

MERIT VS. RESERVATION: PROS AND CONS

BRIJ MOHAN DUTTA

Faculty of Law, Dehradun, Uttarakhand, India 248002. brijdutta2016@gmail.com

DOI : 10.36893.IJMIE.2018.V8I8.476-483

Abstract

Reservation is currently the most contentious issue in the country. The vast majority of people agree with it, Despite the fact that the concept of reservations was mentioned in Dr B.R. Ambedkar's original draft of the Indian constitution, they are now unaddressed. In a variety of ways, he attempted to empower and uplift the poorer parts of society. He also set a ten-year deadline, although political intervention in the constitutional amendment has continued to this day. The reserve is largely responsible for the differences in our society today. As a result, competition for each position grew, increasing the number of unemployed persons. Politicians that support reservation laws do so in order to increase their popularity and gain more votes. They achieve this by leveraging their people's caste identities. The legislators benefit from the booking, while the average public does not. They are unaware of our difficulties because they are only concerned with retaining their power. Reservations must be accepted by the general public, but they are not a universal platform. The government of this country should prioritize ensuring that all citizens have equal access to opportunities. Reservations based on caste, religion, or minority status, as well as other forms of bias, should be removed from the system.

Keywords- advantages, disadvantages, minority, reservation system.

Introduction

As a developing country, India still has many obstacles to overcome, including the reservation system. India adopted its reservation system as a result of the country's long-standing caste discrimination practice. The reservation system is making it easier for certain groups of individuals to access the labour force, government service, educational institutions, and even legislative bodies. Historically, these groups have endured prejudice based on their caste identities. In today's culture, everyone whose ancestors were members of an ST, SC or OBC

community is eligible for reserve benefits, regardless of their current financial situation. Reservations were initially available solely to members of Scheduled Castes and Scheduled Tribes. Reservations were made available to members of Other Backward Classes beginning in 1987 when the Mandal Commission conclusions were implemented.¹

Historical background

Prior to India's independence, certain sections of the British Indian subcontinent had quota systems in place that favoured specific castes and other populations. For example, between 1882 and 1891, numerous forms of positive discrimination were promoted. The majority of Shahu's reservations for non-Brahmins and members of underprivileged communities entered into effect in 1902. The Maharaja of Kolhapur also worked to ensure that individuals who received this type of education were hired in respectable positions, and he advocated for a classless India and the removal of untouchability. In 1902, as a result of his efforts, a 50% reservation for impoverished districts was established.

A few reservation-related clauses were codified in the Demonstration of 1909, one of many laws enacted by the English Empire prior to India's independence. One of the most significant was developed by the Round Table Conference in June 1932. The Communal Award was proposed by Ramsay MacDonald, the British Prime Minister at the time, who stated that Muslims, Sikhs, Indian Christians, Anglo Indians, and Europeans would all have their own distinct representation. The STs, SCs, and other low-income groups were given a specific number of seats that would be filled through elections from constituencies in which only they could vote, albeit they may vote for other seats as well.²

The impoverished classes were to choose these jobs. Despite the fact that B.R. Ambedkar and other members of the oppressed classes endorsed the concepts, Mahatma Gandhi fasted in protest. Through a series of discussions, Gandhi and Ambedkar came to an agreement to construct a single Hindu electorate that would include Dalit seats in that area, while two other religious electorates, Sikhism and Islam, were maintained separately from the general populace.

¹ Arvind P. Datar, "COMMENTARY ON THE CONSTITUTION OF INDIA", Wdhwa And Co., Nagpur, Second Edition, 2007.

² Basu, D.D., "COMMENTARY ON THE CONSTITUTION OF INDIA", Wdhwa And Co., Nagpur, Vol. 2, Eighth Edition, 2007.

The eventual name given to this arrangement was the Poona Accord.

Reservation in the Indian constitution

The Indian constitution staunchly defends the reservation system. It is critical to comprehend and recognize the numerous references to it in the Constitution. Articles 15 (4) and 46 go into great depth about reservations. Every Indian citizen has the right to equitable treatment under the Constitution. It is a fundamental right that ensures equality for all people, regardless of religion, ethnicity, gender, caste, or place of birth. The rights to equal job opportunities, the eradication of titles, and the abolition of untouchability are also addressed. But, before proceeding, it is necessary to address the issue of untouchability. It was one of the most significant victories achieved after independence, paving the way for Dalit reservations and equitable opportunity. The Untouchability Act of 1955 made untouchability illegal, and it was also forbidden under Article 17 of the Indian Constitution. "Equality of position and opportunity" is mentioned in the prologue, Given this, it appeared appropriate to exercise caution in this situation. It gave individuals who had been kept out of society for years, if not decades, a voice. In every culture and group around the world, equal standing or opportunities were made available.³

Mandal commission

In December 1978, the President of India created a commission for the backward classed and appointed B.P. Mandal as chairperson of the Commission authorized by Article 340 of the Constitution. The panel's objective was to create standards for categorizing India's "socially and educationally backward classes" and to give recommendations for how to help them advance. According to the Mandal Commission's findings, OBCs made up around 52% of India's population. As a result, the commission proposed that OBCs receive 27% of reservations in government jobs. Eleven indicators of social, educational, and economic backwardness were developed by the panel. The Commission has designated both backward Hindu and non-Hindu communities.⁴

Why reservation demand had been growing rapidly?

Agriculture Crisis: - According to the Haryana Jats, Gujarat Patels, and Andhra Pradesh Kapus,

³ De, D.J., "THE CONSTITUTION OF INDIA", Asia Law House, Hyderabad, Vol. 2002.

⁴ Hidayatullah, M., "CONSTITUTIONAL LAW OF INDIA", Arnold-Heinemann, New Delhi, Vol. 2.

reservation can aid in resolving the agricultural difficulties that are affecting their rural populations.

Unemployment: is another one of the most important aspects that go into determining the level of interest in reservations.

Privilege: -The clamour for reservations is fuelled not just by the fear of losing privileges but also by an incapacity to adapt to changing circumstances.

Salaries and Wages: - When compared to wages in the public sector, those in the private sector are significantly lower. At the entry-level, the salaries offered by the government are at their most alluring.

Demands of Upper Castes: - Castes that were historically at an advantage, such as the Brahmins, Chettiars, and Rajputs, now feel that they are at a significant disadvantage because they do not receive any quotas, regardless of whether or not they are economically disadvantaged. As a result, they wish to include the economically disadvantaged groups that are a part of them in the category that is reserved.

Advantages reservation system

Improving the social standing of persons from lower socioeconomic classes. One of the most significant benefits of the reservation system is that it makes it easier for members of deprived social groups to advance. This is because, in developing countries such as India, people from lower castes frequently find it difficult to obtain a good job and a decent life due to their caste rather than a lack of education; these individuals are frequently given positions that people from higher castes cannot hold because they are viewed as untouchable. This issue can be solved by using the reservation system. In other words, by providing them with preferential treatment in government positions and educational institutions, the government ensures that they can also conduct respectable work.⁵

Another benefit of the reservation system is that members of the reserved class can apply for jobs and institutions with lower application fees and other discounts. In other words, the reservation system gives economically disadvantaged members of backward classes an advantage over other job applicants while simultaneously saving them money by waiving application fees.

⁵ Jain, M.P., "INDIAN CONSTITUTIONAL LAW", LexisNexis Butterworths Wadhwa Nagpur, Sixth Edition 2010

Bridging the Economic Divide Between the Rich, the Poor, and the Laggards. When people seek government jobs, they help to bridge the economic divide between the wealthy, the poor, and the lower classes. Reservation regulations ensure that persons from lower socioeconomic strata are paid fairly, allowing them to break the cycle of poverty. Finally, reservations aid in bridging the divide between the elite and lower classes, particularly at reverse parties.

Reservation systems are essential to meet society's most marginalized and excluded populations. Reduce the amount of poverty, throughout 1978 and 1979, 51.32% of the economically disadvantaged lived below the poverty line. Its percentage fell to 35.97% between 1993 and 1994. Although being significantly higher above the country's poverty line, it remained elevated. The number of S.C. and S.T. students pursuing degrees at the undergraduate, graduate, technical, and professional levels has increased.

Meritocracy is meaningless without equality. Before anything else, everyone must be brought up to the same standard, regardless of whether this speeds up or slows down one group. The caste-based quota system also significantly reduced the disparity between top and lower castes.⁶

According to the findings of a study, reservations have improved in quality while diminishing administrative efficiency. This is especially evident at the Indian Railways, where a larger share of the workforce is comprised of SC and ST employees and overall performance has improved.

Disadvantages of a reservation system

The current reservation system benefits many people from lower socioeconomic categories, but it also has an impact on those from higher socioeconomic groups. This is true even if not every member of an upper-class family is wealthy, and not every member of a lower-class family is powerless or without influence. As a result, allocating seats based on caste is extremely difficult. As a result, a chance that should have gone to one of the qualified applicants is lost. Some brilliant children are falling further behind as a result of the greater situation, which has substantially worsened because they are not given the opportunities they deserve. The Indian reservation system has the following flaws:

- **Only reserved are deserved**

⁶ Seervai, H.M., "CONSTITUTIONAL LAW OF INDIA" Universal Law Publishing Co. Pvt. Ltd., New Delhi, Fourth Edition, 1991, Reprint, 2008.

According to a national poll, barely 0.7% of the population receives merit-based scholarships. Students from low-income families have little chance of taking advantage of this opportunity, even if they are dedicated to their studies and fulfil the General Category. Rules must be updated, and laws must be strengthened.

- **Not reaching needy people**

In contrast to candidates from lower socioeconomic levels, candidates from powerful and affluent backward castes benefit from the opportunities provided by quota legislation. Because the reservation system is so polluted with corruption and used in a detrimental way to serve political purposes, it is difficult for it to achieve its true goal of assisting and raising Dalits and other socially and economically disadvantaged people.

- **Contradicting secularism**

It is illegal to discriminate against someone based on their caste, creed, skin colour, or any other attribute in this country, which is home to people of numerous faiths and castes. Secularism is diametrically opposed to the Reservation's point of view. People who are hurt by reservations despise Quota members who obtain benefits while not being members of a tribe. Individuals from impoverished backgrounds are denied their legal rights. As a result, the world will constantly be at odds with itself. A country cannot claim to be caste-free if it continues to implement caste-based quotas.⁷

- **Caste-based and not merit-based**

The most serious issue in the reservation system is that candidates for competitive tests should be picked on the basis of competence rather than caste. Reservations, on the other hand, contradict this logic by rewarding people based on their caste constraints rather than their talent. As a result, a candidate who is not a member of a reserved class but receives an 80% on a test will not be chosen; instead, a candidate who is a member of a reservation class and receives a 60% will be chosen.

- **It should be income-based**

Another reason to oppose the reservation system is that it is based on caste rather than money.

⁷ Singh, M.P., "V.N. SHUKLA'S CONSTITUTION OF INDIA", Eastern Book Company, Lucknow, Second Edition, 2008.

This is because, in the case of an income-based reservation system, poverty does not discriminate based on caste, which means that any poor individual, regardless of caste, will be granted a reservation. As a result, income-based reservations should be preferred over caste-based reservations if a country wishes to promote equality among its residents.

- **Dirty politics**

Furthermore, this system encourages candidates and political parties with vested interests to use the reservation card in order to win elections, causing discord across the country. This is one of the system's shortcomings. Politicians can utilize their reservations to influence public mood in order to win elections rather than for the good of the nation's citizens. In contrast, its stated goal should be to improve people's lives.

Suggestions to improve the reservation system

- Everyone should be required to attend school until the age of 15, and education should be free of charge.
- It is unethical and wrong to give people reservations based on their caste rather than their economic situation.
- Reasonable and just reservations should be made available to assist those in need, such as those in need of food, clothing, and a place to live.
- Provide children with the opportunity to earn a living in addition to their academic pursuits.
- To dramatically improve the overall quality of our educational system, significant reforms must be implemented from the ground up. Keeping seats for later grades is pointless since enrolling children in elementary school before ensuring a solid education is a waste of time.⁸
- Therefore, reservations are antithetical to progress and balance; reservations are sufficient to assist persons with limited resources; and we do not require caste or religious reserves. Merit should be given equal weight in both the hiring and admissions processes. As a result, regardless of the caste of the underprivileged, we may effectively abolish caste discrimination and bring the wealthy together to support those who are economically disadvantaged.

⁸ Basu, D.D., "COMMENTARY ON THE CONSTITUTION OF INDIA", Wdhw And Co., Nagpur, Vol. 2, Eighth Edition, 2007.

Conclusion

This research examines the reservation issue in India, as well as the numerous challenges and potential solutions. In contrast to their primary duty of preserving rights and integrating people from disadvantaged origins into modern society, reservations are increasingly likely to be used as a political weapon by political parties. It demonstrates the importance of reservations in India. Reserves are vital, even if the reserved class does not care about them, because they enable everyone to thrive through collaboration. It acts as a catalyst for the global spread of other societies.

Despite this, the Reserve's productivity is nevertheless limited by several issues. Only individuals who are educated, urban-aware, and do not perform the Reservation's core function can benefit from it. This is because the majority of Indians live in rural areas and rely on agriculture to meet their requirements. The mission and purpose of the Reservation will not be accomplished unless the benefits of the Reservation penetrate society as a whole. Being aware of its benefits is one of the many factors contributing to its growing popularity. Even if there is no such thing as complete openness, there are specific strategies that can be used to foster it. Communities around reservations see both positive and negative consequences. As a result of certain people's complaints, they are being fired and handed fewer exams. The right granted by the Indian Constitution to prefer the promotion of SC, ST and OBC services has resulted in inefficiency and poor administration in a number of departments.