



## Critical Analysis of Caste Based Reservation

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### Introduction

Several hundreds of years ago our society was dominated by the higher caste people, they suppressed the lower caste people, only the higher caste people were allowed to get education and only they were in higher government jobs, because of this the life of lower caste people was on high trouble they were discriminated and treated so badly without respect, they suffered a lot.

After certain years due to the efforts of people and many social reformers and social activists a solution was made to this problem, reservation in education and employment was created for the development of lower caste people, this was very essential at that time, even though there were several issues regarding the implementation of reservation it had played a significant role in the development of the life of lower caste people, now lower caste people are being allowed to study in all educational institutions and they are in all categories of government jobs, things are totally different reservation has both positive & negative effect this research paper deals with the negative effect of reservation

### Historical background

\*The initial concept for the caste-based reservation system was proposed in 1882 by William Hunter and Jyotirao Phule.

\* With the presentation of the "Communal Award" by British Prime Minister Ramsay Macdonald in 1933, the reservation system as it is known today was established.

\* Separate electorates for Muslims, Sikhs, Indian Christians, Anglo-Indians, Europeans, and Dalits were provided for by the award.

\* Following protracted talks, Gandhi and Ambedkar agreed to create a single Hindu electorate with a few caveats when they signed the "Poona Pact."

\* After lengthy negotiations, Gandhi and Ambedkar formed the "Poona Pact," which called for the creation of a single Hindu electorate subject to certain restrictions.

\*Reservations were initially limited to SCs and STs upon independence.

\* In 1991, the Mandal Commission's recommendations led to the inclusion of OBCs in the reserved area.

\* In the 1992 Indra Sawhney case, the Supreme Court ruled down a government notification that reserved 10% of government positions for economically disadvantaged members of higher castes, even as it upheld the government's 27% quota for backward classes.

\* In the same case, the Supreme Court affirmed the rule that the total number of reservation beneficiaries may not surpass 50% of India's total population.

\* Because of this ruling and the clause stating that reservations for members of underrepresented groups should only apply to initial appointments and not to promotions, the term "creamy layer" also became popular.

\* The Constitutional (103rd Amendment) Act of 2019 has granted the "economically backward" in the unreserved category a 10% quota in government positions and educational institutions.

\* The Act adds provisions enabling the government to grant reservations based on economic backwardness to Articles 15 and 16 of the Constitution.

\*The 50% reservation threshold is exceeded by this 10% economic reserve.<sup>1</sup>

### Research questions

1) Does reservation policy have any negative effects ?

<sup>1</sup><https://www.drishtias.com/to-the-points/Paper2/reservation-in-india>

- 2) What are the negative effects of reservation ?
- 3) Is reservation policy a fair policy ?
- 4) Is reservation still needed ?
- 5) How does the reservation policy affect our country ?

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## Objective

To analyse the negative effects of caste based reservation

To analyse the problems occurring because of caste based reservation

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## Hypothesis

Caste-based reservation laws have been successfully implemented in India to correct past injustices and increase the participation of underrepresented populations in a variety of industries. But in order to assess these measures' long-term effectiveness, socioeconomic effects, and any downsides in terms of sustaining caste distinctions, inciting animosity among other communities, and impeding meritocracy, a critical examination is required, that is done in this research paper

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## Constitutional provisions governing reservation in India

\*The reservation of SC and ST in the Central and State legislatures is covered in Part XVI.

\*The State and Central Governments were authorized to reserve seats in government services for the members of the SC and ST thanks to Articles 15(4) and 16(4) of the Constitution.

\*The Constitution (77th Amendment) Act, 1995 included a new section (4A) in Article 16 allowing the government to give reservations for promotions, amending the Constitution.

\*The Constitution (85th Amendment) Act, 2001 changed clause (4A) to provide SC and ST candidates who received reservation significant seniority.

\*The Constitutional 81st Amendment Act, 2000 included Article 16 (4 B), which allows the state to fill open positions designated for SCs and STs in the next year, negating the cap of 50% reservation on the total number of vacancies in that year.

\*Articles 330 and 332, respectively, allow for special representation for SCs and STs by reserving seats in the State Legislative Assemblies and the Parliament.

\*Every Panchayat has seats reserved for SCs and STs under Article 243D.

\*Every municipality is required to reserve seats for SCs and STs under Article 233T.

\*The demands of SCs and STs shall be considered constitutively with the maintenance of the efficacy of the administration, according to Article 335 of the Constitution.<sup>2</sup>

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## Argument against reservation

1. While giving the impression that everyone benefits, reservations can only help fewer than 1% of SCs or OBCs. Although there are over 25 crore SCs in India, there are just a few lakhs of SC-specific professions available. Thus, reservations will only benefit a very small number of people, and even then, they will primarily come from the "creamy layer."

2. The SCs and OBCs suffer greatly from reservations for two reasons:

(a) They weaken them by acting as their psychological crutches. Put another way, young people who identify as SC/OBC are given the sense that they do not need to put in a lot of effort in their studies since they will still get admitted or hired anyway.

The crutches of reservation must be abandoned by SCs and OBCs, who must declare that they will put in the necessary effort and compete with upper castes on the basis of merit, proving that they are not intellectually inferior.

(b) Because reservations foster hostility between upper castes and SCs/OBCs, they further the political elites' divide and conquer strategy. An upper caste kid with a 90% test score would not be allowed to apply for admission or a job, but due to reservation, a SC/OBC student with a 40% score might be hired. The former understandably feels distressed by this. The only way to tackle India's enormous challenges is for the people to join in a powerful battle

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<sup>2</sup> <https://www.drishtias.com/to-the-points/Paper2/reservation-in-india>

that would completely alter the nation and catapult it into the developed world. However, despite our differences, unity among the people is vital to achieve this goal.

SCs have to understand that if they are alone in their fight for social justice, they will not be successful. They have to band together and fight with the more progressive members of the higher classes. However, this will be challenging as long as misgivings persist.

3. The vote-bank politics of our leaders rely on reservations. Therefore, the true goal of reservations is to enrich politicians rather than SCs and OBCs.

4. Rather than aiding in the dismantling of the caste system, reservations have served to reinforce it. Reservations further solidify caste, which is a feudal structure that must be eliminated if India is to advance.<sup>3</sup>

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### **Reservation affecting the talented person**

Reservation has many negative effects on the people and our society, many people who have better talent lose their opportunity to get job because of reservation, this is not only a loss for those people its also a big loss for our entire society, people with better talent can perform the work better which will be more helpful to the people who are getting benefited through it , for example : if a person belonging to general category gets 160 marks on group 1 exam and a person belonging to SC caste gets 150 marks, the person belonging to general category who got higher marks than the person belonging to SC caste wont get the job but the person belonging to SC caste will get job by reservation policy, the person who has better knowledge and skills is denied from getting job because of reservation

### ***Reservation affecting the development of country :***

If people with more knowledge and skills get the high position jobs then they will be able to plan and execute new greater ideas for the development of our country, because of reservation many people who are better than many other people are losing their opportunity to get jobs which is not only a loss for them personally its also a big loss for the country, reservation policy affects the development of our country very much for example : - An IAS officer with more knowledge and talent can perform his duty better which will help much for the development of common people and our country because of reservation this may not happen

### ***Unfairness of reservation for people on general category :***

A person who does a crime can only be punished for it, a person cant be punished for the crime done by an another person as its not fair and its against the justice, several hundred years ago people of higher caste dominated and suppressed the lower caste people resulting in preventing their development its an activity done by those people at that time

But current generation people of those caste who are in general category are not doing it, they are treating everyone equal and now all caste people are there in various government jobs, even though the current people of those caste who are in general category doesn't do any discrimination and suppression for people being in OBC and SC\ST caste they are being affected by the reservation, their opportunity is getting denied because of reservation, it is almost like a form of punishment given for them without doing any crime, even though they get higher marks than people in OBC and SC/ST caste they are not getting seats in government colleges and job because of reservation

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### **Negative comments of famous personalities on caste based reservation**

1. There is a very thought provoking comment from Wipro Chairman, Azim Premji on reservations in India, this comment is written with satire Have a read ....

“I think we should have job reservations in all the fields. I completely support the PM uld have 10 percent reservation for Muslims. 30 percent for OBC, SC /ST like that. Cricket rules should be modified accordingly. The boundary circle should be reduced for an SC/ST player. The four hit by an OBC player should be considered as a six and a six hit by a OBC player should be counted as 8 runs. An OBC player scoring 60 runs should be declared as a century. We should influence ICC and make rules so that the pace bowlers like Shoaib Akhtar should not bowl fast balls to our OBC player. Bowlers should bowl maximum speed of 80 kilometer per hour to an OBC player. Any delivery above this speed should be made illegal.

Also we should have reservation in Olympics. In the 100 meters race, an OBC player should be given a gold medal if he runs 80 meters.

There can be reservation in Government jobs also. Let's recruit SC/ST and OBC pilots for aircrafts which are carrying the ministers and politicians (that can really help the country..)

Ensure that only SC/ST and OBC doctors do the operations for the ministers and other politicians. (Another way of saving the country..)

Let's be creative and think of ways and means to guide INDIA forward...

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<sup>3</sup> <https://www.theweek.in/news/india/2022/11/01/opinion-all-caste-based-reservations-should-be-abolished.html>

Let's show the world that INDIA is a GREAT country. Let's be proud of being an INDIAN.”

From the above comment “Azim Premji” sir conveys that the reservation based on caste system will prevent the development of our country, he conveys this message through his comment in the way of satire <sup>4</sup>

2. Mr. Kashyap former secretary-general of three Lok Sabhas said about caste based reservation as follows :

Fondly remembering Dr. B.R. Ambedkar, Subhash Kashyap, former secretary-general of three Lok Sabhas said, “If Dr. B.R. Ambedkar was alive today, it would have pained him to see that the Scheduled Castes and Scheduled Tribes still need reservation. He was for a casteless and classless society.”

Talking about the Father of the Indian Constitution on his death anniversary, Mr. Kashyap said, “It would have pained him to see that people are increasingly wanting more reservation for their castes. The reservation for SC and ST was agreed by the Constituent Assembly on the condition that it will not be extended to any other group of people. He repeatedly said he was for a casteless and classless society.”

Mr. Kashyap went on to say, “Dr. Ambedkar did not spell out too many things but on the point of reservation for SC and ST, he had said that 10 years is too short a period and it should be 40 years, but thereafter the Parliament should have no power to extend reservation by law. He was against reservation in perpetuity. He had said ‘I would not want that symbol to continue in Indian society forever’.” <sup>5</sup>

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## CONCLUSION :

The reservation policy has many negative effects, it is unfair in many ways and it affects the development of our country in many ways, once the people of OBC and SC/ST caste were suppressed and discriminated by the higher caste people but now everyone is treated equally without discrimination.

According to the judgements of the courts all caste people can enter the temple & and trained individuals belonging to any caste being qualified to perform the puja in an appropriate manner can carry out the rituals in temple

The president of India is the first citizen of India, it is one of the most powerful and honourable post, current president of India MS. Droupadi Murmu belongs to scheduled tribe caste, this is a great evidence to prove that people of OBC & SC/ST caste are not being discriminated today, they are treated equally

Abolition of caste based reservation is necessary for the development of our country, the time has come for all Indians, SCs and OBCs included, to wake up to this political farce and demand an end to all caste-based reservations.

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<sup>4</sup> <https://www.sptulsian.com/f/ci/premji-on-reservation>

<sup>5</sup> <https://www.thehindu.com/news/national/other-states/ambekar-would-be-pained-to-see-that-scst-still-need-reservation/article37875984.ece>