

1. Policies and politics of social justice have reached a dead end in contemporary India. This does not, however, mean a futile or wasted journey. Critically comment with respect to reservations as a policy for social justice. (250 words)

Answer:

Background :-

'Policies of social justice' refer to the entire gamut of affirmative action programmes aimed at redressing caste inequalities.

Policies of social justice in India:-

Constitution:-

- India has been a democracy in search of both formal and substantive equality, hence, there has been efforts to address on an urgent basis the cause and plight of the historically disadvantaged groups.
- Article 15 (4) (added by the 1st Amendment to the Constitution), 16 (4), 46, 330, 332, 341 and 342 form the core of the affirmative action policies in India's Constitution.
- Broadly speaking, three types of preferences are sanctioned by the Constitution.
- First are reservations which cover (a) special representation rights of SCs and STs by way of reserved seats in the legislatures, and (b) quotas in government jobs and educational institutions. The reservation device is also used to a lesser extent in 'the distribution of land allotments, housing and other scarce resources
- Second, preferences target a few groups- SCs, STs, and women- with regard to the provision of certain expenditures, services, and ameliorative schemes such as scholarships, grants, loans, land allotments, health care and legal aid.
- Third, certain preferences take the form of special protections that safeguard vulnerable groups from oppression and exploitation, like measures to prohibit forced labour, measures to curb caste atrocities, etc.
- The early 1990s, through a revision in the list of the group beneficiaries, affirmative action policies have been extended to include OBCs as well.
- **Legal provisions:-**
Many acts have been passed like prevention of SC/ST atrocities act, 73 and 74 constitutional amendment act etc

No, reservation has not reached an dead end:-

- Within parliamentary democracy, the politics of social justice is more 'successful' and powerful than ever before. Any legislation that has to do with SC/ST reservations is passed by Parliament instantly and with unanimity.
- No serious political party or government can afford to be seen as opposing reservations. It might thus seem that the politics of social justice is in good health and the policies of social justice are secure.

- Reservations were expected to provide opportunities in higher education and jobs to the identified backward classes and excluded populations. This did not happen immediately, but by the 1990s significant changes were happening.
- Between 1994 and 2004 in the premier all-India services (Indian Administrative Services (IAS), Indian Police Services (IPS), Indian Foreign Services (IFS)), which rank among the most coveted and sought after jobs in the country, on an average 12-15% vacancies were filled by SCs, and 6-8% by STs. At the beginning of 2005,
- Representation of SCs, and STs in central government services, Group A, was 11.9% and 4.3% respectively; in group B they were 13.7% and 4.5% respectively. These numbers are significant as they show that identified beneficiaries now hold some prestigious positions in society and this has provided them the avenues for social mobility which didn't exist earlier.
- Due to reservations many students from lower castes could get access to high quality education in top institutes of India leading to social mobility
- Due to stand up India Dalit entrepreneurs got a boost and confidence to take business as a career
- Even in social indicators there have been significant improvement in health and educational outcomes of the lower castes.
- The gap between upper and lower castes has reduced due to reservation.

The utility of reservation is futile now because:-

- The success of politics of social justice is limited to the accession of leaders from dalitbahujan communities to governmental power, detached from any substantive consequences for dalit-bahujan communities.
- On the other, the policies of social justice are confined to implementation of reservations in government jobs and educational opportunities. Both end up drawing upon, if not reinforcing, the same caste system that they set out to annihilate.
- There are signs of stagnation in the politics as well as the policies of social justice.
- Thus the politics of social justice either faces a containment of political ambitions as in the case of most regional OBC parties. In either case, their capacity to use state power to push through policies of substantive social transformation is very limited.
- This in turn is reflected in the stagnation of policy around the familiar issues of effective implementation of reservation in government jobs
- **Fragmentation of the idea of social justice:-**
The politics of various social groups and communities such as dalits, adivasis, OBCs and Muslims is articulated in isolation, if not in opposition, to one another.
- **Subversion of policies of social justice:-**
With respect to reservation for OBCs in the centrally administered higher education institutions the political and legal battle was won by proponents of an OBC quota. In effect, the new legislation has amounted to very little so far.
- The existing reservation policy that has failed to assimilate lowest castes/tribes within the mainstream economy and society, has created a sense of dissatisfaction and injustice among those who are denied the benefits of reservation.

- The policy has ended up as a tool that discriminates against the high caste youths in favour of the low caste youths, sometimes coming from the same economic background. The tool of reservation has failed miserably in removing caste differences and has promoted the caste divide and caste conflicts.
- It ended up giving preference to more or less the same class of SC/ST/OBC in school/college admission, in jobs and in promotions as well as subsidies in innumerable programmes and schemes, leaving out the poorer sections among them at the bottom.
- Recent study in Gujarat has shown that the SC, OBC and ST households at the bottom are still left out of the benefits of the rapid growth of the State.
- The present reservation system can harm the economic structure of the country as it could bring the efficiency of its labour.
- Today reservation policy has become a tool for politicians to gain vote banks

Way forward:-

- Before extending reservation to more groups the entire policy needs to be properly examined and its benefits over a span of nearly 60 years need to be gauged.
- There is a need to address the anger and aspirations of poor families among unreserved communities.
- Along with improving school education outcomes a more rational model of reservation based on equity and common sense must be envisaged.

Conclusion:-

The idea 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.

PRACTICE QUESTIONS

Answer the following Questions

1. The draft on cross-border insolvency, recently released by the government will ensure an effective resolution mechanism in place for cross-border insolvency. Discuss. (250 words)
2. "Rules based trading system" is the ultimate casualty of the ongoing trade wars between some of the major economies of the world. Discuss. (250 words)