

# Reservation in India

The process of aiding those who have experienced historical injustice in education, scholarship, and employment is known as reservation. It is a form of quota-based affirmative action. It is governed by constitutional law, statute law, and local ordinances. The reservation might also be viewed as positive discrimination since it is based on quotas.

Even before the country gained independence, reservations were in place. Following independence, the Constituent Assembly, presided over by Dr BR Ambedkar, established the system of reservations. It was first made available for ten years. After ten years, Indian legislators saw the need to keep the system of reservations in place to address decades of racial and cultural prejudice against particular groups in society.

## Reservation in India: History

The concept of reservation was first used in India in the second century B.C. when the wealthy were given special privileges.

- The caste-based reservation system was initially conceived in 1882 by William Hunter and Jyotirao Phule.
- When British Prime Minister Ramsay Macdonald gave the Communal Award in 1933, he officially launched the Reservation in India that we use today. Separate electorates for Muslims, Sikhs, Indian Christians, Anglo-Indians, Europeans, and Dalits were provided for in the award.
- The Poona Pact, which Gandhi and Ambedkar signed after protracted talks, established that there would be a unified Hindu electorate with specific reservations.
- Following independence, only reservations were offered to SCs and STs under Article 335 of the Indian Constitution.
- On the Mandal Commission's advice, OBCs were accepted into the reservation system in 1991.

## Reservation System in India

As soon as India gained independence, reservations were incorporated into the constitution to acknowledge the historical injustice done to members of

underprivileged groups and to put policies in place to give them better access to resources and opportunities. The Reservation System in India was introduced because:

- to make amends for historical wrongs committed on India's lower classes
- To guarantee that individuals from all castes are equally represented in the state and federally-funded programmes
- to provide everyone with a level playing field regardless of caste
- to uplift and improve the underprivileged groups

## Mandal Commission

In order to exercise the constitutional authority granted by Article 340, the President established a backward class commission in December 1978, with B. P. Mandal serving as its head. The commission was established to decide what constitutes India's socially and educationally backward groups and to suggest actions that should be made to advance such sections.

- OBCs make up over 52% of India's population, hence 27% of government jobs should be reserved for them, according to the Mandal Commission.
- The panel has developed 11 measures of social, educational, and economic backwardness.
- Among non-Hindus, the Commission has recognised disadvantaged groups.
- Along with a list of 2,108 "depressed backward classes" castes, it has created a list of 3,743 other backward classes (OBC) castes in India.

## Reservation Percentage in India

The distribution of the reservation percentage/quota for candidates to government jobs or higher education institutions in India is shown below. The information pertains to 2021.

Category	Reservation Percentage
Economically Weaker Sections (EWS)	10%
Scheduled Caste (SC)	15%
Scheduled Tribe (ST)	7.5%
Other Backward Classes (OBC)	27%
Persons with Benchmark Disabilities	04%

## Reservation in India: Constitutional Provisions

Fairness in social, economic, and political matters is promoted in the Preamble. The objective is to build a society devoid of prejudice. It means prioritising the less fortunate people in society. The Constitutional provisions related to the Reservation System in India are:

- The reservation of SC and ST in Central and State legislatures is covered in Part XVI.
- The State and Central Governments were permitted to reserve seats in government services for SC and ST members thanks to Articles 15(4) and 16(4) of the Constitution.
- The Constitution (77th Amendment) Act of 1995 changed the Constitution, adding a new clause (4A) to Article 16 that allows the government to offer reservations for promotions.
- The Constitutional 81st Amendment Act of 2000 added Article 16 (4 B), allowing the state to fill any SC/ST-reserved seats that remain unfilled from one year in the following year, effectively eliminating the cap of 50% reservation on the total number of vacancies for that year.
- In every Municipality, seats are reserved for SCs and STs under Article 233T.
- In every Panchayat, seats are reserved for SCs and STs under Article 243D.
- Through the reserve of seats for SCs and STs in the Parliament and State Legislative Assemblies, respectively, Articles 330 and 332 provide for particular representation.
- According to Article 335 of the constitution, the claims of STs and STs must be taken into account while preserving the administration's effectiveness.



## Reservation System in India: Latest News

With a 3:2 split decision, the Supreme Court confirmed the legality of the 103 constitutional amendment that grants members of economically weaker sections (EWS) a 10% reservation in admissions and government posts.

The 124th Amendment Bill to the Constitution established the 10% EWS quota. With respect to direct employment and higher education, this amendment to Article 15 effectively permits the state to create some restricted reserves based on economic factors without changing the other quotas designated for SC, ST, and OBC categories.