

**STUDY ON ECONOMIC RESERVATION SYSTEM**

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**ABSTRACT**

India is a country of numerous castes, creeds, religions, languages, and so on, where people of various languages follow different religions and speak different languages, hence the expression "unity in diversity." However, when it comes to the caste system in India, where Hindus are split into Brahmins, Kshatriyas, Vaishyas, and Shudras, there is no such oneness. Outside of the Hindu caste structure, Schedule castes and Schedule tribes are socially backward people for whom the reservation system was created to defend their rights and provide them with sufficient education, jobs, and other necessities in order for them to live a decent life. After the constitution was written, a ten-year term of reserve was established to ensure that the backward class did not remain so backward. However, even after 70 years of independence, the reservation system continues to be used by politicians as a vote bank rather than a policy. The reservation policy's explicit goal was and continues to be to foster social, economic, and political equality for Scheduled Caste, tribal peoples, and other lower caste peoples (i.e. OBCs (Other Backward Communities)) by positive or compensatory discrimination. The leaders of independent India stated their commitment to eliminate disparities through this programme. The Indian government has appointed a number of commissions to oversee the quota system's measurement. The impact of reservation on non-SC ST candidates will be examined in this research paper. This study will investigate whether all SC ST applicants are eligible for reservation and, if so, if they can live a normal social life without it. It will also address the notion that reservation should be based on economics rather than caste. The researcher gathered secondary data from several journals, books, and other sources for this study and provided references.

**KEYWORDS:** *Reservation, Schedule Case, Economics*

**1. INTRODUCTION**

In India, the socially and spiritually embedded caste system caused schisms among the population, resulting in vast ethnic and caste minorities. About half of the country's population belongs to the Scheduled Castes (SC), Scheduled Tribes (ST), and Other Backward Classes (OBC). The lower castes - SC, ST, and OBC - have been socioeconomically suppressed due to views that they are dirty by birth and their affiliation with stigmatized jobs such as butchers and day laborers. Several districts of

British India had quota systems that favored particular castes and communities prior to independence. In 1882 and 1891, for example, demands for various forms of positive discrimination were raised.

Shahu, the Maharaja of the princely state of Kolhapur, instituted non-Brahmin and backward-class reservation, much of which took effect in 1902. He gave everyone free education and opened multiple hostels to make it more convenient for them to get it. The depressed classes were given a number of seats to be filled by election from constituencies in which they could only vote, albeit they may vote in other seats as well. The idea was divisive: Mahatma Gandhi fasted in protest, while many members of the oppressed classes, including B. R. Ambedkar, supported it. After months of talks, Gandhi and Ambedkar agreed to create a unified Hindu electorate with seats designated for Dalits. Other religions' electorates, such as Islam and Sikhism, remained separate.

The Poona Pact was formed as a result of this. The practise of untouchability was a common type of caste discrimination in India. The practise, which was forbidden by the new Indian Constitution, mostly targeted SCs. Reservation is a programme that supports the backward classes in the field of education so that everyone of them can receive a decent education. To this end, the government has set aside a fixed number of seats in universities and colleges for the SC, ST, and OBC. Leaders such as Rajarshee Shahu Maharaj and Dr. Babasaheb Ambedkar took steps to assist the poor. They began providing them with free education. Reservation's major goal is to enhance the lives of individuals from lower castes and communities. Seats are reserved for SC, ST, OBC Women, and other minorities under the quota system, which are 7.5 percent and 15 percent correspondingly. SC ST reservations were awarded in universities and colleges after a lot of struggle by instructors, even after fifty years of independence. Aside from that, each government has its own reservation system based on the population of the state, so 50 percent of seats are reserved for individuals in the General category, and 50 percent of seats are reserved for persons in the General category.

In today's reality, when a student is handed a form to fill out for various universities, they are requested to fill out the SC ST OBC coloum, regardless of the caste they belong to. What matters is that every university should reserve places based on the children's merits rather than caste. However, both merit and financial circumstances should be taken into account, so that a wealthy SC ST student with good grades and a poor general category student with good grades can receive the same level of education. In terms of job promotion, as stated in article 16 clause 4[A] and 16 clause 4[B], which adds to the provision of additional reservation in government service promotions. It is made clear that job promotion reservations should only be used to give a similar position, not a higher one, as this would violate the right to equality principles.

## **2. RESERVATION SYSTEM BASED ON CASTE IN INDIA**

While in India, caste is widely regarded as the most important factor in distinguishing one person from another. During the early period, certain classes of people were considered untouchables, namely the dalits, who were deprived of their duties and barred from participating in all forms of social gatherings. Today, these untouchables are divided into a list of scheduled, which includes both the schedule caste and the schedule tribes. Reservations are made for SCs and STs in several sectors to help them achieve greater economic mobility and to meet their fundamental needs. There are opportunities for members of the SCs and STs to enhance their representation in State Legislatures, the executive appendage of the Union and States, the labor force, schools and universities and other 'public' institutions because of the existence of the reservation plan.

Reservation was instituted to improve the social and instructive position of underprivileged communities and thus enable them to achieve an equitable position and status in Indian society. However, by granting them increasing amounts of reservation in various sectors, the privileged community, i.e. general candidates, are being deprived of their social needs. In every sector, there is a decrease in the number of general candidates who are needed for their advancement; nevertheless, the exact necessity of reservation is not being met, and instead, it is being abused by some. According to the Constitution of India, 15 percent and 7.5 percent of vacancies in the public sector and government-aided educational institutes, respectively, would be reserved for candidates belonging to the SC and ST communities for a period of five years, following which the quota system would be reviewed.

During the following decades, successive governments consistently extended this term. The Supreme Court of India has declared that reserves cannot exceed 50 percent (since this would be a violation of the Constitution's provision of equal access) and has placed a limit on the number of reservations. There are, however, state laws that go beyond this 50 percent restriction, and these are currently being challenged in the Supreme Court of the United States. For example, in the state of Tamil Nadu, caste-based reservation accounts for 69 percent of the population, and the same is applicable to approximately 87 percent of the population. In 1990, Prime Minister V. P. Singh stated that an additional 22.5 percent of government employment would be reserved for members of the OBC, in addition to the 22.5 percent previously reserved for members of the SC and ST communities.

### **3. CONSTITUTIONAL PROVISION OF RESERVATION**

#### **ARTICLE 14**

"On the territory of India, the state shall not deny to any person equality before the law or equal protection of the laws." Article 14 of the Constitution of India imposes an obligation on the state that is intended to benefit all people who live within the country's borders. As a result, citizens do not have

exclusive access to the benefits of Article 14. Every individual, whether natural or artificial, whether a citizen or an alien, is entitled to the protection afforded by this article.

#### **ARTICLE 14 AND ADMISSION TO EDUCATIONAL INSTITUTION**

For more than three decades, the government has been under examination. Preferential treatment for students on a variety of reasons has been examined by the courts in the context of granting admission to educational institutions, and such preferential treatment must be granted in accordance with Article 14. It has been observed that the scheme of any educational institution must be such that it provides the best and most meritorious students with the best education possible, regardless of whether or not the institution has a reservation policy in place. Even if some educational institutions have a reservation policy in place, it should be such that only required students are admitted to these institutions and not all students who fall under the reservation category. [4] The Supreme Court of India declared in the case of Pradeep Jain v Union of India [4] that wholesale reservation of seats in the medical and dental schools on the basis of domicile or residence within a state is unconstitutional and void since it is in breach of Article 14 of the Constitution.

#### **Article 15[4] of the Constitution**

There is nothing in this article, or in clauses [1] and [2], that is unlawful. It makes things possible. Nothing in this article or in clause [2] of Article 29 prohibits the state from making any provision for the advancement of any socially and educationally backward sections of citizens, or for the advancement of the scheduled castes and scheduled tribes, or for any other purpose. "Special provisions admissible under Article 15's clause [4] must, however, be for the advancement of individuals who fall into those categories; hence, special provisions that are not for the advancement of people would not be permitted under Article 15's clause 4. Even clause [4] of articles 15 and 16 cannot be applied to all reservations without taking into consideration the purpose of the reservation. In the case of State of M.P. v Mohan Singh [5], the Supreme Court concluded that, despite the fact that the inmates belonged to the backward class, they would be subject to the same punishment as other prisoners because they had broken the law. The invocation of Article 15[4] is completely without foundation.

#### **ARTICLE 16 [4A]**

Specifically, Section 4A of Article 16 states that "nothing in this article shall preclude the State from making any provisions for reservation in the matter of promotion to any class or classes of posts in any of the services under the State in favour of SCs and STs who, in the opinion of the State, are not adequately represented under the State" (Constitutional 77th Amendment, - Act, 1995). In the case of

Indra Sawhney v Union of India, the court found that article 16 [4] of the Constitution does not envision or authorize any form of reservation in promotion. The court goes on to say that while it was reasonable to say that handicapped people should be given preference over those from lower socioeconomic classes at the beginning of their careers, it would be unacceptably discriminatory to say that such people should be given preference over those from lower socioeconomic classes at every stage of their careers. In Jagdish Lal v State of Haryana, the Supreme Court of India established that when reserved candidates [Dalits or Tribals] had been upgraded prior to a general candidate, they were no longer considered reserved candidates.

#### ARTICLE 16 [4B]

The State may treat any unfilled vacancies of a year that are reserved for filling 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 the purpose of determining the ceiling of f (Constitutional 81st Amendment, - Act, 2000). A new provision in Article 16[4B] eliminates the 50 percent limit on carryover vacancies. Nevertheless, in determining the carry forward rule, the Supreme Court stated that two factors should be considered, namely, unfilled vacancies and the time element, as stated in M. Nagaraj v Union of India . The Constitution outlaws discrimination against any citizen on the basis of religion, race, caste, or other characteristics (Article 15); untouchability (Article 17); and forced labour (Article 18). (Article 23). This law ensures particular representation for SCs and STs in the Parliament (Article 330) and State Legislative Assemblies (Article 332), as well as in government and public sector positions. This new Clause 4[B] grants the state the authority to carry forward the unfilled reserved vacancies to be filled in any future year in order to reduce the backlog, notwithstanding the rule of 50 percent of the total number of vacancies.

### **4. IMPACT OF RESERVATION ON EDUCATION AND EMPLOYMENT**

#### **4.1 RESERVATION IN EDUCATION**

The influence of reservation on education and employment has already been examined in the preceding parts of this article. For example, every educational institution has some seats designated for Schedule Castes and Schedule Tribes. This was done for their upliftment and to ensure that they receive a good and quality education that will prepare them for a successful social life once they complete their formal education. This reservation was granted for their benefit, not for the benefit of the general candidates. While it is necessary that people from underrepresented groups be given equal opportunity in educational institutions such as IIM, IIT, NLU, and so on, this necessity has now been

transformed into a general rule of providing reservation, even though not all candidates are in a position where they would be unable to lead a fulfilling social life without the assistance of reservation. There was a lot of discussion on whether or not there should be any reservations in medical schools.

The court stated that the goal of any admissions scheme should be to choose the best and the most qualified and abled students by providing equal opportunity to all inhabitants of the country. Any deviation from this regulation must be justified in accordance with the provisions of Article 14. The economic variables in the setting of unequal educational possibilities between those who are unequal would also be taken into consideration. In relation to the reservation of seats, the court ruled that it should not limit more than 70% of the total number of seats available after taking into account other types of validly made reservations, such as those for the M.B.B.S. and B.D.S. courses, and that it should not do so in any other case. The Indian Medical Council was to examine this limit every three years, and the limit was to be reviewed by the Indian Medical Council.

### **PROVISIONS RELATING TO ADMISSION TO EDUCATIONAL INSTITUTION**

It has already been discussed in the preceding paragraphs that the im A new provision in the Constitution [Ninety-third Amendment] Act, 2005 allows for the establishment of a state to enable special provisions to be made for the advancement of any socially and educationally backward classes of citizens, as well as for Schedule Castes and Schedule Tribes, insofar as such special provisions relate to their admission to educational institutions, including private educational institutions whether aided or unaided by the government. According to the decision in Ashok Kumar Thakur v. Union of India , the 93rd Amendment Act, 2005 was affirmed inasmuch as it applied to state-maintained and state-aided educational institutions. A

India's quota is 15 percent of the total. Admission to postgraduate programmes.

Seats at medical colleges for postgraduate studies were reserved under this policy, which was instituted by the central government. The rationale behind this was that there are a large number of states and union territories, and as a result, there are not many medical or dental colleges. As a result, a central pool of MBBS and BDS seats is being maintained to satisfy the needs of states and union territories. Despite the fact that the policy of the federal government could not be called into question, the court in Bhawana Garg v University of Delhi found that the reservation of 260 seats might not be justified in light of the new circumstances. Education and employment are subject to a reservation agreement. For example, every educational institution has some seats designated for Schedule Castes and Schedule Tribes. This was done for their upliftment and to ensure that they receive a good and quality education that will prepare them for a successful social life once they complete their formal

education. This reservation was granted for their benefit, not for the benefit of the general candidates. While it is necessary that people from underrepresented groups be given equal opportunity in educational institutions such as IIM, IIT, NLU, and so on, this necessity has now been transformed into a general rule of providing reservation, even though not all candidates are in a position where they would be unable to lead a fulfilling social life without the assistance of reservation.

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#### **4.2 RESERVATION IN EMPLOYMENT**

The representation of other backward classes in the All India Services and central services, for which employment is done through the Union Public Service Commission, is fairly close to their proportion in these services. The increase in the proportion of scheduled castes and scheduled tribes in public services had a variety of good consequences for the social and economic well-being of these two disadvantaged groups, including increased employment opportunities. According to information provided by the ministry of personnel, openings earmarked for scheduled castes, scheduled tribes, and other backward classes have been filled to capacity in recent years, even in the 'elite' services at the centre. In relation to the reservation in the employment sector, Article 16[1] states that all citizens must be afforded equal opportunity in relation to employment or appointment to any positions under the jurisdiction of the state. Clause [2] makes it clear that no citizen will be discriminated against in the course of employment or holding public office on the grounds of religion, caste, creed, race, colour, faith, sexual orientation, or place of birth, among other factors. The term "employment" can refer to either permanent or temporary employment, as well as regular or contractual employment. Better described in the case *Union Public Service Commission v Dr Jamuna Kurup* [14], where the Supreme Court held that because the term "employee" was neither mentioned in the D.M.C. Act 1957 nor in the advertisement, it would be considered to encompass all employees, including contract employees.



## 5. CONCLUSION

Politicians are now playing a significant role in the development of reserve policy. The reservation policy was only in place for a period of ten years following independence, in order to promote the advancement of SC and ST, but it has remained in place ever since, and no action has been taken to reform, revise, or change it. The reason for this is the large number of SC and ST people living in the country. SC and ST voters account for about 33% of all votes cast, thus if the government makes any changes to the reservation policy that disadvantages SC and ST voters, they would face significant consequences. As a result, they are not taking any action in violation of the reservation policy.

Reservation was established as a programme to assist the socially and economically backward people in order to improve and uplift them; however this was done before to the country's independence. Because backward classes have not become so backward as to require reservation in every sector after 70 years of independence, it is being used as a tool to live a comfortable life without the need to put in the necessary effort to gain admission into prestigious educational institutions or to advance in their careers. This will actually fulfil all of the reservation norms for which it was created and will thus benefit the actual backward people. On the other hand, the government should abolish caste-based reservation in various states and implement a new policy of reservation that is based on the economic condition of the people. Those from the backward classes who have a significant amount of money, land, and automobiles do not require reservations in order to obtain employment or for their children to be admitted to various colleges.

## REFERENCES

- Laskar, Mehbubul Hassan. Rethinking Reservation in Higher Education in India (PDF). ILI Law Review. Archived from the original (PDF), 2012, 29-30.
- Menon VP. Transfer of Power in India (Reprinted ed.). Orient Blackswan, 1957, 49-50.
- National human right commission v. state of Arunachal Pradesh, AIR SC, 1996, 1234.
- AIR 1993 SC 477. The court overruled the law laid down 30 years back in G.M, Southern Railways V Rangachari, AIR SC 36 holding the reservation permissible under article, 1962, 16[4].
- AIR 1997 SC 2366.
- Constitution of India, Narender Kumar, PG 221.
- AIR 2007 SC 71.
- On June 6th 2010, the apex court ruled that reserving all seats in Army College of Medical Sciences for the wards of Army personnel is illegal and unconstitutional



- Deepak Kumar V. VC, BHU, Varanasi AIR 1998 ALL 145.