

Shahu Maharaj and Reservation Policy

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Abstract:

Shahu Maharaj was the first to implement caste-based reservation in India. Chhatrapati Shahu Maharaj took forward the ideas of Mahatma Jotiba Phule on education, and was a part of the Satyashodhak movement founded by Phule. In India is to uplift the socially, economically and educationally backward classes of the society. In the year 1882, the idea of reservation policy based on the caste system was conceived by William Hunter and Jyotirao Phule. In the Constitution (103rd Amendment) Act, 2019, 10% reservation was provided in educational institutions and Government jobs for “Economically Backward Classes”, an unreserved category. In modern India, reservation policy is based on the caste system and it discourages the development and growth of the society. In rural areas, even general category people belonged to economically backward classes, but they were not getting any reservation because, in India, reservation policy is based on the caste system.

Introduction:

Rajarshi Shahu Maharaj was born on 26 June 1874. His mother, Radhabai, was the princess of Mudhol. His father Jaisingharao alias Abasaheb Ghatge was from Kagal. His adoptive father was Shivaji the fourth, and his adoptive mother was Anandibai. On March 17, 1884, at the age of 10, he was named as Shahu Chhatrapati Maharaj. Shahu Maharaj ruled Kolhapur for 28 years from 1894 to 1922. Shahu Maharaj was the first to implement caste-based reservation in the modern era of India. He declared 50% reservations from which only four castes were excluded, Brahmin, Shenvi, Prabhu and Parsi. All other castes except these were declared as constituting the Bahujan Samaj. This meant in particular that, even if positions reserved for Bahujan candidates remained empty, they could not be filled up with candidates from the 4 excluded castes.

Chhatrapati Shahu Maharaj took forward the ideas of Mahatma Jotiba Phule on education, and was a part of the Satyashodhak movement founded by Phule. He built separate hostels and boarding schools for different Bahujan communities like tailors, Mahars, Lingayats, and also Muslims. Dr. Ambedkar for higher education, and for starting his first monthly newspaper “Mook Nayak”. Birth anniversary of Chhatrapati Rajarshi Shahu Maharaj, Dr Babasaheb Ambedkar told the Bahujan community that the day should be celebrated at par with festivals such as Diwali.

Objective of reservation system

1. In India is to uplift the socially, economically and educationally backward classes of the society.
2. The framers of Indian Constitution viewed that it was important to give benefits to these sections who have been historically denied access to economic and social resources.
3. The affirmative action introduced in India was to overcome the long due deprivation and include the deprived section of society in the mainstream and also make them a very productive part of development process.
4. The new reservation system is different from already existing reservation policy, as latter dealt with caste and former deals with economical status.
5. Reservation is basically used as a tool to help socially and economically backward people and help them develop and be at par with other section of society, it acts as a bridge to remove the gap between the upper and lower classes/castes of society.

6. So the new reservation based entirely on economical status gives a new impetus to the existing reservation system. It is interesting to see whether its implementation actually benefits its subject or was it just a pre-election action of the ruling party.

A. Pre- Independence Reservation Policy in India

1. In the year 1882, the idea of reservation policy based on the caste system was conceived by William Hunter and Jyotirao Phule.

2. In the year 1931, the Round table Conference was organized in London and its chairman was British Prime Minister Ramsay Macdonald. In this Round Table Conference, there were many Indian delegates of Different interest groups were present. In this conference, an appeal for a separate electorate was made by Dr. B.R. Ambedkar and other minority groups, but it was strongly opposed by Mahatma Gandhi.

3. In the year 1932, the Communal Award (it made provisions for separate electorates for Hindu, Muslims, Sikhs, Christians, Anglo- Indians, Europeans, and Dalit communities) was presented by British Prime Minister **Ramsay Macdonald**.

4. The Communal Award was criticized by Mahatma Gandhi but it was strongly favored by Dr. B.R. Ambedkar and other minority groups. As a result, Mahatma Gandhi went on a Hunger strike against this award.

5. In the same year, after a long negotiation, the Poona Pact, 1932 came into force and it was signed by Mahatma Gandhi and Dr. B.R. Ambedkar. Poona Pact, 1932 brought a single general electorate for each seat in British India with certain reservations.

B. Post- Independence Reservation Policy in India

1. After India got independence, the scenario of reservation policy was changed or we can say it become stronger than the pre-independence era. Dr. B.R. Ambedkar was the chairperson of the Drafting Committee of Constituent Assembly. Initially, while framing the Constitution of India, a reservation policy was not included.

2. In the year 1951, under Article 15 of the Indian Constitution, clause (4) was added as a result of the Constitution (1st Amendment) Act, 1951, the reservation policy for Scheduled Castes (SCs) and Schedule Tribes (STs) was introduced.

3. In the year 1991, by the recommendation of the Mandal Commission, OBC (Other Backward Classes) was included in the scope of reservation policy. Under “Article 340” of the Indian Constitution, the President of India formed a commission for socially and educationally backward classes under the Chairmanship of B.P. Mandal. The commission was popularly known as Mandal Commission.

The Mandal Commission proposed 27% of the total seats for government jobs were reserved for approximately 52% of the OBC population in the Country. OBC includes the list of 3743 castes and underprivileged depressed backward classes include the list of 2108 castes.

4. In the Constitution (103rd Amendment) Act, 2019, 10% reservation was provided in educational institutions and Government jobs for “Economically Backward Classes”, an unreserved category.

Constitutional Provisions Governing Reservation Policy in India

1. Clause (4) of Article 15: Special provisions for the advancement of Backward classes

Article 15 (4) is an exception of clauses (1) and (2) of this article. This clause was inserted in the Constitution (1st Amendment) Act, 1951 as a result of State of Madras v. Champakam Dorairajan. In this case, the Supreme Court observed that Madras Government had reserved seats in state Medical and Engineering College for the backward community classes based on race, caste, and religion to promote social equality. To modify the effect of the decision, Article 15 was amended and in Constitution (1st Amendment) Act, 1951, clause (4) was inserted in Article 15. Article 15

(4) states that the State is authorized to make any provisions for the improvement of socially and economically backward classes such as for SCs/STs.

2. Clause (5) of Article 15: Provision of reservation of backward classes in Private Educational Institutions

Clause (5) was inserted in Article 15 of the Constitution of India under the Constitution (93rd Amendment) Act, 2005. This amendment came into force in 2006. Nothing in this Article 15 (5) and Article 19 (1) (g) of the Indian Constitution shall prevent the State from making any provisions for the improvement of socially and economically backward classes such as for SCs/STs and OBC related to the admission in Private Educational Institutions whether State-aided or not, other than minority educational institution (referred in clause (1) of Article 30).

3. Clause (3) of Article 16: Reservations in Government Jobs on the ground of residence

Article 16 (3) of the Indian constitution is an exception of clause (2) of Article 16 which prohibits discrimination in Government Jobs based on residence. However, there may be good reasons for reserving certain government posts on the ground of residence. By exercising the power conferred in Article 16 (3), the Parliament has passed the Public Employment (Requirements as to residence) Act, 1957. This Act provides that no one will be disqualified on the ground that he or she doesn't belong to this particular state. This Act provides exceptions in the state of Himachal Pradesh, Telangana, Manipur, and Tripura for a period of 5 years because of the backwardness of these areas.

4. Clause (4) of Article 16: Reservation for Backward Classes in Public employment

Clause (4) is the second exception of Article 16 (1) and Article 16 (2). Article 16 (4) empowers the State to make any provisions for backward class citizens, who are adequately not represented in the services under the State. Provisions are made regarding reservations of appointment of government posts.

7. Article 39 of the Constitution directs States to ensure and provide equal justice and free legal aid to the economically weaker section of the society.

8. Article 45 of the Constitution imposes a duty on the State to raise the standard of living and health of the economically weaker section of the society.

9. Article 330 and 332: Reservation for the seats in Assemblies

These Articles make available specific representations through the reservation of seats for Scheduled Castes (SCs) and Schedule Tribes (STs) in Parliament (Lok Sabha or Lower House) and State Legislative Assemblies (Vidhan Sabha).

10. Article 243- D of the Indian Constitution provides specific representations through the reservation of seats for Scheduled Castes (SCs) and Scheduled Tribes (STs) in every Gram Panchayat.

11. Article 233- T of the Indian Constitution provides specific representations through the reservation of seats for Scheduled Castes (SCs) and Schedule Tribes (STs) in every Municipality.

12. Article 335 of the Constitution makes it clear that claims of the members of SCs/ STs must be consistent with the efficiency of administrators, in the making of appointments to services and posts in connection with the affairs of the Union or the State.

Conclusion

In India, reservation policy is an age-old policy which exists for ages. The primary reason for adopting reservation policy after independence is to uplift the lower segment of the society who is socially and educationally backward. From reservation policies in a country, people who belonged to the backward classes get opportunities to uplift themselves to such extent that they may get a fair opportunity to compete with the upper classes and marked the position as equal to them. The primary focus of this policy to ensure equal justice among everyone that no one shall deprive of social justice. But the

primary reason lost its spirit and now it is merely a vote bank policy rather than the welfare of backward classes.

In the present scenario, the reservation policy is not only available for backward classes (such as SCs/STs, OBC) but it is also available for a physically disabled person, PWD, and economically weaker section (it also includes upper class) that are neglected by the State and have no representation. In this way, more than half number of population of a country is categorized under reservation policy. This leads to stagnation in the employment and education sector which leads to unemployment in non-backward classes.

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