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RESERVATION FOR MINORITIES: PROBLEM FOR MAJORITIES

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Abstract

This research paper explores the concept of reservation for minorities in India and how it impacts the majorities of the country. With simplicity, we talk about how complex is this policy and how it impacts both minorities and majorities.

To start with the overview of the reservation system, first we should see the historical context and reasons of its inception. This paper, by way of literature review, mainly addresses the concerns of the majorities by putting some light on the challenges they might face due to the implementation of these reservation policies.

We have the objective to show the balanced perspective by conversing about how it has positive aspect for minorities because of historical injustices. Through this analysis we see that this system aims to contribute to equitable society.

But this paper also concerns about the challenges faced by the majorities such as unfairness in having the opportunities, which they can easily access but because of this system, it becomes difficult for them even after completing the criteria.

We highlight the importance of having open dialogue and understanding so it will create a harmonious co-existence between the communities. It also provides some ways so that the well-being of both the communities can be ensured.

By studying policies and models from other countries, we suggest that there must be a more comprehensive and inclusive reservation system in India. Through real-life examples and incidents, we illustrate the nature and impact of reservation in our country. Our research advocates to create a balance between the inequities in history and ensuring the fair opportunities for all.

In conclusion, this paper suggests the modification of the reservation policy in India. By

presenting the challenges faced by the majorities, we aspire for the constructive conversation between the communities that promote the harmony, equality and progress of the nation.

Keywords : Reservation, majority, minority, unfairness, opportunities

Hypothesis : The reservation system in India has created a lot of problems and differences among the communities in our society and it has affected the youth a lot in this country.

Literature Review

This system clearly shows that its implementation was needed in earlier times because those minorities were really oppressed by the upper caste society in every way possible. So it was a good step then, but now it has been expanded so much and being misused in many ways. Many people still insist that this system should be continued even though there is no need so that the lower caste will be protected because of this system.

It is creating a problem for the ones who are working hard to achieve their goals but because of this system they are unable to do so. There is a fact that **‘Foreign countries get the deserved ones and our country has the reserved ones’**.

Introduction

Background- The word ‘reservation’ means to keep something detained. The reservation system in India was implemented so that the weaker sections' upliftment can be done in the society but it has always been a topic of arguments and debate. This paper talks about how it is being misused in many ways.

It is a system that was created during the rule of the Britishers. It helped the underprivileged people in education, employment, govt. schemes etc. It is the state government or the Union government who has the power to set the reserve quotas or seats particularly for the “socially and educationally backward citizens”.

Every state has different percentage of the reservation set for the castes classified differently in each state.

Historical Context

A historical overview of the development of this system, how it was used and made progress and evolved with time. This concept was introduced initially by William Hunter and Jyotiba Phule in 1882.

Before independence

This quota system which favoured certain caste and communities existed pre-independence in areas of British India. The depressed classes, which were and still, known as STs and SCs were given few number of seats to be filled by election from constituencies and only they had the right to vote there.

Mahatma Gandhi ji fasted and protested against this and shown his disagreement but few among the depressed classes had to support it e.g. B.R. Ambedkar.

Later they agreed after few negotiations and it was also decide that the electorate will be separate for them and other religions. This was known as Poona Pact.

After independence

After we got independence, many major initiatives were taken for SCs and STs and after 1980s initiatives were taken for OBCs¹ (OTHER BACKWARD CLASSES) and in 2019 action was taken for the poor in the general category. This is one of the oldest programme in the world. Even today when it has been many years since we got the independence, some people are still the same. They do not need it but they do not refuse so that they can enjoy the benefits unnecessarily.

Objectives

To eradicate the gap between the reserved and unreserved

To provide every person a healthy environment to study or to work

To aware the citizens about what is right and what action is needed to be taken

¹ OBC(Other Backward Classes) the term included in the reservation list in 1992

Research Questions

Do we still need the reservation system in India?

Should the government take some initiatives for the general category?

Research Methodology

This is a simple and decent research paper talking about the reservation system in India. It includes the descriptive research, doctrinal research and some case laws in it.

Misuse Patterns

False Documentation

In today's time, it is very easy to get the forged documents and their misuse is very common. Many people usually make false documents regarding their castes to get the benefits as weaker sections get the opportunities more easily as compared to the general category.

Creamy Layer²

The word "creamy layer" is very famous in this concept. It means we can only see the layer which is on the outside i.e. the caste of weaker section, but we never see the inside if it is in good state or not. This term describes so much in itself about the benefit this system is giving and how easily it is creating a gap among the people.

Lack of Reviews

The biggest flaw is that no systematic review has ever been conducted so that the need of changing the rules regarding the reservation can be known. This is one of the main reasons for the misuse of this system.

² The term "creamy layer" was introduced in *Indira Sawhney vs Union of India*

Consequences

Unequal Distribution

The reservation system was implemented for the upliftment of the weaker section or the less privileged but as consequences of this system, the intended outcome has not been achieved because the distribution of opportunities or benefits has resulted in an inequitable manner. Even if the quota is not meant to be removed or lessened but there should be some similar provisions for the unreserved category so as to protect them in every way. But no one can deny the fact that the gap of the distribution among the categories will always be there as the gap between the rich and the poor, between the privileged and underprivileged etc. will always be there.

Social Tensions

This has definitely created tensions among the communities as many of the people don't feel happy about the 'accepted discrimination'. There are many incidents which clearly state that how this system is not right not only in a practical way but also mentally and psychologically. This creates differences among friends also as if one is from a reserved category and the other is from an unreserved category then it creates a rift between them because whether the reserved one is good in study or not but the perception will always be that he will get the admission in a good college because of his quota. These kinds of situations are not unreal; in fact, it is the reality of the society that we are facing and nothing is being done to prevent those tensions which are increasing day by day.

Factors Contributing to Misuse

Administrative Challenges

It is causing challenges and difficulties for the administration to have a regular check and review on the documentations and certificates of these castes as people have found many wrong ways to get it done so that it can't be differentiated if the document is real or fake.

Political Changes

There are many political changes regarding this system that now during election the candidates start doing promises on the basis of reservation. Many new implementations are being done for

the benefit of lower caste or to weaker sections called “economically weaker sections³”. Because of some changes, although they are for good purpose, the lower caste people feel more free to misuse the strategy.

Legal and Policy Framework

Existing Safeguards

To ensure that the reservation scheme is going in right hands, few steps or means must be taken by the govt. The best step will be to eliminate the advanced section of SCs and STs, they should be barred from having these benefits. It will create a good and healthy environment for the general public to survive with less of this struggle.

Need for Reforms

The government is working towards the betterment of the society so no one will feel discriminated in any aspects. The State Governments should plan in a way so that the level of reservation will not get down and also the non needy will be wiped out from this list. So it will not lower the level and also the less privileged will get empowered.

Case Studies

Examination of specific cases where the misuse of caste reservations has been reported, providing concrete examples to illustrate the extent of the issue.

Harphool Singh vs State of Rajasthan and Ors⁴

This case involves a Jat student, (which is not at all included in the list of Scheduled Castes and Scheduled Tribes) who took admission in a medical college by using novelistic device and trickery. He successfully usurp the reservation quota with these wrong means.

Amarendra Pratap Singh and Ors. Vs Lalit Narain Mithila University⁵

³ Economically weaker section-recently added in 2019

⁴ AIR 1981 Raj 8, on 25th 1980

⁵ AIR 1987 Pat 259, 1987(35)BLJR 590, on 1st April 1987

In this case, after carefully studying the documents, it was held that the boy who was a student of Doongar College, Bikaner filled the form with different stories about his background. Due to which the impression was created that he did all this to secure his admission in the medical college by any means and by misusing reservation quota.

Ranjana Tukaram Sayre vs State of Maharashtra and Ors.⁶

In this case, Court said that the purpose of reservation is to give rebates to those who do not have a privileged life from their birth in a backward class or by any other important reasons. But here Supreme Court drew its attention on those who lived the advantageous life by having entry into backward class list. People do this fraud by way of marriage or adoption etc.

Miss D. Sridevi vs The A.P. Agricultural University⁷

In this case, Mr. Suryanarayana, who appeared for the petitioner, raised two significant arguments that Reservation cannot be for total of 100% of the seats in any field. Otherwise it will more likely to be misused and it will cause injustice to the candidates. It will destroy the purpose of the provision.

Solutions and Recommendations

Strong Verification Procedures

The verification procedures now a days need changes and new technicalities should be followed. The time we are living in today is very different from what was before when these rules⁸ and regulations were implemented for the lower castes. It is very important to introduce new procedures with the help of technology so that the purpose of the provision can be fulfilled without any difficulties.

Periodic Review

We really need reviews to be done at regular intervals in order to have a good check and maintaining the provision without creating problem for unreserved citizens.

⁶ 2003(2)BomCR 277, 2003(1)MhLj 14, on 30th September 2002

⁷ AIR 1993 AP 123, on 14 September 1992

This is one of the reasons that government does not get to know the exact need and scenario of the society because of no periodic reviews. Many people take advantage of this because it creates easy paths for them to do and achieve what they want with little trickery, fraud, malice and also forgery.

Public Awareness Campaigns

There is a strict need for the awareness campaigns in our country regarding the reservation. Public needs to be aware about the scenario going on in our country. Everyone needs to understand why this provision is not wholly positive in its nature and not creating a healthy environment for anyone struggling day and night for the education or employment.

Conclusion

A synthesis of key findings, emphasizing the need for a balanced approach that preserves the intended benefits of caste reservations while addressing the challenges of misuse.

The reservation system in India was adopted to uplift the certain castes so they don't have to face the atrocities, backwardness and any other discrimination which make their life difficult to live. But it was all good initially when the rules were just implemented, everybody were taking advantages and unreserved were not feeling any problem regarding them availing benefits.

But everything is changed now, we can see that many of the 'lower caste' are availing the benefits of reservation irrespective of their needs. We have seen many incidents regarding the misuse that how a person who is of general category and is hardworking and capable enough but he cannot take admission in a good college because of the 'reservation backup' set for reserved people. They easily take admission in big and renowned colleges because of that less percentage criteria for reserved people.

This needs to be addressed and change is necessary as it is creating a lot of social tension among the youths and communities. This is not only impacting the society but also our country is deeply affected. In most of the cases, when a reserved person achieve high position because of the quota, he is barely able to maintain that position as he was only reserved one not a deserved one. It snatches the golden opportunities from the deserving persons to achieve their goals and contribute in society.

So as a suggestion, we say there should be either no or very less reservation for lower caste, or similar provisions should be implemented for the unreserved category so they do not feel discriminated.

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