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ON

AFFIRMATIVE ACTION IN PRIVATE SECTOR WITH SPECIAL REFERENCE TO
SCHEDULE CASTE & SCHEDULE TRIBE: PROBLEMS & PROSPECTS

Affirmative Action is a broader concept that necessarily encompasses the *Reservation policy*, “*quota system*” and various other empowerment and development schemes and programs. As far as the constitutional and jurisprudential foundation of *Affirmative Action* is concerned, the constitutional principles of “*Equality and Justice*” are the two major jurisprudential and constitutional bases of *Affirmative Action* Policy. Generally speaking, there are three remedial strategies to achieve the objective under “Affirmative Action”- 1. Protective Strategy 2. Empowerment Strategy 3. Compensatory/ Reparation Strategy. As far as the underlying objective of the *Affirmative Action* is concerned, its objective is to bring about substantive equality and to impart justice to the historically disadvantaged sections of the society and to remedy the handicaps of prior discrimination impeding their access to public resources and the administration in a society where there exists forward and backward, higher and lower social groups. It is needless to say that the Scheduled Castes and Scheduled Tribes have faced the worst kind of exclusion in all walks of life in comparison with other subaltern sections of the society. It must be noted that if majority of the SC/ST population of the country is backward, languishing in poverty, subjected to atrocities, away from the mainstream, have no say in the power structure of the society and living in subhuman conditions. The position of SCs/STs has gone rather worse

during the past 20 years. In the year 1991 India adopted the Neo- Liberal Economic Policy i.e. the policies of economic liberalization, privatization and globalization (popularly known as LPG) and started pursuing it rigorously. In pursuance of the policy of LPG a majority of the public sector undertakings (including the education and health sectors) have been disinvested and privatized. LPG has generated mass unemployment of the poor people of the country, especially of the Scheduled Castes and Scheduled Tribes. A majority of the SC/STs employed in Govt./Public sector undertakings by virtue of the *policy of reservation*, have lost their employment. One of the most powerful bases of the demand for *Affirmative Action* in Private Sector is that there is nothing *private* about the Private Sector for the reasons- 1. A huge concessions and subsidies given to the so called *Private Sector* by the government such as granting of land at throw away prices and concessional registration charges, tax exemptions to the tune of lakhs of Crores of rupees. In view of this huge contribution of state in the growth and development of the private sector, many thinkers ask the question-when the winds of neo- liberal economy have caused the serious damage to the whole constitutional *Policy of Reservation* and *welfare state philosophy*, is there not a sincere and dire need to redefine the role of the Private Sector and the State both? The hypothesis is "***There is no genuine need for the extension of the Affirmative Action policy to the Private Sector of India***". For addressing the researcher has framed 21 research questions that have ultimately disproved the hypothesis. And finally, it has concluded that ***there is indeed a genuine and pressing need for the extension of the policy of Affirmative Action to the Private Sector for wiping out the historical sufferings, all pervasive inequalities and the socio- economic disabilities of the Scheduled Castes and Scheduled Tribes. And can be done very well by enacting a suitable law by the Parliament without any hindrances legal, Constitutional or otherwise.*** In the end of the study important suggestions have been given which are related to different aspects of the life of SCs/STs. These aspects are precisely related to atrocities and exploitation of SCs/STs, education, land, forest and agriculture, welfare schemes, business and employment etc.