



INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

AN OVERVIEW OF RESERVATION SYSTEM IN THE INDIA

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ABSTRACT

India's reservation system aims to promote social fairness and upward mobility by strengthening people's rights. It is outlined in the Indian Constitution and was established to protect rights and advance society. However, underprivileged individuals still face social mobility challenges. The Supreme Court dismissed the Maharashtra State Reservation for SEBC Act, 2018, emphasizing the significance of community needs in reservation allocation. This research analyses the inequality and discrimination in Indian society, focusing on the reservation system and its social dynamics. It highlights the oppression of untouchable castes and the role of political parties.

KEYWORDS: Reservation, politics, Government, caste and underprivileged section

INTRODUCTION

With the reservation policy, the poorest of the poor will get equal opportunities to get education, government jobs and legislative posts for the upliftment of socially and educationally backward classes, Scheduled Castes (SCs), Scheduled Tribes (STs) and Economically Backward Classes (EWS). This policy is mentioned in Articles 15(4), 15(5) and 15(6) of the Constitution of India. Articles 16(4) and 16(6) emphasise that the economically weaker sections should be given adequate representation and equal opportunities should be provided to all, irrespective of caste and creed. India's reservation system dates back to prehistoric times when the caste system divided society. The reservation policy will help in the upliftment of SCs, STs, EWS and socially and educationally backward classes. The SC/ST reservation system has been successful in improving social justice and providing higher status to the poorer sections. However, there is no academic research on the sub-quota in the reservation system and an analysis of its effects on Tamil Nadu's population growth is needed. This paper assesses the effects of reservation systems on population growth, unemployment, resource scarcity, inequalities and poverty in India and Tamil Nadu.

OBJECTIVES OF THIS ARTICLE

The main aim of this research paper is to investigate the current reservation system in India and Tamil Nadu. The paper aims to achieve the following objectives:

- To examine the nature and dynamics of social and political mobilisation among the disadvantaged and to understand the role played by political parties in community political organising in Tamil Nadu. The paper also aims to study the reasons behind distinct reservations.

- To evaluate the advantages and disadvantages of reservation policies for SCs/STs, Arunthathiyars, Vanniars, Muslims, and Christians in Tamil Nadu.

METHODOLOGICAL APPROACH

Indian society was divided into unequal castes under Brahmanical Hinduism, and the Untouchables suffered the worst oppression. The untouchable castes are still the most oppressed in Indian culture. The objective of the special reservation policy is to promote social equality. This study is observational and theoretical. It analyses theories and perspectives, conceptualizes how an item works, and investigates or simulates the effects of needs. Research uses only secondary sources related to the problem. The secondary data comes from various reports published and unpublished. Literature reviews were conducted using the libraries of several organizations.

AREAS THAT ARE PART OF THE INDIAN RESERVE SYSTEM

Reservations at Indian educational institutions, government, and legislative institutions will be allowed. Scheduled Castes (SCs), Scheduled Tribes (STs), Other Backward Classes (OBCs) and Economically Backward Classes have been empowered through job reservations, promotions and educational scholarships. Article 16 of the Constitution (77th Amendment) Act, 1995, added a new clause (4A) to provide for reservation for promotions. India has been at the forefront of exempting the poor. An important aspect of India's policy is the creation of reserves and the proportional representation of categories. The demand for reservation for non-Brahmin communities led to the formation of the "Other Backward Classes" category, which has become an important milestone in the country's political history. Across India, the Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs) are given reservations for direct employment through open competition at the rate of 15%, 7.5% and 27% respectively. On Friday, the Supreme Court struck down the Maharashtra Socially and Educationally Backward Classes (SEBC) Reservation Act, 2018, which provides for job and government education reservations for the Maratha community.

THE MAIN IDEA OF THE INDIAN RESERVATION SYSTEM

The ancient caste system in India allowed the upper castes to exploit the lower castes, deprive them of their rights and expel them from society. The reservation system was introduced to address this issue and programmes for SCs, STs and other backward castes started from the 1980s. The Mandal Commission has imposed a condition that 27% of government offices should be reserved for OBCs, who constitute 52% of the population. The SC/ST reservation was initially given for 10 years but later it was found necessary to fight against social discrimination.

Reservation is a program traditionally intended in India to represent under-represented groups in government programmes, scholarship and politics. The Constitution of India allows the central government and the states and territories to fix reservations or seats in a certain percentage for socially and educationally backward citizens for educational admissions, employment, political institutions, promotions, etc.

RESERVATION-RELATED PROVISIONS IN THE CONSTITUTION

The Indian Constitution provides for reservations in India. Article 15(4) allows the State to make special provisions for the advancement of socially and educationally backward classes, Scheduled Castes, and Scheduled Tribes.

- Article 15(5) reserves seats in private educational institutions for SC, ST, and Backward classes.
- Article 16(4) authorizes reservations to ensure equal representation in government employment.
- Articles 330 and 332 reserve seats for SCs and STs in the Parliament and State Legislative Assemblies.

REVISED AND RETHINKING OF INDIAN RESERVATION SYSTEM

Though the clauses in the Constitution seek equal opportunities and status for the depressed classes, they are being used for other purposes. In India, reservation is a kind of positive measure that benefits a socially and economically less developed society. Reservations in India differ from its primary goal of providing equal opportunities and status to all members of society.

The framers of the Constitution wanted reservations, but their rationale was questionable. The caste and religious differences in Indian society are mainly due to the opposition to the quota strategy in the country. With the help of reserve weapons, political parties set up voting banks and provided reservations for India's reservation system. Seats in many institutions, government institutions, and higher educational institutions have reserved or exclusive access in accordance with government laws, regulations and administrative measures.

According to Article 340 of the Constitution, the living conditions of the socially and educationally marginalised sections of the society should be examined and fraternity, unity and honesty should be promoted and equality and opportunities should be promoted. The Constituent Assembly recognised the need to promote social and economic equality in order to preserve the unity, integrity and fraternity of the country. The laws help in providing equal opportunities and positions.

The Government of India has introduced a quota policy for jobs in public sector and government institutions but not in minority-run institutions. The Government of India has introduced a quota policy for the poor. The majority of India's population belongs to the backward class in politics, education and other spheres of life. Castes, listed tribes and other backward classes are classified as backward classes. Castes and tribes were included in the list to participate in the Indian Parliament in the reservation policy. Tribal and caste affiliations should be properly framed so that there is adequate representation in the government and the education system.

INDIAN JUDICIAL DECISIONS ABOUT RESERVATION IN INDIA

In the Madras State vs. Champakam DoraiRajan case, the Supreme Court of India ruled that reserving seats based on race, religion, and caste was invalid as it contravened Article 15 (1) of the Indian Constitution. The First Constitutional Amendment Act of 1951 introduced section (4) of Article 15, which permits the State to make special provisions for socially and educationally disadvantaged groups. Article 46 of the Indian Constitution defines a "backward class" as the "weaker sections of the people," due to poverty and disabilities.

In 1992, the Supreme Court of India stated that the percentage of reservations could not exceed 50% because it would violate the Constitution's guarantee of equitable access. The Mandal Commission case established the Supreme Court's position on reservations for underprivileged groups. The reservation of 27% of government and service positions for socially and educationally disadvantaged groups was introduced.

INDIA NEEDS RESERVATION EVEN TODAY – AN EVALUATION

The reservation policy in India is causing discriminatory treatment of people, which threatens the government's capacity to rule. If the reservation strategy is abandoned, the government might no longer be able to rule. A new reservation strategy is proposed to ensure everyone's equal chance. India must reduce its 80% reliance on crude oil to guarantee equitable representation in services paid for by the federal government and the states. Imports have inflated India's trade deficit, which will make trading in India more challenging in 2023 due to the global recession.

The reservation system has intensified strife between nomadic tribes due to resource competition. The government's failure to keep its pledges led to the demise of the reservation system. It is essential to guarantee equitable opportunity and status for lower caste people through coaching, funding, scholarships, and reservation. People from lower castes do not have comparable opportunities or status, and caste discrimination persists in rural regions, rendering equality a distant dream. Although equality for all residents is stated in the

Preamble of the Indian Constitution, this ideal is still far off due to discrimination. Despite freedom, discrimination against members of lower castes persists.

RESERVATION POLICY IN TAMIL NADU BEFORE AND AFTER INDEPENDENCE

The Tamil Nadu Positive Action Programme is increasing the representation of under-represented communities in education and employment. The number of bookings increased from 41% in 1954 to 69% in 1990. The state has been fighting for equal opportunities for a long time and reservations are seen as an effective way to counter discrimination. Reservations were first used during the British Raj to solve the problem of Brahmin supremacy in the government in the Madras Presidency. In 1916, the South Indian Liberal Federation, also known as the Justice Party, was formed to encourage non-Brahmins under the administration. A government order was issued in 1921, but there was resistance. Finally, Periyar E.V. Ramaswamy supported the implementation of the order issued in 1927. Non-Brahmin Hindus got 44 per cent of the posts, Brahmins, Muslims, Christians and Anglo-Indians got 16 per cent each, and the castes included in the list got 8 per cent. Based on English literacy, the order was in force until 1950, applying for employment and registration. The Constitution of India came into force in 1950. The Madras Supreme Court immediately declared the Community Administration Ordinance illegal. The Supreme Court upheld this decision. Periyar had led nationwide protests against the court verdict. The Congress also supported these reservations. Chief Minister K Kamaraj had raised the issue with Prime Minister Jawaharlal Nehru to amend Articles 15 and 16 of the Constitution, which provides for reservation in educational and socially backward classes in educational institutions and public services. From 41 per cent in 1954, the number of reservations was increased to 69 per cent in 1990 to give representation to the depressed classes in education and employment.

In 1927, Periyar E.V. Ramaswamy helped in the implementation of the Communal Government Ordinance providing for reservation for various communities. After the abolition of the quota, a 25 per cent reservation was provided to the poor. In 1970, the Tamil Nadu Backward Classes Commission recommended the abolition of the "Most Backward Classes" (MBC) and the extension of boundaries. Subsequently, the BC quota was increased to 31 per cent and the SC/ST reservation to 18 per cent. In 1979, following the 'cream layer' formula, the minimum income was fixed at Rs 9,000 to be eligible for reservation. After the general elections in Tamil Nadu in 1980, MG Ramachandran increased the proportion of backward classes from 31% to 50%, bringing the total reservation to 68%. The forward classes sued the Supreme Court to stop this action. A committee was formed to study the actual situation of backward classes in Tamil Nadu, and it was found that 11 castes, which constitute about 34.8 percent of the backward classes, have an unequal number of posts in professional courses, scholarships, and civil service. In 1989, the DMK government divided the 50 per cent quota for BCs from 30 per cent for OBCs and 20 per cent for MBCs. The MBC quota has given vanniya and 106 other caste communities the right to enter the reservation. In 1990, the DMK bifurcated the SC/ST reservation and increased the state's overall reservation percentage to 69 per cent. However, in 1992, the Supreme Court ruled that the total number of reservations should not exceed 50 per cent. From the 1994-1995 academic year, the state had to be reduced to 50 per cent. From the academic year 1994-1995, the state had to see a 50 per cent drop. In 1993, the State of Tamil Nadu passed the Backward Classes, Castes and Scheduled Tribes Bill, which was to be assented by the President. Jayalalithaa, chaired by Jayalalithaa, approached the Tamil Nadu Political Leaders' Committee in New Delhi and sought the inclusion of an annexure to the Constitution, which is unlikely to be challenged in court. The President confirmed through his fingerprint that 69 per cent of the allocation has been made to Tamil Nadu. In 1994, a lawyer named K M Vijayan was attacked during an agitation against the inclusion of clause 69 per cent in the 9th schedule. In the same year, 69% of reservations were included in Annexure 9.

AMENDMENTS TO THE CONSTITUTION ON RESERVATIONS FOR PROMOTIONS

In 2012, the Supreme Court declared Section 3(7) of the Uttar Pradesh Civil Servants Act, 1994, and Rule 8(A) of the Uttar Pradesh Government Servants' Seniority List Rules, 1991, invalid. However, it did not invalidate promotions for scheduled castes and tribes. The Supreme Court declared null and void the laws and executive orders of various states that allow reservation in promotion, as they lacked specific details that should have been included as per the opinion voiced in the Nagaraj case. The court clarified that Article 16(1) of the Constitution gives everyone a fundamental right to equality. However, neither Article 4 nor Article 4(A) of the Constitution should be interpreted as granting the social groups to whom reservation is given the status of fundamentally protected rights. The Central Government passed the 77th Constitutional Amendment Act of 1995, establishing a quota for promotions for scheduled caste communities. The Mandal Commission case resulted in the Supreme Court setting a 50% cap on seat reservations. The 81st Constitutional Amendment Act of 2000 included Clause 4(B) to prohibit the 50% ceiling from filling open positions that had been unfilled for a long time.

The government can offer reservations in promotions if they are deemed essential. The government must provide proof that each of the following criteria is satisfied before exercising arbitrary powers:

- Compelling reasons.
- Backwardness.
- Lack of proper representation.
- Creamy layer segments must be avoided.
- Article 335 requires efficient management, which should not be compromised.
- The 50% threshold should not be exceeded as well.
- Reservations shouldn't be held available forever.

The Nagaraja case laid down conditions for a constitutional amendment guaranteeing the reservation of promotions for scheduled castes and tribes. The Supreme Court upheld the practice of allocating posts to these groups for promotions. However, Uttar Pradesh has invalidated the laws and regulations on the grounds that they are not in compliance with the rules laid down in the Nagaraja case. Article 16(4A), which provides for reservation in promotions, is still there in the Constitution. Reservation cannot be said to be a fundamental right. In the Mandal case, the Supreme Court had defined the term "cream layer" to refer to socially affluent individuals or communities, making it clear that it would not apply to castes and tribes included in the list.

CONCLUSION

As a result of the government's policies, separate reservations were provided to Muslims, Christians, Arundhatiars and Vanniyars. Many agreed that the Arundhatiayar reservation policy would not affect Dalit unity. Access to education remains a significant hurdle despite the reservation policy. While the reservation system provides equal security to all communities, there is still no equitable distribution between SCs and STs. There is a need for a public effort against untouchability in Tamil Nadu to reduce poverty and illiteracy among the socially weaker sections. The SC minority needs better services, especially in health development, literacy and poverty alleviation. Minor SCs need their own welfare programmes to realise their potential. To counter favouritism and untouchability, Dalit political parties emerged, calling for the eradication of caste and all the violence associated with it. India's reservation policy strives to provide the underprivileged with equitable opportunities. The reservation system should be improved to allow people from lower castes to prove themselves. Reservations should be modified to accommodate the needs of various communities. The current reservation system must be updated as it is out-dated and inefficient. Reservations should be provided only to those who really need it. Providing reservation to one community may be unfair to another. Achieving goals through talent is the key rather than hesitation. Only a select few should be allowed to make reservations.

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