



EXPERT VIEW

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The contentious issue of reservations has led to yet another battle on the streets, this time in Gujarat, as the young Hardik Patel has led the Patidar community in demanding its share of educational places and government employment.

The agitation, resulting in violence and deaths, has brought the army in to patrol cities. Such occurrences might conform to a pattern but this time is different. For one, the Patels, who constitute one-fifth the population of Gujarat, are not subject to exclusion or discrimination. Indeed, many of them are economically prosperous and politically influential. Yet, their anger is real and runs deep. For another, it could be contagious, as the Patidars of Gujarat seek an alliance with caste groups elsewhere in India not yet listed as Other Backward Classes (OBCs). This effort at building a coalition-of-the-willing is new.

Alas, the public discourse on reservations is often drowned by noise and distorted by prejudice, so much so that anyone critical of reservations is perceived to be against affirmative action. Meaningful debate is just not possible in a binary world of black and white, with no room for shades of grey, let alone nuances. In this milieu, dispassionate analyses are necessary and desirable.

For centuries, society in India has discriminated against a significant proportion of its population, on the basis of a social hierarchy created by the *var-nashrama dharma*, which provided the foundations of a complex caste system. Such discrimination and injustice embedded in history provided the rationale for affirmative action in independent India, introduced as part of the Constitution that was adopted in 1950. In considering the experience since then, it is necessary to understand the logic, recognize the successes, analyse the failures, and note the dilemmas that persist.

The model is simple. Its conception and design was based on two essential attributes. The first was affirmative action in favour of scheduled castes and scheduled tribes, as discrimination against these social groups persisted over millennia, so that caste was the defining basis. The second was proportional reservation, quotas roughly in conformity with their proportion in the total population, which was 15% for scheduled castes and 7.5% for scheduled tribes at that time, in government employment and in higher education. These reservations were introduced in 1950. The same reservations were renewed from time to time, most recently in 2010.

Such reservations were extended to OBCs in 1991 for employment in the government sector, and in 2006 for places in higher education. The proportion in both was specified as another 27.5% of the total, which was the estimated share of

OBCs in the total population.

Given the legacy of embedded discrimination, the experience of the past 65 years suggests that affirmative action did succeed, even if the success was modest. It would seem that the objectives of reservations have been met insofar as the quotas have been filled. There is proportional representation for scheduled castes and scheduled tribes in state legislatures and in national Parliament, just as there is proportional representation for Dalits and tribals in employment in government and the public sector, particularly at lower levels.

Clearly, there is an inclusion for some, and there can be little doubt that the situation would have been distinctly worse without such affirmative action. Success, therefore, lies in the counterfactual. But that has another dimension. Outcomes could and should have been better.

At the same time, it is clear that there were failures. Outcomes of reservations in higher education were not quite as good as in government employment. The situation would have been much worse without affirmative action but could have been far better if such intervention had been more effective and purposive. Even after six decades, quotas for scheduled castes and scheduled tribes in higher education remain under-fulfilled by large margins. The stipulated quotas are not met either because a sufficient number do not make the threshold of a significantly reduced minimum, or because admission processes circumvent the stipulation by stealth yet design.

For those who do obtain admissions through reservations, dropout rates are high and completion rates are low, because their school education has simply not been good enough to prepare them for higher education. Most higher education institutions, but for a few exceptions, do not make any serious attempt at remedial teaching.

Such students, who come into the higher education system through reservations, are mostly first-generation learners and are not at par with the average student who enters the world of work. Yet, reservations exist only at the point of entry. However, creating a hierarchy of reservations, at every level, is no solution. It could, and often does, turn out to be worse than the problem, when promotions happen even if performance is sub-standard. The answer lies in remedial on-the-job training, which is seldom provided.

There is another failure, just as serious, that has grown with the passage of time. The benefits of reservations have increasingly accrued to the better-off, the more educated, among Dalits and tribals. Those included through affirmative action in the first instance are, in a sense, co-opted into the system. Thereafter,

privilege is reproduced in the form of preemptive access for the next generation, as also the next, which continues in perpetuity.

The outcome is that a small subset of people from groups that were subjected to discrimination have privileged access through affirmative action, whereas most people from the same groups are left out, marginalized or excluded.

This problem is even more pronounced in reservations for OBCs. It is an omnibus category without any differentiation, even though, in many states, OBCs are dominant in political power and privileged in economic status. It is this elite, described by the Supreme Court as a creamy layer, that captures a large proportion of scarce education and employment opportunities provided by reservations, so that most poor OBCs stay where they were.

Thus, despite reservations, exclusion persists for large numbers, who constitute a substantial proportion of those for whom affirmative action is needed. The irony is that reservations were meant for them in the first place.

It is no surprise that dilemmas persist. There is patronage for those included rather than equal opportunities for all. There is co-option of those included rather than an empowerment—economic, social or political—of all people who are subjected to discrimination and injustice.

There is exclusion on a massive scale. Sixty-five years after affirmative action was introduced, an overwhelmingly large proportion of Dalits and tribals remain excluded from higher education and government employment because they have little, if any, access to social opportunities, most of which come from school

education.

It would seem that the real failures, as also the persistent dilemmas, are attributable to the limited spread of education in society, which is the only means of providing social opportunities for those excluded on account of embedded discrimination. Such exclusion begins with school education and cannot ever end for those denied access because there is path dependence in the process. It needs to be said that this exclusion is not based on caste alone. It is based on gender, religion, location and, most importantly, income. Hence, caste-based solutions alone cannot resolve problems arising from deprivation and inequality that originate in multiple sources.

In retrospect, it would seem that the introduction of reservations for OBCs, in 1991 and 2006, opened a Pandora's box. For one, it chose to ignore the reality of the social and economic differentiation among OBCs. There were unintended consequences, as most of the benefits were captured by the creamy layer.

For another, the discretion in drawing

up the list of castes eligible for OBC reservations left the door ajar. Competing claims by those excluded surfaced time after time. It was not long before the idea of reservations was lost in translation.

Groups not listed among OBCs discovered that they could stake a claim if only they could organize and protest with a political voice. Governments and political parties sensed an opportunity to capture vote banks for elections. The competitive politics of populism and a cynical politics of opportunism moved centre stage. Reservations were no longer about equal opportunities, but about patronage and distributing the spoils of state power.

Given these dynamics, the recent Patidar protests in Gujarat that echo elsewhere in the nation are no surprise. In a society where educational opportunities and employment possibilities are both scarce, mounting perceptions of reverse discrimination, among those who do not benefit from reservations, are bound to surface sooner rather than later. It could be the reason why Hardik Patel has so galvanized the Patels.

We must learn from the experience of the past 65 years. What went wrong and why? It would serve no purpose to wish away the problem like an ostrich that hides its head in the sand. We must also evolve a longer-term perspective about our time horizon for what we set out to do. It cannot be more of the same in perpetuity. Thus, our journey to a less unjust society in India must follow four basic propositions.

First, equal opportunities in school education are an imperative. This would address problems of unequal access, uneven completion rates and asymmetrical dropout rates, to progressively diminish the need for reservations. Second, it is necessary to recognize that discrimination, hence exclusion, is multi-dimensional. It is not only about caste but also about religion, gender, ethnicity and, ultimately, income.

Third, it is essential to accept the idea that affirmative action must be limited to first-time entrants or first-generation learners. And, even with this correction, reservations cannot suffice, without an Equal Opportunities Commission to ensure implementation. Fourth, whatever we do must unite rather than divide, integrate rather than separate people. After all, we are a society plagued by so many divides that our quest for inclusion or social justice should not accentuate those divides.

Reservations served an important social purpose in independent India, to address the problems of embedded discrimination. But more of the same is no longer a solution. The answer lies in expanding educational and employment opportunities. It would ease conflict, soften divides, and progressively reduce the need for affirmative action.

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