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Dynamics of Indian Affirmative Action Policy

Affirmative Action in India by Ashwini Deshpande, New Delhi: Oxford University Press, 2013; pp x + 218, Rs 195/-

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The author of this volume Ashwini Deshpande has done an insightful work as part of the 'Oxford University Press – India Short Introductions series' by publishing this task on 'Affirmative Action in India'. Indian affirmative action policy, which is popularly known and well identified as 'reservation policy' is a well debated constitutional and legal measure. Though the Indian affirmative action policy is widely recognized as one of the most outstanding affirmative policies in the world with tangible results; yet, there exists some kind of negative murmurs and dislike towards this initiative. On the other side, there is an increasing support and claims to deepen this policy with better-enhanced features and further reaching out to other unrecognised marginalised sections of the Indian society. But, the process of the Indian democratic polity can be recognised as continuing the spirit of her constitutional mandate by safeguarding and extending this affirmative action ambit to newer sections, albeit based on calculated political considerations.

Even though, Indian affirmative action policy is regarded as one of the best constitutionally mandated discourse; in the academic realm, there exist only a few excellent works on this theme. The present work by academic Ashwini Deshpande stands as an outstanding contribution to this field, in addition to a few recognisable existing works.

I

The author attempted to present this academic theme over six chapters. And, these six chapters were titled as; first chapter touched on, 'the rationale for affirmative action'. Second chapter encapsulated attention on, 'the past and present of the affirmative action programme in India'. Third chapter focused on, 'implementation of affirmative action provisions'. Fourth

chapter oversaw a few 'quota debates'. Fifth chapter revolved around issues related to 'assessment of the affirmative action programme'. And finally sixth chapter drew focus on, 'quotas and beyond'. Now, let us see these categorical six chapters in analytical detail.

The author started the first chapter on 'the rationale for affirmative action', with a subjective tone on how she got attracted towards this well-contested issue and how she perceives this issue in various shades. And how she understands this necessitated need for continuation of this measure in a highly contested contemporary social and political realms of the Indian society. In this sequence of justifying her positive toned thesis over the justification of this inclusive social justice ensuring measure; the author went on to highlight and argue how well this measure should not be misunderstood vis-a-vis various other widespread parameters and notions. But how well this action should be judged and appreciated dynamically by taking into consideration various other progressive parameters. Towards this end, the author drew attention on various discriminatory historical and cultural moorings, which are even continuing in the contemporary liberal democratic policy and society. Thus, by highlighting the continuing discriminative circumstances, the author viewed that the relevance of this 'affirmative action policy' needs to be continued in full vigor.

The second chapter highlights 'the past and present of the affirmative action programme in India'. The 'past category', briefly highlighted; about evolution, influencing factors, impact of this policy on various regions, how different political and administrative regimes like under the British India government and the then princely states, etc. responded and adopted this major policy measure, were briefly encapsulated. Though in the initial stage, this reservation system started in employment, in due course of time this action began to venture into the political realm with the efforts and counter efforts between Ambedkar and Gandhi, which ultimately resulted in historic 'Poona Pact'. Though Ambedkar was not genuinely interested towards this pact, he agreed to concede to the terms and conditions of this pact, due to the extraordinary prevalent circumstances evolved on account of Gandhi's fast onto death. In the second turn of this chapter, the author highlighted the contemporary situation of this policy discourse; how the Indian democratic republic embraced this measure through its Constitutional provisions. And, how this policy proposal is getting rooted, despite having nuances of other voices of opinion, both in favour of and against, as a critical source of deliberation. In independent India, this affirmative

action policy measure started to get well rooted by extending to various domains and spheres of activity. In this direction; debates and provisions for women reservation, contested debates over Other Backward Classes (OBC) reservation (which finally got implemented), and extension of political reservation through 73rd and 74th Constitutional amendment acts at local governance range, etc. took place. In a certain sense, this chapter and volume dealt with and highlighted the 'affirmative action policies concerning the constitutionally defined and authorised categories like Scheduled Caste (SC), Scheduled Tribe (ST), OBC, sections only. But, did not touch upon other reserved categories like; armed forces, sports, disabled groups and backward region quotas. These later types of reservation evolved without a constitutional mandate. On the whole, this chapter can bring to the notice of the readers' various nuances inherently present within this reservation domain and evolving sub dimensions. The readers can benefit by having a vivid look at reservation utilisation, spirit, measures and position of implementation across various categories and reasons for an extension of this domain to different sections of the society like from employment to political category as per the Indian Constitutional 73rd and 74th amendments.

The third chapter revolved around issues related to 'implementation of affirmative action policies', at government jobs level, higher education range and political reservations including in favour of OBC and women. At another level, the author attempted to bring, explore and present inherently present and prevailing regional variations in the utilisation of this policy measure by drawing attention towards the states of Karnataka and Bihar, from the south and north India. Extensive statistical sources were quoted for presenting prevailing patterns in the implementation and utilisation of this policy discourse across various categories and sub-categories.

The fourth chapter attempted to draw attention over a critical discussion over 'the quota debates'. At the initial level, the author observed that the debates over reservations produced more heat than light. And went on to deliberate broad categorical debates over quotas under two sets; the first category under, 'over inclusion and exclusion of communities' and the second under, 'efficiency and purpose of affirmative action, concerning the principal criteria used for identification of the beneficiaries'. Basing on these two broad categories of debates, the author highlighted the prevalent apprehensions expressed at various points of times under different inherently present and evolving dimensions within this reservation domain. The author went on

to curtail and expose, mostly, how such apprehensions were invalid by creatively revealing varied inherently existing lacunas in such arguments and went on to highlight how the domain of real reservation spirit and criteria is valid by pointing and highlighting her original arguments in juxtaposition, based on critical praxis criteria. In this sequence, the readers can best understand the author's argument over demands and views in favour of 'taking economic backwardness as criteria against present casteⁱ based criteria'. The author exposes how the economic backwardness criterion is shallow, in comparison with caste criteria, by pointing to various existing dimensions, where economic backwardness criteria failed to gain desired success. Thus, the spirit of choosing and operating in determining caste as a typical approach is firmly valid in the author's view. At last, the author attempts to critically pose a question that whether the need has arrived to extend constitutionally guaranteed reservation in public sector to the private sector; since the growth of the public sector is on decline and (public sector) failing to accommodate and provide desired results to the underprivileged sections?

Fifth chapter tilted towards 'assessment of the affirmative action programme'. This section primarily encapsulates the attention of the readers by highlighting how 'quotas are limited in scope'. As a result, only a limited section of every part of the underprivileged categories benefitted. To address the overall development of the impoverished masses wider programmes as part of poverty alleviation and welfare measures, besides, proper implementation of the reservation policy, etc. are required. At another level, the author drew the attention of the readers towards 'empirical assessment of the affirmative action'. In this direction; it was pointed-out that the reservations are no way hampering the productivity capacity of the organisations. But, at a certain level, this policy is becoming beneficial in organisational management. At the end of this chapter, the author assessed this policy implementation at higher education and political realm; and went on to expose disparities vis-a-vis other communities and logical reasons for various inherently present and emerging complexities.

The last and final chapter of this volume concentrated on 'quotas and beyond'. This Chapter provided concluding remarks on this theme of deliberation. While appreciating the positive contribution of the Indian affirmative action discourse, so far; the author went on to draw attention on the indecisiveness of the Government of India over failing to constitute a permanent 'Diversity Index' body. The Diversity Index body was recommended by the Sachar

Committee, which looked into the marginalisation of the Muslims. The final report of the 'Diversity Index' (constituted based on Sachar Committee recommendations) suggested taking into consideration a few parameters for 'measuring diversity as a source of the index' by constituting a permanent body. But, the Government of India so far failed to constitute a permanent Diversity Index body to examine and devise suitable measures for proper address of this problem. The author expressed hope that this proposed 'diversity index' and its possible parameters, if implemented, may produce some positive results. And, at another level of conclusion, the author desired inclination towards the extension of reservation to the private sector, in addition to the existing public sector, just like in the USA and Malaysia. She envisaged this measure, for better address and inclusion of potential work force from marginalized communities into the organized sector and for better progressive prospects of the nation.

II

Critical Reflections

The author expressed wish that the strict implementation of the existing reservation provisions at the initial level of appointment or recruitment is sufficient for achieving the desired constitutional mandated and aspired goal (p. 183-184). This opinion of the author juxtaposes the arguments and deliberations over extension of reservation at promotion level, which is under serious debate over the years (this work did not deliberate upon this issue of extension of reservation at promotion level in detail and involved debates and contradictions).

At another level, it should be noted, that the author, though taken into consideration the position of various reserved categories vis-à-vis other sections; at certain level failed to highlight and address the emerging and existing contradictions among a few reserved categories, internally. Towards this direction, the author failed to observe and deliberate upon a few demands of the SC's to sub-categorise their reservation (like in a few south Indian states, Bihar, Uttar Pradesh, Punjab, Haryana; where these provisions, demands and movements are under way).

Conclusion

The most recognisable and appreciable positive contribution of this work stands at the presentation of authoritative high-level research outputs on this controversial, apprehensive, suspiciously overlooked and at the same time overwhelmingly favoured Indian affirmative action policy. Thus, this work attempts to re-impose faith on the need for the triumph of affirmative action policy based on the comprehensive Indian constitutional framework, although pointing limitations and emerging challenging discourses. This work can be a best source of companion to both lay readers and specialising scholars on the Indian affirmative action policy to know the spirit, discourse and critically inherent and emerging allied discussions to this constitutionally guaranteed and protected policy framework.

End Notes:

ⁱ 'Caste' criteria here refer to constitutionally referred and used word 'Socially and Educationally backward communities'.