

# A study on the constitutional rights of obc and the contribution of dr Babasaheb Ambedkar

Vaishali Vitthal Rajkar

Dr Babasaheb Ambedkar Marthwada university Aurangabad

## Abstract

*Social justice and reservation policy and social justice are two important terms that we can't neglect in modern society. Before independence in India, reservations for backward castes in jobs and education had begun. For this, there have been many movements from time to time for special reservations in various states. In this article, we are presenting a brief description of the history and current status of reservations in India. The history of reservations in India is very old. Before independence, reservations for backward castes in jobs and education had begun. In this article, we are presenting a brief description of the history and current status of reservation in India, which will further improve your understanding of reservation. . Caste politics diluted the actual intention of reservation. The actual intention of the reservation by the constitution makers was social and economic upliftment but nowadays it only became a matter of economical upliftment. Because reservation policy is closely associated with social justice, One other important fact the critics of the reservation policy is that it promotes the caste system in India. This research paper to be discussed Dr. B.R.Ambedkar's contribution to Reservations and Social Justice.*

**Keywords:** *Dr.Babasaheb Ambedkar, Reservation policy, Social-Justice, Varna-system, Caste-system, social-Discrimination.*

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## Introduction:

Social justice and reservation policy are two important terms that we can't neglect in modern society. Both terms are closely associated and always come together. These terms are like the two sides of a single coin that equal relevance. "Social justice" in India is a vast topic and if it comes in association with "Reservation", again it makes the issue more complicated. It can only be explained with much relevant materials. In the history of the reservation, one thing is common to all most all countries which provide reservation, there was social stratification exists in these countries either in the name of caste, creed, color, ethnicity, or language. In the ancient world, reservation means a reservation for certain jobs, or reservation to live in certain areas, or a reservation to practice certain professions and was limited to people based on their cast, creed, color, language, or ethnicity. For someone, it is a type of humiliation and for others, it is a type of pride. The most important point regarding this reservation is that there is no social justice in it but social discrimination. The later Vedic period (1000 BC – 500 BC) in Indian history marks the beginning of the 'Varna' based social order. Initially, the tribal Rigvedic society was divided into three groups- warriors, priests, and commoners based on their occupation. The Sudras appeared towards the end of the Rigvedic period only as mentioned in the 10th mandala of Rigveda. This Varna-based social structure gradually gained much popularity in society and is continuing in its worst form. In this Varna-based social structure, it is very hard to change one's profession because Varna and profession are mutually intermingled. In this social spectrum, it is clear that one's Varna decides his social status, not economy. The economy and Varna are also connected because Sudra Varna's economic world is of limited scope. In this regard, the British government in India and some princely states before independence and later the government of India introduced various measures to lift the social order of the Sudras and the idea of reservation in the modern sense came to the forefront in this regard.

Jati, or caste, is a second-factor specifying rank in the Hindu social hierarchy. Jatis are roughly determined by occupation. Often region-specific, they are more precise than the sweeping varna system which is common across India and can be divided further into subcastes and sub-subcastes. This is also the case among untouchables. Andre Beteille defines caste as "a small and named group of persons characterized by endogamy, hereditary membership, and a specific style of life which sometimes includes the pursuit by the tradition of a particular occupation and is usually associated with a more or less distinct ritual status in a hierarchical system."

**Reservation in India and its various phases:**

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Reservation in India started with the formation of the Hunter Commission in 1882. At that time, the noted social reformer Mahatma Jyotirao Phule demanded free and compulsory education for all and proportional reservation/representation in British government jobs. In early 1891, the feudal princely state of Travancore demanded reservations in government jobs, with demonstrations against hiring foreigners by ignoring eligible natives in public service. Reservation was started by Shahu Maharaj in Kolhapur, a princely state of Maharashtra in 1901. This notification is the first government order to provide reservations for the welfare of the depressed classes in India. In 1908, the reservation was introduced by the British in favor of many castes and communities, which had little share in the administration. In 1909 and 1919, the reservation was made in the Government of India Act. In 1921, the Madras Presidency issued a caste-based government mandate, with 44 percent for non-Brahmins, 16 percent for Brahmins, 16 percent for Muslims, 16 percent for Indo-Anglo / Christians, and 8 per cent for Scheduled Castes. Was arranged In 1935, the Indian National Congress passed the resolution (called Poona Pact) demanding a separate electorate for the underprivileged. The provision of reservation was made in the Government of India Act of 1935. B. in 1942 R. Ambedkar founded the All India Depressed Classes Federation to support the progress of the scheduled castes. He demanded reservations for Scheduled Castes in the field of government services and education. Proportional representation was proposed in the Cabinet Mission Resolution of 1946 along with several other recommendations.

In 1953, the Kalelkar Commission was formed to assess the status of socially and educationally backward classes. The report on the Scheduled Castes and Scheduled Tribes submitted by this Commission was accepted, but the recommendations made for the Other Backward Castes (OBC) were rejected. In 1979, the Mandal Commission was established to assess the status of socially and educationally backward classes. This Commission had no accurate data about Other Backward Classes (OBC) and this Commission classified 1,257 communities as a backward class using the 1930 Census data to assess 52% of the OBC population. In 1980, the Mandal Commission submitted a report and recommended changing the then quota to increase it from 22% to 49.5%. By 2006, the number of castes in the list of backward castes reached 2297, a 60% increase in the community list prepared by the Mandal Commission. In 1990, the Mandal Commission recommendations were implemented by Vishwanath Pratap Singh in government jobs. Student organizations started a nationwide protest to protest against this and Rajiv Goswami, a student of Delhi University, attempted self-immolation.

#### ***Dr.B.R.Ambedkar Contribution to Reservation:***

The situation of the depressed classes in India worsened day by day and the lack of representation in administration always put aside their dreams for the future. They are always forced to hold the tail of their caste so that the general communities can avoid them in all the spectrums of social mobilization. They lacked unity and strong and visionary leadership. The role of Dr. B R Ambedhkar was remarkable in this regard. He took this situation as an opportunity to present the real situation of Indian Depressed classes. This incident forced Mahatma Gandhi to sign Poona Pact with Ambedkar on September 24, 1932 and the representation of Indian Depressed classes in the political spectrum of India came to the forefront. This incident forced Mahatma Gandhi to work for "Harijan" Cause. It also helped the Indian political leaders to look into depressed class issues and Gandhi realizes that untouchability was a social reality and that without addressing this social evil the fruit of independence will be bitter. So Gandhi started the "Anti Untouchability League". The culmination of this led to the proper representation of depressed classes in the constitutional-making body of India. Dr. B R Ambedhkar was elected as the chairman of the drafting committee. Dakshayani Velayudhan was the first and only Dalit woman in the Constituent Assembly out of a total of fifteen women.

#### ***Constitutional Provisions:***

The constitutional Assembly of India clearly and elaborately discuss the depressed class's issues. Untouchability and the need for equality were major among them. As a result of this various articles were added to cease this social evil. Articles 16, 17, etc. were added to the constitution in this regard. The constitution of India came into effect on 26th January 1950. The constitution mention for reservation of Public Services and also the reservation for seats in schools and colleges for SC & STs. The Constitution of India states in article 15(4): "Nothing in [article 15] or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens of or for the Scheduled Castes and the Scheduled Tribes. "Article 46 of the Constitution states 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 the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation. Article 334 of the Constitution lays down

that the provisions of the Constitution relating to the reservation of seats for the Scheduled Castes and the Scheduled Tribes and the representation of the Anglo-Indian community by nomination in the House of the People and the Legislative Assemblies of the States shall cease to affect the expiration of the period of sixty years from the commencement of the Constitution. The reservation history of India witnessed various committees' recommendations after independence and the governments of independent India took serious measures for the protection and welfare of Depressed Classes. The commission under Kaka Kelkar was appointed in 1953 and was the first in independent India to study the issues of backward classes. The commission identified 2399 backward castes and 837 most backward castes. The commission recommended the government reservation of OBCs in government services in different classes of posts. But unfortunately, the parliament did not consider the report

### **Conclusion:-**

The reservation policy in India was adopted with a reason to uplift certain castes who were subjugated to atrocities, and social and economic backwardness due to the prevalent dominance of the caste system. The creamy layer has been excluded from the list of Scheduled Castes, Scheduled Tribes, and OBC after the landmark Mandal Case. The Court has always put up a very generic approach to providing reservations. Reservation is always a contentious and sentimental issue and raises many concerns among the people. The policy of reservation and safeguards provided to Scheduled Castes and Scheduled Tribes and Other Backward Classes has adversely affected the unity and solidarity of the nation. Reservation in India is all about reserving access to seats in government jobs, educational institutions, and even legislatures to certain sections of the population. The reservation can also be seen as positive discrimination. Reservation in India is a government policy, backed by the Indian Constitution.

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