

Effectiveness of Affirmative Action Programme in India

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Abstract: - Discrimination of a person or a community whether it is due to his/her race, colour or nationality not only hampers the mobility of the particular community but also leads to the degeneration of a nation. There is unrest in the public, lack of morale and even hate can fester against the discriminatory authority – half of the community will remain underrepresented while the other half will rake in all benefits to become absolute and unaccountable. To address the inhuman subjugation of the minorities (blacks who were sold as slaves, low castes who are forced into bonded labour etc), a strategy had to be formulated for the inclusion of the marginalised sections of the community into the mainstream. Equality is one of the most contested issues in any State, be it social, political or economic. As the primary task of any nation based on democratic principles is to reduce inequality, for example, the concept of positive discrimination is followed in India and the concept of affirmative action in United States. Hence the conception of Affirmative action which was founded to check racial discrimination of impoverished classes especially during job applications- so that the employees are not discriminated against due to their race, colour or nationality. Signed by John F. Kennedy on 1961, the import of this measure was to arrest the malicious practices of racism that had segregated the society into disparate oppositions. The emphasis was to erase the polarising notion of race with a constitutional authority and legitimacy. We can be in a position to debate the importance of Affirmative Action especially in the context of India once we are familiar with the original tenets of this measure. Its foundational goals can be recognized as India's affirmative action (AA) programme is primarily caste-based, although there is some AA for women in the electoral sphere. AA in India, as elsewhere in the world, is contentious for three reasons. First, there is considerable debate over the assessment of caste disparities, the prima facie reason for the existence of AA – whether these are significant at all; if yes, to what extent and in which sphere; and whether they have been narrowing over time. Second, there is a larger debate about whether caste is the valid indicator of backwardness or should AA be defined in terms of class/income or other social markers, such as religion. Third, there is the overarching debate about whether AA is desirable at all, in any form, regardless of which social identity is used as its anchor.

Keywords:- Social & Economic Discrimination, Caste, Racial, Community, Caste-based Affirmative Action.

Objectives of the paper: The objective of the paper is to discuss that the Social & Economic Discrimination, Caste, Racial, Community, Caste-based Affirmative Action is a form of a threat to all dimensions of human security all-round the globe. The study also highlights the need of human-centric approach and international arrangements to ensure human security against the transnational threat at state, regional and international level. There is unrest in the public, lack of morale and even hate can fester against the discriminatory authority – half of the community will remain underrepresented while the other half will rake in all benefits to become absolute and unaccountable.

Research methodology of the paper is descriptive-analytical and most of the data is collected from secondary sources.

Introduction: - The framers of the Indian Constitution were aware of the persistent inequalities perpetrated due to the caste system in India. That is why the Principle of equality was given a place of pride in the scheme of things under Articles 14, 15 and 16 of the Indian Constitution which provided the basics of equalizing principles. This was done primarily by extending an umbrella of protective or benign discrimination for the members of scheduled castes and scheduled tribes whereby they could be provided with special treatment in various sectors of socio-economic and political life of the country. These provisions of the Constitution have come to be recognized as the basis of the Reservation System in India which is very often equated with the Affirmative Action Programme that originated in the United States. However, it is important to note that these provisions are not exhaustive as regards the affirmative action programme in India which is much more elaborate and comprehensive.

In the polarised debate around AA, it is either demonised as the root of all evil or valorised as the panacea for eliminating discrimination. It is worth noting at the outset that Dr. B. R. Ambedkar, the chief architect of the constitution of independent India, who ensured that AA was constitutionally mandated, himself did not see AA as a panacea. He did not believe that the caste system could be made less malignant. He said “...my ideal would be a society based on Liberty, Equality and Fraternity... [the caste system] means a state of slavery a society in which some men are forced to accept from others the purposes which control their conduct” (emphasis in the original). He was constantly engaged with the question of strategies and instruments which would lead to the annihilation of caste altogether. However, while the debates around AA are emotionally charged, it is important to take stock of AA dispassionately through an evidence-based approach. Available national data on caste are defined by the needs of the affirmative action program which divides the population into initially three, and now four, broad groups: Scheduled Castes (ex-untouchable jatis, SC), on average about 18 percent of the Indian population; Scheduled Tribes (ST), on average about 8 percent of the Indian population; Other Backward Classes (OBCs, a heterogeneous collection of Hindu low castes, some non-Hindu communities and some tribes which are not included in the STs), not yet counted by the census; however according to the 66th round of the National Sample Survey (2009-10), these constitute 43 percent of the rural and 39 percent of the urban population and “Others” (the residual; everyone else).

The affirmative action programme in India consists of 22.5 percent quotas in government educational institutions, government jobs and in all levels of elected bodies for SCs and STs. In addition, since 1990, following the implementation of the Mandal Commission Report, there are 27 percent quotas for OBCs in jobs, which in 2006, via the 93rd constitutional amendment, were extended to educational institutions. There are no quotas for OBCs in the allow us to isolate the upper castes, it needs to be emphasized at the outset that calculations based on this categorization will underestimate the disparity between the two ends of the jati spectrum. While the term Scheduled Castes is a product of this official terminology, several members of the ex-untouchable jatis prefer to self-identify themselves as “Dalit” – the originally Sanskrit but now Marathi term, meaning “oppressed” or “broken”, which is used as a term of pride.

The Case for Caste-based Affirmative Action in India: The idea of preferential treatment for caste and tribal groups perceived to be the lowest in social and economic hierarchy predates Indian independence. The constitution of newly independent India continued the idea of preferential policies, declared untouchability illegal and espoused the ideal of a casteless

society. This section discusses the (contemporary) rationale for affirmative action towards designated castes and tribes. In other words, given that this policy originated in the early twentieth century, the arguments in favour of AA are not restated as they originated, but are being reiterated with contemporary evidence.

Systematic inter-caste disparities : Data from a variety of sources on material standards of living, poverty rates, health status, educational attainment and occupational outcomes indicate that the disparities between SC-ST on the one hand and non-OBC Others (a loose proxy for upper castes) are persistent and systematic, regional variation notwithstanding (see, for instance, Deshpande (2011) and Thorat and Newman (2010)).

Social Discrimination : There is sufficient evidence that amply demonstrates the various aspects of stigmatization, exclusion and rejection that Dalits continue to face in contemporary India³. In rural India, despite the breakdown of the traditional subsistence economy, caste continues to exert its strong presence in many different dimensions. Shah et al. (2006) document untouchability in rural India based on the results of an extensive survey carried out over 2001-2002 of 565 villages across 11 states. They find that untouchability is not only present all over rural India, but it has “survived by adapting to new socio- economic realities and taking on new and insidious forms”. Navsarjan (2010) is the latest comprehensive study of untouchability in 1589 villages in Gujarat. It documents 98 types of untouchability practices directed towards Dalits by non-Dalits, for instance, tea stalls keeping separate cups for Dalit customers which they have to wash themselves, not buying milk or vegetables from Dalit vendors, making Dalit children sit separately and at the back of the classroom in schools and so on. While the flouting of caste norms for marriage is not very widespread, the worst social punishments are reserved for the alliance between a Dalit man and an upper caste woman. Urban India might have fewer overt instances of untouchability, but for a practice which has been outlawed for over six decades, it is remarkably resilient and continues to exist in various forms. untouchability is not only present all over rural India, but it has “survived by adapting to new socio- economic realities and taking on new and insidious forms”.

Economic Discrimination : Average wages for SCs and Others differ across all occupation categories, and there are a number of decomposition exercises which divide the average wage gap into explained and discriminatory components (for instance, Madheswaran and Attewell, 2007). The fact that the two groups enter the labour market with substantial differences in education levels indicates pre-market discrimination. There is plenty of evidence which documents the substantial gaps between SCs and Others in access to education, quality of education, access to resources that could enhance learning, and also of active discrimination inside schools by teachers (Nambissan, 2007). Such pre-market discrimination insures that outcomes will necessarily be unequal, even if there were no active labour market discrimination.

The evidence on persistence of caste-based economic discrimination in rural areas is perhaps not as surprising as the evidence from urban areas, especially in the modern, formal sector jobs. In rural areas individuals are more easily identified by their caste status and presumably are more inclined to pursue caste based occupations given the correspondingly lower spread of the modern, formal economy. Caste is supposed to be anonymous in urban settings; identification of caste is difficult, since it is not phenotypically ascriptive. Additionally, urban markets are supposed to respond to “merit” and so even if hypothetically, caste could be identified, it should not matter. In the first major correspondence study in India, Thorat and Attewell (2007), sent out exactly identical resumes to private companies, both

domestic and MNCs, in response to newspaper advertisements in New Delhi during 2005-06. The only difference in the resumes were the easily identifiable names of applicants: Hindu upper caste, Hindu Dalit and Muslims. The study revealed significant differences in call-backs between Hindu upper castes and the other two categories. These findings are confirmed by Siddique (2009) in a study of Chennai. She additionally tests for the interaction between caste and gender and finds that the lowest call-backs are received by Dalit women.

There are studies of hiring practices which emphasize the role of networks and that of informal and personalised recruitment, where “who you know” is often more important than “what you know”. In a college-to-work study, which tried to uncover the exact pathways through which discrimination manifests itself, Deshpande and Newman (2007) tracked a group of students from the three premier Indian universities in Delhi for two years trying to understand what jobs they got, how they got them and what their interview experiences were. It turned out that employers were extremely conscious of the social identity of the applicant, all the while professing deep allegiance only to the “merit” of the candidate. Jodhka and Newman (2007), in an employer attitude survey, find that employers, including MNCs, universally use the language of merit. However, managers use caste and region to determine merit.

In view of the unambiguous evidence on discrimination, AA becomes essential to guarantee representation to Dalits in preferred positions. It should be noted, however, that AA in India, due to the specific forms it takes, is not a complete remedy for discrimination, if not for any other reason than the fact that AA is applicable only to the public sector, whereas the evidence of discrimination is overwhelmingly from the private sector, which is becoming increasingly important in the Indian economy.

Compensation for historical wrongs : Finally, social policy ought to compensate for the historical wrongs of a system that generated systematic disparity between caste groups and actively kept untouchables at the very bottom of the social and economic order. This argument has been used forcefully in certain international contexts (for instance, in Australia for the “stolen generation” and in South Africa for the injustice to Blacks during Apartheid). However, given the complex and long history of the Indian sub-continent, the use of this argument in the context of caste-based oppression and untouchability has to proceed with extreme caution, as several right-wing outfits would like to extend this argument to other arenas by invoking completely unsubstantiated, often manufactured injustices against the so-called indigenous inhabitants, and ask for compensation for historical wrongs. For a region marked by large waves of migration over centuries, it is not clear who the original inhabitants of the region are. Thus, the definition of historical “wrongs” is a site marked by bitter contestation, and therefore, the question of compensation is a fraught one. Coming to the gross violations against particular castes resulting from centuries of untouchability, the argument of compensation for historical wrongs could be, and has been used as one of the elements in the case for AA. However, the case for AA as a compensation for contemporary exclusion is just as strong, even if one did not view it as necessary to remedy historical exclusion.

Implementation of Quotas : Overall, the implementation of SC-ST quotas has improved in all spheres, but despite safeguards, it remains uneven. Given that there is no formal systematic monitoring of the implementation of quotas, they remain subject to the vagaries of political will and an overall lackadaisical attitude.

Implementation of quotas in government jobs : In the topmost categories of officers, Group A or Class I jobs, between 1964 and 1984, the share of SCs increased from 1.6 to only 7 percent. However, the 1994 to 2004 phase saw a sharper increase, such that in 2004, their share was 12.2 percent. (The corresponding shares for STs are 0.3 and 1.7, which went to 4.1 in 2004, as against a population share of around 7 percent). Sheth (2004) argues that this reflects the aftermath of the Mandal phase, which created the space for a greater assertion of Dalit or low caste activism, one consequence of which was better implementation of quotas. Interestingly, in 2004, only 4 percent of Group A officers were OBCs, which is the same proportion as the STs. Before the 1990s, for years, quotas remain unfulfilled, for reasons of “indifference/hostility on the part of the appointing authorities, insufficient publicisation of vacancies and the sheer expense of application” (Galanter, 1984). At the higher levels or promotion stages, formal and informal procedures had operated to keep out the SCs, such as ad hoc and temporary positions, elimination through personal evaluation procedures like interviews, personality tests and unfair adverse entries in confidential records (Guhan, 2001, p.213). As one goes down the hierarchy, the representation of SC-ST increases, with as many as 80 percent of the cleaners being SC in 2007. Overall, the Group D category has always had more SCs than their share in the population, even excluding sweepers. This suggests that within government, all the low-paid and low-skill jobs are dominated by SCs. In all the opposition to affirmative action, there is never any protest against over-representation of low castes in low paying jobs. In other words, as long as Dalits don’t compete in traditional upper caste bastions or “stay where they belong”, it is obviously considered acceptable.

Implementation of quotas in higher education : Access to education by caste can be, and has been, analysed at various levels – literacy rates, quality of education, primary- to- middle school transition and evidence of discrimination inside schools. From the strict point of view of implementation of AA, however, we need to focus on a few key statistics, while recognising that the problem of equitable access and representation across caste groups in the sphere of education is far too large and complex to be captured through these few numbers. Overall, the Gross Enrolment Ratio (GER) for higher education, which has risen from 0.7% in 1950-51, to 1.4 % in 1960-61, and to 8% in early 2000, is still very low (about 10%) compared to the world average of 23.2%, and an average of 54.6% for developed countries, 36.3% for countries in transition, and 11.3 % for developing countries. The existing Enrolment of Eligible Ratio (EER) of roughly 60% indicates that 40% of students who complete their higher secondary programs do not go in for higher education. Within this picture of low overall GER, there is substantial variation by caste and gender, and for both categories, there is substantial regional variation. Thus, data from NSS for 2004-05 reveals that only 9.7 percent of rural SC men and 3.5 percent of rural SC women in the age group 20-24 are enrolled in higher educational institutions, as compared to 14.9 and 6 percent of rural Other men and women respectively. The corresponding figures for rural STs are 8.6 and 5.2; for OBCs, the figures are 11 and 4.1 respectively (Sahoo, 2009). The major faultlines across which we see marked differences in enrolment rates are rural-urban: in all caste groups, urban participation rates are consistently higher than rural and gaps have widened over time; gender: in all the caste groups, men have greater representation in higher education than women; and by age groups: across all caste groups, access at the undergraduate level is significantly higher than at the post-graduate level.

Political Reservations : The one arena in which quotas have been implemented completely is the sphere of political reservations. In principle, SC and ST candidates are free to contest other, non-reserved seats. However, since first general elections in 1952, SC-ST elected representatives have virtually no presence in these two elected bodies outside of the reserved seats. This suggests that if reservations had not been in existence, the probability that these

groups would have the representation they currently have would be very low. If the presence of SC-ST legislators and MPs is taken as a measure of political clout, then there is no evidence of an increase in their political clout. If anything, there is a marginal decline: in 1952, SCs won 76 seats in the Lok Sabha, against the 72 seats reserved for them, which means they won 4 non-reserved seats. In 2004, SCs won only the 79 seats reserved for them, and none from the non-reserved seats. For STs, the picture is fairly similar; the only election where they won on more seats than were reserved for them was in 1998 (won 49 as against 41 reserved). In 2004, they won only the 41 reserved seats. (Sahoo, 2009, p. 88)

The picture in the local bodies is different, underscoring the importance of introducing reservations at this level in 1993, which have managed to achieve a radical transformation in political representation of the marginalized groups. In the early 1960s, when there were no reservations, local bodies in West Bengal with a total of 1081 members contained only 41 SC members (3.8%) and 16 ST members (1.5%). Among the 66 presidents and chairmen, there were 3 SC members and 1 ST. This was at a time when 19.84% of the population of West Bengal was SC, and 5.91 percent was ST. Similarly, in Gujarat, only 35 (0.5%) of the 6863 sarpanches (elected heads of village councils) were SC (Galanter, 1984, pp. 50-51).

Reservations in local bodies has increased substantially the SC-ST presence in lower levels of governance, often going beyond the mandated reservations. For instance, in Orissa, Chhatisgarh, Madhya Pradesh and Rajasthan, SCs/STs have between 30 and 40 percent representation at the gram panchayat (village council) level. Even at the level of the district panchayats (council), there are 14 percent SCs and 9 percent STs, which together is marginally greater than their share in the population. (Sahoo, 2009, p. 88).

Political Representation of OBCs :OBCs have no political reservations at the national level, although some state governments (e.g. Uttar Pradesh, Karnataka and Tamil Nadu) have reserved seats for OBCs at the level of local self-government. Unlike in the case of SC-ST, very little hard data exists on the proportion of elected representatives who are OBCs at the various levels of government. However, the big difference between SC-STs and OBCs is that the last two decades have seen a visible increase in the political clout of OBC politicians and political formations, not uniformly across all regions of India but in a large enough number of pockets. Jafferlot (2003) terms the political ascendancy of the OBCs as the “silent revolution”. The rise of the OBCs as a potent political force, dominating a whole spectrum of political parties, has, in the main, happened without reservations, again suggesting that the stigma of their untouchable status imparts a particular disadvantage to the SCs, which includes, but goes beyond, the economic and social marginalisation which the OBCs face.

Debates over Affirmative Action :Quotas are seen widely as unfair, and are condemned for punishing innocent upper castes for the damage done in the past, reinforcing caste lines rather than striving for a caste-free society, and for exempting Dalits from the rigours of market competition. Critics argue that reservations replace one form of discrimination (against Dalits) with another, equally pernicious form (against general category students or workers). There is a view, especially among the upper castes, that they are benefiting a generation whose parents have already moved up in the social structure and have been able to give them benefits denied to other, much poorer and more remote young people. There is also a belief that unqualified students are displacing highly qualified students in the race to the top of the educational heap. Many who share this view argue strenuously that the application of reservations will destroy the competitiveness of the Indian economy and drive away foreign investors because of the privileges insured by reservation. Hence they fuse personal exclusion with a national downfall

in the making. Broadly speaking, Dalits find these perspectives unconvincing. They instead argue that the most powerful special privileges actually accrue to high caste Hindus who can tap into exclusive social networks, bank on the cultural capital their families bequeath to them, or pay the bribes that are demanded by employers for access to jobs. Dalits from remote areas see themselves as doubly disadvantaged, by caste bias and by poverty. They struggle out of rural areas burdened by social isolation, ill equipped in terms of cultural capital to navigate an urban megalopolis like Delhi, lacking social networks that more privileged castes rely on. Quotas in higher education not only enable the ascent of Dalits in the university world, it literally enabled them to “open their mouths,” meaning speak their minds and “go to the centre of society,” where they can “meet other people...and get a platform” (Deshpande and Newman, 2007). Introducing them to another world and a different future breaks the silence imposed by marginality, caste prejudice (enforced by atrocities (targeted violence against Dalits, such as beating, rape of Dalit women, destruction of their assets, murder and so on, especially in rural areas) and poverty.

For Dalit students, the reservations policy is nothing more than a form of social engineering designed to address centuries of oppression and discrimination, extreme inequities in the distribution of educational opportunity, and the formation of a huge class of Indian citizens who are not equipped to compete without this assistance. These are not matters of history. Dalits cite countless examples from their own experience where they have been interrogated about their caste identities, castigated by prospective employers for their support of reservations, subjected to harassment or disrespect, and denied jobs (as far as they know) solely on account of their caste background. As long as this injustice persists, they argue, reservations will be needed. The policy levels the playing field at the vital choke points of social mobility.

It would be incorrect to portray all upper-castes as unanimously against reservations. There are upper castes, both in universities and outside, for whom equality is a high principle and the barriers to achieving it for historically oppressed peoples clear enough. They embrace the purpose of reservation and see in it the possibilities of upward mobility. Among these supporters, there are differences of opinion nonetheless about the effectiveness of reservations for some of the same reasons that critics voice: lower castes' high drop-out rates. The lesson to be learned for these more progressive voices, though, is not to abandon reservations, but redouble efforts to address educational inequality at much younger ages. Without a massive commitment to improving primary school education, they argue, we cannot really expect reservations to succeed. If not for reasons of equity, then for reasons of efficiency, differential investment is required.

Reverse Discrimination: In the scheme of Affirmative action, the Majority feel excluded and discriminated against as the allocation of jobs and positions in academics is based on a quota system or reservations. In India, the government continues to cement reservations, and increases the quotas to gain vote bank, and the majority feel acutely sidelined. The system of reservation was meant to last for a decade or so, but it has become so established in the contemporary times, that the majority are naturally in derision of it. The burning issue of Patidar Reservation Agitation in India is a befitting example of reverse discrimination in India. Patels as a prosperous caste in India are seeking to be recognized as ‘backward classes’. In doing so, they demand reservations in jobs and educational institutions the same way the disadvantaged OBCs are entitled to. With considerable quotas put aside for the marginalised, the majority has to bear the brunt of tightened and hence highly competitive vacancies and posts resulting in many meritorious candidates losing at academic and career opportunities. If Patels who belong to a commercial community fear the loss of their jobs or unavailability of

jobs altogether, it speaks volumes on Reverse discrimination in India. What is Reverse discrimination—simply put, when the majority feels discriminated against as opposed to the minority that is what reverse discrimination is. How to resolve such a farcical matter that is making a mockery of our democratic country— Either the Patels are empowered with reservation or the system of reservation which was meant to be temporary is removed altogether. Whether the demand of the Patels is a righteous one or not, the point to be noted is that if earlier the minority were discriminated against, the majority in recent times have been subjected to discrimination. This flaw of Affirmative Action needs to be rectified so that the democratic government of India in trying to eliminate discrimination does not fan the flames of reverse discrimination.

Brain Drain :-This is the most obvious aftermath of identity-based politics in India. Due to reservations, and quota based systems, the public feels challenged, undermined and even rejected as selections in jobs and education are made on the criterion of Caste than Merit. Hence, the intelligentsia is forced to work abroad and the phenomenon of Brain Drain keeps draining India of its think tanks, learned scholars and intellectuals.

Against Constitution: If the constitution strives for an egalitarian society with equal rights for everyone irrespective of caste, colour and creed, then the case of preferential treatment as evidenced in the policies of Affirmative Action may/will strike as a double standard. Due to this reason, in many countries Affirmative Action on the basis of race is deemed illegal but in India such is not the case.

Creamy layer : It has been witnessed that there are economic divisions even in the impoverished classes such as OBCs. Mostly the well-off sections of the same community tend to seize the reservations while the poor remain poor and unable to access the welfare schemes meant to rehabilitate them. In order to apprehend such a practice, the concept of creamy layer was introduced in India according to which the upper and middle sections of OBCs are not eligible for reservations allowing the poor OBCs access to government's welfare programs. In this set up, the sections belonging to low castes that have progressed in educational and job circles will not be entertained as marginalised and can compete with the majority without the helping hand of the reservations. Concurrently, the poor castes can benefit from the quota system, and advance themselves to the level of not needing reservations in the long run.

The Logical Scenario for Affirmative Action:It is both debatable and sensitive to figure out an idealistic or practical charting and implementation of Affirmative Action. However it can be achieved by addressing what the public has to say about it; in discussing the various objections to it, revisions which people want in it, and expectations which the public has from it— in debating these queries one can come to a cohesive conclusion on how Affirmative Action should be. The United Nations Human Rights committee in its statement on Affirmative Action has asserted that, “the principle of equality sometimes requires States parties to take affirmative action in order to diminish or eliminate conditions which cause or help to perpetuate discrimination prohibited by the Covenant”. Such a line of reasoning is indeed very significant but it should come with a caveat/condition that Discrimination cannot be eliminated by Discrimination. Supreme Court in regard to Reverse discrimination has declared and cautioned the Indian government that, “Reservation is necessary for transcending caste and not for perpetuating it. Reservation has to be used in a limited sense, otherwise it will perpetuate casteism in the country.” In keeping with this logical admonishment, one thing is clear that the objective should be to eliminate caste not cement it and such a target should be the key while debating, discussing, protesting or agreeing to Affirmative Action. In reading various views, comments and opinions of the public regarding reservation, I have attempted to capture the responses of the society vis-a-vis Affirmative Action in India. Some of the noteworthy ones have been highlighted below to reach a certain resolution of the matter.

Impose a Time Limit: The majority of comments on Affirmative Action have been that it should impose a time limit to its application. As this was included in the cardinal charter of the Affirmative Action, hence it should be kept in mind. Otherwise the percentage of reservations will increase making the majority ineligible or unwilling to apply for Indian jobs and educational institutions.

Caste Based or Economic Based: There has also been a resounding solution offered to rectify Affirmative Action-make it economic-based than caste-based. That is instead of caste being the criterion to allocate jobs and welfare opportunities to the marginalised; the criterion should be their financial capability- are the low castes surviving under low living conditions or are they well-off that they do not need it. .

Earmarked Scholarships for Minority: The public when it comes to job allocation or scholarships for the minority suggest that why not have separate scholarship earmarked for the minority. The grants which are meant for the general category should not be fragmented into small and smaller portions; rather exclusive grants should be assigned for the minority. That is, no quotas should be put on scholarships for general category; instead special grants should be made available for the minority.

Free Universal Primary Education: It is better to provide free education to the unprivileged parts of the society than arming them with jobs which may or may not be within their skill set or capacity. If the minority are provided with proper education starting from primary level, then they can be empowered to compete with the majority on the grounds of merit than caste. Affirmative Action: Can it really function? In following the original conception of Affirmative Action, its interpretations over the decades, and its application in India, the question which needs to be asked is – Is Affirmative Action itself a problem, if yes then how can it be a solution and if no, then why is it severely criticized? We know to some extent why it is indicted by the majority, and we also know somewhat how this solution due to flaws inherent to it is an unstable solution. Perhaps what it needs is continuous revision, rectification and rewriting with the sole objective to empower people so that they do not need it anymore. Success of Affirmative Action, after all, would be in its extinction than continuation. Its aim should be to subvert caste and not propagate it- if this positive measure is applied with this objective in mind, it can prove honest to its original agenda.

Assessment of the Affirmative Action Program

Matters of Merit :The most common criticism of the AA measures is that they go against the consideration of merit and efficiency by allowing candidates access to preferred positions in higher education and public sector jobs that they would otherwise not have access. The latter part of this statement is obvious--quotas are meant precisely for that. The first part of the statement can actually be verified empirically, and indeed many such empirical studies exist in the US context. However, until recently, there was a surprising dearth of detailed empirical studies on India and the debate proceeded more on the basis of pre- conceived beliefs, rather than on the basis of hard evidence. It should be noted as a general point, though, that the discussion on merit is conducted as if merit is a neutral, objective characteristic, independent of the standard used to measure it, similar to height or weight or the number of teeth. Consequently, exam scores are a relatively uncontroversial instrument for allocating scarce seats in institutions of higher education. The reality is that “merit” is extremely hard to measure in a standardized way and examination results, while widely used as a proxy for merit, may not be the best gauge. Whether every percentage difference in exam scores reflects a qualitative difference in “merit” is a moot point.

Finally, the debate over lower entry scores for SC-ST misses the value added from being admitted to a prestigious institution of learning. The focus on drop-outs of quota students detracts from the success stories – those who successfully complete their program. Bowen and Bok (1998) document the long term positive impact of AA on the lives of beneficiaries who successfully graduate from elite universities, even if they do so with grades lower than their white counterparts. For successful blacks, the transformation in their life chances because of AA is tremendous and the benefits go beyond the final grade they obtained at graduation. Before the more rigorous empirical studies came into existence, Galanter (1984) had undertaken a rough but comprehensive assessment of the AA programme. His main conclusions can be summarized as follows:

- Reserved seats do provide representation to SC-ST in legislative bodies, but that may not get reflected in enhanced, targeted policies towards these groups for several reasons. First, these candidates are elected by a common electorate and hence, SC-ST candidates have to appeal to a wider, multi-group electoral constituency, and tailor program accordingly. Second, these candidates typically belong to political parties which have a larger agenda than that of Dalit empowerment, which their elected representatives, including Dalits, have to reflect.
- Affirmative action has kept the beneficiary groups and their problems visible to the educated public, but it has not motivated widespread concern for their inclusion beyond what is mandated by government policy.
- Thus, Galanter concludes that affirmative action has been a partial but costly success. It has accelerated the growth of a middle class and SC/ST members have been brought into central roles considered unimaginable a few decades ago⁵.
- Corbridge (2000) gathered a wealth of quantitative and qualitative data over the 1980s and 1990s from the Jharkhand region of South Bihar in order to assess the impact of reservations on the tribals of that region. He finds that the reservation system has benefited mainly the tribal elite, which had formed over the 1940s and 1950s via jobs in the mines, who are mostly men and residing in urban areas. However, the capture of reserved jobs by middle class STs has not been so pervasive that less affluent tribals have no hope of landing a reserved job. In fact, in his study, almost half the jobs available seem to be going to less affluent tribals men (and some women). The reservation system has served to expand the size of the tribal middle class, as well as served to enhance the consciousness of tribals about their rights and about asking for compensation from the authorities.
- Productivity Impact of Affirmative Action
- In the first empirical study of the effects of AA in the labor market, Deshpande and Weisskopf 2011 focused on the Indian Railways to assess if AA, i.e. the presence of SC-ST employees who have gained entry through quotas, has impacted productivity negatively. Analyzing an extensive data set on the operations of one of the largest employers in the public sector in India, the study found no evidence whatsoever to support the claim of critics of affirmative action that increasing the proportion of SC and ST employees will adversely impact productivity or productivity growth. On the contrary, some of the results suggest that the proportion of SC and ST employees in the upper (A and B) job categories is positively associated with productivity and productivity growth.
- The finding of such positive associations in the case of A and B jobs is especially relevant to debates about the effects of AA on behalf of members of SC and ST communities, for two reasons. First, the impact of AA on productivity is likely to be much more affected by the efficacy with which high-level managerial and decision-

making jobs are carried out than the efficacy with which lower-level semi- skilled and unskilled jobs are fulfilled. Thus, critics of reservations are likely to be, and indeed are, much more concerned about the potentially adverse effects of reservations at the highest decision making levels than at lower levels. Second, it is precisely in the A and B jobs – far more than in C and D jobs – that the proportions of SC-ST employees would not have risen had it not been for quotas.

- Assessing Affirmative Action in Higher Education

Desai and Kulkarni (2008) examine AA in higher education by focusing on outcomes. In particular, they examine the question of whether educational inequalities between SCs and STs on the one hand, and upper caste Hindus on the other, have reduced by using data from successive NSS rounds between 1983 and 2000. They calculate “transition probabilities” across six levels of education (probability of making a transition from primary to middle school, from middle to high school, and so forth). Their study is rich in its detail and its bottom line is clear. The educational inequalities between SC-STs on the one hand, and upper caste Hindus on the other hand, have declined significantly at the primary education stage. For the middle and high school levels, there is a decline too, but not significant. At the college levels, the inequalities between ST men and upper caste Hindus have declined, but for ST women, SC men and SC women, the inequalities have increased.

- All available evidence indicates that a large majority of SC-ST candidates owe their presence in institutions of higher education to reservation policies. While empirical studies on effects of AA in higher education are very few due to lack of data, the few studies that exist point towards the fact that SC-ST.
- This recalls the arguments in favor of AA in U.S. educational institutions made to the Supreme Court by U.S. military officers, who want to avoid having just white men in charge of troops that are disproportionately of color (See Weisskopf 2004, preface.) Page (2007) shows convincingly how groups that display a wide range of perspectives outperform groups of like- minded experts. students find it hard to succeed in competitive entrance examinations due to past handicaps (lack of good quality schooling, lack of access to special tutorial or coaching centres that prepare candidates for open competitive examinations and so forth).
- Evidence presented in Weisskopf (2004) suggests that at least half the seats reserved for SCs and at least two-thirds of the seats reserved for STs remain unfilled, if all institutions of higher education are considered together. He argues that this is because of ‘wastage’ (dropping out) as well as ‘stagnation’ (repeating courses because of failure or attendance gaps) at prior levels of education. While these are very serious problems, the real pity is that a mechanical approach to the issue of AA means that no effort is made to understand the basic underlying factors that cause dropouts and stagnation (which are discrimination and deprivation and lack of access to good-quality education at prior levels), and thus no serious efforts are made to remedy them. Since the overwhelming opinion remains anti-AA, the larger the proportion of dropouts, the more it ‘proves’ the contention of the anti-AA opinion—that quotas are costly and useless. As a matter of fact, there are specific remedial measures that could be applied to address these problems: bridge courses, special courses in mathematics and English (the two areas with the maximum gaps between SCs and Others), and so forth. The University Grants Commission, a government body designed to regulate higher education, has special funds allocated for such remedial measures, but these funds remain unutilized for the most part, both because of lack of awareness about these funds and, more fundamentally, because of a lack of serious will to make the AA programme succeed.

Given that there is no monitoring and no penalties for lackadaisical implementation, institutions can turn a blind eye to the issue of unfilled quota seats.

- They attribute these declines to AA. This is suggested by the fact that a similar decline is not seen for Muslims, who suffer similar disadvantages as the Dalits, but do not get any preferential treatment. The authors suggest that the decline in inequalities at the primary level might be due to AA in employment. However, in college education, where AA is directly applicable, they find that inequalities have actually widened, which puts a question mark on the efficacy of AA. Also, they find that after accounting for income and residence, SCs experience greater disadvantage in college education than did STs. The reasons for AA in higher education not being to successfully narrow the gaps is a cause for concern, but the gaps would, in all likelihood, have been even larger in the absence of AA.
- The “mismatch hypothesis” suggests that AA actually harms targeted students by placing them in programs for which they are academically unsuited and result in the higher drop-out rate among reserved category students. To date, only three substantive quantitative studies gauge the impact of AA in higher education by focusing on this mismatch hypothesis.
- The first study, by Bertrand, Hanna and Mullainathan (2008), focuses on individuals applying to an engineering college, via a competitive entrance examination, in one Indian state in 1996. Engineering colleges are among the most prestigious educational institutions in India. The authors first took a census of all students applying to this engineering college and found that the qualifying scores for admission were roughly 480 out of a possible 900 for upper caste individuals, 419 for OBC and 182 for SC. These score disparities provide elementary support for the hypothesis that lower-caste students would not be able to perform, and will not benefit from AA because of the mismatch between their basic skill levels and the skill requirements of engineering education. This could lead to wastage and drop-outs. To better understand the outcomes across caste groups, the authors then interviewed about 700 households from the census of all applicants between 2004-2006 (approximately 8-10 years after the entrance examination). They surveyed both the applicant and their parents to gauge life outcomes including income and occupation, job satisfaction, social networks, and caste identity.
- The third study, which is the most recent one (Robles and Krishna, 2012), contrary to these findings, suggests that in highly technical courses, Dalits do not catch up with the non-Dalit students in terms of grades – in other words, they start with lower grades and graduate with lower grades. They measure mismatch by post-college earnings and find that SC students who enroll in more selective majors through preferential policies end up earning less than what they would have earned if they had enrolled in less selective majors. Thus, their results are not directly comparable to the other two studies as mismatch is defined differently. However, the study finds, like the previous studies, that AA targets the population it is designed for: the targeted students are poorer than the average displaced students. Given the larger benefits associated with AA, if the targeting is accurate, then admission to prestigious courses would alter the lives of those who get in through AA despite a gap in the graduating grades between SCs and non-SCs.
- Contrary to popular belief, they find that caste-based targeting results in the targeting of economically disadvantaged individuals: the parental income of upper-caste students displaced by AA is Rs.14,088, compared to Rs. 8340 among displacing lower-caste students. They also find that despite much lower basic skills (as measured by scores on the entrance exam), those who are admitted through AA economically benefit from

attending engineering college. They estimate that attending engineering college increases lower-caste members' monthly income between Rs. 3700 and Rs.6200. This corresponds to an increase of 40 to 70 percent. In other words, they find no evidence of the "mismatch hypothesis". In addition to improving earning potential, they find that AA could also increase access to more satisfying careers, measured in terms of job quality and satisfaction. These two findings (of higher earnings and better job quality) resonate with the findings contained in Bowen and Bok's (1998) seminal study of long term benefits of AA. However, they also find evidence of the "creamy layer" as well as gender imbalance within those who benefit from AA, much like the Corbridge study described above. Specifically, they find that those from higher socio-economic backgrounds, and men more than women within the lower-caste groups, benefit more.

Conclusion: India's affirmative action programme is one of most comprehensive in the world. It is built into the country's 68-year-old constitution, and reserves seats in parliament and state assemblies for the country's most socially disadvantaged groups, as well as government jobs and places in educational institutions." Reservations" or quotas have been given to the caste-based groups - mainly Dalits (previously known as "untouchables") and tribespeople - to rectify historical wrongs perpetrated by the country's harsh and toxic Hindu caste hierarchy. There's ample evidence to prove that these quotas have helped to empower and uplift the socially deprived. The programme is also controversial. Identity and caste-based groups clamour for fresh quotas as formal jobs and quality education remain chronically scarce. This has forced the Supreme Court to cap reservations at 50% of the total jobs and seats. No wonder affirmative action has become a tool for politicians to win quick votes. Perhaps what it needs is continuous revision, rectification and rewriting with the sole objective to empower people so that they do not need it anymore. Success of Affirmative Action, after all, would be in its extinction than continuation. Its aim should be to subvert caste and not propagate it- if this positive measure is applied with this objective in mind, it can prove honest to its original agenda. There is a lot of frustration amongst those who have been deprived of their jobs, which they would have got in the absence of preferential policies, undermining the efficiency of the administration, underlining the differences and leading to invidious discriminations, making the beneficiary groups dependent and blunting their development and initiative could be said to be costs of these preferential policies. The criticism that these policies have evoked and the debates that take place in India today, represent the vivacity of India's democratic experiment. However to ensure that this experiment moves on a stronger footing, a certain direction need be given to the process of Affirmative Action Programmes and the time appears to be ripe to start some kind of roll-back process of reservation system so as to usher in a healthy democratic order.

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