

Reservation in the Private Sector and Its Feasibility For Social Exclusion

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ABSTRACT

Caste is a value concept. There is always a correlation between Caste and Social position of a person. Unlike in the capitalist and socialist societies caste plays an important role in the Indian mixed society. Caste plays a key role in a caste based society in determining the social, political and economic status of a person. Today we can observe various issues in India based on caste. Private sector employment is one of the issues which have been in discussion now days. Reservation of jobs in private sector was the agenda of various political parties also, but private sector never allowed it. The Scheduled Castes and Scheduled Tribes are working in the private sector but no policy is framed to provide them equal opportunity for selection. This study highlights the work participation of Scheduled Castes and Scheduled Tribes in private sector. It also focused on studying views of employees and Management of Affirmative Action. The experience faced by employees regarding discrimination at workplace is also analyzed. The results show the situation of Scheduled Castes and Scheduled Tribes Working in Private Sector. Some suggestions based on the findings are given to improve the situation of Scheduled Castes and Scheduled Tribes in private sector.

KEYWORDS: PRIVATE SECTOR, CASTE DISCRIMINATION, AFFIRMATIVE ACTION, RESERVATION

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I. INTRODUCTION

Recognizing the problem of social injustice and exploitation pertaining to marginalized classes, constitution made specific provision for advancement of SC,ST and the socially and educationally backward class. The Directive principle of State Policy also state under the constitution put an obligation on to the state to "promote educational and economic interests of sc and ST and other weaker sections, and protect them from social injustices and all forms of exploitation" by enacting appropriate laws and policies. These provisions were translated into laws and policies by the state and the Reservation Policy (RP) was made applicable in legislature, employment and education in 1950.

When the reservation policy was first introduced in the early 1930s and formalized later in 1950, Ambedkar who pioneered this policy justified it primarily on grounds of citizen/human rights violation. Reservation Policy provide protection against discrimination in the spheres of employment, education and to bring about an improvement in their economic and educational status. The Indian state has used reservation policy in selected public spheres and confined to the government sector. However, unlike other policies for the poor, the RP faces constant resistance in one form or another, from some influential quarters. The vast private sector where more than 90 per cent of SC/ST workforce is employed opposes the reservation policy as caste related discrimination does not exist in social structure of India.

The private sector in India does not accept the policy or concept of reservations as appropriate to be implemented in their sector. Reservations are viewed as having a negative impact on the competitiveness and productive efficiency of the organization. Debates and discussion have thrown light on the fact that private sector companies have taken an active stand against using reservations as a strategy. There are hardly any SCs, STs figure in corporate hierarchies.

The various arguments of the private sector for non-representation of the persons from SCs and STs in white collar jobs includes merit, lack of technical knowledge, lack of knowledge of English, the status of the job etc. According to the industry, compensating on the qualifications for recruitment may hamper the productivity of the company by forcing them to hire incompetent workers.

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The government put pressure on the private sector to respond to the discussion about reservations there. Atal Bihari Vajpayee, the former prime minister, advocated for private sector reservation when he addressed the SC and ST members of parliament on December 19, 2003. Both the Congress and the Bharatiya Janata Party pledged in their election manifestos to initiate the process of implementing Affirmative Action in the private sector. This proposal has been included in the Common Minimum Programme since it appeared that the Congress and its coalition partners were serious about the matter. The United Progressive Alliance (UPA) government, which was led by the Congress Party, initially brought up the subject in 2004 and wrote to more than 200 distinct organizations and associations on the necessity of job quotas or reservations in the private sector. Few people responded to the letter, offering to execute the suggestions in lieu of financial aid, tax reductions, and other benefit.

The International Labor Organization Declaration on Fundamental Principles and Rights at Work, adopted in 1998 reiterates the need to ensure Equality of Opportunity to those in special needs. "Whereas, in seeking to maintain the link between social progress and economic growth, the guarantee of fundamental principles and rights at work is of particular significance in that it enables the persons concerned, to claim freely and on the basis of equality of opportunity, their fair share of the wealth which they have helped to generate, and to achieve fully their human potential. One of the four categories to advance the Principles of Rights at Work is eliminating discrimination in respect of employment and occupation. All of the participating nations reaffirmed the necessity of organizing and supporting local, national, and international activities aimed at resolving the issues, and of promoting effective policies targeted at creating jobs for various social groups. However, both national and international mechanisms appear to be ignored when it comes to enacting a policy in support of the weaker sectors.

Another significant justification for the demand for reservation in the private sector is the fact that the government provides safeguards to the private sector to advance its business, strengthening grounds for the promotion of commerce and trade. The improvement of enterprises established by individuals, i.e., the private sectors, is facilitated by the government's foreign policies and export-import policies. It is feasible because of government policies. Therefore, it is expected from the private sector to fulfil their social responsibilities. Even though private sectors use public funds via public financial institutions, there is no reservation for SCs or STs there. As the upliftment of the weaker groups is a proclaimed goal of our nation, "reservation in the private sector" is a component of both the public and private sectors' social responsibilities. It is nothing more than the accomplishment of constitutional objective of the Principle of Distributive Justice that is established in numerous articles and clauses of the Constitution. If the private sector isn't carrying out its social obligation, then the government should enact such provisions through legislation.

Despite the several constitutional provisions, government schemes and policies that exist, stark discrimination was portrayed by data elaborating literacy and employment rates amongst the Scheduled Castes. This signifies the existence of intense social barriers at various levels which exercise caste discrimination. To what extent does the private sector acknowledge this reality and devise suitable mechanisms for redressal is a question this study would aim to address.

PROVISIONS FOR THE SCHEDULED CASTES IN THE INDIAN CONSTITUTION:

As per the Indian constitution, Article 15, which prohibits discrimination, also contains a clause allowing the union and state governments to make 'any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes.'

Article 16, calling for "equality of opportunity in matters of public employment," contains clauses permitting the 'reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State'

Article 46 of the Constitution states that, 'The State shall promote, with special care, the education and economic interests of the weaker sections of the people, and, in particular of the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of social exploitation'.

Regarding the reservation of jobs, Article 335 of the Constitution mandates that the 'claims of the members of the Scheduled Castes and Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration.'

Constitutionally, Affirmative Action takes the form of a number of provisions and programmes formulated for the Scheduled Castes in the public sector. These practices are manifested in mainly three spheres

- Appointment and promotion in government services,
- Admission to public education institutions, and
- Seats in the legislature

In government services, there are reservations for Scheduled Castes and Scheduled Tribes in proportion to their share of population, in the civil service, public companies, statutory bodies, and voluntary agencies - though not in defence or the judiciary. In education, the government reserves places for Scheduled Castes and

Scheduled Tribes students in all government-run educational institutions. In political representation, constituencies are reserved for Scheduled Castes and Scheduled Tribes in Central and State legislatures in proportion to their population share. Apart from this, in each case there are complementary provisions designed to increase the capacities of Scheduled Castes and Scheduled Tribes so as to be able to take advantage of the opportunities offered.

A number of schemes and policies are formulated for the welfare and benefit of Scheduled Castes. There also exists a National Commission for Scheduled Castes and Scheduled Tribes to investigate, monitor, advice, and evaluate the progress of the Scheduled Castes and Scheduled Tribes under the schemes aimed at the socio-economic development of these groups.

Even though the Constitution of India provides a blueprint for an egalitarian society based on the premise of equality and justice, one cannot just erase or cancel out age-old inequalities by simply adopting new principles in a Constitution. Something more needs to be done to reduce the inequalities of the past. Special privileges are essential for retrieving the Scheduled Castes from the deep sense of injustice, prejudice, and existential marginality, and enable them for decent human existence.

STATEMENT OF PROBLEM

The private sector in India does not accept the policy or concept of reservations as appropriate to be implemented in their sector. Reservations are viewed as having a negative impact on the competitiveness and productive efficiency of the organization. Debates and discussion have thrown light on the fact that private sector companies have taken an active stand against using reservations as a strategy. There are hardly any SCs, STs figure in corporate hierarchies.

Negative management attitude never allow the persons from SC/ ST communities to take opportunities of advancement. The white collar jobs are always go in the hands of upper caste persons because of the prestige related with the job. There are hardly any SCs, STs figure in corporate hierarchies.

OBJECTIVES OF RESEARCH

- To study the possibility of introducing Reservation in Private Sector.
- To identify Affirmative Action programmes for specifically the SCs/STs in a private sector company.
- To understand the strategies of Affirmative Action for the SCs/STs adopted by organization.
- To explore the perceptions/views of employees of private sector about affirmative action programmes.
- To suggest necessary reforms to implement reservation policy in private sector for SC/ST.
- To assess the opinion of private sector for reservation.
- What is the available legal policy for introducing Reservation Policy and if not any policy exist then why?

II. RESEARCH METHODOLOGY

The researcher will be undertaking an explorative and Qualitative study. It is an explorative study in the sense that it seeks to study and investigate areas and issues that have not been thoroughly investigated or studied in the past. It is a qualitative study in the sense that it primarily includes understanding the subjective perspective of Private Industries. It is a study that is designed not to test given theories but to develop theoretical understandings.

Qualitative approaches in social research are most associated with the interpretative perspective. Qualitative approaches in social research are most associated with the interpretative perspective.

Keeping in mind the anticipation of multiple views perspectives and realities in the course of researching on this topic, I understood the qualitative, interpretive methodology as the most appropriate to study about Affirmative Action for the Scheduled Castes in the Private Sector. y. The aim of this research is not testing but building theory. This study requires a 'research-then -theory' approach which is facilitated by the qualitative methodology.

The universe of the study includes the scheduled caste and scheduled tribe employees working in the private sector in Delhi NCR region.

SOURCES OF DATA:

The data serves as the base or raw materials for analysis. Without an analysis of factual data, no specific inferences can be drawn on the question under study. Inferences based on imagination or guesswork cannot provide correct answers to research questions. The relevance, adequacy and reliability of data determine the quality of the findings of a study.

1. Primary Source: Primary sources of data are original sources from which the researcher directly collects data that have not been previously collected. Primary data are first-hand information collected by the researcher.

The primary sources of data were 50 persons working with various MultiNational Company who belonged to different managerial and employee levels within the company.

2. Secondary data: Secondary sources are the ones containing data, which have been collected and compiled for another purpose. The secondary sources consist of readily available compendia and already compiled statistical statements and reports whose data may be used by researchers for their studies.

Newspaper clippings, online reports and literature available have been the secondary data sources for this study.

SAMPLING:

For this study, the sample size was 50 respondents which included –

- 38 employees
- 12 persons from the management wing

For this study, interviews were unstructured and an interview schedule was used as a guide. The tactics of probing was utilized for the participants to disclose more information regarding the process of the Affirmative Action programme and various related perspectives. Different interview schedules were prepared for different sets of people who I intended to interview.

EMPIRICAL FINDINGS

All data amassed through the opinionative and suggestive portions of the Schedule were compiled and collated accordingly.

CASTE DISCRIMINATION IN INDIA

• In order to design any sort of programme or action plan for the welfare and development of the Scheduled Castes, a situational understanding of the Scheduled Castes and their position in society is necessary. The views of the Management/ Employees on caste discrimination in India today was hence recognized as significant in tracing the approach to Affirmative Action programmes for the SCs/STs. All respondent agrees that discrimination on the basis of caste is still prevalent in India.

• One respondent says that a section of society don't have access to quality education. The management brought forth the varying elements and ways in which caste discrimination occurs. For example, one of the respondents said that it is discriminatory to assume that it is sufficient if the lower castes attended government schools. The lack of access to quality education and the notion of government schooling as being 'sufficient' was understood as discriminatory by this respondent. Another respondent claimed that it is discrimination when persons of the lower caste try to enter a five-star hotel and are stopped.

• According to one respondent, differentiation on the basis of competency happens automatically but differentiating on the basis of caste is discriminatory. This shows that not only is there an acceptance of hierarchy constructed on the basis of 'competency', but also competency and caste identity are perceived as two different, unrelated aspects. However, according to D.Parasarathy, there is a clear co-relation between one's caste identity and 'competency' as defined by the corporate sector².

• A respondent says that employment on the basis of reservation will lead to incompetent candidate selection in industry that will hamper the profit making efficiency of company. It shows that indirectly the discrimination exist in employment in private companies.

• The constant accent with which the anti-reservation sentiment is expressed is evident across the views of many respondents. Reservations are understood to be negatively impacting the efficiency and productivity of the industry³ and hence something they would want to maintain much distance from.

• It is evident that the approach to designing Affirmative Action programmes in the private sector is built on incomplete understanding and knowledge of the realities of caste and discrimination. This phenomenon of 'incomplete understanding' could be intentional since that would mean that the industry would be lesser answerable to the demands of reservations or Affirmative Action programmes in the private sector. If the issue itself is not recognized or the significance of it is conveniently minimized, the pressure on the private sector is automatically reduced. This seems to be a tactic used by the corporate sector to minimize the responsibility that they have to bear in order to portray to the public and the government that they are being sensitive to responding to the needs of SCs/STs employment in the private sector.

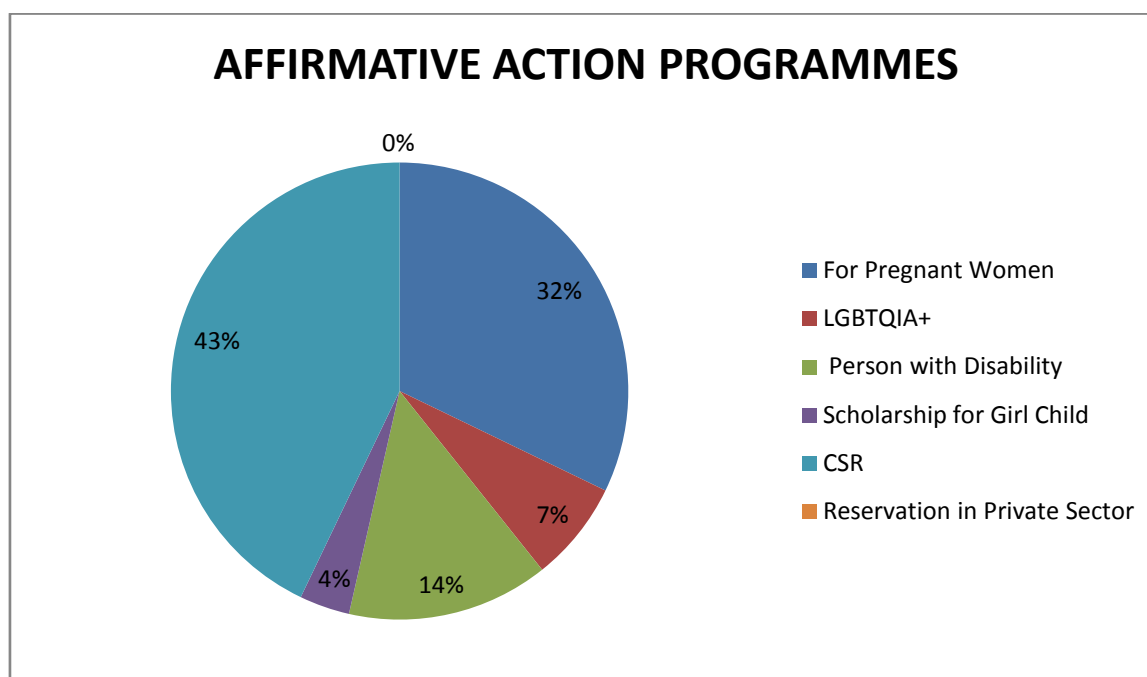
VIEWS OF MANAGEMENT/ EMPLOYEE ON AFFIRMATIVE ACTION

Out of 50 respondents, the researcher found out during the survey that Affirmative Action programmes were available for different societal needs within the Company. The company has setup a special mechanism for enforcing the Affirmative Action policy for its employees.

² Reservations: Towards a larger perspective

³ Implications of Reservations, Economic & Political Weekly, Vol. 40 No. 08, pp. 745-749.

The researcher analysed various parameters and found that none of the companies have policy for introducing the reservation in private sector. Although the companies have formulated the policy for upliftment of women, Disables person, girl child and other section of society. The reflection below represent the opinion of respondents regarding commitment of company toward community through positive actions.



VIEWS/ OPINION ON RESERVATION

- Amongst the management, almost all the respondents were against reservations. One respondent said, ‘Maybe. If data says there is differentiation then we can’t help but consider it. Especially in the education sector, given the number of gaps, if reservations are seen as the answer then so be it’. This response portrays a sense of apathy that the respondent really doesn’t care much about whether there are reservations or not. According to him, if statistical data signifies the need for reservations, ‘then so be it’. However, this response is with specific regard to reservations in the education sector. When asked about his views on reservations in the private sector, he strongly opposed it.
- According to the Management respondents, the Scheduled Castes ‘must be helped, but not through reservations. Instead of reservations, we need to give them more time and attention and more inputs to grow, provide for adequate training, mentor them and facilitate role modelling’.
- The management respondents understand Affirmative Action as different from reservations by virtue of Affirmative Action laying much emphasis on competency and inclusion rather than simply allotting seats which compromises on competency, ability and intelligence. Reservations are understood as suggesting an alternate path to the SCs irrespective of competence while Affirmative Action provides for learnability and ‘completeness’. Reservations are considered a tag that is de-motivating by itself since it connotes labels such as ‘incompetent’ and ‘incapable’. The management respondents understand Affirmative Action as different from reservations by virtue of Affirmative Action laying much emphasis on competency and inclusion rather than simply allotting seats which compromises on competency, ability and intelligence. Reservations are understood as suggesting an alternate path to the SCs irrespective of competence while Affirmative Action provides for learnability and ‘completeness’. Reservations are considered a tag that is de-motivating by itself since it connotes labels such as ‘incompetent’ and ‘incapable’.
- One of the respondents for example said that reservations must continue and must reach the people who really need it. Another said, ‘I cannot say reservations are wrong’.
- However, all respondents strongly state that no such reservations are required in the private sector. Private sector is does not work on the same path as public sector. ‘We cannot compromise on quality’ says a respondent – jobs in the private sector ‘must be purely on merit’. This is because the jobs in the private sector are role based and require particular skill sets. Another respondent says that private sector jobs involve dealing with international clients for which a particular standard and quality of work input is required and this cannot be compromised on allowing for reservations. Reservations are understood as defeating the purpose of merit and

efficient working in the private sector. One of the respondents suggest that within the organization, measures could be taken to ensure 'equal footing' but this must not be seen as help but as the company's responsibility.

- There is a conscious distancing of the respondents from the public sector of development. The private sector is viewed as separate from and functioning extremely differently from the public sector grounded on the debate of merit, efficiency and reservations. The respondents portray varying degrees of 'social irresponsibility' as they stand several stands for and against reservations in the public and private sector.

EXPERIENCE OF EMPLOYEES AT WORKPLACE

- All the respondent claimed that, no segregation exist in the premises of office on the basis of caste.
- One respondent says that, person come to private sector only when they didn't got job in public sector. So any kind of reservation here will be limiting the opportunity to get employed.

- One respondent said that if we implement reservation in private company today, we must demarcate when to end and how many times a candidate will get the reservation. He said "*reservationchakravyuh ki tarahhai, hum benefit letetohhai par iskokabtaklena ye naipata aur azaadike 75 saalbhi hum caste system khatam naikarpaye*".

- Even though 'untouchability' so as to speak is not being practiced, there still are underlying discriminatory beliefs which create friction and discomfort for persons by virtue of having been born into a particular caste and hence having utilized the constitutionally guaranteed rights. Much of these debates and concerns root from varying views of different sections of society on the constitutionally available provision for the SCs/STs.

III. RECOMMENDATIONS AND SUGGESTIONS

There is a need to formulate and implement a Affirmative Action programme for giving Special Training to candidates belonging to SC/ST category by MNCs. The mapping of Special Training Programme is in accordance to the response of employees. The STP is to impart technical training and behavioural skills training to the Special socio-economic background people where the participants were to receive 'Best-in-Class', industry oriented training. Extensive hands-on lab sessions would expose the participants to real-life industry experience. High quality infrastructure which includes classroom, adequate classroom facilities, laptops, stationary, security, food and beverages, photocopying machines were considered necessary and to be provided for.

These programmes lay much emphasis on 'behavioural' and 'soft' skills and are aimed at making the students 'Industry Ready'. The training involves focusing on cleanliness, confidence building and corporate etiquette. Human beings are trained together to be eventually produced as a particular 'products' from which industries can 'select candidates of their choice'. There are particular features and aspects of the strategies adopted which and various levels contribute towards maintaining the industry-centric approach of Affirmative Action for the SCs/STs.

Eligibility criteria for Special Training Programme and the process of selection: The criteria for persons to apply for the Special Training Programme was that they must belong to special socio-economic background(SCs/STs), must have B.E/B.Tech degree or degree in related IT related branches and must have minimum 55% marks in qualifying exam.

It would be on the basis of the above criteria that the applicants would be shortlisted for a written test. On the basis of the persons' performance in the written test would they be short-listed and invited to participate in the Special Training Programmes.

ASPECTS OF STRATEGIC INTERVENTION

The strategies that were used for the formulation and implementation of Affirmative Action programmes were determined by the following aspects:

- **Length of the programme:** The STP will include two and a half month foundation programme extended to being around 6 months of Special Training Programme. The programme will be designed with additional time and learning space for the students. Foundation Programme is usually the first programme that all employees should attend.

- **Encouragement:**The disadvantaged sections of the society are poorly represented in the IT sector today due to the absence of role models. People with success stories should be invited to share their experiences with the students. This strategy aimed at inspiring and encouraging the students to move forward and succeed in their endeavors.

- **Practical exposure and approach to work:**The programme was planned in such a way so that the practical application of the knowledge learnt was facilitated. The candidates were to practically apply the knowledge that they had accumulated.

Institutional visits to various MNCs can also be organized for the students to get a feel of the atmosphere of the private sector companies.

- **Taking responsibility:** By encouraging students to take responsibility for their own actions, they can practice actively for increasing confidence levels. Confidence is not something that can be taught but has to be practiced and this could be the strategy for that.
- **Feedback:** In order to take a feedback head of organization will visit to know not about how the students were learning but how the students were 'feeling'.
- **Out-bound Learning programme:** As a part of the Special Training Programme, the class is to be split into groups and was taken to some place for an out-bound learning programme. During this programme, games and role plays will be organized for through which the students learnt about team building, confidence and how to be a good team player.
- **Grooming session:** The Special Training Programme taught them 'how a person should be mature to enter the corporate world'. The grooming session is focused towards bringing about behavioral changes to the extent of altering aspects such as eating styles and manners of interaction. Authentic human and culture specific ways and mannerisms are aimed at being altered so as to make these students 'Industry Ready'. Providing SCs/STs with 'behavioral' and 'soft skills' training in order to make them 'employable' for companies in the private sector are aspects that highlight levels of moulding a person from the 'lower caste' with characteristics required by the industry and market.

IV. CONCLUSION

The larger question of this study was to look at programmes for Scheduled Castes within the structure of Affirmative Action in a company. To what extent is the discrimination against SCs/STs identified by private sector companies, what is being done about it and what are the strategies adopted to implement the same.

The private sector when posed with the question of reservations and the option of implementing the policy almost unanimously vetoed against. It was said that reservations would negatively impact the industry's efficiency and productivity. While exploring the views of the Management and employees on issues of caste discrimination, it was observed there prevailed an incomplete understanding of the realities of caste and discrimination. Such unawareness could be either unintentional or intentional and aimed at easing the load of having to be 'socially responsible' to be responsive to the issues of caste and discrimination.

The circumstance in the private sector is positioned in such a way that there is an outward conscious rejection of the identity of caste in the industry, yet at the same time, each individual enters the organization with different socialization patterns which ensue different levels of belief in the caste system, ingrained casteist practices and unconscious biases and prejudices. These aspects are not questioned or approached by the industry because the matter of caste discrimination is so deep rooted that it would cause much instability and turbulence to even approach it (as discussed by Gopal Guru in his article, Corporate Class and its 'Veil of Ignorance'). The core principle on which the private sector functions is not the popularly claimed 'merit and competency', but social stability and order, which is perpetuated by existing systems of caste, hierarchy and discrimination.

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