

CAN RESERVATIONS IN INDIA BE REMOVED AS IN BANGLADESH?

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Abstract

Discrimination exists in each and every part of the world in one form or the other, on the basis of caste, color, race, religion and sex. The caste discrimination prevails in the countries of Indian sub-continent like India, Nepal, Sri Lanka, Pakistan and Bangladesh. Reservation provisions were made to address this historical blunder in the Indian Constitution. This is a 70 years compensation for 3000 years atrocity. From Gandhi to Goswami, the Upper Caste Urban Elite in India are always critical about this system of representation. With Bangladesh recently abolishing its 45 year old Quota system, the Indian question of abolition came once again into limelight. This paper examines the evolution of reservation system, its role in bringing the marginalized into the mainstream and the possibility of abolishing it.

Keywords: Reservation, Quota, Bangladesh, India, Affirmative action, Protest, Backward classes, Abolition.

Introduction

The Public Administration sector can be regarded as the Engine of any Nation and therefore it need efficiency. In most of the ex-colonial states, the civil services commission is established to recruit new blood to the bureaucracy. Bureaucracy assists the Executive in their duties and gets the work done. In most of the countries, which are divided in the lines of ethnicity, race, caste, color and region, a system of affirmative action is in place to address to representation/needs of the Underprivileged. Some of the special initiatives of the governments around the world are the Affirmative Action in the United States, Equality act in the United Kingdom, Employment Equity in South Africa, Reservation system in India, Quota system in Bangladesh and General affirmative action in Sweden¹.The reservation system is intended to aggrandize the social diversity in working places and give opportunity to those portions of the society who are less privileged.

Bangladesh is an ethnically homogeneous country with 98% people belonging to Bengali ethno-linguistic group. Whereas India is a heterogeneous country with more than 6000 castes, 2000 ethnic and 4000 linguistic groups. Bangladesh has reservations only in government jobs, whereas in India has both in government jobs and for the enrollment in educational institutions.

The total reservation is 56% and 50% in Bangladesh and India respectively. Only 44% of jobs are left for the open competition in Bangladesh, whereas it is 50% in India. In 1963, the Supreme Court of India had put 50% limit on reservation in M R Balaji Vs State of Mysore case. Again in 1992, in the Indira Sawhney&OrsVs Union of India, the Supreme Court reiterated its stand on 50% limit².

The most popular demand of the upper caste urban elite is that why can't India abolish the reservation system. This question raised new heights with Bangladesh's recently removal of the quota system in government jobs. The demands of all these people are different unlike Bangladesh where there was only one demand of the 98% people. Can the Indian government follow in the footsteps of Sheikh Hasina and abolish the reservation system in India?

Evolution of Reservation system in India

Reservations in India are a result of caste discrimination practiced since thousands of years. The reservation system in India comprises a series of measures such as reserving seats in the legislature in the Lok Sabha, State Assemblies and Local self-governments; to government jobs and to the enrollment in educational institutions. The reservations are governed by the constitution, statutory laws and local laws and regulations. The reservation nourishes the historically disadvantaged communities. The backward communities in India are the Scheduled castes, the scheduled tribes and the other backward classes. In some states the backward classes among the Muslims fall under the OBC category³. This reservation system is also called as positive discrimination.

The demand for some sort of reservations was first raised ironically by the Tamil Brahmin community to secure some seats for their boys. Meeting this demand, the Madras government had reduced the qualifying marks from 40 to 35 in 1830's⁴. However a concrete demand for reservation is made by Mahatma Phule in 1882, in his interview with the Hunter Commission⁵. Finally it is in 1902 Shahu, the Maharaja of Kholapur introduced 50% reservation in his Princely state for the non-Brahmins. The British government started introducing some kind/sort of representation since the Minto-Morley reforms of 1909. However it is only after the Round Table Conferences, the real question of backward classes is addressed. The foundations of inclusiveness laid by the British reached new heights with the commencement of the new Constitution in 1950. Special provisions were made for improving and including the backward classes in the main stream of the society. Some of the important articles in the Indian Constitution that are intended to safe guard the Backward classes are Article 15, 16, 17, 46, 335 to 342. Though the Constitution originally provides reservation only for the SC's and ST's, it is stated in article 340 that a Backward Classes Commission may be appointed to identify the backward classes among the large masses of Sudras. It took a long period for this process. Finally it is in 1992, the OBC reservations were into force. The present reservation system includes 27% Reserved seats for OBC's in Educational Institutions and in Government Jobs, 15% Reserved seats for SC's in Educational Institutions and in Government Jobs and 6% Reserved seats for ST's in Educational Institutions and in Government Jobs⁶. In addition to the above, 33% Reserved

seats for Women in Educational Institutions and in Government Jobs. However this is a Quota within the Quota. Thus the total reservations stand at 65% for more than 90% of Indian population.

Evolution of Reservation in Bangladesh

The Quota system in Bangladesh's Civil Services was introduced by an executive order by Sheikh Mujibur Rahman, the founder Prime Minister of Bangladesh in 1972⁷. Following his assassination in 1975, it was disabled. His daughter Prime Minister Shiekh Hasina had re-established it in 1996. It was on September 5, 1972, the Ministry of Cabinet Affairs issued an interim recruitment policy through an order. As per the policy, 20% positions were to be filled by merit, 30% by freedom fighters, 10% for war affected women and 40% for district quota. In 1978, the merit based positions were increased to 40%, with 30% reserved for freedom fighters, 10% for war affected women, 10% for women and 10% as district quota. In 1986, there was another reform wherein the merit quota was increased to 45%, 30% for freedom fighters, 10% for the women and 5% for ethnic communities. The quota for war affected women was abolished. In 1997, the quota system was expanded – offspring of freedom fighters were included and it is mentioned that if suitable candidates were not found, the posts designated for them would be kept vacant. Since Bangladesh's Liberation War in 1971, the freedom fighters list has been changed six times by subsequent governments.

The Quota system at the time of its abolition reserves 30% jobs for Children of Freedom Fighters, 10% jobs for Women, 10% jobs for Backward Districts (like Chittagong Hill Tracts), 5% jobs for Ethnic Communities and 1% jobs for Physically Disabled Candidates. The first category, the Children of Freedom Fighters constitutes only 2% of the total population, but occupy a major chunk of 30% Government Jobs. These Freedom fighters are mostly from the Awami League, which won the independence from the Pakistan. But most of the seats reserved to them remain vacant. The government will conduct special drives to fill up these vacancies⁸. This is the main area which the student community is opposing.

Protests and the Abolition in Bangladesh

Though in 2008 and 2013, the students organized protests, they failed to bring any change in the government quota policy. The Bangladesh Anti-Quota Protests, 2013 were the protests led by the student community to scrap the then existing reservation policy. Though initially confined to the Dhaka University Campus, they eventually spread to other parts of Bangladesh within days. The main demand of the protesters is to re-evaluate the results of the recent 34th BCS preliminary examination and the cancellation of quota system in all public examinations.

The Bangladesh Quota Reform Protests, 2018 though started in Dhaka University eventually spreading to the other parts within days. The protesters under the name Council to Protect Students Rights (CPSR) attained rapid popularity among the students forcing the Government of Bangladesh to announce changes in its policy. Though the CPSR

demanding to bring down the existing quotas from 56 percent to 10 percent, the Hasina Government had totally abolished the reservation system. Sheikh Hasina, the Prime Minister of Bangladesh in her statement in the Parliament said, “Alright then, there won’t be any quotas. There is no need for quotas. They (students) will take BCS exams and get jobs on their merit.....They (girls) said that they will get job through (appearing) examination...it’s a good word and I am very happy...as they don’t want quota, what is the necessity of it”⁹. The premier also said that the government could make special arrangements for jobs for the people with disabilities and the backward ethnic minority ones. Sheikh Hasina and her father Shiekh Mujibur Rahman, the man who introduced it had in the past rejected demands to slash the quota. But now the Prime Minister had to yield to this popular demand. There is no one protesting in favor of the Quota system even after the Prime Minister’s statement in the Parliament. It will be implemented with zero resistance.

What does the protesters actually demanded

The protesters demanded that the quota of 56% should come down to 10%. They also wanted that quota benefits should not be used more than once. Although the students were demanding that the quota be lowered to 10%, the government declared a total abolition of the quota. “The quota system stands scrapped to stop repeated sufferings and avoid hassles of tackling movement time and again. If we go for reform, another group will come up after a few days and say ‘We want further reform’. This issue will keep coming if the quota system remains. But if it ceases to exist, there will be no problem. So there is no need to have a quota system”, Hasina declared in the Parliament¹⁰.

This total abolition met with mixed opinions from the student community. “Nobody wanted Zero Quotas. That is bad. Minorities and other groups need protection. But by scrapping Quota entirely the Government get to make us look bad. To the general masses, we are now inconsiderate and aggressive. This makes us loose the moral high ground. We went from Reformist to Abolitionists. Abolishing quotas altogether will replace older form of oppression with a newer form”, argued some students of University of Dhaka¹¹.

Can it be done in India?

If a mass outrage against the reservation system in India or some kind of consensus among the political parties emerges for the abolition of reservation, it may lead India to a civil war. The beneficiaries of the reservation system, who constitutes more than 90% of the population will react firmly and will bring down the governments. It is difficult for any political party in India to abolish Reservation, which fear that they may lose the coming elections. This is not the case in Bangladesh, where no one protested in favor of the Quota system even after the Prime Minister’s statement in the Parliament.

Even in the United States, where the Affirmative action is introduced in 1970’s for the African-Americans, collective backwardness among the Blacks still exists. There may be some individual success stories from Oprah to Obama, but the real question to

be addressed is collective backwardness. The same is the case in India. There are many Individual success stories from the backward classes. But it is only then, when the people from the backward classes compete with the elite classes of the society and emerges victorious, it is then the mission of reservation is fulfilled. The backward classes must get their due share in each and every sector, from Industry to I.T, from Farm to the Factory, and from Professor to the Prime Minister. The elite classes of the Indian society enjoyed reservation in profession and property for thousands of years as their monopoly. It is only after the arrival of the British, some sort of inclusiveness of the backward classes started. It is under the British, the backward classes got conscious about their rights. The foundations laid by the English men reached new heights with the commencement of the new constitution in 1950. Special provisions were incorporated for improving and including the Backward Classes in the main stream society.

Conclusion

A student from the Scheduled Caste or Tribe, in which there is a clear cut discrimination and demarcation, fights against all those barriers with courage and graduates, he is ought to have privileges compared to those students who got immense support from their educated and solvent parents who belong to the upper section of the society. Taking this into account we can say that the system of reservation plays an important role in pulling the backward sections of the society, giving them an opportunity to prove that even they would have done better if they were supported.

Thus we can conclude that India is not Bangladesh. The aim of the Quota is not the same in both countries. One is to honor its freedom fighters and the next is compensation to a great damage. Some modifications in the existing Reservation policy may be required to make Reservations more meaningful. The Great Indian debate of Meritocracy vs. Reservation is an endless one and it continues as long as the caste exists. It is the caste that must be abolished first, not the reservation. If at all the caste is abolished there is no need for any reservation. Though the Reservation system had Institutionalize caste system in a new form, it is a necessary evil.

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