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## Reservation and National Integration in India: An Evaluative Description

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### **Abstract**

*The most important feature of the social structure in India is the Caste system. It is the caste system on the basis of which the Indian society is divided into so many class, community and clans such as scheduled caste, scheduled tribe and other weaker sections of Indian society. For that reason the framers of Indian constitution realised to the provision of reservation for the development of the so called weaker section of the society and hence they incorporated that provision into Indian constitution. The issue of reservation plays a significant role in Indian society. The present study intends to narrate the provisions enshrined in Indian constitution for the above mentioned people and the paper also emphasis on the impact of reservation on national integration in India.*

**Key words:** *Caste system, Scheduled caste, Scheduled tribe, Reservation, National integration, Indian society*

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During the freedom struggle of India against British imperialism, all the sections of Indian society came forward and played an equally important and big role. From all the parts of India, several freedom fighters, social reformers and leaders fully realised and strongly advocated the necessity of promoting social equality in India. In fact, it was treated as pre-requisite for the freedom, unity and strength of the nation. Hence after the attainment of independence, the leaders of independent India, especially the members of the constituent assembly, accepted social equality as the most important objective for all sections of the society. This is one among many reasons for the incorporation of the term reservation in to Indian constitution. It will be noteworthy here is that certain disabling social practices which led the makers of the Indian constitution to think in terms of special protection to be given to backward classes in India such as Scheduled Castes and the Scheduled Tribes.

It is well known to all that untouchability had been a curse in Indian society for a long time. This evil practice expressed a strange attitude of the high caste Hindus towards the lower caste Hindus. The Hindus of so-called high caste was always looking down upon the lower caste people only on account of their birth and excluding them from having any kind of opportunities. So it can be assumed that the untouchability was a deep rooted evil practice in Indian society. Following are the few examples of discriminatory attitude of high caste Hindus towards the so-called lower caste Hindus that can reveals the spheres of untouchability and its consequences-

- i. The untouchables were refused admission to public institutions.

- ii. They were denied the facilities of using water reservoirs such as wells, tanks, bathing ghats and such some other sources of water.
- iii. They were denied access to shops, public restaurants, hotels and places of public entertainment.
- iv. They were prevented from worshipping or offering prayer in any place of public worship such as temple.
- v. They were denied even the use of roads and places of public resort.

***Social justice and Reservation:-***

Social justice means the absence of socially privileged classes in society, ensuring of equality of status and opportunity for all, absence of any kind of discrimination based on caste, colour, creed, religion, sex or place of birth, protection of rights of minorities, protections for the weaker and down trodden sections of society, abolition of social evils like untouchability and elimination of all forms of social discrimination.

For securing the social justice in Indian society the constitution of India provides several provisions for its application. These are as follows:

- i. The preamble of the constitution gives supreme importance on social, economic and political justice as the ideal to be secured for all the citizens.
- ii. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth (Art-15).
- iii. Equality of opportunity in matters of public employment (Art-16).
- iv. Abolition of untouchability and provision for punishment in case of violation of this provision (Art-17).

India has been committed to secure social justice since its independence. In order to achieve the objective of social justice, these constitutional provisions and several essential policies and decisions are being implemented for the protection of the interests of SCs, STs, OBCs, women, children, minorities and some other classes of the people. In that context, one important thing is to be mentioned here that Indian constitution also provides few significant provisions for ensuring social justice through Fundamental rights and Directive Principles of state policy. These are also the protective measures of the society from all forms of discrimination.

Before we going to the discussion about the ‘reservation’ and its provision, we should look at the steps taken by the Indian constitution for removing the evil practice of untouchability. In part iii of Indian constitution there are six fundamental rights enshrined for the people of India. Such as right to equality, right to freedom right against exploitation and so on. Article 17, a key article of the chapter on fundamental rights, provides for the abolition of the evil of untouchability for the social equality. It is also mentioned that abolishes untouchability in India and makes its practice in any form an offence punishable under the law. The constitutional provision has been the basis of two important legislative enactments such as Untouchability (offences) Act 1955 and The Protection of civil Rights Act 1977.

With a view to protect the interests of SCs and STs, the constitution in its part XVI mentions certain special provisions. The Constituent Assembly decided that for protecting the interests of ‘Castes’ as well as for securing their equal participation in social and political life of the society, it was necessary to provide reservation of seats in the Parliament and State legislatures as well as some jobs in Civil Services. That is why Article 330 provides for reservation of seats for Scheduled Caste and Scheduled Tribes in the Lok Sabha in proportion to their population. In addition to that it is important to note here is that the President of India can nominate in Lok Sabha not more than two members of the Anglo-Indian Community in case he is of the opinion that this community is not adequately represented in the House (Art.331). Almost similar provisions for reservation of the seats for SCs and STs in state

legislatures have also been incorporated under article 331 and 332 respectively. In October 1999, the parliament of India passed the 84<sup>th</sup> Amendment which extended the duration of reservation for another 10 years i.e., up to the year 2010. The reservation benefits also extended to Other backward Classes. Not only that, in respect of jobs in government service and admission in various universities and professional institutions, jobs and seats are reserved for the people of SCs and STs. Several commissions like National Commission for SCs, National Commission for STs, National Minorities Commission, National Commission on OBCs and National Commission for Women have been monitoring the conditions of the weaker sections of society. Now days The National Human Rights Commission also taking the initiatives for the protection of rights of the people belonging to Scheduled Castes and Scheduled Tribes. There are a huge number of articles in Indian Constitution dealing with 'reservation'. These are as follows-

- Article 16 of the Constitution gives to the state the right to reserve jobs for any backward class of citizens or sections of society.
- Article 17 abolishes the evil of untouchability and makes it a punishable offence.
- Article 27 provides no government or government-aided educational institution can deny admission to any one on the basis of caste.
- Article 44 of the constitution gives a directive to the state to take special steps for the protection of the interests of the weaker sections of society and to end all types of exploitation and social injustice.
- Articles 330 provides for the reservation of seats in the Lok Sabha.
- Article 333 provides for reservation of seats for SCs and STs in the State Legislative Assemblies.
- 73<sup>rd</sup> and 74<sup>th</sup> constitutional Amendments have provided for additional reservations in Panchayati Raj and Urban Local Institutions.
- Article 335 lays down for the reservation of jobs in civil services under the Union and States for the benefit of people belonging to Scheduled Castes and Scheduled Tribes.
- Under Article 338, the provision for the establishment of a national commission for protection of the interests of the people belonging to SCs and STs has been made.
- Article 342 lays down that the President of India, on the advice or recommendations of the Governor of a State, can order the inclusion of any tribal group in the list of Scheduled Tribes. The President can issue any directive for the protection of the interests of the STs.
- Along with the provision for reservations of jobs for the SCs and STs, now the system of reservation for other Backward Classes (OBCs) has been in operation since 1993. The OBC list includes around 3600 castes. Reservation of jobs to the tune of 27% has been made in respect of OBCs.
- The benefit of reservation is available both at the time of entry into a service as well as at the time of promotions.
- In October 1999, the system of Reservations was further extended for a period of 10 years i.e., up to the year 2010.
- In February 2004, the Centre Government announced that the creamy layer among the OBCs would mean persons with an income of income of 2.5 lakh per annum or above. It was also decided to give reservations to Economically Backward Classes (EBCs). An EBC Commission was set up for this purpose. It was to determine the quantum of reservations for EBCs.
- Almost all Political Parties are now supporting the case of giving the benefit of 33% reservations to women. However, due to a demand made by some political parties that such a reservation must include a reservation clause for women belonging to SCs,

STs, BCs, and OBCs, it has not been possible to give 33% reservations to the women of India.

- Almost all Political Parties have been supporting the system of reservations as each of them considers it a vote getting popularity-winning system.

In its report submitted to the government of India in 1980 the Mondal Commission recommended that 15 percent of all jobs under the central government be reserved for the SCs, 7.5 percent of such jobs, be reserved for the STs and that 27percent of these jobs be reserved for OBCs. When the national Front government led by shri V.P. singh announced its intention in August 1990 to implement the recommendations of the Mondal Commission, a section of students and youths of the country threw themselves into anti-reservation movements in some parts of the country, fearing that this would make the scarce central government jobs for the upper castes of the Hindu Community. In a judgement delivered in November, 1992 the Supreme Court upheld the 27 percent reservation in favour of OBCs, but observed all the same that job reservation in its totality should not exceed the 50 percent limit.

From this point of view it is noteworthy to mention here is that few states like Tamil Nadu (69%), Uttarpradesh (62%), and Karnataka (80%) of India go beyond the limitations as allotted or declared by the Supreme Court. These all are happening because of state politics. The general and predominant trend in respect of politics of reservation in India today is towards reservation and more reservation

In 1993, a constitutional amendment in India has been done for a one third of village council leader, or pradhan, positions in gram panchayat to be reserved for women. The village council is responsible for the provision of village infrastructure – such as public buildings, water, and roads – and for identifying government program beneficiaries. Although all decisions in the village council are made by majority, but the pradhan is the only full-time member and exercises significant control over the final council decisions. Recent research on the quota system has revealed that it has changed perceptions of women’s abilities, improved women’s electoral chances, and raised aspirations and educational attainment for teenage girls.

There is a long-term plan to extend this reservation to parliament and legislative assemblies for women. Some law schools in India have a 30% reservation for females. Few political parties are of strong opinion in favour of reservation of women to maintain equality and create a level playing field for all.

On 9 March 2010, The Women's Reservation Bill was passed by the Rajya Sabha by a majority vote of 186 members in favour and 1 against. On March 2013, the Lok Sabha has not voted on the bill. Its opposers comment that gender cannot be held as a basis for reservation alone other factors should also be considered e.g. economic, social conditions of woman candidate. There also is a growing demand for women reservation in pre-existing reservations like OBC, SC/ST, Physically handicapped etc. Some feminist groups still demanding for reservation of women should be at least 50% as they comprise 50% of the population.

Reservation has also been extended to religious minorities. The Tamil Nadu government has allotted 3.5% of seats each to Muslims and Christians. The Government of Andhra Pradesh introduced a law enabling 4% reservations for Muslims in 2004. This law has however not been passed and is currently being contested in the Supreme Court. Kerala Public Service Commission has a quota of 12% for Muslims. Religious minority (Muslim or Christian) educational institutes also have 50% reservation for Muslim or Christian religions. The Central government has listed a number of Muslim communities as backward Muslims, making them eligible for reservation.

The Government of India on 22 December 2011 announced establishment of a sub-quota of 4.5% for minorities within the existing 27% reservation for Other Backward Classes. The reason was that listed Muslim communities have been granted OBC status are unable to compete with Hindu OBC communities. It was alleged that the decision was announced as the Election Commission announced Assembly elections in five states on 24 December 2011. The government would not have been able to announce this due to the model code of conduct. On 12 January 2012, the Election Commission stayed implementation of this decision for violation of the model code of conduct. Later, Justice Sachar, head of the Sachar Committee that was commissioned to prepare a report on the latest social, economic and educational condition of the Muslim community of India, criticized the government decision and suggested that instead of promising to give reservations, the government should focus on basic issues of improving administration and governance.

Some reservations in India are also made for:

- Terrorist victims from Kashmir, e.g. in Punjab
- Single Girl-Child (in Punjab)
- Migrants from the state of Jammu and Kashmir
- Sons/daughters/grandsons/granddaughters of Freedom Fighters
- Physically handicapped
- Sports personalities
- Non-Resident Indians (NRIs) have a small percentage of reserved seats in educational institutions. (Note : NRI reservations were removed from IIT in 2003)
- Candidates sponsored by various organizations
- Those who have served in the armed forces ('ex-serviceman' quota—because the age of superannuation in the Military Service is much shorter than that in the Civil posts; moreover, certain intakes are tenure-based, e.g. the contract for Short-Service Commission is merely 8 years)
- Dependents of armed forces personnel *killed-in-action*
- Repatriates
- Reservation in special schools of Government Undertakings/ PSUs, for the children of their own employees (e.g. Army schools, PSU schools, etc.)
- Paid pathway reservations in places of worship (e.g., Tirumala Venkateswara Temple, Tiruthani Murugan (Balaji) temple)
- Seat reservation for Senior citizens and physically handicapped in public (bus) transport.

No sensible person can question on the necessity for giving special protection in the form of reservation to the SCs, STs and OBCs in India who were neglected for centuries and therefore deserve special treatment. But the question is whether reservation has fulfilled the larger objective of national integration in India. Following are the few observations that came out after the reservation policy applied in many states. While the anti-reservationists belonging mostly to the upper castes in India argue that reservation is anti-meritarian, that it deprives the meritorious students of their legitimate share of seats in educational institutions, that it hampers the efficiency of the administrative system of the country. They are also afraid that more seats for the SCs, STs, and the OBCs in public educational institutions mean less avenues of career advancement for them or no job for them. Their fear has been intensified because there is no ceiling or limits either over the size of the quota or over the time period up to which the system of reservation of seats in educational institutions and posts in the services under the govt. will continue. The agitation against the system of reservation might not have been as intense and it might not have generated as much rivalry among castes as it has done in recent times.

The anti-reservationists argue that to the extent the quota system denies jobs to economically poor among the high castes who are meritorious but otherwise disqualified because of their belonging to the high castes. The system amounts to reverse discrimination and thus constitutes a denial of social justice to such elements.

There is also a psychological argument made by the anti-reservationists that reservation generates a culture of dependence among those who continue to enjoy benefits from the system. The argument is that if you spoon-feed a person, the fed person will like always to eat from your hand rather than try to be self-supporting. Our policy makers will be well advised to make a periodic review of the actual working of the policy of reservations. Through comprehensive socio-economic and educational planning the conditions of the SCs, STs and OBCs may be improved. Equally important is re-orienting the attitude of political parties where their politics of caste votes is leading us. If this cannot be changed, it can create an adverse effect on national integration. The only way to end the ill effects of politics of reservation as well as the unhealthy competition among states to exceed one another in reservation is to have a national consensus on the limit of 50 percent on reservation. When the Supreme Court placed the limit of 50% on reservation, it tried to balance the needs of lower and backward castes against the talent that the country required for development. The judgement upheld the principle of equitable distribution. We must remember that we cannot have justice and equality-the two ideals of the Indian constitution-without fraternity, a feeling of brotherhood among the people-an ideal equally enshrined in the preamble to the constitution of India.

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