented in public employment and overall efficiency in the administration.
 - Jarnail Singh vs Lachhmi Narain Gupta 2018: The Court held that reservation in promotions does not require the state collecting quantifiable data on SC/STs backwardness. Creamy layer applied to SC/STs.
 - May 2019 the Supreme Court upheld the Karnataka law allowing reservation in promotions for SC/STs with consequential seniority.
- Now there is debate on reservation and arguments against it are as:
- Reservation in services leads to division and enmity among employees.
 - Caste based reservation perpetuate the notion of caste in society.
 - Irrespective of economic progress reservation is continued.
 - It destroys self-respect.
 - Reservation is enemy of meritocracy.
 - It has become a tool to meet narrow political ends.

- Dominant and elite class within backwards get benefits and marginalized remains marginalized.
- Reservation has become the mechanism of exclusion rather than inclusion.

Historical injustice, adequate representation, advancement of backward classes and ensuring their equality are the reasons behind reservation. Hence it is needed and demands are increasing from corners of the country. Maratha, Gujjar and Patidar agitations in Maharashtra, Rajasthan and Gujarat respectively are examples of it. Reservation is seen as a remedy for adverse effects of today's development policies. Besides acute agrarian distress, stagnation in employment growth and distortions in the development trajectory are reasons for its demand. Caste being indivisible part of Indian society has to address properly to tackle the reservation issue. Without caste eradication anti reservation arguments cannot be taken into consideration. Strong political will is needed for that. Reservation is a mean of social justice and inclusion of society. Phule Shahu-Ambedkar philosophy is best remedy on caste system. Until caste based discrimination is there reservation shall be continued. Now there is a demand for reservation in private sector. This has to be taken seriously as private sector is expanding and public sector is synchronizing day by day.

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