

Positive Discrimination in India: A Political Analysis

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Abstract

In a plural society such as India the state generally faces demands from various caste, tribal religious and gender groups for social justice. Amongst such groups, the Scheduled Castes and Scheduled Tribes (SCs & STs), are treated as deserving cases for historical reasons and on this, therefore, a national consensus has emerged. There is no agreement among the political classes as far as the other categories are concerned. Yet as the demands on their behalf for inclusion in the affirmative action (positive discrimination in Indian parlance) categories have assumed serious political dimensions the state is under pressure to respond politically as and when the demands become persistent. In this article four such social categories, namely, the SCs & STs, the Other Backward Classes (OBCs), the minorities, and women, are analysed from a political perspective. The scope of the article is limited to an assessment of the scheme at the federal level. References to the experiences of individual states are occasional and are only by way of supplementing a point or so. Some questions have been raised about the future of the scheme if the Indian state is forced to increasingly withdraw from the social sectors under the requirements of liberalisation and globalisation of the economy.

Introduction

Any democratic society faces the challenge of harmonising two essentially contradictory political concepts--one, equality before the law irrespective of religion, caste, creed, race, and gender, and the other, social justice at the cost of the same commitment for equality before the law. Even a developed democracy like the United States is no exception to the rule and has taken recourse to affirmative action to ensure justice for the less privileged sections of the society at the cost of individual merit and equality of all citizens before the law. In India large numbers of people have experienced social discrimination through centuries on account of

Ethnic Studies Report, Vol. XV, No. 2, July 1997

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its peculiar institution called the caste system, efforts have been made to provide redress for these under-privileged sections, through the policy of reservations or quotas for them in jobs, seats in educational institutions and legislatures, and in governmental aid, loans and other developmental assistance.

In all, four under-privileged categories have either received benefits under the scheme or have been seeking such benefits, namely the Scheduled Castes (SCs) and the Scheduled Tribes (STs), the Other Backward Classes (OBCs), the religious minorities or sections thereof, and lately, the women. This article discusses these categories from a political perspective. Its scope however, is limited to assessing the schemes both under operation as well as under consideration, only at the national level. The experiences of different states have been referred to only occasionally to provide an example or to make a particular point.

Scheduled Castes and Scheduled Tribes

The need to discriminate positively in favour of the socially under-privileged was felt for the first time during the nationalist movement. It was Mahatma Gandhi, himself a devout Hindu and a staunch believer in the caste system, who was the first leader to realise the importance of the subject and to invoke the conscience of the upper castes to this age-old social malady of relegating whole communities to the degrading position of "untouchables". He also understood the political logic of inducting this large body of people into the political mainstream in order to make the freedom movement more broadbased. By renaming these untouchables as "Harijans" (people of God) he tried to give this policy a religious sanction so as not to disturb the traditional sensitivities of the caste Hindus more than was really necessary.¹

Gandhi's logic was not greeted with enthusiasm by all sections of the untouchables, most notably by their leader B R Ambedkar, who felt that it represented an extension of the patronising attitude of the upper castes, and no more than that. Against the background of the political conflict between the Congress and the Muslim League Ambedkar found the situation conducive to ask for separate electorates for the untouchables on the lines of the Muslim League. The British government had obvious reasons to support the demand and on 17 August 1932 it announced the Communal Award granting separate electorates for the depressed classes by treating them as a minority. Gandhi protested against the Award and went on a fast unto death if it was not withdrawn. His contention was that the caste Hindus would react violently to the

scheme and in rural areas which were dominated by upper castes the lives of the depressed classes would become even more miserable. Behind this argument of course was Gandhi's political understanding that it would weaken the freedom movement. Whether Gandhi was actually interested in bringing the depressed classes into the social mainstream of Hinduism or was just indulging in a political ploy to gain the support of these classes for the freedom movement without tampering too much with the Hindu caste structure has been a long debate which has become extremely acrimonious of late. The political crisis that Gandhi's hunger strike had triggered was resolved by the Poona Pact of 24 September 1932 signed between the non-Harijan Hindu leaders and Ambedkar. The pact was a compromise which provided for 148 reserved seats instead of the 78 separately elected members provided for by the Communal Award. It also granted certain privileges to the Harijans such as, educational opportunities, representation in services, and the franchise.²

It had become necessary to list the depressed castes for purposes of representation at the national and state levels. This schedule was prepared in 1936 after considerable difficulty following the passage of the Government of India Act, 1935. It covered 43.6 million people in all, which meant 28.5% of the Hindu population and 19% of the total population of British India.³ By the time of the census of 1941 the number had risen to 48.8 million. It was this list which the Constituent Assembly later adopted. At the 1991 census there were about 135 million SC people in India consisting of 15.75% of the population.

So far as the enumeration of tribes was concerned it was relatively easy because of their cultural and spatial specificities. Moreover, the British had already treated them separately for administrative purposes. Since the 1935 Government of India Act provided for the separate representation for the Scheduled Castes, separate representation for the "Backward Tribes" was a logical extension of the principle. Accordingly, a schedule of these tribes was also prepared.⁴ At the 1991 census they were about 66 million making up 7.75% of India's population.

Positive Discrimination

The Constitution of independent India which largely followed the pattern of the Government of India Act, 1935, made provisions for positive discrimination in favour of the Scheduled Castes and Scheduled Tribes (SCs & STs) which constituted about 23% of the divided India's

population. Besides reserving parliamentary seats for them they were given advantages in terms of admission to schools and colleges, jobs in the public sector, various pecuniary benefits for their overall development, and so on. The constitution indeed guaranteed the fundamental right of equality of all citizens before the law but it also categorically laid down that **nothing** in the constitution “**shall prevent** the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes”.⁵

Some of the constitutional provisions which aimed at positive discrimination are:

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| Article 17: | Abolition of “untouchability” and making its practice in any form a punishable offence. |
| Article 46: | Promotion of educational and economic interests. |
| Article 16 and 335: | Preferential treatment in matters of employment in public services. |
| Article 330 and 332: | Reservation of seats in the Lok Sabha and State Assemblies. |

Later, the job-related positive discrimination was extended to government-supported autonomous bodies. A 1974 Government order laid down that all such bodies which employed more than 20 people, and where 50% of the recurring expenditure was met out of grants-in-aid from the Central Government, and which received annual grants-in-aid of at least Rs.200,000 should invariably provide for reservation of SCs and STs in posts and services.⁶ The general rule which exempted the scientific and technical posts from the purview of positive discrimination was applicable to the autonomous bodies too.⁷

The Record

As a result of this policy of positive discrimination, there has been some improvement in the position of these people. In 1957, the percentage of SCs in the Class I Central Government services was a mere 0.7. By 1971 it had improved to 2.58%. So far as the Class II and III services were concerned the improvements were from 2.01% to 4.6% and 7.3% to 9.59% respectively. In 1947-48, only 650 scholarships were awarded to the SC students for post-school studies costing the state Rs. 540,000. But by 1973-74, the number of such scholarships had gone up to 270,420 costing the

exchequer over Rs. 120 million. Corresponding improvements were recorded amongst the STs as well. In 1993, of the 365 districts of India about 65 were headed by SC or ST Indian Administrative Service (IAS) officers. Several vice chancellors, doctors, engineers, lawyers and other professionals now belong to these categories.⁸

But the overall picture has not improved much. In the following Tables 1 to 5, some important data has been provided in comparative perspective. Table 1 shows that the disparity between the Dalits (a term which literally means the “down-trodden” and which is being used lately to connote the SCs) and others in literacy in terms of percentage points has remained more or less the same during the last four decades.

Table 1
Population of SCs and STs, their Literacy and Urbanisation as Compared to Others

	SCs	STs	Others	All groups
1961				
Population in millions	64.4	30.1	344.7	439.2
(1) as per cent of All Groups	14.7	6.8	78.5	100.0
Literacy rate (per cent)	7.5	5.1	28.8	24.0
Proportion (%) of urban population	10.7	2.6	20.7	18.0
1971				
Population in millions	80.0	38.0	429.9	547.9
(1) as per cent of All Groups	14.6	6.9	78.5	100.0
Literacy rate (per cent)	14.7	11.3	38.8	29.5
Proportion (%) of urban population	11.9	3.4	22.8	20.0
1981*				
Population in millions	104.8	51.6	508.9	665.3
(1) as per cent of All Groups	15.7	7.8	76.5	100.0
Literacy rate (per cent)	21.4	16.4	41.3	36.2
Proportion (%) of urban population	16.0	6.2	27.1	23.7
1991**				
Population in millions	138.2	67.8	640.3	846.3
(1) as per cent of All Groups	16.3	8.0	75.7	100.0
Literacy rate*** (per cent)	37.4	29.6	57.7	52.2
Proportion (%) of urban population	18.7	7.4	29.2	25.7

Note:

- * Excluding Assam where a Census could not be held.
- ** Excluding Jammu and Kashmir where a Census could not be held.
- *** Literacy rates are with respect to total population in 1961, 1971 and 1981, and with respect to only the population excluding children up to six years of age in 1991.

Source: M V Nadkarni, "Broadbasing Process in India and Dalits," *Economic and Political Weekly* (Mumbai), 16-23 August 1997, p. 2161.

This is much the same in respect of higher education, particularly scientific and technical education. Table 2 shows that the percentages of SCs and STs in these areas is still abysmally low. This point would be even more evident if it is compared with the workforce figures in Table 3. Where there are a large number of SCs and STs in the workforce they are mostly employed as workers in the lowest grades and in jobs which can only be described as menial.

Table 2
SC/ST/non-SC-ST as Percentage of Total Number of Literates with Technical Degrees or Diplomas Equal to Degree or Post-graduate Degree by Sex, 1981*

Educational level	SC	ST	Non SC-ST
Males			
Engineering and Technology	1.22	0.32	98.46
Medicine	2.03	0.51	97.46
Agriculture and Dairying	2.19	0.79	97.02
Veterinary	1.28	0.85	97.87
Teaching	2.30	0.67	97.03
Others	2.61	4.52	92.87
Total	1.76	0.50	97.74
Females			
Engineering and Technology	1.36	0.36	98.28
Medicine	1.68	0.67	97.65
Agriculture and Dairying	2.32	0.87	96.81
Veterinary	0.70	1.76	97.54
Teaching	1.13	0.54	98.33
Others	1.75	0.73	97.52
Total	1.23	0.56	98.21

* Excluding Assam where Census could not be held.

Source: O P Sharma, *Reservation: A Gimmick*, New Delhi, Kar Kripa, 1994, p. 36.

Table 3
Work Participation Rate, 1961-1991

Year	Total Population	SC Pop	ST Pop	Non SC/ST Pop
1961	42.96	47.06	56.64	41.00
1971	32.93	36.34	38.47	31.80
1981*	33.45	35.97	42.54	32.02
1991**	34.10	36.08	42.02	32.81

* Excluding Assam where Census could not be held.

** Excluding Jammu and Kashmir where Census could not be held.

Source: O P Sharma, *Reservation : A Gimmick*, New Delhi, Kar Kripa, 1994, p 18.

The employment ratio of the SCs and STs is even lower in the public sector undertakings (Table 4). While our data here is relatively old, they still reveal that even after almost three decades of independence the picture remains dismal.

Table 4
Comparison of SC and ST Employment in Government Service and Public Sector Undertakings, 1975 (%)

Class	Scheduled Castes		Scheduled Tribes	
	Government	Public Sector	Government	Public Sector
I	3.4	1.4	0.6	0.3
II	5.0	3.0	0.6	0.4
III	10.7	13.7	2.3	6.0
IV*	18.6	26.2	4.0	11.9

* Sweepers omitted

Source: Marc Galanter, *Competing Equalities: Law and the Backward Classes in India*, Delhi, OUP, 1984, p. 102.

What is particularly relevant to note is that most of the sweepers employed in the central government are still from the SC category (Table 5). Thus while the SCs and STs are not represented in proportion to their population at higher levels they are over-represented at the lowest level which was the exact situation traditionally and which was meant to be altered.⁹

Table 5
Representation of SCs in Central Government Services
 (as on 1 January 1994)

Group	Total	SCs	Percentage
A	59,016	6,046	10.25
B	1,03,198	12,443	12.06
C	23,81,613	3,74,758	15.73
D*	10,23,285	2,09,423	20.46
Sweepers	2,25,359	1,10,569	49.06
Total *	35,67,112	6,02,670	16.90

* Excluding sweepers.

Source: Government of India, Publications Division, *India 1995*, New Delhi, 1996. Cited in Kumar Suresh, "The Dalit Situation," *Mainstream*, New Delhi, 16 August 1997, p 24.

An Assessment

From the above data it is evident that there has been only marginal improvement in the lot of the SCs and STs. Social discrimination still persists even fifty years after independence and so does the stigma attached to persons belonging to such castes. The quotas earmarked for the SCs and STs are often not filled on account of the indifference of the heads of departments. According to the Chairman of the National Commission for Scheduled Castes and Scheduled Tribes, this is done systematically through a variety of subterfuges -- from destroying application forms from such persons, to filling up posts through *ad hoc* recruitment on the ground that there is a ban on new recruitment on a permanent basis. He is particularly critical of institutions of excellence in this regard : "These institutions are particularly resistant to SC reservation. Not one of them has filled the quota, including the Indian Institutes of Technology."¹⁰ They are also not filled owing to the non availability of qualified people even at the standards specifically lowered for these groups. For example, in 1980, the upper caste Hindus who made up 25% of the population held 89.63% of the Central Government jobs while the SCs & STs who made up for almost the same percentage of population (23%) accounted for only 5.6% of the jobs.

The primary reason for this depressing situation is that caste feelings still persist in Indian society which does not permit an egalitarian

approach to develop roots whatever the state might direct. Surprisingly, while the intermediate castes fight for their rights *vis-à-vis* the upper castes yet when it comes to castes lower than theirs they show the same disregard to these lower castes which they themselves are subjected to by the upper castes. The noted social anthropologist M N Srinivas sums up this attitude as “I am equal to those who think of themselves as my betters, I am better than those who regard themselves as my equals, and how dare my inferiors claim equality with me?”¹¹

As a natural corollary to this, politics is also caste-oriented and does not allow public policies to be oriented to the upliftment of the SCs and STs. The landlessness of these groups keeps them perpetually poor which also prohibits them from learning new skills which the present liberalisation process demands. The cumulative effect of all this is a lack of effort on their own part to improve their lot. It has been seen that the Dalits in predominantly Dalit villages are the worst off.¹² There is of course the obvious political reason for this as well--no political voice is articulated on their behalf.

There are, in addition, certain inherent flaws in the policies of the government. The unprecedented growth of private English-medium schools which are far better than the state funded schools and where it is not necessary to reserve seats for the SCs and STs has totally undermined the policy meant to educate the latter and make them employable in a highly competitive job market.¹³ Insofar as the job quota is concerned the fact that they are not category-specific permits most of the offices to fulfill the statutory requirement by filling the posts at lower levels thus leaving the leadership levels largely upper-caste dominated. It is, however, a double-edged weapon. If the situation is altered in favour of the SCs and STs for each category of jobs the allegation against the policy of positive discrimination that it has benefited mostly the élites amongst the SCs and STs would become even sharper and would become more easily verifiable.

Dalit Ascendancy

Whatever may be said in criticism against the policy of positive discrimination it has served at least one purpose. It has made the Dalits conscious of their rights and they have learnt that in a democratic milieu these rights have to be extracted through agitational and electoral politics and not to be expected as charity doled out by the privileged classes.¹⁴ The old theoretical controversy between Gandhi and Ambedkar seems to be coming to the fore once again. That this conflict would generate

increasingly high levels of violence is a foregone conclusion and there is considerable evidence of this. Reflecting on the situation Rajni Kothari writes:

It poses the question of what to emphasize more: Western hegemony or caste domination within India, reflecting the issue posed much earlier during the independence movement as to what was more important- social emancipation or political autonomy. What is more important: autonomy (and agitational politics) of the community or autonomy of the nation in the international order? If it is both, how to reconcile the two? We seem to be back to the Ambedkar-Gandhi controversy.¹⁵

There is visible evidence of organised violence directed against the Dalits the result of which is an equally visible evidence of Dalit anger. One saw this in Maharashtra, particularly in Mumbai, in July 1997 when the statue of Ambedkar was defiled by some miscreants. That act of vandalism was obviously not accidental. Behind the outburst of violence on the part of the Dalits were pent up frustrations and anger rooted in deep social maladies.¹⁶ There is no evidence to support the contention that wherever the Dalits are present in large numbers conflicts between them and others inevitably follow. An analysis of the violence, and indeed the atrocities, committed against the Dalits during the period 1977-85 (see Table 6) would show that these incidents are largely concentrated in the Hindi-speaking states of Bihar, Madhya Pradesh (MP), Rajasthan and Uttar Pradesh (UP) where agriculture and the land tenure system are still highly feudalistic. Recent reports show the same pattern.

According to data available with the National Crime Record Bureau (NCRB), UP accounted for 47.7% of the total recorded violence countrywide against the SCs in 1994. The corresponding figures for Rajasthan and MP were 14.2 and 11 per cent respectively. Atrocities against the STs were most rampant in MP with 35.3% of the total national figure, followed by Rajasthan, Mahatashtra and Gujarat with 28.8, 8.9 and 8.6 per cent respectively. The data also showed that violence against both SCs and STs, considered together, rose from 24,992 cases in 1992 to 33,908 in 1994, registering a rise of 89.03%. It may be noted that the violence against the SC/STs, which had been witnessed ever since independence and before, increased measurably after 1970 when the political and economic influence of the OBCs increased and the OBCs began asserting their dominance over the SCs and STs, particularly in the rural areas.¹⁷

Against this background the political rise of the Dalits, through

their most vociferous voice, the Bahujan Samaj Party, can be easily explained. In UP the party has emerged as a force to reckon with and has twice ruled the state through political alignments with other parties. It would not be surprising if in the near future it develops a stake in national politics as well, with Dalit politics increasingly enlarging its area of operation.

Other Backward Classes

Unlike the SC/ST there was no clear thinking about the backward classes in the pre-independence period. Yet in provinces such as Bombay, Madras and Mysore there was some reservation of jobs and seats for them in the field of education.¹⁸ (See Appendix 1 for a complete list of Backward Classes in India.) After independence, Articles 15(4) and 16(4) of the Constitution did make some reference to them but no special provision was made for their upliftment. In 1953, the First Backward Classes Commission was set up by the Government of India under the chairmanship of Kaka Kalelkar. In its report submitted in 1955 the Commission expressed doubts about using caste as the sole criterion to identify the backward classes. Nevertheless it identified 2399 caste groups as socially and educationally backward. The recommendations of the Commission, however, were not accepted by the government on the ground that objective tests had not been applied in making the selections.¹⁹

In some of the states, however, reservation for the OBCs was introduced. For example, in 1970, on the basis of recommendations of the Manohar Pershad Commission, Andhra Pradesh reserved 25% of seats in colleges for them. This protective discrimination was extended to the level of Lecturers (Assistant Professors) in 1976 and to that of Readers (Associate Professors) in 1983. These policies, however, largely remained on paper; as for example, in the Osmania University during the period 1977-83 the number of teachers belonging to the BC, SC and ST categories all put together did not constitute even 10% of the selected candidates although 43% of the jobs had been reserved for them. The periodic reports submitted by the Andhra Pradesh Backward Classes (BC) Legislative Committee constantly drew attention to this non-implementation of the rules.²⁰

In the 1970s and 1980s, however, the backward caste movements picked up momentum in several parts of India and a number of castes such as the Yadavs, Kurmis, Koiris, Vokkaligas, emerged as important political forces. Arguing that their lot was even worse than that of the SC/ST for they constituted 52% of the population while they accounted for only 4.69% of the Central Government jobs, they launched political agitation in the name of the OBCs (Other Backward Castes). The Janata Party which came to power in 1977 represented many of these forces.²¹ It was against this background that the Second Backward Classes Commission was set up in 1978 under the chairmanship of B P Mandal. Popularly known as the Mandal Commission its report was submitted on

31 December 1980.

By using eleven indicators for determining social and educational

backwardness²² and by basing its caste data on the 1931 census (the last census in which caste affiliations of Hindus were recorded) the Mandal Report came out with a list of 3,248 castes or communities as OBCs accounting for 52.4% of India's population, which meant roughly 350 million people then.²³ The report pinpointed social disabilities they confronted and their economic, social and educational backwardness (see Table 7).

For the upliftment of the OBCs the Mandal Report recommended a number of reforms including structural changes in oppressive production relations. But its most important and controversial recommendation was that 27% of jobs in government and public enterprises should be reserved for the OBCs. The report also specified the exact scheme and procedures to be followed to implement this recommendation:

1. Candidates belonging to OBCs recruited on the basis of merit in an open competition should not be adjusted against their reservation quota of 27%.
2. The above reservation should also be made applicable to promotion quota at all levels.
3. Reserved quota remaining unfulfilled should be carried forward for a period of three years and de-reserved thereafter.
4. Relaxation in the upper age limit for direct recruitment should be extended to the candidates of OBCs in the same manner as for SC and ST members.
5. A roster system should be maintained for the OBCs in the same manner as for SC and ST candidates.²⁴

Table 7
Caste Composition of Class 1 Officers in the Central Government (%)

Class Category	Share	Population
Upper Castes	89.63	25.34
Backward Castes	4.69	52.10
SC/ST	5.68	22.60

Source: Mandal Report, Part 1, p. 92, cited in O P Mehra, "Backward Classes: Some Issues," *Vacham* (Bhopal), 3 (1), January 1992, p. 40.

The rationale behind the 27% formula was that since 22.5% reservation had already been made in favour of the SC/ST (in direct proportion to their number) and since Supreme Court rulings had

prescribed that the reservations should remain below 50% it was not possible to reserve 52% of seats for the OBCs in direct proportion to their number. "In view of this," the report said, "the proposed reservation for OBCs would have to be pegged at a figure which, when added to 22.5% for SCs and STs remains below 50%. In view of this legal constraint, the Commission is obliged to recommend a reservation of 27% only, even though their population is almost twice this figure."²⁵

By the time the Mandal Report was submitted the Janata Party had split and the Congress was all set to return to power. The recommendations of the Mandal Commission remained in cold storage for about a decade. It was in 1990 that Prime Minister V P Singh, partly for the purposes of refurbishing the social base of his ruling coalition and partly to blunt the *Hindutva* edge of the Bharatiya Janata Party (BJP), decided to implement them.²⁶ With this a new chapter opened in Indian politics and along with it an acrimonious debate over the issue of social justice started.

The government promulgation provided for a 27% quota in government jobs for people belonging to the OBC category. Implementation of the report led to violent protests from the upper castes and eventually resulted in the fall of the V P Singh government. But the movement has continued and at present no political party finds it possible to dissociate itself from the recommendations of the Mandal Report. The arithmetic of numbers at the hustings has made the OBC phenomenon almost a permanent fixture in India's politics. Some of the South Indian states breached the ceiling of 50% laid down by the Supreme Court for reservations.²⁷ In Tamil Nadu there is a reservation of 69%; in Karnataka it is as much as 73%. Even such a strong critic of the OBC quota system such as Orissa's late strong-man Biju Patnaik also gave in to pressure. Announcing the introduction of the OBC quota (within the legal norms) in his state in September 1994 he said "I must admit we should have tried to follow the path enunciated for the backward classes in states like Tamil Nadu, Kerala and Karnataka".²⁸ In Bihar reservations have reached 76%. The pressure for similar policies has reached north India as well.

Reservations for Minorities ?

Lately, a new controversy has been added to the reservations debate with demands from sections of the minorities for their inclusion in the category of affirmative action beneficiaries. The issue is politically sensitive and particularly so because the Hindu chauvinistic BJP, the principal

opposition party in parliament, regards it as another ploy to pamper the minorities. Its position on the issue may be viewed against the background of several conflicting realities, namely, that the party claims that the Muslims are pampered while the social indicators tell a different story, that the Muslims are growing in numbers disproportionately compared to the national and Hindu averages which is a fact, and lastly, that while the BJP stands for reservations of SCs, STs and OBCs and also economically depressed classes it is strongly opposed to affirmative action for the Muslims (including Dalit Muslims) and Dalit Christians.²⁹

While the policy of reservation for SCs and STs is enshrined in the constitution and reservations for the OBCs have gained political support over the years, the question of reservations on the basis of religious identity remains very controversial and generally leads to acrimony. As a self-proclaimed secular state India shows equal respect to all religions, or, maintains an equal distance from all religions. But there is some ambiguity in the case of India's policy of affirmative action meant for the upliftment of SCs and STs.³⁰ Hinduism as understood in India's constitutional parlance includes Sikhs, Buddhists and Jains. Therefore, the SCs belonging to these communities should have been granted the quota benefits as was done in respect of Hindu SCs. But it was not the case to start with. In 1950 a Presidential Order made under Article 341 of the Constitution had declared that "no person who professes a religion different from Hinduism shall be deemed to be a member of a Scheduled Caste." In 1956 the Sikh religion was included with Hinduism as part of this order. Thus came the Sikh SCs (Mazhabi and Ramdasias Sikhs). So far as the Buddhist SCs were concerned they were granted limited benefits, that too in U P and Maharashtra only, till 1990 when this anomaly was rectified and they were brought on par with the Hindu SCs. So far as the Jain SCs are concerned they are either non-existent or are too minuscule to make any political demand in their favour.³¹

It may be noted that all the three religions--Sikhism, Buddhism and Jainism--emerged as protest movements against the evils of Hinduism, most importantly, the institution of caste. If so, the existence of SCs among them is a contradiction in terms. That many early adherents to these religions would be from the depressed classes is also understandable. Did not the same situation prevail in regard to converts to Christianity and Islam at a later date? The argument advanced by adherents of the *status quo* is that since Christianity and Islam were opposed to the recognition of caste, then depressed caste converts to these faiths should not be allowed to think in terms of affirmative action. The

same argument could be used against affirmative action benefits for Sikh, Buddhist and Jain SCs.

The confusion is further confounded if one raises the issue of conversion and compares the SCs with the STs. If an SC converts to Christianity or Islam such a person is automatically deprived of his SC benefits.³² But if the convert is an ST he continues to take the advantage of the ST benefits because those benefits, as the argument goes, are ethnicity-based and not religion-centric. In short, when the Dalit Muslims or the Dalit Christians are demanding quotas for themselves, their claims are advanced on the basis that in reality, India's Islamic and Christian societies are as much socially stratified as the Hindu society, the difference being only one of scale.³³

The current official position is that: "No scheme for minorities below the poverty line is being implemented in the country."³⁴ Still, there is a standing instruction of the Government of India "to all the Ministries/Departments of Government of India that whenever a Selection Committee/Board exists or has to be constituted for making recruitment to 10 or more vacancies in Group C or Group D posts/services, it shall be mandatory to have one member belonging to SC/ST and *one member belonging to minority community* in such Committees/Boards. Where, however, the number of vacancies against which selection is to be made is less than 10, no effort should be spared in finding a Scheduled Caste/ Scheduled Tribes officer and *a minority community officer* for inclusion in such Committees/Boards."³⁵

The Issue of a Muslim Quota

In several states either the Muslims in general or the Muslim OBCs as part of the general OBCs are on the positive discrimination list. For example, in Kerala 12% of the jobs are reserved for the Muslims. In August 1994, the Andhra Pradesh government included the Qureshi (butcher) Muslims in the OBC list.³⁶ In September 1994 the Manipur government announced the inclusion of Meitei Pangal (Muslims) in the state OBC list.³⁷ In early 1995, the Government of Karnataka announced a 75% enhancement in the OBC quota of which 6% was assured for the Muslims. In July 1995, the U P Government decided to issue caste certificates to Muslim sub castes so as to enable them to benefit from the 8.44% reservations under the OBC category.³⁸

In national politics too political parties compete with each other in demonstrating their concern for the Muslims. The issue of reservations figures largely in this. In July 1995, when preparations for

the 1996 Lok Sabha elections had already started the Welfare Minister in the Narasimha Rao government, Sitaram Kesari, advised his party not to ignore the Muslims. He said "In the Assembly elections of Uttar Pradesh, Bihar, Andhra Pradesh, Maharashtra, state party leaders hailing from the upper castes did not highlight the fact that we gave 27% reservation to the backwards which included 110 Muslim sub castes. This led to the poor showing."³⁹ Kesari's successor in the H D Deve Gowda-led United Front government, B S Ramoowalia, repeated the same promise and announced several schemes for the benefit of Muslim OBCs.⁴⁰

However the current controversies do not relate to the Muslim OBCs, but are over reservations for the entire Muslim community as one social unit and also over the question of quota benefits for the so-called Muslim Dalits. The first demand for reservations for the Muslim community was mooted in West Bengal during the regime of the Congress chief minister Siddhartha Shankar Ray, during the days of the Emergency (1975-77). A delegation led by Zainul Abedin, a minister in Ray's cabinet, met Prime Minister Indira Gandhi and demanded reservation for Muslims. In 1980, the Muslims of the state made the same demand before the Gopal Singh Committee. The committee recommended inclusion of Muslims under the reservation scheme.⁴¹

As the issue of quota matters electorally many of the state governments where the Muslim community figures politically would like to make commitments in their favour however cosmetic they may eventually prove to be. For example, in Bihar the Janata Dal leader Laloo Prasad Yadav had promised 10% reservations for Muslims before the assembly elections of 1995. In Assam, Hiteshwar Saikia of the Congress tried to ward off attacks on his government's inability to stop the killing of Muslims in Bodoland by promising the community 24% reservations. In West Bengal, the Congress and the Muslim League leaders launched agitations to remind Jyoti Basu of his 1977 poll pledge to provide quotas for Muslims in jobs and educational institutions.⁴² In U P the Samajwadi leader Mulayam Singh Yadav wants to make a dent in the growing popular bases of the BJP and the Bahujan Samaj Party (BSP) by advocating reservation for the Muslims in the state.⁴³

Following the increasing communalisation of politics in the late 1980s and particularly after the demolition of the Babri mosque on 6 December 1992 the demand has been picked up by the Muslims in several parts of the country. In Bihar two organisations--the Bihar Backward Muslim Morcha (BBMM) and the Muslim Reservation Front (MRF)--surfaced, demanding 20% reservations for the community.⁴⁴ In April 1995, about 100 representatives of the Muslim community met in Delhi

under the leadership of Syed Ahmed Bukhari, the Naib Imam of the Jama Masjid, and demanded reservation for Muslims on a proportionate basis in all fields as the minority community was backward educationally, economically and socially.⁴⁵ In September, the 95 member strong Jama Masjid Action Committee adopted a 10-point charter of demands which included reservation for Muslims.⁴⁶

Of late, even the National Commission for Minorities, a statutory body, has appealed to the Government of India to do away with the proviso in the 1950 Presidential Order for SCs and STs which uses religion as the criterion for deciding the SC status. According to Tahir Mahmood, the Chairman of the Commission, there must be the recognition of absolute equality of all religions and, religious communities under the constitution and laws. He believes that the 15-year-old Gopal Singh Committee report on problems of minorities has outlived its utility and there should be a fresh and comprehensive study of the problems faced by the religious minorities.⁴⁷

One of the arguments leveled against the demand for quota for the entire Muslim community runs along the predictable line that if the quota is granted to the community as a whole the beneficiaries would be upper caste Muslims such as the Saiyads, Shekhs and other Ashrafs at the cost of the really needy classes.⁴⁸ Dalit Muslims tend to subscribe to this logic and ask for a quota not for the community *per se* but only for themselves.⁴⁹ To this the Muslim leaders like Syed Shahabuddin have strong objections. They argue that the Muslim community as such is depressed and therefore deserves affirmative action and, so far as the criticism that benefits under reservations would be cornered by the socially and economically privileged group among them is concerned, they argue, that it is equally applicable to the entire question of quota for the SCs, STs and the OBCs.⁵⁰

Dalit Christians

The question of Dalit Christians is different from the issue of reservation for the Muslim community or the Muslim OBCs. Dalit Christians are those who were originally untouchables and who converted to Christianity. But conversion did not improve their social status and upper caste converts continued to look down upon them. As a result casteism continued to exist in the Church in India. In 1929 a delegation of depressed class Christians stated in a deposition before the Simon Commission: "We remain today what we were before we became Christians-untouchables degraded by the laws of social position in the

land, rejected by caste Christians, despised by caste Hindus, and excluded by our own Hindu depressed class brethren.”⁵¹ According to social-activist-cum lawyer Flavia Agnes “For all its homogenous appearance the Christian community is very caste-ridden. Especially, the recent converts. The converts, largely from the backward communities, now find that they are losing out on both fronts. They continue to be sub-castes without the benefit that would have accrued to them if they hadn’t converted.”⁵²

There are about 16 million Dalit Christians in India and they form over 60% of the total Christian population of 25 million. Economically it is a depressed lot. A study undertaken by the Jesuits in Tamil Nadu reveals that 79.6% of the Dalit Christians are landless, with their average annual income put at Rs. 903; 54% live under single layer thatched roofs. The illiteracy rate is 65%. Nearly 35% of households manage with one set of clothes. Though Dalit Christians constitute 70% of the Roman Catholics in Tamil Nadu, there is only one Dalit bishop and a mere 3.8% Dalit priests. Several reports submitted by various committees -- Kumara Pillai (1965), Santhnam (1970) and Chidambaram (1975), apart from the two Backward Class Commissions reports of Kalelkar (1955) and Mandal (1980) of the Central Government, as well as the several BCC reports of the states including Andhra Pradesh (1970), Tamil Nadu (1970 and 1975) as also the Third and the Fourth Annual Reports of the Minorities Commission of the Central Government (1980 and 1981/82) and the SC-ST Commissioners’ Reports -- have recognized this fact and recommended remedial measures. The Mandal Commission affirmed that “there is no doubt that social and educational backwardness among non-Hindu communities is more or less of the same order as among Hindu communities. Thus both from within and without, caste amongst non-Hindu communities receive continuous sustenance and stimulus.”⁵³

The Dalit Christians made their demand for inclusion into the list of the Scheduled Castes as early as in 1950. It was not heeded.⁵⁴ But a contemporary letter dated 7 November 1950 from Pandit Jawaharlal Nehru written from the Prime Minister’s Office in reply to C X Francis (President of the Catholic Regional Committee of Nagpur) who had pointed out the injustice done to the Dalit Christians by the Presidential Order, said that “all state aid and facilities are to be given not only to the Hindu scheduled castes but also to all other educationally and socially backward classes whether they profess Hinduism, Christianity or any other religion. Only in the matter of reservation of legislative bodies and Parliament, no person who professes a religion other than Hinduism shall be deemed to be a member of scheduled castes.”⁵⁵

Lately, the demand has been renewed. In 1994, the All India Christian Federation in its Memorandum to the Prime Minister, demanded that "there should be an end to discrimination by the state against Christian Dalits only on the ground of religion ignoring other evidences of their social and educational backwardness and, to grant them SC status ... on par with the Scheduled Castes belonging to the Hindu, Sikh and Buddhist religions."⁵⁶ On 21 November 1995, the Christian educational institutions in most parts of the country went on a day's strike in support of the demand for reservations for the Dalit Christians. In March 1996, the All India United Christians Movement for Equal Rights and the National Coordination Committee for SC Christians advised the community to vote for those political parties which would include Dalit Christian issues in their election manifestos in the forthcoming eleventh general election.

Such efforts did not go waste and in the 1996 parliamentary elections, all the major political parties barring the BJP, included in their election manifestos the demand that the Christian Dalits be treated as Scheduled Castes. The Common Minimum Programme of the United Front also included it. When a 14-member delegation of the All India Christian People's Forum met the then Prime Minister Deve Gowda on 14 June 1996 the latter promised the delegation that a bill would soon be introduced to extend the SC status to the Dalit Christians.⁵⁷ But nothing happened, for the reason that the ruling United Front coalition did not have enough confidence to secure its passage in the teeth of a determined BJP opposition.

The BJP is opposed to reservations for the Muslim community as a whole and the Dalit Muslims, as well as to granting SC status to the Dalit Christians. So far as the Muslims are concerned it is not opposed to the idea of the backward caste Muslims asking for reservation under the OBC quota scheme⁵⁸ but it is vehemently against introducing any quota for the entire community for it would have "a serious repercussion" for the nation. It is also against individual states deciding on quotas in general. It endorses in principle the Supreme Court verdict that total reservation should not exceed 50% with the exception of Tamil Nadu and Karnataka.⁵⁹

The BJP's opposition is probably based on its *Hindutva* considerations. Its premise is two-fold. If the Dalits of other communities, namely, the Muslim and Christian are granted SC status then it would, on the one hand, make the Hindu SCs feel insecure for there would be more claimants on the quota and on the other, it would discourage "de-Christianisation" of the Dalits, a phenomenon which is

otherwise expected in the given situation.⁶⁰ The party hopes that the more the Dalit Christians would be denied the SC status the greater would be their compulsion to reconvert to Hinduism. In March 1994 many Dalit Christians of Tamil Nadu did indeed re-convert to Hinduism for getting the SC status.⁶¹ Gopal Sardesai of the Vishwa Hindu Parishad (VHP) argues that: "Scheduled Caste Christians should return to the Hindu fold and then claim the benefits of reservation."⁶²

Reservations for Women

Though oppressed and underprivileged through centuries of male domination women as a whole have not received the attention of the Indian state in terms of compensatory discrimination. One reason for this neglect could be that there were many leading women in India's freedom struggle and they always regarded themselves as equals of their male counterparts. As emancipated women themselves they felt they would serve as role models for women's liberation in general. Moreover, against the background of such a great cause as national independence they felt that emphasising group interests such as women's rights would serve to weaken the larger struggle.

Even after independence it took many years for the demand for women's rights to crystallise. It actually happened under UN pressure. In the early 1960s the United Nations had asked member nations to "prepare reports on women's status." India procrastinated for years. It responded only in the early 1970s, when the UN decided to observe 1975 as the International Year of Women. Prime Minister Indira Gandhi nominated the veteran freedom fighter from West Bengal Phulrenu Guha to prepare a report on the Status of Women in India. The report, *Toward Equality*, which ran into 480 pages and is frequently termed as the "founding text" in feminist circles was tabled in parliament in 1975.⁶³ Its recommendations, however, were not for positive discrimination in favour of women but against discrimination of women for which the state should be vigilant.

Neither the Kalelkar nor the Mandal commissions had a female member. Had there been one or some female members a demand for reservation for women as an underprivileged social category may have emerged. For the last couple of decades, primarily on account of the activities of women's organisations, considerable social consciousness has developed in favour of feminist demands. Sensitivity to the issue is manifest in the way cabinets or the working committees of different political parties are composed. A recent opinion poll showed that 75%

men and 79% women were in favour of an active role of women in politics. They also favoured reservation for women in the legislatures.⁶⁴ (See Appendix 2 and 3 for data on women's participation in national politics.)

The United Front government elected in 1996, in keeping with its Common Minimum Program and in line with the resolution adapted by the 10th Lok Sabha has tabled the Constitution (81st Amendment) Bill (popularly known as Women's Reservation Bill) providing for reservation of one-third of the seats in the Lok Sabha and state assemblies for women. Already at the *panchayat* level 33% of seats are reserved for them. The bill has raised a huge controversy in Indian politics. While on the one hand the women activists themselves are divided about its efficacy it has vertically split the movement between depressed class women and those champions of the bill who see it primarily as one for gender justice.⁶⁵ To add to the controversy is the opposition of the OBC leaders to the bill. They apprehend that the bill would deprive them of their hard-earned gains made through years of agitation. They fear that since their women folk are much more backward compared to their upper caste counterparts all seats would be taken by the upper castes tilting the political balance once again in favour of the upper castes.

As a *via media* it has been suggested that the proposed women's quota in the parliament be reduced from 33% to 20% or 25% and also that states like Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland and Tripura in the North-East which send fewer than three MPs each, be excluded from the purview of the bill. But the women's organisations which considered this suggestion put forward by the Lok Sabha Speaker, P A Sangma, unanimously rejected it on the ground that the 33% formula had been recommended by the Joint Select Committee of Parliament and there was no reason to dilute the position.⁶⁶ Mulayam Singh Yadav's suggestion is to amend the Representation of the People Act to make it mandatory for all political parties to reserve a reasonable percentage of the contested seats for women.⁶⁷ The catch in this suggestion that while parties may consider putting up women candidates they could relegate them to constituencies where the chances of its victory are little. Naturally, therefore, there is no scramble for party-tickets.

Double-Member Constituency Formula

It may probably be true that once the bill is passed it would dilute the backward classes movements. In all probability, therefore, the MPs belonging to the OBCs would not vote for the bill in parliament. But, as it

has been questioned, would not such a move amount to throwing the baby along with the bath water? As a compromise it has been suggested that the women's constituencies, reserved for some categories or the other, the OBCs for instance, be allowed with due safeguards to the democratic rights for all citizens as enshrined in the Preamble and Article 15 of the constitution. This may be done through the expedience of double-member or multi-member constituencies.

The idea of a double-multi-member constituency formula has been mooted by Justice E S Venkataramiah, the former Chief Justice of India. In such constituencies while one seat may be reserved for a woman or a member of the SC or ST categories the other seat or seats may be contested by men or women not belonging to any of the said categories. Since the introduction of such constituencies could lead to a considerable expansion of the size of parliament, which may be prohibitive in terms of costs, it has been suggested that the same can be effected by better delimitation of constituencies. If the present size of the parliament consisting of 543 members is not to be disturbed the double-member constituency formula may look something like the following:

- a. 15 single-member constituencies: all adult citizens, men or women, belonging to SC/ST or not, are free to contest;
- b. 147 double-member constituencies: one seat for women and one for men, with everybody, whether SC/ST, are free to contest;
- c. 79 double-member constituencies: one general seat in each constituency can be contested by men and women, SC/ST or not; the other seats (79) reserved for SC-23 for women, 23 for men, 33 for SC open to both men and women;
- d. 38 double-member constituencies: one general seat in each constituency can be contested by men and women, SC/ST or not; the other seats (38) reserved for STs - 11 for women, 11 for men and 16 for ST open to both women and men.⁶⁸

Some Perspectives

Merit versus Social Justice

The most common criticism raised against the policy of reservations is that it is at the cost of meritocracy and that it promotes mediocrity which a developing society like India can ill afford. While apparently and

theoretically the argument seems well-founded there is neither evidence to support the fear nor is it true to say that meritocracy would be the norm once reservation is lifted. All kinds of undocumented reservations operate in India through kinship connections, caste connections and professional connections. For instance the Delhi University Teachers Association (DUTA) is generally opposed to the OBC reservation but does not mind asking for reservations for the wards of the teachers or for weightage in their favour for university enrollment. Commenting on the impact of reservations on the educational standard, sociologist Andre Beteille writes:

Everybody says that the standards have fallen in the Indian universities. However I find it difficult to judge, firstly, whether standards have in fact fallen, and secondly, if they have fallen, whether the fall has been due to affirmative action. At the bottom end of the scale, a very large proportion of the present crop of graduates would not have graduated in the 1950s. On the other hand the number of good students is probably higher--so at the top end of the scale, standards are maintained. I would attribute the lowering of standards in this particular sense to the massive and sometimes reckless expansion of higher education under political pressure.⁶⁹

It is probably not correct that the weightage system would perpetually introduce bad students to the university. From the record of the south Indian states it appears that the more the backward classes enter the system the more their standards improve on account of competition amongst themselves (see Table 8). (This must be read together with the facts that many upper caste students have migrated to northern universities and also there are allegations that marks of SC students are inflated by the SC examiners.)

Table 8
Selection to Professional Courses (1990): Cut-off Points (%)
(Some South Indian Universities)

Course	Open Competition	Backward	Most Backward	SC
Computer	97.98	96.58	93.25	84.38
Electronics	97.74	96.08	92.16	82.22
Electrical	95.84	95.42	91.48	81.98
Mechanical	95.78	94.10	90.66	79.21

Medical	95.22	93.18	89.62	83.98
Agriculture (B.Sc.)	90.90	90.08	86.10	78.04
Agriculture (B.E.)	92.66	91.96	87.46	76.14
Veterinary	94.90	93.48	91.18	85.24
BF.Sc.	96.96	95.58	95.02	93.02

Source: Madhu Limaye, "A Democratic Weapon", *Seminar* (New Delhi), No. 375, November 1990, p 63.

Inherent Contradictions

The more fundamental question, however, is how far have the quotas and other privileges helped the target groups. As we have seen above the progress in this regard has at best been marginal. Whatever progress has been registered by the depressed classes it is more or less proportionate to the overall progress achieved by the nation. As target groups they should have shown a visibly better record, but this has not happened. In a country like India where poverty, illiteracy and deprivation are so widespread, it is a questionable proposition to think in terms of upliftment for particular social groups, that too by emphasising reservations alone. A report on the state of primary education in India brought out by the *India Today* portrays a depressing picture of the Indian state's failure in this regard.⁷⁰ The problem as such is much larger and mere targetting particular sections of society would not do. It is surmised that since reservations are the least expensive and politically most rewarding the political parties find them the easiest policy options available to them.

A related question is whether the privileges are being cornered by the élites amongst the target groups. One common criticism against the reservation policy is that it has benefited only a small section of them. According to estimates only 6% of the SC families have benefited from the policy. It must, however, be admitted that even this small number has thrown up leadership for the community to bargain for the larger interests of the community at large.⁷¹ Moreover, it is a fact of life that in any community within a competitive polity the initial beneficiaries are invariably the élites.

This criticism, however, is largely valid in respect of the OBCs where some of the backward castes are way above others amongst them.⁷² As such, any reservation policy meant for the OBC community as a whole, is bound to end in ineffectiveness in the long run by this internal contradiction alone. As most of the underprivileged amongst the OBCs would ask for their rights there would be cleavages in the OBC identity as

is now being seen in Bihar. There the Kurmis and the Koiris are opposing the Yadavs, both belonging to the OBC category. Moreover, with other demands being raised for quota allocations by women, professional groups, the poor from the upper caste Hindus, and so on, there is a possibility that the entire system of OBC reservation would collapse as a result of these divisions.

Persistence of Caste Prejudice

One other issue which needs to be discussed here is whether there can ever be any real improvement in the lot of the underprivileged sections of the society, whether they belong to the SC/STs or the OBCs, without attacking the caste system itself, this being the essence of the debate between Gandhi and Ambedkar. Can the elimination of the stigma experienced by the under-privileged be achieved through the philanthropy and grace of the upper caste Hindus or has it to be earned or wrested by the under-privileged themselves through their struggles, even violent struggles. If violence is inherent in the circumstances would it not perpetuate the caste cleavages at the cost of social harmony? In any event it has been noticed that the quota system has eliminated whatever goodwill the upper castes had for the lower castes. As one non-Indian scholar wrote in 1979 "In the course of my visits to India over two decades I have noticed an erosion and virtual disappearance of a liberal-minded public opinion supporting private efforts to improve opportunities for the S.C."⁷³

This lack of concern is manifest in the record of private sector employment. "The pervasive over-estimation of the amount and effectiveness of preferential treatment reinforces the notion that enough (or too much) is already being done and nothing more is called for."⁷⁴ A recent study based on interviews of 500 Punjab government employees stationed in Chandigarh reveals the deep-seated prejudice among the non-SCs against the quota privileges meant for the SCs. Particularly prejudiced are the Class II and III categories of the employees.⁷⁵ Caste conflicts are rampant as a reading of the Annual Reports of the Home Ministry reveals. During 1996 there were 672 caste-related incidents involving all the three broad caste categories, namely, the Forward Castes, the OBCs and the SCs.⁷⁶

A Spectre of Two Indias

In the current context the most critical question is whether two Indias are being created by two diametrically opposite sociopolitical forces--the demand for modernisation on the one hand bolstered by the opening up

of the economy and its integration into the techno-intensive global economy -- and on the other, the demand for social justice undermining the core of that theory. One calls for the withdrawal of the state and the other assigns to the state the role of the greatest dispenser of equity. Against this background it would be increasingly difficult for the state to implement its policy of reservations especially where the OBCs are concerned. On the one hand the number of government jobs is shrinking while on the other pressure for more jobs is mounting.⁷⁷

There is yet another related issue. Greater liberalisation of the economy means more modernization of trade and industry. The traditional vocations of the backward classes such as cleaning, hair-cutting, fishing and tanning are under threat of being controlled by the upper castes particularly in the urban areas. With the growing use of technology in these trades they are no longer looked down upon as occupations. Therefore, the backwards cannot depend any more upon the state; they would have to respond to the market as well.⁷⁸ This brings into question the broader recommendation of the Mandal Commission (structural changes in the oppressive production relations). But no OBC leader seems to be much concerned about that. Of course, the market has its own logic and the OBCs are getting drawn into them.

Conclusion

The debate over positive discrimination in India is acrimonious and is increasingly finding expression in violence. On the one hand the policy is defended as ethically correct as it is meant to compensate for centuries of injustice perpetrated against large sections of people on account of their social origin, while on the other it is assailed as something echoing the inherently incorrect logic of robbing Peter to pay Paul. But a democracy which is essentially a social contraption is neither dictated by logic nor by ethics. At the root of democratic success is social engineering which is effected through political bargaining. In India the process is on and only the future would tell whether its experiments were in the right direction or not.

Social categories are neither static nor monolithic. But in India the hierarchical stratifications have by and large survived for centuries and they continue to be politically relevant. In the given situation the policy of reservation seems to continue for an indefinite period, at least for the SC/STs. But this is the easiest thing that the state could think of. The real challenge for the state should be to make the disadvantaged groups competitive through raising their standards so as to let them be on

par with the traditionally successful upper classes. That is cost intensive and for that there has to be a shift in the dynamics of power. The disadvantage would have to come to the fore of politics. The present Dalit movement seems to be straws in the wind indicating this penchant for transformation which is bound to be violent.⁷⁹

The same may not, however, be said about the OBCs. Unlike the SCs and STs the so called OBCs have held political power in different historical periods in different regions of India. They are neither as socially stigmatized nor at the bottom of the economic hierarchy as the scheduled castes. In short they are not such an ostracised lot as the SCs have been. Given this situation the demand for OBC reservation is indeed politically motivated, the logic behind which is largely indefensible.

In any case, increasingly the role of the state would be in question. The assumption here is that the Indian society is traditionally violent and vertically and horizontally disintegrative. It is the enormous military power in the hands of the central government, both during the Mughals and the British, that actually contained it. The apologists for state power argue in favour of a militaristic role of the state to maintain societal order while the champions of civil society put the blame squarely on the state for the growing violence in the society. The debate warrants a closer scrutiny against the background of the social acrimony that the policy of reservation has accentuated.

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Notes

- * The author thanks Professors Suma Chitnis and Imtiaz Ahmad for their valuable comments on the original draft. The responsibility for the views expressed in this article lies with the author alone.
- 1. Gandhi accepted the rationale behind the caste system and its ideal. He was, however, unhappy about its reality. In fact he was ambivalent about its continuity. The origin of the word

“untouchables” is not clear. The four-tier Hindu *varnashram* system does not include them. Obviously they were the fifth category in the social hierarchy. The original inventor of the word “Harijan” was not Gandhi. It was Narsi Mehta who used it to refer to the children of *Devadasis* (temple dancers). See T K Oommen, “Panchamas to Dalits : The Context and Content of Identity,” *Times of India*, New Delhi, 11 May 1994. Lately, the term “Harijans” has been rejected by the Harijans themselves.

2. There were fundamental theoretical differences between Gandhi and Ambedkar on which there is a volume of literature. For a brief analysis of Ambedkar’s thought, see Uma Shankar, “Political Thought of B R Ambedkar,” *Jigyansa*, New Delhi, 1 (1), October 1996, pp 32-39; B K Roy Burman, “The Problem,” *Seminar*, New Delhi, No. 177, 1974, pp 10-15; Michael Mahar (ed.), *The Untouchables in Contemporary India*, Phoenix, The University of Arizona Press, 1972. A recent study argues that Ambedkar’s one-point programme was to oppose Gandhi to promote his own political interest. See Arun Shourie’s, *Worshipping False Gods*, New Delhi, ASA Publications, 1997. For a representative sample of the type of debate that Shourie’s book has triggered off, see Praful Bidwai, “Attacking Ambedkar: The Dwija’s Last War-Cry,” *Times of India*, 13 August 1997; Kancha Ilaiah, “Attacks on Ambedkar,” *The Hindu*, New Delhi, 30 August 1997; Anirudha Gupta’s review of Shourie’s book in *Mainstream*, New Delhi, 22 November 1997, pp 25-26.
3. These figures were according to the Indian Statutory (Simon) Commission, 1930. See Marc Galanter, *Competing Equalities : Law and the Backward Classes in India*, Delhi, OUP, 1984, p 124.
4. Suma Chitnis, “Definition of the Terms Scheduled Castes and Scheduled Tribes: A Crisis of Ambivalence,” in V A Pai Panandiker (ed.), *The Politics of Backwardness: Reservation Policy in India*, New Delhi, Konark, 1997, p 104.
5. Article 15 (4), emphasis added. For an analysis of other related constitutional provisions, see Vimal Chandra, “Constitutional Safeguards,” *Seminar*, No. 177, 1974, pp 16-21.
6. Government of India, Department of Personnel and Administrative Reforms, Office Memorandum No. 27/2/73-Estt. (S.C.T.), 7 October 1974.

7. Government of India, Department of Personnel and Administrative Reforms, Office Memorandum No. 9/2/73-Estt. (S.C.T.), 23 June 1975.
8. Andre Beteille, "India: Equal Opportunity for All and Special Opportunities for Some," *Development and Democracy*, Johannesburg, 6 September 1993, p 12.
9. Leave alone the civilian sectors, even the Indian army was not spared of caste prejudices. During peace times it consisted mostly of caste Hindus and only during war time when more men were needed were the untouchables recruited in large numbers. After the revolt of 1857, various imperial considerations of the British Indian government led to the raising of Chamar, Mahar, Mazhavi and Ramdasias battalions. See Stephen P Cohen, "The Untouchable Soldier: Caste, Politics, and the Indian Army," *Journal of Asian Studies*, Ann Arbor, 28(3), May 1969, pp 453-68.
10. Vidya Subrahmaniam, "Reality of Dalit Power: Condemned Before," *Times of India*, 9 August 1997.
11. M N Srinivas, *Social Change in Modern India*, New Delhi, Orient Longman, 1977, p 92, quoted by M V Nadkarni, "Broadbasing Process in India and Dalits," *Economic and Political Weekly*, Mumbai, 16-23 August 1997, p. 2164.
12. Nadkarni, *ibid.*, p 2167.
13. Given equal opportunity the SC children may do as well as their upper caste counterparts. A comparative analysis of the personality traits of students belonging to SC and other categories tends to prove this. See S B Kakkar, "The Personality Characteristic and Educational Problems of Scheduled Caste Students", A Pilot Study Report submitted to the Indian Council of Social Science Research, New Delhi, 1990.
14. A study conducted in the late 1970s revealed that most of the SC respondents to a questionnaire favoured continuation of the policy of reservation. See Suma Chitnis, "A Long Way to Go (Report on a Survey of Scheduled Caste High School and College Students in Fifteen States of India)", mimeo, Centre for Social Studies, Surat, 1977, pp 293-95.

15. Rajni Kothari, "Rise of the Dalits and the Renewed Debate on Caste" in Partha Chatterjee (ed.), *State and Politics in India*, Delhi, OUP, 1997, p 449. See also, Dipankar Gupta, "Positive Discrimination and the Question of Fraternity : Contrasting Ambedkar and Mandal on Reservations," *Economic and Political Weekly*, 2 August 1997, pp 1971-78.
16. Gopal Guru, "Why are the Dalits Angry?", *The Hindu*, 29 July 1997; J V Deshpande, "Behind Dalit Anger," *Economic and Political Weekly*, 16-23 August 1997, pp 2090-91.
17. *The Hindu*, 3 July 1997.
18. Professor Parmaji, *Caste Reservations and Performance : Research Findings*, Warangal, Mamata, 1985, pp 174 -75.
19. Paul R Brass, *The Politics of India since Independence*, Cambridge, Cambridge University Press, 1990, pp 210-11.
20. Parmaji, *op.cit.*
21. See Ravinder Kumar, "Resurgence in the Ganga Valley", *The Hindu*, 11, 12 and 13 July 1995 (in three parts).
22. Social anthropologist Roy Burman who was the Chairman of the Research Planning Team and a member of the Technical Sub committee of the Mandal Commission and who dissociated himself from the Commission's findings, argues that the criteria adopted were faulty, and suggests what should have been done by the Commission. See B K Roy Burman, "Formula for Identification of OBC," *Vacham*, Bhopal, 3(1) January 1992, pp 23-25. See also Andre Beteille, "Is Job Reservation a Good Policy," *Seminar*, No. 375, November 1990, pp 41-42.
23. Brass, *op.cit.*, p 211.
24. Veena Das, "The Mandal Commission Report : A Critical Appraisal", *Vacham*, 3(1), January 1992, pp 8-9.
25. Quoted by Ashish Bose, "Mandal Commission Estimate of O.B.C. - Demographic Pitfalls," *Vacham*, 3 (1), January, 1992, pp 19,55.

According to Bose's estimation the number of Hindu OBCs would be about 43%.

26. By this time the BJP had emerged as an important political force, and riding on the band wagon of a pan-Hindu movement triggered off by the Babri Mosque-Ram Janmabhoomi controversy it was making a bid to emerge as the leading political party of India.
27. This ruling was reconfirmed in the Supreme Court verdict of 16 November 1992 in the case of *Indira Sawhney vs The Union of India*. It, however, specified that candidates selected for reserved posts must satisfy certain conditions of eligibility to meet the requirement of 'efficiency' in administration. It also exempted from reservation appointment to certain positions like defense personnel, research scientists, medical specialists, university professors, airline pilots, etc. For details, see M J Antony, *Dalit Rights : Landmark Judgments on SC/ST/Backward Classes*, New Delhi, Indian Social Institute, 1997, pp 116-19.
28. *Times of India*, 22 September 1994.
29. It may be noted that the BJP was originally not in favour of any caste-based reservation for any community. It was in favour of reservations for only the economically depressed classes irrespective of caste and community. See P Satyanarayana, "Reservations and Attitudes of Political Parties," in B A V Sharma and K Madhusudan Reddy (eds.), *Reservation Policy in India*, New Delhi, Light and Life, 1982.
30. T K Oommen, "Religious Minorities: Inconsistency in Affirmative Action", *Times of India*, 4 April 1994.
31. The Jain community, however, has been included in the list of minority communities by the National Commission for Minorities.
32. In 1986, in *Soosai vs The Union of India*, the Supreme Court ruled that SC members converting to Christianity were not eligible for benefits granted to SCs as their disabilities did not continue after conversion as per the meaning of the 1950 Presidential Order. For the details of the case, see Antony, *op.cit.*, pp 63-64.

33. See Pervaiz Nazir, "Social Structure, Ideology and Language: Caste among Muslims", *Economic and Political Weekly*, 25 December 1993, pp 2897-900.
34. Government's clarification in the Lok Sabha on 11 March 1997. *Times of India*, 12 March 1997.
35. Government statement in reply to Lok Sabha Unstarred Question No.5379 dated 28 April 1994 by S M L J Basha. See *Muslim India*, New Delhi, No. 141, September 1994, p 413. Emphasis added.
36. Masood Ali Khan, "Reservations for Muslims," *Mainstream*, New Delhi, 20 May 1995, pp 21-23.
37. *The Hindu*, 7 September 1994. The All Manipur Muslim Organisations Coordinating Committee feels that in spite of this the 10% Muslims of the state are elbowed out by more assertive OBCs. The committee has demanded a separate quota for the Muslims as a community. *Times of India*, 2 November 1997.
38. *Ibid.*, 12 July 1995.
39. *Asian Age*, 10 July 1995.
40. *The Hindu*, 30 August 1996.
41. Masood Ali Khan, *op.cit.*, p 22.
42. *India Today*, New Delhi, 30 November 1994, p 83.
43. *Asian Age*, 18 August 1997.
44. *India Today*, 30 November 1994, p 83.
45. *The Hindu*, 30 April 1995.
46. *Ibid.*, 12 September 1995.
47. *Ibid.*, 25 August 1997.
48. D L Sheth, "Muslim Reservations: No Provision for Community Quotas," *Times of India*, 20 September 1997.

49. A letter to Editor in *ibid.*, 30 September 1997, with reference to Sheth's article.
50. Syed Shahabuddin's rejoinder to Sheth's article in *ibid.*
51. James Massey, *Dalits in India: Religion as a Source of Bondage or Liberation with Special Reference to Christians*, New Delhi, Manohar, 1995. Quoted by S M Michael in his review of the book in *Economic and Political Weekly*, 14 December 1996, pp 342-44. See also, P Radhakrishnan, "The Dalit Controversy," *The Hindu*, 9 and 10 January 1996 (in two parts).
52. *Asian Age*, 17 July 1995.
53. Quoted by Massey, *op.cit.*
54. A champion of the Dalit Christian rights argues that the Presidential Order was wrong as it was biased in favour of the Hindus when the social malady in India was not religion specific. See Saturnino Dias, "Dalit Christians: Constitution Grants Privileges," *The Statesman*, Calcutta, 22 August 1996.
55. George Menezes, "Dalit Christians Expect Promises to be Honoured," *Times of India*, 12 December 1995.
56. The text of the Memorandum in *Muslim India*, No.141, September 1994, pp 426-28.
57. Brindvan C Moses, "Christian Dalits : Victims of Discrimination", *The Hindu*, 8 April 1997.
58. In July 1995, the Shiv Sena-BJP government in Maharashtra committed itself to extend quota facility to 15 Muslim castes on par with those provided for other backward classes in the State. Entitlements for these communities would not be additional but within the 27% quota for OBCs. *The Hindu*, 12 July 1995.
59. *Ibid.*, 1 September 1994.
60. The fear was expressed in a BJP National Executive resolution. See *Asian Age*, 24 June 1996.

61. S M Michael, "Dalit Christians in India," *Economic and Political Weekly*, 14 December 1996, p 3244.
62. *Times of India*, 22 November 1995. See also, P Radhakrishnan, "The Dalit Controversy", *The Hindu*, 9 January 1996.
63. Nilanjan Mukhopadhyay, "In the Eye of the Storm", *Hindustan Times Sunday Magazine*, New Delhi, 25 May 1997. For a summary of the Report, see Indian Council of Social Science Research, *Status of Women in India : A Synopsis of the Report of the National Committee on the Status of Women (1971-1974)*, New Delhi, 1975, reprint 1988.
64. Madhu Kishwar, "Not a Gender War", *Hindustan Times*, 3 June 1997.
65. For two representative views see Brinda Karat, "Gender Justice is Above Caste," and Bhagwati Devi, "Elite Women Will Benefit", *India Today*, 9 June 1997, pp 50-51.
66. *Sunday Times of India*, 3 August 1997.
67. Garimella Subramaniam, "The Women's Bill," *The Hindu*, 30 August 1997.
68. This detailed formula has been provided by M S Dayal, "Double-Member Constituency for Political Justice to All." *The Hindu*, 22 July 1997. See also S Shukla, "Reservation for Women and Multi-member Constituencies," *Mainstream*, 14 June 1997, pp 13-17.
69. Beteille, *op.cit.*, p 13.
70. *India Today*, 17 October 1997, pp 68-73.
71. Marc Galanter, *Law and Society in Modern India*, Delhi, OUP, 1989, pp 192-93. See also, Victor S D'Souza, *Development Planning and Structural Inequalities : The Response of the Under Privileged*, New Delhi, Sage, 1990, pp 196-97.
72. See D R Nagaraj, "Correcting Mandal's Flaws," *Indian Express*, New Delhi, 3 June 1995.
73. Lelah Dushkin, "Backward Class Benefits and Social Class in India, 1920-1970," *Economic and Political Weekly*, 14, 1979, p 666; quoted by Galanter, *Competing Equalities*, p 550.

74. Marc Galanter, *op.cit.*, p 195.
75. Ravinder Singh Bains, *Reservation Policy and Anti-Reservationists*, Delhi, B R Publishing, 1994, pp 178-81.
76. Government of India, Ministry of Home Affairs, *Annual Report 1996-97*, p 6.
77. For more on this point see I Z Bhatti, "Implications for Government," *Seminar*, No. 375, November 1990, pp 43-47.
78. T K Oommen, "Helping the Backwards : Role of State and Market," *Times of India*, 18 October 1994. For a different perspective as to how the globalisation is further affecting the depressed classes, see Kancha Ilaiah, "Dalits and Globalisation," *The Hindu*, 17 November 1997.
79. For an analysis of the Dalit politics, see Rajni Kothari, "Rise of the Dalits and the Renewed Debate on Caste," in Partha Chatterjee (ed.), *State and Politics in India*, New Delhi, OUP, 1997, pp 439-58.