

THE PROBLEMS WITH SUB-CASTE RESERVATIONS

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Paper - II
(Indian Polity)

The Supreme Court has reserved the decision on sub-caste reservation for SC/STs. Any decision on sub-caste reservation needed to be justified not only on legal grounds but also on academic grounds. The academic basis for sub-caste reservation seems to be weak. So far, the government has used three policy instruments namely legal safeguards against caste discrimination, reservation in the legislature, public jobs, education institutions, and measures to improve ownership of capital assets such as land, businesses and education levels.

Dr. B. R. Ambedkar, who struggled for 30 years, justified these three sets of policy measures due to the denial of equal civic and property rights, employment, and education, as well as the physical and social isolation of untouchables as a whole, not specific sub-castes within the untouchable community since all suffered similarly from untouchability. But it needs to be understood that the three measures, namely legal safeguards, reservation, and economic/education empowerment measures were proposed as a complement to each other and not as substitutes or standalone solutions. Clarification on the interconnection between these three measures is essential to bring some insight on the issue of sub-caste reservation.

As a first step, Ambedkar proposed legal safeguards against caste discrimination. He also believed that the law by itself would not ensure a fair share for untouchables in the legislature, jobs, and education. Therefore, the reservation was proposed as supplementary to legal measures. The legal safeguards and reservations together ensure a fair share in the “present.”

He also argued that while these measures address discrimination in the “present”, they have limitations in dealing with the consequences of past denials of the right to property, employment and education. Therefore, a third policy to improve the ownership of capital assets like land, business, and education was thought to be essential as complementary measure to the reservation policy. The purpose was to enhance the capabilities of untouchable youth to seek education and become capable of securing jobs under reservation.

Reservations in the legislature, public jobs and education institutions was needed for untouchables as a whole with a “social group focus”. The policy of economic empowerment was thought to be focused on those untouchable “individuals” who lack income earning capital assets and education. Therefore, any decision on sub-caste reservation must take these propositions into consideration. The supporters of sub-caste reservation argue that some sub-castes benefitted more than others, thus, the sub-castes that lag behind should have separate quotas. Assuming that some sub-castes lag behind others in job reservations, the low share may not necessarily be due to discrimination by other sub-castes. Some may lag behind in public jobs because they suffered from low education, which in turn is due to a lack of income earning capital assets. This reduces their capability to seek public jobs.

If this is the case, then the policy to improve the share of these sub-castes in jobs and admissions to educational institutions must focus on enhancing their ownership of capital assets and education. It should be focused on those SC “individuals” who lack ownership of capital assets and education. If the sub-caste reservation is given without improving their capital ownership and educational

participation, they may continue to have a low share in jobs and education, as the relatively better-off will have an edge in accessing jobs and education, which in all probability is the case even today. So, the policy of economic and educational empowerment, which Ambedkar suggested for adequate utilisation of the reservation policy, is a better alternative than sub-caste reservations with low capital ownership and low education.

It needs to be recognised by the legal authority that legal solutions for discriminated groups are determined by economic and social realities. In this context, the legal authority making the decision has to know the extent to which the under-representation in jobs of some SC sub-castes is due to caste discrimination, and the extent to which it is due to a lack of income sources and low education. If discrimination by other sub-castes is the reason for under-representation, which is unlikely, there may be a case for sub-caste reservations. But if it is due to a lack of capabilities on account of low income and education, then an “individual focus” policy is a better alternative, which will enable them to make effective use of job reservations.

The under-representation of some sub-castes, who seek sub-caste reservation, is mainly due to a lack of income earning assets and education, and unlikely due to discrimination by other SC sub-castes. The problem of low participation of some sub-castes in job reservation will have to be dealt with by improving their ownership of capital assets and education levels, which in turn will improve their capabilities to access jobs under reservation and education. But if legal authorities prefer sub-caste reservations without academic justification and the factual reality based on data of sub-castes, the problem may remain unaddressed. Besides, it will open the floodgates of demand for sub-caste reservations by thousands of sub-castes/tribes from SC/ST/OBC. In that case, the reservation policy will be a mirror image of caste society with its innumerable sub-castes.

Expected Question for Prelims

Que. Consider the following statements with reference to sub-caste reservation for SC/ST:

1. Over the past two decades, many states like Punjab, Bihar and Tamil Nadu have tried to bring reservation laws at the state level to sub-categorize the Scheduled Castes.
2. The issue first reached the courts when the Andhra Pradesh government constituted a one-man commission headed by Justice Ramachandra Raju in 1996.

Which of the statements given above is/are correct?

- (a) Only 1 (b) Only 2
(c) Both 1 & 2 (d) Neither 1 nor 2

Answer : C

Mains Expected Question & Format

Que.: What is the issue of sub-caste reservation for SC/ST? Also analyze the historical discussion regarding this.

Approach to answer:

- ❖ In the first part of the answer, describe the issue of sub-caste reservation for SC/ST.
- ❖ In the second part, also analyze the historical discussion regarding sub-caste reservation.
- ❖ Finally give a conclusion giving suggestions.

Note: - The question of the main examination given for practice is designed keeping in mind the upcoming UPSC mains examination. Therefore, to get an answer to this question, you can take the help of this source as well as other sources related to this topic.