Affirmative Action Programme In India: The Road Ahead

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Equality is one of the most contested issues in any State, be it social, political or economic. As the primary task of any nation based on democratic principles is to reduce inequality, for example, the concept of positive discrimination is followed in India and the concept of affirmative action in United States. Though the objective of both the approach is same but the methods followed by them are different. This paper tries contextualizing the approach of affirmative action in the India Scenario and to test whether it is a preferable option than the positive discrimination approach. The present discussion tries to engage the reader with the concept of equality as envisaged by the framers of the Indian Constitution and to analyze whether the present approach of positive discrimination has been able to inculcate the vision of the Constitutional framers. It further argues about the presence of an alternative approach of affirmative action in the present Constitutional framework of India and how it is more desirable than the approach of positive discrimination followed in India. Instead of reducing inequality the present framework is promoting inequality and this has been the primary contention against the approach of positive discrimination. This paper suggests that the affirmative action approach will be able to stand up against all the effective criticism of positive discrimination.

'Equality' has been accepted as the basic organizing principle and a cardinal value of India's socio-political system. And this has been done against the background of elaborate, valued and clearly perceived inequalities inherited from India's ancient past. If we look at the concept of equality from a common man's point of view, the principle of equality was originally, a common man's protest against the gross inequalities created by

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the superior claims of the nobility in ancient societies. These inequalities and privileges persist even today. Inequality, as such, refers to the conditions created in society by a limited number of privileged people, who have always dominated the State and used its power for their own purpose. Equality means, first of all, that special privileges of all kinds should be abolished. All barriers of birth, wealth, sex, caste, creed and colour should be removed so that no one suffers from any kind of social or political disability.

The framers of the Indian Constitution were aware of the persistent inequalities perpetrated due to the caste system in India. That is why the Principle of equality was given a place of pride in the scheme of things under Articles 14, 15 and 16 of the Indian Constitution which provided the basics of equalizing principles. This was done primarily by extending an umbrella of protective or benign discrimination for the members of scheduled castes and scheduled tribes whereby they could be provided with special treatment in various sectors of socio-economic and political life of the country. These provisions of the Constitution have come to be recognized as the basis of the Reservation System in India which is very often equated with the Affirmative Action Programme that originated in the United States. However, it is important to note that these provisions are not exhaustive as regards the affirmative action programme in India which is much more elaborate and comprehensive.

This paper makes an attempt to bring together various provisions constituting the Affirmative Action Programme of India and seeks to articulate the argument that its true relevance and effectiveness would lie in a slow and gradual annihilation of the system of Affirmative Action Programme itself. Accordingly the paper has been divided into four parts. The first part, would seek to clarify the understanding of the Affirmative Action Programme in India, the second would put the Affirmative Action Programme in a new frame of classification and bring together various provisions relating to it. Part three would attempt to articulate an argument that the Affirmative Action Programme in India was never intended to be a permanent feature of the Constitution which is why the framers of the Constitution wanted the system to fade away slowly. The last part of the paper would conclude the discussion with certain observations on India's tryst with Affirmative Action.

I.

A. *Understanding the Affirmative Action Programme*

Affirmative Action Programme, as it is understood in the United States of America, where this term is said to have originated, basically refers to the policies aimed at addressing the problems of historically and socially deprived sections of society in order to promote their access to education or employment. The motivation for affirmative action is a desire to redress the effects of past and current discrimination that is regarded as unfair and serves to encourage public institutions such as universities, hospitals and governmental and non-governmental organizations including the police forces to be better representatives of the population. Professor James E. Jones, Jr. defines affirmative action as "public or private actions or programs, which provide or seek to provide opportunities or other benefits to persons on the basis of, among other things, their membership in a specified group or groups." According to Professor David Benjamin Oppenheimer the practice of affirmative action is comprised of five methods: quotas, preferences, self-studies, outreach and counseling, and anti-discrimination.[1] As an extension of Professor Oppenheimer's categorization-based definition, affirmative action can and often is divided into "hard" and "soft" affirmative action, with the former consisting of quotas and preferences and the latter encompassing various outreach programmes, self-evaluations, marketing, and labor market developments.

It may be noted that the idea of the Affirmative Action Programme has its origins in the principles of Distributive Justice. It is worth noting that though different philosophers may have differences of opinions as to the conception of justice and equality, they would all suggest some or the other kind of distributive justice mechanism to shape the society in the mould of their philosophy. In fact the idea of distributive justice is not new. Aristotle himself talked about distributive justice. According to him, justice is of two types – "complete justice" and "particular justice." He further subdivides "particular justice", into

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[1] Jed Rubenfeld, *Affirmative Action*, 107 YALE L.J. 427 (1997).

Distributive justice and Corrective Justice. Principles of distributive justice are normative principles designed to guide the allocation of the benefits and burdens of economic activity.[2] It thus looks beyond equality in the purely formal sense. The Difference Principle allows allocation that does not conform to strict equality so long as the inequality has the effect that the least advantaged in society are materially better off than they would be under strict equality. In a democratic world it is taken for granted that policies for the redress of severe social and economic disadvantages are in themselves desirable. Such policies of distributive justice aim at different sectors of society and at the widest possible base. Whether we call such policies by the name of protective discrimination, benign discrimination or preferential policies, they are all means for achieving the ideals of distributive justice. Justifications for affirmative action lie in the need either to remove the grossly unjust inequalities in the system or to raise particular sections of the society to the level of human existence and to assure them the dignity due to them.

The Indian Constitution, adopts justice and equality as the basic organising principles of India's socio-political system. Equality has come to be embraced as a cardinal value against the background of elaborate, valued and clearly perceived inequalities[3]. What is laid down in terms of equality is a twin concept comprising of equality before the law and equal protection of the laws, while the former ensures equal status to everybody, from a prince to a pauper, the later concept, is aimed at achieving substantial equality by classifying the advantaged and disadvantaged and provide the disadvantaged ones with Affirmative Action Programmes. In fact the measures for ensuring equal protection of the laws involves the element of protection as well as that of compensation or reparation to offset the systematic and cumulative deprivations suffered by lower castes in the past. These protective discrimination policies are authorised by constitutional provisions that permit departures from norms of equality, such as merit and even-handedness.[4]

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[2] Distributive Justice, available at http://plato.stanford.edu/entries/justice-distributive/.

[3] MARC GALLANTER, LAW AND SOCIETY IN MODERN INDIA 185 (1990).

[4] *Id*.

B. Affirmative Action Programme In India

The array of Affirmative Action Programmes in India can roughly be divided into three broad categories: Firstly, there are the different kinds of Reservations prevalent which allot or facilitate access to valued positions or resources; such as reservations in legislatures, including the reservations for Scheduled castes and Scheduled tribes in Lok Sabha[5] reservations in government services and reservations in educational institutions. The second type of protective measures is one employed less frequently: in land allotment, housing and other scarce resources like, scholarships, grants, loans, health care etc. The third type of measures are specific kinds of action plans for removal of untouchability, prohibition of forced labour etc. In the classification provided by Professor David Benjamin Oppenhiemer, the first type would be *hard* affirmative action and the second and third types would be typical cases of *soft* affirmative action.

For the purpose of providing protection in terms of political representation, Article 330 of the Indian Constitution provides that seats in proportion to the population of scheduled castes and scheduled tribes in particular states are reserved in the Lok Sabha. Only those states which are predominantly tribal are excluded from the operation of this provision. Earlier Section 2 of the 23rd Amendment of the Constitution in 1969, excluded the operation of article 330 to the tribal areas of Nagaland, but the exclusion has now been extended to the states of Meghalaya, Mizoram and Arunachal Pradesh by the 31st Constitutional Amendment Act as these states are predominantly tribal in nature.[6] Similarly under Article 332, seats are reserved in the Legislative Assemblies of the states, in favour of scheduled castes and scheduled tribes in proportion to their population in that particular state. Once again the states of Meghalaya, Nagaland, Mizoram and Arunachal Pradesh are excluded from the operation of Article 332, simply because of the predominant tribal population in those states. Articles 331 and 333 operate in the same manner in favour of members of the Anglo-Indian Community.

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[5] Indian Parliament is a Bicameral Legislature. Rajya Sabha is the upper chamber of the Parliament having 250 members elected indirectly for 6 years. Lok Sabha is the lower chamber, consisting of 544 members elected directly for five years.

[6] V.N. Shukla, Constitutional law of India (M. P. Singh ed., 11th ed. 2008).

It may be noted that initially these reservations were provided for only 10 years from the commencement of the Constitution under Article 334. But this duration has been extended continuously since then by 10 years each time. Now the period of reservations in Lok Sabha and State legislative assemblies stands at 60 years from the commencement of the constitution.[7] It is believed that the handicaps and disabilities under which these people live have not yet been removed and therefore this reservation is needed for some more time so that their condition may be ameliorated and they may catch up with the rest of the nation.

The fact that reservation of seats for scheduled castes and scheduled tribes in the legislatures was not supposed to have been on a permanent basis, but was provided for a period of 10 years at a time, shows that it was envisaged that the scheduled castes and scheduled tribes would ultimately assimilate themselves fully in the political and national life of the country so there would be no need for any special safeguards for them, without any need for reservations.

Reservation in government services as a measure of protective discrimination has been incorporated under Article 16 (4) of the Indian Constitution. This particular provision falls under the head of "Right to Equality". In order to give effect to the general right to equality under Article 14, the constitution secures to all citizens the freedom from discrimination on grounds of religion, race and caste. In the specific application of this equality guarantee, the State is further forbidden to discriminate against any citizen on grounds of place of birth, residence, descent, class, language and sex according to Articles 15(1) and 15(2). Article 15 (4) on the other hand lays down that the state is not prevented from making any special provision for the advancement of any socially and educationally backward classes. The expression "making any special provision" is evidently open-ended in nature and in reality; government can go on providing a whole array of facilities for promoting the interests of socially and educationally backward classes. These

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[7] INDIA CONST. Art. 334 as amended by the Constitution (Seventy Ninth Amendment) Act, 2000.

include for example waiver of fees, waiver of age requirements, special coaching, scholarships, grants, loans etc. Interestingly, however, the use of article 15 (4) has exclusively been made so far for providing reservations in educational institutions.

Untouchability has been abolished and the citizens have been protected against discrimination even the private persons and institutions.[8] While Article 16 (1) guarantees equality of opportunity for all citizens in matters of employment or appointment to any office under the State, Article 16 (2) provides that no citizen shall on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for or discriminated against in respect of any employment or office under the State. Article 16 (4) which provides for protective measure of reservations of seats in government employment lays down that nothing in this article shall prevent the state from making any provision for reservation of appointments or posts in favour of any backward class of citizens which in the opinion of the state is not adequately represented in the services under the state.

I intend to make two important points or arguments with respect to these measures taken under the Affirmative Action Programmes. The first is about a new kind of classification that I put all these provisions into and the second is about the presumed limit set for the operation of these Affirmative Action Programmes that has now become a topic of hot discussion after the Indian Supreme Court has adopted a definite line of argument on that point which branches off into a argument to start some kind of roll-back process of Affirmative Action Programmes in India.

II.

A. *Hard and Soft Affirmative Action*

A new kind of a classification that I put forward, is derived from the basic classification of Professor Davis Banjamin Oppenhiemer, who puts various types of Affirmative Action Programmes into 'hard' and 'soft' law categories. Under the Indian Constitution, the whole array of Affirmative Action Programmes

[8]INDIA CONST. Art. 17; *see also* The Protection of Civil Rights Act, 1955.

are divisible into hard and soft law categories. Articles 330 to 334, 340-342 and 15 and 16 can be categorized as 'hard' law approaches because they prescribe certain legal norms whereby various historical injustices have been sought to be done away with or provided with some kind of reparation element by way of protective action or affirmative action which has already been discussed above. Article 15 along with preferences in resources distribution and amelioration programmes that I now discuss fall within the 'soft' law category affirmative action programmes for the reasons that I put forth below:

First, the expression under Article 15(4) *"Nothing in this Article..... any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes."* is an open ended provision. This particular provision can be used either as 'hard' or as 'soft' law Affirmative Action Programme. It is unfortunate that it has not been utilised for other purposes. The underlying assumption of the interpretation of Article 15 (4) so far appears to be that unless posts, including promotional posts are reserved for backward classes in public employment, their status can never be improved. It cannot be said that there are no other methods that can be considered to improve their status because to say this is to overlook the wide scope of Article 15 (4). In relation to education, for example, under Article 15 (4) the State can give free education, free text books, free uniforms, subsistence allowance, merit scholarships and the like, starting from the primary education stage and going right up to University and post graduate education. Once this is realized, the powers at the disposal of the state are extremely vast and varied if it really takes care to improve the lot of scheduled castes and scheduled tribes, and backward classes. All the controversies inherent in reservations, especially those regarding merit or which argue that reservations impair the efficiency of administration for the purpose of providing protective discrimination, and that reservations are more often than not governed by political considerations will lose much of their relevance.

B. Preferences in Resource Distribution: The Soft Affirmative Action Programmes

The second group of soft Affirmative Action Programmes can be constructed out of the Directive Principles of State Policies. It may be noted that the Preamble to the Indian Constitution of India, has put forth the "sovereign, socialist, secular[9] democratic

Republic of India, to secure to all its citizens, social economic and political justice". Reserving seats and ensuring a minimum representation to deprived and exploited sections of society in the legislatures and other political bodies ensures political justice.[10] Social and economic justice is intended to be achieved by the state in pursuance of the Directive Principles of State policy contained in Chapter IV of the Constitution, which directs the state to remove existing socio-economic inequalities by special measures. All these provisions are intended to promote the constitutional scheme to secure equality. These provisions advocate a programme for the reconstruction and transformation of Indian Society by a firm commitment to raise the sunken status of the pathetically neglected and disadvantaged sections of our society. Before we note how the reconstruction and transformation of Indian society is required to be realised, it must be noted that the provisions included in the Directive Principles of State Policy are not enforceable in the courts. However the principles laid down in this part of the Constitution are fundamental in the governance of the country.

For the purposes of this discussion, it is important to look at Article 46 which specifically refers to the obligation of the state towards the weaker sections and scheduled castes and scheduled tribes etc and provides that "The state shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular of the scheduled castes and scheduled tribes and shall protect them from social injustices and all forms of exploitation".

In pursuance of these directives, various land re-distribution and allotment programmes have been initiated. In fact so great was the enthusiasm of the government in this respect that hundreds of land reform laws were passed in the first five years of Indian Republic. This brought about a spate of litigation in the courts, as the land reforms laws infringed the right to property of the land owners.[11] However the government was so determined to affect land reforms that the right to property which was provided under Article 31 of the constitution was modified six times and finally

[9] The word "Secular" was added in to the Preamble by the Constitution (Forty Second Amendment) Act, 1976.

[10] INDIA CONST. Arts. 330-334.

[11] Kameshwar Singh v. State of Bihar, A.I.R. 1962 S.C. 1116.

was done away with for the purpose of avoiding litigation in land reform measures of the government.[12]

For the purpose of providing legal aid to the poor and indigent a vast network of Legal Aid programmes involving judicial officers, Bar Councils and Law Schools, have been established all over the country. Legal Services Authority Act, 1987 which was meant to provide legal aid to all those who cannot afford access to legal services either due to poverty indigence or illiteracy or backwardness, has been a big success and apart from legal services authorities at the central and state level various legal aid committees have been successfully and effectively working at the district and taluka level.

Apart from this various health care programmes such as primary health centres all over the country have been established and various scholarships grants, loans etc for the deprived sections of the population have been contributing their bit towards the socio-economic transformation of the country. These schemes are accompanied by efforts to protect the backward classes from exploitation and victimisation.

C. Action Plans and Amelioration Programmes

The third group of Affirmative Action Policies is aimed at protective discrimination in various action plans for the removal of incapabilities on the part of the underprivileged groups. The Constitution itself talks about prohibitions of forced labour under Article 23, in pursuance of which the Bonded Labour Abolition Act was passed in 1976. In recent years there have been strenuous efforts to release the victims of debt bondage, who are mostly from scheduled castes and scheduled tribes. The Constitution itself abolished untouchability vide Article 17 which lays down that *"Untouchability is abolished and its practice in any form is forbidden".* The enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with law. It is to be seen that the word "Untouchability" is not supposed to be construed in its literal sense which would include persons who are treated as untouchables either temporarily or otherwise

[12] Constitution (Forty Fourth Amendment) Act, 1978 abolished the Right to Property as a fundamental right from the Constitution of India.

for various reasons, such as those suffering from an epidemic, contagious disease or on account of social observance such as are associated with birth or death etc. Rather, untouchability is to be understood in the sense of a practice as it has developed historically in India. The word refers to those regarded as untouchables in the course of historical developments in this country.

Anti-untouchability propaganda and the Protection of Civil Rights Act, attempts to relieve untouchables from the social disabilities under which they have suffered. These measures may not strictly be called compensatory discrimination in the formal sense of the term, but in substance it is a special undertaking to remedy the disadvantaged position of the untouchables and certainly be designated as an Affirmative Action Programme being a part of the state's larger obligation of ushering in an egalitarian order.

D. *Meeting the Anti-Merit Argument*

The reservation system has, as we have noted above, come to be equated with Affirmative Action Programme. One of the arguments against the system has always been that it compromises merit and neglects talented candidates, who in due course of time fade into oblivion amounting to national loss. As far as soft Affirmative Action Programmes are concerned, such an allegation is simply beyond question, because the programme does not meddle with the recruitment aspect of services. On the contrary by training such a candidate and by taking care of his other incidental disabilities, such as lack of money etc. it creates conditions where the disabled candidate can compete with the best in the system, As far as objections to the lowering of standards by way of reservations is concerned, the Constitution has taken care of that by inclusion of Article 335 of the Constitution. This lays down that the claims of the members of the scheduled castes and the scheduled tribes shall be taken into consideration, consistent with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with affairs of the union or the states.

The Supreme Court had taken note of Article 335 in the interpretation of Article 15 (4) and had ruled that selection for the post graduate course in Medical sciences would be inconsistent

with Article 335, as these entrants occupy posts in teaching Hospitals. The element of public interest in having the most meritorious students is also present at the post graduate level in medical specialties and super-specialities. Patients who are sent to the hospitals are treated by these students who enroll for such specialty courses. At this level an ability to assimilate and acquire special knowledge is required. Therefore selection of students of the right caliber is essential in the public interests at the level of specialised postgraduate education.[13] In view of the supervening public interest which has to be balanced against the social equity of providing some opportunities to the backward classes who are not able to qualify on the basis of marks obtained by them for post graduate learning. It is also for an expert body such like the Medical Council of India, to lay down the extent of reservations. Lowering of the marks, if any, is to be consistent with the broader public interest in having the most competent people for specialised training and the competing public interest in securing social justice and equality. The Supreme Court in the recent case of *Ashok Kumar Thakur v. Union of India*, had once again emphasized that *"once a candidate graduates from a university, he is said to be educationally forward and is ineligible for special benefits under article 15(5) of the Constitution for post-graduate and any further studies thereafter."*[14] This is for the purpose of balancing the requirements of Articles 15, 16 on the one hand and Article 335 on the other.

III.

A. *Permanency Factor of Affirmative Action Programmes*

Another requirement that is to be understood and that has remained a point of controversy is how long the scheme of reservation would continue. From the above discussion one might have noticed that out of the three broad types of classifications of Affirmative Action Programmes it is only in the case of reservations in legislative bodies under Article 330 that some kind of time limit under Article 334 has been spoken of i.e. 10 years to begin with, which has been extended continuously and now stands at 60 i.e. until the end of 2010.

[13] Preeti Shrivastava v. State of Madhya Pradesh, (1999) 7 S.C.C. 120.

[14] Ashok Kumar Thakur v. Union of India, (2008) 6 S.C.C. 1 *per* Dalveer Bhandari J.

Applying the principle of interpretation *"expressio unius est exclusio alterius"*, i.e. the express rule of similar nature in one provision of the statute excludes a similar reading in an alternative provision of the same statute, would result in an inference that the express mention of time limit in one type of affirmative action excludes a similar reading in other types of Affirmative Action Programmes. This apparent position, as I argue here-under is not the reality. The constitutional position is rather different and the framers of the constitution intended to limit the application of the Affirmative Action Programme. The Affirmative Action Programme that has been constituted under the Indian Constitution was never intended to be a permanent feature and that is also the jurisprudential dictate on the issue.

Justice Sandra Day O'Connor, one of the judges in the now famous case of *Grutter v. Bollinger*,[15] sought to articulate the legal position regarding the longevity of Affirmative Action Programmes. She observed:

> *"We are mindful, however, that "[a] core purpose of the Fourteenth Amendment was to do away with all governmentally imposed discrimination based on race. Accordingly, race-conscious admission policies must be limited in time. This requirement reflects that racial classifications, however compelling their goals maybe, are potentially so dangerous that they may be employed no more broadly than the interest demands. Enshrining a permanent justification for racial preferences would offend this fundamental equal protection principle. We see no reason to exempt race-conscious admissions programs from the requirement that governmental use of race must have a logical end point. The Law School, too, concedes that all "race conscious programs must have reasonable durational limits."*

Obviously Justice O'Connor is talking about the duration of affirmative action plans. The fact that the framers of Indian Constitution too wanted that the Affirmative Action Programme should not become a permanent feature of India's political

[15] 539 U.S. 306 (2003).

system can be evidenced by the fact that they had included provisions like Articles 340-341 in the Indian Constitution. Article 340 contemplates appointment of a commission to investigate the conditions of socially and educationally backward classes and such other matters as are referred to the Commission.[16] Article 341 provides that the President may by notification in a particular state; after due consultations with the Governor in a particular state, specify the castes, races or tribes which shall for the purpose of this Constitution be deemed to be scheduled castes in relation to that state. The second clause of this Article provides that the list of scheduled castes specified in the notification issued under clause (1) may be amended by a law passed by the Parliament. Article 342 puts forth a similar provision for Scheduled Tribes. However it may be noted that the Courts are not precluded from going into the question concerning whether the criteria used by the state for the purpose are relevant or not.[17]

The provisions of Articles 341 and 342 would also imply that if some new castes and tribes can be included by way of presidential order, *some others may also be struck out* on the basis of the rationale that they have now ceased to be backward and therefore no longer need the protective umbrella of Affirmative Action Programme. The concept of the creamy layer, enunciated by the Supreme Court in *Indira Sawhney v. Union of India*[18] and endorsed in the more recent case of *Ashok Kumar Thakur v. Union of India*[19] , whereby the affluent sections of the society have to be skimmed off and should not be considered eligible for Affirmative Action Programme is another instance of the fact that the basic scheme of the Constitution is not to treat the Affirmative Action Programme as a permanent feature of the Constitution. Rather the intention of the framers of the Constitution was to ensure that the scheduled castes and scheduled tribes would ultimately assimilate themselves fully in the political and national life of the country so much so that there would be no need for any special safeguards for them and there would be no need to draw a distinction between any two citizens.

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[16] India Const. Art. 340.

[17] Moosa v. State of Kerala, A.I.R. 1960 Ker. 355.

[18] A.I.R. 1993 S.C. 477.

[19] (2008) 6 S.C.C. 1.

Further, it must be noted that the intention of the framers of the Constitution in introducing provisions like Article 17 and a number of other provisions for Affirmative Action Programme as we have seen above, was to ensure the establishment of an egalitarian social order by removing the evils of caste, race and sex etc. If we continue to adhere to caste-lines for the purposes of providing benign discrimination, the ideals of an egalitarian social order would continue to evade us. In the recent case of *Ashok Kumar Thakur v. Union of India*[20], the Supreme Court once again emphasises that:

> *"As long as caste is a criterion, objective of casteless society can never be achieved — Exclusively economic criteria should be used — Government needs to ensure that for a period of ten years caste and other factors such as occupation/income/ property holdings or similar measures of economic power may be taken into consideration and thereafter only economic criteria should prevail."*

This can once again be taken as an indication of the fact that Affirmative Action Programme in any form was not intended to be a permanent feature of the Constitution.

IV.

Concluding Observations

It may be summed up that the present model of Affirmative Action policies presents a very perplexing conundrum, which can be said to be *sui generis*. An impartial observer of the Indian scene may not have any difficulty in concluding that the contemporary discrimination policies have vigorously been followed in post-independent India. And they have been considerably successful in producing a redistributive effect as well. Reserved seats provide a substantial legislative presence and increase the flow of patronage, attention and favourable policies to scheduled castes and scheduled tribes. The reservation in jobs and educational institutions has given rise to a sizable portion of the beneficiary group to receive access

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[20] *Id.*

to the earnings, security, information, patronage and prestige that go with government jobs in India. However this has not been without costs. In fact the costs have been enormous. There is a lot of frustration amongst those who have been deprived of their jobs, which they would have got in the absence of preferential policies, undermining the efficiency of the administration, underlining the differences and leading to invidious discriminations, making the beneficiary groups dependent and blunting their development and initiative could be said to be costs of these preferential policies. The criticism that these policies have evoked and the debates that take place in India today, represent the vivacity of India's democratic experiment. However to ensure that this experiment moves on a stronger footing, a certain direction need be given to the process of Affirmative Action Programmes and the time appears to be ripe to start some kind of roll-back process of reservation system so as to usher in a healthy democratic order.