

Socio-Economic Significance of Reservation

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Abstract

Caste system with its inhuman practices has been with us for the last two thousand years. It has shaped the fate of millions of people. The caste system gives different experiences to different people. It gives someone pride and happiness but to someone it gives utmost pain and shame. If one experiences pain or joy out of the caste system, depends upon where he or she belongs to the social hierarchy of the caste system. The caste system has divided Indian community into thousands of castes which are living in closed social ghettos without having any meaningful social contact and dialogue among them. India's independence and transition to a democratic republic from a slave dominion of the British Empire, under a constitution is, in a way, a declared war against the caste system too. In this broad perspective the author analyses the socio-economic importance of reservation to scheduled caste population in India.

Keywords

Caste System, Reservation, Affirmative Action, Empowerment

Introduction

The glory of India is deeply crushed and marred by the weight of caste system that divides people into thousands of castes. India, the second largest populated country in the world, is a museum of castes. Each caste maintains a given socio-economic hierarchy with respect to every other caste in the caste family of Hindu religion. Each caste creates a caste empire in which their members marry each other and prohibit outsiders from having any marriage alliance with them. Caste system maintains its purity by preventing inter-caste marriage. Each caste has a power structure that helps it to maintain their relative power position in the caste system. Economic, social and political power of each caste increase as they move up on the ladder of social hierarchy that is the unique feature of the caste system in India. Each caste keeps a social distance from every other caste to maintain its social power and mythical distinction.

According to Brahmanic belief, from the mouth of the Virat, the primordial man, Brahmin is born, from the hands of the Virat, Kshatriyas are born, from the thighs of the Virat, Vaisyas are born and from the feet of the Virat ‘‘ the Sudras are born. Brahmins are the priestly class and they occupy the first place in the social ladder. The Kshatriyas follow them and they occupy the second place in the power structure of the traditional Indian society. The Vaishyas, the merchant class/ castes are just below to the Kshatriyas in social power. The Sudras are the lowest group of people in the social ladder of Indian Hindu society. This social bifurcation of Indian society is popularly known as the Varna system. Varna System does not include all castes in India. Those castes which are not included in any of the above mentioned Varna system are treated as outcastes. These outcastes are known as today’s scheduled castes. Dr. B.R. Ambedkar called them ‘depressed castes’ and M.K. Gandhi called them ‘Harijan.’

Caste system has denied them economic resources, political power and social positions. Caste system has failed the socio economic upward movement of scheduled caste people through centuries. They have been historically trapped on the non-resourceful periphery in the Hindu Indian society. They have been living in the outskirts of Hindu villages during the last many more centuries. In this article, the author analyses the economic significance of caste reservation envisaged in the Indian constitution. Landlessness, political powerlessness, economic backwardness and social untouchability are the hallmarks of the scheduled caste population in India. The caste system has killed them, looted their resources, denied them human rights, treated them as animals, and kept a relationship with them only through bonded labour. When we know the cruelties the caste system imposed upon the scheduled caste people, we would wonder how they have survived the inhuman caste system.

On 26th January 1951, India entered into a ‘‘sovereign, democratic republic regime’’ and in 1977, by the 42nd amendment of the constitution, assumed the shape of a ‘‘sovereign, socialist, secular and democratic republic’’. Even though the two words, ‘socialist and secular’ were added only in 1977, they were truly embedded in the spirit of the constitution. ‘We, the people of India’’, the first line of the preamble of Indian constitution symbolizes the very spirit of Indian constitution- fraternity among people based on justice, liberty and equality for all. The phrase ‘we, the people of India’ signifies another historical milestone. ‘‘We, the people of India’’ represents all people of the nation irrespective of their caste, class, gender, economic, social and political power. The very first opening line of the Indian constitution in its preamble distinctively shows the historical transformation of a country divided by castes and religions into a polity based on democratic citizenship which is neutral among one’s caste, class, gender, sexuality and economic positions. Reservation based on caste is to be analysed in the broad light of the spirit of the Preamble of the Indian Constitution- justice for all.

Article 13[1] of the Indian constitution unambiguously states that ‘‘All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void’’ What is stated in Article 13 [1] is the key of Indian constitution. What is not acceptable by the constitutional provisions regarding laws and practices existed in ‘Pre-constitution India’ shall be void is the essence of the Article. If the government and

the civil society are not able to end such practices and laws, constitutional morality will become a distant dream. Fundamental rights are the right steps towards realizing the true spirit of the Article 13[1].

All provisions of the Indian constitution concerning reservation should be read in the light of article 13[1] that abrogates all existing rules that do not conform to the essence of the Indian constitution. Article 14 of the Indian Constitution states that—“The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.” Article 15[1] continues “No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to— (a) access to shops, public restaurants, hotels and places of public entertainment; or (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public. (3) Nothing in this article shall prevent the State from making any special provision for women and children. 2 [(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private institutions, whether aided or unaided by the state, other than the minority educational institutions referred to in clause [1] of Article 30.

Article 14 of the Indian constitution is the golden article in it. The article unequivocally states that the state has no legal right to deny equal opportunity and equal protection to anyone by any means other than the provisions of the constitution. Discriminatory power of the state is not absolute. State power is not the “whims and fancies” of the monarch. Power of the state is legally defined, designed and restrained. This article is very pertinent, especially, in the historical context of caste system. In caste system the dominant classes maintained their caste supremacy, not because of any divine blessings or their racial superiority, but sheer political power. During caste regime, scheduled castes were not able to raise their voice against the oppression others resorted to them. Dominant classes maintained their supremacy with the overt support of the political power. Article 14 abrogates that political power of the state. Article 14 does not give any absolute power to the state to dance in tune of the dominant classes who are the part of the government or bureaucracy. Article 14 acts as an aid of Article 13[1]. Article 15 and its sub-clauses extend the ambit of Article 14.

Article 16 and its sub-clauses provide equality of opportunity in matters of public employment. Sub-clause 2 of Article 16 states that—“No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence, or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the state.” Sub-clause 4 and 4A of the Article 16 empowers the state to make any provisions for providing reservation of appointments or promotions to any backward communities, scheduled castes and scheduled tribes. Article 17 of the Indian constitution abolishes “untouchability”. The article states “Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of “untouchability” shall be an offence punishable in accordance with law.”

Article 19 [1] gives all people the right to freedom of speech and expression, to assemble peacefully and without arms, to form associations or unions. To move freely throughout the territory of India and to reside in any part of the territory of India and to practise any profession, or to carry on any occupation, trade or business. Article 21 of the constitution offers protection of life and personal liberty. The article says "No person shall be deprived his life or personal liberty except according to procedure established by law. Article 21A gives the people the right to education. The article says "the state shall provide free and compulsory education to all children of the age six to fourteen years in such manner as the state may, by law, determine. Article 46 provides that the State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

Article 341(1) of Indian constitution says "The President may with respect to any State or Union territory, and where it is a State after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union territory, as the case may be. (2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification. 342(1) The President may with respect to any State or Union Territory, and where it is a State after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purpose of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union Territory, as the case may be. Article 341 and 342 with their sub-clause have done a historical correction in the life of scheduled castes and scheduled tribes. These two articles validated the independent identity and existence of scheduled castes and scheduled tribes apart from the Caste Hindu society.

The caste ridden feudal Indian society was absolutely ignorant about right to equality, equal opportunity, right to life and liberty, right to freedom of expression and right to choose any profession and right to education. The fundamental rights of Indian constitution were totally a new experience for Indians. Till 1951, we had experienced and enjoyed only what our caste system offered us as per the rights and duties of our caste. The constitution of India broke the caste walls. It offered people a new world of equal justice and freedom. The caste system denied people education, employment, income, life, livelihood, mobility and access to public places. Indian constitution offered everything that the caste system denied to the former untouchables. It is in this broad perspective, we should analyse the economic importance and historical significance of the reservation provisioned in our constitution to scheduled caste people.

The reservation is not merely a job providing provision. Reservation enables scheduled caste people to access education and government jobs. Access to education is a great leap for scheduled caste communities because they were denied education for centuries. The caste system created a social wall against the scheduled caste people and prevented them from seeking education. The British missionaries provided first

lessons of knowledge for the scheduled caste people. The Hindu caste system denied it. Hindu religion never opened the doors of its learning centres for scheduled caste people. The caste system promoted only hereditary professions. It did not allow lower caste people to pursue any jobs which suit their tastes and preferences. The caste system wasted the talents of millions of scheduled caste people. Centuries old domination and suppression of upper castes stunted the progressive growth and development of lower caste people.

They were treated inferior to animals. They were not allowed to enter into Hindu villages. They were denied right to enter into markets or any other public places. Restrictions on mobility and access to education incapacitated them. They were denied all forms of entitlements so prevented them from acquiring valuable capabilities. They were denied to lead a life they valued and they wished to lead. Centuries old caste oppressions and denial of rights and natural justice made scheduled caste people socially ostracised and economically deprived. They were denied land titles and ownerships. They were not allowed to settle anywhere. They were forced to wander one place to another place. Forceful wanderings made them rootless. In this historical plight of the scheduled caste people, reservation is not merely a job giving affirmative action. It provides them self-esteem, gives them opportunity to participate in decision making and power execution, offers them prestige, a feeling of self-worth, empowers them and enhances their social status and economic position. It enhances their income and thereby access to resources. The best part of the reservation is that it makes the scheduled caste people more socially empowered. Reservation helps the scheduled caste people to break away from caste ridden jobs available in Indian villages. Reservation offers them new employment opportunities which do not discriminate them on their caste or colour. Justice B.P. Jeevan Reddy, while delivering the majority judgement in the matter of Indra Sawhney & Ors Vs. UOI & Ors, observed that public employment gives a certain status and power, besides the means of livelihood. Livelihood is important but livelihood without dignity is unbearable. Reservation gives scheduled caste people access to places and opportunities hitherto inaccessible to them. Reservation is social justice. It is distribution of power among depressed classes. It is equal distribution of national income, output, and employment. When Amartya Sen says "development is freedom", reservation is a small step to that freedom for the scheduled caste people. Income and employment generation part of reservation is insignificant as compared to its ability to increase social capital of such communities. The caste system had created a feeling of "nobody" among the scheduled caste people. The reservation has created a feeling of "somebody" in their mind. The transition from 'nobody to somebody' is very valuable. Reservation has been, though gradually, uprooting the social exclusion and cultural alienation imposed upon the scheduled caste people by the caste system. In short we can say that reservation is not only an affirmative economic tool to provide education, employment and income to the scheduled caste people, but a revolutionary political strategy to increase social and cultural capital of these communities.

Conclusion

As a concluding remark, let me quote a historical speech delivered on 4th June, 1965 by Lyndon B. Johnson, the 36th President of America in a commencement address at Howard University. “You do not wipe away the scars of centuries by saying: ‘Now, you are free to go where you want, do as you desire, and choose the leaders you please.’ You do not take a man who for years has been hobbled by chains, liberate him, bring him to the starting line of a race, saying, ‘You are free to compete with all the others,’ and still justly believe you have been completely fair. Thus it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates. This is the next and more profound stage of the battle for civil rights. We seek not just freedom but opportunity, not just legal equity but human ability, not just equality as a right and a theory, but equality as a fact and as a result.” As Lyndon B. Johnson rightly points out, what is written in our constitution is justice and equality, but only in theory, but reservation is equality and justice as facts and results.

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