THE POLITICS OF RESERVATIONS: A COMPARATIVE STUDY OF GUJJARS AND PAHARIS OF JAMMU AND KASHMIR

ABSTRACT
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ABSTRACT

The Hindu social order is responsible for the legal evolution of the concept of reservations. The problem of untouchability has deep socio-economic roots in the Indian society. It was anticipated that reservation will be a necessity for the establishment of a true egalitarian society in tune with the social and economic needs of the country. The framers of the Indian Constitution evolved a compensatory scheme and incorporated different provisions in the Constitution itself to offset centuries old inequalities entrenched in the Indian social fabric. Since the beginning, the reservations turned out to be illusory and counterproductive and increasingly leading to caste wars, group clashes and communal conflicts.

Reservation policy is an extremely contentious topic in the Indian politics. Protagonists claim that a policy of positive discrimination is the only way to rectify the past injustices against India’s poor masses. Opponents claim that reservation policy creates perverse incentives that strength traditional caste boundary.

Reservation has always remained subservient to politics. It has been used as a political gimmick/tactic by the ruling political parties to increase their vote bank in the name of reservation. The Jammu and Kashmir state has its own exclusive framework for all the policies, though for reservation policy of the state, same pattern has been followed. The criteria extend from caste basis and area basis to occupation basis. Now, the ongoing demand of the Pahari speaking people for Scheduled Tribe status, if considered, would open a Pandora’s box as it will add language as one more criteria to reservation. Since the inception of reservation scheme in the state, different commissions and committees have been appointed to sort out the loopholes in the reservation policy. The sole aim and objective of the reservation was to alleviate the downtrodden masses and bring them at par with other developed groups but unfortunately, it had widened the gap between different groups. Creamy layer of the reserved categories take the lions share and rest downtrodden are still leaning on the ground.

Since inception of the reservation, it has always remained a tool in the hands of political parties for creating their vote banks, which has given rise to clashes between different sections of the society. Every passing day is witnessing agitations,
protests and hartals, which hamper the development of the state. The state is already going through an armed conflict since last 30 years.

Amongst the contemporary internal conflicts in Jammu and Kashmir, the political and social clashes between the Gujjars and Paharis are perhaps one of the most serious challenges to internal peace at the micro level, and an emerging impediment to handling the Kashmir issue at large. The political parties provide selective patronage to one group against the other. These political parties are using the issue as shield for every upcoming election. Even the small petty decisions are being decided keeping in view the Gujjar-Pahari issue, whether it is to construct a road, dispensary, school or providing a mandate to contesting candidates for elections or even to appoint office bearers of different political parties at local level. So far no government has shown seriousness in resolving this issue but in every upcoming elections, they play the Gujjar-Pahari cards to maximise their gains.

This conflict transcends all regional boundaries and religious divides within Jammu and Kashmir and beyond. Historical literature traces the roots of conflict between Gujjars and Paharis to several decades ago but the differences have sharpened following the inclusion of Gujjars into Scheduled Tribe category in 1991. This situation has worsened with a similar demand being made from numerous ethnic identities and castes from Muslim, Hindu and Sikh groups which congregate under an identity of a Pahari speaking community. There is now simmering tension between the Gujjars and Paharis who nurse huge contempt for each other. Now, the well organized movements and counter-movements are going on in the state from both the communities and every ruling party is playing politics on the issue.

Presently, the reservation has become a debatable issue in the state. Keeping in view the importance of the issue, the present study is an attempt to know the extent of politics related to reservation policy, especially on the issue of Gujjar-Pahari tussle. It is the first of its kind in the state; not even a single study has been conducted on this topic. The study is guided by the following objectives:

- To study the profile of Gujjars and Paharis of Jammu and Kashmir state.
- To trace out the genesis of reservation policy of India
- To study and evaluate the reservation policy of Jammu and Kashmir state.
• To study and analyze the issues confronted to reservation policy of Jammu and Kashmir state.

• To examine whether the reservation has become a tool in the hands of political class.

• To examine whether the reservation to Gujjars was a genuine demand or a political grant.

• To study the tussle between Gujjars and Paharis on the issue of reservation.

• To carry out a comparative study of Gujjars and Paharis on SES scale.

• To find out the feasibility of the proposed reservation to Paharis.

In order to achieve the above mentioned objectives, the following research questions have been framed by the researcher:

• Whether the reservation policy of the state of Jammu and Kashmir is affirmative in nature or it is discriminatory in nature.

• Whether the reservation policy of the state of Jammu and Kashmir is responsible for the unrest and the regional tension.

• Whether the reservation policy has become the tool for vote bank in the hands of political class.

• Whether the existing criteria for inclusion of any caste in the list of reserved category are reasonable and just.

• Whether the demand of Paharis for Scheduled Tribe status is a legitimate demand.

The data base of present study has been collected with the help of primary sources like information/interview schedule and secondary sources available in different government documents, books, magazines, journals. The statistics have been drawn from different census reports published by Registrar General and Census Commissioner of India. A descriptive-analytical and comparative method has been adopted for the present study.

The research methodology employed in writing this thesis is no less tedious and painstaking. The study is based on the source material open for public perusal of various government documents, reports, books, surveys, journals, studies, magazines, news papers and various acts. The amendments and the famous judgments of the Supreme Court have been consulted to make the study more informative and broad-
based. Some important and recent information has also been collected from the internet.

However, to ensure socio-political harmony and finally to achieve the goal of a casteless, classless, egalitarian, socialist society, the need has come to take a fresh look on the policy of reservation. In this context the present work attempts to provide an in-depth insight related to the politics confronted to reservation policy of Jammu and Kashmir State. To obtain the aforesaid objectives the entire work has been divided into five chapters,

Chapter I titled ‘The Jammu and Kashmir State: An Overview’ is an introductory chapter comprising of two parts; the first part deals with the land, people, history of the state of Jammu and Kashmir, and the second part deals with the profile of the Gujjars and Paharis.

The diversity of the state has been shown by the population composition based on religion. It is followed by the historical background of state. Political developments leading to the formation of the state have been briefly discussed. In the economic profile of the state, the different resources and the economic scenario of the state have been briefly dealt with. The socio-cultural profile deals with the cultural diversity of the state. The social structure among the Hindus and Muslims has also been shown. All the major events of the political history of the state have been briefly noted down. The social make up has been discussed and all the major ethnic groups of the state have been mentioned. Specifically, the profiles of Gujjars and Pharis have been discussed in detail under the second part of the first chapter.

Chapter II titled “Genesis of the Reservation Policy in India” deals with the emergence of the national reservation policy at national level. In this chapter firstly the evolution of the depressed classes has been traced out, followed by their identification and classification as SC’s, ST’s, and OBC’s. Then the different reform measures for their alleviation have been noted down, which include the collective effort of different organizations from national to state level. Debates in the Constituent Assembly of India, reflecting different aspects of reservation policy have also been included in this chapter. Subsequently, for eradicating the loopholes in the reservation policy, different commission and committees have been appointed and
they have given reports and recommendations for making the policy more purposive and judicious.

Chapter III titled "Evolution of Reservation Policy of Jammu and Kashmir" deals with the evolution of reservation policy in the state of Jammu and Kashmir. In the beginning of this chapter the social make up, religious heterogeneity and social stratification has been given which helps in the identification and classification of the disadvantaged groups in the state.

These disadvantaged groups raised their voice through different reform movements in the state, e.g., Dogra Sadar Sabha, All Jammu and Kashmir Hrijan Mandal, Depressed Classes League, Dalit Sudhar Federation, Backward and Minority Community Employees Federation etc. All these organizations pressurized the governments of the state to take necessary measures for addressing their grievances. In this direction the first ever "The Glancy Commission" was appointed in 1931 for taking note of the under-representation of the Muslims in the state services. Thereafter, number of commissions and committees have been appointed at the state and at central level to make the reservation policy more judicious.

Chapter IV titled "Reservation Politics and Gujjar-Pahari Issue" deals with the different issues related to the reservation policy of the states, especially on the Gujjar-Pahari issue. The criteria for reservation have always remained controversial and debatable. Either, it has been adopted on caste basis, area basis or profession basis. On caste basis, entire population of Scheduled Castes of the country has been given the status of reserved category, keeping in view their bad economic condition in general and their social exclusion in particular. Similarly, some tribes have been included in the list of Schedule Tribe category and they also have been identified with their caste like Meena Community of Rajasthan and Gujjar Bakkarwal of Jammu and Kashmir etc.

Some communities have been identified with their professions like Cobblers, Barbers, Carpenters etc., and these sections have been given reserved category status in the name of social castes in Jammu and Kashmir. Not only this. Another formula has been adopted in the state of Jammu and Kashmir on the basis of geographical area, which is called Resident of Backward Area (RBA) or the area adjoining actual line of control. The irony of the fact is that while including these groups in the list of
reserved categories, no barrier has been put between rich and the poor of the same group which was given the status of reserved category. As a result, the poor of the group are still at the worst end while the rich of the community are enjoying all the benefits of reservation. Further, the criteria for the other backward classes have been based on the socio-economic and educational profile of the particular community. Contrary to it, in the state of Jammu and Kashmir, the RBA and ALC category have been included in the OBC list of the state.

The introduction of the Inter-District Recruitment (Amendment) Act, 2010 was the best example of the politically motivated action of the state government. Despite enjoying the numerical majority in the State Assembly, the National Conference (NC) chooses to go by the Congress Party stand on the Bill. It shows how the state’s politics is subservient to the preferences of Congress Party. The message conveyed was clear that state political parties can compromise their mandate for the sake of their bosses at the centre.

The Act in its amended form is bound to divide communities and groups on geographical lines. The Act is also against the state’s Muslims, particularly those belonging to the Kashmir Valley. As per the amended Act, the Scheduled Castes comprising of certain Hindu castes particularly of Jammu region will enjoy 8 percent reservation in all the districts of the state. Whereas the fact is that there are no Scheduled Castes in the ten district of the Valley but they will enjoy there reservation too. This is the best example of vested interests of the national parties in the state of Jammu and Kashmir who consolidate their vote banks in Hindu dominated areas at the expense of Muslims. The Act is not only against the Muslims of the state but also it has a potential to further divide the state on ethnic, religious and geographical lines. This Act raises some serious questions on the basic idea of reservation applicable to the state of Jammu and Kashmir.

The state of Jammu and Kashmir seemed to take reverse turn on the developmental path because more and more people are demanding the backward status for their areas. It is only in the Jammu and Kashmir state that geographical area had been made the criterion for granting reservation to backward and underprivileged classes. Besides it, in this backward area category there has been no ban or barrier between the poor and the millionaires but the only criteria is to be a resident of that particular area. Revenue records are sufficient to claim resident of backward area
(RBA) category. No matter whether they are living in the cities or the posh colonies of the metropolitan cities. There are hundreds of examples where the wards of high ranking officers are snatching the rights of those poor people who deserved to be given special chance to excel but unfortunately the creamy layer of the area is the only beneficiary of the area-based reservation policy. It has been established that granting the reserved category status is a major aim to bring underprivileged section of the society at par with advanced category but the reservation policy has been misused or moulded to suit vested interests, as RBA status has been extended to areas which enjoy educational and other facilities at par with people of advanced categories. As a result, the state has been consigned to the hands of an incompetent administrative officers, undeserving doctors and unqualified engineers. The State Commission for Backward Classes is flooded with thousands of requests for inclusion and complaints of exclusion. In the state of Jammu and Kashmir a number of villages with all necessary educational facilities and high social status are enjoying the fruits of RBA status. The irony of the fact is that the some tehsil headquarters with all facilities have been listed in the RBA category due to vote bank politics.

While implementing the Mandal Commission Recommendations, like all other states, Jammu and Kashmir too appointed a permanent body in order to include and exclude the areas and categories from the list of reserved categories. The Jammu and Kashmir State Commission for Backward Classes (SCBC) was constituted in 1997. The Act says that the Government should revise the list contemplated under section 2 (d) of the Act after expiration of every succeeding ten years period. The objective is to exclude from such lists those classes who have ceased to be backward or for including in such lists new backward classes. Fifteen years have passed when the Act was promulgated but there has been no exclusion of any area from the RBA list.

Another major issue confronting the state of Jammu and Kashmir pertains to the other backward classes who always remained the matter of debate from the beginning. Due to persistent and stringent demand of the neglected socially and educationally backward classes, the Government of India appointed the first backward class commission “Kakasaheb Kalelkar Commission” on 29 January 1953. After a detailed ground work the commission submitted its report on 30th March 1955 and listed 2399 castes as socially and educationally backward class. Pursuant to its
criteria, the Government of Jammu and Kashmir also appointed a committee which recommended 50 percent reservations for Muslims of Kashmir, 40 percent for Hindus of Jammu and 10 percent for Kashmiri Pandits. This decision itself was flawed as it was done on communal lines, which was antithetical to the Constitution of India and was subsequently struck down by the Supreme Court in the case of Triloki Nath v. State of Jammu and Kashmir.

The backward classes of the State were constantly ignored and discriminated. The Gajendragadkar Commission in 1967, made some recommendations for determining the multiple criteria for backward classes like economic backwardness, occupation, place of habitation, student ratio and caste in relation to Hindus. It also recommended the fresh revision of reservation policy based on the above mentioned multiple criteria. So the Government of Jammu and Kashmir appointed a high powered committee (J.N.Wazir Committee) which took fresh revision. On the basis of its report, the new rules were framed, which provided for 8 percent reservation for SC’s and 42 percent for backward classes including 2 percent reserved for Laddakh District. During the scrutiny of these rules, the Supreme Court, while pointing out certain defects, directed the state government to cure these defects. A committee under the chairmanship of Justice A. S. Anand was constituted in September 1976. The Committee submitted its report in September 1977, and recommended 2 percent reservation for social castes, and inclusion of RBA and ALC categories with 27 percent reservation in the broad category of socially and educationally backward classes. The Mandal Commission in its report submitted on 12 December 1980 identified 63 castes, communities as “socially and educationally backward classes” and recommended 27 percent reservation for them. The Commission had not recommended any reservation for “residents of backward areas or areas adjoining the line of control” in the state of Jammu and Kashmir or in any other part of India.

Subsequently, the Mandal Commission recommendations were challenged before the Supreme Court in the case titled Indira Sawhney v. Union of India in which the Court held that the States and Union Territories under section 123(A) provides for constituting a permanent body within four months for entertaining, examining and recommending upon requests for inclusion and under-inclusion in the list of backward classes.
Following the judgment of the Supreme Court, the Jammu and Kashmir Government constituted Justice K. K. Gupta Commission, which proved merely an eye wash as the said commission worked only on the report of over ruled Anand Committee of 1977. It recommended reservation on the following formula.

1. SC 8%
2. ST 10%
3. Socially and Educationally Backward Class:
   a. RBA 20%
   b. ALC 3%
   c. Weak and Underprivileged Classes
      Social Castes 2%
4. Handicapped Persons 2%
5. Ex-servicemen and Children of Defence Personnel 5%

Formally, the state government appointed a permanent State Commission for Backward Classes in 1997 with eminent retired jurists but the Commission, even after the passage of 15 years, failed to provide 27 percent reservation to socially and educationally backward classes identified by Mandal Commission. The inclusion of backward areas and areas adjoining to actual line of control under section 2(o) of the Act and Rule 4(c) of the SRO of 2005 is against the provisions of Article 15(4), Article 16(4) and Article 340 of the Constitution of India. The RBA and ALC people does not carry the stigma of social backwardness. In addition to it, Mandal Commission nowhere mentioned the area wise reservation on geographical basis. Further, the National Commission for Backward Classes also does not accept RBA and ALC reservations for central government services. Thus the backward classes are not only discriminated in state but also are debarred from the reservation by the central government also because of the ambiguous policy of the state. Only mere 2 percent social castes of the state of Jammu and Kashmir get reservation in the centre under 27 percent reservation quota meant for other backward classes. Thus, the reservation in a certain way created further social, regional and political fragmentation.
The Gujjar-Pahari Issue:

Historically the Gujjar-Pahari issue unfolded itself with Gujjar confrontation with Rajputs. Rajputs being Zamindars employ Gujjars as tillers, domestic help for centuries, which gradually led to social differentiation between them. This conflict transcends all regional boundaries and sharpened in 90's when ST status was granted to Gujjars. This led to Pahari demand for ST status. The Gujjar-Pahari divide has become a dominant factor in all decisions-political and administrative, from selection of candidates for assembly elections, appointment of political parties to posts of government officers, even identifying government projects like schools, dispensaries, roads and bridges etc. The political parties are playing Gujjar-Pahari cards in every upcoming election which further aggravates and sharpens the conflict.

However, it was in 1975 when Shiekh Abdullah, who came back to power after a gap of 22 years, did try to mollify the Gujjars and Bakerwals, and conceded that in future 4 percent seats would be reserved for them in medical and engineering colleges which perpetually led to the constitution of Gujjar and Bakkerwal Advisory Board. The Gujjars achieved a major breakthrough in April 1991 which entitled them to a share of 10 percent quota.

The main confrontation over which Gujjars mainly oppose the reservation demand of Paharis is that there is nothing in the official records, statute books, historical works, sociological and anthropological studies which suggest the existence of any such nomadic tribe as Paharis in Jammu and Kashmir state. But the only instance is A.G. Grierson whose Linguistic Survey of India referred that Pahari means of or belonging to the mountainous region.

To alleviate the sufferings of the people in the remote areas of the state which were declared “Bad Pocket Areas” and benefits of the scheme were equally shared by all the sections in respect of reservations in recruitment, border allowances, scholarships etc., in 1989 Jammu and Kashmir government had recommended 7 communities for Scheduled Tribe status:

1. Pahari speaking people
2. Gujjar Bakerwal
3. Argone of Leh
4. Sheena Dard
5. Gaddi
6. Sippi
7. Balti

All were granted the ST status except Paharis due to the inadequacy in the eligibility criteria, but the demand was endorsed strongly which led to constitution of Jammu and Kashmir Pahari Advisory Board in 1997. Since then all the state functionaries have accepted the demand of Paharis for the grant of ST status. It has also been endorsed by the resolution passed in Jammu and Kashmir Legislative Assembly in 2004 and the Jammu and Kashmir High Court also substantiated to the demand of Paharis. But the file has been turned down by the central government due to the inadequate criteria of reservation on linguistic basis.

Chapter V titled ‘The Comparison between the Gujjars and Paharis on SES Scale’ deals with the economic scenario of the two communities. An interview schedule/questionnaire was prepared to include the items related to their identity, habitation, reserved categories, education, occupation, pattern of house, family pattern, availability of electricity facility, drinking water facility, sources of cooking fuel, bathroom/toilet facility, land owners among the two communities, crop pattern, economic status, ration store subsidy, government scheme beneficiaries, facilities in the village; like Pakka road, healthy centre, aganwadi centre, public transport, primary school facility, mode of media, livestock possession, scholarships to the students of both the communities, assets, annual income, livestock possession, Scholarship to students of both the communities, pressing problems of the area.

The information schedule was administered through purposive sampling technique over the 400 households from both the communities in four highly Gujjar-Pahari concentrated districts of Jammu and Kashmir state. The overall analysis of the data took investigator to a conclusion that these people are mainly residing in the remote far-flung areas of the state. People from both the communities are facing equal hardships and overall economic position of both the communities is not much stable. Therefore some alleviative measures are definitely needed to provide them equitable share in the employment, admissions in educational institutions and some reformative measures are also needed for improving their socio-economic status.

The diversity of multiple ethnicities and languages, which should have been a source of strength for the state, has become a disadvantage as it has become a
constant point of friction among the diverse identities in the state. Even today the social differentiation continues to be a major factor for the gap between Gujjar-Pahari inhabited areas. Thus there exists a huge danger for social unrest which is being proliferated by the political parties.

Instead of trying to resolve this issue in a collective perspective the political parties and the governments are playing the Gujjar and Pahari cards which further hardened their stand and sharpened the conflict. Psychological irritation due to social differences and wilful tendencies of getting at odds with each other are commonly seen among them. There are serious and dangerous signals of an impending conflict in Jammu and Kashmir which is already going through a high level of armed conflicts. While the Gujjars-Pahari divide offers a huge vote bank dividend to the political parties, but further deepening of this divide will become unmanageable for the future incumbents.

To prevent further escalation one needs to understand who exactly these people are, what are the stakes involved, where can one place them in larger conflict zone of Jammu and Kashmir. What has gone wrong so far and how can these things be corrected.

Apart from the politics of reservation and reservation debates, amidst these reservation demands, the haunting question remains that whether reservations alone are enough to bring the marginalized and disadvantaged groups to the mainstream and help them to achieve the level of other members of the society?

If Pahari demand for reservation is met what can be its fallouts on the holistic mainstream and reserved sections of Jammu and Kashmir state and finally how it will be observed by Gujjars; this remains a bigger curiosity. Shall Paharis only feel emancipated or empowered once Scheduled Tribe status is granted to them or do we really need a change in the discourse of reservation and welfare programmes meant for the marginalized in the entire country. Is the Pahari demand really a genuine story or merely the manifestation of the Gujjar-Pahari tussle and competition between the two communities, is also a curious question to be looked at. Also if the Paharis demand for Scheduled Tribe status is a Gujjar nightmare, and is enjoying of Scheduled Tribe status by Gujjars itself a Pahari nightmare?

Do we need to do away with permanent reservations to different communities
and instead launch special developmental and welfare programmes aimed at inclusive growth of the marginalized groups of the state? Can we really afford granting further reservations to different groups at such a critical juncture when the state is facing acute unemployment crises and youth bulge? These issues needs to be given further thought and demands further research.

Suggestions

The foregoing discussion clearly shows that all is not well with the reservation policy and it is high time that a dispassionate thinking is focused upon it. The following suggestions are mooted in order to make the reservation policy judicious, reasonable and purposive.

➤ Government should do something seriously to preserve the culture of the communities feeling discriminated and there must be an emphasis on conducting studies/research and documenting their practices and life pattern.

➤ The difference need to be understood between Paharis and Gujjars as they are identified as one lot which it is not. Therefore research needs to be carried out on culture and socio-economic aspects of the both communities.

➤ Government should definitely look into the upliftment of backward sections of the society seriously. However granting a privilege forever is not an apt solution to the problem. One time package for education, livelihood, or holistic welfare of such groups can be a step farward but why is the granting of reservation to any community so important. Government should seriously look into the repercussions before granting any such status to any section of the society.

➤ The Pahari community is devoid of adequate socio-economic and educational development. Therefore, a strong socio-anthropological insight is badly needed to look into the culture and life pattern, identity crisis and overall pressing issues of the Paharis.

➤ The viable solution to resolve the historical divide between Gujjars and Paharis lies in the capability of the government to alleviate the socio-economic profile of the two communities. A survey of the socio-economic profile of all the communities in Gujar-Pahari heartland can be another approach to reach an understanding on the needs and problems of these people residing in Jammu and Kashmir. To solve these problems, the central and state governments should act in a pragmatic way instead of succumbing to a policy of appeasement.
Both the communities are living in congruent geographical conditions and have adopted similar life styles. Both the communities either live in remote, far flung and inaccessible hilly areas mainly in the Pir Pahchal region or their basties (habitations) are located around LOC. So they face similar problems of economically backwardness. Therefore, both the communities need equal ameliorative measures. We cannot alleviate one community and left other in the shackles of backwardness.

A joint Gojri-Pahari intellectual conferences can contribute in diffusing age old tensions between the two communities through dialogue and reconciliation, There is an urgent need for the restoration of the old traditions of brotherhood between them.

The Paharis have not yet been given a proper definition by the planning department of Jammu and Kashmir state and no proper survey has been made of their economic vulnerability. So there is an urgent need for conducting a proper socio-economic survey so that sustainable development of all sections of the society can take place.

For rebuilding confidence among the Paharis a seat of chair can be established at the University of Jammu for a more systematic development of the Pahari speaking people.

There is an urgent need for greater understanding and reconciliation among these communities. To this end, NGOs, social activists and religious figures could come forward and start the journey towards peace and reconciliation. On the part of government, efforts should be made to strengthen ties between these communities to restore peace, happiness and harmony in these regions. These efforts will really help in de-escalating tensions between these two communities.

If the government is really concerned about the upliftment of the poor people of the society, then why not adopt the BPL formula. All the BPL households of the state whether they belong to any community, area or linguistic group be declared as reserved category without consideration of their caste or color. And this all should be done after cancelling all reservations based on area and caste criteria.

The whole question of reservation needs a serious debate in the state at every level. Fostering the reservation politics in the state will kill meritocracy and increase the animosity among various sections of the society.
Reservations should not be made a permanent feature. Any privilege provided permanently makes the beneficiaries a privileged class and gives wrong signals to others. This situation affects adversely the social harmony among the different sections of the society. So, only one generation should be permitted the benefits of reservation.

Periodic review of reservation is necessary. Once a person has been benefitted, he should not be further provided quota. The benefits of reservation should be provided only once that is at the stage of admission in educational institutions or recruitment or promotion and not at every stage of one’s career.

Identification and classification of backward classes should be dictated by the economic criteria of the household. A class which is declared as backward may turn out to be the most advanced in a particular region.

Any decision of the government regarding extensions of the reservation to any group should be accountable to an independent authority as in most of the cases these decisions are based on political expediency. Further the government which is supposed to be reflected by merit, efficiency and expertise in specific branches of services must maintain a balance between merit and concession.

It has been a premier goal of mankind to establish an egalitarian society. The political scientists should make an assessment by conducting an empirical study over the attainments of the members of any backward class. If it is found that the backwardness of a particular class has ceased to exist, the class should be removed from the orbit of reservation.

The politics of reservation and reservation debates apart, amidst these demands for reservation, the haunting question remains that, are reservations alone enough to bring the marginalized and disadvantaged groups to the mainstream. We really need a change in the discourse of reservation and welfare programmes run for the marginalized sections of society.

The permanent perpetual reservations to different backward communities should be abolished, instead special developmental and welfare programmes aimed at inclusive growth of marginalized groups of the state should be executed.

The definition of the whole area as the backward, and treating all residents therein as backward is unjustified as the classification of socially and educationally backward classes cannot be on the basis of geographic, climatic or backwardness of an area, as that backward region may also comprise of upper
caste people, they would be sole beneficiaries of the reservation policy as enacted in the said Act and rules. Hence this creamy layer should be excluded from the purview of reservation.

➢ Persons availing benefits of reservation through corrupt practices must be dealt severely. Acquisition of fake caste certificates should be made a cognizable offence, punishment should also be handed out to the offenders including the issuing authorities and forfeiture of all benefits secured through such certificates should be made compulsory.

➢ The provision of protective discrimination enlisted in Article 15(4) and 16(4) and the mandate of Article 29(2) cannot be stretched beyond a particular limit. The state is bound to serve its people but there are some services which demand expertise and skill. In such services, there cannot be room for reservation, merit alone must be the sole and decisive consideration for appointments.

➢ The constitution should be amended. All extensions or prolongations of reservation should be done by the act of legislation and not by an executive decree.

Constitutional bench of Supreme Court delivered its historical judgment on November 16, 1992 in a case titled as *Indra Sawhney and others Vs Union of India*. In this land mark judgment Supreme Court held that

"Reservation is not an end in itself. It is a means to achieve equality. There will be no need for reservation or preferential treatment once equality is achieved. Every reservation founded on benign discrimination and justifiable adopted to achieve the constitutional mandate of equality, must necessary be a transient passage to that end. It is temporary in concept, limited in duration, conditional in application and specific in object"