

ADDRESSING SOCIAL INEQUALITY: THE NEED FOR RESERVATION POLICIES

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INTRODUCTION

Reservation is one of the most controversial concepts especially in India it is one of the most debated concepts some people oppose it stating that it is against the concept of equality while others hand who suffer from social injustice are always in support of reservation. Hence, a more objective approach towards this concept is needed while neutrality and impartiality should be maintained adequately. In this article, we will understand the concept and need for reservation policies while balancing both sides which are in support and against the reservation policies. In general, both people hold completely and radically opposite views. It is the most debated issue because reservation in some cases directly and in some cases indirectly affects the resources of people specifically when we consider India reservation includes political reservation which means reservation in Loksabha and Vidhansabha the lower house of parliament including the states assemblies associated with it. Apart from that there is a reservation of seats in educational institutions including the universities which are there for higher studies. Also, there is reservation for employment opportunities therefore we can say that reservation puts resources at stake.¹

WHAT IS RESERVATION? AND WHY IT CAME INTO PICTURE

Reservation which is also known as affirmative action in simple terms is a policy that was designed to address the historical injustices and social inequalities faced by marginalized groups and communities it gives them a kind of remedy or relief by using positive discrimination it gives them equal opportunity in terms of political representation, education and employment.² Therefore it is not wrong to say that the concept of reservation was developed to address the issues of people who are the victims of social injustice.

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¹ Chinmaya Kumar and M. R. Sharan, 'The distributional consequences of political reservation' (Ideas for India, 28 November 2023) < <https://www.ideasforindia.in/topics/social-identity/the-distributional-consequences-of-political-reservations.html> > accessed 20th July 2024

² Ipleaders, ' All about Reservation policies in India' (ipleaders, 9 march 2016) < <https://blog.ipleaders.in/reservation-policy-india/> > accessed 20th July 2024

Social inequality in India rose in the era of the later Vedic period when the caste system became too rigid on the lower caste groups from their oppression of marginalized groups began and some of its effects can be still seen in our present modern society. Therefore to give equality to the marginalized classes the policies of reservation were designed the concept of reservation and 'Equality' are very closely interconnected with each other.

When the concept of equality was developed by the great political thinkers and philosophers in the early stages their concept of equality was mainly associated with negative equality in simple terms this means no discrimination in that sense every individual will be treated equally whether he or she has historical advantages or not it does not matter. There will be equal or common law irrespective of caste, gender, race etc. It does not matter how much a specific caste, group or community has been socially, or economically oppressed in the past. The state should treat them equally under any circumstances and conditions.

During the year of 1850s positive thinking in ethics and science was developing thinkers like J S Mill, Karl Marx and Laski significantly contributed to the development of 'Positive Equality' in India there was Mahatma Gandhi who contributed to the development of the concept of positive equality. The term positive equality includes positive discrimination to address the issues of social inequality that socially and economically backward people face from generation to generation. The main motive behind this positive discrimination is to bring a level of equality between the general people and the backward people. Here the discrimination is made for protective reasons, not for exploitative reasons like in earlier times. Positive discrimination is made not to exploit the resources of general people but it is made to protect socially and economically backward people from indirect discrimination. Therefore in almost all democratic countries, there exists a concept of positive discrimination in India there is reservation for Scheduled castes, scheduled tribes, and other backward classes in various fields the main aim is to give them equality in the true sense.

According to Article 14 of the Indian Constitution equality before the law does not mean every aspect has to remain equal it means equality in terms of justice, it means equality for socially backward people it means equality for deprived classes.³ In the very first sense equality eliminates all the special privileges of the elite class of the society those special privileges were exploitative it is positive equality in equality before the law.

³ Constitution of India 1950, art 14

In the second sense equality before law is developed based on positive discrimination. Here discrimination is made for deprived classes. It is made for the protective use not for the exploitative use this is known as positive equality. Therefore reservation is not against the concept of equality rather it promotes equality through positive discrimination.

SOCIAL DISCRIMINATION AND SOCIAL JUSTICE

When discrimination is made towards a particular caste, class, group, community and race then it is considered as social discrimination. This discrimination was present in almost all the societies in America there was discrimination between blacks and whites in India there was discrimination based on caste, in Pakistan and other Middle Eastern countries there is discrimination based on religion. Social discrimination can be seen in the workplace also for example in America it is reported that 57% of black gets less pay and promotion at their workplace as compared to whites and 31% of women have faced discrimination when they were applying for jobs.⁴ There are in mainly five main bases on which there can be social discrimination they are as follows

1. Race
2. Gender
3. Religion
4. Economic
5. Caste

When social discrimination is prevalent in a society for a very long time specifically towards a particular social group. Then people of that group remain backwards because of a lack of opportunity given to them due to their continuous deprivation from generation to generation it becomes a responsibility of secular and democratic society to bring social justice by taking 'Affirmative action' affirmative action means a step taken by the states appropriate authority to bring social justice through positive discrimination by giving them economic, political and educational opportunities it will become an important way to uplift the deprived classes

⁴ Havard public health magazine, 'Discrimination in America : experiences and views of African Americans' (2018) < https://www.hsph.harvard.edu/magazine/magazine_article/discrimination-in-america/ > accessed 21 July 2024

and bring them in the mainstream of social life. This concept of affirmative action has been in practice in almost all the developed developing modern democratic countries.

Social discrimination can become so oppressive that at some point in time in the state of Kerela, a district named “Travancore royalty proclaimed in the year 1829, denying Nadar women the right to wear upper clothes.”⁵ The women of that group were forced to pay taxes to wear the upper clothes. The casteism and social discrimination were at their peak at that time in India.

MEANS OF SOCIAL JUSTICE AND THE NEED FOR RESERVATION POLICIES

In general, there are mainly two states in the modern world the police state and the welfare state. The main aim of a police state is to establish law and order with force in such types of states there is a dictatorial regime. While the welfare state works to bring equality and social justice in society it adopts many welfare schemes for the betterment of the general public. The welfare state takes affirmative action and gives preference to deprived classes over elite classes. It uplifts the deprived classes and brings them to the forefront of our society using reservation.

This system to bring social justice is present in almost all the democratic and civilized societies and welfare states in the United States of America there is no reservation but instead, there is a system of preference that gives a sensible opportunity to racially oppressed people specifically ‘The black people of America’ therefore whether it is in the form of preference or it is in the form of reservation the basic motive behind them is very same it is to uplift the socially oppressed people and bring them in the mainstream of the country. There are experts some are in favour of reservation policies and others are against reservation and policies both have their valid arguments let us understand the major ones. Firstly those who are in favour argue that by bringing the reservation there will be inclusion of deprived classes which is factually and logically true. Secondly, reservation is good for democracy as because of it all the classes participate in the developmental process of the country. It increases the faith of the people in the state's authority, administration and its regimes. And at last, it develops the feeling of nationalism in the country specifically the people who are oppressed based on caste, gender, race, economic status and religion which is essential for a

⁵ Deepti Priyamehrotra, ‘Nangeli the forgotten dalit who stoop up against Travancore breast tax’ (8 march 2022) < <https://theprint.in/pageturner/excerpt/nangeli-the-forgotten-dalit-woman-who-stood-up-against-travancores-breast-tax/862452/> > accessed 21 July 2024

country to grow and develop altogether collectively.

The people who are against the concept of reservation. They generally argue that because of reservation policies, there is reverse discrimination in society. There is a perception in them that the general class of people faced unjustified discrimination. There is a common perception in them that why we are liable to face the consequences of what our ancestors have done in the past. However, this argument made by them is logically and factually wrong as positive discrimination cannot be categorised as negative discrimination. Article 14 of our constitution does not state that the state must treat people equally in all the senses for achieving true equality some exceptions can be made.⁶ Secondly, they often state that reservation is against the system of meritocracy. According to that the person who is more capable and has adequate skill will get less chance and it will ultimately affect the growth and development of a country.

Affirmative actions or preferences or reservations are very important because, indeed, the present generation is not responsible for the criminal activities done by their ancestors we are not responsible for the criminal actions done by them but we are responsible for the civil actions done by them for example if our ancestors have gained plenty of resources by unfair means. Then we are bound to get the undue advantage of those resources whether by direct means or indirectly therefore it is our moral responsibility to give at least a share of a minimum percentage to the affected people.

WHAT CAN BE THE APPROPRIATE POLICY FOR RESERVATION

In my opinion, a balanced approach is needed between meritocracy and social justice as Gautam Budha has always had a balanced approach to solving things appropriately. The great philosopher and social thinker has stated very long back that a “Balanced path is a golden path”⁷ the policies of reservation should or must have a balanced approach to maintaining social justice and Meritocracy as both are equally important for the welfare, growth and betterment of society. Without meritocracy, society will remain backward and young talented people will not get the opportunity. On the other hand, without providing social justice to the oppressed classes of people in the society we will not be able to curb the longstanding negative discrimination.

⁶ Constitution of India 1950, art 14

⁷ Aristotle, Nicomachean ethics (trans David ross, rev j L Ackrill and J O Urmson, oxford university press 2009)

Therefore in a democratic welfare society, affirmative action is a must. There is a need to bring systematic reforms in our society to give essential benefits to the people who truly require them. To eliminate the creamy layer who are getting undue benefit from reservation policies.

CONCLUSION

From an overall basis, we can conclude that to achieve the true sense of equality that is enshrined in our constitution affirmative action is a must. Reservation or preference is a concept that any welfare state cannot ignore. It is our responsibility as a state to take adequate steps to uplift the depressed classes and provide them with social justice while at the same time balancing the importance of meritocracy and making policies that consider all these necessary factors. Systematic reforms must be made in our existing reservation policies to eliminate a creamy layer of backward classes who are getting undue advantage of reservation policies. Because of that common perception has been developed in general people that reservation is giving unnecessary privileges to a particular section of society this causes unrest in a state that works for the welfare of society. In conclusion, we can say that there is a need for reservation policies in India.

