



Thakur Educational Trust's (Regd.)
THAKUR COLLEGE OF SCIENCE & COMMERCE **tcsc**

UGC Recognized * Affiliated to University of Mumbai
(NAAC Accredited with Grade 'A' [CPGA-3.10] * ISO 9001:2008)

PROJECT REPORT ON
RESERVATION IN INDIA

University of Mumbai



MUMBAI UNIVERSITY

University of Mumbai for partial completion of degree of

Bachelor in Commerce

(Accounting & Finance)

Under the faculty of Commerce

BY

PRATIKSHA SINGH

ROLL NO. 8633

Under the Guidance

MANOJ MISHRA

Academic Year- 2019-202



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DECLARATION

**I PRATI KSHA SINGH FROM THAKUR COLLEGE OF SCIENCE
AND COMMERCE STUDENT OF T.Y.BAF (ACCOUNTING AND
FINANCE)**

SEM 6 HEREBY SUBMIT MY PROJECT ON

“RESERVATION IN INDIA”

**I ALSO DECLARE THAT THIS PROJECT WHICH IS A
PARTIAL FULFILLMENT FOR THE DEGREE
T.Y.BCOM(AACCOUNTING AND FINANCE) OFFERED BY
UNIVERSITY OF MUMBAI IS THE RESULT OF MY OWN EFFORTS
WITH THE HELP OF EXPERTS**

PRATI KSHA SINGH

DATE:

PLACE:



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CERTIFICATE

THIS IS TO CERTIFY THE PROJECT ENTITLED IS SUCCESSFULLY
DONE BY PRATIKSHA SINGH DURING THE THIRD YEAR SIXTH
SEMESTER FROM THAKUR COLLEGE OF SCIENCE AND COMMERCE
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COORDINATOR

PROJECT GUIDE

PRINCIPAL

DATE-

PLACE-

INTERNAL EXAMINER

EXTERNAL EXAMINER

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To list who all have helped me is difficult because they are so numerous and the depth is so enormous.

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GANTT CHART

TYBAF SEM VI project work (Gantt Chart) / Time line for project completion

Name of the Student =PRATIKSHA SINGH class/div=T.Y.BAF/D2 Roll No. =8633 mob. No.=9769013451

Task ID	Task Description	Task Duration in days	Start Date	End Date	02-Feb-20	09-Feb-20	16-Feb-20	24-Feb-20	02-Mar-20	06-Mar-20	09-Mar-20	14-Mar-20	16-Mar-20
1	Chapter No. 1: Introduction												
2	Chapter No. 2: Research Methodology												
3	Chapter No. 3: Literature Review												
4	Chapter No. 4: Data Analysis, Interpretation and Presentation												
5	Chapter No. 5: Conclusions and Suggestions												
6	Bibliography, Appendix												
7	First Draft												
8	Second Draft												
9	Final Draft												
<p>important:</p> <ol style="list-style-type: none"> 1. Referencing style APA 6th 2. The Project Report shall be bounded 3. The project report should be 80 to 100 pages 4. Gantt chart shall be filled by faculties only 5. The final draft shall be signed by guiding teacher 6. The faculties are allowed to link the tasks in gantt chart 7. Be sure to display start and end dates for each task 8. Account for time off, holidays and internal exams 9. To define the critical path, use lines to connect a task 					Students signature on No. of visits with date								

Dr. Nishikant Jha
Coordinator B.Com (Accounting and Finance)

Project Guide=
Department =

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INTRODUCTION

Reservation is a part of the fundamental rights guaranteed to the socially, economically suppressed, deprived and historically disadvantaged people of India. Reservation of seats in the legislature including Union Parliament, there is practically no dispute. Other Backward Classes (OBC) do not enjoy any reservation of seats in the legislature. But in the sphere of education and government services OBC do enjoy reservation. In some States like TamilNadu, Kerala, Karnataka and Bihar, OBCs have become a dominant force in the bureaucracy. Thus, the transience of backwardness has given rise to clash of interests both at the political and legal level (Sagar Preet Hooda). Indian Judiciary has pronounced some Judgments upholding reservations and some judgments for fine tuning its implementations. Lots of judgments regarding reservations has been modified subsequently by Indian Parliament through Constitutional amendments. Some judgments of Indian judiciary have been flouted by State and Central Governments. Some of the judgments prelude the way for future concern. In this regard, this paper tries to study the major judgments on reservation particularly in education given by Indian judiciary in the post-Mandal period.

Reservation, in India, is a type of affirmative action that tries to allocate a fixed number of seats in educational and social institutions for various under-represented communities. It is stated as a response to discrimination done by upper caste persons in India. Thus, when India attained independence, the constitution gave special provision for certain communities to have a minimum representation in various fields. The Constitutional provision of reservation for socially and economically backward classes is meant to provide access to education and jobs for the scheduled castes, scheduled tribes.

Without knowing the basics as well as important judgments regarding the reservation in pre-mandal period is meaningless. In this regard few judgments are highlighted to understand the reservation policy in India.

In State of Madras Vs Champakam Dorairajan², the Court was unwilling to uphold the validity of the Communal Government Orders of Madras Government, for the impugned Order went against the principle of 'equality before law' enshrined in the Constitution. There were two similar cases of admission to the Medical College and to the Engineering College.

In Kesava vs. State of Mysore³ (Devanesan Nesiah) the issue involved whether the decision of the State to identify backward classes was valid, as State Government had declared every community except Brahmin as Backward Community. The High Court held that the State was doubtlessly the sole authority to classify the communities as "backward classes".

In M.R.Balaji and Others Vs. State of Mysore⁴ (K.L.Bhatia) the Court was trying to keep a balance between the conflicting interests of those who would like to have as much reservation as possible and those might lose their chance even if they are the deserving ones. The issue in this case is about the admission to the Medical Course. According to the petitioners, but for the reservations made by the impugned order, they would have been

entitled to the admission in the respective colleges for which they had applied. The impugned order was issued on 31-07-1962 and it reserved seats for candidates belonging to the backward classes whose average of student population was the same or just below State average. This resulted in 68 percent of seats available for admissions to the Engineering and Medical Colleges and to the other Technical institutions is reserved for backward classes, most backward classes, scheduled castes and scheduled tribes. The classification of the socially backward classes of citizens made by the State, proceeds on the consideration only of their castes without regard to other factors, which are undoubtedly relevant. It was argued that this might lead to a virtual reservation for nearly 90% of the population, which might come under different categories of backwardness. This would be at the expense of those classes of people whose members may perform well but may not get an opportunity. After analyzing facts and probing the legal nuances, the Court came to the conclusion that caste alone could not be the criterion for backwardness. The Court also observed that reservation should not go beyond 50%.

In *Ritesh R. Shah vs. Dr. Y.L.Yamul*⁵ the Court observed that if a candidate belonging to the backward class got admission to a course on merit- in the instant case admission in the Medical College - it could not be considered to be admitted against reserved category. The apex Court instructed the Maharashtra Government that the above said directions should be borne in mind and the rules should be made accordingly.

In *Dr. Sadhana Devi v. State of U.P.*⁶ the Government of U.P. issued a circular dispensing with the requirement of minimum mark for the admission to Postgraduate course in Medicine for the Scheduled Castes and Scheduled Tribes candidates. The Supreme Court held: "The importance of merit being the only criterion for admission to postgraduate medical courses was also emphasized in the case of *Dr. Pradeep Jain v. Union of India*⁷ ".

This line of inquiry need not detain us here in this case because the case of the petitioners is not that there should be no reservation for the candidates belonging to the three special categories mentioned hereinabove at the post- graduate level. Their contention is that candidates belonging to the three special categories must be able to secure the minimum qualifying marks in the admission tests in order to gain admission to postgraduate medical courses. If they fail to secure even the minimum qualifying marks, then the seats reserved for them should not be allowed to go waste but should be made available to the candidates belonging to the general category. This contention must be upheld. Otherwise, to borrow the language used in *Dr. Jagdish Saran Case*⁸, this will be a "national loss."

In *Dr. Preethi Srivastava v. State of M.P.*⁹ the Supreme Court considered six petitions together. The issue was whether there could be provisions for reservation of seats in specialty and super specialty courses in Medicine. The State of U.P. fixed the cut off percentage of 20% marks for reserved candidates as against 45% for the general candidates. The State of Madhya Pradesh fixed 20% for Scheduled Castes and 15% for Scheduled Tribes and 40% for other backward Classes. According to the Court "the disparity of qualifying marks being 20% for the reserved category and 45% for general category is too great a disparity to sustain public interest at the level of postgraduate.

In *Haridas Parsedia v. Urmila Shakya* the question of law involved was concerned with the Constitution of India, Art. 16, Art.16 (4), Art.309 and M.P.Transport Department Subordinate (Class III Executive) Service Recruitment Rules (1971), R.11 (A), R.20-Recruitment exam. The Rule provided relaxation or passing marks to SC/ST candidates. It was the result of a policy decision of the State Government taken in 1964 and reiterated in 1985 and 1990 to grant relaxation in passing marks to SC/ST candidates in direct recruitment and departmental exams. The Court was of the opinion that it would be erroneous to hold that the decision of the Government for relaxation of passing marks for SC/ST department candidates at the departmental examination can be applied only when in such examination, the departmental candidates and not otherwise.

In *K. Duraisamy and another v. State of T.N.*¹¹ and others, the Government Order that provided 50% quota for in-service and 50% for non-service candidates for admission in the specialty and super specialty courses in Medicine was challenged. The Court held the Order valid. According to the Court 'quota' and 'reservation' are different concepts. Therefore, the matter does not come under Article 15 (4).

A case came before the Supreme Court where a similar notification of the Punjab Government was challenged. In *State of Punjab v. Dayanand Medical College and Hospital* the impugned notification fixed the quota of 60 per cent for in-service candidates and 40 per cent for non-services. The Court held the notification valid. But the Court observed that with regard to marks in the tests the State could not make any relaxation.

But the apex Court would quash any unreasonable fixing of quota. This happened in the case of *A.I.I.M.S. Students Union Vs. A.I.I.M.S.*¹² The rule regarding admission to Post-Graduate Course in AIMS was based on the quota of institutional reservation of 33% coupled with 50% reservation discipline-wise. This was held super reservation and hence it infringed the equality principle of Article 14.

In *Archana Reddy Vs State of Andra Pradesh, 2005*,¹³ the main challenge to reservation of seats in educational institutions and of appointments or posts in Public Services under the State to Muslim community Ordinance 2005, was that the entire Muslim population in the State cannot be declared as socially and educationally backward. The judgment of the court laid down that "there is no prohibition to declare Muslims, as a community, socially and educationally backward for the purposes of Article 15(4) and 16(4) of the constitution of India, provided they satisfy the test of social backwardness, as stated in the judgment. Going through what is stated in the judgment, the majority of judges held that the entire Muslim community in A.P is not a homogenous class and that there are several groups/ classes among them. The Court approvingly quoted the findings of N.K.Muralidhara Rao Commission, Anantaraman Commission and the National Backward Classes Commission and cited the "People of India"

Series by the ASI & the "Encyclopedia of the World Muslims: Tribes, Castes and Communities" editors N.K.Singh and A.M.Khan, on this finding. It was also held that the condition of social backwardness which is fundamental has not been shown to be existing in respect of the Muslim community as a whole and the High Court struck down the ordinance/act as the identification done in this case did not indicate as to whether the Muslim community as a whole is backward or not. The Commission respects these observations.

Accordingly, the Commission decided not to treat the entire Muslim population as a single group and declare them as Back Classes. In this report we have decided to recognize identifiable separate groups among Muslim communities and consider which of them are socially and educationally backward. So far as data and methodology is concerned the Commission is conscious that the deeper we dig into the data mine the better the results. The Commission has, therefore, looked into the elaborate and authentic data found in “the People of India, A.P.” series by Anthropological Survey of India which was first published in 2003, Sachar Committee Report, the valuable historical perspective and careful analysis given in the Sri.P.S.Krishnan’s report, numerous data made available by different government departments on the number of employees belonging to Muslim communities, the house hold survey done by the staff of the Commission, the information collected in public hearings held by the Commission and the written representations given to the Commission. The present findings of the commission are arrived at on the basis of above vast data, and in deference to the observations of the High Court. Regarding the importance of transparency which is also in accordance with the principles of the Commission, the Commission has kept the entire report of Sri P.S.Krishnan on its website immediately after its receipt. The Commission also held a number of public hearings.

The Supreme Court upholds a law enacted by the Centre in 2006 providing a quota of 27 per cent for candidates belonging to the Other Backward Classes in Central higher educational institutions. But it directed the Government to exclude the ‘Creamy layer’ among the OBCs while implementing the law. A five-Judge Constitution bench headed by Chief Justice K.G.Balakrishnan paved the way to giving effect to the Central Educational Institutions (Reservation in Admission) Act, 2006. The bench was disposing of a batch of petitions questioning the 2006 quota law and the 93rd Amendment.

In March 2007, by an interim order the Court restrained the Centre from implementing the law for 2007-2008. The 1931 census data could not be the basis for providing reservation. The Chief Justice of India said: “93rd Amendment Act does not violate the basic structure of the Constitution so far as it relates to State maintained institutions and aided educational institutions. Article 15(5) of the Constitution is constitutionally valid and Article 15(4) and 15(5) are not mutually contradictory.” He agreed with the decision to exclude the minority institutions from Article 15(5), and said: “it does not violate Article 14 as minority educational institutions are a separate class. Reservation policy or affirmative action is a way to develop socio, economic and political life of the disadvantaged people. In order to establish equality among all citizens, this kind of preferential policy has been followed in many of the countries. In India, the same policy has been adopted for the disadvantaged people also. The Judiciary in India also interpreted the implementation of reservation policy on its own way. Their rights are projected by other constitutional provisions.”

1.1 HISTORY OF RESERVATION SYSTEM

The reservation policy in India was adopted with a reason to uplift certain castes who were subjugated to atrocities, social and economic backwardness due to the prevalent dominance of caste system in Hindu Society.

This reason has somewhere lost its essence in the modern era, and the castes that should be actually benefited are not being benefitted, and the others are reaping the benefits of the reservation system that is actually not meant for it. Today, the reservation system has just become a tool for politicians to gain vote banks. The recent agitation from the Patel's of Gujarat to include them in the category of OBC was shocking for the entire nation, as the people who were agitating to get reservations in the state of Gujarat were in no ways socially and economically backwards.

In the State of Tamil Nadu, the reservation system proved to be a havoc for the society wherein the Brahmans had very cleverly churned themselves down in the league of the backward bandwagon and had gained enormously from the reservation system.

For these possible reasons, the Creamy Layer has been excluded from the list of Scheduled Castes, Scheduled Tribes and OBC after the landmark Mandal Case.

In one of the landmark decisions of Ashok Kumar Thakur v. Union of India, Justice Ravindran smelling the dangers from the present trend on the reservation had rightly opined that when more people aspire for backwardness instead of forwardness, the Country itself stagnates.

It is quite impossible to declare Reservation policy as good or bad as those benefiting from it would always support it and declare it to be good while those who are being at a loss because

of the system would always curse it and declare it to be bad. But what matters the most is not that whether the reservation policy is good or bad instead what matters is the idea and the reason behind its adoption. If that reason is losing its essence, then, of course, the reservation policy would gradually turn out to be bad.

The political indulgence in the process of reservation has merely reduced from a noble idea to a strategy to increase the vote bank. Moreover, a lot of criticism has been made on the criteria of reservations. The socially and economically backward classes are not actually in practical and real sense socially and economically backward, the only stamp of being from a backward caste is enough to gain profits in the name of reservations.

The reservation policy is good till the point some deserving candidate is not missing upon his opportunity because of the prevalent reservation system. I find no reason for giving admissions to undeserving students over deserving students. If these classes of people have been denied opportunities in past, then the scenario is being repeated with the general class in the present. The undeserving should not reap the fruits of the labor of the deserving.

We also need to understand that when we talk about development then simultaneously we cannot talk about backwardness. If we would demand more and more backwardness, then it is obvious we cannot move forward, and we will not be able to move forward, our progress would ultimately get stagnant.

It is also important that the essence of the idea of the adoption of reservation policy should be maintained, and the actual backward classes who are in real and not fiction denied access to education, job opportunities etc be benefitted.

This reservation policy should not become a ladder to climb on the stairs of profit, money and other related interests for those who are just roaming with the stamp of being a backward class and are actually socially and economically much more stable than the general class.

“The urge to be one among the backward will gradually lead towards the stagnation in the development of the country.

1.2 SOCIAL EXCLUSION

This paper argues that social exclusion robs people of their "confidence" and this loss adversely affects their capacity to function effectively. We may not be able to define Confidence precisely but we know it when we have it and also when we lack it. In a “Just” society, no group should unfairly suffer from a “confidence deficit” or enjoy a “Confidence surplus”. However, affirmative action policies to boost a deprived employment rate suffers from several defects. In particular, they may have only a small effect (as with *Dalit*'s in India) when the group's educational base is low. Consequently, another prong of policy could, indeed should, focus on improving the Educational standards of *Dalit*'s. The root of the problem of poor *Dalit* achievement lies in the many dysfunctional primary and secondary schools in the villages and towns of India. Admittedly, tackling the problem at its roots will only yield results after a long delay. Nor does the emphasis on effective learning at school carry the glamour associated with being a putative graduate of the Indian Institute of Technology, the Indian Institute of Management, or the All-India Medical Institute. But, before the vast mass of educationally and economically deprived children in India (many of whom are *Dalit*'s) can meaningfully enter the portals of Universities and Institutes of Higher Education they need to go to good schools

1. Social Exclusion and Deprivation

The term "social exclusion" - meaning the process by which certain groups are unable to fully participate in the life of their communities and the consequences. Thereof - has, from its origins in the writings of René Lenoir (1974), spawned a vast and eclectic literature as the list of things that people might be excluded from has, like Topsy, just "growled". Silver (1995), for example, itemizes some of these: *inter alia* livelihood; secure, permanent employment; earnings; property; credit; land; housing; education, skills, and cultural capital; the welfare state. The basis on which people are excluded also comprises a long list (see DFID, 2005): age, caste, gender, disability, ethnic background, HIV status, migrant status, religion, sexual orientation. Such an uncontrolled proliferation of items has invited the inevitable criticism

from some experts in poverty and development epitomized by Oysen's (1997) dismissal of social integration/exclusion as "an umbrella concept for which there is limited theoretical underpinning".

More recently, Sen (2000) attempted to inject some rigour into the concept of social exclusion. He began by observing that, in the tradition initiated by Aristotle, and continued by Adam Smith (1776), poverty should properly be viewed in terms of "poor living" rather than simply "low income". From the former perspective, poverty is a multi-dimensional concept, embracing: low income; bad, or no, employment; illiteracy or, at best, low levels of education; poor health and access to healthcare, and most generally, difficulty experienced in taking part in the life of the community.¹

Against this backdrop of a multi-dimensional view of poverty, Sen (2000) argued that the function of the concept of social exclusion was not to widen or otherwise alter our concept of poverty but, rather, to highlight the relational aspects and processes which underpin poverty. Thus, some of the critical issues that need to be addressed before judgement can be passed on the usefulness of social exclusion as a concept are the following: (i) Does it contribute to our understanding of the nature and causes of poverty? (ii) Would our understanding be different if this concept did not exist? (iii) Does it enrich thinking about policies to alleviate poverty? In answering this set of questions, Sen (2000) drew attention to two features of social exclusion. The first is that exclusion is a *relational* concept referring to the lack of affinity between an individual and the wider community. Second, in defining the relation between social exclusion and poverty there is a fundamental distinction to be made between exclusion being *constitutively* a part of deprivation and being *instrumental* in causing deprivation. In the "constitutive" interpretation, exclusion from some (or all) aspects of social functioning in itself, and of itself, constitutes an important aspect of deprivation. In the "instrumental" interpretation, exclusion *per se* does not constitute deprivation but it is a cause of deprivation. Some types of exclusion may be a constitutive part of deprivation but not necessarily instrumental in causing deprivation. For example, the denial of access to the village well to some families would not have consequences for them with respect to water supply if these families had mains water supplied to their homes; however, being denied access itself might constitute deprivation by robbing such families of a sense of "belonging" to the village.² Conversely, other types of exclusion may not be a constitutive part of deprivation but, nevertheless, might be instrumental in causing deprivation: a denial of credit might not be shameful *per se* but might lead to deprivation through an inability to pursue business opportunities. More generally, social exclusion might have both constitutive and instrumental importance for deprivation.

2. Social Exclusion and Confidence

So, should social exclusion be regarded as constituting deprivation even if it is not instrumental in causing (or exacerbating) deprivation? This paper argues that it does: exclusion robs people of their "confidence" and this loss adversely affects their capacity to function effectively. Akerlof and Schiller (2008) define confidence as implying behavior that goes beyond the rational; it implies behavior based on "trust": in good times we trust that things will turn out well; in bad times, we lose that trust. The recession that affects several countries today stems from a lack of confidence: banks have lost the confidence to lend to each other, to companies, and to consumers. The result is a credit crunch which has caused the economic machine to seize up. The same confidence that affects the world economy and causes it to boom or bust also affects the behavior and actions of people. Two persons may value an investment opportunity (say, higher education) differently: the confident person takes an optimistic view of his future income stream and invests; the less confident person takes a pessimistic view and does not invest. The Solow (1956) growth model viewed output growth as dependent on: labor growth; investment; and innovation. His central message was that long-term output growth depended upon innovation. In the absence of innovation, diminishing returns would ultimately reduce growth to zero.

In a similar vein, one can think of a person's achievement as depending on his: effort; ability; and confidence. So, given a level of effort and ability, higher levels of confidence will be associated with higher levels of achievement. Furthermore, one can think of a confidence-achievement spiral: increased confidence lead to greater achievement and greater achievement also leads to increased confidence. ³

A Confidence Multiplier

Keynes' great contribution to macroeconomics was the theory of the multiplier: an initial increase in income would cause a multiple increase in national income, the process being a transmission of income from one person to another with consumption as the instrument of transmission. Similarly, one can propose a *confidence multiplier*. This relates to the transmission of increased confidence from a *small* number of persons in a group to a considerably *larger* number in the group. So, if there is an initial increase in confidence of one unit, the overall increase in confidence is $k \geq 1$.

The strength of the multiplier depends on the *marginal transmission rate* (MTR). The MTR, which is the proportion of the initial increase in confidence that is passed on to others, will depend on two factors: (i) the degree of interaction between group members; and (ii) The starting level of confidence of the group. When confidence within a group is very high, the MTR will be low: most of the initial increase in confidence will be "saved" with very little being passed on. In the

limit, when confidence has reached saturation point, nothing will be transmitted and $k=1$. Similarly, if there is little or no interaction between members of the group - or the group consists of non-interacting subgroups - the MTR will be low. Conversely, when confidence within a group is very low, the MTR will be high. Suppose there are K groups in society, with confidence levels: C_1, \dots, C_K . Suppose that $A=f(C)$ is the achievement function where $f(C)$ is concave (Fig. 1, below). If social achievement, W is the sum of group achievements: $W = f(C_1)+f(C_2)+\dots+f(C_K)$, then social achievement (W) is maximized when every group has the same level of confidence: $C_1=C_2=\dots=C_K$.

3. Discriminatory Bias: Equal Opportunities, and Affirmative Action

There are two sources of discriminatory bias in hiring decisions. First, as Becker argues, a *taste for discrimination* makes a bigot willing to expend a cost (or forgo a benefit) to associate with his preferred group. As applied to labor markets, a bigoted employer will not employ workers from the disfavored group even though they are of similar quality to workers from the preferred group; alternatively, he will assign desirable jobs to the preferred group leaving the disfavored group to perform more onerous tasks. In contrast, *statistical* or *belief-based* discrimination can arise when the characteristics of an individual's group are used to evaluate his or her personal characteristics: the employer will not employ workers from the disfavored group because he believes that, compared to the preferred group, they are inferior workers (Phelps, 1972). Needless to say, the two concepts are not independent: "taste based" discrimination discourages members of the disfavored group from improving their employability qualities and paves the way for statistical discrimination. So, even after taste-based discrimination may have been rendered illegal, discrimination based on exogenously held beliefs lingers. In practice, the two sources are often conflated as encapsulated by the phrase "he/she will fit in better with our company/organizational culture". If candidates from certain groups face discriminatory bias in hiring, then this will erode their confidence in two ways. First, they would lose confidence in themselves and their ability to interact with society and this, on the argument made earlier, would erode their capacity to make the best of their *existing* abilities. Second, in terms of their future development, they would lose the confidence to acquire *further* education and skills. In this section we develop the role of two different sets of policies - Equal Opportunities (EO) and Affirmative Action (AA) - in reducing discriminatory bias in hiring.

A candidate has an underlying, unobservable "quality", denoted by θ . The greater the value of θ , the "better" the candidate. The candidate sends out a signal, s , where s is a N -component vector: $s=(s_1, \dots, s_N)$ and s is used to obtain an estimate of θ : $\theta^*=g(s)$. The quality of θ^* as an estimate of θ will depend upon the correlation between θ^* and θ . In turn, this correlation will depend upon the components of the vector s . The

presence of “irrelevant” components will corrupt the overall signal and weaken the correlation between θ^* and θ . However, the presence of “irrelevant” signal components is not a matter of chance: it reflects discriminatory bias. For example, questions like: What is your father’s profession? Do you expect to have more children? Who will look after your children while you are at work? all reflect a bias against particular groups of persons. A major role of EO policies is to weed out such irrelevant and/or discriminatory components by making it *illegal* to ask such questions. The entire signal-extraction process is tightly regulated, made transparent, and placed in the public domain. There is a tightly specified procedure for recruitment, from advertisement to interview to appointment with a written record maintained at each stage. Unsuccessful candidates have the right to appeal against “unfair treatment”. Not only do EO policies attempt to eliminate discriminatory bias by making it illegal, EO builds non-discriminatory policies into the fabric of the human resource management of organizations by carrying out audits of organizations about their Outcomes. But, it needs to be emphasized: EO is not *affirmative action* because it does not impose quotas or require preferential treatment.

In contrast to EO, AA is concerned with outcomes, not processes. So, organizations are asked to “explain” if their employment proportions of “protected” groups differ significantly from the population proportions. In the absence of a convincing explanation, the difference is presumed to be due to bias. For example, under the US Civil Rights Act of 1991, any employment practice having a “disparate impact” upon women or minorities is unlawful unless it is predicated by “business necessity”. The most common way of escaping sanctions under this Act is by having informal quotas in hiring.⁴ The argument in favor of AA is that if there was pre-legislative bias in hiring, then, prior to legislation, groups discriminated against would lack the incentive to acquire skills. So, AA, by removing this bias, gives these groups the incentive to skill themselves. Furthermore, AA policies give protected groups a foot on the bottom rung of the ladder. The confidence that this instils creates incentives to acquire the skills to climb the rest of the ladder unaided.

4. Discriminatory Bias in Labour Markets in India

Around 18 percent of India’s population are *Dalits* and they are persons whom “caste Hindus”, i.e. Hindus within the four-*varna* caste system, regard as being *outside* the caste system. The most practical manifestation of this is the social stigma associated with being a *Dalit*: in many instances *Dalits* are those with whom physical contact is regarded by caste Hindus as “unclean”. Muslims in India are also seen as “outsiders” but in terms of being “appeased” - by being allowed to maintain their personal law while Hindus have had to surrender theirs - by being “anti-national” and, indeed, of harbouring, abetting

and, even being, "terrorists" (Shariff, 2006). However, a major difference between Muslims and *Dalits* is protection under affirmative action: in order to foreshorten the effects of centuries of suppression, *Dalits* are protected under the Indian constitution by affirmative action policies ("reservation" policies) in public sector jobs and educational institutions and representation on elected bodies; Muslims, on the other hand, do not enjoy any such protection.⁵ A striking feature of employment patterns in India is the preponderance of Hindus in regular salaried or wage employment, Muslims in self-employment, and *Dalits* in casual wage labour. The National Sample Survey (NSS) for 1999-2000 shows that of men aged between 25-45 years (i.e. prime age men): 32 percent of "forward caste" Hindus (that is, non-SC/ST/OBC Hindus - hereafter simply "Hindus") compared to 18 percent of Muslims and *Dalits*, were in regular employment; at the other extreme, 47 percent of *Dalits*, compared to 24 percent of Muslims and 10 percent of Hindus, worked as casual labourers. Nearly half of prime-age Muslim men, compared to 28 percent of *Dalits*, and 40 percent of Hindus, were self-employed. It should be remembered that the Constitution of India allows for special provisions for *Dalits* in terms of reserving a certain proportion of government jobs for them. Notwithstanding these provisions, which have been in force for half a century, less than one in five *Dalit* men aged between 25-44 years was in regular employment. Issues of employment cannot be separated from concerns about employability, particular those aspects of employability which are related to educational qualifications. The inter-group differences in employment patterns in India, noted earlier, are reflected in the educational achievements of the three groups. The NSS data show that in 1999-2000, over 90 percent of prime-age Hindu men over the age of seven years were literate, compared to 67 percent of Muslims and 67 percent of *Dalits*.⁶ At the other end of the scale, 24 percent of prime-age Hindu men, compared to 6 percent of Muslims and 4 percent of *Dalits*, were graduates. Jeffery and Jeffery (1997) argued that many Muslims regarded their relative economic weakness as stemming from discriminatory practices in job-hiring. The belief that their children would not get jobs then led Muslim parents to devalue the importance of education. Differences in educational achievement between Hindus, Muslims, and *Dalits* could be ascribed to differences between the proportions of children from these groups enrolled in school. The National Council of Economic Research (NCAER), on the basis of a 1994 Survey, showed that enrolment rates of children between the ages of 6-14 were: 84 and 68 percent for (forward caste plus OBC) Hindu boys and girls; 68 and 57 percent for Muslim boys and girls; and 70 and 55 percent for *Dalit* boys and girls. In terms of reasons for non-enrolment, 23 percent of Muslim parents (compared to 16 percent of (forward caste plus OBC) Hindus and 17 percent of *Dalits*) thought that education was not important while 34 percent of *Dalit* parents (compared to 29 percent of Muslims and 22 percent of (forward caste plus OBC) Hindus) faced financial constraints and/or wanted their child engaged in non-school activity. A recent analysis of school enrolment rates in India (Borooah and Iyer, 2005) argued that sending children to school depended upon attitudes to education of: (i) the children; (ii) their parents; and (iii) of the communities to which they belonged. These attitudinal differences between the communities were sharpest when the parents were illiterate but they tended to narrow substantially, if not disappear altogether, when literate

parents, regardless of their religious community, appreciated the value of education. Can we explain these outcomes in terms of the relational concept of social exclusion? Sen (2000) draws a distinction between *active* and *passive* exclusion. When exclusion is brought about through deliberate policy it is active and it is passive when it is an unintended consequence of social processes. So, for example, the deliberate exclusion of *Dalits* and Muslims from good employment represents active exclusion while their exclusion from jobs which need better educational qualifications than they possess represents passive exclusion.⁷ It is important to understand the foundations of such active exclusion or, as it is more commonly termed, "discrimination". Thorat (2009) details many of the ways through which *Dalits* are discriminated against. In the context of the rural labour market, discrimination takes the form of denial of work as agricultural workers (36 percent of villages practiced this), no touching while paying wages (37 percent of villages), lower wages for the same work (25 percent of villages), not employed in house building (29 percent of villages); denial of access to irrigation facilities (33 percent of villages); and denial of access to grazing/fishing grounds (21 percent of villages). The evidence of poor Muslim representation in key areas of public service is also, strong: for example, the proportion of Muslims in government service in India is only about 2% today (Engineer 2002). In 1998, there were 620 candidates selected for the top civil service jobs in the country; only 13 of these were Muslims, of whom 6 came from one institution, the Aligarh Muslim University (as reported in *Islamic Voice*, 1998). The above observations beg the question of the sources of *Dalit* and Muslim "employment deprivation": how much of this is due to discrimination (through *Dalits* and Muslims being *actively* excluded from the labour market)? How much of this is due to employability (through *Dalits* and Muslims being *passively* excluded from the labour market by virtue of low levels of human capital)? These questions give rise to another set of related queries: How much have *Dalits* benefited from reservation policies? How much would Muslims benefit if they too were protected by such policies? Jobs reservation cannot alter the employment-related attributes of *Dalits* but, *given those attributes*, it can raise the proportion of persons from these groups who secured good employment. An analysis of prime-aged men (Borooah *et al.* 2007) showed that jobs reservation raised the proportion of *Dalits* in regular employment by about 5 percentage points: that is, in the *absence* of reservation - which *Dalits* have always enjoyed - the proportion of prime-aged male *Dalits* in regular employment would have fallen from its observed 18 percent to 13 percent. So, jobs reservation contributed less than one-third to the low proportion of regularly employed *Dalits*. The same analysis also argued that when job reservation was extended it should have been to Muslims rather than to the OBC since the former faced much greater discriminatory bias than the latter. These findings highlight seven flaws in affirmative action policies:

1. They are limited in their effectiveness when their *universe of application* is constrained: jobs reservation in India for *Dalits* is restricted to the public sector and does not extend to the private sector.

2. The effectiveness of jobs reservation is limited when the *educational base* of the beneficiaries is low.

3. Jobs reservation for one group (*Dalits*) triggers demands for *reservation extension* to other groups (*OBC*) and, in this competition, the winners are not necessarily the most deserving of protection.

4. There is the *creamy layer* problem: the benefits from jobs reservation (and reservations in educational institutions, particularly medical and engineering colleges) may be captured by those subgroups among the intended beneficiaries who are already quite advantaged and who use their position to affect this capture.

5. The system could establish *perverse incentives*: if jobs are available with minimal qualifications then it will be minimal qualifications that set a ceiling to one's ambitions.

6. Jobs reservation ensures getting a job; it does not ensure *career progression*. Consequently, candidates from disadvantaged groups, who enter jobs with poor qualifications, will stagnate at the bottom of the career structure with the potential of triggering a fresh set of resentments and demands.

7. There will always be the lingering suspicion that those who obtain jobs through reservation would not have got them in open competition: they will, in consequence, be stigmatized as being unworthy of the position they hold.

In a developing country like India, reservation has become the biggest problem. In our country reservation is undertaken to address the historic oppression, inequality and discriminations faced by those communities and to give these communities a place. The system of reservation in India comprises a series of affirmative action measures such as reserving access to seats in the various government jobs and to enrollment in higher educational institutions. Here in our country, a fixed percentage of seats are reserved only for categories of people largely for SC/ST.

Is it not biased that the scholarships aid is available for SCs, STs, OBCs, but only 0.6% of scholarships are on merit basis for other categories? Where that country will go when the students of general categories with 95% of marks didn't get the good job or a higher education but the students of SCs or STs with 40% marks gets everything like good jobs or a higher education. India is still developing because here reservation comes in between knowledge, education, jobs, merit etc. We can say that in our country knowledge equals reservation. Where there is reservation there is Knowledge.

The big problem about the reservation is that the community excluded from reservation feels animosity for those who have access to it. So, the question is should reservation be provided to all the people of SCs/ STs? Through reservation is applicable to the poor and rich or literate and illiterate, benefits of reservation accrue for those who are already possessing advantages such as wealth and education. Reservation is not a bad thing but its benefits should

flow to underprivileged children. People with higher rank and higher income professionals, as well as their children, should be barred from reservations. Anger and aspirations of poor families also need to be addressed. At last, the reservations should be evenly distributed to the disadvantaged section of society.

The system of reservation in India consists of a series of measures, such as reserving access to seats in the various legislatures, to government jobs, and to enrollment in higher educational institutions. The reservation nourishes the historically disadvantaged castes and tribes, listed as **Scheduled Castes and Scheduled tribes (SCs and STs)** by the Government of India, also those designated as **Other Backwards Classes (OBCs)** and also the economically backward general. **The reservation is undertaken to address the historic oppression, inequality, and discrimination faced by those communities and to give these communities a place.** It is intended to realise the promise of equality enshrined in the Constitution. Following are the advantages and disadvantages of the reservation system.

1.3 IMPORTANCE THINGS OF RESERVATION SYSTEM:

If we can discriminate for thousands of years, we can still go a few hundred years without worrying about reservations being continued too long. That said, the answer to this lies with the elites. If there is no discrimination, the reservations will not matter and can be removed – frankly if there is no discrimination, removing them will not create enough of a difference for anyone to get worked up about it.

The truth of the matter is that the people who always oppose caste reservations have also been implicated in caste crimes. The removal of reservations is just another front of attack to strangle the rise of castes they wish to subjugate in an ongoing caste war. The claims of equality are bullshit as you would see if you scratched even briefly under the surface. OBC and upper caste protests to seek reservations for themselves or have them removed were not forcing the government to do anything it didn't want to.

Political Importance-

1. They are a very good tool for winning elections.
2. By promising to increase reservation for a particular community, you can turn them on your side.
3. You can simply give more reservation rather than making good policies for development and people will still vote for you. (*Who cares about development as long as your caste gets more reservation.*)
4. By giving reservation to a specific part of the community, you can gain their support.

No one excludes lower castes anymore-

Well, they do, but they cannot do it on a massive scale because.... reservations. Which is exactly why they want the reservations removed – to be able to discriminate and use the reserved seats for elites as well.

And, even with reservations in place, stories abound of colleges keeping reserved seats empty rather than admit dalits, college canteens with separate “thalis” for students according to their caste, colleges with separate canteens altogether on the basis of caste and even midday meals served in schools feeding dalit children poorer quality food or seating them separately from the rest of the students. If they were allowed to deny education to lower castes, make no mistake they would do it in a flash.

If you ban discrimination, you don't need caste reservations-

Discrimination is already illegal in India. In fact, so is murder. Yet court after court is acquitting self confessed brutal mass murderers of dalits. There is no outrage, no pressure on the government to bring them to justice, no questioning of those exposed for providing material support to the murderers as they continue to hold positions of power. Do you really think anyone is going to give them justice for being refused a seat?

Caste reservations keep caste discrimination alive-

This is bullshit. There are no seat reservations in college canteens that serve people separately by caste anyway. If a college can have separate canteens for dalits, and yet screams outrage that there is a separate admission quota for them, all I can conclude is that they basically want the dalits to vanish and abdicate all the opportunities to the privileged classes.

Caste discrimination is when a news organization fights to show the impunity with which mass murderers walk free, acquitted by courts one after the other and yet, none of the supposed equality supporting people find this an outrage enough to raise a voice for accountability. There is no caste quota for mass murder, in case you were curious.

What about lower caste people who are already privileged? Why should they get donations?

Feel free to create a rule that goes “people richer than XYZ must seek admissions through the general quota” and not occupy seats meant to protect the deprived. That would be the logical move, yes? But that will not happen, because last thing the elites want is for more competition in their “merit”. They'd rather point out to the privileged few and use it as an excuse to deny all.

Wake me up when this bunch of jokers points out to the richest people in India – many of them doctors – many of them running businesses on black money that deprives the country of its due and argue that children of doctors or otherwise rich people must pay the real cost of education of a doctor instead of the massive state sponsorship of the training for all. Yes? No? Why not? We're talking about people who can afford it still using government provided benefits, right?

Well, a lot of medical students who are in “doctor families” so to say will wade through money to reach the college, learn on massive government subsidies meant to make the training

affordable for far poorer people, and then go abroad and sell their services cheaper than doctors there who had to invest a lot of money in their careers. Wake me up when someone has a problem with that and goes children of the rich must pay the real cost of education ...

Hence, these are the importance of reservation system in India.

1.4 ADVANTAGES OF RESERVATION IN INDIA:

1. Reservations are a political necessity- In India, for giving due representation to all sections. Reservations is a political necessity especially in India.

2. Reservation schemes do undermine the quality of education- Reservation schemes do undermine the quality of education but still affirmative action has helped many if not everyone from under-privileged and/or under-represented communities to grow and occupy top positions in the world's leading industries.

3. Reservation schemes are needed to provide social justice-Reservation schemes are needed to provide social justice to the most marginalized and underprivileged which is their human right.

4. Meritocracy is meaningless without equality -First all people must be brought to the same level, whether it elevates a section or decelerates another, regardless of merit.

5. Resevation has slowed down the process of “Forward becoming richer and backward becoming poorer” - Earlier we were living in the policy of rich becoming richer and poor becoming poorer, but reservation has slowed down this process. Due to reservation backward classes are getting various advantages which they were not aware of.

6. Increase in number of people from backward sections in various decision making- Due to reservation system in India, there is an increase in number of people from backward sections in various decision-making processes. This has also increased the confidence of the people from backward sections. Reservation also helps in increase in the representation from different sections of society.

7. It has helped people from backward sections to achieve higher posts - Reservation has helped people from backward sections to achieve higher posts or services in the public sector as well as in some private institutions. There is an increase in modes of income and job opportunities due to the reservation system.

8. It has encouraged the backward people to fight for justice - Reservation has encouraged the people from Scheduled castes, Scheduled tribes and Other Backward Classes to fight for justice and fight for their rights whenever there is violation of their human rights. They should be aware of their rights provided by the government.

9. Meritocracy is meaningless without equality - Meritocracy is meaningless without equality among the people. First of all people must be brought to the same level whether it elevates a section or decelerates another regardless of merit. Meritocracy is very important for the reservation system.

10. Reservation in Lok Sabha - There are seats reserved for Scheduled castes, Scheduled tribes and Other Backward Classes in Lok Sabha so that they get a chance of decision making and present their views and ideas on different aspects of society because they have been deprived of these rights for centuries.

1.5 DISADVANTAGES OF RESERVATION SYSTEM IN INDIA -

1. Reservation is similar to internal partition - Reservation system is similar to internal partition because in addition to being a form of ethnic discrimination, it also builds walls against inter-caste and inter-faith marriages. It also creates the differences among the people of the country on the basis of their caste and religion. It has become caste based instead of class based.

2. Reservations are the biggest enemy of meritocracy- Reservation is the biggest enemy of meritocracy by offering reservation through relaxed entry criteria, we are fueling inflation of moderate credentials as opposed to the promotion of merit based education system, which is the foundation of many progressive countries. Meritocracy should not be polluted by injecting relaxation of entry barriers, rather should be

encouraged by offering financial aids to the underprivileged although deserving candidates only. Today the IITs and IIMs hold a high esteem in the global scenario due to their conservation of merit.

3.Caste Based Reservation only perpetuates the notion of caste in society, - Caste based reservation only perpetuates the notion of caste in society rather than weakening it as a factor of social consideration, as envisaged by the constitution. Reservation is a tool to meet narrow political ends, by invoking class loyalties and primordial identities.

4.Affirmative Action can be provided- Affirmative action can be provided at a more comprehensive level taking into account various factors of exclusion such as caste, economic conditions, gender, kind of schooling received etc. A comprehensive scheme of Affirmative Action would be more beneficial than reservations in addressing concerns of social justice.

5.The benefits of reservation policy have largely been appropriated- The benefits of reservation policy have largely been appropriated by the dominant class within the backward castes, thereby the most marginalised within the backward castes have remained marginalised. It has been observed that mostly the beneficiaries of reservation have been the children of the highest paid professionals and high rank public officials.

6.Poor people from “forward castes” do not have any social or economic advantage- Poor people from forward castes do not have any social or economic advantage over rich people from backward caste. In such a case, discriminating against the “forward caste” goes counter to the logic of reservation. It would create another “**backward class**” some years down the line. This ‘perceived’ injustice breeds frustration and apathy in the society. The recent protests demanding quotas by some of the forward castes, in Gujarat and Rajasthan, is the testimony to this fact. For example, in Tamil Nadu, forward castes were able to secure only 3% of total seats (and 9% in Open Competition) in professional institutions at Undergraduate level as against their population percentage of 13%. This is a clear case of reverse discrimination.

7.Divides people and creates agony and rages among themselves- Reservation system divides people and creates agony and rages among themselves. These fights lead to differences among the opinions of the individuals and the outcome is worst.

8. Castes are given preference instead of merits -Under reservation system castes are given more preference instead of merits. Reservation has become more of caste system than class system or based on economic condition. As more preference is given to castes than merits many people don't get what they should, their hard work is not considered

9. Narrows the scope of general category people- Reservation system is only beneficial for Scheduled caste, Scheduled tribes and Other Backward Class. The people from general category do not get any kind of advantages or benefits from the reservation system. As we know that 50% of seats are reserved for SC, ST and OBC people so the general category people though doing hard work do not get what they want and this lowers their confidence.

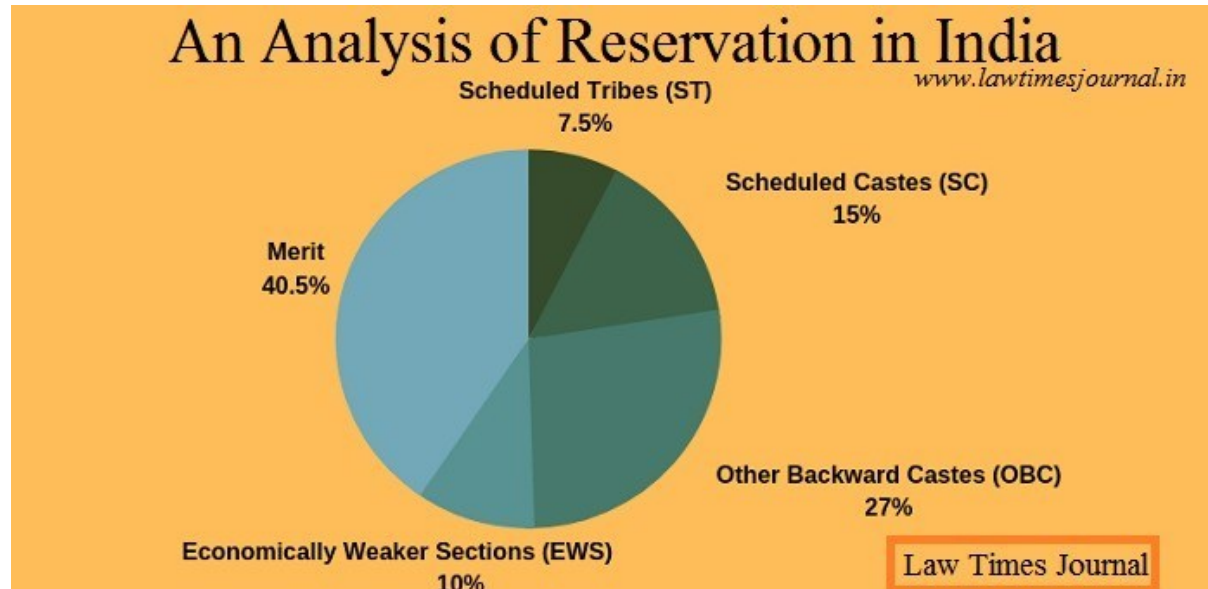
10. Ill-treatment to reserved employees and students-Due to reservation system there is ill-treatment done to reserved employees and students. They are being ruled by scheduled castes, scheduled tribes and backward classes people. This decreases their morale as being more deserving than the SC, ST and OBC they have to work under them.

1.4 ANALYSIS:

- **The issue of reservation has remained a cause of disagreement between the reserved and the non- reserved sections of the society.** While the unreserved segments, keep on opposing the provision, the neediest sections from within the reserved segments are hardly aware about how to get benefited from the provision or even whether there are such provisions.
- **On the contrary, the creamy layer among the same segment is enjoying special privileges in the name of reservation and political factions** are supporting them for vote banks.
- **Reservation is no doubt good**, as far as it is a method of appropriate positive discrimination for the benefit of the downtrodden and economically backward Sections of the society but when it tends to harm the society and ensures privileges for some at the cost of others for narrow political ends, as it is in the present form, it should be done away with, as soon possible.
- **It is time we address the challenge of reservations honestly**, openly, fairly and innovatively. We cannot bury our heads in the sand forever like an ostrich.

1.5 DIAGRAMMATIC PRESENTATION:

PERCENTAGE OF



RESERVATION IN INDIA

Explanation of diagram:

A vacancy reserved for SCs or STs or OBCs cannot be filled by a candidate other than an SC or ST or OBC candidate, as the case may be.

As seen from the above diagram, about **60% of seats are reserved in India** – for various sections like ST, SC, OBC, and EWS – with respect to Government jobs and Higher Education Institutions. 3% of seats are also reserved for differently-abled persons across all categories.

This also means that **only 40% of seats are available under merit**. In the merit seats, not only the general category candidates but all other categories like SC, ST, OBC, and EWS can also compete.

SC/ST Reservation

The objective of providing reservations to the Scheduled Castes(SCs), Scheduled Tribes (STs) in services is not only to give jobs to some persons belonging to these communities. It basically aims at empowering them and ensuring their participation in the decision-making process of the State.

Besides, the state is also keen to end practices such as untouchability.

Scheduled Castes (SC) are given 15% quota in jobs/higher educational institutions while Schedule Tribes (ST) are given 7.5% quota in jobs/higher educational institutions.

Reservation is provided not only with respect to direct recruitment but also with respect to promotions for SC/ST category (Article 16(4A)).

There is no concept of 'creamy layer' with respect to SC/ST reservation. This means that irrespective of the income status or the government posts held by the parents, children of SC/ST parents will get SC/ST Reservation.

OBC Reservation

Reservation for Other Backwards Classes (OBC) was introduced based on the Mandal Commission Report (1991). The quota for OBCs is 27% in government jobs and higher educational institutions.

However, there is a concept of 'creamy layer' with respect to the OBC reservation. Only those from OBC who come under Non-Creamy Layer would get OBC reservation.

The creamy layer concept brings income and social status as parameters to exclude some of the privileged members of OBC from the extent of reservation. This concept also keeps a check to ensure that the benefits of reservation do not get extended to subsequent generation

EWS Reservation

The Central Government of India recently introduced EWS Reservation. 10% quota is provided for the Economically Weaker Sections (EWS) among General Category candidates in government jobs and educational institutions. This is done by adding clauses for the same in the Indian Constitution (103rd Constitution Amendment Act, 2019). **Part XVI** deals with reservation of SC and ST in Central and State legislatures.

1.6 ARTICLES RELATED TO RESERVATION IN INDIA:

- **Article 15(4) and 16(4)** of the Constitution enabled the State and Central Governments to reserve seats in government services for the members of the SC and ST.
- The Constitution was amended by the **Constitution (77th Amendment) Act, 1995** and a new **clause (4A)** was inserted in **Article 16** to enable the government to provide reservation in promotion.
- Later, **clause (4A)** was modified by the Constitution (85th Amendment) Act, 2001 to provide consequential seniority to SC and ST candidates promoted by giving reservation.
- Constitutional 81st Amendment Act, 2000 inserted **Article 16 (4 B)** which enables the state to fill the unfilled vacancies of a year which are reserved for SCs/STs in the succeeding year, thereby **nullifying the ceiling of fifty percent reservation** on total number of vacancies of that year.
- **Article 330 and 332** provides for specific representation through reservation of seats for SCs and STs in the Parliament and in the State Legislative Assemblies respectively.
- **Article 243D** provides reservation of seats for SCs and STs in every Panchayat.
- **Article 233T** provides reservation of seats for SCs and STs in every Municipality.
- **Article 335** of the constitution says that the claims of STs and STs shall be taken into consideration constitutently with the maintenance of efficacy of the administration.

1.7 Argument Against Reservation

- Reservation in state services led to **divisions and enmity** among government employees, vitiating the atmosphere at the workplace.
- Eradication, not perpetuation of caste was the objective of the reservation policy but Caste Based Reservation only **perpetuated the notion of caste in society**.
- Reservation was introduced to ensure that the historically underprivileged communities were given equal access to resources but irrespective of the economic progress they **continue to remain socially disadvantaged**.
- Reservation destroys self-respect, so much so that competition is no longer on to determine the best but the most backward.
- Reservations are the **biggest enemy of meritocracy** which is the foundation of many progressive countries.
- It has become **a tool to meet narrow political ends** through invoking class loyalties and primordial identities.
- The **dominant and elite class** within the backward castes has appropriated the benefits of reservation and the most marginalized within the backward castes have remained marginalized.
- Reservation has become the **mechanism of exclusion rather than inclusion** as many upper caste poor's are also facing discrimination and injustice which breeds frustration in the society.

1.8 Reasons Behind Increasing Demands of Reservation

- Reservation is increasingly seen as a **remedy for the adverse effects** of ill-thought out development policies.
- In developed states like Haryana, Gujarat and Maharashtra, in spite of their economies being relatively better, three things have been worrying the people:
 - **Acute agrarian distress,**
 - **Stagnation in employment growth** and
 - **Distortions in the development trajectory.**
- In this backdrop, for governments, it is easier to talk of reservation than to make a **course correction.**
- Increasing reservation demands among upper castes also arising from the **fear of losing privilege** and the inability to cope with change
- Upper castes have begun to feel disadvantaged especially in context of **government jobs** as they don't get similar advantages like backward class.

1.9 STATE WISE PERCENTAGE OF RESERVATION IN INDIA

In central-government funded higher education institutions, 22.5% of available seats are reserved for Scheduled Caste (SC) and Scheduled Tribe (ST) students (7.5% for STs, 15% for SCs).^[21] This reservation percentage has been raised to 49.5%^[21] by including an additional 27% reservation for OBCs. This ratio is followed even in Parliament and all elections where a few constituencies are earmarked for those from certain communities (which will next rotate in 2026 per the [Delimitation Commission](#)).

The exact percentages vary from state to state:

- In [Haryana](#), the reservation is 20% for SCs, 30% for backward class(50% total), based on local demographics.
- In [Tamil Nadu](#), the reservation is 18% for SCs, 1% for STs, 30% BC and 20%MBC (69% total) based on local demographics
- In [Jharkhand](#), the reservation is 11% for SCs, 27% for STs and 22% OBC (60% total) based on local demographics.

- In **Maharashtra**, the reservation is 16% for SEBCs, 19% OBCs, 13% for SCs and 7% for STs, 2% SBC, Nomadic Tribes(A,B,C,D) NT-A(vimukta jati)-3% , NT-B -2.5%, NT-C (Dhangar)-3.5% ,NT-D (vanjari)-2% (68% total) based on local demographics
- In **Karnataka**, the reservation is 15% for SCs and 3% for STs, 32% OBC (50% total) based on local demographics
- In **Kerala**, the reservation is 8% for SCs and 2% for STs, 40% OBC (50% total) based on local demographics
- In **Uttar Pradesh**, the reservation is 21% for SCs and 2% for STs, 27% OBC (50% total) based on local demographics
- In **Bihar**, the reservation is 15% for SCs and 1% for STs, 34% OBC (50% total) based on local demographics
- In **Madhya Pradesh**, the reservation is 16% for SCs and 20% for STs, 14% OBC (50% total) based on local demographics
- In **Rajasthan**, the reservation is 16% for SCs and 12% for STs, 26% OBC (54% total) based on local demographics
- In Northeast India, especially in Arunachal Pradesh, Meghalaya, Nagaland and Mizoram, reservation for ST in State Govt. jobs is 80% with only 20% unreserved. In the Central Universities of NEHU(shillong) and Rajiv Gandhi University, 60% of seats are reserved for ST students.
- In **Andhra Pradesh**, 27% of educational institutes and government jobs are reserved for OBCs, 33.33% for women, 15% for SCs, 6% for STs.^{[22][23]}
- In **West Bengal**, 35% of educational institute seats and government jobs are reserved for SC, ST, and OBC (22% SC, 6% ST, 7% for^[24] OBC A & B^[25]). In West Bengal there is no reservation on religious basis but some economically and educationally backward Muslim castes (basis surnames pertaining to different profession e.g. cobbler, weaver etc.) have been included along with their Hindu in OBC list namely OBC A and OBC B, in both lists caste from both communities are there. But in higher educational institutes, till now there is no reservation for the OBC community but there is reservation in regard to admission in primary, secondary and higher secondary studies.^{[24][25]}

1.10 CASE STUDY

Right to Equality is one of the basic fundamental rights that the constitution of India guarantees to all the citizens of the country. Article 16 deals with the equality of opportunity in matters of public employment. Equal opportunity is a term which has differing definitions and there is no consensus as to the precise meaning. The Constitution of India has given a wide interpretation of this article. Equal Employment Opportunity (EEO) principles apply to:

- Access to jobs
- Conditions of employment
- Relationships in the workplace
- The evaluation of performance and
- The opportunity for training and career development. [i]

“Article 16 is an instance of the application of the general rule with special reference to the opportunity of appointments under the State. It says that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

“If it stood alone all the backward communities would go to the wall in a society of uneven basic social structure; the said rule of equality would remain only a utopian conception unless a practical content was given to it... that is why the makers of the Constitution introduced clause (4) in Art. 16.

“The expression “nothing in this article” is a legislative device to express its intention in a most emphatic way that the power conferred thereunder is not limited in any way by the main provision but falls outside it. It has not really carved out an exception but has preserved a power untrammelled by the other provisions of the Article.”[ii]

What Article 16 guarantees is equality of opportunity in matters of appointment in State services. Equality of opportunity connotes that every citizen shall be eligible for employment or appointment to any office under the State according to his qualifications and capability, as held by the Supreme Court in *State of J. & K. v. K.V.N.T. Kholo*[iii], AIR 1974 S.C. Article 16 therefore does not prevent the State from prescribing the necessary qualifications and selective tests for recruitment of government services.

DETAILED DISCUSSION ON ARTICLE 16:

Equality of opportunity in matters of public employment.-

(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. The rule applies only in respect of employment or offices which are held under the state. i.e., the person holding office as subordinate to the state. The clause accordingly, does not prevent the state from laying down the requisite qualifications for recruitment for government services, and it is open to the authority to lay down such other conditions of appointment as would be conducive to the maintenance of proper discipline among the servants.

The qualification pointed may, besides mental excellence, include physical fitness, sense of discipline, moral integrity and loyalty to the state.[iv]The expression ‘ Matters relating to employment and appointment’ must include all matters in relation to employment both prior and subsequent to the employment which are incidental to the employment and form parts of the terms of the conditions of the such employment [v].

Thus the guarantee in clause (1) will cover the (a) initial appointments, (b) Promotions, (c) Termination of employment, (d) Matters relating to the salary, periodical increments, leave, gratuity, pension, Age of superannuation etc. Principle of equal pay for equal work is also covered in section 16(1). In the light of the case of *M Thomas v State of Kerala*[vi], Justice V.R Krishna Iyer, rightly pointed out that the experience of reservation in practice showed that the benefits were, by and large, snatched away by the top creamy layer of the backward classes or classes, thus keeping the weakest amongst weak always weak and leaving the fortunate layers to consume the whole cake. Substantially lightened by the march of time, measures of better education and more opportunities of employment.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State. The prohibited grounds of discussions are religion, race, caste, sex, descent, place of birth, residence, or any of them. The Words, any employment or office under the State make it clear that Article 16(2) also applies only to public employment.

In *K.C. Vasanth Kumar v. State of Karnataka*[vii], AIR 1985 S.C. 1495, the Supreme Court has suggested that the reservations in favor of backward classes must be based on the mean test. It has been further suggested that the policy of reservations should be reviewed every five years or so and if a class has reached up to that level where it does not need the reservation. Its name should be deleted from the list of backward classes.

Supreme Court in *Indira Sawhney & Ors. v. Union of India*[viii] (AIR 1993 SC 477)

1. Upheld Implementation of separate reservation for other backward classes in central government jobs.
2. Ordered to exclude Creamy layers of other backward classes from enjoying reservation facilities.
3. Ordered to restrict reservations within the 50% limit.
4. Declared separate reservations for economically poor among forward castes as invalid.

(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment. *M R Balaji v Mysore*[ix] AIR 1963 SC 649 Court put 50% cap on reservations in almost all states except Tamil Nadu (69%, under 9th schedule) and Rajasthan (68% quota including 14% for forward castes, post-Gujjar violence 2008) has not exceeded 50% limit. Tamil Nadu exceeded the limit in 1980. Andhra Pradesh tried to exceed the limit in 2005 which was again stalled by the High Court.

(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favor of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

The scope of Article 16 (4) was considered by the Supreme Court in *Devadasan v. Union of India*[x], AIR 1964 S.C. 179. In this case “carry forward rule” made by the Government to regulate the appointment of persons of backward classes in government services was involved.

The Supreme Court struck down the “carry forward rule” as unconstitutional on the ground that the power vested in the government cannot be so exercised so as to deny reasonable equality of opportunity in matters of public employment for the members of classes other than backward classes. In this case, the reservation of posts to the members of backward classes had exceeded 50% and had gone up to 68% due to “carry forward rule.”

The Supreme Court held that each year of recruitment must be considered by itself and the reservation for each year should not be excessive so as to create a monopoly or interfere unduly with the legitimate claims of the rest of the society. So the court held that reservation should be less than 50%, but how much less than 50% should depend upon the prevailing situations.[xi] *S. Rly. v. Rangachari*[xii] AIR 1962 SC 36, *State of Punjab v. Hiralal*[xiii] 1970(3) SCC 567, *Akhil Bharatiya Soshit Karamchhari Sangh (Railway) v. Union of India*[xiv](1981) 1 SCC 246 Reservation of appointments or posts under Article 16(4) included promotions.

This was overruled in *Indira Sawhney & Ors v. Union of India* AIR 1993 SC 477 : 1992 SCC 217 and held that Reservations cannot be applied in promotions.

(4A) Nothing in this article shall prevent the State from making Provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favor of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.

This clause does not affect the decision as regards other backward classes but makes it inapplicable to the scheduled castes and the scheduled tribes. Justifying reservations for the Scheduled Castes and Scheduled Tribes candidates in the promotion, the Court had at one point held that even their seniority acquired by the promotion of the general class candidates could not be affected by the subsequent promotion of the general class candidates. *S. Vinodkumar vs. Union of India*[xv] 1996 6 SCC 580 Relaxation of qualifying marks and standard of evaluation in matters of reservation in promotion was not permissible.

(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 the total number of vacancies of that year.

(5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination. *UOI v/s. S. Kalugasalamoorthy*[xvi] held that when a person is selected on the basis of his own seniority, the scope of considering and counting him against reserved quota does not arise.

CONCLUSION:

The slogan “equality of opportunity” commands wide allegiance among the members of contemporary societies. Under scrutiny, equality of opportunity divides into several different ideals, some of them being opposed rivals. It is controversial which of these ideals, if any, are morally acceptable, and which, if any, should be coercively enforced. The ideal of a society in which people do not suffer disadvantage from discrimination on grounds of supposed race, ethnicity, religion, sex, sexual orientation is widely upheld as desirable in itself. For many, the ideal is more compelling than any argument that might be offered to support it as requirements of justice.

2. REVIEW OF LITERATURE

In the last few decades, social scientists have given attention to study the different aspects of backward classes. A large number of studies have been undertaken on the various aspects of backward classes. The dominant issues and themes discussed in these studies are as follows:

(i) Affirmative Action and Backward Class

Singh (1996) in his book “Reservation Policy for Backward Classes” defines the term OBC on the basis of their traditional occupations. To deal with the problems of reservation policy he says; different states have their own classification of backward class categories. Singh and Bal (1996) in their book entitled “Strategies of social change in India” writes that how reservation provides the better chances to improve the social status and how the reputed government jobs provide a source of rapid social mobility and status enhancement. Prasad (1997) in his study ‘Reservation Justice to OBC’ presents the full picture of Mandal Report, critique of the two national BC commissions, Govt, commitment or otherwise to implement the measures ensuring reservation Justice to OBC’s.

(ii) Hierarchy and Mobility

Most of the village studies in India tell about change in occupational structure whatever remains today is a however, largely the result of difference among castes in their educational attainment. Dube (1975) in his study, “Social

Mobility among the Professions” of Gorakhpur (Uttar Pradesh). Sivaram and Bhaskar (1991) conducted a study entitled, “Occupational Mobility among the Mangalies (Barbers) in Proddatur town of Cuddapah district, Andhra Pradesh”. The main factors which bring out change in their traditional occupations were urbanization and industrialization. Wankhede (1999) in his study entitled “Social Mobility and Scheduled Castes” finds a correlation between education and mobility. Naudet (2008) in his article “‘Paying back to society: ‘Upward social mobility among Dalits' ’, told a most salient feature of upwardly mobile Dalits in the private sector compared to civil servants and scholars in a strong tendency to hide caste background. A majority of the backward class repose faith in statement. "Reservation guarantees minimum share."

(iii) Backward Castes Politics

Shah (2002) in his study ‘Caste and Democratic Politics’ observed that the caste system is sui generis of the social structure in the Indian subcontinent in general and of Hindus in particular. In this system group identity supersedes individual identity. The position of Jati and social group to which he or she belongs. The caste system legitimates and perpetuates hierarchy and inequality based on birth. Jaffrelot (2002) in his book, “India's Silent Revolution: The Rise of the Lower Castes in North India”, discusses the rise of the lower castes in north Indian politics and told that in the last decade power gradually transferred from ‘upper caste elites to various subaltern groups’.

(iv) Social Exclusion and Caste Politics

Kothari (1970) in his book “Caste in Indian politics' ’ offers a theoretical framework to understand the role of caste in the modern democratic political system. He adopted the liberal democratic theoretical approach to study the changing nature of the caste in the age of electoral politics. He observes that the

democratic politics will not operate in the vacuum, but require a social base. In this work there are number of essays on political mobilization of various castes in various states in the country, such as the Nadars in Tamil Nadu, factions between Kammas and Reddys in Andhra Pradesh, the Kshatriya Mahasabha in Gujarat, and other essays.

(v) Social Movements and Backward Classes

“Social Movements and Social Transformation: A study of two Backward Classes Movements” is a significant work of Rao (1979) who studied two backward castes movements such as Sri Narayana Dharma Paripalana Movement (SNDP) movement in Kerala and Yadava movement in Bihar in particular and north India in general. These two communities are highly successful in terms of education, employment, economy, politics and culture in the post-independent period. In his work “Social Change in India ” Kuppuswamy (1990) studied the tensions between higher and lower castes in Madras state.

3. RESEARCH METHODOLOGY

Methodology is a research strategy that forms the structure of the project to be undertaken and also helps in identifying the method to be used. Methodology and Method are two different concepts. Methodology is a systematic and theoretical analysis of the methods being used in surveys, interviews etc. Methods and Methodology are not interchangeable with each other. They are very different concepts.

Methodology explains how a research is to be carried out, how to find information and how is to be interpreted. Generally, methodology means branch of knowledge which forms the base of any research.

AIMS AND OBJECTIVES

AIMS OF THE STUDY:

The objectives are designed to have a particular direction to the study like what aspect of the topic is going to be studied. A topic can be studied from various parameters, the objectives designed for a project gives an idea that in what manner the topic is studied, what is the flow of project, what are the variables selected for the projected.

3.1: OBJECTIVES OF THE STUDY

1. To understand the problems of reservation in India.
2. To identify the common problems of representing members of backward class.
3. To study the benefits of reservation system in India.
4. To find disadvantages of reservation system in India.

3.2: HYPOTHESIS OF THE STUDY:

Hypothesis is referred to as the presumptions made by an individual to study the research project. These presumptions are made in a way to satisfy the objectives framed for the project.

Framing of hypotheses is an important part of the research as in this step the research problem or the problem statement is designed on which the entire research is based.

The hypothesis or the research problem of the study is designed in such a manner to find out the relationship between the variables, i.e. does the effect on has any impact on the other. We can also say that the following hypothesis will let us know how closely they are correlated with each other.

Hypothesis: -

H0: - There is no problem in the reservation system in India.

H1: - There is a problem with the reservation system in India.

3.3: LIMITATIONS OF THE STUDY

Limitations of a research project arise when there are uncontrollable variables which are harder to be brought in control. This reduces the accuracy of results.

- The research was carried out in a short period of time which was also limited to geographical locations.
- The sample size was small i.e. fifty respondents. By increasing the number of respondents, the study would have been more accurate.
- The scope of discussion was limited as a very in-depth study was needed in every colleges. This helps in finding accurate solution.
- The interpretation of this study is based on assumptions that the respondents have given answers very accurately and honestly.
- Students being reluctant to answer the survey can affect the validity of the research.

3.4: RESEARCH GAP

When it is said that “we attempt to bridge the gap between two issues” it means efforts are to be taken to solve the problem and trying to solve it by giving a conclusion which has not been previously found. The above given diagram is the research gap that has framed the current topic.

There are gaps to be addressed. Perceptions of industries, one of the vital stakeholders of higher education, on criteria for quality of students were not studied so far and the perceptions of all stakeholders, namely industries, faculty, student and alumni on the criteria for quality of faculty were also completely ignored. The perception of alumni on the quality of higher education is yet to be found and compared with the perceptions of students. But the stakeholders’ perceptions on quality of faculty are very crucial to improve the quality of higher education. The perception gap between all stakeholders were not studied and analyzed. Assessment bodies have dealt with the parameters for quality of whole institutions, but not adequately focused on the quality criteria of students and faculty. Hence the purpose of this investigation is to examine the perceptions of quality criteria for students and faculty by a broad range of stakeholders. The stakeholders are faculty, students, alumni and industries. Quality of higher education cannot be achieved without knowing the perceptions of stakeholders and their perceptual divide. .As the higher education system is undergoing a colossal change, with privatization and globalization of education, this study will aid the development of the system by bringing in a socially relevant tool and suggestions to the policy makers which will enhance the quality of higher education institutions in India.

3.5: TYPES OF RESEARCH METHOD

The research method used in project varies upon the topic that is being studied. The research topic and the research method go hand in hand. Some types of research methods are: -

- **QUANTITATIVE RESEARCH –**

Quantitative research is applied to solve problems using numbers. This research puts an emphasis on solving problems through collection of numeric data, interpreting the data and drawing the conclusion from them.

- **QUALITATIVE RESEARCH –**

Qualitative research is applied using words, feelings, emotions, non-numeric data which is not actually quantifiable. The data and information used in qualitative research cannot be interpreted using mathematical equations and formulas.

- **EXPLORATORY RESEARCH –**

Exploratory research is the research that is conducted for the first time. To study this research there is no ROL and is purely based on primary data collection. This research is applied when some topic is being studied for the first time. It is loosely structured and there is no need for the testing of hypotheses.

- **EXPERIMENTAL RESEARCH –**

Experimental research is the type of research that is done on a continuous basis. This is to find something new in the field being researched. This research takes place in fields such as that of I.T, Medicine, Construction, Agricultural, Science etc. This is to find a solution to the never ending problems and also to upgrade and update the existing sectors.

- **APPLIED RESEARCH –**

Applied research is the research that is based on existing applications. It helps in eliminating the theory by adding the basics of principles. It works on the assumption that there is no change in variables. It is also known as action research.

- **ANALYTICAL RESEARCH**

Analytical research is the research where the researcher uses the pre- defined facts and information and analysis them in order draw critical conclusions of the research.

- **DESCRIPTIVE RESEARCH –**

Descriptive research is the in-depth study of the topic being researched. It is studied by taking “Review of literature” as a base to see what has already been studied and what conclusions have already been derived from them. The method is usually used to study the characteristics

of the topic being researched. Descriptive Method is most commonly seen in research related to social science, finance etc.

Our research is also based on Descriptive Method. It helps us to know the qualitative and quantitative aspect of the study. It is used because the topic is being studied only to understand the concept and the problem it faces. However, my research also studies Review of Literature which acts as a base for Descriptive Study.

3.6: SAMPLE SIZE

Sample size determination is the process of choosing the number of respondents/observations to include in a statistical sample. It is an important feature of a research study because on the basis of sample size data collected and interpreted to give accurate and appropriate results.

The correct and appropriate sample size is said to give more accurate results. For example, in a census, data is collected from the entire population. Therefore, the sample is equal to the population of the country. Keeping in mind the rate of non-response and non-availability of respondents, the sample size was taken between 25-50 students from different colleges. It was a random sampling method that was considered to decide the sample size.

Due to the sample size being small there may be slight inaccuracy of data that can be rectified by further study.

3.7: SAMPLING DESIGN:

The sampling designs are mainly classified into two types: probability and non-probability sampling. Probability sampling is then divided into simple random sampling, stratified sampling, systematic sampling, and cluster sampling. Random sampling method means the sampling technique where we select a group of project to study a larger group. Each individual is selected on chance and each member has an equal chance of being included in sample. The main goal of random sampling is to get a sample which is representative of the larger population. The importance of random sampling is to draw conclusion from the results of a study. However, in random sampling the object may not necessarily have an equal chance of being chosen. Random sampling helps to eliminate bias by giving all the individuals an equal chance to be chosen.

For the purpose of this research, I have used the „Probability Random sampling“ method. The reason for selecting the random sampling method is that my sample size is small and a fixed set of questions were asked to everyone, hence there is uniformity in the data collected. Therefore, random sampling is used as there will be no bias result obtained from the data, which is the most important aspect of random sampling. The sample population selected for the research is undergraduate commerce students of Mumbai University.

It is necessary to have some of the secondary information which is collected through publications such as textbooks, magazine, articles, book reviews, commentaries, encyclopedias, almanacs, and from the internet, etc. .

The present study is based on both sources of data i.e. primary sources and secondary sources obtained through survey and internet, books, research papers, etc.

3.8: DATA COLLECTION METHOD

The data collection method means the various sources from where the data has been collected by the researcher. There are several methods for collection of data, especially in surveys and descriptive research. As during data collection for descriptive research the primary data is collected from the respondents through direct communication or through personal interviews.

For the purpose of the research, the primary data was collected through a close ended structured questionnaire which was designed pre hand and an online survey was done using Google forms. Online survey was the most feasible form as the data was to be collected from a varied population in a short period of time. The data collected was a scaled data i.e. Likert scale of value 10 each. Survey was answered by undergraduate commerce students of various colleges under Mumbai University. Close ended questionnaire method is the most feasible method of data collection as a fixed set of questions is prepared and surveyed. Therefore, uniform observations were obtained through the survey.

For the purpose of secondary data collection, the researcher has used various forms such as various research magazines, articles, websites, research journals, compendiums, etc. related to the topic. Due to unavailability and shortage of time no books were studied in the physical form. The secondary sources were mostly used for designing the review of literature for the project. Being a descriptive research more secondary data was used for the study.

The data collected can be of two types: metric data and non-metric data. Metric data means the data collected through some scales. The metric data can be further classified as discrete and continuous data. Non-metric data means the data jointly collected through nominal scales, binary scales, and ordinal scales.

Data for study was collected from primary sources as well secondary sources.

- **PRIMARY SOURCE OF DATA COLLECTION: -**

Primary sources of data collection consisted of survey method. The survey was collected through a Structured Questionnaire. The questionnaire was prepared keeping the mind the objectives of the study and the factors that were to be considered for the study. Questionnaire was prepared in such a manner that it could be easily understood by respondents. The questionnaire being structured was in a single format to save time of the respondents.

The questions were close ended, so that the respondents could easily select one given alternative while answering the questionnaire. The questions mainly consist of two parts i.e. Name of Respondent and the reason of the students.

- **SECONDARY SOURCE OF DATA COLLECTION: -**

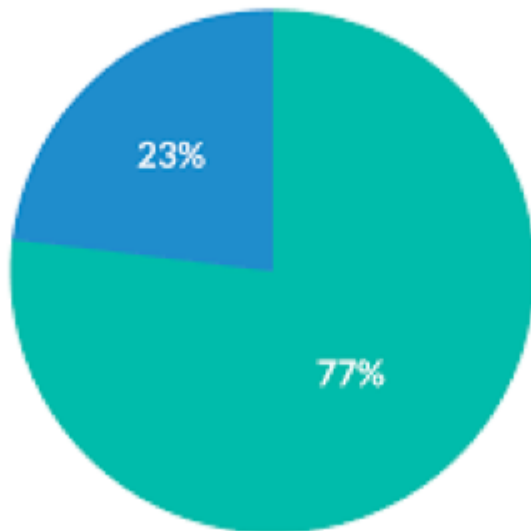
The secondary source of data collection is assessed to gain information and knowledge about our research problem that may previously discussed by some other researcher. The secondary is referred to know what has been already discussed and what more scope can be there for research.

The secondary data is taken from selective websites and from online publication of some researchers. The secondary data is useful for the study of Review of Literature. We could study various aspects of different researchers which gave an idea about the factors being previously discussed and also the conclusions drawn from them. It also gave us an insight on what more could be studied to solve the research problem.

4: DATA ANALYSIS AND INTERPRETATION

NEED OF RESERVATION IN INDIA

GRAPHICAL REPRESENTATION:



YES

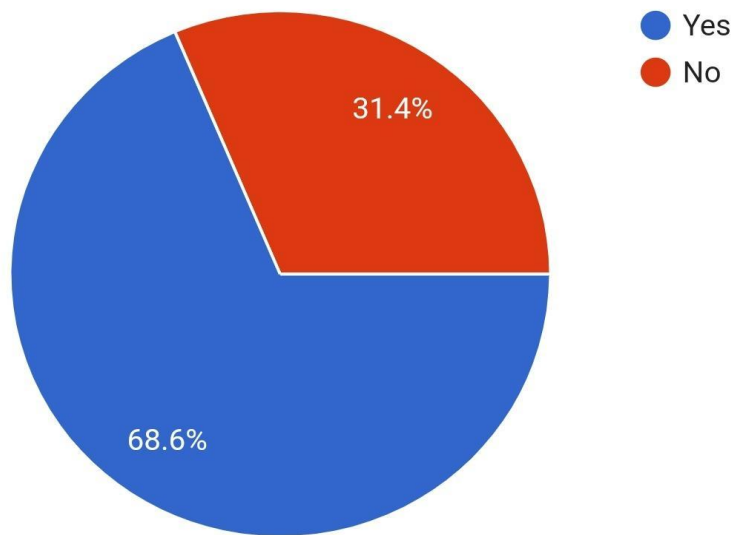
NO

INTERPRETATION

The data was analyzed using the Cylindrical Bar-Charts which shows that the maximum number of people does not want reservation in India.

DO YOU THINK THERE SHOULD BE CHANGES MADE IN RESERVATION SYSTEM?

GRAPHICAL REPRESENTATION:



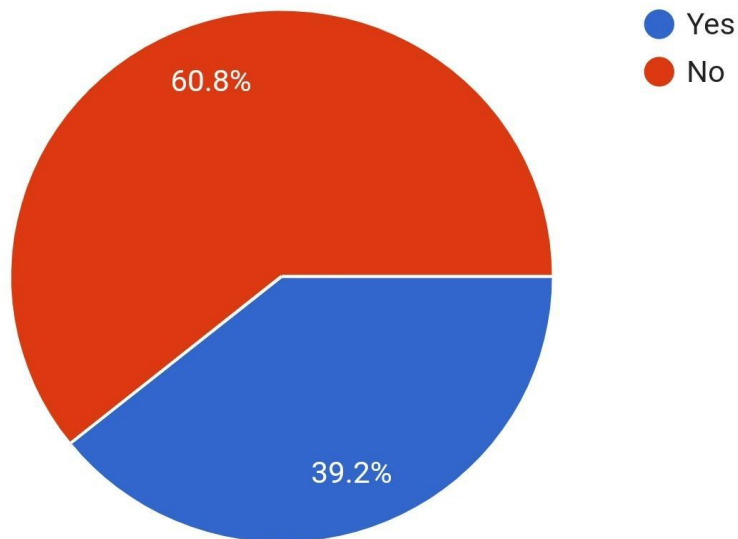
INTERPRETATION:

From the above diagram we can see that 68.6% of the people want changes to be made in the reservation system whereas 31.4% does not want any changes to be made in the reservation system.

PARTICULARS	PERCENTAGE
YES	68.6
NO	31.4

HAVE YOU BEEN BENEFITED BY RESERVATION QUOTA IN YOUR SCHOOL OR COLLEGE?

GRAPHICAL REPRESENTATION:

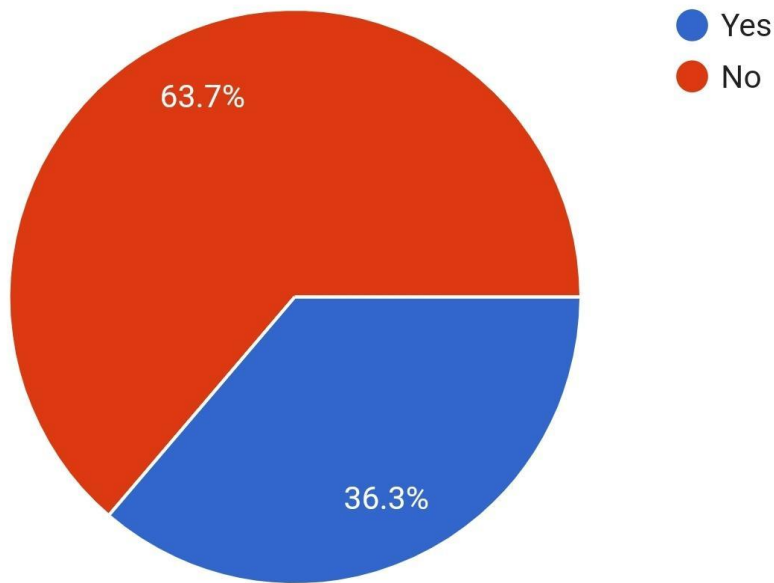


INTERPRETATION: From the above diagram we can see that 60.8% of the students are not benefited by the reservation quota whereas only 39.2% students are benefited ,this shows us that reservation is not beneficial for the general caste because there is no quota for general caste students.

PARTICULARS	PERCENTAGE
YES	60.8
NO	39.2

AS AN INDIAN CITIZEN IS RESERVATION NECESSARY FOR YOU?

GRAPHICAL REPRESENTATION:



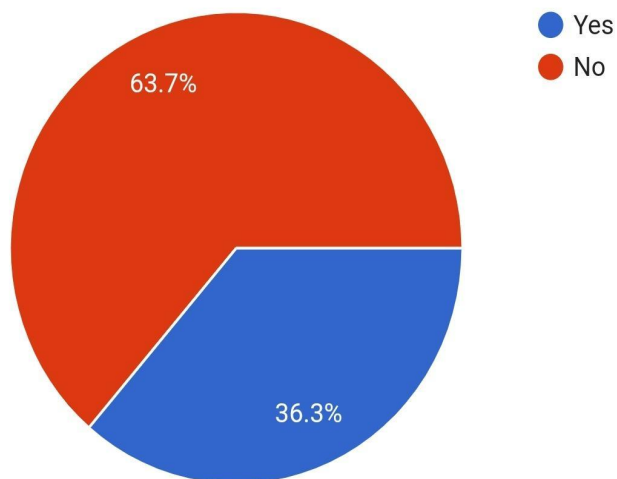
INTERPRETATION:

From the above diagram we can see that as an Indian citizen 63.7% does not need reservation and 36.3% people want reservation.

PARTICULARS	PERCENTAGE
YES	36.3
NO	63.7

IS IT FAIR TO HAVE SEATS RESERVED IN SCHOOLS AND COLLEGES FOR SPECIAL CASTE OR BACKWARD CLASS STUDENTS?

GRAPHICAL REPRESENTATION:



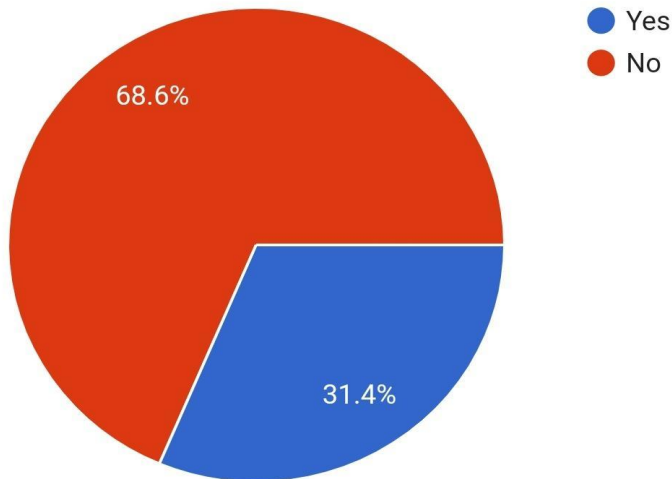
INTERPRETATION:

From the above diagram we can see that 63.7% does not agree with the reservation to keep seats reserved and for 36.3% it is to fair to have seats reserved

PARTICULARS	PERCENTAGE
YES	36.3
NO	63.7

DO YOU THINK RESERVATION IS NECESSARY?

GRAPHICAL REPRESENTATION:



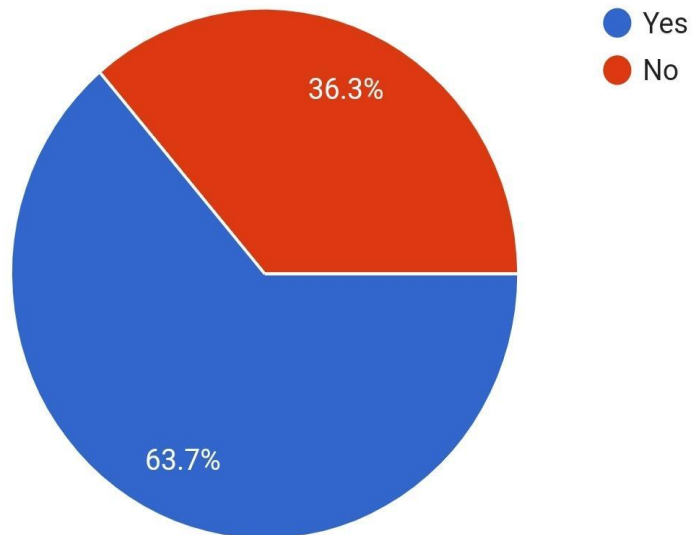
INTERPRETATION:

From the above diagram we can see that 68.6% does not think that reservation is necessary and 31.4% thinks that reservation is necessary.

PARTICULARS	PERCENTAGE
YES	31.4
NO	68.6

DO YOU THINK RESERVATION HAS BECOME CASTE BASED INSTEAD OF CLASS BASED?

GRAPHICAL REPRESENTATION:



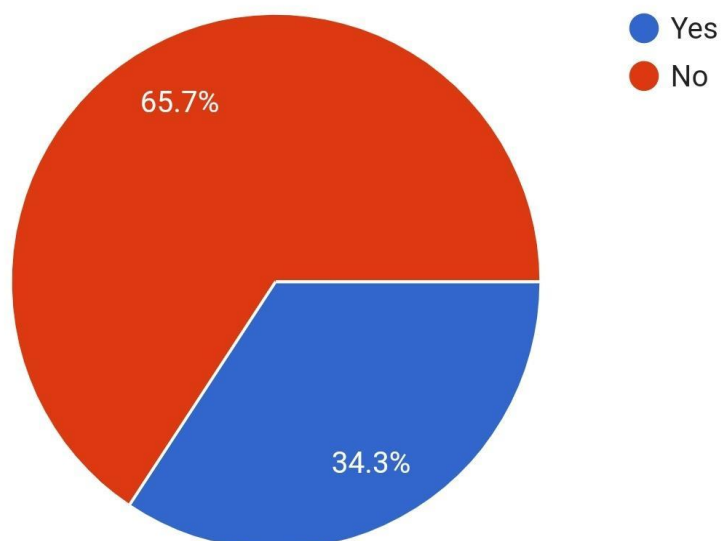
INTERPRETATION:

From the above diagram we can see that 63.7% of the people thinks that reservation has become caste based instead of class whereas 36.3% does not agree with that.

PARTICULARS	PERCENTAGE
YES	63.7
NO	36.3

IS RESERVATION EQUAL FOR ALL?

GRAPHICAL REPRESENTATION:



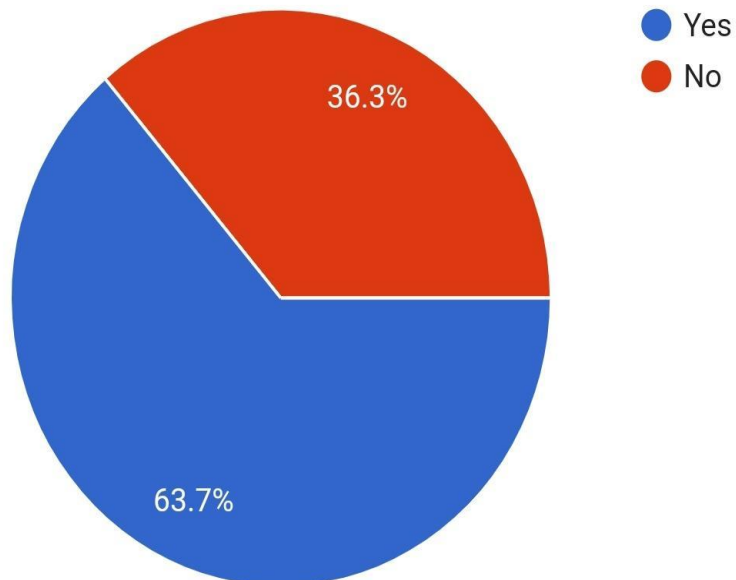
INTERPRETATION:

From the above diagram we see that 34.3% thinks that reservation is equal for all whereas 65.7% does not think it is equal.

PARTICULARS	PERCENTAGE
YES	34.3
NO	65.7

RESERVATION ONLY BENEFITS BACKWARD CLASS?

GRAPHICAL REPRESENTATION:



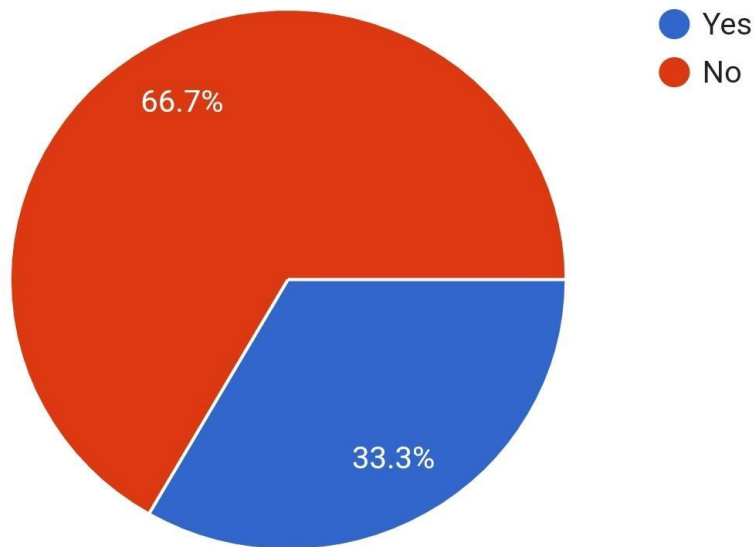
INTERPRETATION:

From the above diagram we can see that 63.7% of the people thinks that reservation only benefits the backward class whereas 36.3% does not agree to it.

PARTICULARS	PERCENTAGE
YES	63.7
NO	36.3

ARE RESERVATION POLICIES REALLY HELPING TO DEAL WITH POVERTY?

GRAPHICAL REPRESENTATION:



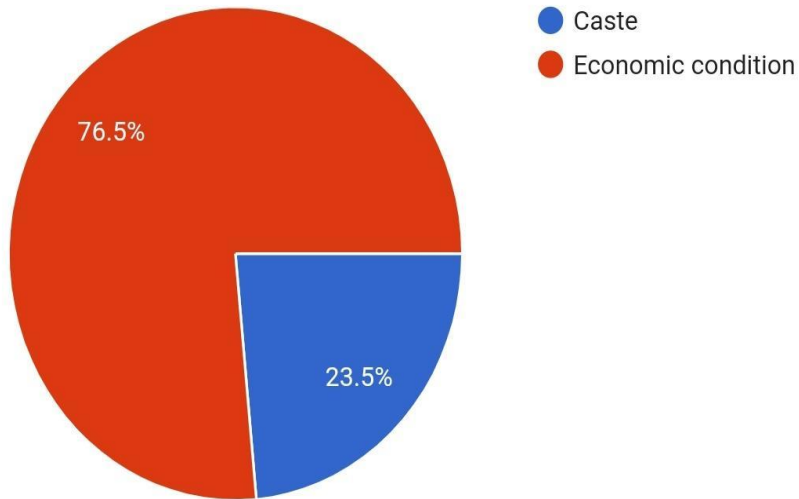
INTERPRETATION:

From the above diagram we can see that 66.7% does not think that reservation policies are helping to deal with poverty whereas only 33.3% thinks that it is helping.

PARTICULARS	PERCENTAGE
YES	33.3
NO	66.7

RESERVATION SHOULD BE BASED ON?

GRAPHICAL REPRESENTATION:



INTERPRETATION:

From the above diagram we can see that 76.5% thinks it should be based on the economic conditions whereas 23.5% thinks it should be based on caste.

PARTICULARS	PERCENTAGE
CASTE	23.5
ECONOMIC CONDITION	76.5

(5) Findings, Suggestions and Conclusion

Findings:

- Reservation system is a major problem in our country, which has been going on from past several years. Through this research we got to know that due to reservation system only Scheduled caste, Scheduled Tribes and Other Backward Class people are beneficial, and there is no place for the General category people in this system.
- In my research, I found out that major population does not agree with the reservation system because reservation has become more of caste based rather than being class based. Earlier, the reservation system brought in by Dr. BABASAHEB AMBEDKAR was for the ones who are economically weak which were at that time Scheduled caste, Scheduled Tribes and Other Backward Class but now even this section has become financially stable, they don't need reservation, undue advantages are being taken and the ones who are capable and deserving their opportunities are being taken by them. There should be changes made in the reservation system and the benefit should be given only to the ones who are actually financially unstable.
- It is a high time that government should look in to the matter and take action against it. Almost 49.95% that is almost more than half or equal to is given to Scheduled caste, Scheduled Tribes and Other Backward Class due to which the general caste category lacks in opportunities, wherever you go today always first preference is given to Scheduled caste, Scheduled Tribes and Other Backward Class even though in Educational or job field they don't perform that well but they take the seats of deserving ones.
- There is reservation in almost in every sector though it be school or universities, government jobs, railways, etc. This is only fair to Scheduled caste, Scheduled Tribes and Other Backward Class and no other caste. It seems that the reservation system was brought in for these particular castes.
- The issue of reservation has remained a cause of disagreement between the reserved and the non-reserved sections of the society. While the unreserved segments, keep on opposing the provision, the neediest sections from within the reserved sections are hardly aware about how to get benefited from the provision or even whether there are such provisions. On the contrary, the creamy layer among the same segment is enjoying special privileges in the name of reservation and political factions are supporting them for vote banks.
- Reservation is no doubt good, as far as it is a method of appropriating positive discrimination for the benefits downtrodden and economically backward section of the society but when it tends to harm the society and ensures privileges for some at the cost of others for narrow political ends, as it is in the present form, it should be done away with, as soon as possible. Due to this system, there is no equality among the people.
- As of now, a bill has been passed that 10% reservation will be given to economically weaker section in general category which means 49.9% seats are taken by Scheduled caste, Scheduled Tribes and Other Backward Class, 10% is taken by Economically Weaker sections, which means only 31% seats are being given to general category. Due to the reservation system the confidence, will power and desire of the general caste people is decreasing day by day. Thus, through my research I think that there should be changes made in the reservation policy.

Suggestion:

- ☐ To eliminate the discrimination on the basis of caste. Uplift the social status of backward caste i.e. Scheduled caste, Scheduled Tribes and Other Backward Class. Uplift the economic status of backward caste. Indian education system it seems is all set to get degraded, thanks to the reservation system.
- ☐ I agree that the reservation quota was introduced with the aim of helping out students hailing from the backward classes. Traditionally, these backward classes had been denied basic rights in the past. So, introducing reservation quota for them in educational institutes made perfect sense back then. But the situation has changed now. More and more people are misusing this caste-based reservation system and toying around with it for their own advantage. The more eligible candidates are denied seats for professional courses! Let me discuss some intriguing facts about this whole reservation saga.
- ☐ Over the last 25 years, much progress has been made. Millions of people have risen from extreme poverty, fewer are malnourished, people expect to live longer and more children go to school than ever before. Many challenges remain, and exclusion—you might call it inequality, or lack of opportunity or merely a continuation of basic deprivation—has led to political debates and upheavals in a wide variety of countries. One major category of policies used in removing restrictions on freedoms is affirmative action or positive discrimination.
- ☐ We call it reservation in India. The first such policy in independent India dates to 1950. Part XVI of the Indian Constitution deals with reservation for scheduled castes (SC) and scheduled tribes (ST) in federal and state legislatures, as well as with the constitutional authority of the president to establish commissions to examine and recommend remedies for the welfare of SC and ST groups.
- ☐ This reservation in politics has been extended to employment (Article 16) and to higher education. It was expanded to include other backward classes (OBC) in later decades. India is unique in the world in that reservation policies address historically disadvantaged groups, defined primarily by a caste system (most other countries base it on ethnicity, religion, language, gender or sexual preference).
- ☐ Tracking this primary system is complex enough; most large states have about 60 sub castes, each defined as SC and ST. It is further complicated by the fact that it is implemented at both the federal and the state levels, and sometimes in combination with religion, economic and gender classifications.

Following are the suggestions for the reservation system

1. Exact definition of Scheduled caste, Scheduled Tribes and Other Backward Class.
2. Creamy layer should be applied to Scheduled caste, Scheduled Tribes and Other Backward Class.
3. There should be an economic criterion to identify caste or class.
4. There should be changes made in the admission policies in the educational sector.
5. Jobs should be given on merit basis instead of caste basis.
6. There should be changes made in the reservation system.
7. An upper cap of 20-25% of reservation should be put instead of 50%
8. Exempt important services like IAS/IPS, doctors from reservation.

9. Once an Scheduled caste, Scheduled Tribes and Other Backward Class is self-sufficient then relegate him from that category and include him in general category.

10. Reservation should be based on financial condition. Irrespective of caste.

11. You can improve the reservation by changing it to the economic one.

12. Reservation should be a development to the backward class as well as other castes.

13. Though reservation is applicable to the poor and rich or literate and illiterate, benefits of reservation accrue for those who are already possessing advantages such as wealth and education.

14. Benefits should flow to underprivileged children.

15. Public officials of higher rank and high-income professionals as well as their children should be barred from reservation.

The challenge for India is that while many sections of the society remain disadvantaged (STs, for one), political action has shifted to relative discrimination within reserved groups. As the reservation pie grows larger, in effect, it becomes a method of exclusion rather than inclusion. IN a recent ruling, the Supreme Court ruled that it was not mandatory for the government to give reservation for job promotions, but removed a requirement that asked for data to support disadvantages. Paradoxically, it appears this judgment has handed the power back to the executive to create laws that would do just such a thing. It is time that India made a critical assessment of its affirmative action programs, legislative sunsets and periodic reviews should be important principles in the redesign. It is a touchy, volatile subject but the time has come. P.S. "It necessitates getting out of the old habit of reservations and particular privileges being given to this caste or that group," said Jawaharlal Nehru in 1961.

CONCLUSION:

- ❖ In the face of these problems that vitiate jobs reservation it would be foolish to see them as the sole policy instrument for fighting employment deprivation. Such policies place little emphasis on improving the job-related attributes of *Dalits*. Given the gulf in educational standards between Hindus and *Dalits*, another prong of policy could, indeed should, focus on improving the educational standards of *Dalits*.
- ❖ This needs to be more than reserving places in Management, Engineering, and Medical schools. As this paper has emphasized, *confidence* in oneself, through one's interaction with the social environment, is central to achievement. We may not be able to define confidence precisely, but we know it when we have it and also when we lack it. In a "just" society, no group should unfairly suffer from a "confidence deficit" or enjoy a "confidence surplus".
- ❖ The root of the problem of poor *Dalit* achievements lies in the many dysfunctional primary and secondary schools, in the villages and towns of India, characterized by an absence of learning materials, teachers, and, sometimes, even classrooms. It is in these schools that learning is stifled for millions of children. Compounding the problem of dysfunctional schools is the poverty of parents, many of whom are *Dalits*, who cannot afford to keep children at school; indeed, given the poor quality of schooling that their children receive, they see no reason for making sacrifices for their children's education. Admittedly, tackling the problem at its roots will only yield results after a long delay.
- ❖ Nor does the emphasis on effective learning at school carry the glamour associated with being a putative graduate of the Indian Institute of Technology, the Indian Institute of Management, or the All-India Medical Institute. But, before the vast mass of educationally and economically deprived children in India (many of whom are *Dalits*) can meaningfully enter the portals of Universities and Institutes of Higher Education they need to go to good schools.

Hence, we can conclude that reservation is only beneficial to backward class, SC/ST and not general category.

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(7) APPENDIX:

1. Do you think there should be changes made in the reservation system?

yes

no

2. Have you been benefited by the reservation quota in your school and college?

yes

no

3. As an Indian citizen is reservation necessary for you?

yes

no

4. Is it fair to have seats reserved in schools and colleges for special caste or class students?

yes

no

5. Do you think reservation is necessary?

yes

no

6. Do you think reservation has become caste based instead of class based?

yes

no

7. Is reservation equal for all?

yes

no

8. Reservation only benefits backward class?

yes

no

9. Are reservation policies really helping to deal with poverty?

yes

no

10. Reservation should be based on?

Caste

Economic condition