

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 4 | Issue 3

2021

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Unpacking Reservations in India: Theory and Practice and Way Forward

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ABSTRACT

Being one of the largest affirmative action taken for the under privileged and depressed classes, reservations in India have always occupied a centre stage in the political arena of Indian society. The paper analyzes the legal framework pertaining to reservation scheme and various efforts taken by the government of India to use the reservation policy to enhance and uplift the depressed section of Society. After the adoption of the policy of reservation in the constitution of India, many arguments have been raised time and again about its implementation and appropriateness. There are both negative as well as positive impacts of this reservation scheme. Positive aspect of the policy resulted out in the social, economical and educational uplifting of the under privileged section of society on the other hand negative aspect throws light on the decline in meritocracy and efficiency of administrative system of the country. So the paper covers the various issues pertaining to the reservation policy and its impact on contemporary Indian society.

Keywords: Reservation, Caste system, Constitution of India, Affirmative action, meritocracy.

I. INTRODUCTION

At In India, reservation policy is a form of affirmative action taken by government by the virtue of which a certain percentage of seats are reserved for scheduled castes, scheduled tribes and other backward classes. This scheme of reservation extends to union and state public sector units, government departments, educational institutions aided and unaided by state for those depressed class citizens who do not have adequate representation in state services but excludes institutions administered and established by religious and linguistic communities.

Provisions regarding reservation for scheduled castes, scheduled tribes and other educationally and socially backward classes have been inserted by the makers of our Indian Constitution because this unprivileged section of society has faced the discrimination for a long period of

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time. They have been the victim of evil practices of caste system which exists in India even today. Under the scheme of reservation policy, a percentage of seats have been reserved in government departments, educational institutions and legislative assemblies as well. This reservation also extends to local self government such as Panchayats and municipalities.

There was a long debate in the constituent assembly regarding the inclusion of provisions of reservation under part III of constitution of India. Framers were of the view that it is mandatory to include such provisions to allow the depressed class to come at par with the forward and privileged class. Thus reservation is a form of affirmative policy and positive discrimination to bring the equality and dignity among the weaker sections. The framers of Indian constitution never had the intention to make reservation as the permanent phenomenon. They affirmed that these provisions will be there until the depressed class depressed class uplift itself socially and become economically stable and strong.

The main idea was to provide them a better quality of life and equal opportunities and resources. But even after 70 years of independence and enforcement of our Constitution, nothing much has changed. The discrimination and old age concept of caste system still exists in our society. We as a citizen of India have failed somewhere to bring the depressed class at an equal footing with the privileged section of society. This shows that we have been misdirecting our energies in the wrong direction. By giving them a relaxation in the form of reservation, government has in a way handicapped a part of society and blocked their growth by ending their enthusiasm and zeal to work hard and be rewarded. This reservation scheme is the biggest enemy of meritocracy which is must for the progression of any developed society in present situation where all the societies in the world competing against each other. The question is who would want to work hard and burn their eyes in the mid night oil when they are getting opportunities and incentives almost for free.

For the betterment of society, it is mandatory to put an end to this king of lethargy instead policy should be made applicable in such a manner that it brings out the real gems from every section of the society irrespective of their caste, class and culture. It is the right time when the political parties by keeping aside their vote bank politics in the name of caste, start thinking honestly for the betterment and development of depressed and unprivileged class.

II. HISTORICAL BACKGROUND

Society in India is purely caste based and economically imbalanced. The most unfortunate feature of Indian society lies in the fact that there was never an equal distribution of all the resources among the different sections of society for the social and economic development.

The strictness of social isolation and economic oppression of a particular section of society always leads to the misery and penury.³ Building bricks of Hindu society are the four Varnas. According to one of the oldest hymns in Hindu scriptures, which dates back to 1500-1000B.C., caste system in India owes its origin from the four Varnas. Brahmins are supposed to be originated from the mouth of deity and thus they are placed at the top in the hierarchy of four Varnas. Kshatriyas are originated from the arms, Vaishyas are sprang out of the thighs and lastly, Shudras who are placed at the bottom because they are born from the feet of deity.⁴

The other name given to the lowest wing of Varna system is Untouchables. Power struggle underlies this division of society. Upper caste Hindus considered shudras as untouchables and they are generally engaged in menial works like sweeping, shoe making, piggery, manual scavenging. They were restrained from entering the temples, shops and other places of public utilities. Vasishtha was of the view that education should not be imparted in the presence of shudras. Even the presence of their shadows is considered polluted by the upper castes.⁵

(A) Situation Before Independence

Before independence conditions of shudras was very miserable. They were denied of many basic rights including entering temples, sending their children to schools, drawing water from wells. With the advent of British empire in India, some signs of their improvement were noticed. Although Britishers were not here for bringing any revolution in the Indian casteism but their educational reformation somewhat brings a change in the Hindu social structure. The British educational system gave birth to various reformers of that time whose aim was to freed the shudras from the evils of caste system.⁶ Some of them are Shri Raja Ram Mohan Roy, Kesav Chandra Sen, Shri Ramkrishnan and Swami Vivekananda. On the other hand various newly emerging political powers such as Indian National Congress also took the task of uplifting of weaker sections of society.

First of all, Christian missionaries moved a step further to help the depressed group, followed by the efforts of one of the great leader Jyotiba Phule in 1860 who threw light on the miserable conditions of victims of caste discrimination in Maharashtra.⁷

One of the notable feature of late 18th century is that various schools were opened for

³ Sudesh Kumar Sharm ,II *Distributive Justice under Indian Constitution* 8 (Deep and Deep Publications, New Delhi, 1989).

⁴ G.Buhler,XXV *The Laws of Manu*, (Oxford : Clarendon Press 1886) .

⁵ Vasishtha, *Dharma Sutra* 220 (Buhlers Trans. in SBE 1882).

⁶ R Santhakumari, *Scheduled Castes and Welfare Measure* 3 (Classical Publishing, House New Delhi, 1st edn. 1983).

⁷ D.N Sandashiv, *Reservation for Social Justice: A Socio Constitutional Approach* 3 (Current Law Publishers Bombay, 1st edn., 1986).

untouchables and scholarships were also granted to them by the efforts of Maharaj of Baroda , Travancore and Kohlapur. It is noteworthy that the Chairman of the drafting committee of our Indian Constitution was granted special scholarship by the Maharaj Sayajirao Gaikwad of Baroda so that he can continue his further studies in foreign universities.⁸

But unfortunately, the backward sections of Indian society didn't find any recognition in 19th century which could actually liberate them from the bondage of casteism. Time and again various acts were passed by British legislature but their focus was not to uplift the untouchables instead they were more keen to establish their roots in Indian polity. The government of India

(B) Government of India Act 1935

A provision for the reservation of seats for the depressed class was also incorporated in the act of 1935 which officially came into ACT 1909 which provided some special privileges to the Muslims, didn't have any provision for the depressed class and their representation in Indian legislature.

(C) Government of India Act 1919

It was in 1919 when for the first time, political recognition to backward class was given. As per the Act, a representative from depressed classes was to be nominated among other 14 non officials by the governor general in the legislative assembly.⁹ Similar representations were also made in the provincial legislatures of Bihar, Bengal and Madras.

(D) Simon Commission

The next question of the representation of the backward classes came in 1927 before the Commission appointed by British parliament called Simon Commission. Although the existence of Commission was itself controversial in Indian history because of the fact that none of the members in the commission belonged to India. But the commission also identified the need to protect and strengthen the weaker and minority groups in India. There was a continuous demand for the separate electorates and reserved seats for the depressed class.

A demand was proposed for separate electorates by the All India depressed class association for the four major groups of the society which includes Brahmins, non Brahmins, Muslims and depressed class. Although such demand was rejected by the commission and they recommended for the reservation of some seats for the reservation of some seats in the provincial legislature for the backward classes of society. The Simon Commission (1930) noted

⁸ *Ibid.*

⁹ B.A.V. Sharma and K. Madhusadan. Reddy (eds.), *Reservation Policy in India* 14 (Light and life Publishers, New Delhi, 1st edn., 1982).

that “our object is to make a beginning which will bring the depressed classes with in the circle of elected representation.”¹⁰

(E) Round Table Conferences

Just after 6 months from the publication of Simon commission’s report, a round table conference was held at London in which Dr. Ambedkar represented the depressed classes of India. In this conference Mr. Srinivasan Rao and Dr. Ambedkar recommended for the separate electorates and adult suffrage for the depressed classes. But this appeal was rejected by Gandhiji in the second round table conference held eight months later. Gandhiji gave them the name Harijans (children of god). Due to such opposition the result of second round table conference also remained inconclusive.

Another major topic of the conference was minority representation and committee for minority was itself chaired by the then PM Ramsay Macdonald. However it could not reach to any further conclusion and result of this failure gave birth to Communal awards.

(F) Communal awards and Poona Pact

On August 16th, 1932 on the recommendations of Lothian committee, Macdonald announced the communal awards especially for depressed classes. Arrangement of reservation of Seventy eight seats and separate electorates for depressed classes was made. This was highly opposed by Gandhiji who was serving his tenure in yervada jail located in Poona. He compared the creation of separate electorates for the depressed classes to the “injection of a poison that is calculated to destroy Hinduism and do no good whatever”. As a result of disapproval to such award a pact came into force called Poona Pact of September 24th, 1932. The pact called for a single (non-Muslim) general electorate for each of the provinces of British India and for seats in the central legislature. At the same time, specified number of seats, totaling 148 for the provincial legislatures were reserved for the depressed classes. In the Central Legislature, the Depressed Classes were to get eighteen percent of the seats. The pact also called for every endeavor to give the Depressed Classes Fair Representation in the public services subject to such educational qualifications as may be laid down. Like each of its antecedents, the system of representation of Depressed Classes by reservation outline in the pact was intended to be temporary, continuing, until determined by mutual agreement between the communities concerned in the statement.

¹⁰ S.RBakshi., *Simon commission and Indian Nationalism* 65 (Munshiram Manoharlal Publications, New Delhi, 1st edn., 1977) .

(G) Government of India Act 1935

A provision for the reservation of seats for the depressed class was also incorporated in the act of 1935 which officially came into force on 1937. Act gave the term “Scheduled Castes” which includes “such castes, races or tribes or parts of groups within castes, races or tribes, being castes, races, tribes, parts of groups which appear to his Majesty in council to correspond to the classes of persons formerly known as “the Depressed Classes”, as his Majesty in council may specify”.¹¹ However this classification was vague and later resolved by the Government of India (Scheduled Caste) order of 1936.

(H) Constituent Assembly Debates

Procedure for the reservation of seats for scheduled castes and minority started with the passing of objective resolution by Nehru on December 13th, 1946. Clause 6 of the Objective resolution specifically provided adequate safeguards for depressed classes, minorities, tribal areas and backward classes.¹² Very significant proposals were suggested by the leaders of depressed classes, B. R. Ambedkar which would uplift the socio economic conditions of backward section of society. He demanded the representation of scheduled castes in the legislature and services.¹³ On January 24th, 1947, while moving the resolution for setting up of an advisory committee, Govind Ballabh Pant said “We find that in our own country we have to take particular care of the depressed classes, the scheduled castes and the backward classes. We have to atone for our omissions-I won’t use the word commission. We must do all we can to bring them up to general level and it is a real necessity as much in our interest as in theirs that the gap should be bridged.”¹⁴

The said advisory committee was consisted of 72 members out of that 7 belonged to scheduled castes. 5 sub committees were also appointed by the advisory committee and one of them was Minority Sub Committee which submitted its report to the constituent assembly in July 1947 with following suggestions:

(a) The demand for separate electorates and weightage should be rejected and the principle of joint electorates with seats reserved for the minorities and the scheduled castes on a population basis should be accepted.

¹¹ Anand Chuni Lai (ed.), *The Government of India Act, 1935 180* (The University Book Agency, Lahore, 2nd edn., 1944).

¹² Lok Sabha I, *Constituent Assembly Debates* 1946 59 (Lok Sabha Secretariat, New Delhi, 2014).

¹³ Parmanand Singh, *Equality, Reservation and Discrimination in India*, 87 (Deep and Deep Publications, New Delhi, 2nd edn., 1985).

¹⁴ X, *Constituent Assembly Debates*.

- (b) The demand for reservation of seats in the cabinet should be rejected.
- (c) The demand for reservation of post the public services on a population basis should be accepted.
- (d) Special officer should be appointed to look after the safeguard and interest of minorities and the scheduled castes.¹⁵

The constitution drafted by drafting committee under the chairmanship of Dr. B.R. Ambedkar consisted of 18 parts and 315 provisions. Articles 292-300 placed in part 14 specifically dealt with scheduled castes, scheduled tribes and minorities. Owing to the change of circumstances after partition, advisory committee on May 25th, 1949 took the decision of abolition of reservation of all religious minorities as it could go against the basic idea of secularism in democratic India.¹⁶ Now the reservations were available to only scheduled castes and scheduled tribes. After a long discussion on the draft frame of constitution and voting by all the members, finally on November 26th, 1949, constituent assembly adopted the constitution of India consisted of 22 parts, 8 schedules and 395 articles.

The constitution had provision of the reservation for the backward classes, and reservation for scheduled castes and scheduled tribes if state considers that they are not adequately represented in the state services.¹⁷

(I) After Independence

After independence, and with the commencement of constitution on January 26th, 1950, India reviewed its reservation policies with respect to communal representation in services. However 12.5% reservation was fixed for scheduled caste for services to be filled by open competition. Extent of such reservation for scheduled tribes was fixed up to 5%. However, where vacancies are not to be filled by open competition, in that case reservation was fixed to the extent of 6.5%.¹⁸

New constitution prohibits any sort of discrimination based on religion, race, caste, sex, and place of birth. This law extend to all public institution, such as government run educational facilities, to access to hotels and restaurants, public employment and public wells, tanks (manmade ponds for water supply and bathing), and roads. The practice of untouchability is declared illegal.

¹⁵ B.Shiva Rao, III *The framing of India's constitution: A study* 754,757 (The Indian Institute of Public Administration, New Delhi, 1968) .

¹⁶ III, *Constituent Assembly Debates* 330.

¹⁷ The Constitution of India, art.16(4).

¹⁸ Supra note 11.

III. CONSTITUTIONAL PROVISIONS REGARDING RESERVATIONS

The framers of Indian constitution always had a desire of providing justice to every section of society, suffering from the evil practices of caste system for a long time. They suggested that:

- 1) Every person should be treated equal in the eyes of law and there should be a complete removal of all sorts of disabilities and discrimination.
- 2) Weaker sections of society must be given special and advanced treatment over others so that can would come within the mainstream of the society.¹⁹

To fulfill these two significant goals, various provisions were introduced in the constitution of India by the constituent assembly. All those provisions are as follows:

(A) Article 14²⁰ : Equality before law and equal protection of law

Article 14 lays down that “state shall not deny to any person equality before law and equal protection of laws.” The term equality before law is adopted from the British constitution and negative in nature which simply means absence of any special privilege in favor of any person. The other term equal protection of laws has been adopted from the American constitution and it is positive in its nature which says that laws are not applicable equally to everyone but it depends upon the circumstances. This means that among equals the law should be equal and equally administered, that the like should be treated alike without distinction of race, religion, wealth, social status or political influence. It must be admitted that all persons are not equal by nature, attainment or circumstances. Therefore different classes of society require special and different treatment too.²¹

1. Doctrine of Reasonable Classification

Second facet of article 14 gives birth to the doctrine of Reasonable classification. The right to equality provided under Indian constitution is not absolute in nature as all the laws must not be applicable universally to every person with the same effect. In *Kedarnath Bajorio v. state of West Bengal*²² court pointed out that the term equal protection of laws has not a universal application and state is empowered to classify persons and things for the purpose of legislature.

This legislative classification must not be arbitrary but it should be reasonable and must be tested on two grounds :

¹⁹ D. N. Saraf (ed.), *Social Policy Law and Protection of Weaker Section of Society*, 99 (1stedn,Eastern Book Company, New Delhi, 1st edn., 1986) .

²⁰ The Constitution of India, part III.

²¹ A.V. Dicey, *Law of the Constitution*, 193 (Clarendon press, Oxford, England, 1st edn., 2013).

²² AIR 954 SC 660.

- 1) That the classification must be founded on an intelligible differentia which distinguishes person from one group to other group.
- 2) There should be a rationale behind such reasonable classification and it must achieve the purpose for which it was made.²³

2. Doctrine of Arbitrariness

Doctrine of reasonable classification was in force till 1970 but this doctrine was replaced by a new approach given by Justice Chandrachud, Justice Iyyer, Justice Bhagwati in *E.P. Royappa v. state of T.N.*²⁴ The case sets out that equality is a dynamic concept and it cannot be confined within the old and traditional doctrinaire limits. Equality is antithesis to arbitrariness. Both the concepts are opposite to each other that means where there is arbitrariness; there is no room for equality. Further in *Maneka Gandhi v. UOI.*²⁵, relying on above judgment, court lays down the principle of justice, reasonableness and fairness.

(B) Article 15²⁶ : Prohibition of discrimination on the grounds of religion, race, caste, sex and place of birth

1. **Article 15 (clause 1):** clause 1 clearly states that state shall not discriminate any citizen of India on the ground only of religion, race, caste, sex and place of birth. Here discrimination denotes any unfavorable treatment given to any citizen owing to his caste, race, religion, sex or place of birth.
2. **Article 15 (clause 2):** Object behind framing of this clause was to protect the citizens from any discrimination which has been practiced in India since long back. The basic idea was to discourage the evil practices of Hindu caste system where untouchables were restricted from availing even basic facilities like drawing water from wells, entering temples, restraints etc. This particular clause directs state to protect the citizens from such disabilities.²⁷
3. **Article 15 (clause 3):** This clause empowers the state to make any provision in favor of children and women as they are considered as the most vulnerable sections of society. It is noteworthy, that through 73rd and 74th amendment of 1992, one third of total seats are to be reserved for women in panchayats and municipalities respectively.
4. **Article 15 (clause 4):** This clause is to be read with article 29 (2) which empowers the state to make provisions for the advancement of socially and educational backward

²³ *Lachman Das Kewal Ram v. State of Bombay*, AIR 1952 SC 235.

²⁴ (1974) 4 SCC 338.

²⁵ (1978) 1 SCC 248.

²⁶ *Supra* note 18.

²⁷ Dr. Ambedkar, cited in *Supra* note 13.

classes along with scheduled castes and tribes. By the virtue of this article state arranges for the reservation of seats and fee concessions in public educational institutions.

5. **Article 15 (clause 5):** This clause was inserted in article 15 through 93rd amendment of the constitution in the year 2005. Through this article an arrangement for the reservations of seats in educational institutions whether they are aided by state or not has been made for scheduled castes and scheduled tribes and educationally and socially backward classes. But it is not applicable to educational institutions administered by religious and linguistic minorities.

(B) Article 16²⁸ : Opportunities for employment or appointment to office

1. **Article 16 (clause 1):** This clause says that there shall be equality among all the citizens in the matters relating to employment and appointment to any public office.
2. **Article 16 (clause 2) :** This clause protects the citizens from any sort of discrimination based only on the ground of religion, race, caste, sex, place of birth, decent and residence in the matters relating to employment and appointment to public office. It is important to take a note of the fact that this article has no application to private bodies and persons.
3. **Article 16 (clause 3):** Under this clause, parliament is empowered to regulate the extent to which it would be permissible for a state to deviate from the law laid down in clause (2). It is parliament only which can prescribe such conditions and that too in regard to state and not the union appointments. The Public Employment (Requirement as to Residence) Act, 1957 was passed by the parliament in the year 1957 that act repealed all the existing laws asking residence as a requirement for appointments in state and union public services.
4. **Article 16 (clause 4):** This clause empowers the state to make provisions for those backward classes which are not adequately represented in the state services. The question that whether a particular class falls under the category of backward class is an objective question which is the responsibility of the state to determine.
5. **Article (16 clause 4A):** This clause was added to article 16 by 77th amendment act which empowers the state to reserve posts for scheduled castes and scheduled tribes specifically in matters of promotion if state considers that they are not adequately represented.

²⁸ *Supra* note 18.

6. **Article 16 (clause 4B):** This clause was added in article 16 through 81st constitutional amendment which empowers the state to add remaining backlog seats of any particular year reserved for scheduled castes and tribes. Such unfulfilled vacancies can be considered by the state for the next year provided the total reservation does not exceed the limit of 50% reservation for that year.
7. **Article (16 clause 5):** Lays down that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of its governing body shall be a person professing a particular religion or belonging to a particular denomination shall not be treated as repugnant to this article.

(D) Article 17²⁹ : Abolition of Untouchability

By adding article 17 to part III of Indian Constitution, untouchability has been made a punishable offence and its practice is forbidden completely by any citizen of India.

The parliament also framed two acts for the protection of weaker sections from atrocities titled as “The Untouchability (Offences) Act of 1955” (renamed The Protection of Civil Rights Act in 1976) and prevention of atrocities act of 1989. The intention of both the acts was to enforce article 17 and make untouchability a criminal act.

(E) Other Provisions

1. **Article 46³⁰** : lays down those weaker sections of the society must be given special care and attention by the state for the promotion and uplifting their educational and economic interest. Scheduled castes and scheduled tribes are to be protected from exploitation and social injustice.
2. **Article 330³¹** : lays down that a certain percentage of seats shall be reserved for the scheduled castes and scheduled tribes in the lower house of parliament and this reservation shall be made on the population basis.
3. **Article 332³²** : lays down that seats shall be reserved for the scheduled castes and scheduled tribes in the legislative assemblies of state. The number of seats that are to be reserved shall be calculated by the population proportion of scheduled caste and scheduled tribes in comparison to the total general population of the respective state.

²⁹ *Supra* note 18.

³⁰ The Constitution of India, part XIV.

³¹ The Constitution of India, part XVI.

³² *Ibid*

4. **Article 335:** lays down that in the matters of appointments particularly in state and union public services the claims of the members belonging to scheduled castes and scheduled tribes shall be taken into consideration by the state.
5. **Article 338 and 338A:** lays down that there shall be a commission that is to be appointed to monitor, investigate and evaluate the condition and progress of scheduled castes and scheduled tribes in India. The commission also advised for their socio economic development as well.
6. **Article 338B:** Added through 102nd amendment in the constitution, provides for the establishment of a backward class commission.
7. **Article 243D³³** : Provides for the reservation of seats for scheduled castes and scheduled tribes in every panchayat under respective states.
8. **Article 243E:** Provides for the reservation of seats for scheduled castes and scheduled tribes in e municipalities.

(F) Concept of reservation is an exception to the concept of equality?

For a long period of time there has been a controversy on the point that the scheme of reservations given in article 15(4) and 16(4) should be viewed as an exception to the concept of equality or a mere explanation to the general concept of equality given under articles 14, 15(1) and 16(1). The answer to this question depends upon the different meanings given to notion equality under the constitution.

If the equality provided under articles 14, 15(1) and 16(1) is taken as ‘formal equality’ which empowers the state to ensure the uniform distribution of all the governmental benefits and schemes then in this situation articles 15(4) and 16(4) shall be considered as an exception to the articles 15(1) and 16(1). But if the notion of equality is taken as ‘proportional and substantive equality’ which empowers the state to give some special treatment to backward sections of society to the limit provided under 15(4) and 16(4) then in this situation they are to be viewed as the explanation to the articles 14, 15(1) and 16(1).

In *Balaji* the court was held “There is no doubt that Article 15(4) has to be read as an exception to articles 15(1) and 29(2)”.³⁴

Dr. Ambedkar called article 16(4) and exception “call it what one will an exception or proviso or what and semantics apart, reservation by reason of its exclusion of the generality of candidates competing solely on merits must be narrowly tailored and strictly construed so as

³³ The Constitution of India, Part IX, inserted by the (Seventy third Amendment) Act, 1992.

³⁴ *Balaji v. State of Mysore*, AIR 1963 SC 649.

to be consistent with the fundamental constitutional objectives. Clause (4), seen in whatever color, is a very powerful and potent weapon which causes lasting ill effects and damage unless justly and appropriately used.”³⁵

In *General Manager, Southern Railway v. Rangachari* it was further observed “Article 16(4) which is in the nature of an exception or proviso to article 16(1) cannot nullify equality of opportunity guaranteed to all citizens by that article”³⁶.

In *Triloki Nath case* ' it was advanced contending “Article 16(4) is an enabling provision conferring a discretionary power on the state to make a reservation of appointments in favour of backward class of citizen”.³⁷

In *Devadasan v. union of India Subbarao j.* however, opined in his dissenting opinion that article 16 (4) is not an exception to article 16(1) but that it is only an emphatic way of stating the principle inherent in the main provision itself. Since the decision in *Devadasan*, it was assumed by this court that article 16(4) is an exception to article 16(1).³⁸ Later on in various judgment, it was opined by court that articles 16(4) and 15(4) are not exceptions to the main clause but they are the enabling provisions and provide an emphatic way of what is given under clause 1 of articles 15 and 16.

IV. DIFFERENT BASIS OF RESERVATION IN INDIA

Today caste system in India is going through completely different variations under the new socio-economic and political set up of the country. There was a need to balance between the new modern values like equality, fraternity and liberty on one side and old traditional practices of deep rooted caste system on the other.³⁹ Therefore, in this situation there was need to consider the following factors for framing reservation policies under Indian constitution.

(A) Caste Basis

It is believed that caste system owes its origin to the old age concept of PURUSUKTA of Rigveda which says that Varna System is god’s creation itself. Manu asserted that the Indian society is positively divided into four Varnas and there is no existence of the fifth Varna. It was believed that Shudras must serve the Kshatriya for subsistence, the Vaishya for support of life and the Brahmin for the heaven.⁴⁰ This concentration of powers in the hands of upper castes

³⁵ *Supra* 14.

³⁶ *GM. S. Rly v. Rangachari*, AIR 1962 SC 36.

³⁷ AIR 1967 SC 1283.

³⁸ AIR 1964 SC 179.

³⁹ B.R.Goyal, *Education Harijans*, 29 (The Academic Press, Haryana, 1st edn., 1981).

⁴⁰ Manu Smriti, Chapter X, Verse 121-125.

gave birth to the existing structures of caste in India. B.R. Ambedkar was the firm representative of the untouchables and demanded for social justice for them way back in 1930. As per the view expressed by the Ambedkar, for the protection of Scheduled Castes, Scheduled tribes and other backward classes, it is necessary to ensure their representation in state services. “The best guarantee for the protection of your own interests consists in having the power of control in your own hands, so that you may yourselves be in a position not only to punish when mischief to your interest is done but to keep a watch over your interests from day to day and prevent possible mischief from arising.”⁴¹ This was asserted by Dr. Ambedkar while addressing the All India depressed class Association in August in Poona. Therefore he is considered as the most motivating force behind the reservation guaranteed to untouchables and backward classes in Indian Constitution. It is worthy to mention that the word caste is not defined under Indian constitution but the word Scheduled caste has been specifically defined under article 366 (24). The word caste used in Articles 15(1) and 16(2) doesn't include the scheduled caste but it adheres to its ordinary meaning.

1. Conflict between caste and class

Indian constitution contains provisions regarding for Scheduled castes, scheduled tribes and backward classes. Irony is the term ‘backward classes’ has not been defined anywhere in the Constitution. While framing the articles 15 and 16, our founding fathers were of the view that backward classes must be looked as those sections of society which are economically, socially and educationally backward as compared to others. Caste may be one of the criteria for measuring the backwardness of a particular section of society but it cannot be the sole basis of identifying the backwardness.⁴²

unfortunately it is the caste alone which has played the dominant role in identifying the backward classes, and thus the reservation benefits have been usurped by certain castes, even though they were economically well off because in the same caste, economically sound is always in an advantageous position as compared to economically pauper. Thus in the backward castes, the benefit of reservations reached only to the upper crust and could not percolate down to the real needy. It has created classes within the class and instead of filling the gap between higher and lower castes, created gaps in the lower castes themselves. Moreover, those poor people, who unfortunately belong to higher caste, but are economically worse even than the

⁴¹ V.R. Krishna Iyer, XIV *Some Half Hidden Aspects of Indian Social Justice*, 30 (Eastern Book Co, New Delhi,1980).

⁴² Kumar Narender Kumar , *Constitutional Law of India*, 94 (Allahabad Law Agency, Haryana, 6th edn.,2007) .

lower castes, have been the most disadvantaged lot.⁴³

After the enforcement of the constitution of India on 26th November 1950, a case *State of Madras v. Champakam Dorairanjan*⁴⁴ came before the court, in which court held that caste based reservations based on communal awards are violation of article 15(1). Therefore to defeat the effects of this judgment specific provision article 15(4) in favor of scheduled castes, scheduled tribes and socially and educationally backward classes was introduced.

*M.R. Balaji v. State of Mysore*⁴⁵ is another case where court commented that as far as Hinduism is concerned caste can be a criterion to determine the social backwards in the society but cannot be the sole factor. However poverty and social backwardness are the two facets of the same coin where poverty ultimately turns into social backwardness.

In *R. Chitralakha v. State of Mysore*⁴⁶ court stated that in any circumstances caste can never be equated with a class. It was also made clear that if in a given situation caste is excluded in ascertaining a class within the meaning of article 15(4) of the constitution, it does not vitiate the

Classification, if it satisfied other test.

In the case of *P. Rajendran*⁴⁷ it was stated that it must not be forgotten that a caste is also a class of citizens and if the caste as a whole is socially and educationally backward, reservation can be made in favor of such a caste on the ground of its social and educational backwardness for the purpose of article 15(4).

In *State of Andhra Pradesh v. P. Sagar*⁴⁸ court opined that class is that homogeneous section of society where people are placed together due to their common characteristics related to religion, race, caste and occupation etc. Caste cannot be totally excluded but to take caste only as the factor in the determination of a class would be unacceptable.

In *N.M. Thomas*⁴⁹ case, it was observed that the word 'caste' appearing after scheduled relates to those classes of Indian citizens who have got a special history of years of exploitation and social discrimination.

⁴³ A.R. Kamat, "Education and Social Change among the Scheduled Castes and Scheduled Tribes" 16 *Economic and Political Weekly* 1279, 1284 (1981).

⁴⁴ AIR 1951 SC 226.

⁴⁵ *Supra* note 25.

⁴⁶ (1964) 6 SCR. 368

⁴⁷ *Minor P. Rajendran v. State of Madras*, (1968) 2 SCR. 786.

⁴⁸ (1968) 3SCR. 595

⁴⁹ *State of Kerala v. Thomas*, AIR 1976, SC 479,511.

In *Mandal Commission's case*,⁵⁰ the court was of the view that the majority held that a caste can be categorized as a social class and comes under the ambit of backward class under article 16(4), if it is socially backward. There are classes among Non-Hindus, Muslims and Christians and Sikhs and if they are backward socially they are entitled for reservation under article 16(4).

2. Mandal Commission

Under the chairmanship of B.P. Mandal, a backward class commission was appointed by president by invoking its power given under article 340 of Indian constitution in the year 1978.

The main purpose behind the appointment of the above commission was to define the socially and educationally backward classes in India and steps that are required to be taken for their advancement as well. The commission reported that approximately 52% of Indian population consists of OBC's therefore 27% reservation in government jobs should be given to the class. Commission identified an all India other backward class list of 3,743 castes and a more underprivileged depressed backward classes of list of 2,108 castes.

(B) Economic Basis

The constitutional law jurisprudence in India had known definitely backwards SCs and STs and socially and educationally backward classes (OBCs) up to 1980s and especially with change of V.P.Singh led Janta Dal Government at the centre, the Government searched a new variety of backwards not yet known specifically in constitutional parlance, i.e. economic backwardness. Thus the government itself contributed to confusion by adding to the existing backward classes- SCs/STs and OBCs a new category of backward classes other than OBCs. The government knew this hard reality that economic backwardness can never be the synonym of social and educational backwardness.⁵¹

The application of economic criteria to determine the socially and educationally backward classes has been put before the Indian courts so many times. In *Kumari Jaysree v. State of Kerala*⁵² The State government issued an order, pursuant to which only those applicant belonging to the Ezhava class who were members of families whose aggregate annual income was below Rs, 10,000/- would be entitled to admission to the seats reserved for students belonging to the socially and educationally backward Ezhava class. The petitioner was denied admission as she did not qualify due to the income criteria.

⁵⁰ *Indira Sawhney v. Union of India*, AIR 1993 SC 447.

⁵¹ Anirudh Prasad 'Reservational Justice To Other Backward Classes' 209 (Deep and Deep Publications, New Delhi, 1st edn., 1997).

⁵² AIR 1976 SC 2381.

In case of *K.C. Vasanth Kumar vs. State of Karnataka*⁵³, Justice Desai pointed out that now the time has come when we should introduce economy as a criterion to identify the socially and educationally backward classes.

His observations were based on the following facts/sociological pronouncements.

- (a) Basis of caste system i.e. purity and pollution has been displaced by the wide economic gaps that are now prevalent between members of the same caste.
- (b) Acceptance of caste as the basis of classification amounts to legitimization of the caste system.
- (c) The traditional caste system has broken down and contractual relationship between individuals now holds forth.
- (d) The basic assumption that all members of a caste are equal is faulty.
- (e) The benefits of caste-based reservation are enjoyed only by the economically well-up section of the class.

In the above case, Justice Chinna Reddy and justice Desai suggested that for the determination of backwardness in India economic criteria would be far more accurate than caste. They further add that there is an overpowering, mutuality between poverty and caste in Indian . It is submitted that in India, it is possible to have a rich backward cast and a poor forward caste and hence this mutuality is questionable. For example, no one think of describing Brahmins as socially and educationally backward, however, poor they might be. The idea that poor Brahmins may also be eligible for the benefit of articles 15(4) and 16(4) is too grotesque even to be considered. They pointed out that other than caste there are some other factors such as poverty, occupation, residence, habitation and other factors too which should be taken into consideration by legislature for classification of backward class in India. Their main focus was to prevent the creamy layer from enjoying the benefits of reservation provided for other backward classes under article 15 and 16 of Constitution.

In *Janki Prasad Parimoo v. Jammu and Kashmir*⁵⁴, it was held by court that economic factor cannot be the only criterion to classify the backwardness among the Indians. If reservations were made only on the ground of economic considerations, an imbalanced situation would arise due to the fact that even in sectors which are recognized as socially and educationally advanced there are large pockets of poverty and such people would end up benefiting from the reservation.

⁵³ AIR 1985 SC 1495.

⁵⁴ AIR 1976 SC 2381.

In *State of Kerala & v. N.M. Thomas & Ors*⁵⁵ Mathew, J. in his concurring judgment held “To give equality of opportunity for employment to the members of Scheduled Castes and Scheduled Tribes, it is necessary to take note of their social, educational and economic backwardness”.

In *Kumari K.S. Jayasree v. The State Kerala*⁵⁶, it was held that the problem of determining who are socially and educationally backward classes is undoubtedly not simple. Dealing with the question whether caste can by itself be a basis for determining social and educational backwardness, the court observed “It may not be irrelevant to consider the caste of group of citizens claiming to be socially and educationally backward. Occupations, place of habitation may also be relevant factors in determining who socially and educationally backward classes are”.

Justice Dalveer Bhandari of the supreme court of India commented that the dream of the architects of Indian constitution to make the country a “classless and caste-less” society would not become a reality as long as caste remained a criterion for reservation.⁵⁷

(C) Economic reservations in India – 103rd Amendment in the Constitution

One hundred and twenty fourth amendment bill was passed in Lok Sabha on January 09th, 2019 for Economically Weaker Sections of the society with the purpose to provide them reservations in public employment and higher education. This bill came into effect on 14th January as one hundred third constitutional Amendments in the constitution.

Through the above amendment, clause 6 was inserted to articles 15 and 16 of part III of Indian constitution.

"In article 15 of the Constitution, after clause (5), the following clause shall be inserted, namely:

(6) Nothing in this article or sub-clause (g) of clause (1) of article 19 or clause (2) of article 29 shall prevent the State from making,—

(a) any special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5); and

⁵⁵ *Supra* note 40 at 479,511.

⁵⁶ (1977) 1 SCR.194.

⁵⁷ Bijay Sankar Bora, ‘SC denounces caste based quota’ (Tribune News Service, April 4, 2010) available at <<https://www.tribuneindia.com/2010/20100405/nation.htm#2>> (last visited on April 25, 2020).

*(b) any special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5) in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30, which in the case of reservation would be in addition to the existing reservations and subject to a maximum of ten per cent of the total seats in each category.*⁵⁸

"In article 16 of the Constitution, after clause (5), the following clause shall be inserted, namely:—

*(6) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favor of any economically weaker sections of citizens other than the classes mentioned in clause (4), in addition to the existing reservation and subject to a maximum of ten per cent of the posts in each category.*⁵⁹

It is noteworthy that reservations provided to Economically Weaker Sections under article 15(6) and 16 (6) is limited to 10% in addition to pre existing reservations under Indian constitution. Economically weaker sections includes those citizens whose family income is low and excludes scheduled castes , scheduled tribes and other backward classes who are already taking the benefits of affirmative reservation policies of government. This means this amendment is for general middle class section of society. Although this amendment was challenged by an NGO named youth for equality and several others on the ground that this very amendment violates the basic structure doctrine of the constitution and surpassed the various previous decisions of supreme court in which the threshold limit for reservation has been fixed up to the maximum limit of 50%.

In *M.R. Balaji v. State of Mysore*⁶⁰, court held that 50% ceiling limit ought not to be crossed for the purpose of articles 15 and 16 while providing reservations under constitution. But court upheld the above amendment as constitutional as per the prevailing economic backwardness among the citizens in the general middle class category of society.

Under article 46 of Indian constitution\ , state is directed to promote weaker sections of society and this amendment has been made to fulfill the commitment provided under that article.

Criterion for reservation is as follows:

⁵⁸ *The Constitution (One Hundred and Third Amendment) Act, 2019, s. 2.*

⁵⁹ *The Constitution (One Hundred and Third Amendment) Act, 2019, s. 3.*

⁶⁰ *Supra note 25at 649.*

(a) People whose family annual income is less than 8 lacs or

(b) People who own farm land less than 5 acres or

(c) People who own a house lesser than 1000 square feet in town or 100 square yard in municipal area notified by government.

The above criterion should be taken into consideration by respective states for fixing the 10% reservation to economically weaker sections. Gujarat was the first state who implemented this quota for the first time.

V. JUDICIARY'S ROLE IN PROTECTING THE INTEREST OF WEAKER SECTIONS

It is impartial and independent judiciary only that can protect the interest of the depressed section of society and provide them justice, equal opportunities and facilities.⁶¹ Supreme court has given the widest interpretation of articles 15, 16, 21 and 23 of Indian constitution. Being the guardian of fundamental rights of, Supreme Court time and again keeps on giving various guidelines on various aspects of reservation policy too.

In *State of Madras v. Champakan Dorairanjan*⁶² supreme court decided that reservation of seats for scheduled castes, scheduled tribes and other backward classes in public institutions is a clear violation of fundamental rights provided under articles 15(1) and 29(2). To nullify the effect of this judgment amendment was done in constitution in the year 1952 through which clause 4 to article 15 was added in part III.

In *Nair Service society v. Dr. T. Beermasthan*⁶³, court held that provisions provided under articles 15 and 16 are enabling provisions and state is not duty bound to make reservations in favor of weaker sections but state is empowered to make such reservations as per its discretion. The irony regarding reservation policy is that it takes castes as a criterion and it equates caste with class.⁶⁴

In *Balaji v. state of Mysore*⁶⁵ court somewhere rejected the caste as the sole criteria for determination of backwardness in society and pointed out educational backwardness, occupation and residence also as other criterion for classifying the backward class in society. It was also held that total reservation in favor of scheduled castes, scheduled tribes and other backward classes should not exceed 50% of the total seats available.

⁶¹ Panigrahi, Bhagirathi, 'Some Reflection on Bonded Labour Law in India' 2 *Supreme Court Journal* 43(1991).

⁶² *Supra* note 35 at 226.

⁶³ (2009) 5 SCC 545.

⁶⁴ *Partha v. State of Mysore*. AIR 1961 Mys 220.

⁶⁵ *Supra* note 25 at 659, 660.

In *Urmila Ginda v. Union of India*⁶⁶ a woman originally belonged to high caste married to a scheduled caste man applied for a reserved post and claimed that by the Hindu theory of marriage she had become his sapinda and caste fellow. The court put aside these spiritual considerations and held “As one who was not personally handicapped she could not take advantage of the special provisions contemplated by articles 15(4) and 16(4) because she is not one of them. She is a high caste Hindu who was not subject to any such backwardness either socially or educationally.

In *Dr. Neelima v. Dean of P.G. Studies A.P. Agriculture University, Hyderabad*, it has been held that if a girl belonging to high caste marries a boy belonging to scheduled tribe then in that case girl would not be entitled to get the benefits of reservation provided under article 15(4) and 16(4). Same view was expressed by court in *Meera Kanwaria v. Sunita*.⁶⁷

In *State of U.P. v. Pradip Tondon*⁶⁸ supreme court held that lack of educational facilities and absence of educational institutions might be one of the criteria for identifying the educational backwardness in any particular area.

In *N.M. Thomas v. State of Kerala*⁶⁹, court held that caste cannot be the only criteria for providing the benefits of reservation scheme given under constitution. If that would be the case, poor citizens among forward classes would be restrained from enjoying the benefits of this scheme. Court pointed out that reservation policy in India is based on proportional equality.

In *Sadhna devi v. State of U.P.*⁷⁰ court held that it is compulsory for candidates belonging to scheduled castes and tribes to get minimum qualifying marks in order to get admission in higher education.

In *Mohan Bir Singh Chawla v. Panjab University Chandigarh & Anr.*⁷¹ court having reviewed the judicial opinion declared the rule “The higher you go, in any discipline lesser should be the reservation of whatever kind” and added “in the larger interest of the nation, it is dangerous to depreciate merit and excellence in any field.”

*Dr. Preeti Srivastava & Anr. v. State of M.P. & Ors.*⁷² is a landmark decision of recent times delivered by a Constitution Bench “There cannot be dilution of minimum qualifying marks for such reserved category candidates up to almost a vanishing point”.

⁶⁶ AIR 1975 Del115.

⁶⁷ AIR 2006 SC 597.

⁶⁸ AIR 1975 567.

⁶⁹ *Supra* note 40 at 490.

⁷⁰ (1997) 2 SCR.186.

⁷¹ AIR 1997 SC 788.

⁷² AIR1999 SC 2894.

*M. Nagraj v. Union of India*⁷³, in this case court upheld the validity of article 16(4) and gave three criteria for scheduled castes and tribes to come under the ambit of reservations :

- 1) SC/ST community must be socially and educationally backward.
- 2) They must not have an adequate representation in public services.
- 3) such reservation policy must not affect the efficiency in the administration system.

*Jarnail singh v. Lacchmi Narain Gupta*⁷⁴ is a recent judgment of Supreme Court, in which court held that exclusion of creamy layer also applies to scheduled caste and scheduled tribes in matters of reservation in promotion.

Recently in *Mukesh Kumar and Anr. v. The state of Uttarakhand and ors.*⁷⁵, a remarkable ruling is given by the a Supreme court bench led by Justice Hemant Gupta and Justice L. Nageswara Rao which overruled the judgment passed by Uttarakhand High court in the year 2012. The judgment passed by Supreme court arose out of Civil Appeal @ S.L.P.(Civil) No.25508 of 2019 related to reservation quota for scheduled caste and scheduled tribes in matters of promotion in the post of Assistant engineer (civil) in public works department under the government of Uttarakhand. In this case, the section 3(7) of 1994 Act⁷⁶ was in controversy that allowed the State of Uttarakhand to reserve seats for scheduled caste and scheduled tribes in public services and public posts. This reservation also extended in matters of promotions and direct recruitment as well. But with the change of the government in Uttarakhand, a notification was issued on 5th September 2012 which decides to fill all the public posts without reserving the seats for scheduled castes and scheduled tribes. This decision was struck down by Uttarakhand High Court. On February 07th, 2020 the two judges bench gave a overwhelming decision and pointed out while referring to articles 16(4) and 16(4A) that the states are never duty bound to provide reservations in public services and appointments moreover, quotas and reservations in public appointments for promotions is a not a fundamental right of any citizen. The court also affirmed that provisions regarding reservations provided under articles 16(4) and 16(4A) are enabling in nature and reservation in public services is the discretionary power of the state, that too should be used after taking into considerations the guidelines laid down in *M. Nagraj*⁷⁷ and *Indra sawhney case*.

Another remarkable decision given by the 5 judge benches bench of Supreme court led by

⁷³ AIR 2007 SC 71.

⁷⁴ SPECIAL LEAVE PETITION (CIVIL) NO. 30621 OF 2011.

⁷⁵ Civil Appeal No. 1226 Of 2020.

⁷⁶ Uttar Pradesh (Reservation for Scheduled castes, Scheduled tribes and other Backward classes) Act 1994, made applicable to state of Uttaranchal by a notification dated 30.08.2001.

⁷⁷ *Supra* note 64.

Justice Arun Mishra in *Chebrolu Leela Prasad Rao and Ors. v. State of A.P. and Ors.*⁷⁸ Where the court quashed an order issued by the government of Andhra Pradesh providing absolute reservation in the post of teachers in scheduled areas. The judgment affirmed that 100% reservation for tribal teachers in scheduled areas is constitutionally invalid and breaches the 50% ceiling which was given in *Indra Sawhney*⁷⁹ case.

These rulings clearly show that the term reservation is no more seen as an exception to the equality rule rather it is a facet of equality. To achieve the Substantive equality it is must that depressed classes are given a legal leg up.

VI. CONCLUSION AND SUGGESTIONS

After so many years of its implementation in independent India, the reservation policy has reached a stage where both its critics and supporters are unhappy about it. Its supporters are unhappy because this policy has not made any material difference in the social and economic conditions of SCs, STs and BCs who still continue to be socially isolated, illiterate and poor. Its critics complain that reservations have resulted in ignoring merit and equality and that efficiency in public services has suffered.

The policy of 'Protective Discrimination' has been to mitigate the existing inequalities between various sections of the society and accomplish a social reconstruction ensuring socio-economic justice to all. The post-constitutional history of protective discrimination policy has arrived at such a cross road from where if we look behind we may find that there is no clear track to be followed. Perhaps the most important lesion of protective discrimination policy in our country is that there is no single big lesson to be proud of.

'Reservation' is only one of the various means to achieve equality for the disadvantaged groups. The state is free to experiment all possible means to encourage the backward groups in the opportunity structure of the society. Article of 14 to 16 can be so interpreted as mandating some kind of substantive equality of result, by making a reasonable classification on the guidelines supplied by the non - enforceable directive principles which define the constitutional preferential treatment to the backward classes or weaker sections would be given by state by making a proper classification under. Article 15(4) and 16(4) are not exceptions or provisos to articles 15(1) or 16(1), but are the explanations or illustrations of the right to equality in relation to the backward groups. They are definitive of the notion of substantive equality.

⁷⁸ Civil Appeal No. 3609 Of 2002.

⁷⁹ *Supra* note 41.

(A) Arguments in favor of reservation policy

- 1) To correct the historical injustice faced by the weaker sections of the society in India for the time immemorial.
- 2) Reservation policy provides a level playing field for those downtrodden Indians who did not have facilities of education in the past years.
- 3) To provide an adequate representation of weaker sections in government services.
- 4) To make them advanced socially and educationally
- 5) To ensure equality as basis of meritocracy.

(B) Arguments against reservation policy

- 1) Reservation leads to feeling of enmity and division among government employees and thus vitiates the working environment.
- 2) The main purpose of reservation policy was the eradication of caste system not its perpetuation but caste based reservation in India only perpetuate the notion of caste in the society.
- 3) The aim of reservation was to bring the unprivileged class into front foot and to ensure them the equal access to resources but even after so many years of implementation, they continue to remain socially, economically and educationally disadvantaged.
- 4) Reservation policy is contrary to meritocracy which is the basis of many progressive and developed societies.
- 5) Reservation has become a tool of political parties for invoking class loyalties.
- 6) The rich and advanced section among the backward castes has largely taken the advantage of reservation policy and depressed class is still left far behind.
- 7) Poor among forward castes are facing the discrimination and injustice due to the reservation policy of government.

(C) Suggestions

- 1) Benefits of reservation should not be enjoyed by privileged children having a caste tag but should be enjoyed by those unprivileged children who belong to deprived castes.
- 2) Those who belong to families of high rank officials and having a decent annual income should be barred from getting the benefits of reservation especially in government services.
- 3) More practical and fair approach should be followed to grant the benefits of reservation to that section of each community who are actually needy of this policy of government.
- 4) Major changes are required in educational system at the grass root level.

- 5) Creamy layer among all castes should be excluded from getting benefits of provisions of reservation given under constitution.
- 6) Instead of making them handicapped through policies of reservation, government should try to make them capable and help them to enhance their capabilities so that they would not need reservation in future for upcoming generations.

(D) Way forward

- 1) Reservation is fair as it is a positive action of government for the benefits and justice of weaker and backward classes.
- 2) Financial assistance is far more appropriate instead of providing them relaxation in merits thus in a way pollutes meritocracy which is foundation of many progressive communities.
- 3) A country itself becomes stagnant when citizens of that country aspire for backwardness rather than forwardness. This is what happening in India in current circumstances.
- 4) Government should device ways to set a perfect balance between justice to backward class, equity for forward class and efficiency in the administrative system.
- 5) Backwardness has a tendency to perpetuate itself. When backward classes become equals to forward classes, the reservation system should be scrapped.
