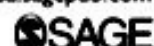


Difference and Reservation: A Reading of the Constituent Assembly Debates

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Abstract

The debate over 'Differences' and 'Disadvantage' in the Constituent Assembly which has shaped the mainstream political discourse on the abrogation of the preferential treatment policies for the religious minorities represents the de facto narrative of their restriction to the Scheduled Castes (SCs) and Scheduled Tribes (STs). This article shatters this de facto narrative to arrive at an actual one and argues that reservation in the public employment for the religious minorities was not abrogated because they were considered socially and economically less backward than SCs and STs but was abrogated in a surreptitious manner, a manner which did not take cognisance of the nationalist deliberations in the Constituent Assembly and the debate over the 'Differences' and 'Disadvantage', with no particular reflective influence of these deliberations and debates upon the form which the preferential treatment policies in India were to finally assume. The article establishes this disconnect between the deliberations of the Constituent Assembly and the form the preferential treatment policies finally assume in India.

For much of the previous century, differences between cultural groups have more often been castigated than appreciated, gone unrecognised, and been unacceptable and ultimately intended and attempted to be dissolved than desired to be maintained. In the contemporary politics, while it may not be possible to argue that the contemporary political philosophy has shifted its focus from the individual to communities and groups, the claims to differences between groups have, however, been accepted with much alacrity. Indeed, the shift from the individual

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