

Social justice and reservation in private sector for SC/ST/OBC communities

¹ Shrikant Nityanath, ² Dr. SP. Melkeri

¹ Research Scholar, Institute of Dr. B.R. Ambedkar, Studies and Research, Gulbarga University, Kalaburagi, Karnataka, India

² Research Supervisor, Dept. of Psychology, Gulbarga University, Kalaburagi, Karnataka, India

Abstract

We are living in graded society of India: based on Varnashrama System of Manusmriti in this society. Many evil practices like casteism, practice of untouchability, inequality in all field and high level of social discrimination still live and in practice against scheduled caste and scheduled tribe's community. In the 21st century even after 69 years of Independent India, still SC/ST/OBC people are not getting facilities provided in the Indian constitution. After Independent with many struggle by Dr. Baba Shaheb Ambedkar reservation in employment and politics are provided to the SC/ST/OBC community, thinking that government may implement all the provision made to SC/ST/OBC community. But ruling governments have failed to implement and incorporate many facilities to SC/ST/OBC communities. Mean while many private sector are coming up with taking the preveledge of Indian constitution by using natural resources which is due share of SC/ST/OBC community and denied entry in the private sector. The effect of LPG reduced the public sector employment and increasing the private sector employment without SC/ST/OBC representations. Now we need equal representations and reservation in private sector for all the communities. There is great need for amendment to the Indian constitution for reservation in private sector for deprived communities by the politicians and ruling governments.

Keywords: reservation, private sector, social justice, constitution

Introduction

We are living in the graded society of India which is based on Manu's Varnashrama system of society. Many evil practices like casteism, untouchability, inequality, social and economic discrimination still alive and in practice against scheduled caste and scheduled tribe's community. In 21st century even after 68 years of Independent India, still SC/ST/OBC people are not getting facilities provided in the Indian constitution. After Independent with many struggles by Dr. Baba saheb Ambedkar made provision of reservation in education, employment and politics to the SC/ST/OBC communities, thinking that government may implement it to SC/ST/OBC community. But governments have failed to implement and incorporate many facilities to SC/ST/OBC community. Mean while many private sectors are coming up with taking the preveledge of Indian constitution by using such natural resources and road, security, tax free, transport, electricity etc. the government is providing this facilities to private sector, Which is due share of SC/ST/OBC community denied entry in the private sector. The effect of LPG after 1991 the implementation of new economic policy reduced the public sector employment and increasing the private sector employment without SC/ST/OBC representation. The concept embodied in our constitution is only that of equality of status and opportunity in the legal, social, political and economic aspects. All citizens are equal before law and enjoy equal protection of the laws of the land. There can be no discrimination between one person and another on the grounds of religion, race, caste, sex or place of birth in the matter of access to public palaces and public employment. Founding father Dr. Baba Saheb Ambedkar was quite clear that political justice is meaningless without economic and social justice. In our caste ridden society with religious,

prejudices caste and creed discriminations, even economic justice was not enough unless it was coupled with social justice.

The concept of social justice

The Preamble of Indian constitution promises justice to all citizens. Justice means harmonization of interests between the individuals, between groups and between the individuals and groups on the one hand and interests of the community on the other. Most significantly, the Preamble places justice higher than the other principles of liberty, Equality and Fraternity. The concept of justice in the preamble is indeed very wide. Social justice implies that all citizens are treated equally irrespective of their status in society as a result of the accident of birth, race, caste, religion, sex, title etc. Article 15 prohibits discrimination or disability in the matter of access to public places. Article 38 enjoins the state to strive to promote the welfare of the people by securing and protecting of the nation.

The concept of reservation policy

Reservation in India is a law of a form of affirmative action whereby a percentage of seats are reserved in the public sector units, union and state civil services, union and state government departments and in all public and private educational institutions for the socially and educationally backward communities. Reservation is a form of quota based on affirmative action According to justice chinappa reddy: Reservation is not a charity it is representation. This representation is giving to the unrepresented community.

Articles on reservation

Many Specific provisions for the reservation in services, in favour of the members of the SC/ST/OBC communities have

been made in the constitution of India. They are as follows.

- **Reservation in Education**

In the case of education the provision relates to non-discrimination in educational institutions, equal representations, and measures for educational promotions. Article 15 (4) states that “Nothing in this article shall prevent the state from making any special provision for the advancement of any socially and educationally backward classes for the scheduled caste and the scheduled tribes”. Article 29 (2) provides protection for admission and against discrimination in any educational institution maintained by the state or receiving aid out of state funds on grounds only of religion, race, caste, language or any of them.

- **Reservation in Employment**

The constitution provides for both appointment and promotion in the government service. Article 16 (4) empowers the state to make any provision for the reservation in appointments, or posts in favour of any backward class of citizens. Article 16 (4A) enables the state to make provision for reservation in matters of promotion to any group or groups of posts in the services under the state in favour of the Scheduled caste and scheduled tribes. Article 335 states the claims of the members of the Scheduled caste and scheduled tribes shall be taken into consideration consistently with the maintenance of efficiency of administration in the making of appointment of service and posts in connection with the affairs of the union or of a state.

- **Reservation in politics**

The constitution empowers the state to take steps to provide due representation to the scheduled caste and scheduled tribes. Various articles contain provision for the reservation of seats for the scheduled caste and scheduled tribes in the nation’s legislative assembly of the states. Article 332 in Municipalities Article 243 T in various panchayat (local self government) level bodies, namely, village, taluk and district Article 243 D.

Implementation of reservation and development

We can say that, to ensure social and economic justice is the main purpose of the reservation policy; thereby realizing the goal of the empowerment of the backward communities. It can address certain social inequalities that pervade Indian society for so long. For, these social inequalities leave the so-called low castes deprived in everything from education to economy. Thus, the policy of job reservations intends to bring about proportional representation, as it is a mode of distributing benefits based on the proportion of population 15 per cent for the Schedule Castes (SCs), 7.5 per cent for Scheduled Tribes (STs) and 27 per cent for other backward communities (OBC). Totally 49.5 per cent reservation has provided for backward communities. But even after 68 years of Independent still reservation policy has not implemented. Ruling Governments have implemented only 8 per cent reservation for SCs, 2.5 for STs and 5 per cent for other backward community. Totally 15.5 per cent has implemented. Still 33.5 per cent reservation has remained in government jobs. Ruling Governments are not implementing reservation facilities provided in the Indian constitution.

Concept of Privatization

Privatization is closely associated with the phenomena of globalization and liberalization. Privatization is the transfer of control of ownership of economic resources from the public sector to the private sector. It means a decline in the role of the public sector as there is a shift in the property right from the state to private ownership. Example: H.M.T, BHEL, Electronics Corporation of India Limited, BALCO etc.

Social impact of Privatization

After privatization Indian many public sectors converted into private sector. After the privatization Indian public sector Jobs are reduced and private sector jobs are increasing day by day. The deprived communities are not getting jobs in private sector. In the private sector there is no special provision to get jobs for backward communities. The effect of LPG after 1991 the implementation of new economic policy reduced the public sector employment and increasing the private sector employment without SC/ST/OBC representation. On this effect unemployment problem is increasing in backward communities. Effect of unemployment problem backward communities are involving in criminal activities like murder, robbery, prostitute, etc.

Economic impact of Privatization

Indian economic system has divided into three sectors namely agriculture, industry, and service. In Agricultural sector 46% people are depend on agriculture. Indian farmers don’t have equal land of agriculture only 10% families have 54% land ownership, 50% percent family have only 3% land and 20% rural families do not have any agriculture land. In industrial sector 96% ownership is only with upper communities. And backward communities have only 4.4% ownership of industries. In service sector industries, education, hospital, hotel, cinema, tourism, banking, insurance and journalism etc. 15% people have its ownership. 85% people are working as slave under all three sectors.

Need of reservation in private sector

The private sectors are developing with the government support. Government is giving many facilities like land, water, electrical, transport, road and security etc. And in the last few year government has given 5 lack crores of rupees for the private companies. These all facilities providing by the government by means of people Government is giving all facilities for the people out of their tax. Private companies are enjoying all facilities but they are denying job opportunity for backward communities in the pre text of caste system still alive in the Indian society. There is need to bring special provision in private sector for backward community.

Conclusion

The aim of the article is to create sense of awareness of equal life to all and equal share in all because still we are living in a life of contradictions. In politics, we have equality and inequality in social and economic life. In politics, we must recognize the principle of one man one vote and one vote one value. In our social and economic life, we have been continuously denied the principle of one man one value. Now we need equal representations and reservation in private sector for all the communities. There is great need for amendment to the Indian constitution for reservation in

private sector for deprived communities by the politicians and ruling governments.

References

1. Dr. Baba Saheb Ambedkar writing and speeches. 3:5-7.
2. Our constitution (An introduction to India's constitution and constitutional law) – Subhash C. Kashyap.
3. Democracy – David beetham and Kevin boyle.
4. Reservation in the private sector – Issues, concerns and Prospects – Sukhadeo Thorat, Prashant Negi and Aryama.
5. Prejudice against Reservation Policies How and Why? – Sukhadeo Thorat, Nitin Tagade, and Ajaya K Naik.
6. Reservation in Employment, Education and Legislature – Status and Emerging Issues. – Sukhadeo Thorat and Chittaranjan Senapati.
7. Khasagi kshetradalli meesalathi yake beku Kannada – Dr. Shivakumar.
8. Prabuddha Bharata kannada monthly paper Karnataka. 2014-2016.
9. Why Reservation is necessary – Sukhadeo Thorat.
10. Mixed economic system in India: Characteristics, Merits and Demerits – Smriti Chand.
11. New economic policy 1991 – Mrityunjaya Kumar.