

F-22. Ethnic and district quotas

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Some countries have adopted policies and programmes which favour one or more categories of its population over others in selection to educational institutions, training programmes, allocation of contracts, land settlement, etc.

The categories may be defined in terms of racial classification, caste, tribe, linguistic group, gender or region of domicile. In some countries, the preferences are prescribed in accordance with clearly formulated schemes and identified criteria backed by laws and regulations; in some others, the prescription is less clear. The justification for such schemes is frequently explicitly articulated and reflected in the assigned title, e.g., affirmative action (in favour of certain minority ethnic groups and women) in the USA, protective discrimination (in favour of certain groups defined mostly in terms of caste and tribe) in India and Bumiputra, preferences (in favour of Malays and Tribals) in Malaysia.

Superficially, such schemes may appear to embody group rights as against individual rights and to uphold quotas or targets (based on ethnicity or gender or region) superseding merit. Some of these schemes may include these ingredients, e.g. certain sections of the Indian constitution prescribe reservations in respect of employment and educational opportunities for Scheduled Castes and Scheduled Tribes in proportion to their share of the population of India, and the Malaysian Constitution prescribes a wide ranging array of preferences for Bumiputras (Malays and Tribals). However, certain other sections of the Indian Constitution uphold individual rights as against group rights. In Sri Lanka, there is administrative provision (but no legislative prescription) for district quotas in University admissions and quotas based on racial classification in admission to the public services. The US Constitution upholds individual rights to the total exclusion of group rights. American affirmative action is based only on individual rights, even though it includes group based preferences for certain ethnic groups and women.

Is there any justification for reverse discrimination in any society? In particular, do the ethnic and district quota schemes in Sri Lanka serve a useful purpose?