

Foundation for Democratic Reforms/Lok Satta's proposal towards Rationalization of Reservations

Answers to Key Questions Raised

Following Gujarat Patel agitation for OBC status, FDR / Lok Satta initiated a genuine debate towards protecting affirmative action policies, ensuring that benefits of reservations go to the deserving families and promoting harmony in society. Zero-sum approach to reservations deepened caste divisions without helping the truly poor, deserving kids in depressed communities to advance in life. We need a creative response - not conflict. Reservations so far limited benefits to a few well educated families in the reserved communities. The truly deserving among SCs/STs and OBCs are still left marginalized. Poor among OCs are resentful and helpless. Except well-off and educated families in reserved communities, all others feel betrayed. We need changes.

FDR/Lok Satta is broadly proposing the following key changes in reservation policy along with other essential steps

1. Families of public officials of a certain rank - IAS, IPS, other Central and State civil services, present and former MLAs, MPs, other senior politicians - certain high income professionals like physicians, chartered accountants, managers above a certain rank in the private sector, and businessmen and others above a certain income should be dis-reserved. This gives the poor in depressed communities a realistic opportunity for growth.
2. Children belonging to poor OC families should be awarded additional marks as decided by an expert group to overcome their handicap. Income certificates are prone to manipulations, and therefore verifiable, credible, fair means should be evolved to identify eligible families. This can be based on parental education and the school the children went to. Other criteria may be identified by broad consensus. Once poor children get a weightage of marks (5 to 10%), they can compete with the more privileged children of their own communities on a level playing field.
3. We must ensure that no bright child with ambition should be denied higher education on account of poverty or birth. Scholarships, free tuition, soft loans and other mechanisms must be strengthened.
4. These efforts should be coupled with a vigorous national effort to improve school education outcomes. We must ensure quality schooling to every child irrespective of birth and poverty. Right now our school education outcomes are appallingly poor as evidenced by India's [73rd rank](#) in Programme for

International Student Assessment (PISA) and results in Annual Status of Education Report (ASER) surveys. Quality education and utilizable wealth-creating skills are the only passports to vertical mobility

The proposals are being widely debated across print, electronic and social media. An editorial of Dr. Jayaprakash Narayan titled “[A new edifice for reservations](#)” has been published in The Hindu on 02/09/2015 and other vernacular papers. Efforts are being made to improve the proposed reforms by widening the debate and building consensus on fair, pragmatic, effective proposals.

The frequently asked questions pertaining to reservations and the reforms proposed by FDR/Lok Satta have been compiled as below

1) Should there be reservations?

Yes, reservations are emphatically needed. In a country of India's circumstances with mass poverty, caste oppression, centuries of discrimination and future of majority of children being determined by birth, it is absolutely essential that special efforts are made to give extra opportunities to the oppressed communities. There is a broad consensus in India that reservations are necessary to help uplift the disadvantaged sections.

2) Even after 65 years, should reservations continue?

Undoubtedly YES. The government in 65 years has failed spectacularly in fulfilling its basic duties, particularly in guaranteeing quality education for at least ten to twelve years for every single child irrespective of circumstance of birth. Most civilized nations have made systematic efforts and achieved great progress in ensuring quality education (without out-of-pocket expenditure) to every child irrespective of birth.

Among large economies, India is the singular exception to this. We have appallingly poor quality of education. The few opportunities for quality school education are limited to the wealthy and upper middle classes. Most government schools have lost credibility and most low-end private schools are sub-standard. The quality of school education and outcomes are appallingly poor.

The PISA survey (by OECD) conducted in 2009 ranking educational outcomes at the age of fifteen has placed India in 73rd rank out of 74 nations. The cynical response of the Government of India is to withdraw from this survey instead of radically improving school education. The ASER surveys

have been consistently recording that the educational attainments of rural children both in government and private schools are appallingly poor.

Therefore, in the absence of real quality school education for no fault of the poor, the disadvantages of birth continue to plague the bulk of our children. Therefore, reservations should continue so that there is a level playing field.

3) Should caste be the primary criteria for reservations?

Emphatically YES. Caste needs to be the primary criterion. Many socio-economic surveys have clearly demonstrated that there is a definite link between caste, education, opportunity and poverty.

While the overwhelming number of the poor and deprived sections in India belong to Dalits, STs or Backward Classes, it is true that there are poor in all communities and all sections of population. In this whole debate we must not forget that India is an incredibly poor country with a vast majority living lives of quiet desperation with low income, low literacy, low per capita expenditure, poor nutrition and ill-health. Nevertheless, a vast majority of SCs, STs and OBCs are poor and deprived, while a smaller proportion of other sections (OCs) are also poor and deprived. Therefore in any affirmative action policy, caste will have to remain as a primary consideration.

However, caste cannot be the sole criterion for affirmative actions. The benefits should flow to the vast majority of underprivileged children from deprived castes; not to a few privileged children with a caste tag.

4) Have reservations really achieved the desired results? How do you support your argument that the reservations have benefited only the elite strata in reserved community?

The results have been inadequate by any standard. The limited success of reservations is largely because of two factors as explained above. Our school education is of appallingly poor quality as is our healthcare. The children from poor families with little parental education have virtually no support system in our country at the school level. When school education itself is defective and the poor cannot access quality education the benefits of reservations are illusory to the bulk of the people. The poor are not given opportunities to acquire skill or participate in wealth creation. As a result, poverty is perpetuated and backwardness is institutionalized.

After a point, reservations will no longer favor the majority of the poor among SCs, STs and OBCs because the benefits tend to flow increasingly to those whose parents have the advantages of income and education. This process is

particularly evident in the past 25 to 30 years. Those families that benefitted from reservations in education and employment for about four decades after independence tended to outrun and outcompete the truly poor and disadvantaged among these communities. In most selections to/in premier institutions in higher education or recruitment to high-end jobs, it is the children of Indian Administrative Service, Indian Police Service officers and other senior officials, the progeny of Members of Legislative Assemblies (MLA), Members of Parliament (MP) and the other political elite, and the offspring of successful professionals and businessmen who dominate the scene in communities eligible for reservations.

We are also conducting an evidence-based enquiry by gathering information from reputed institutions to further establish the skewed benefits of reservations to a privileged families, leaving most poor families in the depressed communities far behind.

5) Does Reservation eliminate discrimination?

No. The logic behind reservations is, once the person is equipped with access to higher education and economic security through public jobs he/she would attain a reasonable capacity to withstand discrimination in society. The state has only the power to give these opportunities. Beyond this, anything to end caste-based discrimination in totality has to be through social and religious reforms.

A larger social and religious movement is needed to confront caste in all spheres of our life. Even with increasing urbanization caste divisions are not sufficiently diluted largely due to deep-seated discrimination and political mobilization of caste groups as vote banks. In fact the way reservations are implemented has become a sore point further accentuating caste divisions.

The long-suffering disadvantaged groups quite rightly and genuinely feel that their lives have not changed significantly and their children continue to suffer for want of educational opportunities. At the same time the so-called 'upper castes' increasingly harbor animosity against the communities included in caste reservation on the mistaken belief that it is the disadvantaged sections that are depriving their children of opportunities.

The all-pervasive general poverty of the country, the poor quality of school education, inadequate economic growth and job creation and caste based political mobilization have all ensured deepening of caste divisions. Improving the quality of school education and affirmative action are the only tools that the state has at its disposal to reduce discrimination. Simultaneously,

political parties must shed politics of zero-sum game; society must accept and encourage inter-caste marriages as a way of life and religious leaders must aggressively and consistently denounce caste and promote unity and harmony.

6) Why not we add poor among OCs in reservation quotas?

This is neither desirable nor feasible. The Supreme Court has already put a 50% cap on reservations. Most objective observers believe that 50% is reasonable. We cannot expand the reservation basket if we want to remain as a credible society with rule of law and constitutionalism. However we can devise an innovative mechanism by which the children who suffer a disadvantage from the OC community will be given an added opportunity to compete with the more privileged children from among OC communities.

One such mechanism could be giving an added weightage or handicap, duly recognizing the circumstances. Let us take the case of a child from a poor, illiterate rural family going to ordinary government school or low-end private school who obtains 80% marks in 10th or 12th standard. He / She will be regarded in any fair society as more capable and deserving than a child from a well-educated, high-income urban family attending a high-end private school with an annual fee of, say INR 20,000 per annum and obtaining 85% - 90%. Unfortunately, our system of evaluation of merit does not recognize this distinction. We are assessing the accomplishment of the child in a mechanical way purely measuring the marks obtained. Therefore, it is fair and reasonable to give the truly disadvantaged children the weightage in the form of marks. This will have three special benefits –

1. The weightage goes only to truly disadvantaged children measured by objective and verifiable criteria.
2. This does not necessitate the creation of more quotas for poor among OCs that do not have reservation.
3. It will ensure that even disadvantaged children from these communities will have to perform well and meet certain standards. They only get a weightage in marks, not an assured quota irrespective of performance.

7) How do you judge who is entitled or who is not entitled in unreserved community (OCs)?

Undoubtedly, poverty determines the quality of schooling and lack of opportunity. However, in most states of India, over 90% of the people from all sections manage to get ration cards giving them heavily subsidized rice or wheat. Almost anybody can get an income certificate entitling their family to fee reimbursement or some other concession intended for the poor.

Therefore, while income is the obvious criterion, in actual implementation income certificates will not work in most cases. Therefore, we need to identify specific, verifiable, rational and fair criteria that cannot be manipulated easily. For the time being we are suggesting two such criteria:

1. Parental education and employment
2. School the child attends

If the parents are uneducated or have minimal schooling it is reasonable to assume that in most cases children suffer from poverty, lack of opportunity and poor quality education. Even more important is that if the child goes to an ordinary government school (not Kendriya Vidyalayas, model schools and such other elite institutions) or attends a low-end private school with an annual fee of say INR 6,000 or less, it is a sure indicator of poverty and lack of opportunity. However, these criteria are not set in stone; they need to be constantly adjusted to suit the changing conditions. An effort should also be made to identify other fair and objective criteria.

If the parent (major income earner) is uneducated or semi-literate and the child has attended a government school or low-end private school, we can be sure that the child's family is economically backward.

8) Will these measures improve the lot of the poor?

No; these are necessary measures but not sufficient. We can end poverty and discrimination and create opportunity only when every single child gets quality education without out-of-pocket expenditure and irrespective of circumstances. Good schooling is the only assured guarantor that birth will not impede a child's progress in life. We have to build a robust economy that can create jobs and raise incomes so that people can be lifted out of poverty. News reports show that recently in the state of Uttar Pradesh 23 lakh young people applied for 368 peon jobs in the government. Lakhs of them are university graduates and hundreds of them are Ph.D's. In Chhattisgarh also, for thirty peon jobs 75,000 have applied. This is a pattern seen in almost all States of India. That in this day and age the government still recruits peons and so many 'well-educated' young people feel desperate enough to chase these few menial jobs amply illustrates the enormity of challenges we face.

All over the world it is commonly observed that the higher the education, the lesser the unemployment. India is the sole exception among major economies to this norm. Unfortunately, in our country unemployment is directly proportional to the years of education. The illiterate are almost all fully employed as wage laborers etc; the semi-literates are mostly employed in some form or the other. But as the child gets more and more years of schooling and college education, there is less and less employability. This fact

alone speaks of an enormous crisis in both our education and our economy. Both these crises need to be addressed on a war footing. The increasing polarization on issues like reservation is merely a reflection of our failure as a society to provide meaningful education and create genuine opportunities for vertical mobility of bulk of the population.

9) What about reservations in private sector?

There cannot be reservation quotas in private sector. Coercive action by the state would be regressive and would not be constitutionally permissible. Therefore, in order to ensure equal opportunities in private sector the following market mechanisms need to be encouraged by the state.

1. There must be statutory disclosure by companies about current recruitment policy, employment requirement and likely recruitment.
2. Based on the above disclosures, there should be skill development programmes by government and big employers, preferably in PPP mode.
3. There should be Independent monitoring and rating on employment practices. Comparative data of employment practices between enterprises belonging to the same sector and enterprises belonging to different sectors have to be made public.
4. Government and civil society should put pressure on the companies showing discrimination in recruitment. It can be in the form of eligibility for tendering in public procurement. More importantly, if a corporate indulges in clear discrimination, civil society must boycott its good and services. This market mechanism of naming, shaming and denying market share will be very effective in ensuring fair practices in recruitment.

10) Are there any plans to initiate a social movement combining all political forces? What are the steps to implement your suggestions/proposals?

First we need to recognise the need for rationalization of reservations. It cannot be the question of should there be reservations or not. We are witnessing frequent agitations by some or other caste group; now that we have momentum across the country, this crisis has to be converted into opportunity to promote genuine debate towards rationalization of reservations. We are trying to take constructive suggestions to improve this proposal. Once there is wide consensus on the proposal then it's only the matter of political will.

Reservations are neither panacea to end backwardness and discrimination, nor are they the problem denying opportunity to the others. They are an important tool in giving confidence and opportunity to the disadvantaged groups and promoting harmony in an unjust society. We are therefore not in favour of

sectional movements centered around the issue of reservations. Such movements only accentuate divisions in society, promote primordial loyalties, deepen prejudice and undermine harmony. What we need are patience, understanding, perseverance, constant improvisation based on evidence and logic, and all-round efforts to give universal access to quality education and healthcare, and create real, wealth creating jobs to give opportunity to every Indian.

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