



AFFIRMATIVE ACTION POLICIES FOR CASTE IN INDIA

POLS4009 : POLITICS IN INDIA

Dr. Narendra Singh

Assistant Professor
Department of Political Science
Mahatma Gandhi Central University
Motihari, Bihar

AFFIRMATIVE ACTION FOR CASTES IN INDIA

- ❖ Affirmative action has noble aims, which are consistent with high moral values.
- ❖ Discrimination of a person or a community whether it is due to his/her race, colour or nationality not only hampers the mobility of the particular community but also leads to the degeneration of a nation
- ❖ Affirmative action means extension and deepening of democracy as it ensures representation of marginal groups.
- ❖ "Reservations" or quotas have been given to the caste-based groups - mainly Shudras, Dalits (previously known as "untouchables") and tribes people - to rectify historical wrongs perpetrated by the country's harsh and discriminatory Hindu caste hierarchy.
- ❖ The idea of preferential treatment for caste and tribal groups perceived to be the lowest in social and economic hierarchy predates Indian independence. The constitution of newly independent India continued the idea of preferential policies, declared untouchability illegal and espoused the ideal of a casteless society.

- ❖ There is sufficient evidence that amply demonstrates the various aspects of stigmatization, exclusion and rejection that Dalits continue to face in contemporary India³ . In rural India, despite the breakdown of the traditional subsistence economy, caste continues to exert its strong presence in many different dimensions. (Human Rights Watch (1999, Shah et al. (2006).
- ❖ It is intended to end discrimination prevailing against any group based on their skin colour or their gender, any lessened opportunity faced by a group.
- ❖ Affirmative action policies in India are operative in three main spheres, namely
 - ✓ **appointment and promotion in government services,**
 - ✓ **admission to public education institutions, and**
 - ✓ **seats in the legislature.**
- ❖ There are special protections like Reservations together with other welfare initiatives comprise the heart of affirmative action for these previously disadvantaged groups.

CASTE CATEGORIES

- ❖ Indian society is characterised by a high degree of structural inequalities, based on the institutions of caste and ethnicity
- ❖ It is because of this hierarchal construction, with its rising order of opportunities and its sliding order of disabilities, that there was and continues to be an overwhelming majority in the nation that are socially, economically, educationally, and politically backward.
- ❖ There is plenty of evidence which documents the substantial gaps between Reserved categories and Others in access to education, quality of education, access to resources that could enhance learning, and also of active discrimination inside schools by teachers (Nambissan, 2007)
- ❖ Before the 1990s, for years, quotas remain unfulfilled, for reasons of “indifference/hostility on the part of the appointing authorities, insufficient publicisation of vacancies and the sheer expense of application” (Galanter, 1984).

- ❖ At the higher levels or promotion stages, formal and informal procedures had operated to keep out the SCs, STs and OBCs such as ad hoc and temporary positions, elimination through personal evaluation procedures like interviews, personality tests and unfair adverse entries in confidential records (Guhan, 2001, p.213).
- ❖ These victims of entrenched backwardness comprise the present Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs).
- ❖ In the present day structure of Government put Indian Castes into three categories:-
 - ✓ Unreserved Castes : those castes that enjoy higher status.
 - ✓ OBC (Other Backward Castes) : those who have slightly higher status but lower than General Castes, are considered economically and Socially backward.
 - ✓ Scheduled Castes & Tribes (SCs & STs) : Scheduled Castes are those segments who are happened to be manual scavengers, lowest status in society, live separate areas. Scheduled Tribes mostly live in forests, landless, agricultural labourers.

THE INDIAN GOVERNMENT'S APPROACH TOWARDS RESERVATION POLICY

- ❖ Legal and other safeguards against discrimination;
- ❖ Affirmative action measures taken in the state and state-supported sector.
- ❖ General developmental and empowerment measures taken in the private sector
- ❖ Reservations are a type of affirmative action whereby a proportion of seats are set aside for the previously disadvantage groups.
- ❖ The continuation of superiority and inferiority by reason of one's skin colour, religion and economic and social status is a world-wide phenomenon.
- ❖ The central government has set aside twenty-seven percent of all government jobs and places in institutions of higher education for the socially and educationally backward classes

DEMOGRAPHY : SCs/STs & OBCs

- ❖ Scheduled Castes which were ex-untouchables are now popularly known as 'Dalits' along with Scheduled Tribes, are historically disadvantaged groups in India
- ❖ SCs average population is 18% (2011 Census)
- ❖ STs average population is 8% (2011 Census)
- ❖ Other Backward Castes include mostly Hindu low castes
- ❖ Some non-Hindu communities are also included in OBCs
- ❖ Some tribes which are not included in ST category are also put in OBCs category
- ❖ OBCs constitute 43% of the rural and 39% of the urban population

(National Sample Survey 2009-10)

AFFIRMATIVE ACTION FOR SCs/STs AND OBCs NEEDED

- ❖ To counter caste discrimination affirmative actions for SCs & STs and OBCs are needed
- ❖ Affirmative action was needed to outweigh the imbalances of the past In India, it is also known as "preferential treatment", "protective discrimination" or "reverse discrimination"
- ❖ The special preferential treatment for Scheduled Castes who are lowest in social & economic hierarchy and the Scheduled Tribes who are landless and disadvantaged.

- ❖ Constitution makers and subsequent government after independence accepted these provision.
- ❖ The success of the policy has been uneven across sectors and departments.
- ❖ The policy is limited to the government sector, while more than 90 percent of SC/ST and OBC workers are employed in the private sector.
- ❖ Despite the improvement in human development among SCs/STs and OBC disparities in attainment with non-SCs/non-STs and non-OBC persist even to this day.
- ❖ This indicates that addressing social exclusion is often a far more difficult challenge than anti-poverty policy

AFFIRMATIVE POLICIES DIMENSIONS

❖ The purpose of affirmative action is to end discrimination against SCs/STs and OBCs.

❖ To provide equal opportunities and punish the offenders.

The dimensions of policy are as follows:-

- ✓ Provisions in the Constitution

- ✓ Reservations in jobs

- ✓ Reservations in Centre and State legislatures

- ✓ Provisions in panchayats

- ✓ Protect stakeholders by various Acts, safeguarding their land, livelihood, and save them from social evils

CONSTITUTIONAL PROVISIONS

- ❖ The Indian government's approach towards these groups has been shaped by two key provisions in the country's constitution, adopted in 1950.
- ❖ These are the principle of 'non-discrimination and equal opportunity', and the empowerment of the State to take steps to ensure non-discrimination and equal opportunity in practice.
- ❖ The approach has involved three main elements, namely:
 - ✓ legal and other safeguards against discrimination;
 - ✓ pro-active measures in the state and state-supported sector, in the form of the reservation policy;
 - ✓ informal affirmative action in agriculture and private industry, as part of general developmental and empowerment measures
- ❖ Article 46 of Indian Constitution declares "The State shall promote with special care the educational and economic interests of the weaker sections of the people and, in particular, of the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation."
- ❖ Article 341 & 342 Indian Constitution list of Castes and Tribes entitled to above provision and known as Scheduled Castes and Scheduled Tribes.

BONDED LABOUR ILLEGAL/ EQUALITY UNDER LAW

- ❖ Article 14: Equality under the law rejects caste based discrepancies
- ❖ Article 15: Condemns the discrimination based on grounds only of religion, race, caste, sex, place of birth of any of them.
- ❖ Article 16: State is urged to take measures to correct the imbalance of power between caste groups and take care that disadvantaged castes are "adequately represented" through reservation policies.
- ❖ Article 23: Prohibits forced labour, an offence punishable.
- ❖ The Bonded Labour System (Abolition) Act, 1976 makes all forms of bonded labour illegal which usually victimized people from this advantages communities.

JOB QUOTAS

- ❖ 22.5% quotas in government educational Institutions, government jobs and in all levels of elected bodies of SCs & STs
- ❖ Since 1990, after implementation of Mandal Commission Report 27% quotas for OBCs in jobs which extended to educational institutions via 93rd Constitution Amendment in 2006.
- ❖ Supreme Court put cap on reservation at 50% of the total jobs & seats
- ❖ 10% government jobs & seats in educational institutions reserved in 2019 for economically backward upper castes citizens, who earn less than 8 lakhs rupees annually.

RESERVATION IN CENTRE AND STATE LEGISLATURES

- ❖ Article 330: Seats are reserved for SCs (15%) and STs (7.5%) in Lok Sabha
 - ✓ 131 Seats for SCs & STs
 - ✓ SC – 84
 - ✓ ST – 47
- ❖ Quotas for SCs & STs is also implemented in state legislatures and local governments

PANCHAYATI RAJ ACT EXTENDED

- ❖ The provisions of the Panchayats (Extension to Scheduled Areas) Act 1996/ PESA law enacted by Government of India.
- ❖ Provided self governance through traditional Gram Sabhas for people living in Scheduled Areas
- ❖ Scheduled Areas are identified by the Fifth Schedule
- ❖ Scheduled Areas was not covered by 73rd Panchayati Raj Act.
- ❖ Therefore, PESA was enacted on 24th December 1996.

THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS ACT 2006 / FOREST RIGHTS ACT 2006

- ❖ Recognized the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in forests for generations.
- ❖ The Act extends to the whole of India.

THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT 2013 (LAND ACQUISITION ACT 2013)

- ❖ Act has provisions to provide fair compensation to those whose land is taken away.
- ❖ 70% consent of landowners is necessary for public-private partnership (PPP) projects
- ❖ 80% for private projects
- ❖ For government projects no consent is required
- ❖ The social activists has challenged Act in Supreme Court.

PROHIBITION OF EMPLOYMENT AS MANUAL SCAVENGERS AND THEIR REHABILITATION ACT 2013

- ❖ Prohibits the employment of manual scavengers, the manual cleaning of sewers and septic tanks without protective equipment and construction of insanitary latrines
- ❖ offences under Act are cognizable and non-bailable
- ❖ Thus, the Act aims to alleviate the inhuman practice of manual scavengers.

SCHEDULED CASTE SUB-PLAN (SCSP)

- ❖ Provide resources to family oriented schemes of economic development of SCs below poverty line.
- ❖ 100% grant is given by centre under Central Assistance (SCA) to scheduled castes sub plan.
- ❖ 27 States/ UTs who have having sizeable SC population are implementing schedules Caste Sub-Plan.
- ❖ Ministry of Human Resource Development has issued guidelines for implementation of programmes and schemes under SCSP and Tribal Sub Plan.

THE TRIBAL SUB PLAN

- ❖ Similarly to SCSP, the Tribal Sub Plan (TSP) is also Government of India programme to channelise funds from the Planning Commission for the development of SCs and STs.
- ❖ TSP is a strategy for the rapid socio-economic development of tribal people.
- ❖ Funds should be in proportion to the ST population of the state/ UTs.
- ❖ The scheme is applicable in 22 States & 2 UTs, Bihar is one of them.
- ❖ Thus, TSP aims at increasing family based income activities, employment generation, infrastructure development and empowerment of Tribals.

PROMINENT SC/ST WELFARE PROGRAMMES

- ❖ Dr. Ambedkar Chikitsa Yojna
- ❖ Dr. Ambedkar Samajik Swasta Kendra Yojna
- ❖ One time National Scholarship Scheme for SC/ST, Minorities student of 26 education board of the country.
- ❖ Post-Metric Scholarship Scheme
- ❖ Pre-Metric Scholarship Scheme
- ❖ Establishment of Ambedkar Peeth
- ❖ Centrally sponsored scheme of Hostels for SC & ST boys and girls.
- ❖ Scheduled Castes and Schedules Tribes Act 1989.

STRATEGY OF AFFIRMATIVE ACTION AGAINST CASTE DISCRIMINATION

- ❖ Fight against social discrimination.
- ❖ Fight against economic discrimination.
- ❖ Implement of quotas in government jobs and in higher education.
- ❖ Political Reservation gives the communities representation.
- ❖ Political Reservations to OBCs.

CONCLUSION

- ❖ Affirmative action policies aim at justice for the dalits and other marginalised
- ❖ The extreme manifestation of such inequalities in India led to a growing awareness of the need for reform
- ❖ Annihilation of caste altogether
- ❖ Erection of Society based on Liberty, Equality and Fraternity envisioned by Dr. B.R. Ambedkar.
- ❖ Philosophy of social stratification and identification must be challenged which are root of caste oppression in India.
- ❖ Affirmative Action policies are tools targeted to uplift the disadvantaged groups and elimination of caste system.

SOCIAL EVILS STILL EXIST, THEREFORE, AFFIRMATIVE ACTION POLICIES MUST BE CONTINUED.

A blue brushstroke graphic with a white outline, containing the text "Thank You!". The brushstroke has a textured, hand-painted appearance with some white highlights and shadows. The text is written in a white, bold, sans-serif font. The background is white with a teal curved border at the top and bottom.

Thank
You!