

Affirmative Action policies: Women, caste and class

The modern nation-state undertakes certain policies or action so as to protect the marginalized sections in a society on the basis of gender, caste and class or any one of them. This is also called protective discrimination in view of the fact that such special measures or initiatives are discriminatory but they are much needed, nonetheless, for protecting certain groups which have undergone suffered injustice or exploitation in the past. When a state delivers social justice to ~~the~~ some deprived sections, by making some special provisions, this does not go unchallenged. As in the United States this issue has given rise to the debate on 'reverse discrimination', in India too certain groups object that favoured treatment to the deprived sections such as scheduled caste, scheduled tribes and OBC (Other Backward classes) is depriving them of their right to equality of opportunity. Discrimination in favour of such categories of people results in discrimination against the other categories of people. It is also argued that there is no justification for turning the existing discriminatory practice on ~~the~~ the basis of gender, caste and class in the reverse direction.

Neo-conservative criticism against Affirmative Action:

The champions of neo-conservatism hold that the principle of equality in society can only be applied in the sphere of 'equality of opportunity'. The spontaneous respect for merit and authority is the foundation of social stability and progress. It is argued that affirmative action would be disastrous for its being against merit and authority. These important ground of criticisms

may be listed here. First, affirmative action is said to be inimical to procedural justice. If persons belonging to certain groups collectively get favoured treatment over the rest, rather than individually as deprived persons, it is quite likely that rich and socially advantaged amongst them — who happen to be very influential, dominant and the opinion leaders of these categories of persons — get preference over poor and underprivileged among the rest of the categories of persons. So the very procedure is found to be faulty here.

Second, it is also argued that persons belonging to the 'unreformed' categories of the present generation are not responsible for the injustice meted out to the deprived people in the past. So to make them pay for no fault of theirs is a violation of substantive justice.

Third, some opponents of affirmative action contend that personal dignity and self-respect are the corner-stone of the philosophy of equality. But if a person feels that his/her position is the reward of preferential treatment rather than his/her merit, it will hurt the person's self-respect and give rise to a feeling of inferiority.

The opposition to affirmative action or to the very concept of social justice is due to a thoroughly misplaced understanding of the three complementary principles of liberty, equality and justice. A careful reading of the Preamble of the Indian Constitution will give one a clear understanding how liberty, equality, justice and also another important ^{principle} ~~concept~~ i.e. fraternity are synthesized together to

produce a comprehensive meaning. Freedom in society can serve as a valid rule only when it is interpreted as 'equal freedom of all'. So a distorted concept of liberty will degenerate into licence if it is not qualified by equality. Thus the introduction of equality is not intended to dilute the content of liberty but to make it more relevant and substantive. Equality aims at widening the base of social benefits, otherwise, these benefits are cornered by a small and vocal minority impoverishing the rest of the community. This is where equality gets directly connected to the principle of justice, especially social justice. ~~in particular~~ Liberty, equality and justice are, indeed, based on the same logic and they are intended to serve the same social purpose.

Those opposing affirmative action as discriminatory and violative of equality of opportunity have a misconceived view of equality. Equality does not imply literal equality in distribution of rights and advantages. Then it is bound to accept discrimination on certain grounds.

Rational Grounds of Discrimination

The principle of equality is defended on the basis of 'reason' or 'logic'. So it follows that equality allows discrimination on 'reasonable', 'rational', 'logical' or 'relevant' grounds. What is reasonable and what is not so depends on the level of social consciousness of a given society. Two areas can be identified for making special provision (i.e. making discrimination) in favour of certain cases, on rational grounds: a) Special provision in the case of need - for example different tax slabs for

different income groups of people, special help to victims and needy, welfare schemes for the marginalized sections and the policy of reservation in educational institutions and ^{government} employment.

b) Special rewards for excellence - After meeting basic needs special talents and efforts are to be given special rewards provided they are beneficial to society.

The debate whether affirmative action should be there or not is not the question. For fulfilling the common social purpose of liberty, equality and justice special provisions for the marginalised or deprived sections to bring them on an equal footing with others are absolutely needed. The question is regarding how the objectives of affirmative action must be realised in the best possible ways so as to benefit those who deserve such benefits the most. There are, of course, ~~many~~ challenges faced in our contemporary Indian society when such issues are increasingly politicised for vote bank politics. A contemporary debate is already on amongst scholars and leaders to strategise affirmative action effectively. Prof Manojan Mohanty ~~was~~ a former head of the department of Political Science, University of Delhi, talks of an alternative policy in place of the existing affirmative action taking into consideration three important aspects. They are: access to productive resources, political representation and cultural initiatives. I will elaborate on these later on. Besides, one of my articles published in a text book is also being uploaded here which will provide you with additional knowledge and information on the topic.