



Rethinking Reservation Policies in India

This editorial is based on [“Bihar caste survey is a cynical attempt to expand reservation — India needs a different approach”](#) which was published in The Indian Express on 13/10/2023. It talks about the Bihar caste survey as a cynical attempt to expand reservation and argues that India needs a different approach to achieve social justice, equality and excellence.

For Prelims: [Reservation](#), Article 15, [Article 16](#), [economically weaker sections \(EWS\)](#), [SCs and STs](#)

For Mains: [Reservation](#): Challenges and Way Forward

A good democracy doesn't weigh citizens but counts them. Everybody is equal and judged as individuals, not as a member of groups. The challenge lies in the gap between this ideal and the reality every society tries to bridge through policy. But is discrimination between applicants for jobs and education the most effective policy tool to deliver equality? Is it possible to discriminate in favor of one group without discriminating against another?

It's hardly time to end reservation but expanding it — the Bihar caste survey is a cynical attempt to do so — may be unfair to future generations and divisive.

What are the Issues with Reservation?

- **Quality of Education and Employment:** Reservation policies primarily target access to education and government jobs. However, there is a concern that these policies may **compromise the quality of education and workforce in the long run**, as candidates may be selected based on quotas rather than merit.
- **Brain Drain:** Some argue that reservation policies **can lead to a "brain drain" where talented individuals from unreserved categories may choose to study or work abroad to escape the reservation system**, potentially causing a loss of talent within the country.
- **Resentment and Division:** Reservation can sometimes **create social and economic divisions within society**. This division can lead to resentment among those who do not benefit from the policies, potentially hindering social cohesion and development.
- **Inefficiencies and Corruption:** Reservation policies have sometimes been **marred by inefficiencies, corruption, and the manipulation of caste certificates**. These issues can undermine the effectiveness of the system and hinder development.
- **Lack of Targeting:** Reservation policies often **rely on broad categories, which may not accurately target the most disadvantaged individuals within those categories**. Some individuals from reserved categories may not be as disadvantaged as others and may still benefit.
- **Stigma and Stereotyping:** Reservation can sometimes **lead to the stigmatization and stereotyping of individuals from reserved categories**, which can impact their self-esteem and overall development.

- **Economic Development vs. Social Development:** Reservation policies tend to focus on social development, but they **may not directly address economic disparities**. Economic development is also crucial for addressing inequality and promoting overall development.
- **Political Exploitation:** Reservation policies are **sometimes used for political gain, which can lead to a focus on short-term political objectives** rather than long-term development goals.

Constitutional Provisions that enable State to provide Reservations

- **Article 15** of the Constitution empowers the State for making following provisions:
 - **Article 15(3)** enables the State to make any special provision **for women and children**.
 - **Article 15(4)** enables the State to make any special provision for the **advancement of any socially and educationally backward classes** of citizens or for the SCs and the STs.
 - **Article 15(5)** allows for special provisions to be made for the **advancement of socially and educationally backward classes of citizens, as well as SCs and STs**, particularly in relation to their **admission to educational institutions**, including private ones.
 - **Article 15(6)(a)** allows for making special provisions for the advancement of any economically weaker sections (EWS) of citizens other than the classes mentioned in clauses (4) and (5).
 - **Article 15(6)(b)** provides for making special provisions for the advancement of **economically weaker sections (EWS)** of citizens, excluding the classes mentioned in clauses (4) and (5). These provisions specifically pertain to their admission to educational institutions, including private ones.
- **Article 16** provides for the grounds of positive discrimination or Reservation in government jobs.
 - Article 16(4) provides that the State can make any provision for the **reservation of appointments or posts** in favor of any backward class of citizens who, in the opinion of the state, are not adequately represented in the services under the State.
 - Article 16(4A) provides that State can make any provision for reservation **in matters of promotion** in favor of the Scheduled Castes and the Scheduled Tribes if they are not adequately represented in the services under the State.
 - Article 16(6) provides that the State can make any **provision for the reservation of appointments or posts in favor of any economically weaker sections**.

What should be the Solution to Reservation?

- **Reboot Infrastructure of Opportunity:** Rebooting our infrastructure of opportunity requires accelerating reforms to our **3Es of education, employability, and employment**.
 - In education, state governments must fix government schools without wasting more energy on small class sizes, teacher qualifications or teacher salaries but focusing on the binding constraints of performance management, governance, and soft skills.
 - **In employability, we must attract massive new financing for skills from employers by redesigning the system** around the five design principles of learning by doing, learning while earning, learning with qualification modularity, learning with multimodal delivery, and learning with signaling value.
 - This requires **ending regulatory cholesterol** that restricts linking degrees to apprenticeships, confuses apprenticeships with jobs, judges vocational universities like traditional ones and blunts online higher education growth.
 - **In employment, massive non-farm, high-wage, formal job creation requires cutting the regulatory cholesterol for employers that breeds litigation, compliance, filings and criminalisation by passing new labor codes.**
 - There is a lot of work in manufacturing, less anchored to large employers with offices, and mostly without index-linked, defined benefit pensions.
 - But our current labor laws hate small employers, breed corruption, and encourage substituting people with machines.
 - Our labor laws should also be reformed.
- **Equal Treatment:** Ensuring that all individuals are treated fairly and without discrimination is a

fundamental aspect of promoting equality. This means that **people should not face disadvantages or privileges based on their background**, such as their parents' status.

- **Unbiased Competition:** Encouraging competition on a level playing field, where individuals have equal opportunities to succeed based on their skills, abilities, and efforts, is crucial. This promotes excellence by motivating individuals to strive for their best.
- **Impartially Judged Outcomes:** Outcomes should be determined through a **fair and impartial evaluation of an individual's performance, skills, and contributions**. This ensures that merit and achievement are the primary factors in determining success.
- **Judging Based on Effort and Courage:** Emphasizing the importance of hard work, determination, and the courage to pursue one's goals helps foster a culture of personal responsibility and individual effort.
- **Use the Resources Judiciously:** A modern state is a welfare state and being a good ancestor **requires a government that uses society's resources to subsidize and deliver quality food, education, healthcare and housing to those who need it**.
 - But this **safety net should not become a hammock**: Unemployed workers cannot get the same income as those working because people get much more from work than income. And rich people should not get cheap food, gas or diesel.
 - Policy must **accelerate the Aadhaar-enabled Direct Benefit Transfer** revolution for subsidies.

Conclusion

Gandhiji believed that **Sarvodaya (development of all) would be accomplished through Antyodaya (welfare of the weak)**. Philosophers have built on his thinking and concluded that if you were designing the world without knowing your place in it, you would ensure fairness for all. Reservation is a valuable tool for social justice but after years of Poorna Swaraj, **it's time to discard something often subject to political manipulation for something more universal over the next few decades**.

Drishti Mains Question

Analyze the impact of reservation policies on societal development, economic growth, and equality. What alternative measures can be taken to ensure a fair and just society?

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Q. Whether the National Commission for Scheduled Castes (NCSC) can enforce the implementation of constitutional reservation for the Scheduled Castes in the religious minority institutions? Examine. **(2018)**