Towards an Effective Framework for Affirmative Action

P Bala Bhaskaran

Abstract

Independent India initiated a policy of notifying certain segments of its population as backward and instituted a policy of reservation in educational facilities and govt jobs in order to bring about equity and justice. Six decades after independence, backwardness has not diminished significantly. This conceptual paper is an attempt to structure a strong and systematic basis for the affirmative action. It presumes that affirmative action needs to be strengthened and would need to be continued for a long time to ensure equity and justice. The paper tries to define the concept of backwardness, creates measures for backwardness, albeit comparatively; it develops the concept of a Deprivation Index; finally it suggests an organisational framework to pursue the policy of affirmative action towards its logical objectives. The paper concedes that the definition of backwardness cannot be constant with respect to time and space; it provides for continuous review of the definitions and calibration; it provides for inclusion and exclusion of individuals and groups from the ambit of affirmative action thus providing an element of dynamism to the hitherto static system.

I

Preamble:

1. Due to variety of historical reasons differential development took place among different segments of the Indian society. The reasons emanated form the rigid caste system, denial/negation of opportunities, differential capabilities in grabbing the opportunities etc continued over generations.
2. Founding fathers of India's constitution felt the need to mitigate the situation and instituted a plan of affirmative action which envisaged reservation in educational opportunities and in govt jobs.
3. Despite half a century of this program the disparities and backwardness have not ceased to exist. Probably because the problem is too deep-rooted and complex or

because the affirmative action has not been able to address the basic issues or both.

4. Supply of opportunities - educational, economic and others – continued to be far less than the demand. In situations of shortage, preferential treatment offered by the affirmative action tended to get overvalued. From time to time newer segments have been clamouring for inclusion within the ambit of the affirmative action. Such demands get enmeshed with vote-bank politics and get carried to a different level of discussion, debate and execution. Social harmony, equity and justice tended to be overlooked, if not jeopardised, in the process.

5. The overall quantum of preferential treatment, popularly known as the reservation and measured in percentage terms of the size of the cake, has been causing anguish to those segments not covered under the policy of affirmative action. Primarily because the opportunities in the economy had not grown significantly. This has been causing some disquiet in social harmony; it has often resulted into violent eruptions.

6. The affirmative action emerged out of the noble and desirable objective of mitigating the intrinsic backwardness of certain segments and bringing up all segments to comparable levels of capabilities. The system of affirmative action in vogue has certain inadequacies:

   a. The system has not defined backwardness in any tangible manner. It is based on the collective perception of the relative status of the caste-hierarchy prevalent at the time of inception of the action plan. There is definite need to define backwardness, in scientific and measurable terms. Once there is a definition, it will be possible to measure the impact of affirmative action on individuals as well as on communities.

   b. The system in vogue is static, not dynamic. There is no scientific method defined in the system for inclusion or exclusion of individual or segment/community based on changing status and scenarios.

   c. The system has not created a permanent machinery to continuously monitor the progress of the segments/communities under the affirmative action. Such machinery would enable monitoring the effectiveness of the initiatives, would enable monitoring the progress of the communities, would enable decision making for inclusion and exclusion of segments/communities within the ambit of the affirmative action and would function as a primary source for proactive policy regime for affirmative action.

7. It is necessary to strengthen the affirmative action to eliminate the backwardness among communities and bring about equity and justice. Given the legacy of differential development in India, it is going to take a long time for India to eliminate backwardness.

8. Today with access to IT tools it is far more easy and feasible to measure and monitor the levels of backwardness of individuals and communities to a fair degree of accuracy and transparency.

Studies so far

Deshpande and Yadav[1] have suggested a model to map individual and group disadvantages arising out of caste, region, gender, residence (urban/rural) etc. They contend that such an attempt would *demonstrate that the affirmative action is not about appeasement but about eliminating sources of tangible disadvantages in our unequal society*. They seem to be influenced by the system of disadvantage points being computed and used in the admission system of JNU and the various modifications suggested therein. While the paper ushers in a system of mapping the degrees of disadvantages based on specific factors, it does not offer a comprehensive system of mapping backwardness arising out of the variety of socio-economic factors that have been causing the differential development among the various groups and individuals. This scenario leads us to explore for a more comprehensive system.

Amarnath Mohanty[2] examines the two prominent perspectives and attempts to construct a new perspective that is more in sync with recent ethical theories, cross-time values, narrative perspective, historical context and organic unity. The two prevalent perspectives are (i) forward-looking perspective and (ii) backward-looking perspective. The former focuses on what needs to be done now rather than on what had happened in the past while the latter focuses on making reparations for the injustices heaped on the marginalised sections of the society. Mohanty examines the merits and demerits of both perspectives, explores a synthesis in the context of social transformation envisaged in the post-independence era and the need for justice and equity to the marginalised sections of the society without hampering overall social harmony. The paper gives an ethical basis for re-looking at the affirmative action; it has not however, suggested any specific initiative or model in that direction.

Pradipta Chaudhury[3] examines the question whether the true benefits of reservation have percolated to sections that really need them. Chaudhury argues that reservations have been used as tools to absorb the privileged sections of the lower castes into the ruling classes. The author contends that there is a clear lack of sincerity in ensuring that the benefits of reservations reach the deserving. The author also says that the scheduled castes and scheduled tribes are treated as homogenous masses and there is no attempt to identify the different capabilities and needs of the different segments within. These contentions can be debated, but the fact remains that there is definite need to probe whether the benefits are reaching the targeted sections. The paper is a pointer to the dire need to map the differential needs and to monitor the delivery system which is predominantly absent in the present context.

Habib Khorakiwala[4] argues that creation of opportunities in the economy would bring down the negative impacts of the job reservation system. His article is written in the context of the debate for extending the job reservation system to the private sector. He seems to argue that if the size of the 'cake' of educational and job opportunities do not increase vis-à-vis the growth in the population of the seekers of educational and job opportunities, the reservation system will only make the shortages more acute thus leading to social tension and disharmony. His suggestion is to facilitate a much faster growth in the size of the 'cake'. While his thoughts reflect some aspects of economic reality, it is necessary to enhance the capabilities of the marginalised sections so that they

are able to access the opportunities being created in the economy. Khorakiwala's article touches upon some relevant aspects of bringing about equity, justice and social harmony, but it does not offer any comprehensive approach or a basis upon which tangible initiatives of affirmative action can be built upon.

Vani K Borooah and Amaresh Dubey[5] have studied the regional disparity or deprivation level from the perspective of the smallest geographical unit for which data is available: the district. They have used an index for this purpose. In terms of methodology it is consistent with the human development Index developed by the United Nations. It examines deprivation from a broader perspective than that of income. It looks at six indicators of district level deprivation: poverty rate, food scarcity rate, literacy rate, infant mortality rate, immunisation rate and sex-ratio among the 0-6 year olds. In another study Planning Commission[6] has identified the 100 most backward districts using an index that has six indicators namely [i] incidence of poverty, [ii] education, [iii] health, [iv] water supply, [v] transport and communication and [vi]degree of industrialisation. Bibek Debroy and Laveesh Bhandari[7] studied district level deprivation using an index that is constituted out of six variables namely [i] poverty, [ii] hunger, [iii] infant mortality, [iv] immunisation, [v] literacy and [vi] elementary school enrolment. Using this index they identified 68 districts as the most backward. These studies are different from what we are looking at; they have focussed on district while we are concerned with individuals and marginalised sections. All the same they are pointers to the possibility of using appropriate indices.

Similar indices are in vogue in other countries too. New Zealand uses an Index of Deprivation[8] constituted out of 9 variables from the Census data to map the socio-economic status of small geographical units called meshblocks. These indices are revised periodically; the ones in use now have been developed in 2004. In England, Index of Multiple Deprivation 2004[9] [IMD2004] is used as a measure of multiple deprivation at the small area level. It considers seven domains of deprivation: income, employment, health, disability, skills and training, barriers to housing services, living environment and crime. The Office of the Deputy Prime Minister commissioned the Social Disadvantage Research Centre at the University of Oxford to update the Indices of Deprivation 2000 [ID2000]. Based on extensive research and consultations it has developed the new version called IMD2004.

CACI Ltd, a leading consumer and market analysis company of UK has developed a consumer classification system[10] that classifies consumers into 57 broad types based predominantly on census data. The system, known as ACORN, groups and analyses significant economic and cultural factors like age, family structure, ethnicity, likely spending, ownership of goods, readership etc. It categorises 1.9 million UK postcodes using 125 demographic statistics and 287 lifestyles making it a powerful discriminator for any type of consumer analysis. The classification system is extensively used by market researchers and analysts in UK. Indian Readership Survey[11] [IRS] has made a classification of the Indian households based on the occupation and educational level of the chief earner of the household. This is called the Socio-Economic Classification [SEC], which is mainly used by market planners to target market before launching their

new products. SEC is made to understand the purchase behavior and the consumption pattern of the households. Each of these classifications is developed with specific purposes. Their successful usage is proof to the feasibility of creating special purpose indices to measure and map specific aspects of the population.

National Knowledge Commission feels that the disparities in educational attainments is not only related to caste and social groups, but are also strongly related to other indicators like income, gender, region and place of residence etc. So deprivation of educational opportunities, it feels, is a multi-dimensional problem; to address this situation National Knowledge Commission feels that a proactive index is desirable.[12]

II

Objective

The objectives of this paper are to
   a. Develop a working definition for backwardness [or deprivation] of a community at any given point of time. This definition must lend itself to measurability either in absolute or in relative terms or both.
   b. Develop a deprivation index which can be the basis of mapping the deprivation of an individual at any given point of time. This index must be robust enough to become the basis of measurement and comparison.
   c. Suggest an organisational framework to plan, implement and monitor the affirmative action initiatives.

Premises

Backwardness or deprivation has many dimensions. This paper perceives it as a socio-economic phenomenon and restricts the focus to sociological and economic dimensions. Sociological factors and conditions tend to be more significant and primary compared to economic factors and conditions in terms of their impact in leading to the backwardness of an individual and his community.

Backwardness is not a state function; it is a resultant of the socio-economic factors and conditions that an individual and the community have gone through over a long period, stretching over generations.

Backwardness is a relative concept; so its measurement will be in relative terms. Current economic conditions would offer us an indication and a measure of backwardness in quantitative terms. For instance the gross annual income of a person would be a meaningful indicator to his economic conditions. Social status would have to be indicated in qualitative terms. Social values and norms of the society as well as the social grooming and acceptability of the individual would form major part of the criteria in establishing the social status of the individual. For instance what is the relative social status of a farmer vis-à-vis a teacher or a carpenter? Social norms and values of the society at a

given time come into play in deciding this. Further, these can be defined only in relative terms.

These observations lead to postulating the following three basic premises in the Indian context.

1. Caste based social hierarchy is the most critical factor that caused differential development. It decided the position of the individual in the social hierarchy; it decided the occupation of the individual; it decided the educational, economic and other social opportunities available to the individual. Thus it restricted and negated the free and natural growth of the individual. Hence in mapping the extent of deprivation this factor will be the most critical factor.
2. Social and educational status of the parents is the next critical factor in seeking and providing educational, social and economic opportunities to the children. The more socially conscious and more educated the parents are, the more inclined and dedicated they will be in providing better educational and other opportunities to their children.
3. The third critical factor is the economic conditions. This factor decides the ability/affordability of the parents to provide better educational and other opportunities.

Better social status does not guarantee good economic conditions; but it has the potential to achieve better economic conditions. Better economic conditions can lead to better social status, though very often in a gradual manner. *The velocity of transition from better social status [and poor economic conditions] to better social and economic conditions is likely to be faster than better economic conditions [and poor social status] to better social and economic conditions.* This conclusion is a reflection of the postulate that social conditions are more significant and primary than economic conditions in the determination of the degree of backwardness.

The process of coming out of backwardness would have one or more of the following component-events:
- Change of the context in terms of migration from rural to urban area.
- Acquiring higher education leading to change in occupation/profession
- Substantial increase in income level leading to improved financial status

A combination of some of these component-events is necessary, but not sufficient, condition for improvement of the overall welfare and well being of an individual. If they are able to bring about substantial improvement in the economic conditions and thereby lead to better social status of an individual, then we could say that the individual is on his way to coming out of backwardness. If we are able to map this transformation in terms of tangible parameters, quantitative or qualitative, and if we define certain threshold limits for backwardness, then we have defined the exit-route out of backwardness.

Working Definitions and Metrics

A community is considered backward if its position in the society is relatively far behind the positions of majority of the communities of the society.

We accept backwardness as a socio-economic phenomenon. We need to define methods of measuring the social conditions and economic conditions of any community. We also need to define the threshold limit of backwardness.

Social backwardness can be measured in terms of the relative status of the community vis-à-vis other communities in the society. This assessment has to be a collective perception of the social values and norms of the society at a given point of time. This assessment is contextual and temporal: it is valid with respect to a given community in a given society at a given point of time.

> Such an assessment on the sociological factors will have to be very comprehensive study based on highly specialised expertise. The output of such a study would ideally give [a] a listing of all the community-segments and [b] a hierarchical/relative order of the community-segments to facilitate gradation on an ordinal scale. Various reports of special Commissions engaged by Govt of India from time to time can be treated as surrogates for such studies; the findings of such reports can be re-organised to produce the hierarchical/ relative order.

Economic backwardness can be measured in terms of the collective per capita income level of a community vis-à-vis the collective per capita income level of the society. It is feasible to asses the collective income level of a community and hence it is relatively easier to assess economic backwardness. This assessment is also temporal.

In the current Indian context, backwardness is determined by specialised commissions appointed by Govt of India at different points of time. These commissions and their reports have not explicitly stated that their observations are temporal; hence these observations are very often taken as permanent. This is not a fallacy on the part of the Commissions but on the people who take them as permanent. These reports have essentially looked at the sociological dimensions of backwardness. None of them have attempted to define or measure the economic dimensions of backwardness. With better technologies available it has become easy to attempt this aspect also.

III

Deprivation Index

Is it possible to create a Deprivation Index that can be used as a barometer to measure the backwardness of an individual at any point of time? If yes, such an index will form a

convenient base for instituting any form of affirmative action. This paper attempts to create a Deprivation Index based on three dimensions of backwardness.

      a. Sociological dimension
      b. Occupational dimension
      c. Economic dimension.

Sociological dimension is considered the most primary dimension because of its overriding and significant impact on the backwardness of an individual as well as a community. Occupational dimension is considered to be significant emanating from the social structure of the society and also because a change in occupation has much to do in achieving education and skills as well as a change in social status. Economic dimension is considered subordinate and to a significant extent consequent upon the other two dimensions.

The sociological dimension is to be captured from the most recent comprehensive study on backwardness available at any point of time. The data from such a report is converted into a numerical rating for a community between 1 and 9 [*Community Index*]. 1 will represent the most backward of the communities and 9 will represent the least backward communities of the society.

The occupational dimension will be captured through a numerical rating between 1 and 9 [*Occupation Index*]. Again 1 will represent the occupations perceived by the society as being the lowest in terms of socio-economic status. 9 will represent the occupations that are perceived by the society as the highest in terms of socio-economic status. These ratings also will depend extensively on the latest comprehensive study available on the backwardness and the latest census data. Special efforts will have to be made by an independent agency to create a hierarchy of the occupations in the society. And this hierarchy will have to be reviewed frequently, say in every 10 years, to ensure that it represents the changing social values, norms and aspirations.

The economic dimension is captured through a comparison of the per capita income levels. A percentile score in two digits is considered most appropriate [*Income Index*]. A score of 99 would imply that the annual income of the individual stands above the income of 99 % of the population. Similarly a score of 47 would indicate that the income of the individual is above the income of 47 % of the population.

While the three indexes together would capture major part of the phenomenon of backwardness, it is necessary to map one more aspect of it. Backwardness, it is sated earlier, is not a state-function; is a resultant of the socio-economic conditions that an individual and his/her family have been brought through over the generations. This can be termed as the *lineage factor*.

The *lineage factor* is proposed to be measured in terms of the occupations and the resulting social status of the previous two generations of the individual. For this purpose, Occupation Indexes of the immediate past two generations of the individual [based on the latest/last occupation held by each] are added up. If the total is

a. less than 10 then the Lineage factor is 0
b. 10,11,12,13 or 14 then the Lineage factor is 1
c. 15,16,17 or 18 then the Lineage factor is 2

The Lineage factor is to be added to the Community Index to capture the benefit of better family upbringing the individual has had. This process of adding the Lineage factor to the Community Index implicates better social status to the individual commensurate with the better occupations and social status his fore-fathers had acquired vis-a-vis the rest of the community. This has the impact of pushing up the overall Deprivation Index significantly; this is in tune with the decrease in the level of backwardness of the individual.

It is possible to provide for other factors and special circumstances into the index. Some of them can be:
a. A child who has lost a parent or who is an orphan
b. An off-spring of a cross community marriage

To keep the model simple none of the above are built into the system at this stage. These can be explored at a later stage.

---

4 - Digit Deprivation Index

X	Y	Z1	Z2

First digit from the left represents the *Community Index*
Second digit from the left represents the *Occupation Index*
Third and Fourth digits from the left together represents the *Income Index.*

Community Index is a reflection of the collective perception of the status of the community in the caste hierarchy at a given point of time. This is developed from the comprehensive studies/reports available on the backwardness of the communities from time to time. All communities are listed and rated in terms of the perception of their social status; these are grouped and ranked between 1 and 9. This index has to be reviewed at periodic intervals based on fresh studies and census data.

Occupation Index is a reflection of the perception of the social status of the individual and his family at a given point of time and space. All possible occupations are to be listed and rated in terms of the perception of the resultant social status. Then they need to be grouped and ranked between 1 and 9.

Income Index is captured as a percentile score of the individual's income considering the income of all the individuals in the country.

IV

<u>Frame-work for Implementing and Monitoring the Affirmative Action Strategy</u>
In order to effectively plan, implement and manage an affirmative action strategy an organisation or machinery is required to be created at the macro-level. This machinery would need the following elements:

i.   An overall *<u>supervisory organisation</u>*, preferably with statutory powers to plan, implement, monitor and modify the various strategies.

ii. The Supervisory Organisation must have non-partisan, a-political and perhaps non-governmental *<u>Board of Members</u>* characterised by eminence, wisdom, integrity and credibility.

iii. The supervisory Organisation must have the following wings

    a.   A *<u>Policy Planning Wing</u>* that will continuously formulate various plans and programs of affirmative action.

    b.   A *<u>Research & Monitoring Wing</u>* that will continuously study the impact and effectiveness of the initiatives vis-à-vis the objectives, explore alternatives and benchmark with initiatives elsewhere. The Research Wing either independently or along with other professional agencies would undertake various research activities in tune with the objectives of the organisation. It will also support the Supervisory Organisation in carrying out the various studies of monitoring and evaluation.

iv. The Supervisory Organisation must have a set of well-defined processes to [a] identify the target segments, [b] measure the benefits and impacts, [c] include and exclude segments based on definite eligibility criteria. The main thrust areas will have to be

    a. Measurement of backwardness

    b.. Defining threshold limits based Deprivation Index for inclusion and exclusion

    c. Commissioning comprehensive studies to assess the socio-economic status of the society.

    d. To interact proactively with the Census authorities to design and manage relevant data collection.

    e. Determining the periodicity of such comprehensive studies.

    f.. To assess the effectiveness of programs and initiatives.

    g. To formulate new policies, initiatives and programs to achieve the objectives of the Commission.

<u>The Supervisory Organisation:</u> Considering the importance of the task ahead, it is necessary to create the *<u>Human Development Commission [HDC]</u>* through an act of Parliament. This would be similar to the Union Public Service Commission [UPSC] or the Competition Commission. The objectives of this Commission are to eliminate socio-economic backwardness, to ensure equal opportunities to every citizen and to ensure

equity and justice to one and all. This must be an apolitical body with a permanent secretariat; it must have offices/branches in every state and region to be able to be in touch with each and every region and its aspirations. It must be organised professionally so that it is competent to create, implement and evaluate policies and programs on a continuous basis.

The process of legislation to create the HDC envisages creating certain threshold level of political awareness and hence is likely to take time; so it would be prudent to initiate the work under a non-government and non-profit organisation with support from government, academia, charitable institutions, corporate entities etc. Simultaneously efforts must be made to push for the legislation.

Technology as an Enabler: Technology would play a major role making this concept of mapping and monitoring backwardness feasible. It would enable the rating of the communities to arrive at the community Index, creating the Occupation Index and the Income Index thus paving the way for creating the Deprivation Index. Internet technology and web-access would facilitate generating as well as updating the deprivation index at any point of time and space. It would eliminate the prospects of human error and would bring in the elements of speed, dexterity, sophistication and volume that are needed in catering to a large-sized target audience.

Conclusion

India with its immense diversity and legacy of slavery, calls for enormous efforts in bringing about social justice and equity. Providing reservation in educational institutions and govt jobs is a good a starting point; but it is grossly inadequate in ensuring the objectives. Lot more initiatives, programs and efforts are required, for a long time to come to bring in some semblance of social justice. Such initiatives would need support from all segments of the society and they need to be structured and founded on stronger footing. This paper has attempted to provide such a basis.

The system suggested in this paper is not a substitute to the present system in existence; it is designed to supplement the existing system. This needs to be implemented along with the present system of affirmative action. It is expected that gradually the new system which is more scientifically designed will take command and pave way for a hybrid system that will guarantee far higher measures of equity and justice.

Removal of backwardness depends upon our ability to create newer and more opportunities to every class and skill level. Shortages of opportunities have been causing anguish and turmoil in the society. The faster and the more we create opportunities, the faster we integrate the society, the faster we bring about social harmony, peace, justice and equity. The more robust and effective the affirmative initiatives are, the faster we will achieve our goals of social justice and equity.

End Notes
1. Deshpande, Satish and Yadav, Yogendra: Redesigning Affirmative Action: Economic and Political Weekly; June17, 2006.

2. Mohanty, Amarnath: Affirmative Action in India: An Alternative Perspective. Economic and Political Weekly; July28, 2007.
3. Chaudhury, Pradipta: The Creamy Layer: Political Economy of Reservations; Economic and Political Weekly; May15, 2004.
4. Khorakiwala, Habib: Break Free from Quotas, Creative ways to put in place affirmative action; Times of India, Ahmedabad; August14, 2007.
5. Borooah, Vani K and Dubey, Amaresh: Measuring regional Backwardness: Poverty, Gender and Children in the districts of India; MARGIN: The Journal of Applied Economic Research, Vol. 1 No.4, 403-440(2007)
6. EAS Sarma: Report of the Expert Group on most backward districts; Planning Commission, 1997. www.cseindia.org/programme/nrml/pdf/NREGA-backward-districts.pdf
7. Debroy, Bibek & Bhandari, Laveesh: District Level Deprivation in the New Millennium, Konark Publishers, New Delhi, 2003.
8. www.moh.govt.nz/moh.nsf
9. www.communities.gov.uk/archived/publications/communities/indicesdeprivation
10. ACORN   www.cacl.co.uk
11. Indian Readership Survey [IRS] is conducted by Media Research Users Council [MRUC], a non-profit organisation that conducts and validates media research. http://mruc.net/products/research.html
12. http://knowledgecommission.gov.in/downloads/documents/faq_he.pdf   This observation is made with reference to the Question no 14.