

Reservation and Its Beyond

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ABSTRACT

Presently, reservations on the basis of caste and/or economically backward condition is one of the pertinent as well as burning issues in Indian socio-political phenomena because of the final verdict regarding the justification of 10% reservation of Economically Weaker Section Income issued by the Honourable Supreme Court on 07th November, 2022 when the whole world, due to the tremendous technological development, after becoming the Global Village has been in the era of 4th industrial revolution where sincerity, dedication, professionalism, and so on, instead of any type of reservation, are the mark of survival.

The purpose of this paper is neither to appreciate nor to discredit the reservation policy, but to make a critical conceptual analysis on the issue from the present perspective and to find out a possible way of solution.

Keywords: lower castes, reservation, development, destination, globalization, final solution.

INTRODUCTION

Following the Cambridge Dictionary, though the term reservation designates different meanings, availability of some particular facilities in the form of property, service, education, and so on for a particular group of people due to some reasons; it deserves the importance in various aspects, especially, in socio-political phenomena of a country. Presently, reservations on the basis of caste and/or economically backward condition is one of the *pertinent as well as burning issues* in Indian socio-political phenomena, because of the final verdict regarding the justification of 10% reservation of Economically Weaker Section Income issued by the Honourable Supreme Court on 07th November, 2022; when the whole world, due to the tremendous technological development, after becoming the Global Village has been in the era of 4th industrial revolution and we the Indians have already whole heartedly celebrated the occasion of 77 years

of Indian Independence. Now, the total reservation status of the Union of India is as follows:

Sl. No.	Category	Percentage
01	Scheduled Caste	15%
02	Scheduled Tribe	7.5%
03	Other Backward Class (OBC)	27%
04	Economically Weaker Sections (EWS)	10%
05	Total	59.5%

WHY RESERVATION IS AN ISSUE?

The question is: why is it an issue? It is an issue, especially, for two reasons; amongst which the **first one** may be treated as national whereas the **second one** as international. Nationally, those who belonged to upper caste as well as economically stable, after observing the trend of the Indian Government towards reservation, have been claiming to be included into the reserved category so that they could avail the extra facilities laid down by the Government for the reserved categories. *It is undoubtedly a downward movement.* Again, from the international perspective, due to the tremendous technological advancement when the whole world comes under a single umbrella of Global Village and the world is controlled by the market economy based on the investment of different multinational companies where sincerity, dedication, professionalism and so on are the marks of survival instead of any type of reservation, it is legitimate to ask—why should any nation argue for reservation instead of giving proper training, entrepreneurship and management so that every youth could prepare themselves to be a competent Global citizen? *It is the lack of capability to be updated considering the need of the time.*

THE PURPOSE OF THIS PAPER

The purpose of this paper is neither to appreciate nor to discredit the reservation policy, but to make a critical conceptual analysis on this issue from the present perspective and to find out a possible way of solution.

TWO FUNDAMENTAL CONDITIONS OF DEVELOPMENT

Before delving the main issue, let us start with two fundamental conditions for the development of human civilization—(a) the biological i.e., enormous capability due to the evolution of brain power and (b) the intellectual i.e., enlightenment. The first one is natural and it is related to the survival of human being as a species, because at the beginning, human being as a species has had to fight a lot with the other species in order to be survived for the sake of food and

at that time human beings were, following the Rawlsian expression, in the veil of ignorance.(John Rawls, 1971) But later on, when human beings secured the top among the other species through the evolution of his enormous power of intellectual capabilities(Harari, 2014) the new concept of progress of human civilization is apprehended and this is known as enlightenment. In order to throw some lights on what enlightenment is, Immanuel Kant, the German philosopher says that man's release from his self-imposed nonage is known as enlightenment. The incapacity to apply one's own understanding without assistance from another is known as nonage. If the root of this nonage is not ignorance but rather misunderstanding and a lack of confidence to make decisions on one's own without consulting someone else, then this nonage is self-imposed. He also recommends to take a risk and to find out and thereby to show the courage of having one's own understanding which serves as the key of enlightenment. (Kant, 1784) So, from this perspective, it may be said that human beings by nature like to get the facilities without giving the necessary and sufficient physical as well as intellectual effort. That is why he further says that one does not need to work hard if he or she has a book that makes decisions for him or her, a preacher who serves as the conscience, a doctor who recommends the diet, and so on. If anyone can just pay, then he or she doesn't even need to worry about it because someone else will handle that unpleasant task for him or her. (Kant, 1784)

COMPLEMENTARINESS OF THESE TWO FUNDAMENTAL CONDITIONS

Though these two conditions seem to be contradictory, because the first one is the indication of elevating the human brain power whereas the second one is concerned in demoralizing the human ability; the contradiction is apparent. It is apparent because both these features are applicable only to a few persons who due to the enormous physical as well as intellectual ability are capable to think by going ahead of their time and the rest of the people just follow them. In fact, they are the propellor of the human civilization. They are beyond of any type of categorisation, because they are the creator of the unique ideas which have no caste, no country, no colour and thereby no barrier.

THE RESERVATION ISSUE IS INTRA-SPECIES, BUT INDIA IS UNIQUE

Keeping the above in mind, let it be noted that though human being secured the top position among the other species, the progress of human life can never be explained by using a single frame work only, because human beings are to face

so many problems amongst which some of these problems may be marked as intra-species problems. Among these intra-species problems, problems related to the caste and its reservation, especially, in India as mentioned is very sensitive. It is very sensitive because India a country of multi languages, religions, cultures and heritages. That is why Dr. B.R. Ambedkar points out that the prominent ethnologists claim that a combination of Aryans, Dravidians, Mongolians, and Scythians are the people of India. Centuries ago, when they lived in a tribal state, all these kinds of people arrived in India from different directions and with different customs. Each of them forced their way into the nation by engaging in conflict with their forebears before settling down as amicable neighbours. By continuous interaction and exchange of ideas, they developed a shared culture that surpassed their individual cultures. It is true that the several stocks that comprise the people of India have not been fully assimilated, and to a visitor from within the country, the East and the West appear very different from one another in terms of appearance and even colour. Similarly, the South appears different from the North. However, amalgamation cannot serve as the exclusive standard for homogeneity among any group of people. People vary widely in their ethnic backgrounds. *The foundation of homogeneity is the oneness of culture.* Taking this for granted, it can be said that no nation can compare to the Indian Peninsula in terms of maintaining *the unity of its culture.* In addition to its geographic oneness, it possesses a deeper and *more fundamental unity, which is the unquestionable cultural unity that permeates the entire region.* (Dr. Babasaheb Ambedkar, 1979)

VARṆĀŚRAM AND CATURĀŚRAM

If we look back into the Vedic era, it is found, at that time, the Vedic society used to be governed by the *varṇāśram* as well as *caturāśram* system. At that time, there were four *varṇas* or classes—Brahman, *Khatriya*, *Vaiśya* and Sudra based on the profession. Brahmanas used to be engaged in worship, whereas the *Khatriyas* were engaged to reign and protect the state. The *Vaiśyas* duties were to be attached with business, but the Sudras were to performed *seva* for the other three *varṇas*. In case of *caturāśram* system—the activities of life were divided into four—*Brahmacarya*, *Garhastha*, *Banprastha* and *Sannyas*. What was interesting to note here, as the *varṇa* or class division—Brahman or *Khatriya* or *Vaiśya* or Sudra was the indicator of profession of a person, the determining factor to be a Brahman or *Khatriya* or *Vaiśya* or Sudra had never been based on

heredity at that time, rather it was based on the merit. In the Chapter IV, verse no. 13 in the Gita, it is found,

Cātur-varṇyammayāsr̥ṣṭaṃguṇa karma vibhāgaśaḥ |
Tasyakartāramapimāṃviddhy-akartāramavyayam ||

This means—'I created the four-caste [social] structure based on the division of Gunas and Karma. Even though I am the generator, recognize that I am unchangeable and non-agent.' In Mahabharata, when Karna was challenged whether he was permitted to participate or not in the Royal game, he said, *daivāyattamkulejammamadāyattamtupauruṣam* that is to say though the 'book of fate' governs my family's birth, but I am in charge of my own intellectualities as a human being. Again, the Poet Bhavabhūti expresses the uniqueness of Sita by saying, *Gunahpujāsthānamguṇṣunalingaṃna ca vayah* that is to say that it is the qualities of the qualified individuals—not their age or gender—that deserve our admiration. (Bhavabhūti, 800)

ADVERSE AFFECT OF RIGID CASTE SYSTEM IN INDIA

But later on, the caste system in India became so much rigid and some of the other lower caste people who were included in the category of *Aspriśya* (untouchables) and were not allowed taking the water from the same well used by the upper castes, even they were prohibited to walk on the same road. Education, at that time, was unimaginable to a lower caste people. Born in lower caste family was treated as curse.

MORAL ARGUMENTS FOR RESERVATION POLICY

In order to uplift these lower caste people, though reservation policy has been adopted, let us peep into some moral arguments for it. Argument No.1—From the utilitarian perspective where the happiness of the greatest numbers is the norm of a moral action (Jeremy Bentham 1781), it is said that the opportunities must be opened to the maximum numbers. As the number of the lower castes people is undoubtedly higher than the elite caste people and they have already been deprived due to the disproportionate distribution of the chances of opportunities and thereby neglected; that is why their chances must be secured through the policy of reservation.

Argument No.2—If Kantian deontology is considered, then the lower caste people must be given priority, because of the principle—duty for duty sake (Kant, 1785) i.e., it is the duty of the state to uplift the marginals.

Argument No.3—Again, following the Rawlsian maxi-min principle, the society is just like a chain (John Rawls, 1971) and we should take care of the weaker

portions of the chain and the lower caste people are weaker parts that is why they must be given priority through reservations.

Argument No.4—On humanitarian ground, as all human beings are equal, none should be deprived from any opportunity, that is why they should be given equal chances.

INITIATIVE TAKEN FOR UPLIFTING LOWER CASTE BY TAGORE

Considering the moral arguments mentioned above and as an after effect of the European enlightenment movement, from the twentieth century, a thorough and dedicated initiative have been taken into consideration, to uplift the lower caste people in India. In 1916, Rabindranath Tagore wrote a novel named as 'Chaturanga' where Jagamohon and Harimohon were two brothers, among them the first one was very much rational, but he was defeated in the court and lost his landed property for giving shelter to his poor Muslim raiyats. His straight forward arguments towards the judge were that he did not believe any caste discrimination amongst men and he did not know about the part of Brahma from where the Muslims were born.

INITIATIVE TAKEN FOR UPLIFTING LOWER CASTE BY AMBEDKAR

On that very year, Dr. Ambedkar in a paper mentioned that the recalcitrant members of a caste run the risk of being expelled from the caste and left to fend for themselves without the option to join or be absorbed by other castes. Any innovation that seriously offends the ethical, religious, or social code of the caste is unlikely to be tolerated by the caste. Caste laws are unbreakable and do not wait to distinguish between different types of offenses. Whatever the form of innovation, it will all incur the same cost. Because the older caste will not accept it, a new way of thinking will establish a new caste. The poisonous philosopher, reverently known as the Guru (Prophet), shares the same destiny as the sinners in unapproved love. While the latter forms a kind of mixed caste, the former forms a caste akin to a religious group. If a sinner has the guts to break the code, castes have no mercy. A new caste is created as a result of excommunication as the punishment. (Ambedkar, 1916) It, undoubtedly, shows his equal feeling to the inferior caste, instead of showing mere sympathy to them.

Later on, he also put forwarded some arguments to bring the social reform so that India could become a nation. He had a firm conviction, as division of labour brings division among the labourers i.e., a man with the other man; Social reform

is a necessary condition for political reform as well as economic reform. (Dr. B.R. Ambedkar,1936).

INITIATIVE TAKEN FOR UPLIFTING LOWER CASTE BY AMBEDKAR THROUGH INDIAN CONSTITUTION

That is why, being the chief of drafting Indian Constitution he felt the provision of reservation of the lower caste in the Constitution as—‘The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State: [Provided that nothing in this article shall prevent in making of any provision in favour of the members of the Scheduled Castes and the Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters or promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State.] (Article 335, Indian Constitution)

WHY RERVATION IS GRANTED ONLY FOR TEN YEARS?

Following Kantian notion of enlightenment where only a few persons have the capability to be enlighten and/or to bring the enlightenment and the past history where some of the reformists such as Socrates, Galileo Galli and so on were murdered; it can be assumed that any type of reservation whatever it may be go against the enlightenment, and as a result, a nation will be failed to achieve its final destination. That is why, the provision of reservation on the basis of caste in India through constitution had been primarily initiated only for ten years from 26th November, 1949 and later on, three National Commissions (National Commission for Schedule Caste-338, 2003; National Commissions Schedule Tribes-338A, 2003; National Commissions Backward Classes-338B 2018; through constitution have been formed to review the status of reservation.

CO-JUSTIFICTIONAL GROUND FOR EWS RERVATION FOLLOWING SUPREME COURT

While on 07th November, 2022 regarding the 10% reservation of Economically Weaker Section Income which has been justified by the verdict issued by the Honourable Supreme Court by 3:2 majorities of the juries appointed by the SC the following points have been taken into consideration:

Point Number—1: Whether it goes against the right to equality following Article-15. Clause (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

Point Number—2: Whether it contradicts the Article 16 Clause [(4B)—Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent. reservation on total number of vacancies of that year.]

Point Number—3: Whether all the economically backward Scheduled Castes and Scheduled Tribes citizens are excluded from the reservation following EWS.

ADVERSE EFFECTS OF RERVATION: GURJAR AND KURMI AGITATIONS

As it has been mentioned earlier, whether the order of Supreme Court justified or not is not the main issue of this paper; what is important to search, whether the reservation system after seventy-five years of independence fulfil its moto—upliftment of marginal or deprive or economically backward classes in order to come along with the main stream. It is a fact; through reservation some of the people get a few extra government facilities, especially, in employment and education. That is why, those who belong to the upper castes or once upon a time belonged to the lower castes some how excluded from the reservation have been engaged into the mass movement so that they could be included again in the reserved category.

The Gurjar agitation in Rajasthan for 5% special quota in government job is one of the concrete examples of such type of movement during 2008 to 2015. The movement was so violent that a police officer was lynched by the demonstrators in Rajasthan's Bharatpur district. On 23 May, 2008 when police tried to show their response against the mob who attempted to harm government property and railway lines, at least 15 of them were instantly slain. The Indian army was called in on May 24 to help quell the violence after police opened fire on a group of protestors attempting to set a police station in Sikandra on fire, killing another fifteen people.

A train track connecting Delhi and Mumbai was obstructed by thousands of demonstrators. State officials had also cancelled numerous buses and blocked highways. Gurjars continued to protest in 2010 after receiving virtually no response from the government to their demand for a 5% quota for government jobs. Trains between Mumbai and Delhi and Jaipur and Delhi were backed up.

2010 saw minimal bloodshed, in contrast to the disturbances of 2008. A comparable demonstration was held in May 2015, during which thousands of Gurjars blocked railroad rails, preventing trains from passing.

The Kurmi Community recently demonstrated its protest in the final week of September 2022 by staging a five-day train blockage at two stations in West Bengal's Adra and Kharagpur divisions in order to be granted the title of Scheduled Tribe.

CONCLUSION: TOWARDS AN ALTERNATIVE

Reminding again,(a) the primary aim of reservation through constitution—to uplift the deprived belonging to the lower caste, (b) it was supposed to be continued for only ten years, (c) the movements of Gurjar, Kurmi and so on, (d) after 77 years of independent; it is the time to rethink whether we, the Indians have really been able to fulfil those unfulfilled dreams, dreamt by the then leading Indian freedom fighters who sacrificed their life for the sake of bringing the independence. The dream, actually, was not to be independent but to achieve the state of ideal nation in the world in respect of culture, education, economy and so on through the mantra of unity in diversity. But the trend to compromise with such type of downward movement which prepares the fertile ground for another tag of war between two castes—who have already been included in Scheduled Caste or Tribe and who have been demanding to be included; is somehow the representation of failing to keep up the promise to reach the fixed destination.

Again, considering the global perspective where in the one hand, the entire world market has been running and/or controlling by a few multinational companies and on the other hand, any type of invention, unique idea, perseverance, dedication, professionalism and so on are the pillar of success; reservation from any viewpoints is hollow. In other words, in a multinational company, merit is first and merit is last. Either shows your talent or you perish.

Now, we are in a position to realize the inherent difficulties concerned with the said issue. The main target, at the initial stage, by the then Indian thinkers was to walk on the road of development in such a way that those who once were deprived following caste discrimination could get the chance to come along with the main stream. However, at the moment, when the percentage of overall reservations is 59.5%, with SC making up 15%, ST making up 7.5%, OBC making up 27%, and EWS making up 10%, direct recruitment on an all-India basis through open competition is affected, and certain movements were

organized to support the inclusion of the reservation category. But it is a fact that the facilities which the Indian government have, seems to be insufficient. It is insufficient because the total number of populations in India is about 140 crores amongst which 27.2% are between the age of 15-29 years for 2021, following the Union Budget for the financial year 2022-23, the total estimated number of Central Governmental Employees is only about 35 lakhs as recorded on 1st March, 22 and only 5% of the total population are taxpayers.

We have to search for an alternative in order to cope up with this situation. Stress on reservation due to the political pressure, might be the initial but it can never lead to the final solution to resolve the issue. Proper training, education, entrepreneurship and so on are necessary to be the part of a multinational company and thereby to get membership as a Global citizen.

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