

# Building a Culture of Tolerance Versus Caste/ Community Based Reservation in India: Is Reservation Policy Helping to Build a More Tolerant India or is it Making India Rather More Intolerant?

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## **Abstract:**

In today's world we see a dramatic increase in intolerance let the reason be caste, religion, gender, sect, class, and India too is witnessing the same. There is a very complicated policy in India which offers to reserve a few seats based on caste, community, class; but there are lots of debates both for as well as against this policy. This article tries it's best to critically analyse if this reservation policy which was promoted for the betterment of the society by uplifting a particular section of it, is it also adding itself as a cause for further more intolerance, is it acting as another stimulus or excuse for the general section to become more intolerant towards the benefitted category and if so then what is the way out so that further fissures in the society is not created.

## **Method:**

The method used for this research article is analytical method vis-à-vis the relevant literature, such as, books, articles, web resources, documents and so forth. It has been supplemented with interviews based on semi-structured questionnaire.

## **Key words:**

Toleration, caste / community based reservation, separation, humiliation, identity crisis.

## **Introduction**

On 16<sup>th</sup> November 1995, United Nations Educational, Scientific and Cultural Organization (UNESCO) with its member states adopted a declaration titled 'Declaration of Principles on Tolerance'. The Declaration considers that tolerance is not something extravagance rather a necessity. Tolerance is paying respect and appreciating the huge diversity of the different rich cultures of the world. Tolerance is supposed to give recognition to Universal human rights and also appreciate fundamental freedom of all. People will always differ from each other naturally but it is only through tolerance we can make sure that not only the fittest survives rather the Earth is able to protect all the different communities and culture (Declaration of Principles on Tolerance, 1995). Tolerance is something that should be practised as a foundation of democratic culture but we still find different incidents of racism, negative nationalism, religious radicalism, chauvinism and different kinds of social inequality which make us believe that tolerance is yet to achieve its goals. Some values regarding tolerance need to be established but these sets of values cannot be reduced to some universally accepted standards as it may not cater to all issues and also may obscure certain norms that are far away from the main stream. Long lasting peace is something that can be established through different everyday practices of the local people and through this they may feel that living together is a very dignified thing and this may increase their prosperity. So, at this hour of emerging global challenges, crisis, threats, living peacefully together is becoming more and more necessary.

If we draw our attention towards India the picture is slightly different than the whole world because India is a country where there are so many different types of people, rich in their own cultural diversities. The people have been staying together since the ancient times and enjoy the rich heritage of unity in diversity. Now though our country has always accommodated so many people from different castes, creed, religion and sects but in reality there have also been episodes of failure in toleration. People have gone against other religion and try to prove that their way of

worshiping their God or their way of viewing life is the best way. India has also witnessed a heinous practice of untouchability which is something we all are ashamed of. Though today the definition of toleration in India has changed and we no more ostracise people by segregating them from the main stream as such but recurring of certain religious fanatic incidents even today make us question where are we standing and how much tolerant have we actually become in reality and not only on papers.

In ancient India Varna System was followed and the people were divided into four groups or varnas, namely—the Brahmins, the Kshatriyas, the Vaisyas and Shudras. The people who do not belong to these groups are called 'Avarnas', asprishas or untouchables—they have practically no class. These people were humiliated as impure and they cannot mix with the people who had varnas and so they were isolated and kept away from the society. This division of the society on the basis of pure and impure is very humiliating as well as cruel and also affected the development of these people who were avarnas. After independence it was decided that these people should also be given equal opportunity so that they can have their own voice and reap the benefits of becoming truly independent but giving equal opportunity was not enough so, they needed to be given equal status in society too and so uplifting them and bringing them at par with others became necessary which resulted in the birth of reservation policy in India. The Reservation policy in India is a measure aiming at compensating these people who were 'asprishas' or untouchables. The Government of India now tries it's best to undo the injustice that has been committed on those avarnas for so long by offering them with certain reservation of seats in Government based educational institutions as well as in Government Sector jobs and services. This reservation is given the tag of 'positive discrimination', i.e. discrimination done by the Government to uplift a section of the society for the all round development of the country. As per the reservation policy, maximum 50% of the seats can be reserved for a certain section of the society who are called the Scheduled Castes(SCs), Scheduled Tribes(STs), Other Backward Classes(OBCs) (India Const. amend. LXXVI,1994).

The aim with which this reservation policy in India started was noble in nature as this was the need of the time to provide less advanced section a platform higher than the already developed section of the society because a country cannot leave a part of its population to rot while the other will move forward. A country needs to follow certain welfare measures for the better advancement of all the people. It was also expected that if the people have proper opportunities and come at par with each other there will no more be divisions of work like someone will do worshipping, someone will teach while others will clean bathrooms basing on their accident of births. The aim was also that there are no more any such divisions into so many different sections and we all will be Indians and not Jats, Muslims, Christians, Brahmins, Kaistiyas, Asprishyas, etc; we will learn the meaning of toleration, will learn to give respect to each other and live happily together. However, this particular policy later with time started to show its own flaws and side effects which further added fire to bring in more intolerance which will be discussed in later paragraphs.

## **Reservation Policy As Per The Constitution of India and some important Court Case Decisions**

Dr. Ambedkar can be said to have showed his sympathy while framing the constitution which is very much evident through it's different articles for example, Art. 17 plays a role in abolition of untouchability and again in Directive Principles of State Policy, Art 39A states that the state should provide free legal aid for the economically backward classes and Art 45 states that it is the duty of the state to raise the living standard and health of people from the backward classes. Art 330-342—offers special provisions for the people of certain classes like SCs, STs Anglo-Indians and linguistic minorities (India. Const. art 17, 39A and 330-342). These are but at few articles that show the special provisions that are offered for these people as per the Constitution. Further, many more clauses to different articles were added to the constitution later through many amendments. This shows how detailed our constitution is for providing better conditions and benefits to the backward section of the society.

The judgement of Supreme Court of India in State of Madras Vs. Champakam Dorairajan Case(AIR1951 SC 226) led to the First Amendment of the constitution (India Const. amend. I,1951) and the process of reservation started. The state of Madras first provided reservation in state Medical and Engineering colleges as they thought it to be necessary for promoting social justice for all the people of the country basing on Art 46 of the Directive Principles of state policy, but Supreme Court of India was against this and held the law void because this was classifying students based on religion and caste and not on merit and it is harmful for the meritorious students. So, the Constitution was amended and a Harijan colony was made to look into the matters concerning the interest of the people from the backward classes. Later in the year 2006 by 93<sup>rd</sup> Amendment Act, Art 15(5) was added to provide for the provision for reservation of SC, ST and OBCs in educational institutions that are private. Art 15(5) states that nothing in Art 15 or Art 19 can stop the state from taking any special means or making any special provisions for the betterment and upliftment of educationally and socially backward classes of citizens (India Const.amend.XCIII,2005;India. Const. art 15 and 19). When we are talking about the reservation policy of India, we cannot skip one of the most important cases

which changed as well as developed the whole design of the reservation policy of our country and the reservation policy that is followed today is much influenced by the decisions of this case, the Mandal Case. As per the Mandal case (AIR 1993 SC 477, 1992 Supp 2 SCR 454), it was decided by the Supreme Court that 27% Government jobs are to be reserved for backward classes but the creamy layers among them have to be avoided. Another important point that should be noted about this case is that it was mentioned that the reservation of seats will be limited only to initial appointments and this will not extend to promotions. Again, the total percentage of reservation shall not exceed 50%. This landmark case led to addition of Art 16(4-A) by 77<sup>th</sup> constitutional Amendment and Art 16(4-B) by 81<sup>st</sup> constitutional Amendment. This case is of huge importance as this case more or less made the reservation policy a permanent thing for the Indian people (India. Const. art 16(4-A) and 16(4-B); India Const. amend. LXXVII, 1995 and LXXXI, 2000). These above mentioned cases and resultant amendments to the constitution show that how much friendly as well as aggressive the Government of India has been for so many years to uplift the backward classes and it seems that the only solution that comes to their minds is reservation of seats. No matter which ever party forms the Government the story has remained the same for seventy years now.

## **Debates against reservation**

Although huge importance is given to reservation policy and so many issues have been pointed out as to why these reservation policies are important and why India needs it for the proper social empowerment of her own people but still reservation policy could not escape criticisms and really sound debates. When a country faces huge unemployment and problem of hunger, it is quite obvious that the so called 'general' candidates will have problems with this adamant decisions of reserving seats as often they are prejudiced that the jobs and education that they deserved is being wrongfully taken away from them. The debate has many different parts some of them are stated below:-

- 1) Discrimination based on caste is history now. Reservation has already done its job of how much it could have and now it is the general category people who are being discriminated.
- 2) It is criticised that meritorious candidates are being replaced by not so good or not deserving reserved candidates. So, this is in turn doing more harm to the society than good as for example a half educated or undeserving person becoming an educator will lead to bad quality students too.
- 3) The reservation policy was supposed to be continued for 10 years, by that time it was expected that the social problems will be cured and the people of lower castes will be uplifted but still reservation is continuing even after 70 years of independence. So, the question arises is that if reservation is actually for the uplifting of backward people or is it rather only for vote bank politics.
- 4) The policy should be modified to a large extent and reservation should not be done based on class or caste or community but rather it should be based on economic basis only.
- 5) The reserved category people would know that they do not need to work very hard at all as jobs are already preserved for them. So, these policy would make them more inefficient as competition is very less.

These are but a few basic points of criticisms against the reservation policy in India on the back drop of which the debate stands.

## **Is Reservation Creating Identity Crisis And Creating The Groupism Of 'Us' And 'Others'?**

In 2008, Allahabad high court took a firm stand against the continuation of reservation policy in India. According to justices Devi Prasad Singh and V.D. Chaturvedi, national development and integration is not possible if positive action is not taken up to help create a proper knowledge base or proper educational penetration at the grass root level for the deprived castes or communities rather than expanding the process of reservation or continuing it forever at the cost of meritorious general candidates. Justice Singh has further stated that there is need for reviewing this reservation process at intervals to decide if the continuance is at all necessary or not. These justices held that this reservation process is responsible for creating fissures in the society and actions should have been taken to develop national feeling and the feeling of united brotherhood among the fellow people of India. ("Reservation Harmful for National Integrity: HC", 2008). This reminds us of Mahatma Gandhi's fear that separate electorate is going to divide the nation and that people will only remember them as of someone from a particular caste, class or community and sect and not as Indians (D.N., 1991).

A question still bothers that if reservation is the only solution for every kind of issues or compensation to be paid when these people from the deprived section still face disgust from others or general category people in the society who are may be their own friends and neighbours. It can be said it is another way of not accepting the difference rather pointing it out so much that others can hate them. Now let us take the help of a few interviews conducted to see

if the question that if reservation is creating identity crisis and creating the groupism of 'us' and 'others' at all holds true ground. The interviews were conducted in the Education and Political Science department of University of Calcutta. The real names of interviewers are not disclosed for the sake of anonymity. When I asked them if they think reservation policy of the Government of India is helping to unite the people or is it rather hampering the toleration ability of some people and creating more divisions in the society, the answers that were received were really interesting. Fatima Javed said "I feel that reservation is so important without it is very difficult for the women at least from my community to continue higher education and I want to add that today I am doing M.Phil research from the education department that is also thanks to this Government policy otherwise it would have been very difficult for me to continue this far" (F.Javed, personal communication, November 12, 2017). A friend of hers who joined the interview next named Nandini Basu also pursuing M.Phil from the same department pointed out "Fatima travels to the university in a very luxurious car and her father is also a very rich business man so I do not understand the necessity of giving Fatima any reservation rather it could have been given to some one really needy"(N.Basu, personal communication, November 12, 2017). These replies shows that though the student who is getting the benefit as a result of the policy is saying that it helps a lot for the students from her community but she is incapable to make her very own friend convince that her need is of genuine nature.

A very interesting response came from an ex student Payel Mondal from the department of Political Science "I have got a first class in my M.A. but the first thing that my friends know about myself or says about me is that I belong from a particular category so everything is very easy for me, we can get jobs easily at very low percentage in the elimination tests which may be true to some extent yet I think I deserve a little respect for my effort and hard work which I never got from my general category friends, for them my identity is still someone who is much lower than them and even if I have got a job, as if I have got it as some alms"(P. Mondal, personal communication, November 13, 2017). Sathilekha Mukherjee her friend from the same department pointed out, after Payel left "the fact that Payel has got a good central government job is because she is something else...cannot be compared with 'us generals' now if she does not agree or does not want to be reminded of the fact what can we do? Why use reservation benefits at all if you are that conscious about what people says or thinks about you? You can eat our jobs but we cannot say anything...disgusting! You know they even fight amongst themselves as some category has more percentage of seats reserved for them than others. No matter how much benefit Government offers them they will still want more."(S. Mukherjee, personal communication, November 13, 2017). Sarita Ekka who was interviewed after Sathilekha also from the same department said "reservation is done on such a small percentage, how can such a small percentage of reservation affect so much? If one is good in studies one will not have to even keep on telling that they are not getting jobs because of reservation. They should rather prove themselves first and then talk. People should learn to pay respect to us too. We have not created this policy, the Government has provided us this and if something is done for the betterment of the people, is there at all any point opposing it?"(S.Ekka, personal communication, November 13, 2017).

The person who was interviewed after Sarita is Sapan Gupta, who pointed out "Sarita's father has already taken the help of reservation for his job and so did her mother. Now tell me how much more upliftment does that family need? The benefits could rather have been offered to at least one family member of a really needy poor family even if that family is from general category. Why are they taking away our jobs? We want to get it through merit and they want to get it through the benefit of their birth or rather for the sake of vote banks. I must say that this is utter injustice done to 'us generals' who are really working very hard to get the job. We have seen terrible examples in the USA against job outsourcing, so, why should I be silent thinking if it will hurt a particular caste's or community's sentiments? Tell me will those rich ministers go to a doctor from this category for their operation easily, if not then why punishing us by this policy when we are trying so hard to get a Government job. What is my fault if they have suffered misfortune in the past, I was not even born then and not were the candidates that are getting the privilege today. So, why will be my future a joke for the sake of social work? As far as I am concerned, I will keep on blaming them and also the Government because if it is harming me I will raise my voice as simple as that. If this is a democracy, the Government need to take care of all and not only a few for gaining votes." (S. Gupta, personal communication, November 13, 2017).

The answers were not very direct that if they think reservation policy is bringing in more fissures in the society or not rather an indirect groupism could be noticed both for and against reservation policy from their views. These answers again give us a hint at the disgust that is being slowly getting build up between the two sections, the reserved and the general. Another very interesting thing that can be noted from here is that even if Payel is genuinely a good student who may have really deserved the job but as per few the first identity that comes to a person's mind is that she is from a certain particular category and nothing else as if saying star kids will always get better opportunity than other strugglers to enter the film industry and so they mostly do not have much talent. Another very important thing that can be seen is that at times the answers are really getting very violent and as it was a semi structured interview they kept on adding more and more and most of the time we have found that they are showing their disgust against the

other person. Rather than giving their opinion neutrally they were almost giving hate comments and taunting against each other. These interviews also showed the real worries as well as frustrations of a few students as well as ex students and though the policy for reservation of seats in Government jobs and educational institutions are done through certain Government Policies but the side effect is worrisome as these youngsters are now hating and humiliating each other more than raising voice against the Government policy itself.

## **Conclusion**

In today's India though the practice of untouchability legally has stopped but now another kind of mental torture has emerged; of stereotyping backward caste/community people as less efficient, job stealers, ineligible, less talented. It seems as if two different groups of 'us' and 'them' has formed and the generalists have lost faith in the culture of building tolerance and a strong curtain has descended between these two groups. It is also noticeable that some of the reserved category people may not truly need the reservation any more however they are still reaping the benefits and at the same time wants to be respected and not stereotyped. On the other hand, the general category people are getting more and more frustrated as they are losing their jobs and educational seats to these people at an alarming rate and also at times use these reserved people as an excuse to blame for their own failures even if they have not worked hard enough.

The main aim behind reservation was to empower and uplift the status of backward caste/community and to bring uniformity and tolerance in the country but now it seems that we have started to hate each other even more. In a poor country like India where PhD degree holders still apply for peon jobs ("PhD holders among 23 lakh applicants for peon jobs in UP", 2015), we can understand the steep increase in the rise of unemployment and also the preference of people in much secure Government jobs. Social media is also playing a very important role in this. There are so many pages in Facebook which are trying their best at promoting their form of intolerance through rebuking and taunting posts against the reserved group of people and showing their disgust through funny cartoons that the condition of today's general category meritorious students is so bad because of these reserved category people, which is may be to a large extent true but it can act as a catalyst for slowly brewing more and more anger, hatred against each other and do away with any effort of ushering tolerance and the dream of living together.

As solution to these emerging conflicts, reservation if it at all is provided must be purely on the basis of the economic condition of the student or candidate and not on castes, tribe or community. The kind of reservation policy that is now being followed does the best to separate people from people and divide the country into different small sections. Special attention in education should be paid to the backward section of people at grass root level rather than reservation at higher education or Government jobs. Though this form of separation between 'we' and 'them' is still very latent and has not become that violent in nature but we can still predict that in the near future this reason will act as a dangerous stimulus for decrease in tolerance. This whole research can be counter argued on the basis that in today's India, with the increase in liberalisation, privatisation and globalisation, a huge section of the population is moving towards private sector jobs than Government sector jobs and so, if reservation will at all hold that much importance for conflict creation in the near future or not. To answer this it can be said that still Government jobs and educational institutions are very important and of high prestige value, they are much secure and provides much more benefits at least for the middle class people of the country who aspires for public services.

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