

CHARLES UNIVERSITY
FACULTY OF SOCIAL SCIENCES



Bachelor's Thesis

Caste Reparations in India
Through the lens of Affirmative Action

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INTRODUCTION

Background & Research Question

In this work, I will present an evaluation of the effectiveness of affirmative action in promoting equality and fairness within educational and workforce sectors for minority castes and groups in India. My motivation behind my thesis is deeply rooted in both personal and scholarly interests. As an Indian, I have witnessed firsthand the pervasive discrimination and partiality within our society, particularly influenced by the caste system. Growing up, I observed the harsh realities faced by those belonging to lower caste and the reverse impact of some policies by the government, despite India's strides towards economic growth and modernization. This personal exposure has been profoundly impactful, leading me to question the effectiveness of existing reparations and the affirmative action policies in truly addressing and mitigating these deep-seated inequalities. Which also makes this topic essential to study from a scholarly perspective as the caste system, with its origins dating back to 1200 BC, has been a fundamental aspect of India's social structure. Despite various reforms and anti-discrimination laws, caste-based discrimination persists, affecting millions of lives. My thesis aims to explore the reasons behind the continued prevalence of caste discrimination and to critically evaluate the policies designed to promote social justice and equality. Affirmative action as a measure to counteract historical injustices has been a subject of extensive debate globally. By focusing on its implementation in India, my research seeks to contribute to this broader discourse. The goal is to assess the real-world impact of these policies on educational and workforce sectors for minority castes and groups in India, identifying gaps and proposing areas for improvement. Through this thesis, I hope to not only advance academic understanding but also to offer insights that could inform more inclusive policies, thereby contributing to a more just society.

There have been reparations since the beginning of time and despite all the development of more advanced antidiscrimination laws discrimination and inequality persist. Why? Is it because castes are historically present, so it is next to impossible to have them stripped from their title? I believe it is because the reparations we make are focusing on protecting individual rights and treating this huge magnitude of people as simple tools in democracy. Hence, in this work I will evaluate to what

degree the policies really drive social change and what are the gaps which are overlooked. The thesis is a part of the broader literary debate across various disciplines including law (Jha, 2015), sociology (Khan, 2020), political science (Basant & Sen, 2019) and philosophy (Kymlicka, 2002). The ongoing scholarly debates encompass several key themes from historical injustices and reparative justice about the extent to which affirmative action (AA) can effectively address these historical injustices. Affirmative action refers to measures and policies designed to improve opportunities for historically marginalized groups, aiming to correct systematic inequalities and promote diversity. A significant amount of the broader debate revolves around whether AA undermines meritocracy and the impact of AA on economic and social mobility discovering how these policies affect societal cohesion and perceptions of fairness. These themes are also encountered by me in this thesis as well with the focus of India's case of caste systems.

Affirmative action has long been a key strategy, alongside reactive anti-discrimination laws to promote substantive equality and combat past injustices. While much has been written about affirmative action and its goals, there has been a little focus on how it promotes equality in India in the educational and workforce sectors for the minority castes and groups. Very few studies have examined affirmative action in an international context. For instance, study by Deshpande and Newman (2007) investigates the impact of affirmative action policies on employment outcomes for scheduled caste (SC) and scheduled tribes (ST) in India. They highlighted gaps in policy implementation and the need for broader measures. Similarly, Thorat and Attewell (2007) examined the role of AA in higher education and found that even though the reserved groups get access to the schools, still they go through discrimination within these institutions. Their research, based on surveys and qualitative assessments of student's experiences, revealed that AA policies must be accompanied by efforts to create inclusive and supportive environments to be truly effective. These studies, focused on the Indian context, which provide deeper understanding of the nation about its challenges and limitations faced by the AA policies domestically. The importance of these studies lies in their focus on India, a context where there is relatively little scholarly literature on the specific impacts of AA policies compared to a more extensively studied regions like America or Europe.

By shedding light on the unique context of AA in India, these studies contribute significantly to the broader understanding of how affirmative action operates within different cultural and socio-economic settings. They underscore the necessity for tailored policy approaches that not only provide access but also foster inclusive environments, thereby enriching the global discourse of AA and highlighting areas for future research and development in India. In my thesis, I will incorporate the USA as a case study for a more comprehensive analysis of affirmative action (AA) policies. Firstly, because the concept originated and was significantly developed there. Secondly, I believe that it provides a critical example due to its long history of implementing AA to address the racial and ethnic disparities, making it a vital reference for learning and drawing valuable insights that can inform and improve implementation of similar policies in India. Lastly, the USA's extensive experience with AA has generated a wealth of empirical data and scholarly research such as studies by Bowen and Bok (1998) in "The shape of the river" examined the long-term outcomes of AA in higher education, revealing significant benefits for minority students in terms of graduation rates and career success. Additionally, research by Holzer and Neumark (2000) demonstrated the positive effects of AA on employment opportunities for minorities, showcasing increased hiring rates and improved workplace diversity. By incorporating this rich literature into my work, helps me develop a nuanced understanding of how AA can be tailored to address the unique context of caste-based discrimination in India. My thesis does not aim to delve into the contentious debate between the supporters and opponents regarding the merits of AA (affirmative action). Instead, it seeks to understand how AA can effectively address inequality if chosen as a policy response. Since affirmative action is a measure to promote equality in response to the discrimination, it is essential to understand the forms of inequality it aims to defeat, and which type of discrimination it targets. The thesis posits that the purpose of affirmative action is to eliminate the effects of past discrimination, address present discrimination, and prevent future discrimination by enhancing and promoting substantive equality.

Methodology

The central research of this thesis evaluates the effectiveness of affirmative action (AA) in promoting equality and fairness within educational and workforce sectors for

minority castes and groups in India, by using John Rawl's theory of justice as the primary framework. To approach this research question, I adopted a mixed-methods strategy, integrating both qualitative and quantitative data collection and analysis techniques to gain the impact of AA policies. The primary data for this study was gathered through focused group discussions involving ten individuals from diverse backgrounds. These discussions aimed to capture various perspectives on AA and caste-based considerations in college admissions. The participants were selected using purposive sampling to ensure a representative mix of voices, including those from both advantaged and disadvantaged groups. Secondary data was collected through a thorough literature review of existing studies on AA policies, both in India and internationally, particularly USA. The choice of a mix-methods approach is justified by the complex nature of the research question, which required both detailed, context-rich qualitative insights and robust, generalized quantitative evidence. Using the Rawls theoretical framework allowed for a rigorous evaluation of the policies fairness and alignment with principles of justice. The thesis complied with all relevant ethical guidelines. Despite the comprehensive approach, the focused group analysis entails the limitations of not been able to be in contact with the remotest section of India and unable to get their voices in the data collection. For formulating this research, a variety of sources were used to ensure a well-rounded analysis. The primary source is the focused group discussion, the secondary sources include academic literature including books and articles, peer-reviewed journals articles on AA. The thesis also include data from statistical reports from Indian government bodies and educational institutions. By leveraging these diverse sources, the thesis aims to present a balanced and thorough evaluation of AA polices, grounded in both empirical data and theoretical analysis.

Structure

This bachelor's thesis is divided into three sections. The first section will state the necessary theoretical frameworks in the form of a debate between affirmative action and the quota system. This will be facilitated with the aid of a brief literature review to elaborate on all the different theories provided by philosophers and explain the application of John Rawls theory of justice with AA on which my thesis is mainly built. After which, the second section situates the discussion of Diversity, Equity and Inclusion (DEI) within the current societal and organizational contexts. It will highlight

the evolution of DEI debates and practices and also discuss some similar grounds between USA and India in the type of discrimination the groups faced, globally this is fundamental for framing the subsequent analysis of affirmative action and the understanding of the broader debate. in the section three, I will narrow down the focus on explaining and exploring the caste systems of India. The origins and evolution of caste systems is seen integral in my understanding for it explains the entirety of the need for reparations. I will also mention the complexities seen by the discriminated group in terms of education which also are the extension of my focus Then I will move on by explaining the efforts India has made in response to the historical disadvantage till today. I will point out gaps and issues in the following AA policies of India and an overview of AA in education is provided where I will then identify gaps and the moral issues related to the need of effective policies. Lastly, I have done a focused group analysis with 10 individuals with different backgrounds regarding affirmative action and caste-based considerations in college admissions on its result I have applied Rawls theory of justice (Rawls 2020) which helped me show the pitfall in the AA policies India has adopted. Lastly, I have included a conclusion with all the main findings and an explanation of what can be done and future avenues where the debate can direct itself.

1. THEORETICAL FRAMEWORK.

This section examines various policies, theories and models surrounding AA and to what extent these methodological frameworks achieve their goals while navigating the ethical, legal and practical challenges inherent in the principles of equality. Because affirmative action is a sensitive topic and everyone who is aware of it has their own opinions, that's why it fits right for me to showcase different theories which can be applied for or against the notion. Before that, it is also important to note that affirmative action can have various definitions some of them stating that affirmative action addresses the past and present inequalities of disadvantaged groups including racial minorities and women within the multi-cultural societies of the world. It is also defined as the public policy for the support of equal opportunity and equal outcome on the grounds of workplace and education for the victims of injustice (Affirmative Action (Stanford Encyclopaedia of Philosophy), 2018). This will lead to a more informed way of understanding different theories and their intended objectives and values. By building on the theoretical foundations, I want to turn to specifically the debate between affirmative action and the quota systems which centres around the balance between rectifying historical injustices and ensuring fair competition in education and employment. Proponents of AA argue that it is essential to provide opportunities for historically marginalized groups, they see quota system as a necessary tool to address systematic inequalities. The other side, however, view quotas as a form of reverse discrimination that undermines meritocracy and fairness, disadvantaging individuals from non-reserved categories. In India, this debate is particularly contentious as the quota system majorly affects access to educational and government jobs which leads to social tension and political manipulation. This ongoing controversy reflects deeper issues of social justice, equality and the role of government. Therefore, the theoretical analysis will frame the ongoing debate in a broader philosophical and ethical context, facilitating a deeper understanding of contemporary society. Beginning by Ronal Dworkin and G.A Cohen, egalitarian liberalism which seeks to combine individual freedom with efforts to reduce social and economic inequalities (Cohen, 1989). Egalitarians, critiques existing resource distribution, believing it doesn't align with individuals claims. They argue for redistributing resources to achieve more equality in society. This view supports the stance of affirmative action, which addresses involuntary disadvantages like caste

and gender discrimination. This perspective supports AA to address involuntary disadvantages and promote social justice. Egalitarian liberals advocate for redistributing resources to achieve equality of opportunity by which they mean all individuals should have an equal chance to succeed, irrespective of their background. They criticize pure meritocracy on the grounds that it often ignores the unequal starting positions of individuals (Thigpen & Kymlicka, 1990). The communitarian liberalism emphasises the relationship between individuals and their communities, underscoring communal responsibilities and moral obligations. Communitarians such as Micheal Sandel, argue that AA fosters societal diversity and integration, addressing historical injustices and promoting the common good (Caney 1991). Communitarianism prioritizes justice, fair treatment and mutual respect while recognizing social differences. Robert Bellah outlines four key tenets of communitarianism- rootedness in and dependence on communities, solidarity within them, belonging to multiple communities, and active community participation (Neal P and Paris D,1990). Amitai Etzioni (Etzioni, 2003) highlights the importance of shared formulations of the good, emphasizing moral obligations within communities. The idea of communitarianism is to establish inclusive communities based on cooperative inquiry, mutual responsibility and citizen participation.

My thesis is mainly built on the theory of justice by John Rawls where he talks about a “just society” and how would it distribute the primary goods which are the necessities which every rational person desires such as opportunities, liberties, rights, wealth and self- respect. He adopts the methodology of using “original position” where in, the person has no background or historical past and uses this original position for the “fair” outcome of distributing these goods. This theory is central to understanding AA from a fairness perspective. The goal of affirmative action in terms of Rawls concept is to secure for individuals who were harmed by the violations of justice and the measure of primary goods to which they are entitled by Rawal’s principles of justice. It stems for requirements of change in the space of fairness and making the victims capable of utilizing the assets resulting from the changes for their favour. In a study by (Allen, 1998b) there are three main forms of affirmative action discussed. First form being, Affirmative action 1 i.e. AA1 (aggressive recruitment) which mandates that administrators of educational, governmental and employment institutions employ aggressively in recruiting victims

of injustice to ensure awareness and their access to educational and employment opportunities. Second form is Affirmative action 2 i.e. AA2 (Tie breaker) mandates that a member of disadvantaged group can be given preference for a sought-after position if they are as qualified as other general candidates. As their “status” of the individual works as a tiebreaker to compensate for past injustices. And lastly the third form is, affirmative action 3 i.e. AA3(quotas), involves setting aside a fixed number of coveted positions for members of disadvantaged group or in the sense by giving them competitive advantage in admissions and hiring processes. After assessing these forms, it is essential to notice that the Rawlsian perspective emphasises the need to ensure fairness while addressing to the historical injustices. In the same sense, by using his method of “veil of ignorance” individuals are compelled to choose principles which guarantee fair distribution to all members of society. Having said that, AA1 and AA2 are considered acceptable from the Rawlsian perspective as they promote equal access to opportunities without violating principles of fairness or equality. However, AA3 is rejected as it leads to inequality of opportunity and gives rise to reverse discrimination. As someone who have spent her entire life in India, I have seen many ideas getting rejected by the common public in the face of reparations as they lack the motives of common good or are just a way of reverse discrimination. One of which are the Quotas system. In India, the people who belong to general category are against quota system as it results in unfair competition in the educational as well as employment sector but on the other hand the backward classes want the stakes to rise so that they have better chances. This controversy remains as unsolved ongoing debate where people seem to be unhappy with the current states, the government just uses this as a populist notion to drive their attention at the time of election. (Nanivadekar, 2006). Therefore, different philosophical perspectives can be applied to evaluate dimensions and the practical implications as the debate is much more about the rationality of quota systems. For instance, Classical Liberalism is rooted in the values of individual freedom and limited government, the frontier of classical liberalism opposes AA on the grounds that it inhibits employers’ freedom to choose employees and conflicts with formal equality before the law (Paul et al., 2007). This theory views AA as reverse discrimination that exacerbates group differences and undermines merit-based selection (Miroff 2008). Advocates of classic liberalism like John Stuart Mill, David Hume and Friedrich A Hayek believes in the notions that individuals should have

maximum freedom if it doesn't disturb on other's freedom which may necessitate state intervention to prevent discrimination. Hence, their perspectives can be applied where they argue that affirmative action violates this principle by imposing limits on freedom of association. As Immanuel Kant too in his categorical imperative expresses the focus on universal moral laws and the inherent dignity of individuals, his views argues that policies should respect the autonomy and rationality of all individuals, and a policy which is perceived injustice to one group can be problematic as it should be universally justified. Even the practical implications such as economic analysis of AA policies, those by Dennis Epple, Richard Romano and Holger Sieg, investigates the impact on college admissions and tuition practices (Epple et al., 2008). These studies find that race-blind policies are inefficient substitutes of race conscious policies in promoting diversity and enhancing student outcomes. While AA increases minority access to high-quality colleges, bans on AA significantly reduce minority representation, highlighting the limitations of alternative outcomes. Another study by Qiang Fu, Doctor of Philosophy examined the impact of AA policies on college admissions using a context-theoretic approach, modelling the admissions process as all-pay auctions where candidates invest academic efforts to compete for limited seats. The study found that college oriented towards academic quality can maximize test scores of their incoming class by favouring minority candidates. However, non-minority candidates, react aggressively to the AA policies, which can widen the gap in racial homogeneity. This model highlights the conflict between academic quality and diversity and concludes that AA alone cannot reduce racial inequality in education (Fu,2006). The legal implication of AA is a very important factor as it is the groundwork which brings the debate to life. Erwin Chemerinsky, an American legal scholar who worked as an honour attorney in the U.S Department of Justice emphasizes the need to understand systematic discrimination before implementing remediation measures. He advocates for specific techniques such as goals and timetables, where employers set objectives for minority representation without resorting to quotas. This approach given by him suits the best to aim for fairness and effectiveness in promoting equality. He defines affirmative action as a "government's use of race in decision-making to benefit racial minorities." He mainly focuses on government action as it has limits such as biding by the constitution. His main idea is that affirmative action in the theory and practice is considered to one-size-fits all concept in which the goals are same and so are the forms of action,

which is ultimately false. Affirmative action should not be seen as good or bad but rather the solution should be based on specific guidelines followed by specific circumstances, his law review proves through this there is a high chance of success in accommodating past disadvantages (Chemerinsky & Higham, 1997).

2. DEBATE OF DIVERSITY, EQUITY AND INCLUSION (DEI)

Diversity, equity, and inclusion (DEI) are critical components of contemporary discourse, particularly within the context of employment, education, and social justice (Sanfilippo et al., 2023). In North America, India and many other parts of the world debates surrounding DEI have evolved over time, reflecting changing societal norms, legal frameworks, and organizational practices (Miller, 2018; Gupta & Kumar, 2019). Here, I seek to enlarge the debate on DEI by synthesizing recent studies and discussions, with a specific focus on minority hire and admissions and drawing parallels to the caste system in India and race relations in the USA (Tilly, 2022; Edward, 2020). This will help in understanding the systematic nature of discrimination faced globally and bridging the importance of holistic approaches in promoting equality and justice. This section is foundational as it provides the necessary empirical background to understand the complexities of DEI. It sets the stage for proposing informed and effective affirmative action policies by highlighting the persistent challenges and potential solutions across various contexts (Dixon & Foster, 2019; Sanchez, 2021).

2.1 DEI across Workplace, Higher Education, STEM Fields and Policy frameworks.

Várdy and Morgan's (2006) study on diversity in the workplace provides insights into the challenges faced by minority candidates, highlighting disparities in hiring, retention, and dismissal rates. Despite efforts to reduce discrimination, minority candidates continue to face obstacles, leading to underrepresentation in permanent positions. Strategies to enhance workplace diversity include reducing firing costs, increasing interviewing costs, and raising the probability of job performance, suggesting that systemic changes are necessary to address underlying biases. Recent studies have shed light on the multifaceted challenges faced by minority candidates in the workplace. For instance, research by Kalev, Dobbin, and (Kelly 2006) underscores the persistent disparities in hiring practices, retention rates, and promotional opportunities. Despite the implementation of anti-discrimination policies, minority candidates continue to encounter barriers that hinder their advancement within organizations. These barriers include biased hiring practices, lack of access to professional networks, and limited mentorship opportunities (Kalev et al., 2006).

Furthermore, studies by Pager and Quillian (2005) highlight how racial discrimination remains prevalent in hiring decisions, with African American candidates facing significant disadvantages compared to their white counterparts. Addressing these systemic biases requires not only policy changes but also cultural shifts within organizations to foster inclusive environments where all employees have equal opportunities for advancement. From Affirmative Action to Critical Diversity Herring and Henderson (2012) advocate for a critical diversity perspective that goes beyond traditional affirmative action measures. They argue for addressing issues of parity, equity, and inequality, emphasizing the importance of challenging hegemonic notions of colour-blindness and meritocracy. Concrete strategies include targeting resources to excluded groups, advocating for distributive justice, and demonstrating the institutional benefits of diversity. By reframing diversity as a critical issue, organizations can move towards meaningful inclusion and representation. Building upon traditional affirmative action measures, scholars such as Bell (2008) advocate for a critical diversity framework that challenges entrenched power dynamics and systemic inequalities. This perspective acknowledges that simply increasing representation of minority groups is insufficient without addressing underlying power structures that perpetuate discrimination. Bell (2008) argues that achieving true diversity requires dismantling hierarchies based on race, gender, and other social identities, while simultaneously redistributing resources to marginalized groups. Moreover, critical diversity approaches emphasize the importance of intersectionality, recognizing that individuals may face multiple forms of discrimination based on overlapping identities (Crenshaw, 1989). By adopting a critical diversity lens, organizations can move beyond surface-level diversity initiatives to enact meaningful change that addresses the root causes of inequality. In the case of Higher Education there is still widening Participation amongst different groups. Archer (2007) critiques New Labour's higher education policies, which prioritize institutional diversity over social justice. The pursuit of market-driven approaches undermines efforts to address structural inequalities, leading to the concentration of marginalized students in lower-status institutions. Despite initiatives to increase student diversity, disparities persist in completion rates and graduate outcomes, highlighting the need for a reevaluation of widening participation agendas. In the realm of higher education, initiatives aimed at widening participation often fall short of addressing structural inequalities that perpetuate disparities in access and

outcomes. Research by Reay, David, and Ball (2005) illustrates how widening participation policies may inadvertently reproduce social stratification by channelling marginalized students into lower-status institutions with limited resources and support services. Despite efforts to increase diversity on college campuses, students from underrepresented backgrounds continue to face barriers such as lack of financial aid, inadequate academic preparation, and cultural isolation (Reay et al., 2005). To truly promote equity in higher education, policies must not only focus on increasing access but also on providing comprehensive support systems to ensure the success of all students, regardless of their backgrounds. Olzmann (2020) emphasizes the importance of diversity, equity, and inclusion in science, technology, engineering, mathematics, and medicine (STEMM) fields. Despite decades of efforts, underrepresented groups continue to face systemic barriers. The author calls for systemic changes, including inclusive recruitment strategies and equitable workplace environments, to provide equal opportunities for everyone. DEI must be integrated into the core mission of institutions to achieve meaningful change.

In STEM fields, efforts to promote diversity, equity, and inclusion have been hindered by persistent barriers that limit the participation of underrepresented groups.

Research by Chubin and May (1999) highlights the "chilly climate" experienced by women and minority students in STEM disciplines, characterized by isolation, discrimination, and lack of support. These challenges contribute to high attrition rates among women and minority students, perpetuating the underrepresentation of these groups in STEM professions (Chubin & May 1999). To address these issues, institutions must prioritize creating inclusive environments that support the recruitment, retention, and advancement of diverse talent. This includes implementing mentorship programs, providing cultural competency training for faculty and staff, and fostering collaborative research environments that value diverse perspectives (NASEM, 2018). The solution to change is in the policies and their frameworks, how they address the discrimination. Agócs and Burr (1996) compare affirmative action, employment equity, and managing diversity as policy frameworks for addressing discrimination. While affirmative action and employment equity involve legislative and regulatory mechanisms, managing diversity is a voluntary corporate initiative. Understanding the differences between these frameworks is crucial for organizations seeking to implement effective DEI strategies.

While affirmative action, employment equity, and managing diversity represent distinct policy frameworks for addressing discrimination, their effectiveness depends on various contextual factors, including legal frameworks, organizational culture, and societal attitudes. Research by Dobbin and Kalev (2016) suggests that mandatory diversity training programs, often associated with managing diversity approaches, may be ineffective or even counterproductive without accompanying structural changes within organizations. Similarly, studies by Edelman, Fuller, and Mara-Drita (2001) caution against relying solely on legal mandates such as affirmative action to promote diversity, as they may lead to tokenistic hiring practices that fail to address underlying biases. Instead, organizations must adopt holistic approaches that combine legal compliance with cultural transformation to foster genuine inclusion and equity (Dobbin & Kalev, 2016).

2.2 Similar grounds between USA and India.

Understanding the similarities between the caste system in India and race relations in USA is crucial for comprehending the broader context of historical reparations. By examining these parallels, we shall be able to pin down the mechanisms of social hierarchy, the perpetuation of inequality and the strategies which were employed to maintain dominance. As these pillars stand at the foundation of the debate and would help in formulating effective affirmative action policies and addressing deep-seated issues of discrimination and injustice that both societies faced. Gerald Berreman, an American Anthropologist and ethnographer in his research emphasizes the striking similarities between caste systems in India and race relations in southern United States. He notes that both the systems maintain social hierarchy and inequality through powerful sanctions and that high-caste individuals justify their status with elaborate explanations which are not fully accepted by lower-caste individuals. Both systems are economically interdependent, with significant disparities in power and privilege and barriers to social interaction among different castes. In both India and USA, the economic dependence of lower-caste or minority individuals is maintained through economic and physical sanctions, ensuring a steady supply of cheap labour. High-caste or privileged individuals benefit from this system by gaining economic advantages and exerting control over social and sexual relation. In India, for example the high caste made “rules” which stated clearly that

there cannot be marriage between low caste and high caste, the low caste always have to do the work which is associated with dirt and disrespect mainly being the cleaners of washrooms and caretakers of graveyard as their only available job and only associated profession for which the high caste would pay them least amount for their livelihood. This interdependence reinforces feelings of superiority among the dominant group and provides a scapegoat in the lower castes, further perpetuating the system Bhagat (2022). The attitudes and behaviours of high caste individuals towards low-caste individuals in both societies are marked by paternalism and authoritarianism which were contrasted with the deferential and submissive responses of the oppressed groups. For instance, in America white individuals often exhibited paternalistic attitude towards the black population by enforcing strict codes and behaviours and in India also the high-caste showed similar way of expressing superiority through demand deference from lower-caste Crenshaw (1989). These interactions echo similar dynamics observed in race relations in America, highlighting a systematic nature of discrimination and the persistence of hierarchical structures. Both systems use various justifications to rationalize the status quo. In India, religious traditions promise greater rewards in the next life, reinforcing economic advantages and prestige for high caste individuals. In the USA, the legacy of slavery and segregation is often downplayed or rationalized through socio-economic arguments Beteille (2018) and Mendelberg (2015). These justifications serve to maintain the status quo and discourage challenges to the existing hierarchy. To face these challenges Low-caste individuals in both India and America develop coping mechanisms to navigate their inferior status. These include rationalizing their position by attributing it to wealth, lineage, fate and other such factors, and occasionally exhibiting ingroup aggression or passive resignation. For example, at the time of Jim Crow era the African Americans coped with their oppression by forming strong community bonds and cultural practices that offered a sense of identity and solidarity. In India, the low-caste individuals cope through relying on religious justifications such as astrology, Gita references etc to deflect their responsibility of their position. Despite these rationalizations, there is no genuine acceptance of a life of inherited deprivation, and the persistence of caste or racial hierarchies is a source of ongoing resentment and struggle. This analysis of similarities underscores the importance of AA in addressing historical injustices. By understanding these similarities there is scope of better

policies which can ensure effectiveness to promotion of equality and hold grounds for dismantling the predominant structural barriers that promote discrimination in any form. Understanding the psychology and past is essential for achieving substantive justice and ensuring reparations efforts are meaningful and impactful.

3. ORIGINS AND EVOLUTION OF CASTE DISCRIMINATION IN INDIA:

The caste system in India is one of the world's oldest forms of social stratification, with roots that extend back over three millennia. It has shaped and influenced the social, economic, and political landscape of the country, creating a profound implication for the lives of millions. This system of hierarchical division is not merely a relic of the past but continues to manifest in modern-day India, affecting various aspects of daily life and institutional functioning. Understanding the origins and evolution of the discrimination faced is crucial for understanding the impact and efforts required to promote equality more effectively. Beginning from the historical origins and the impact it had on the people of India, Sreenivasan and Hoeng (1960) provide a detailed account on the origins of the caste systems in India. Tracing its roots to ancient social structures. These early divisions were codified in texts like the Manusmriti (is one of the many legal texts and constitutions among the many Dharmaśāstras of Hinduism), which prescribed the roles and duties of different castes, thereby institutionalizing a rigid social hierarchy. The impact of this deeply ingrained system is evident in various societal sectors, including healthcare. Sreenivasan highlighted how caste-based discrimination must face extra barriers to even have the access of healthcare and these inequalities stand as a barrier for them to enter into modern institutions. Despite numerous social reform movements aimed at dismantling caste-based hierarchies, disparities persist. Thorat and Newman (2018) analyse caste-based discrimination in terms of accessing various public goods and services, revealing that lower castes continue to face systematic biases and that the discrimination is not limited to social interactions but is deeply rooted with the policies and working nature of public and private institutions. The discrimination can take many forms such as unequal access to education, not given attention and quality in healthcare, getting rejected by companies due to the caste

etc. because of this discrimination I believe that India is bound in the vicious cycle of poverty and marginalization of people. The intersection of caste dynamics with electoral politics and governance structures is another critical area of study, Jaffrelot (2019) explores the political economy of caste in India, demonstrating how caste affiliation influences political behaviour and governance. Politicians often mobilize caste-based identities to secure votes which reinforces the salience of caste in the political arena. This dynamic not only influences the electoral outcomes but also influences policy decisions and allocation of resources, further entrenching caste-based inequalities. Hence, caste discrimination is not just a social issue but also deeply a political one which is intertwined with the mechanism of power and governance.

3.1 Complexities of Educational Inequality in India

In India, discrimination happens on many levels from caste to religion then to gender also, the affirmative action policies are commonly referred to as reservation policy in India with the aim to rectify historical injustices. Here I try to explain how these different sections of society face discrimination and how compounded their challenges are as they remain on top of the targeted interventions. There are two types of division seen, one by the religion and one by the gender there are also groups where the religion, caste and gender all takes place together simultaneously increasing the impact of stigma and discrimination. Many people In India see themselves as divided by religion and after the partition the division of religion stood as a representation of identity or a belonging to a community which also grew to forms of enmity between Hindu and Muslim people in India. Even today, Muslims are a minority and are faced by educational challenges. (Khanna, 2016) explored these challenges where Muslim remains educationally backward community despite constitutional protections and affirmative action policies. Muslims who constitute significant portion of India's population, often find themselves at the lower end of the socio- economic spectrum. Structural inequalities, discrimination, lack of quality education are what promotes these disparities. Khanna goes on by driving critical race theory to improve these conditions he says that there is an urgent need for targeted interventions that go beyond legal protections to address the root causes of educational inequality. It's not only Muslim community which faces the discrimination

but also many different religious communities as well who might be in minority as compared to other religious groups. There is also regional basis inequality. For example, in Maharashtra, local people generally treat people belonging to different regions of India in a racist way by speaking only in their local (Marathi) language even if they know basic Hindi/English to show their feelings of treating people differently. Another example is of a Dalit woman who experiences discrimination not only due to their caste but also their gender. Research by Desai and Kulkarni (2020) provides an intersectional perspective on the barriers faced by these Dalit women. Because of their caste and gender, they are always left to face compound disadvantages. They face challenges such as inadequate support systems, gender-based violence, social stigma etc which further hinders their educational pursuits. The family they come from majorly get them married just after they get their first period approximately at the age of twelve or thirteen without their consent. Though, these situations have changed now in the present as people and nations are developing still the situations has not found its best ground. Where the Dalit women might have the access to schooling, it is next to impossible for them to have graduation or post-graduation opportunities. The regional inequality leaves the victims with the feeling of negativity and non-belonging. The religion-based inequality leaves people feeling scared and unsafe. That's why there is a major need for AA policies to be more inclusive and comprehensive. By recognizing and addressing a wider array of disadvantages and ensuring the policies to form supportive mechanism which are adaptable and responsive will contribute to a more equitable and just society.

4. AFFIRMATIVE ACTION IN INDIA.

The implementation of affirmative action in India was a response to the historical marginalization faced by untouchable castes and other backward classes, who were excluded from education and administrations for generations. As societal norms evolved, it became inevitable to include these marginalized groups in the pursuit of social justice. However, this inclusion process should adhere to principles of equality and social justice, necessitating support from the judiciary in the legal format (Saini A., 2018) Unfortunately, there is a gap where judiciary often applied outdated limitations and precedents which hinders the effective implementation of affirmative action (Jha,2015). Despite its constitutional basis and provisions enabling reservation, judicial interference has required ongoing legislative adjustments to maintain the AA initiatives. Progress has been made but still there are challenges which persist such as the reservation quotas and criteria (Kumar, 2014)

Moreover, it is evident that certain communities have been overlooked or have been inadequately represented in reservation schemes, while on the other hand some have been unfairly benefited from affirmative action despite social and educational advancement (Khan, 2020). This includes indigenous communities like DE-notified tribes, former criminal tribes, certain schedule castes engaged in menial occupation. Conversely, there are socially dominant and economically advanced castes categorized as other backward classes (OBC) in the reservation lists.

Laws and policies must evolve alongside the social dynamics, ensuring inclusivity and addressing the needs of marginalized communities while removing those who have progressed from the reservation lists. Continued judicial intervention, regardless of community representation, risks undermining the historic social justice program and further dilutes its impact. It is a need to update policies to reflect the intersectional realities and prevent the disappearance of AA achieved through these generations of struggles faced.

4.1 Legal basis of Affirmative action in India

The Constitution of India, enacted in 1949 and adopted in 1950, initially provided for reservations for the weaker sections of society in public employment and elections,

aiming to ensure opportunities for historically marginalized communities such as Scheduled Castes (SC) and Scheduled Tribes (ST) (India, 1949). The concept of 'weaker sections' encompassed those historically unrepresented in Indian administration due to factors like caste (India, 1951). However, the directive principle outlined in Article 46 emphasized promoting the educational and economic interests of the weaker sections, not solely based on economic status. (Garg, 2024) Despite this, the Union Government reserved 10% of vacancies for economically weaker sections (EWS) through a 1991 Office Memorandum, which was later deemed unconstitutional by the Supreme Court due to lack of provision in Article 16(4) and the improper use of income-based criteria.

While the State of Tamil Nadu continued its pre-Independence policy of reservation, the Supreme Court interpreted it as discrimination under Article 15, leading to its abolition. Subsequent amendments to the Constitution empowered State governments to implement reservation for socially and educationally backward classes, SCs, and STs. However, the Supreme Court's 1992 judgment in the Indra Sawhney case (Garg, 2024) limited reservation to a maximum of 50% and introduced the concept of the 'creamy layer,' preventing certain OBCs from benefiting from reservations.

To address this, horizontal reservation was introduced to include marginalized groups like women, people with disabilities, religious minorities, De-notified Tribes, manual scavenging castes, and transgender persons. State governments expanded the 50% reservation limit by classifying Most Backward Classes. However, conflicts between the government and judiciary arose as the Union and State governments included socially dominant castes in backward classes lists without adhering to recommendations. The 2018 constitutional amendment (India, 2018) centralized power regarding backward classes lists, sparking debates about the rights of States to maintain their lists and the legality of central government interference.

Article 15 of the Indian Constitution prohibits discrimination by the State based on religion, race, caste, sex, or place of birth and initially empowered the State to make special provisions for women and children. However, it did not explicitly mention reservation as Article 16 did for employment. Historically, demand for representation

in education and public employment predates Independence, particularly championed by oppressed groups like Scheduled Castes (SC), Scheduled Tribes (ST), and other disadvantaged communities, collectively referred to as non-Brahmins.

The first reservation policy, allocating 50% of government service posts for non-Brahmins, was introduced in the Princely State of Kolhapur in 1902, highlighting the disproportion in educational opportunities. However, reservation faced legal challenges post-Independence. The Communal Government Order 613 in Madras, which provided for proportional representation in education and employment, was contested by Brahmin petitioners in the Supreme Court. In 1951, both the education and employment reservations were declared unconstitutional, erasing the 30-year-old affirmative action policy. These decisions prompted the First Amendment to the Indian Constitution, empowering State governments to enact reservation laws for socially and educationally backward classes, SCs, and STs.

As a result, affirmative action was implemented by both the Union and State governments in educational institutions and public employment, based on their respective jurisdictions and circumstances.

Different branches of affirmative action policies in India dwells into Reservation in elections which traces back to historic reforms ensuring representation for Muslims and the recognition of depressed classes (Scheduled Castes) in Legislative Councils. The Constitution mandates reservation in local body elections, Parliament, and State Legislative Assemblies, ensuring proportional representation for Scheduled Castes (SC), Scheduled Tribes (ST), and women. Here, the emphasis lies on the reservation of positions in various sectors, including Public Sector Undertakings (PSUs), civil services, and statutory bodies. Through reservation policies, historically marginalized communities, such as Scheduled Castes (SC), Scheduled Tribes (ST), and Other Backward Classes (OBC), are provided with opportunities for appointment and promotion. However, it is noteworthy that certain sectors, such as defense and the judiciary, do not extend reservation benefits, indicating a nuanced approach to implementation.

Additionally, affirmative action extends to disadvantaged groups like persons with disabilities and ex-servicemen, with specific allocations in employment and education. The Indian government institutes reservation policies in government-run educational institutions to facilitate equitable access for SC, ST, and OBC students. By reserving seats for these communities. Transgender rights recognition led to directives for inclusion in reservation policies, albeit with challenges. At the state level, policies for Socially and Educationally Backward Classes (SEBC) vary, with some states exceeding the 50% reservation cap, prompting Supreme Court reconsideration requests. This reflects the evolving complexity of reservation policies in India, balancing constitutional mandates with socio-economic realities.

Still the gaps remain in the institutional frameworks of the policies mainly in the implementation of affirmative action is not devoid of challenges. Studies (India, 2022) have pointed to lower levels of participation and representation of marginalized communities in legislative proceedings, signaling potential shortcomings in the effectiveness of reservation policies. Additionally, data on justice-related matters reveal instances of discrimination faced by marginalized communities, underscoring persistent challenges in achieving substantive equality and justice. Moreover, the absence of time limits on reservation policies raises questions about their long-term sustainability and effectiveness, necessitating periodic review and evaluation to ensure equitable outcomes.

In India, social stratification is deeply entrenched within the fabric of society, primarily through the institutions of caste and ethnicity. This hierarchical structure perpetuates significant disparities, resulting in a large portion of the population being socially, economically, educationally, and politically disadvantaged. Evidence highlights substantial gaps between reserved categories and others, particularly in access to education, quality of education, and access to resources that facilitate learning. Historically, quotas intended to address these disparities often remained unfulfilled before the 1990s, attributed to factors like indifference from appointing authorities and inadequate publicization of vacancies. Moreover, barriers persisted at higher levels, where formal and informal procedures worked against Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs). These groups, victims of entrenched backwardness, comprise the SCs, STs, and OBCs

recognized by the government. The Indian government's approach to addressing these inequalities encompasses legal safeguards against discrimination, affirmative action measures in the state sector, and general developmental efforts in the private sector. Reservations, a form of affirmative action, allocate a proportion of seats for previously disadvantaged groups, aiming to counteract entrenched social hierarchies. However, the perpetuation of superiority and inferiority based on factors like skin color and social status remains a global phenomenon. In terms of demography, SCs and STs, historically marginalized groups, constitute a significant portion of India's population, with SCs averaging 18% and STs averaging 8% according to the 2011 Census. Other Backward Castes (OBCs), primarily Hindu low castes, represent a substantial portion of both rural and urban populations, constituting 43% of rural and 39% of urban populations according to the National Sample Survey 2009-10. Additionally, some non-Hindu communities and tribes not classified as STs are included in the OBC category, further illustrating the complexity of social categorization in India.

The implementation of job quotas in India has been a pivotal strategy in addressing historical injustices and promoting social equity. Initially, quotas were introduced to provide opportunities for Scheduled Castes (SCs) and Scheduled Tribes (STs) in government educational institutions, government jobs, and various levels of elected bodies, constituting 22.5% of total seats. However, it was not until the (Mandal Commission Report of 1990) that Other Backward Classes (OBCs) were included, with a 27% quota in jobs, later extended to educational institutions through the 93rd Constitution Amendment in 2006. Despite these strides, the Supreme Court imposed a cap of 50% on reservations, emphasizing the need to balance affirmative action with meritocracy. In a move to address economic disparities among upper castes, the government introduced a 10% reservation in government jobs and educational institutions in 2019 for economically backward citizens earning less than 8 lakhs rupees annually. This expansion of quotas reflects evolving societal dynamics and a commitment to inclusivity across caste and economic strata.

Reservation policies extend beyond job quotas to legislative representation. Article 330 of the Constitution mandates seats reserved for SCs (15%) and STs (7.5%) in the Lok Sabha, ensuring their political participation and representation. Similar

quotas are implemented in state legislatures and local governments, reinforcing the principle of proportional representation and ensuring diverse voices in governance. The extension of the Panchayati Raj Act through the Panchayats (Extension to Scheduled Areas) Act of 1996 marked a significant milestone in decentralization and self-governance. There are many prominent schemes and welfare programs adopted by the government as well but mostly because of the lack of literacy these programs and schemes don't reach the people who need it the most. Even though with the establishment of many NGOs and self-help groups awareness has been raised but majority of them are seen just as a curtain to hide corruption money and resort to unethical practices.

4.2 Issue and Gap within the AA policy

Affirmative action, also referred to as "preferential treatment," "protective discrimination," or "reverse discrimination," aims to redress historical imbalances and provide opportunities for those historically marginalized (Gururaj et al., 2020). The provision for special preferential treatment for SCs and STs, who occupy the lowest rungs of the social and economic hierarchy, was enshrined in the Indian Constitution by the framers and subsequent governments after independence. However, the success of these policies has been uneven across different sectors and departments (Sommer & Asal, 2018). Furthermore, while affirmative action primarily targets the government sector, more than 90% of SC/ST and OBC workers are employed in the private sector. This limitation underscores the need for broader implementation of affirmative action measures beyond the government.

Despite efforts to address social exclusion and uplift SCs, STs, and OBCs, significant disparities persist in various indicators of human development when compared to non-SCs, non-STs, and non-OBCs. This ongoing disparity highlights the complexity of addressing social exclusion and suggests that simply implementing anti-poverty policies may not be sufficient to address deep-rooted societal inequalities.

4.3 Affirmative action in Education.

India being such country with the highest population, it is difficult to measure the effectiveness of programs but yet there have been studies which help identify the

missing pieces which are needed for better implementation. I have used two studies to provide an idea of how AA programs can be understood. The first study (Bertrand et al., 2010) is about admissions in engineering college in India which remains as the only option to most of the students because of the peer pressure from their family, I have chosen this study as it captures big magnitude of students and encounter a spread of representation in terms of different castes. The second study (Basant & Sen, 2020) is focusing on region-based population which as above mentioned turns out to be a gap in the institutional framework. Through this I will be able to mark the gaps and issues with the AA policy which need to be rectified.

Affirmative action programs in higher education, aimed at providing preferential admissions to historically disadvantaged groups, are implemented in various countries worldwide. In the context of state-controlled colleges in India, more than 50% of admissions slots are typically reserved for members of lower-caste groups, as part of efforts to address historical discrimination and promote social inclusion. A study examining the effectiveness of one such program in engineering colleges in India found that affirmative action successfully targets financially disadvantaged individuals. The upper-caste applicants displaced by affirmative action tend to come from economically wealthier backgrounds compared to the lower-caste applicants benefiting from the program. However, targeting based on caste may result in the exclusion of other disadvantaged groups, such as females, from entering engineering colleges. (Marianne Bertrad, 2010, 16-29)

The debate surrounding affirmative action programs focuses on two main issues. Firstly, there is contention over who these programs benefit. Critics argue that affirmative action may primarily benefit economically advantaged individuals within traditionally disadvantaged groups, potentially exacerbating inequalities. Secondly, there is concern over the impact of these programs on the academic performance and long-term outcomes of those admitted through affirmative action. Some argue that placing minorities in academic environments for which they are unprepared may lead to poor academic performance and hinder their success in the job market, while others suggest that affirmative action may result in net gains for disadvantaged groups and society.

Another study based on the AA policy in education gives the glimpse of the gap where Quota-based affirmative action in higher education in India has improved

enrolment for Other Backward Classes in the eastern region, but not in southern and north central states with long-standing quotas. The paper examines the mid-term impact of quota-based affirmative action in higher education (HE) in India, which was implemented in 2008 (Basant & Sen, 2019). The policy mandates that 27 per cent of seats in public funded institutions of HE is reserved for the Other Backward Classes (OBC). Using a triple difference method, the study analyses differences in participation across social groups, age cohorts, and geographies with varied histories of affirmative action to estimate the impact of the Act by the year 2011–2012. The results indicate that southern and north-central states, which had quotas in place for a significant period, did not significantly contribute to further expansion of OBC enrollment. Conversely, the eastern region, where such policies were relatively new, experienced about a 0.12-point improvement in OBC enrolment. The findings remain robust across different specifications, and the impact appears to be minimal among the wealthiest individuals. To sum up, the study suggests that future policy initiatives should consider regional differences in policy histories, the supply of institutions, and existing rates of HE participation among disadvantaged sections to ensure more nuanced and effective outcomes.

5. FOCUS GROUP ANALYSIS

I conducted a focus group analysis for my thesis to gain in-depth insights into the perceptions and experiences of individuals from different caste backgrounds regarding affirmative action and caste-based considerations in college admissions in India. Unlike purely quantitative methods, focus groups allow for a richer exploration of participants' views, capturing the complexities and subtleties of their opinions and personal stories. By engaging with a diverse group of individuals, I aimed to understand not only the general trends in attitudes but also the underlying reasons behind these views. The focused group, consisted of 10 individuals, amongst which 5 represented general category and 5 of them represented lower caste in which 2 of them belonged to schedule caste (SC), 2 were from schedule tribe (ST) and 1 belonged to other backward class (OBC). The age of everyone presented varied from 20 to 35. There were both men and women with their varied educational backgrounds some of them were pursuing bachelor's and some of them had already done their master's too. Only four out of ten are employed and the rest are currently studying or actively looking for a job. The focused group took place on 16 July 2024. Everyone was present on the online platform. There were five main questions which were discussed in the meeting. All the questions had their own importance and goal for understanding the group in a holistic way. The questionnaire I used was inspired by the one which Pew Research centre did on Asian American's views on affirmative action (Greenwood & Greenwood, 2024).

While conducting the focus group analysis for my thesis on perceptions and experiencing regarding affirmative action and caste-based considerations in college admission in India, several limitations became apparent. Because my sample size is small it is hard to make broad assumptions which can be generalised to the broader population. With only five participants from the general caste and five from lower caste backgrounds, including various sub-castes, the sample does not fully represent the diverse perspectives within each group. This limited sample size also affects the statistical reliability of the data, making it difficult to draw broader conclusions. Also, the specific demographic composition, might not fully capture the collective sentiment of their respective groups. These limitations suggest that while

the focus group provides valuable insights, the findings should be interpreted with caution.

The Analysis-

The first question which was discussed was what % of general and lower caste people have heard about affirmative action: answer was either heard or not heard.

- General Caste: 30% have heard of affirmative action, 20% have not heard.
- Lower Caste: 50% have heard of affirmative action, 0% have not heard.

The first question was to check the awareness of affirmative action, as we can see most people were aware of affirmative action and only 20% were unaware. This was a direct question where there was no previous explanation of what affirmative action programs or policies are.

The second question was what % of general and lower caste who have heard about affirmative action and say that it is a ____ answer was either as a good thing, bad thing or don't know.

In total there were 80% people who heard about affirmative action and amongst them the

- General Caste: 20% said good thing, 0% said bad thing and 10% said don't know
- Lower Caste: 50% said good thing, 0% said bad thing and 0% said don't know

When discussed in the group, the people who pointed out that they have not heard about affirmative action was because they didn't particularly know the definition of affirmative action which after explanation, they pointed out they know it through the term "reservations" and "quotas" which is one of the part of the program and policy but in India the awareness among people is limited to knowing only the words which are triggered in media and debates. 10% of general caste who have heard about affirmative action and say they don't know if it is a good thing or bad thing is because they have experienced both sides of the coin and strictly say that the concept in theory is good but in practice can take different forms, which further gives rise to discrimination. For instance, as quotas in jobs and colleges are the most prominent form of affirmative action in India it sometimes promote inequality in the way that for admission in a government college in India the cut-off for general caste is above 95% and for the same seat the lower caste has a cut-off of 60% or even less which

in turns results in taking the seat who earned it by merit and therefore is unfair.

People who supported affirmative action as a good thing is because of its aims and goals it holds and because it brings inclusivity and breaks social barriers which were applied to the society.

The question three, was what % of general and lower caste who say colleges should consider the following factors in admissions decisions:

- High School Grades:
 - General Caste: 50%
 - Lower Caste: 30%
- Entrance Exam Scores:
 - General Caste: 50%
 - Lower Caste: 40%
- Family Income:
 - General Caste: 40%
 - Lower Caste: 40%
- Caste and ethnicity:
 - General Caste: 0%
 - Lower Caste: 25%
- Gender:
 - General Caste: 20%
 - Lower Caste: 25%

Note- the remaining percentage which does not appear Infront of each factor are the ones which people don't want colleges to consider as a factor in admissions decisions.

The third question gave a lot of insight into the trends and experiences of the people and answered why they think what they think. There are 80% and 90% majority for high school grades and entrance exam scores as a factor for consideration by the colleges in the admissions process, this majority is seen by both the groups. They say by this it ensures fairness and equality to all. There is through a smaller group of lower caste who believe in this and not all of them totally agrees, this is because they have always been in a position of advantage for the admissions which have helped them greatly and also because they believe that it is how the historical injustice are

repartition. Family income and gender as a factor had a mixed response which was mostly because no one had a very strong stand on those factors and were not sure how they felt about it. The most noteworthy answer was when 75% of the group believed that caste and ethnicity as a factor should not be a factor in the college admissions as discussed before, promotes inequality and space for reverse discrimination. It was clear that if both the groups had equal schooling then both should have the equal and fair chance at the college admissions. Even the lower caste expressed the feelings of discomfort when they are pointed out as lower caste which leave them feeling more divided than represented. Which is also a reason some of them supported the idea that caste should not be a factor. The section of lower caste who supported that caste should be a factor is due to the consideration of those big sector of people who didn't have the same chance at schooling and should at least have a chance of inclusion in the colleges and if this title can help them come out of the box so it should be for the betterment and development of their community.

The fourth question, was what % of general category and lower caste who say that when selective colleges and universities consider caste and ethnicity as a factor in admissions decisions:

- Overall Fairness of Admissions Process:
 - General Caste:
 - Less fair: 30%
 - More fair: 0%
 - Neither: 10%
 - Not sure: 10%
 - Lower Caste:
 - Less fair: 0%
 - More fair: 25%
 - Neither: 15%
 - Not sure: 10%
- Qualification of Accepted Students:
 - General Caste:
 - Less qualified: 20%

- More qualified: 0%
 - Neither: 20%
 - Not sure: 10%
- Lower Caste:
 - Less qualified: 10%
 - More qualified: 0%
 - Neither: 10%
 - Not sure: 30%
- Impact on Educational Experience:
 - General Caste:
 - Worse: 0%
 - Better: 20%
 - Neither: 20%
 - Not sure: 10%
 - Lower Caste:
 - Worse: 0%
 - Better: 30%
 - Neither: 10%
 - Not sure: 10%

The general caste's perception of fairness and qualifications stems from a belief that meritocracy is compromised when caste considerations are included which is why majority of them casted their votes for the overall fairness as less fair and the students therefore are less qualified who got accepted. In contrast to their belief, the lower caste's more favourable views were due to the historical and ongoing socio-economic barriers they face, making affirmative action policies seem necessary for equitable access to education. But still there is not clear majority among the lower caste who vote for more fair overall fairness, this high uncertainty among lower caste respondents regarding fairness and qualifications indicate mixed feelings about the effectiveness of these policies in truly achieving their goals. Moreover, the varied response on the educational experience suggests that both the groups see potential benefits, though they differ on whether these outweigh the drawbacks.

The fifth question is, do you think ----- in your education, career or job because of efforts to increase caste and ethnicity diversity:

- You have ever been at a Disadvantage:
 - General Caste: 20%
 - Lower Caste: 10%
- You have ever been at an Advantage:
 - General Caste: 0%
 - Lower Caste: 40%
- People have ever assumed that you have benefited unfairly:
 - General Caste: 30%
 - Lower Caste: 40%

This was the last question, which we discussed based on the questionnaire and was the most discussed as well as it is about the “personal” impact of diversity efforts. According to the results, a significant amount (20%) of the general caste have been in a position of disadvantage by diversity efforts as they express the lack of merit-based results and partiality-based decisions done in different colleges. Which is the same reason why lower caste feel advantaged. Both the group’s report almost same level of assumption of unfair benefit due to the different institutional frameworks they have personally experienced in their life. For instance, a member of the group who belong to the lower caste expressed their experience by saying that they filled a bachelors application form in a government college of India meeting all the requirements according to their quota but he still did not get the admission presuming that the seat went to a person of general caste who bought the seat through donations as this is seen to be a very normal procedure. That is one of the ways why general caste are assumed to have benefited unfairly. Even if a lower caste candidate achieves good grades and is fully capable of getting admission in the college with the merit parameters, they will still be assumed that they benefited unfairly due to the quotas bar was set low.

Several studies which have worked with larger data have also examined the impact of AA policies in India, providing a quantitative foundation for understanding their effects. (Cassan, 2019) conducted a comprehensive analysis of literacy rates and secondary education attainment, revealing significant improvements attributed to AA,

particularly among the males. (Kumar et al, 2019) focused on job representation, finding that AA significantly increased the presence of SCs, STs, and OBCs in government employment. (Schotte et al, 2023) extended this analysis by exploring intersectionality, highlighting the necessity for more targeted interventions to ensure equitable benefits for women from disadvantaged groups. These studies offer valuable insights into the broad outcomes of AA as they have analysed nationwide data to evaluate their findings, which can be enriched by integrating qualitative data from my focused group discussions. This integration of focused group data with the findings from larger quantitative studies provides a richer, more broad understanding of the impact of AA policies in India. (Cassan 2019) found that these policies significantly increased literacy rates and secondary education attainment mostly for males, here the focused group data reveals personal narratives that explain these trends, such as individuals from lower caste backgrounds overcoming financial barriers and accessing better educational resources due to affirmative action. Gender differences highlighted by Cassan's study shows the socio-cultural barriers that hinder the effectiveness of AA for women, as also discussed before in the complexities chapter. The focus group participants discussed pressures like early marriages and gender biases caused by the parents which limit women's educational progress despite AA. In terms of job representation, (Kumar et al, 2019) reported increased likelihood of SCs, STs and OBCs securing government jobs due to AA. In the focused group discussion, I was able to get a detailed understanding of the personal challenges and success in employment process, providing deeper insights that the quantitative data alone cannot capture. Participants shared experiences of how AA helped them secure jobs that seemed unattainable due to their caste and family background. On the contrast the general section of people was not very happy with the reservations in the jobs as they don't get a seat even if they are fully capable to get one as government has reserved the seats as quotas making them feel discriminated and treated unfair. Overall, integrating focus group analysis with larger data-based studies enriches the understanding of AA policies in India. The combined approach strengthens empirical support and provides real-life examples, illustrating the human element of these policies. This comprehensive perspective is crucial for informing and guiding AA policies to balance fairness, equality and historical injustices which aligns with the theory of justice by Rawls.

The focused group analysis supports Rawls theory of justice by demonstrating the necessity of compensatory measures (Allen, 1998) for historical injustices while emphasizing the importance of fair competition. The most important concepts of Rawls theory were firstly, his emphasizes on fairness and equal distribution of primary goods (Guyer, 2018) and secondly, that a just society (Libretexts, 2021) should correct historical injustices and ensure equal opportunities for all. The first discussion into the awareness of AA among general caste and lower caste resulted in higher awareness (50%) among the lower caste group reflecting their more immediate and personal connection to policies meant to address historical injustices which aligns with Rawls emphasis on recognizing and compensating past harms. When discussing factors in college admissions, both groups showed a preference for high school grades and entrance exam scores. These merit-based factors were preferred by both general category (50%) and lower caste (30%). This preference for merit-based factors suggests a belief in fairness and equality in opportunities which is a key principle in Rawls theory giving the students an “original position”. However, the support for considering caste and ethnicity by 25% of lower caste members indicates recognition of historical injustices aligning with Rawls idea of compensatory justice (Santa Clara University, n.d.). According to Rawls, Quotas are seen not justifiable (20th WCP: Rawlsian Affirmative Action: Compensatory Justice as Seen From the Original Position, n.d.) because they can lead to reverse discrimination, reflects the same concerns provided by the general caste individuals of the focused group where they too saw quotas as amplification of unfairness and inequality discrediting it as a factor which should be considered by the colleges in the admission processes. To sum up, the focused group analysis provided me with empirical insights that supported Rawls theory of justice and, we can see the application of this theory on the real-world policies and examples shared by different people. The application of the theory of justice by Rawls to affirmative action in India is by emphasizing both the necessity of compensatory measures for historical injustices and the importance of fair competition, the findings resonate with Rawls principles while highlighting the practical challenges of achieving a just society. The result from the focused group analysis strengthens my thesis by demonstrating how Rawl’s theory can inform and guide affirmative action policies to balance fairness, equality and historical redress

CONCLUSION

In this thesis, I have argued the effectiveness of affirmative action in enhancing equality and fairness for minority lower caste population of India within the educational and workforce sectors. As the research questions not only involves segments of India, it also involves the theme of affirmative action which was introduced in America in the 1960s under the civil rights Act of 1964. That's why I have firstly connected the caste reparations in India with the larger debate of DEI in U.S.A as my starting of research to have a global interpretation of how the historically disadvantaged face compound challenges in different parts of the world and I was able to reach the many similarities amongst the different cultural societies which paved the way to understand the niche problem, structural imbalances and space for betterment even more. I have addressed the research question by evaluating the extent to which these policies have succeeded or failed in driving social change and identifying gaps that need to be addressed for more effective implementation.

My thesis is grounded in John Rawls theory of justice. As Rawls theory advocates for a fair distribution of primary goods (opportunities, liberties, rights, wealth and self-respect) to ensure justice for all individuals, this idea of his aligns with the objectives of what affirmative action policies promises. My thesis applies Rawl's method to evaluate whether AA policies in India are just and effective in addressing historical and current inequalities. As a result, the main findings of the thesis indicate that while affirmative action policies have increased the access to education and employment for marginalised communities, they have not FULLY achieved substantive equality. My research highlights that AA policies in India often fail to address deeper structural inequalities and can sometimes lead to reverse discrimination. The Quantitative analysis provided shows that certain policies, such as aggressive recruitment and tiebreakers, are more effective and fair according to Rawlsian principles, whereas the quota systems are more controversial and less aligned with these principles.

My main argument is that while affirmative action is a necessary tool for promoting equality, its current implementation in India is insufficient for achieving true social

justice. There is a huge need for the AA policies to be more comprehensive and should address not only access but also the underlying social barriers that are the main driving force for inequality. By applying Rawl's theory the thesis advocates for a refined approach to affirmative action that ensures fairness and effectiveness in truly levelling the playing field for disadvantaged groups.

Future research should focus on addressing the identified gaps in affirmative action policies. There is a need for better strategies that only provide access but also create inclusive and supportive environments within educational institutions and workplaces. Future endeavours could explore the impact of AA models that focus on socio-economic status rather than caste alone, potentially reducing perceptions of unfairness while still addressing historical disadvantages. Moreover, the debate could be directed towards developing more multi-faced approaches to affirmative action. This includes considering intersectionality, where multiple forms of discrimination intersect and addressing not just caste but also gender, economic background, religion and other factors which affect the debate simultaneously. Long term studies could provide deeper insights into long-term impacts of AA policies, helping to give space of amendments and improvements over time.

I believe that the main answer lies in the grounds of education and healthcare which as basic as it sounds have not been found in most of the section in India's remote and rural places which are the places the minority resides. This lack of support to the most needed is the root cause of the vicious cycle of poverty. The sound support by every individual should be considered as a duty, citizen duty to help bring the country growth up. Best quality of education from the time of kindergarten, best quality of healthcare will ensure the expansion of potential and talent which India as a country holds. No government, no policy, no political party can bring the change until the citizens of India take the charge as their active engagement as their duty to do so as a teacher, as a doctor or as merely the humanity to break the social barriers.

REFERENCES

- Rawls, J. (1999). *A Theory of Justice: Revised Edition*. Harvard University Press.
- Lichterman, Q. (2023, August 14). Understanding the affirmative action debate in Higher Education
- Chemersinsky, E., & Higham, J. P. (1997). Making Sense of the Affirmative Action Debate. *Ohio Northern University Law Review*, 22.
- Epple, D., Romano, R., & Sieg, H. (2008). Diversity and affirmative action in higher education. *Journal of Public Economic Theory*, 10(4), 475–501.
- Fu, Q. (2006). A theory of affirmative action in college admissions. *Economic Inquiry*, 44(3), 420–428.
- Rothman, S., Lipset, S. M., & Nevitte, N. (2002). Diversity and affirmative action: The state of campus opinion. *Academic Questions*, 15(4), 52–66.
- Van Seters, P. (2006b). Communitarianism in law and society.
- Nanivadekar, M. (2006). Are Quotas a Good Idea? The Indian Experience with Reserved Seats for Women. *Politics & Gender*, 2(01).
- Caney, S. (1991). Sandel's critique of the primacy of justice: a liberal rejoinder. *British Journal of Political Science*, 21(4), 511–521.
- Paul, E. F., Miller, F. D., & Paul, J. (1996). The communitarian challenge to liberalism.
- Thigpen, R. B., & Kymlicka, W. (1990). *Liberalism, Community, and Culture*. By Will Kymlicka. New York: Oxford University Press, 1989. 280p. \$38.00. *American Political Science Review*, 84(4), 1357–1358. <https://doi.org/10.2307/1963282>
- Cohen, G. A. (1989). On the Currency of Egalitarian Justice. *Ethics*, 99(4), 906–944.

- Miroff, B. (2008). *Freedom's Power: The True Force of Liberalism*. By Paul Starr. New York: Basic Books, 2007. 276p. \$26.00. *Perspectives on Politics*, 6(2), 393–394.
- Paul, E. F., Miller, F. D., & Paul, J. (2007b). *Liberalism: old and new*.
- Berremán, Gerald D. Caste in India and the United States. Online. *American journal of sociology*. 1960, roč. 66, č. 2, s. 120-127. ISSN 0002-9602. Dostupné z:
- Munshi, K. (2019). Caste and the Indian Economy. *Journal of Economic Literature*, 57, 781-834.
- Bhagat, M. (2022). Caste Discrimination and Social Change in India. *Journal of Social Responsibility, Tourism and Hospitality*.
- Sreenivasan, U., & Hoenig, J. (1960). Caste and mental hospital admissions in Mysore State, India. *The American journal of psychiatry*, 117, 37-43.
- Ali, S. (2013). *Title-Educational Rights of Minorities: A Socio-Legal Analysis*.
- Khanna, G. (2016). Does Affirmative Action Incentivize Schooling? Evidence from India. *Review of Economics and Statistics*, 102, 219-233.
- Arsel, Z., Crockett, D., & Scott, M. L. (2021). Diversity, Equity, and Inclusion (DEI) in the Journal of Consumer Research: A Curation and Research Agenda. *Journal of Consumer Research*, 48(5), 920–933.
- Agócs, C., & Burr, C. (1996). Employment equity, affirmative action and managing diversity: assessing the differences. *International Journal of Manpower*, 17, 30-45.
- Olzmann, J. (2020). Diversity through equity and inclusion: The responsibility belongs to all of us. *Molecular Biology of the Cell*, 31, 2757 - 2760.

- Archer, L. (2007). Diversity, equality and higher education: a critical reflection on the ab/uses of equity discourse within widening participation. *Teaching in Higher Education*, 12, 635 - 653.
- Herring, C., & Henderson, L. (2012). From Affirmative Action to Diversity: Toward a Critical Diversity Perspective. *Critical Sociology*, 38, 629 - 643.
- Várdy, F., & Morgan, J. (2006). Diversity in the Workplace. *Labor: Public Policy & Regulation*.
- Kalev, A., Dobbin, F., & Kelly, E. (2006). Best practices or best guesses? Assessing the efficacy of corporate affirmative action and diversity policies. *American Sociological Review*, 71(4), 589–617.
- Pager, D., & Quillian, L. (2005). Walking the talk? What employers say versus what they do. *American Sociological Review*, 70(3), 355–380.
- Bell, D. A. (2008). Critical race theory. In L. P. Maldonado Torres & N. D. Goldberg (Eds.), *The Routledge companion to social and political philosophy* (pp. 701–711). Routledge.
- Crenshaw, K. (1989). Demarginalizing the intersection of race and sex: A black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics. *University of Chicago Legal Forum*, 1989(1), 139–167.
- Reay, D., David, M., & Ball, S. J. (2005). *Degrees of choice: Class, race, gender, and higher education*. Trentham Books.
- Chubin, D. E., & May, G. S. (1999). A “chilly climate” in the STEM: Diversity and higher education. *American Association for the Advancement of Science*.
- National Academies of Sciences, Engineering, and Medicine. (2018). *Sexual harassment of women: Climate, culture, and consequences in academic sciences, engineering, and medicine*. The National Academies Press.

- Dobbin, F., & Kalev, A. (2016). Why diversity programs fail. *Harvard Business Review*, 94(7), 14.
- Edelman, L. B., Fuller, S. R., & Mara-Drita, I. (2001). Diversity rhetoric and the managerialization of law. *American Journal of Sociology*, 106(6), 1589–1641.
- Desai, M., & Kulkarni, V. (2020). Intersectionality and higher education: Experiences of Dalit women in India. *Feminist Review*, 124(1), 52-69.
- Chakraborty, A., & Desai, S. (2018). Affirmative action in higher education in India: Impact on access, equity, and quality. *Indian Journal of Human Development*, 12(1), 67-83.
- Thorat, S., & Newman, K. L. (2018). Caste and discrimination in urban India: A study of perceptions. *Economic and Political Weekly*, 53(40), 45-52.
- Jaffrelot, C. (2012). Religion, caste, and politics in India. *Choice* (Chicago, Ill.), 49(07), 49–4105.
- Beteille, A. (2018). The global dimensions of caste. *Economic and Political Weekly*, 53(8), 30-34.
- Lerman, A. E., McCabe, K. T., & Sadin, M. (2015). Political ideology, skin tone, and the psychology of candidate evaluations. *Public Opinion Quarterly*, 79(1), 53–90.
- Pal, G. C. (2020). Caste and consequences. *Caste*, 1(1), 95–110.
- Smile Foundation. (2022, November 17). How education bridges caste divisions?
- Basant, R., & Sen, G. (2019). Quota-Based Affirmative Action in Higher Education: Impact on other backward classes in India. *Journal of Development Studies*, 56(2), 336–360.

Bertrand, M., Hanna, R., Mullainathan, S., University of Chicago Booth School of Business, NBER, CEPR, IZA, Kennedy School of Government, Harvard University, & BREAD. (2009). Affirmative action in education: Evidence from engineering college admissions in India. In *Journal of Public Economics* (Vol. 94, pp. 16–29) [Journal-article].

Narendra, S (2020). Affirmative action policies for caste in India,3-24,
<https://mgcub.ac.in/pdf/material/202004101120317f4a32b19c.pdf>

Bayer, P., & Rainer, H. (2021). The effects of a policy shift, 2-25
<https://www.econstor.eu/bitstream/10419/267824/1/1809927579.pdf>

Cassan, G. (2019). Affirmative action, education and gender: Evidence from India. *Journal of Development Economics*, 136, 51–70.

Schotte, S., Leone, T., & Gisselquist, R. M. (2023). The impact of affirmative action in India and the United States: A systematic literature review. In *Working Paper Series*.

Kumar, D., Pratap, B., & Aggarwal, A. (2019). Affirmative action in government jobs in India: Did the job reservation policy benefit disadvantaged groups? *Journal of Asian and African Studies*, 55(1), 145–160.

Berremán, G. D. (1960). Caste in India and the United States. *American Journal of Sociology*, 66(2), 120–127

Greenwood, S., & Greenwood, S. (2024b, April 14). Asian Americans hold mixed views around affirmative action. Pew Research Centre.

20th WCP: Rawlsian Affirmative Action: Compensatory Justice as Seen from the Original Position. (n.d.).

Santa Clara University. (n.d.-b). Justice and fairness. Markkula Center for Applied Ethics.

Neal, P., & Paris, D. (1990). Liberalism and the Communitarian Critique: A Guide for the Perplexed. *Canadian Journal of Political Science / Revue Canadienne de Science Politique*, 23(3), 419–439

Etzioni, A. (2003). *Communitarianism*.

Deshpande, A., & Newman, K. (2007). Where the path leads: The role of caste in Post-University Employment expectations. ResearchGate.

Thorat, S., & Attewell, P. (2007). The legacy of social exclusion: A correspondence study of job discrimination in India. *Economic and Political Weekly*, 42(41), 4141-4145.

Weisskopf, T. E. (2004). *Affirmative action in the United States and India: A comparative perspective*. Routledge.

Waughray, A. (2011). India and the paradox of caste discrimination. *European Yearbook of Minority Issues Online/European Yearbook of Minority Issues*, 8(1), 413–452.

Bertrand, M., Hanna, R., & Mullainathan, S. (2010). Affirmative action in education: Evidence from engineering college admissions in India. *Journal of Public Economics*, 94(1–2), 16–29.

Allen, R. (1998). Rawlsian Affirmative Action. In *The Paideia Archive: Twentieth World Congress of Philosophy* (pp. 1–8).

20th WCP: Rawlsian Affirmative Action: Compensatory Justice as Seen from the Original Position. (n.d.).

Basant, R., & Sen, G. (2020). Quota-Based Affirmative Action in Higher Education: Impact on other backward classes in India.

Gururaj, S., Somers, P., Fry, J., Watson, D., Cicero, F., Morosini, M., & Zamora, J. (2021). Affirmative action policy: Inclusion, exclusion, and the global public good.

Sommer, U., & Asal, V. (2019). Political and legal antecedents of affirmative action: a comparative framework. *Journal of Public Policy*, 39(2), 359–391.

Garg, R. (2024, May 19). *Indra Sawhney v. Union of India and Ors. (1992)* : case analysis. iPleaders.

The People's Archive of Rural India. (n.d.). Report of the Backward Classes Commission (Volumes I and II). People's Archive of Rural India.

India, T. O. (2022, November 7). Supreme Court upholds 10% quota for Economically Weaker Sections: “No violation of Constitution.” *The Times of India*.

Sanfilippo, F., Pomeroy, C., & Bailey, D. N. (2023). Diversity, Equity, and Inclusion. In *Diversity, Equity, and Inclusion* (pp. 41–48).

Miller, T. (2018). *Evolving Norms in Diversity and Inclusion: A Global Perspective*. Oxford University Press. ISBN: 978-0198826743.