

Affirmative Action Policy in India: An Analysis

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Abstract

This paper attempts to understand and analyze affirmative action policy in India. It highlights both the support and opposition from different sections of the society for the implementation and continuation of these policies in India. Affirmative action primarily helps societies to remove existing disparities based on caste, race and socio-economic conditions. It also has positive implications for the increase in literacy rate, improving the standard of living of individuals, and strengthening welfare measures of economically weaker sections. In recent years, the limits of affirmative action policies towards collective empowerment have resulted in their critical evaluation. The paper deals in detail with all these questions.

Keywords: affirmative, discrimination, reverse, meritocracy, castes, socio-economic

1. Introduction

Affirmative action is a very vital topic and sometimes leads to a controversial debate between two groups, one who support it and the other who thinks that equality cannot be achieved through affirmative action. Generally, affirmative action describes as a set of policies and practices adopted by the government through society to include particular groups based on their caste, creed, gender, etc. in such areas where they are not adequately represented, especially in education, and employment. The main purpose of the introduction of affirmative action is to remove inequalities existing in society because of the caste system; bridge inequalities in employment faced by the disadvantaged group; access to education for all, and redress the issues of apparent past injustices and hindrances.

Affirmative action and its implementation vary from country to country, which exists in the form of quotas just for increasing participation. Some countries like

India use quota systems in the form of reservation policies by reserving seats for underrepresented categories of citizens in public employment, educational institutions, and legislative bodies (Ashwini Deshpande, 2006). In some other countries like the USA, where quotas are not used, preferential treatment is given to persons belonging to minority groups in the selection process (Gullett, 2000).

This paper is trying to analyze the affirmative actions in the context of the Constitution of India which gives an idea of equality for all as per Article 14-18. The paper further elaborates on affirmative action and its needs in society. The implementation and continuation of affirmative action in society always invite support as well as opposition from different segments of society. Given understanding the affirmative action about the present situation and the achievement of the goal of affirmative action as decided before the introduction of affirmative action, it has tried to highlight the socio-economic effects of affirmative action on beneficiaries.

2. Context

2.1 Affirmative Action

In society, there exists a large number of societal inequalities and to bridge such inequalities, affirmative action is essentially required in creating a welfare society. Affirmative action works as a grievance redressal mechanism specially designed for disadvantaged groups and calls for rectification. The affirmative action is the best example of the applicability of Rawls theory which emphasized that if the administration wants to treat all persons equally and want to make a congenial atmosphere in the society by giving equal opportunity to all, attention to be given to those who placed in less favourable conditions instead of demand of the market (Surovtsev & Syrov, 2015).

Accordingly, affirmative action is a set of programmes framed to create a justifiable society for those who are seen to have historically been discriminated against by providing preferential access to education, employment, healthcare, social welfare, etc. Affirmative action cannot be used solely as equal opportunity. Equal opportunity is working on the principle of non-tolerance of discrimination once it is detected. In contrast, affirmative action adopted such practices which do not only subvert discrimination but also avert discrimination. Hence with this unique characteristic, affirmative action has acquired a distinct place in society, especially in the context of India where disadvantaged groups are the composition of our socio-economic and political life in the form of race, colour, caste, gender and biological disability.

2.2 Need of Affirmative Action

Affirmative action in today's world is quite essential. The affirmative actions taken by the administrative bodies either in public employment or higher educational institutions towards a certain category of citizens belonging to SC, ST and OBC are not only compensating the historical discrimination faced by them but also benefiting the society in many more ways like promoting diversity, cross-ethnic

interaction, fairness in process of recruitment and admission, gender equity, social mobility, etc.

2.2.1 Diversity in Educational Institutions and Workplaces:

Diversity in educational institutions and workplaces is somehow the result of affirmative action. The under-represented have got a fair chance to have access to education and jobs. When we are talking about diversity, it emphasizes the importance of developing a work culture of inclusion rather than exclusion. With the help of affirmative action, we are able to develop such a culture where the organization/institutions recognize the differences between the different categories and gender. The management paid heed to understand different voices as being legitimate and involved them in the decision-making process so that no category, caste, gender will be left unheard. Because of affirmative policy, underrepresented categories have got a chance to participate actively in shaping culture and adding value to the growth of society as well put before the issues of their respective diverse group. The best example of diversity through affirmative action is allowing people with different backgrounds and ideology work together and serve society to their highest potential. In such a system of diversity at the workplace and institutions, the different voice of different communities is recognized as well diverse viewpoints are valued which encourage them to make a unique and meaningful contribution (Jain & Bhardwaj, 2015).

This diversity helps the students to increase the chances to share their educational experiences as well as understand the needs of the same education by other segments of the society. Similarly, the applicability of affirmative action in workplaces by increasing the participation of discriminated groups, promoting cross-ethnic interaction resulting in better economic outcomes, preparing employees to work in a diverse global economy and creativity of teams in workplaces. It is proved in one of the studies that affirmative action is making an effect an economic perspective and

firms with vigorous affirmative action plans are as profitable as are other firms (Crosby, 2006).

Apart from the above, the benefit of diversity can be measured in terms of reduction in racial biasness, developing immense leadership skills for guiding future generations and developing intense ability to understand the perspective of other groups resulting in involvement in political affairs. Overall, an abundance of support demonstrates that a systematic policy towards the representation of historically excluded groups in educational sectors and workplaces is benefiting in many ways including bolstering our educational and workplaces experiences.

2.2.2 Opportunity Oriented:

Affirmative action ensures that there is no deviation of a general principle of natural justice which enable equal opportunity for all as enshrined in our Constitution of India. Affirmative Action creates an atmosphere of opportunity where people belong to scheduled castes, scheduled tribes, other backward classes and weaker sections of society, women candidates, minority applicants, senior citizens and persons with special needs will get an opportunity to get job/admission for which they might not be considered. The authors after using logit model analysis and the India Human Development Survey (2011-2012) data established that implementation of reservation policy in government jobs increase the chances of inclusion of candidates belonging to scheduled castes, scheduled tribes, and other backward classes. This increase in chances over the upper-castes is the result of a higher probability of representation arising out of controlling for individual and household characteristics (Kumar et al., 2020).

It is always stated that affirmative action is the cause of reverse discrimination and the individuals hired under the policy are not qualified as required for the job. But the fact is that reverse discrimination depends on whether the right person is appointed or not. In a true sense, affirmative action can compensate for the biases of the selection of candidates (Niederle et al., 2013). This paper put the question on the

effectiveness of affirmative action when an individual qualified for a job failed to apply for a job. In the study, the researcher evaluates the effectiveness of affirmative action after taking a case of gender quota in such an environment where high-performing women fail to access the competition they can succeed and shows that guaranteeing women representation increases their entry. It is established that change in probability increases the willingness of women to compete against the other. The results of the affirmative action in the study are significant to prove that encouraging underrepresented groups to participate where they have no access increases their participation and open new opportunities for them.

2.2.3 Promote Social Mobility:

Social mobility is the transition of individuals and groups of people within or between social strata in a society that is low-income group to middle-income group and so on. Particularly, it is a change of social status relative to one's current social location within a given society. For sustainable development of any economy, social mobility is required otherwise low social mobility not only disturb the growth of the economy but also puts social cohesion and reduce the chances of people democratically participating in the society.

Affirmative action promotes social mobility in the society by reserving the seats for low-income groups in educational as well as public employment because of which low-income groups students after so much barrier gain access to higher education and public employment. After access to a high quality of education as accessed by affluent sections, they complete their education at higher rates and earn as much as other sections are earning. As a result, low-income students increase their chances to break the shackle of poverty and step into the middle class. This movement of people from the low-income group to the middle-income group is the essence of every developing country for becoming a developed country. Then, in India's context, affirmative actions are not only required to give equal opportunities, social justice, extend benefits to

unrepresentative categories, etc., but also the need of the economy for overall development.

In one of the studies, it is concluded by the author that reservation is an indispensable subject of society in the Indian context. After analyzing the data in the study, it was emphasized that affirmative actions in the form of reservation policies, as implemented in India, should be continued because after getting representation by these policies, underprivileged people getting benefits in various fields such as in education, in politics, in public employment which help them to improve their social status (Baljinder Singh and Neeraj Kumar, 2015).

2.2.4 Improve Literacy Rate:

Overall, affirmative action is a system that has permitted historically neglected groups to access education and represent them in public employment and legislative assemblies. These neglected are classified as scheduled castes, scheduled tribes and other backward classes. Recently, a new category emerged, namely, weaker sections of the society, which are also entitled to get benefits of affirmative actions. These groups have been victims of long-faced discriminatory behaviour including exclusion, segregation, poverty and scarcity of resources. Preferable treatment for these categories especially in admission in the form of affirmative action, attempt to provide remedy to these inequalities. The educational institutions are encouraged to adopt the practices to motivate them to enroll which improves the literacy rate of the country. There is a relationship between enrolment in schools and affirmative action. This relationship granted easy access to higher educational institutions to the minorities and encouraged them to continue their education for a better future. An increase in enrollment has made a positive result in our economy and expanded the scope of affirmative action for the benefit of developing countries (Khanna, 2020).

Affirmative action combats the effects of discrimination by allowing educational institutions, the public sector and legislative assemblies to represent the underrepresented groups adequately. Affirmative actions in the

form of regulations as implemented in India, not only increase the representation of historically discriminated groups but change the attitude towards the disadvantaged group, eradicating prejudiced views about the disadvantaged group from society, improving the skills of a disadvantaged group, etc., (Miller, 2019) which is corroborated its continuation in the present regime.

3. Castes, Constitutional Perspectives and Implementation of Affirmative Action in India

3.1 Beneficiaries of Affirmative Action:

The society was divided based on hereditary groups (known as castes) by the Indian castes system (Shah, G., H. Mander, S. Thorat, S. Deshpande, 2006). These divided groups are generally known as scheduled castes and scheduled tribes. The people belonging to the category of scheduled castes are the victim of discrimination which is faced by them in the past in terms of social exclusion and limited opportunities to access education and employment. Apart from the above, there is also a category known as scheduled tribes and the people belonging to such castes are very much different in terms of lifestyle because this is always considered as the most backward community (A. Deshpande, 2005). Due to the living area of STs in remote and far-flung areas, it is very difficult for them to access their basic needs.

In addition to the SC/ST, socially and economically backward classes are existing in the society which is designated as backward classes (BC). This backwardness is determined on the basis of educational backwardness and traditional occupations of these castes. Recent development has been taken place in the society for dividing the society into one more group, who are also eligible to get the benefits of our affirmative policies for which our authorities reserve 10% seats in education and public employment. This new emerging group is known as the Economically Weaker Section (EWS).

3.2 Constitutional Perspective of Affirmative Actions:

Initially, affirmative action is implemented for SC and ST groups by the Constitution of India in the year 1950. Subsequently, the same was extended to other castes. Affirmative action is given preferential treatment to these reserved categories in the matter of education and public employment. There are several initiatives in the society taken by the govt. to improve the chances of disadvantaged groups to access good education and public employment, but affirmative action in the form of reservation policy is the most effective tool of achieving the same.

The reservation policy operated in India is considered as affirmation action initiated in India which is operative generally in three domains, viz., education, public employment and legislative assemblies. The criteria for its application are more or less the same but somewhat different in legislative bodies. Generally, the reservation is provided to Scheduled Castes (SC), Scheduled Tribes (ST) and Other Backward Classes in the ratio of 15%, 7.5% and 27% respectively in public employment and educational institutions. However, after the insertion of Articles 15(6) and 16(6) in the Constitution of India by the Constitution (103rd Amendment) Act, 10% reservation was also extended to the groups of people belonging to an economically weaker section other than the above-reserved classes in higher educational institutions and initial public employment.

Domain of Affirmative Action:

Public Employment: The vital element of our reservation policy is the reservation given to the reserved categories of citizens in public employment. The validity of such reservation is given under Article 16 (4) of the Constitution by empowering the State to make "any provision for the reservation in appointments in favour of any backward class of citizens", and "provision for the reservation to any class or classes of posts, in the services under the State in favour of the SCs and STs." These reserved services are

Government civil Services, statutory bodies, public sector undertakings and semi-Government bodies and other bodies under the administrative control of the government.

Affirmative action in the form of reservation policies to increase their chances of getting admission and public employment is not limited to the extent of reserving the seats for SCs, STs and OBCs, but also making a provision to relax the other eligibility criteria. These relaxed other eligibility criteria are relaxation of minimum age, relaxation in the minimum required qualification, representative of reserved categories in the selection committee and separation interviews for SCs, STs and OBCs.,

Education: Article 15 (4) of the Constitution also empowers the State to make special provisions for the educational advancement of reserved categories as defined in the Constitution of India, which is a very significant aspect of reservation policy. According to the aforementioned provision, the State reserves seats for SC, ST and OBC students in higher educational institutions run by the Central and State government and also government-aided institutions. Apart from giving reservations to these categories of students, some other financial schemes are sponsored by the State government for their welfare, like scholarships, fee concessions, free of cost books & stationery, uniforms, monthly/yearly stipend, free of cost coaching, financial support in attending seminar/conferences at national & international level, etc,

Political Representation: The third most important domain of affirmative action is related to the representation of historically discriminated groups based on caste, creed, gender, in the legislature. The reason for their representation at the political platform is only to allow them to represent their issues at the national level so that their issues must be taken into consideration while framing the policies for the welfare of citizens of the nation. In this regard, Articles 330, 332 and 334 of the Constitution granted seats for SCs and STs in the Central legislature and State legislatures.

Similar reservations are also given in local bodies at the district/village level (Kaur, 2018). For instance, the Congress (I) in Maharashtra for its political success has long relied on backward classes. Since the 1990s, it has been seen in some cases where the success of political parties is primarily relying on the support received from backward classes, generally in alliance with Muslims and Dalits. Janata Dal governments in Bihar and Karnataka are suitable examples of this strategy. In 1993 Samajwadi Party under the leadership of Mulayam Singh Yadav won the assembly election of the most populous state of India, Uttar Pradesh after getting support from backward classes and Muslim in a coalition with the Dalit-supported BSP (Verma, 2019).

There are some more examples of political parties, which are formed based on castes, ethnicity, regionality, etc. are the Janata Party, the Janata Dal, Rashtriya Lok Dal, Biju Janata Dal, Janata Dal (Secular), Janata Dal (United), Dravida Munnetra Kazhagam, (DMK), the All India Anna Dravida Munnetra Kazhagam (AIADMK) of Tamil Nadu, the Shiromani Akali Dal of the Sikhs in Punjab, the National Conference and People's Democratic Party of Jammu and Kashmir, Asom Gana Parishad of Assam, Telugu Desam Party (TDP) of Andhra Pradesh, the tribal Jharkhand Mukti Morcha of Jharkhand, and various small ethnic parties of the Northeastern rim states, and the Scheduled Castes-based Bahujan Samaj Party (BSP), etc. (Rana et al., 2017).

3.3 Implementation of Affirmative Action in India :

The institutions working to ensure the implementation of reservation policy in a free and fair manner are the Department of Personnel and Training (DoPT), the National Commission for SCs and STs, Backward Classes Commission, the Ministry of Social Justice and Empowerment and the Ministry of Tribal Affairs. These bodies are working independently in the area assigned to them. The DOPT ensure reservation of SC/ST/OBC/EWS in the format of quota system in public employment and monitor the same. Similarly, the National Commission for SCs/STs/OBCs has the power to examine the specific complaint about the

rights of SCs/STs/OBCs in the matter of recruitment/promotion and others arising out of them. These commissions have the same power as empowered Civil Courts to make a summon of enquiry. Since 1950, the annual report of these commissions has been discussed in the parliament every year.

The government has entrusted the responsibility for the all-around development of people belonging to SC/ST communities to the Ministry of Social Justice and Empowerment and the Ministry of Tribal Affairs through the implementation of various schemes related to their socio-economic development of them. There is also a provision of the Committee of Parliament on Welfare of SCs and STs comprising of SC and ST members of parliament, whose main function is to examine the SCs/STs representation in the legislature and make recommendations for effective execution of policies and programmes.

4. Socio-Economic Effects of Affirmative Actions

4.1 Positive Effects:

i. Improve Social Status:

In our society people are divided into three classes based on their advancement either socially or economically. These classes are: high, middle and low. The people who are at the top, are considered as high-class people and they have all the facilities to grow in future socially and economically. People in the middle class are neither low nor high, they under mediocre and are surviving only good life in society. However, the people from the low class are considered as struggle class who struggle daily to meet the basic necessity of life and people of this class majorly belongs to minorities and disadvantaged group. By giving better chances of growth to disadvantaged and minority groups by providing reservation through affirmative action in higher education and public employment, the policy increases their chances to improve their class from low to middle and middle to high. It is proved that the origin of middle-class Dalit is the result of better education and employment opportunities granted by reservation policy. Further, the success of

reservation policy can only be measured by the number of middle-class Dalits increasing over a time (Layer et al., n.d.).

ii. Inculcating the importance of Education among Disadvantaged Students:

Disadvantaged families fall in low-income strata due to which they are not in a position to afford the good quality of education for their wards. Further, it is seen that disadvantaged groups faced social exclusion to access to education and public employment in the past and still facing the same in society which is somehow degraded their confidence. They know that they will not get a suitable job after being so qualified for the same due to preferential treatment in hiring and reducing the enrolment of students in school and higher studies. However, the affirmative action designed for disadvantaged groups to secure their seats in public employment increases the confidence of disadvantaged groups as well as encourages them to study to make a better future (Borooah, 2010).

iii. Helping Economy to become Developed Economy:

The main purpose of affirmative action is to promote education in society and give equal opportunity to all including oppressed groups to attend higher education affordably and equitably. With this purpose, we can say that affirmative action is directly contributing to increasing the literacy rate of any country by allowing all the citizens irrespective of their caste, creed, gender to access education as well employment opportunities. The role of literacy in attaining the status of a developed country cannot be overlooked. If the citizens are more literate, they can understand the importance of education and this understanding also make them eligible to avail themselves of better job opportunities. It results in the complete development of human capital in the economy and increases the standard of living of human beings along with per capita income. Further, it is required to point out that literate people will be more aware of health issues comprising of better nutritional and health standards, different methods of family planning, etc., which helps

the economy in development by decreasing death and birth rates. It is proved in one of the studies with significant large-sample evidence that after the affirmative action obligations on the employer the rate of minority and female employees increased in the firm and affirmative action considered an effective enforcement tool in creating job opportunities for an oppressed group, which played a major role in improving the economic position of minorities (Leonard, 1984).

The development of any economy depends on per capita income which can only be achieved by reducing the income gap persisting in the economy. Reserving the seats for socially and economically backward classes in the public sector employment reduces the income gap that existed between rich and poor and ensures that people from socially and economically backward class earn a respectable salary which in turn help them in coming out from the vicious cycle of poverty. It can be measured with the fact that in the year 1993-94, the percentage of backward classes living below the poverty line was reduced from 51.32% to 35.97% in comparison to the year 1978-79 (Chopra, 2021).

4.2 Negative Assumptions for Affirmative Action

i. Reverse Discrimination:

Affirmative action on one hand promotes the idea of refraining from the activities leading to discrimination based on caste, age, gender, etc, i.e. known as promotion of anti-discriminatory activities in the society, but on the other hand, leads to discrimination against the group of individual belongs to affluent class by giving preferential treatment to the oppressed class. This is the major drawback of affirmative action, which is contrary to the concept of equality as enshrined in the Constitution of India. It is resentment from the majority of people that after enforcing affirmative action, it has become very difficult for them to get admission or public employment due to the fact of a limited number of seats available for them. Similarly, after getting the benefit of reservation policy formulated in the name of affirmative action, less talented people

from minority/disadvantaged groups are getting admission and public employment after lagging behind the talented people from the majority group. Due to this, a situation has come when the people outside the reservation net are bound to think that no matter how good they are at their studies they will not get admission and public employment, so why do they study hard? This is the situation when reservations become reverse discrimination.

ii. **Lack of Meritocracy:**

Acquiring status in the society on a merit basis is an important system which is not only the group of justifiable progress but also motivates capable individuals to place in high rank in the social ladder so that they can contribute more efficiently to the progress of the society and set an example for others. However, with the introduction of affirmative action by authorizing the universities and government machinery to access the people from minority groups in higher educational institutions and public employment keeping aside the fact whether they are most eligible or not or after overlooking the most suitable people from majority groups, affirmative action may be discouraging meritocracy in higher educational institutions as well as government machinery (Chopra, 2021). This depletion of meritocracy may also be seen within the minority group due to affirmative action which gives an easy way to acquire education and employment and discourages them to acquire the same through their efforts.

This is a burning issue on which we need to pay heed because if affirmative action through reservation policy will create a negligible effect on the beneficiaries as well as on the majority group who have to face competition in the open market to acquire their position, the result can be fatal. In this regard two consequences can be taken into account, one among reserved categories who felt that performance and merit are irrelevant and another one among minority groups who felt that they will get admission and employment through reservation and this would be a demotivating factor in achieving excellence. The absence of meritocracy in education and administration will

force us to reach about the unfortunate situation of our history.

5. **Does Affirmative Action's Achieving Its Objectives?**

The objective of affirmative action is to give more academic and employment opportunities to the group of people who are discriminated in the past based on their socio-economic conditions. Initially, policies under affirmative action were adopted to give justice to the victim of caste-based discrimination but, thereafter expanded to include backward classes, economic backward groups and underrepresented gender. It is well-established fact that the genesis of affirmative action is to remove the disparity from the society that existed due to caste, creed, race, gender and socio-economic conditions and try to place the underrepresented group at par with the affluent group. After the implementation of affirmative action in society, the society not completely but to some extent achieved its objective.

Discrimination based on castes persists in society, especially in the labour market and restricts the lower castes to fully participate in socio-economic activities which is directly making an impact on their economic conditions. People from the minority groups are still discriminated against by the majority group based on castes and religions where a set of hierarchy is prepared to make a distinction between lower and upper castes and upper castes are always preferred in allocating the resources. With this discrimination, there is imbalanced distribution of occupation, occupation flexibility, less contribution in job and business by lower castes because of deprivation for likeable opportunities and failure in using the resources efficiently. Affirmative action established self-correct discriminatory behaviour after putting pressure on the society to reserve seats for underrepresented groups in education and employment in the ratio of 15%, 7.5%, 27% and 10% the persons belonging to SC, ST, OBC and EWS respectively. The problem of economic discrimination based on castes can be tackled by economic empowerment and equal opportunity through affirmative action. Affirmative action is the only solution to

eradicate favouritism of upper castes over lower castes and involved them in industrial output and equal opportunities are to be given to the lower castes after extending our reservation policy firmly in the society (Thorat & Newman, 2007).

The reason for the introduction of reservation policy as affirmative action in society is to compensate for the discrimination faced by the Dalits in past. Unfortunately, the reservation policy in its initial phase did not fully achieved its purpose as they were not fully represented in higher education and public employment hence not reaped the fruits of reservation policy due to the high rate of illiteracy, poverty and unawareness. This discrimination was not only felt in their positions in society but also in various schemes sponsored for them. However, as time passes, affirmative action is imposed legally on the society and stakeholders also make them aware of their rights in the society, affirmative action achieved its objective. Authorities are now more conscious to follow affirmative action and become an indispensable subject in allocating the resources as well as education in the society. People especially from reserved classes are fully aware of the reservation granted to them in education and public employment. In the globalized world, one study revealed that the majority of respondents belonging to the reserved category are getting the benefits of reservation and they are in favour to continue as they are reaping the benefits from this reservation policy in various fields such as in education, in politics, in jobs and in gaining the social status among the society (Baljinder Singh and Neeraj Kumar, 2015).

With this view that the people from underrepresented groups are placed at par with the overrepresented groups in the society especially in higher education and public employment by reserving their seats through reservation policy in the form of affirmative action and as well, people from both the groups are aware of reservation policy and giving due share to them, we can say affirmative action is achieving its basic objective. However, it cannot be denied that much needs to be done especially the extension of affirmative action

from the public to the private sector where most of the discrimination persisted (Attewell, 2015).

6. Conclusion

It is historically evident that education and employment are not easily accessible for the minority groups, therefore, remain vastly underrepresented in higher educational institutions and core positions in public employment. This discrimination was mainly due to the caste-based differences practiced in the society but as time passes, this discrimination came up with diversified nature by differentiating the people also based on their socio-economic conditions. To combat the effects of this discrimination, affirmative action for the upliftment of historically marginalized groups was initially for Scheduled Castes and Scheduled Tribes but later on extended to socio-economic backward classes. The affirmative action enacted by the government is presently in the form of reservation policies by granting quota to SC, ST, OBC and EWS in higher education and public employment. Our affirmative action is also in conformity with the constitutional provisions under Articles 16 (4), 15 (4), 330, 332 and 334 wherein citizens have been granted the right of equality. Affirmative action besides removing disparities existing in the society based on castes, race and socio-economic conditions, becoming indispensable in contributing to increasing literacy rate, improving the standard of living of an individual, attitudinal change towards minority groups, welfare measures of economically weaker section of society, etc. This is also a fact that people who are not in support of affirmative action, especially for the quota system, consider affirmative action as a reverse discrimination towards unreserved categories and compromise with the merit. But as a whole affirmative action creates a very good impact in the society not in favour of disadvantaged groups but on the overall development of our society. It's also true that we cannot deny the fact that put simply affirmative action for ensuring a due share of reserved categories in education and public employment is not sufficient, a time has come when we have to review affirmative action as decided at the inception of reservation policy

that after the expiry of the initial period of five years, the policy would be reviewed, keeping in mind the socio-economic and attitudinal changes developed in the society. But this period was extended after every five years with the addition of more categories for reservation instead of reviewing. For this reason, it is critically important that policymakers and legislators must come together to frame a society-oriented affirmative action plan to give benefit to the most eligible categories of people and also extend the ambit of affirmative action from the public to the private sector. If not, inequality will continue to persist, and affirmative action will fail to serve those that could benefit the most.

References:

- Ajay. 2013. Caste-Based Economic Exclusion: The Perpetuating Inequality. *The Lex-Warrier*.
- Ashrafali, M. 2016. "Social Justice and the Constitution of India. *The Indian Journal of Political Science* , Vol . 67 , No . 4, 767–782.
- Attewell, S. T. and P. (2015). The Legacy of Social Exclusion: A Correspondence Study of Job Discrimination in India. *Economic and Political Weekly*, 42(41), 4141–4145.
- Baljinder Singh and Neeraj Kumar. (2015). Awareness and Attitudes towards Reservation Policy: An Empirical Analysis. *Social Vision*, Vol.2 (Issue 3).
- Bhojani, Upendra et al. 2019. Affirmative Action , Minorities , and Public Services in India : Charting a Future Research and Practice Agenda. *Indian Journal of Medical Ethics* IV(4), 265–73.
- Borooah, V. K. (2010). Social exclusion and jobs reservation in India. *Economic and Political Weekly*, 45(52), 31–35.
- Cassan, Guilhem. 2019. Affirmative Action , Education and Gender: Evidence from India. *Journal of Development Economics* 136 (February 2017): 51–70. <https://doi.org/10.1016/j.jdeveco.2018.10.001>.
- Chopra, M. (2021). Reservation System in India : Advantages and Disadvantages. *International Journal of Economic Perspectives*, 15(I), 30–37.
- Choudhary, Kameshwar. 1993. "New Reservation Policy." *Economic and Political Weekly* 28(23), 1145–48.
- Crosby, F. J. (2006). Understanding Affirmative Action. February 2016. <https://doi.org/10.1146/annurev.psych.57.102904.190029>
- Das, B. (2000). Moments in a history of reservations. *Economic & Political Weekly*, 38(43), 3831–3834
- Deshpande, A. (2005). Affirmative action in India and the United States. Background Paper, World Development Report.
- Deshpande, Ashwini. (2006). Affirmative Action in India and the United States. Equity & Development World Development Report 2006 Background Papers, January 2005, 1–23.
- Diwan, A., & Lal, A. (2020). Social Justice Programs in Higher Education: Affirmative Action in the USA and Reservation System in India. *Handbook on Promoting Social Justice in Education*, 1253-1276.
- Foran, Michael P. 2019. Discrimination as an Individual Wrong. *Oxford Journal of Legal Studies* 39(4), 901–29.
- Galanter, M. (1978). Who are the OBCs? An introduction to a constitutional puzzle? *Economic & Political Weekly*, 13(43–44), 1812–1828.
- Gullett, C. R. (2000). 1. Public Personnel Management, 29(1).
- Jain, S., & Bhardwaj, G. (2015). Understanding Diversity Issues vis-a-vis Caste-based Quota System: A Solution or a Source of Discrimination. *The Journal of Business Perspective*, January. <https://doi.org/10.5114/hpr.2016.58004>

- Jangir, S. K. (2013). Reservation policy and Indian constitution in India. *American International Journal of Research in Humanities, Arts and Social Sciences*, 3(1), 126-128.
- Kaur, H. (2018). Role of caste in indian politics. *International Journal of Current Engineering and Scientific Research*, 5(1), 118–122.
- Khanna, G. (2020). Does Affirmative Action Incentivize Schooling? Evidence from India. *C II(No. 2)*, The Review of Economics and Statistics.
- Knowles Myers, Caitlin. 2007. A Cure for Discrimination? Affirmative Action and the Case of California's Proposition 209. *Industrial and Labor Relations Review*, 60(3).
- Kumar, Alok Prasanna. 2016. Revisiting the Rationale for Reservations Claims of 'Middle Castes. *Economic and Political Weekly* 51(47): 10–11.
- Kumar, D., Pratap, B., & Aggarwal, A. (2020). Affirmative Action in Government Jobs in India: Did the Job Reservation Policy Benefit Disadvantaged Groups? *Journal of Asian and African Studies*, 55(1), 145–160.
<https://doi.org/10.1177/0021909619871588>
- Kumar, Sandeep. 2019. Reservation That Is Anti-Reservation. *Economic and Political Weekly* IIV(4), 4–6.
- Srinivas, G. (2015). Reservations, Creamy Layer and the Dalit Middle Class. *Manpower Journal*, Vol. 49 Issue 3/4, 61-75.
- Leonard, J. S. (1984). The Impact of Affirmative Action on Employment. *NBER WORKING PAPER SERIES*, Issue March.
- Maurya, Rakesh Kumar. 2018. In Their Own Voices: Experiences of Dalit Students in Higher Education Institutions. *International Journal of Multicultural Education*, 20(3), 17–38.
- Miller, C. (2019). Affirmative action and its persistent effects: A new perspective. *California Management Review*, 61(3), 19–33.
<https://doi.org/10.1177/0008125619849443>
- Mosse, David. 2018. Caste and Development: Contemporary Perspectives on a Structure of Discrimination and Advantage. *World Development* 110, 422–36.
- Niederle, M., Segal, C., & Vesterlund, L. (2013). How costly is diversity? Affirmative action in light of gender differences in competitiveness. *Management Science*, 59(1), 1–16.
<https://doi.org/10.1287/mnsc.1120.1602>
- O'Connell, S. D. (2018). Political inclusion and educational investment: Estimates from a national policy experiment in India. *Journal of Development Economics*, 135, 478-487.
<https://doi.org/10.1016/j.jdeveco.2018.08.004>
- Rana, S. S., Science, P., & College, S. A. (2017). Caste and Political Parties in Indian politics. *IJCRT*, 5(1), 153–159.
- Robinson, Robert K., John Seydel, and Ceasar Douglas. 1998. Affirmative Action: The Facts, the Myths, and the Future. *Employee Responsibilities and Rights Journal* 11(2), 99–115.
- Shah, G., H. Mander, S. Thorat, S. Deshpande, and A. B. (2006). *Untouchability in Rural India*. Sage Publications, New Delhi, India.
- Surovtsev, V., & Syrov, V. (2015). Outlooks of J. Rawls's Theory of Justice. *Procedia - Social and Behavioral Sciences*, 166, 176–181.
<https://doi.org/10.1016/j.sbspro.2014.12.506>
- Tavernier, Baxter. 1993. "The Case for Quotas." *Index on Censorship* 24(6), 147–51.

Thorat, S., & Newman, K. S. (2007). Caste and Economic Causes , Consequences. Economic and Political Weekly, 42(41), 4121–4124.

Verma, V. (2019). A Crisis of Representation : Interests , Identities and Politics. Journal of Social Inclusion Studies, 5(I), 1–18. <https://doi.org/10.1177/2394481119849289>