

# **POLITICS OF RESERVATION POLICY AND ITS IMPACT ON THE POLITICAL PROCESS IN INDIA**

**Thesis submitted for the degree of Doctor  
of Philosophy ( Arts ) in Political Science to the  
University of North Bengal**

**By :**

**Debasis Dutta, M.A., M. Phil**

***Under the supervision of :***

**DR. P. K. SENGUPTA**

**NORTH BENGAL  
University Library  
Rajshahi**

**DEPARTMENT OF POLITICAL SCIENCE  
UNIVERSITY OF NORTH BENGAL  
WEST BENGAL**

**1995**

ST - VERP

ST - VERP

Ref.

323.154

D979p

114056

24 AUG 1996

STOCK TAKING - 2011

DEPARTMENT OF POLITICAL SCIENCE

UNIVERSITY OF NORTH BENGAL



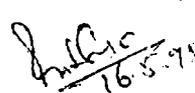
Date : 16.5.1995

To Whom it May Concern

This is to certify that Sri Debasis Dutta, M.A., M.Phil has completed his Ph.D. thesis as a registered candidate entitled "POLITICS OF RESERVATION POLICY AND ITS IMPACT ON THE POLITICAL PROCESS IN INDIA" under my supervision in the Department of Political Science, North Bengal University.

The thesis is the outcome of Sri Dutta's genuine effort and is likely to throw new light on some emerging trends of Indian Politics.

The thesis is complete in all forms and it is ready for submission.

  
( Dr. P.K. Sengupta )

Reader

Department of Political Science.  
University of North Bengal



(II)

Pages

Chapter VI	Reservation Policy and Socio-Economic Environment : Persistence of Untouchability-Atrocities on SCs STs - Economic Condition — Educational Condition — Representation in Public Services.	212-263
Chapter VII	Concluding Observations	264-273
Appendix I	.. ..	274-279
Appendix II	.. ..	280-282
Appendix III	.. ..	283-286
Bibliography	.. ..	287-307

## P R E F A C E

The purpose of the present work is to make an analysis of reservation policy as an influential factor in Indian politics. The members of the Constituent Assembly were aware that certain sections of society were socially and economically backward. They had suffered from discrimination for centuries. Therefore, the members of the Constituent Assembly incorporated reservation provisions in the basic document of the country, i.e., the Constitution for they felt that these provisions would help the backward classes to come at par with other sections of society. Though the provisions for socio-economic advancement of backward classes were incorporated in the Constitution but the term 'backward classes' was not defined by the members of Constituent Assembly. They left the task of defining the term 'backward classes' to the individual state governments with ultimate review by the Courts.

After the Constitution came into effect backward classes Commissions were appointed at both national and State levels to determine the criteria to be adopted in considering what section of society other than SCs and STs could be considered as Other Backward Classes (OBCs). First Backward Classes Commission at the national level was appointed in 1953 under the Chairmanship of Kaka Kalelkar. But the Commission failed to apply any objective tests to identify backward classes. The State level Backward Classes Commissions appointed in early seventies also failed to evolve any uniform criteria in this regard. A number of executive-legislative

(IV)

actions, on the other hand, identifying socially and educationally backward classes to give them reservation benefits were challenged in the Courts on the ground that these actions were based solely on caste. The Courts in various judgements held that caste could not be considered as the sole test. It was one of the relevant factors in identifying socially and educationally backward classes.

The Second Backward Classes Commission under the Chairmanship of B.P. Mandal was set up at the national level in 1978. The Commission in its report submitted in 1980 emphasised 'caste' in identifying Other Backward Classes. The recommendations of the Commission had far reaching impact on Indian Politics when following these recommendations Indian society was divided into two opposite poles — Pro-reservationists and anti-reservationists. While the backward castes favoured the implementation of the Commission's recommendations, the forward castes opposed these on grounds of merit and efficiency. As a reaction to the recommendations of Mandal Commission the country witnessed a series of pro- and anti-reservation protest movements which had changed the very shape of Indian politics.

Though compensatory discrimination policy was incorporated in the Constitution to improve socio-economic position of backward classes but the policy failed to do so. Educationally they are still far behind the general population. They are not adequately represented in the public services. In spite of such failure the

(v)

ruling elite has been emphasising the reservation policy to mobilise backward caste votes which influence the outcome of elections. In Ninth and Tenth Lok Sabha elections implementation of Mandal Commission recommendations occupied a central place in the manifestos of political parties. To fulfil his election commitment V.P. Singh, leader of Janata Dal, an important constituent of National Front Government announced on November 7, 1990, the implementation of 27 per cent reservation of services in Central Government and public sector undertakings. This announcement led to anti-reservation agitations in different parts of the country causing the rout of V.P. Singh as Prime Minister and the fall of National Front Government. Thus reservation which was confined to the Constitution only in the very first decades of post-independence era became a political issue and started acting as an influential factor in Indian politics since 1980 when a new social configuration of SCs, STs and OBCs appeared on the scene following the recommendations of Mandal Commission. Unless reservation policy is carefully handled by the ruling elite it will act as an influential factor in Indian politics in near future as well.

Debasis Dutta  
24 May 1995

## A C K N O W L E D G E M E N T S

I was extremely privileged to receive help from many in course of writing the thesis. I am grateful to Dr. Pradip Kumar Sengupta, Supervisor of my research work, who guided me at every stage of the thesis. I benefitted immensely from his comments and suggestions on the thesis. I wish to thank the members of the staff of Central Library and Law College Library (NBU), the National Library, the Ministry of Finance Library, the Secretariat Library and JNU Library who helped me by providing supply of required study materials. Debabrata Basu, a Junior Research Fellow, Centre for Himalayan Studies, North Bengal University, spent his valuable time in introducing me to Sri Debaprasad Roy, an ex-Rajya Sabha member, who provided me with up-to-date data from different ministries, Government of India. I acknowledge my debt to both of them. I wish to thank my wife, Papiya who went through the thesis thoroughly in finding out the mistakes. I lack suitable words to express my gratitude to my aunt Smt. Ashalata Dutta and cousin sister Smt. Manju De for extending me their hospitality while staying in Calcutta and New Delhi to collect the study materials. I am also grateful to my parents for giving me encouragement in my research work. Lastly, I am indebted to Mr. M. Chakraborty who was very sincere and careful in typing the thesis.

RajaRammohunpur  
24 May 1995.

*Debasis Dutta*  
Debasis Dutta

## CHAPTER I

### 1. The Problem - An Introductory Analysis - The Conceptual Framework

The policy relating to reservation and its consequences have been a very influential factor in the determination of the course of the political process in contemporary India. It is generally observed that deliberate denial of 'equal rights' to the historically 'privileged' social groups for improving the material and social conditions of disadvantaged social groups who are discriminated against on racial, religious or caste grounds, has been a feature of contemporary politics all over the world. The argument behind this is very simple as it seeks to bring these deprived groups in line with the 'average standards' already being enjoyed by the society as a whole.

Various institutional and ideological implications arise out of the policy of reservation adopted in India. It may be noticed that the 'beneficiaries' of these policies are identified on 'racial' or 'social' criteria. Secondly, the policy is 'redressive' in character as it seeks to improve the material conditions of the less privileged section. These policies are known in different names in different countries such as 'redressive action policies' in the United States, 'the policy of reservation' in India and 'positive discrimination' in the U.K.

The policies of reservation have 'integrative' values within it as these are aimed at facilitating the integration of deprived social and ethnic groups with general social structure. From another perspective, these policies deserve special attention. In most cases, individual attitudes and value-preferences generate an atmosphere of discrimination and thereby call for some sort of 'reservation' in this regard. This 'human' aspect gets manifested in ~~concerted~~ ways through institutional arrangements of the state such as the bureaucracy, media and other institutions. Again there may be instances where 'exclusion' of one group and denial of equal access to some public places, as the untouchables in India, are discriminatory both in intention and consequences. Thus the sources of discrimination vary greatly from individual and group attitudes to institutional behaviour - patterns. The solutions to this problem may be wide-ranging, from creating social awareness to the removal of relative economic deprivation. But whatever may be the solutions, the entire issue demands a thorough revision of social alternatives in the formulation and policy - social/economic and obviously it requires the setting of fresh political agenda.

This brings to the fore another very important dimension - the question of making compromise between innumerable demands and limited resources. In other words, a kind of socio-political equilibrium is needed so that all round development becomes possible.

The position in India demands an in-depth analysis of the problem in the light of specific socio-cultural and historical context. The reservation policy in India should be analysed both from the perspectives of content and consequences. The policy of reservation has found its place in the basic document of the country - the Constitution. It sets fixed quote in relation to job, educational facilities and other related matters.

The problem becomes all the more complicated in the content of India's vast and complex social foundation, marked by ethnic and other peculiarities. The demand for equitable share of scared national resources by the backward communities should be analysed on the basis of a close link between social and political factors. Although subjected to severe criticism, the reservation policy has generally been regarded as both morally desirable and politically necessary.

The beneficiaries of the policy of reservation fall mainly in three groups : The scheduled castes, the scheduled tribes and other Backward Classes (OBC). The need for 'preferential' treatment for these classes had been felt by the Founding Fathers of the Constitution and the Constitution permits this sort of discrimination in a number of provisions which have been made 'justiciable' in the courts of law.

It may be pointed out here that the Constitution does not make any provision for the supervision of programmes for

backward classes. But Article 383 lays down that the Commissioner of Scheduled Castes and Tribes should consider such other groups as the President may specify on receipt of a report of the Backward Classes Commission. The first Backward Classes Commission was set up in 1953 with the instruction to determine the criteria to be adopted in considering what section of society other than the scheduled castes and scheduled tribes could be considered as socially and educationally backward classes, and to prepare a list of them. For a number of reasons, socio-ethnic and lack of relevant data as well as cross-ethnic loyalties prevented the Commission from taking 'caste' as the basis of criterion. It may be recalled that in May 1961, the Union Cabinet asked the state governments to prepare such lists applying economic criterion instead of caste factor.

But the most important landmark in this direction was the appointment of the Second Backward Class Commission under the Chairmanship of B.P. Mandal with the following terms of reference:

- (a) Determination of the criteria for defining the socially and educationally backward classes.
- (b) Recommendation of steps to be taken for the advancement of the socially and educationally backward classes of citizens so defined;

- (c) Examination of the desirability or otherwise of making provision for the reservation of appointments or posts in favour of such backward classes of citizens who are not adequately represented in the services of both the central and state governments/union territory administrations; and
- (d) Presentation of a report setting out the facts as found by them and making such recommendations as they think proper.

The Mandal Commission in its report in 1980 held that the policy of reservation for OBC should be centralised and must be at par with the people belonging to SC and ST. It is important to note that the Commission used caste as the criterion to determine the social and educational backwardness of the groups of potential beneficiaries.

The political implications of these recommendations were visible by 1980 when a new social configuration of SC, ST and OBC appeared on the scene. Social and Political tensions among different sections of people holding power developed and resentment was high among the people belonging to upper caste of the society. The remaining part of the last decade witnessed series of anti-reservation protest movements all over the country which had their far reaching impact on the electoral politics in India. In fact, the last two elections were, to a very extent, fought on certain social and economic problems of which the policy of reservation occupied a central position.

## 2. Objectives of the Proposed Study

The proposed study seeks to analyse in-depth the nature and extent of the impact of the reservation policy on the political process in India. It is indeed important to note that the policy of reservation assumes greater importance in a multi-ethnic society like India. The immediate imperative behind such move is either to increase equality among the societal relations among the different ethnic groups.

In India, the policy of reservation, though incorporated in the Constitution, could not produce the desired results. The present study seeks to find out the reasons for this failure with the following questions. It is the aim of the proposed study to find right answer to the questions which are deemed 'basic' to the 'core' of the problem. These are:

- (a) What had been the socio-political and historical compulsions behind the incorporation of reservation policy' in the basic document of the country?
- (b) What has been the impact of the reservation policy on the Socio-economic and ethno-political relations in the Indian society?
- (c) What are the institutional and ideological implication arising out of reservation policy in post-independent India?
- (d) What has been the logic of anti-reservation discourse in India?

- (e) What kind of 'equality' has been produced by adopting 'reservation' (or preferential) policies in India?
- (f) Do the reservation policies increase equality or do they mere reassign resources from one group to another, thereby causing 'restructuring' of the social relations in India?
- (g) To what extent have these policies been able to achieve the desired goal?

### 3. Methodology

The study of politics of reservation should meet the short term needs/implications of the policy in the overall context of its long-term perspective as a part of the study of comparative politics (for focus on public policy in comparative policies, see Austin Ranney (ed), Political Science and Public Policy, Chicago, 1968). The proposed study, while taking into account these three factors, will seek to highlight the following three dimensions:

- (i) Search for Structural and Cultural Factors;
- (ii) Search for Factors bearing on the governing process and Change in the socio-political composition;
- (iii) Search for Motivational Exploration of Political Behaviour of the actors in the process.

For this purpose, attempts will be made to explore and analyse the theme, using modern tools and methods and by adopting key concepts like 'social mobilization', 'ideological preference of the ruling elite and 'relative deprivation' and other related issues. It will be largely based on published and unpublished primary sources, party documents, original writings of the leaders and other official/semi-official records. The whole range of literature on Indian Politics in general will be needed for the purpose of a suitable theoretical framework. In that sense, the study would essentially be based on historical-analytical method. For proper understanding the historical background of the issue has been analysed in the context of present-day socio-political and economic imperatives as well as the general trends in this regard.

#### 4. Chapter-wise Break-up

The present work is divided into seven chapters.

Chapter I deals with the problem and conceptual framework.

Chapter II sketches framing of the constitutional provisions relating to reservation, what were the attitudes of the framers towards reservation provisions and trends of debate on these provisions in the Constituent Assembly.

Chapter III provides an analysis of executive — legislative actions regarding reservation and Judicial response to these actions.

Chapter IV is concerned with mutual interactions of reservation policy and the political process, and patterns of changes in the course of political developments.

Chapter V deals with reflection of reservation policy in the election manifestos of political parties and its impact on election results and the political process.

Chapter VI analyses the extent of influence of the reservation policy on the question of social equilibrium and economic justice.

Chapter VII provides a critical appreciation of reservation policy in the context of emerging trends in Indian politics.

## CHAPTER II

### CONSTITUTIONAL SETTING

It was felt during national movement that the Constitution of independent India would be designed in such a way that the people's will gets reflected in the governance of the country. Under the inspiration of Mahatma Gandhi and other progressive leaders the national movement emphasised two important principles for achieving the goal of an egalitarian social order: (1) Adult suffrage, and (2) reservation of seats for depressed classes in representative bodies of the country.

A demand was also made that the deprived sections should have adequate representation in public services. During British raj certain number of posts were reserved for certain categories provided the candidates had fulfilled minimum prescribed qualifications. Religious communities and some other groups were given representation by the British authorities. After independence though we abolished communal representation both in Parliamentary institutions as well as in services, the problem of deprived sections remained.

The case for affirmative action was put succinctly by Ambedkar. They would have to use a method of seemingly unequal treatment to reach the goal of equality.<sup>1</sup> Ambedkar, in his note

to the Round Table Conference, wrote : "The Depressed Classes have suffered enormously at the hands of the high caste officers who have monopolized the Public Services by abusing law or by misusing the discretion vested in them in administering it to the prejudice of the Depressed Classes and to the advantage of the caste Hindus without any regard to justice, equality or good conscience. This mischief can only be avoided by destroying the monopoly of caste Hindus in the Public Services and by regulating the recruitment to them in such a manner that all communities including the Depressed Classes will have an adequate share in them".<sup>2</sup>

Jawaharlal Nehru, on the other hand, with his anti-imperialist approach, placed the demand for complete independence and thought any social reform movement would divert the main thrust of freedom movement. When Gandhiji launched his great untouchability campaign, Jawaharlal thought it would side line the main issue. Being influenced by Marxist philosophy he "tended to think of the problem of untouchability in and caste in terms of economic solutions".<sup>3</sup> He did not appreciate either Gandhiji's untouchability campaign or "Ambedkar's stress on the importance of social revolution as distinct from economic change".<sup>4</sup> He wrote in his Discovery of India: "Not only must equal opportunity be given to all, but special opportunities for educational, economic and cultural growth must be given to backward groups so as to

enable them to catch up with those who are ahead of them. Any such attempt to open the doors of opportunity to all in India will release enormous energy and ability and transform the country with amazing speed".<sup>5</sup>

Jawaharlal's insight was reflected in the Objectives Resolution which he had moved in the Constituent Assembly on 13 December 1946. The resolution inter alia stated that they would frame a constitution "wherein adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes".<sup>6</sup>

## II

After the passage of Objectives Resolution the Constituent Assembly set up an Advisory Committee on Fundamental Rights, Minorities and Backward classes on 24 January 1947. Sardar Vallabhbhai Patel was elected its Chairman. The Committee formed a number of sub-committees of which one dealt with fundamental rights and another with the question of minorities. It was Advisory Committee which after considering the recommendations made by these two sub committees submitted its interim report that was accepted by the Constituent Assembly.

The principle of equality of opportunity in the matter of public employment was contained in the drafts submitted by

K.M. Munshi and Ambedkar. On 17 March 1947 K.M. Munshi submitted a note which contained several articles embodying the fundamental rights. One of his draft articles said: "All citizens are entitled to equal opportunity in the matter of public employment and office of power and honour".<sup>7</sup>

Ambedkar also prepared draft articles on the same subject. He proposed safeguards to be provided for protecting the rights of the depressed classes and ensuring their representation in the services under the State. He wanted at least one representative of each of the Scheduled Castes to sit on the State and Central Public Services Commissions.<sup>8</sup> Ambedkar treated Scheduled Castes a minority and wanted them to be provided with adequate safeguards.

K.T. Shah and Harman Singh also incorporated the principle of equality of opportunity in their respective drafts. When the Sub-Committee on Fundamental Rights discussed the subject on March 24, 1947, Shah pressed his view that the Constitution should guarantee non-discrimination, not only in "Public employment" but also "employment in any enterprise aided or assisted by the State".<sup>9</sup> The Sub-Committee rejected the suggestion and prepared its draft report to the advisory committee on April 3, 1947. When it considered this report, the Sub-Committee adopted Munshi's draft relating to equal opportunity in the matter of public employment. Its draft report contained a provision on equality of opportunity in public employment in sub-clause (1)(b) of Clause 5. When the sub-committee considered the sub-clause on April 14 and 15, 1947, Alladi Krishnaswami Ayyar referred to certain enactments like the Hindu Religious Endowments Act which restricted

certain appointments to Hindus and suggested that it was necessary to protect such provisions. The sub-committee accepted this suggestion and Clause 5(b)(1) was redrafted as an independent clause. It became 5(1) in the final report. It said : "There shall be equality of opportunity for all citizens — (i) in matters of public employment".<sup>10</sup>

The Sub-Committee on Minorities considered the report of the Sub-Committee on Fundamental Rights on April 17, 1947. Sardar Ujjal Singh observed that the wording of Clause 5 would not debar "giving special consideration to minority communities in recruitment to Public Services".<sup>11</sup> The Sub-Committee on Minorities recommended the addition of a proviso to clause 5 in order "to meet the claims of minorities to special representation in the services".<sup>12</sup>

The Advisory Committee first discussed the draft clause along with the recommendations of the Minorities Sub-Committee on April 21, 1947. At the outset Alladi Krishnaswami Ayyar objected to the affirmative assertion in the first part of the clause on the ground that the claims of minorities could be adequately met without an additional sub-clause if the affirmative expression was changed into a negative one as in Section 298 of the 1935 Act.<sup>13</sup> Munshi, on the other hand, stressed the view of the sub-committee that the general principle regarding equality of opportunity to all must be asserted in the affirmative;

and if any exception was to be provided in favour of backward communities, that should be done by incorporating a separate sub-clause to that effect.<sup>14</sup>

Ambedkar pointed out that the members of the same minority must be provided with guaranteeing of equality of opportunity. He favoured the addition of a proviso which would enable the Government to reserve a certain number of posts for the minorities in the services. K.M. Panikkar observed that in many Indian States and Provinces there was a well established policy of giving preference to local people in public employment. The clause as drafted declared such preference illegal in the matter of public employment. He thought that "to provide that there shall be equality of opportunity in the matter of public employment whether in the Unit or in the Union without reference to local conditions is utterly impracticable".<sup>15</sup> Rajagopalachari observed that the clause would arouse all round resentment if it was going to mean that there would be no reservation made in favour of the people of any particular Unit.<sup>16</sup> Ambedkar felt that the clause as it stood did not prevent any unit from prescribing additional conditions for employment.<sup>17</sup> It was finally referred to the ad hoc committee for redrafting which was appointed earlier for considering the clause.

The clause as redrafted came before the Advisory Committee on April 22, 1947. It read: "Nothing herein contained shall prevent

114056  
24 AUG 1996

NORTH BENGAL  
University Library  
Raja Ram Mohan

the State from making provision for reservations in favour of classes not adequately represented in the Public services".<sup>18</sup>

The discussion on the redrafted clause was resumed. Ambedkar suggested the deletion of all the words after the word "reservations" and in their place the insertion of the words "in public services in favour of classes as may be prescribed by the State".<sup>19</sup> Munshi suggested the use of the words "classes which in the opinion of the State are not adequately represented".<sup>20</sup> Other members favoured the insertion of expressions like "minorities", "minorities and classes", "minorities and backward classes", and "classes including minorities" in place of the expression "classes" used by the ad hoc committee. The Chairman clarified that minority was included in classes and that the clause as redrafted was satisfactory.

Thus the idea of reservations for classes not adequately represented in the services under the State evolved in the course of discussions held in the sub-committees on fundamental rights and minorities and the Advisory Committee from February to April 1947. The Advisory Committee submitted its interim report to the Constituent Assembly on 23 April, 1947 which recognised that the equality provision must contain safeguards for classes not adequately represented in the public services. The provision was :

There shall be equality of opportunity for all citizens in matters of Public employment .....

Nothing herein contained shall prevent the State from making provision for reservation in favour of classes who in the opinion of the State, are not adequately represented in the Public services.<sup>21</sup>

The report of the Advisory Committee was discussed by the Constituent Assembly in April, May and August 1947 and was adopted with slight modifications. It was explained that the provisions would be drafted and incorporated in the draft Constitution on the basis of the decisions of the Constituent Assembly. The clause was reframed as:

There shall be equality of opportunity for all citizens in matters of employment .... Nothing in this section shall prevent the State from making provision for the reservation in favour of any particular classes of citizens who, in the opinion of the State, are not adequately represented in the services under the State.<sup>22</sup>

The clause as accepted by the Constituent Assembly was reproduced in the Constitutional Adviser's Draft Constitution of October 1947 as clause 12 without any substantial alterations and appeared as article 10 of the Draft Constitution prepared by the Drafting Committee with one important modification : instead of the words "in favour of any particular class of citizens" the words "in favour of any backward class of citizens"

were inserted.<sup>23</sup> Draft article 10 then read as follows:

(1) There shall be equality of opportunity for all citizens in matters of employment under the State.

(3) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens who, in the opinion of the State, are not adequately represented in the services under the State.

### III

When the draft article 10 came up for consideration before the Constituent Assembly on November 10, 1948, several amendments were moved.

Loknath Misra (Orissa; General) suggested that the clause (3) be deleted. To him, clause (3) which referred to reservation of appointments to backward classes was unnecessary as it put "a premium on backwardness and inefficiency".<sup>24</sup> He said that it was not a fundamental right for any citizen to claim State employment on any other consideration apart from merit alone. Damodar Swarup Seth (United Provinces; General) also proposed the deletion of clause (3) altogether. He said that though the clause appeared to be just and reasonable, it was wrong in principle. According to him, reservation of posts in services for the backward classes meant "the very negation of efficiency and good government".<sup>25</sup>

Moreover, the term 'backward' was not easy to define nor was it "easy to find a suitable criterion for testing the backwardness of a community or class".<sup>26</sup> He pointed out that if the clause was accepted, it would give rise to casteism and favouritism which should not find a place in a secular State. While the backward classes should be given necessary facilities and concessions for improving their educational qualifications and raising general level of their uplift, appointments or posts should be made only on merit and qualifications and no concession should be allowed to any class on the plea that the same happened to be backward.

While Loknath Misra and Damodar Swarup Seth suggested deletion of clause (3), the other members favoured the retention of the clause.

Pandit Hirday Nath Kunzru (United Provinces ; General) proposed that in clause (3) of draft article 10 the words "shall prevent the State from making any provision for the reservation" be substituted by the words "shall, during a period of ten years after the commencement of this Constitution, prevent the State from making any reservation".<sup>27</sup> He observed that the term 'backward' was not defined anywhere in the Constitution. He suggested that whether any class was backward or not, should be left to the law courts to decide. Therefore, the term 'backward' should be defined by the House so that there could be no dispute in future as regards its meaning. He said that it was not desirable

that any special provisions granting protection to communities should operate indefinitely. In his view the operation of special provisions for backward classes should come under review from time to time so that it could be seen that "whether the State had taken such steps as were necessary in order to lift these classes from their present condition and enable them to compete in terms of equality with the other classes".<sup>28</sup>

Aziz Ahmad Khan (United Provinces : Muslim) proposed that in clause (3) the word 'backward' should be omitted. He pointed out that at the time when the Minority Report was submitted before the House, the word 'backward' was not present and it was finally decided that "it was unnecessary to include the word backward".<sup>29</sup> He said that if the proposed amendment was not accepted, the draft articles 296 and 299 would become opposed to article 10. The draft articles 296 and 299 correspond to articles 335 and 338 of the Constitution. Article 335 safeguards the claims of the members of the Scheduled educationally and economically backward. Article 338 makes provisions for a special officer for the Scheduled Castes and Scheduled Tribes to be appointed by the President. In the opinion of Mr Khan, only those people required protection who had misgivings that in case protection was not given, their rights would not be preserved. He said that if State services were monopolised by one particular class, others might think that their existence had been ignored. This very idea, he thought, would

"become a source of creating unpleasantness in the country".<sup>30</sup> In his view, in the new set up which would be made in the country, "we should neither create nor multiply differences".<sup>31</sup> To him, safeguards should be provided for the minorities because they required protection due to changes which would be introduced in the country.

Ari Bahadur Gurung (West Bengal : General) raised the question as to whether the word 'backward' included three categories of people, namely, Scheduled Castes and Tribals and one particular class which was not included so far, under the term 'backward' although it was educationally and economically backward.<sup>32</sup> He pleaded that the Gurkhas who were domiciled in India were "educationally and economically backward" and they "should have the same privilege as the other backward communities in India".<sup>33</sup> He assured the House that the Gurkhas who played their part in the preservation of the independence of India and had an opportunity to serve in the British Army owed their full allegiance to the Government of India and not to the Government of Nepal.

#### IV

Members belonging to the backward classes, who were given an opportunity to express their views, favoured the provision in clause (3). Majority of them expressed their apprehension as regards the scope of the words 'backward'. R.M. Nalavade (Bombay: General) supported the clause (3) of draft article 10. He, however,

argued that the words 'Scheduled Castes' might have been used in the place of 'backward classes' in the clause to make it easier for the depressed classes to get adequate representation in the services. In his view, "the words 'backward classes' are so vague that they could be interpreted in such a way as to include so many classes which are even educationally advanced".<sup>34</sup> He referred to bitter experience in the provinces where the depressed classes were not given chances of employment though they were educated and qualified. He, therefore, supported the clause (3) because according to this clause, depressed classes could be adequately represented in the provincial as well as the Central services.

Dharam Prakash (United Provinces : General) said that 'backward class' had not been defined so far and "there is no possibility of its being defined in the near future".<sup>35</sup> According to him, there was no community which did not have a section of people which was backward whether economically or educationally or socially. He believed that if there was to be any reservation for backward classes in the services it was very necessary to see as to what was the present position and what was to be the future of a particular class which had been backward for centuries, whether religiously or economically or socially. Mr Prakash proposed that the words 'backward class' be substituted by 'depressed classes' or 'Scheduled class' because of the definite

meaning of the latter. He said that among the Scheduled Castes had been included a number of those classes which were supported by all to be backward. In free India it would not be "proper to make reservation for Hindus, Muslims, Christians and Sikhs on the ground that they are minorities".<sup>36</sup> But in so far as that section of Hindus was concerned who were called Harijans, and they were really backward, it appeared to be appropriate that there should be reservation. He, however, said that there should be reservation for backward classes for some time and reservation must be opposed when they reached the same level of culture as other sections of the population had.

Chandrika Ram (Bihar : General) favoured the insertion of the words 'Scheduled Castes' after the words 'backward classes'. He said that the question of reservation for Depressed Classes and Scheduled Castes was discussed by the Advisory Committee but it was lost by a single vote. Otherwise there would have been legally binding provisions for reservations in services for the Harijans.<sup>37</sup> He informed the other members of the House that the expression 'backward class' had been defined in the Census reports of 1921 and 1931. According to these reports, our society is divided into three sections — the highest consisting of that section of our society what is known as 'Caste Hindus' and the lowest of the section known as 'Scheduled Castes' or Harijans, while the third occupying a middle position between these two and

consisting of a large portion of our people is what may be termed as Backward Class.<sup>38</sup> Disapproving the amendments suggested by Seth Damodar Swarup and Pandit Loknath Misra seeking deletion of the word 'backward class' he observed that those who were of the opinion that no backward class existed in the country were "blind to the facts of the history of our country, to the progressive society of today and to the conditions obtaining at present."<sup>39</sup>

P. Kakkan (Madras : General) also supported the draft article 10. He said that the poor Harijan candidates hitherto did not get proper appointments in Government services. The higher officers selected only their own people, but not the Harijans.<sup>40</sup> Even in the matter of promotions they did not get justice. He observed that the Government could "expect necessary qualifications or personality from the Harijans, but not merit".<sup>41</sup> If merit alone was taken into account, the Harijans could not come forward. He suggested that "the Government must take special steps for reservation of appointments for the Harijans for some years".<sup>42</sup> To him, the Harijans must be given more jobs and be encouraged by the Government.

V.I. Muniswamy Pillay (Madras : General) pointed out that the word 'backward' had not been defined properly. He was in confusion whether the communities — specially the Scheduled

Castes -- that were left out in the administration for their due share had been provided for. He made it clear that unless there was an assurance that the Scheduled Castes would at all times be taken into account and given enough chances in appointments, their uplift would stand over. He felt that the argument advanced by some members of the House that reservation was not necessary was "uncholesome thinking".<sup>43</sup> This was so because so long as the communal canker remained in the body politics, there would be communities coming up for reservation. He, however, pleaded the case of the Scheduled Castes "because they have been left in the lurch and due to their lack of social, economic and educational advancement for years".<sup>44</sup> He said that they must get justice at all times. At the same time he told the House that it was "not the object of any of the leaders of the Harijan community to perpetuate the communal bogey in this land for ever".<sup>45</sup> But they must be given protection so long as they remained backward in getting admission into the services.

T. Channiah (Mysore) also supported the retention of the word 'backward' in clause (3) of draft article 10. He pointed out that though the word 'backward' had not been specifically defined in the Draft Constitution, it was known that in North India, among Hindus there were classes of people engaged in agriculture and artisan works who belonged to backward class. In South India, the term 'backward class' was very distinct. The backward classes in South India were either socially backward or educationally

backward. The only classes which did not fit in clause (3) of article 10 were those who were economically forward. He said that in Mysore, there were two classes of vacancies — A and B classes. Both the Brahmins and the non-Brahmins were competent to apply for the A class vacancies whereas for the B class vacancies, only the backward classes were entitled to compete. He felt that these backward communities suffered from two disabilities, namely, social and educational disabilities. It was from these two points of view that the Mysore Government had specifically provided the appointments in the B class. Therefore, it was right that the word 'backward' appearing in clause (3) of article 10 should be retained. He also urged that reservation for a period of 10 years suggested by Pandit Kunzru be extended to 150 years which had been the period during which opportunities had been denied to them.

Santanu Kumar Dass (Orissa : General) also favoured the retention of the draft article. He was of the opinion that due to "evil effects of foreign rule in our country", it was not possible to immediately delete "all provisions relating to reservations from our country".<sup>46</sup> He felt that so long as these conditions continued in our country there would be demand for reservations in services for the Harijans and the Scheduled Castes who were covered by the term 'backward class'.

H. J. Khandekar (C.P & Bihar : General) also supported article 10. He congratulated the friend of the drafting committee who had inserted the word 'backward' in article 10(3). In his view if the word 'backward' had not been defined, the purpose of the Scheduled Castes would not have been served as it should be.<sup>47</sup> He said that the conditions of the Scheduled Castes were so deplorable that though the candidates of the Scheduled Castes applied for certain Government posts, they were not selected for the posts because the people who selected the candidates did not belong to that community or that section. Though the Scheduled Caste people were qualified, they did not get "opportunity and fair treatment in the services".<sup>48</sup> If the qualifications for the Harijan candidates, he thought, were not relaxed, they would not be able to compete with the candidates belonging to the Brahmin community or the so-called Sarvarna Hindus. Mr Khandekar supported the amendment proposed by Muniswamy Pillay that the words 'Scheduled Caste' be inserted after 'backward class'. He disagreed with Chandrika Ram that the term 'backward' had been defined in the census reports. He said that the word 'Scheduled Caste' and not the word 'backward' had been defined there.

There were some members who, on the other hand, favoured the deletion of the word 'backward' because they were of the view that its scope was likely to be misconstrued by the state which might adversely affect the claims of the minority groups seeking adequate representation in the services. Thus, Mohamed Ismail Sahib

(Madras: General) pointed out that though the word 'backward' had not been defined at all anywhere in the Constitution, it had got a definite and technical meaning in Madras. In Madras, there were a number of castes and sub castes called the backward communities. The Government of Madras had scheduled more than 150 of these classes who constituted the majority of the population of that province, and everyone of these communities came from the majority community of Hindus. The Scheduled castes were not included in the list and if they were included, "all of them put together" would "form decidedly the majority of the whole population of that province".<sup>49</sup> He raised the question as to whether the word 'backward' inserted in clause (3) of draft article 10 meant the same backward classes as the Madras Government meant. To him, there were backward people amongst the non-majority people as well. The Christians and the Muslims were backward in minorities. They should not be "excluded from the purview of this clause".<sup>50</sup>

Mohamed Ismail was opposed to the amendment moved by Pandit Kunzru that the reservation should continue for a period of ten years. He felt that "the measure or yardstick in any such matter should not be the period of time".<sup>51</sup> The backwardness of the people was the result of conditions which had been in existence for several centuries and these would not die off easily. So the steps should be taken "to liquidate that backward condition"<sup>52</sup> when the backward people advanced and had "come forward

as much as any other community in the land, then these very reservations would automatically disappear".<sup>53</sup>

V

K.M. Munshi now replied to the criticisms levelled against the draft article 10. As regards the fears voiced by members who belonged to the Scheduled Castes he observed : "I can not imagine for the life of me how, after an experience of a year and a half of the Constituent Assembly any honourable Member of the Scheduled Castes should have a feeling that they will not be included in the backward classes so long as they are backward. I can not also imagine a time when there is any backward class in India which does not include the Scheduled caste".<sup>54</sup> He assured the Scheduled Caste members that the House would not make a distinction or discriminate against them. He pointed out that two things would be achieved by the clause — the highest efficiency in the state services would be achieved and at the same time it would be seen that the backward classes should be given scope in the services of the State which gave a status and an opportunity to serve the country and this opportunity should be given to every community, even among the backward people. He thought that "the word 'backward' was the best possible term".<sup>55</sup> The word 'backward' would include that class of people who were so backward that special protection was required in the services.

K.M. Munshi made it clear that under Article 301 a Commission would be appointed in order to investigate what were backward classes. He pointed out that in the Province of Bombay, there had been a definition of backward classes which included not only Scheduled Castes and Scheduled Tribes but also backward classes who were economically, educationally and socially backward. Therefore, there was no need to "define or restrict the scope of the word 'backward' to a particular community".<sup>56</sup>

T.T. Krishnamachari, who spoke after K.M. Munshi, referred to draft article 10 "as a piece of loose drafting"<sup>57</sup> which should not, in his view, find a place in the Chapter on Fundamental Rights. Referring to clause (3) he asked who the backward class of citizens were. It did not apply to a backward caste or Scheduled Caste or any particular community. Further he enquired what would be the basis for determining who were backward. He suggested the basis of literacy and raised the question that "if the basis of division is literacy, 80 per cent of our people fall into backward class of citizens, who is going to give the ultimate award? Perhaps the Supreme Court"<sup>58</sup> The Court would have to find out the intention of the framers of the Constitution as to "who should come under the category of backward class".<sup>59</sup> He raised the question whether it was a class which was "based on grounds of economic status or on grounds of literacy or on grounds of birth".<sup>60</sup> However, he was confident that the word 'backward' would ultimately

be interpreted by the Supreme Court on some basis — "Caste, community, religion, literacy or economic status".<sup>61</sup> Thus the Drafting Committee, he thought, had produced a "paradise for Lawyers".<sup>62</sup>

In reply to the criticisms against the draft article 10(3) B.R. Ambedkar justified the inclusion of the word 'backward'. He pointed out that the Drafting Committee had to reconcile three opposing points of view — first, "there shall be equality of opportunity for all citizens"<sup>63</sup>, second, "there ought to be no reservations of any sort for any class or community at all"<sup>64</sup>, and third, there must be "a provision made for the entry of certain communities which have so far been outside the administration".<sup>65</sup> Keeping these facts in mind, he said, it was seen that "no better formula could be produced than the one that is embodied in sub-clause (3) of article 10 of the Constitution".<sup>66</sup> He further pointed out that if "some such qualifying phrase" as 'backward' was not used, "the exception made in favour of reservation will ultimately eat up the rule altogether"<sup>67</sup> That, he thought, justified the introduction of the word 'backward' by the Drafting Committee. He admitted that the word 'backward' "did not originally find a place in the fundamental right in the way in which it was passed by this Assembly".<sup>68</sup>

Finally, Ambedkar referred to two questions which had been raised during the debate in the Constituent Assembly viz. definition

of backward community and justiciability of clause (3) of the draft article. As regards the former he said : "Anyone who reads the language of the draft itself will find that we have left it to be determined by each local Government".<sup>69</sup> To him, "a backward community is a community which is backward in the opinion of the Government".<sup>70</sup> As regards the latter he stated : "It is rather difficult to give a dogmatic answer. Personally I think it would be a justiciable matter".<sup>71</sup>

When the article was put to vote, all the amendments made relating to clause (3) were negatived by the Assembly and it was added to the Constitution without any alternation. It was, however, renumbered as article 16(4).

## VI

### Article 37

Article 37 of the Draft Constitution, which was subsequently renumbered as article 46, provides :

"The State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular of the Scheduled castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation".

When the article came up for consideration of the Constituent Assembly on 23 November, 1948, amendments were moved by Sardar Hukum Singh (East Punjab: Sikh) and A.V. Thakkar (United States of Kathiawar : Saurashtra).

Sardar Hukum Singh proposed that the words 'Scheduled Castes' be substituted by 'Backward communities of whatever class or religion'. He pointed out that 'Scheduled Castes' had been defined in article 303 of the Draft Constitution "as castes and races specified in the Government of India (Scheduled Castes) Order, 1936" which had described "most of the tribes, castes and sub castes" and included "Bawaria, Chamar, Chuhra, Balmiki, Od, Sansi, Sirviband and Ramdasis".<sup>72</sup> He alleged that though the Sikh Ramdasis, Ods, Balmiki and Chamars were backward classes, they had been kept out of the benefits provided for Scheduled Castes. He supported the underlying idea of the uplift of backward communities so that they might be able to "make equal contribution in the national interests".<sup>73</sup> But he thought that as 'weaker sections' had not been defined anywhere in the Constitution, the whole attention would be directed to the 'Scheduled Castes'. Even the article laid the whole stress on the 'Scheduled Castes' by centralising through the words 'in particular of the Scheduled Castes'.<sup>74</sup> He observed that discrimination was shown against the Sikhs because 'Scheduled castes' "have been understood by the general masses to exclude the members of the same castes possessing Sikh religion".<sup>75</sup> He suggested that educational and economic interests should be sought for "all backward classes,

and not for persons professing this or that particular religion or belief".<sup>76</sup>

A.V. Thakkar moved an amendment to include 'backward castes' among Hindus and Muslims.

B.R. Ambedkar in his reply to the criticisms levelled against the draft article 37 justified the retention of the words 'Scheduled Castes' there and suggested that the amendments made relating to the article be postponed. Then Sardar Hukum Singh and A.V. Thakkar had withdrawn their amendments. The article was then put to vote and stood part of the Constitution without any alternation.

## VII

### Article 301

Article 301 of the draft Constitution which was corresponded by article 340 of the Constitution provides:

1. The President may by order appoint a Commission consisting of such persons as he thinks fit to investigate the conditions of socially and educationally backward classes within the territory of India and difficulties under which they labour and to make recommendations as to the steps that should be taken by the Union or any State to remove such difficulties and to improve their condition and as to the grants that should be given for the purpose <sup>or</sup> by the Union/any State and the conditions subject to which such

grants should be given, and the order appointing such commission shall define the procedure to be followed by the Commission.

2. A Commission so appointed shall investigate the matters referred to them and present to the President a report setting out the facts as found by them and making such recommendations as they think proper.

3. The President shall cause a copy of the report so presented, together with a memorandum explaining the action taken thereon to be laid before the Parliament.

When the draft article came up for consideration of the Constituent Assembly on 16th June, 1949, various amendments were suggested.

H.V. Kamath offered three amendments for clause (1) of the draft article. First, he favoured the deletion of the words 'consisting of such persons as he thinks fit'. In his judgement these words were "wholly superfluous".<sup>77</sup> He said that they had "caste a reflection upon the wisdom of the President".<sup>78</sup> It was "absolutely pointless and purposeless to say" that he might "appoint a Commission consisting of such persons as he thinks fit".<sup>79</sup> He thought that the words after 'appoint a Commission' should be stopped. Second, he suggested that the words 'grants should be given' be substituted by 'grants should be made'. Third, he proposed that the word 'and' be substituted by 'as well as'.

However, he left the second and third amendments to the collective wisdom of the drafting committee.

For clause (2) Kamath proposed the substitution of the words 'a report setting out the facts as found by them and' by the words 'a report there on'. He favoured the deletion of the words 'together with a memorandum explaining the action taken there on' and the addition of the words 'for such further action as may be necessary' at the end of clause (3).

Kamath referred to his amendment for clause (3) as "a drafting amendment, plus an amendment of substance".<sup>80</sup> There were two parts of it. The first related to the manner in which the President should cause a copy of the report to be laid before Parliament. The clause, as it stood, made "it incumbent upon the President to affix a memorandum to the copy of the report to be laid before Parliament".<sup>81</sup> He suggested that "he must add a memorandum to the report".<sup>82</sup> The second part of his amendment for clause (3) related "to the sequel to the submission to the Parliament by the President of this report by the Commission".<sup>83</sup> Kamath thought that Parliament should have "a definite say, a substantial voice"<sup>84</sup> in the policy to be adopted or action taken for the welfare of the socially and educationally backward classes. Parliament would be entitled to ask that any action taken for the welfare of the backward classes must be in conformity with the policy that would be formulated by it. He further suggested that when the report would come before the Parliament, "further action

should be taken by Parliament and not by the President".<sup>85</sup> The President, if needed be, "would communicate to Parliament his own reactions to the report, but should not be final authority to take action thereon".<sup>86</sup> Parliament must have the word on action to be taken on that report.<sup>87</sup>

B.R. Ambedkar moved his amendment asking for the substitution of the word 'Parliament' by 'each House of Parliament'.

Pandit Thakur Das Bhargava considered the draft article 301 as the most important article of the constitution. He called it "the soul of the Constitution".<sup>88</sup> To him, so far as the depressed classes were concerned, the article sought "to complete the process of bringing them upto the normal standards".<sup>89</sup> The article placed "upon the entire nation the obligation of seeing that all the disabilities and difficulties of the Depressed Classes" were removed and therefore, it was "really a Charter of the liberties of the Backward classes".<sup>90</sup> He alleged that while reservation was given to some backward classes, it was denied to other classes who were really backward. He, therefore, demanded "a register to be made of all backward classes including the present Depressed classes".<sup>91</sup> He said that so far as backward classes were concerned, it should be seen that they did not continue in the category of backward classes after they had reached normal standards so that their backwardness was not "crystalized or perpetuated".<sup>92</sup>

Bhargava favoured the word 'shall' in stead of 'May' in clause (1) in order to make the President obliged to appoint a Commission for investigating the conditions of socially and educationally backward classes. He observed that the article 301 did not refer to the obligations of the Parliament as regards backward classes, and no safeguards were provided for minorities like the Muslims and Sikhs. The Scheduled castes and backward classes were the only responsibility of the Parliament. He suggested that in regard to these classes, special officers should be appointed to see whether the fundamental rights which had been given to them under the Constitution and the special facilities which were sought to be provided for them after the investigation of the Commission were enjoyed by them or not. These classes should be "not only the responsibility of the Central Parliament but of the State Legislature as well".<sup>93</sup> There should, however, be the special obligation of the Parliament as regards backward classes. He further suggested that there should be a provision in article 301 that reservation would also extend to the communities for whom reservation had not been made though they were backward.

Prof. Shibban Lal Saksena had supported the draft article 301. He pointed out that as soon as the Constitution came into existence, the President should "appoint the Commission to investigate into the conditions of the socially, educationally and culturally backward classes and then make its report how to remove their backwardness".<sup>94</sup> He said that though the expression 'backward

classes' had been used in several places in the Constitution, they had not been defined anywhere in the Constitution. He, however, hoped that the Commission, which would investigate the conditions of the backward classes, would define the terms "backward classes" and "depressed classes" in its report to the Parliament. He supported the amendment moved by Kamath for the inclusion of the words 'for such further action as may be necessary' at the end of clause (3). Such amendment, he thought, was necessary because when the report was made, "the House must consider the ways and means of removing the backwardness of these people".<sup>95</sup>

The amendments moved by different members as regards the draft article 301 were put to vote. All the amendments with the exception of B.R. Ambedkar's amendment substituting the word 'Parliament' by 'each House of Parliament' were negatived. The draft article 301 was renumbered as article 340 and was added to the Constitution.

### VIII

The following points emerge from the Constituent Assembly debates:

- (1) The drafting committee had incorporated the clause (4) of article 16 in the Constitution for protecting the interests of the backward classes by securing representation in the serives. Such protection was necessitated by the conditions which prevailed

them in several provinces in the country.

(2) While a few members of the Constituent Assembly opposed reservation provisions on the grounds of merit and efficiency, others supported these provisions on the ground that the backward castes had suffered from discrimination for centuries.

(3) Those who supported reservation were of the view that reservation should not continue indefinitely. Reservation would disappear when the backward castes would come at par with the other advanced communities.

(4) Since the word 'backward' had not been defined anywhere in the Constitution, it proved controversial. Its inclusion was, however, justified by Ambedkar, Chariman of the drafting committee who pointed out that if "some such qualifying phrase" as 'backward' was not used, "the exception made in favour of reservation will ultimately eat up the rule altogether". The members of the Constituent Assembly were not unanimous as regards the criteria to be adopted in determining backwardness. They left the matter to the State governments with ultimate review by the courts. While one or two members expressed the view that the case of backwardness might be literacy and occupation, etc., the other view was expressed that the term 'backward classes' covered Scheduled castes.

## IX

Analysis of the Debates in Parliament on Clause (4) of article 15.

In Champakam Dorairajan<sup>96</sup> the Supreme Court in 1950 struck down the quotas in Madras educational institutions which were granted to the OBCs and the Scheduled Castes as a result of the non-Brahmin movement in 1927 and later increased by the Communal G.O. in 1947. Ramaswamy Naicker and his Party, Dravidar Kazhagam, launched such an agitation throughout the State against the quashing of the communal G.O. that the Central Government under the leadership of Jawaharlal Nehru, within two months of the agitation, moved the First Amendment to the Constitution empowering the states to make special provisions for the advancement of the socially and educationally backward classes of citizens. A new clause — Clause (4) — was incorporated in article 15.

In the debate on the amendment to clause (4) of article 15 most of the members agreed that the momentum for the amendment was given by the political agitation in Madras. In this regard Jawaharlal Nehru remarked that "this particular matter in this particular shape arose because of certain happenings in Madras".<sup>97</sup> Shankaraiya, however, pointed out that "it is not only the Madras Government that is concerned with this but the whole of South India — the State of Mysore, Travancore-Cochin and even Bombay".<sup>98</sup> Desmukh said that "the problem was not confined to Madras but was bound to arise elsewhere as soon as the backward classes became more aware and assertive".<sup>99</sup>

The debates on the amendment revolved around the desirability of providing educational preferences to the members of backward classes, and it related in part to the question of identification of backward classes. After some discussion the bill was referred to a Select Committee on May 16, 1951. Further debate on the Clause (4) of article 15 took place on May 18, 29, 30, 31 and June 1 and 2. The clause was passed on June 1 and the entire bill on June 2.

The original draft of article 15(4) would have added to article 15(3) which authorised special provision for women and children, the words : "or for the educational, economic or social advancement of any backward class of citizens".<sup>100</sup> Nehru explained that the Select Committee chose these words of article 15(4) because they already occurred in article 340. Thus the language of article 15(4) is on the lines of article 340.

The issue whether the determination of backward classes by the Backward Classes Commission to be set up under article 340 and later by the President would be final agitated the members. While some members such as Thakur Das Bhargava and M.A. Ayyangar favoured the final phrasing because, they thought, it confined backward classes to those to be determined by the President after the recommendation of the Commission, others, such as Hukum Singh and S.P. Mookerjee raised objection that they were not so confined. Some others like Seth Govind Das and Venkataraman felt that the

backward classes should be identified by the state governments who they thought might be trusted to do this job well.

The debates on the amendment showed that whatever might be the criteria for identification of backward classes and by whomsoever they were to be identified as such, they were to be a list of castes and communities. Ambedkar, the then Law Minister, frankly observed that backward classes were "nothing else but a collection of certain castes".<sup>101</sup> Nehru, however, did not refer to caste system as such. He stressed the need for measures to wipe out all inequalities associated with the social structure.

K.T. Shah favoured adding the word 'economically' in stead of 'classes' to qualify the term backward classes because he felt that the backwardness to be remedied was economic. Though Nehru had no objection to adding the word 'economically' but he felt that to do so would make it different from the language used in article 340. He observed : "Socially is a much wider word including many things and certainly including economically".<sup>102</sup>

#### X

The following points arise from the debates on the amendment to Clause (4) of article 15:

(1) The language of article 15(4) should be identical to that used in article 340(1). As Clause (1) of article 340 did not

refer to the word 'economically', the same did not find its place in Clause (4) of article 15 though a few members emphasised economic backwardness in the identification of backward classes.

(ii) It was not clear whether 'caste' would be the sole criterion in the identification of backward classes, though Ambedkar specifically pointed out that backward classes were "nothing else than a collection of certain castes".

(iii) The members intended that the listing of backward classes by the President on recommendations of the Backward Classes Commission would not be final. The state governments would also identify backward classes.

## XI

### Present Constitutional position

#### Article 15(4)

Nothing in this article or in clause (2) of article 29 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.

#### Article 16(4)

Nothing in this article shall prevent the State from making any provision for 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

The State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

Article 340

(1) The President may by order appoint a Commission consisting of such persons as he thinks fit to investigate the conditions of socially and educationally backward classes within the territory of India and the difficulties under which they labour and to make recommendations as to the steps that should be taken by the Union or any State to remove such difficulties and to improve their condition and as to the grants that should be made for the purpose by the Union or any State and the conditions subject to which such grants should be made, and the order appointing such Commission shall define the procedure to be followed by the Commission.

(2) A Commission so appointed shall investigate the matters referred to them and present to the President a report setting out the facts as found by them and making such recommendations as they think proper.

(3) The President shall cause a copy of the report so presented together with a memorandum explaining the action taken thereon to be laid before each House of Parliament .

R E F E R E N C E S

1. Mačhu Limaye : 'A democratic Weapon', Seminar, Nov 1990, p. 59
2. Quoted in Ibid.
3. Ibid.
4. Ibid.
5. Ibid, p. 560
6. Constituent Assembly Debates, Vol. 1, p. 59
7. B. Shiva Rao, 'The Framing of India's Constitution', Select Documents, Vol. II, p. 74.
8. Ibid, p. 94
9. B. Shiva Rao, 'The Framing of India's Constitution: A study', p. 192
10. Ibid.
11. B. Shiva Rao, op. cit., No. 7, p. 200.
12. Ibid, pp. 204-205
13. B. Shiva Rao, op. cit., No. 9, p. 193
14. Ibid.
15. Ibid, pp. 193-194
16. Ibid, p. 194
17. Ibid.
18. Ibid.
19. Ibid.
20. Ibid.
21. Constituent Assembly Debates, Vol. III, p. 440.
22. B. Shiva Rao, 'The Framing of India's Constitution, Select Documents, Vol. III, p. 8
23. B. Shiva Rao, op. cit, No. 9, p. 195
24. Constituent Assembly Debates, Vol. VII, p. 673
25. Ibid, p. 679
26. Ibid.
27. Ibid.
28. Ibid, p. 680

29. Ibid, p. 681
30. Ibid, p. 682
31. Ibid.
32. Ibid, p. 685
33. Ibid
34. Ibid, p. 686
35. Ibid
36. Ibid, p. 687
37. Ibid
38. Ibid
39. Ibid, p. 688
40. Ibid
41. Ibid
42. Ibid
43. Ibid, p. 689
44. Ibid
45. Ibid
46. Ibid, p. 690
47. Ibid, p. 691
48. Ibid
49. Ibid, p. 692
50. Ibid, p. 693
51. Ibid
52. Ibid
53. Ibid
54. Ibid, p. 696
55. Ibid, p. 697
56. Ibid
57. Ibid.
58. Ibid, p. 699
59. Ibid
60. Ibid
61. Ibid
62. Ibid
63. Ibid, p. 701

64. Ibid
65. Ibid
66. Ibid
67. Ibid, p. 702
68. Ibid
69. Ibid
70. Ibid
71. Ibid
72. Ibid, p. 552
73. Ibid
74. Ibid, p. 553
75. Ibid.
76. Ibid.
77. Constituent Assembly Debates, Vol. VIII, p. 943
78. Ibid
79. Ibid
80. Ibid, p. 944
81. Ibid
82. Ibid
83. Ibid, p. 945
84. Ibid
85. Ibid
86. Ibid
87. Ibid
88. Ibid, p. 947
89. Ibid
90. Ibid
91. Ibid
92. Ibid
93. Ibid
94. Ibid, p. 947
95. Ibid.

96. AIR 1951 SC 226
97. Parliamentary Debates, Vol. XII-13 (Part II) at Col. 9615
98. Ibid at 9000
99. Ibid at 9775
100. Ibid at 8929
101. Ibid at 90006
102. Ibid at 9830.

### CHAPTER III

#### Reservation and inter organ relationship at Government level.

The spirit of equality prevades the provisions of the Constitution of India as the main aim of the Founders of the Constitution was to create an egalitarian society wherein social, economic and political justice prevail and equality of status and of opportunity are made available to all.<sup>1</sup> However, owing to historical and traditional reasons certain classes of Indian citizens are under severe social and economic disabilities that they can not effectively enjoy either equality of status or of opportunity.<sup>2</sup> The Constitution, therefore, accords to these weaker sections of society compensatory or protective discrimination in various articles including articles 15(4) and 16(4). Article 15(4) authorises the making of "any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes" and article 16(4) authorises the making of "any provision for 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".

The Constitution confronts both government and courts with the problem of reconciling the conflicting principles of equal treatment and compensatory discrimination.<sup>3</sup> The sweeping language of articles 15(4) and 16(4) suggests that the framers

3. Whether the list of backward classes based solely on caste is constitutional?
4. Is sub classification of backward classes into backward and more backward classes valid?
5. What is the scope of the expression 'backward classes of citizens'?
6. When is reservation excessive?
7. Whether the reservation under article 16(4) can be made in the case of promotions or only at the stage of appointments?
8. Can government provide concessions other than reservations for backward classes?
9. Whether the people in rural and hill areas are backward?
10. Whether any reservation scheme for communities, which are not coming in the category of backward classes, according to their religion, race and caste infringes the fundamental right guaranteed under article 16?
11. Is government constitutionally obliged to make reservation for backward classes?
12. Whether 'caste' and 'class' are synonymous?

## II

### Analysis of the Court cases under Article 16(4)

#### 1. Who are backward classes?

The first Supreme Court case dealing with the definition

of backward classes was Triloki Nath V. State of Jammu and Kashmir.<sup>10</sup> The facts in this case were that the Government of Jammu and Kashmir had adopted the following basis in the matter of promotions to certain posts without any formal rule or announcement:

1. 50 per cent were given to Muslims;
2. 60 per cent of the remaining 50 per cent of the posts were filled by Jammu Hindus;
3. The remaining 40 per cent of the 50 per cent of the posts were given to Kashmiri Pandits. Sometimes one or two posts were given to Sikhs out of turn.

The Supreme Court held that the sole test of backwardness under article 16(4) was not that certain classes were not adequately represented in the services of the State, for such an argument "would exclude the really backward classes from the benefit of the provision and confer the benefit only on a class of citizens who, though rich and cultured, have taken to other avocations of life".<sup>11</sup> The Court stated that a class to be backward must satisfy two conditions : (i) it was socially and educationally backward explained in Balaji's case, and (ii) it was not adequately represented in the services of the State. Following Balaji and Chitralakha the Court said that the classification of backward classes should be made on the following basis : (i) economic conditions, and (ii) occupation. Though the

and (2) and was not saved by clause (4). It held that article 16(2) prohibits discrimination on the ground of religion, race, caste, place of birth or residence. The expression 'backward class' was not synonymous with "backward caste" or "backward community". The members of an entire caste or community might in the social, economic and educational scale of values at a given time be backward and might on that account be treated as backward class, but that was not because they were members of a caste or community but because they formed a class. In its ordinary connotation the expression "class" meant a homogeneous section of the people grouped together because of certain likeness or common traits, and who were identifiable by some common attributes such as status, rank, occupation, residence in a locality, race, religion and the like. But for the purpose of article 16(4) in determining whether a section formed a class, a test solely based on caste, community, race, religion, sex, descent, place of birth or residence could not be adopted because it would directly offend the Constitution.

After the second Triloki Nath case occurred Makhan Lal V. State of Jammu and Kashmir.<sup>14</sup> This case occurred on the facts of Triloki Nath. Though the Supreme Court had stated in Triloki Nath case that the State should devise a scheme of reservation consistent with the constitutional guarantee, no such scheme had been devised. The Education Department of the State, however, thought of an ingenious device of giving ostensible effect to

the court's decision. The respondent teachers whose promotions were declared illegal in view of the decisions in Triloki Nath case were allowed to work in the same higher position on temporary basis. The Supreme Court again declared these promotions unconstitutional on the ground that this was contrary to the constitutional guarantee of article 16.

Finally, there occurred Janki Prasad Parimoo V. State of Jammu and Kashmir<sup>15</sup> on the facts of the above three cases. As a result of the decision in Makhan Lal the Government of Jammu and Kashmir promulgated the Jammu and Kashmir Scheduled castes and Backward Classes Reservation Rules, 1970. In 1967 the Government of Jammu and Kashmir appointed the Jammu and Kashmir Commission of Enquiry under the Chairmanship of Dr. P.B. Gajendragadkar. Its report was submitted in November 1968. It recommended to appoint a Committee for drawing up a list of backward classes in the State. Accordingly, the Backward classes committee was appointed under the Chairmanship of J.N. Nazir, retired Chief Justice of the High Court of Jammu and Kashmir, on February 3, 1969. This Committee submitted its report in November 1969 recommending several classes of citizens who deserved to be described as socially and educationally backward. On the recommendations of the Committee the Government of Jammu and Kashmir issued on April 8, 1970, the Jammu and Kashmir Scheduled castes and Backward classes (Reservation) Rules. These rules aimed at making provision for reservation of posts in favour of certain classes of permanent residents of

the State who were backward and not adequately represented in the services. A further order was passed on August 8, 1970, by the State Government known as Jammu and Kashmir Scheduled Castes and Backward classes (Reservation of appointments by promotion) Rules. By these rules the principles laid down were made applicable to promotions also. The net result of the recommendations made by the Committee was to make reservations in both appointments and promotions to the extent of 8% of the posts for Scheduled Castes and 42% in favour of the backward classes.

The petitioners complained that the Committee had failed to determine the backward classes in accordance with the decisions of the Supreme Court. It was further alleged that a disproportionate share in appointments and promotions would go to the Muslims if Reservation Rules were implemented.

The Reservation Rules had classified backward classes into the six categories as follows:

1. Traditional occupations.
2. 23 low social castes.
3. Cultivators of land with small holding.
4. Low paid pensioners.
5. Residents in the area adjoining the cease-fire line.
6. Some areas in the State as "bad pocket" and every person belonging to that area.

The Supreme Court in this case emphasised that mere educational backwardness did not by itself make a class of citizens

backward. One must be "both educationally and socially backward" to be identified as belonging to such a class.

The Court found faulty with all the categories specified in the Reservation Rules. The main view points of the court on these categories were as follows:

1. As regards traditional occupation the Court agreed that persons engaged in traditional occupations could be regarded as persons belonging to a backward class. But the serious objection to the government classification was that the traditional occupation in respect of a person meant the main occupation of his living or late grand father and did not include casual occupation. This would mean that if a person wanted the special advantage as a member of the backward class, it was enough for him to show that his grand father had followed the traditional occupation but not his father. Thus the benefit might not go to the really backward person.

2. The rules had notified 23 low social castes as backward. The Backward Classes Committee had identified the first 19 of them and stated that these castes were considered inferior in society as the service which they rendered carried a stigma on it. They suffer from social disabilities and were backward both educationally and socially. The Supreme Court stated that it was not known on what basis they had been included as socially and educationally backward. As there was no material before the Court, it was not prepared to proceed on the basis that the other remaining

four castes were also backward.

3. The rules had identified cultivators of land with small holding as a backward class. The limits of his holding differed according to the type of land cultivated and the region in which such land was situated. The cultivator might be an owner or a tenant. He might even be a non-cultivator provided he wholly depended on land for his livelihood. The cultivator was designated as a class on the basis of the recommendations of the Backward Classes Committee. The reasons given by the Committee for this categorisation were economic. The Court rejected this approach and observed that a class "must be a homogeneous social section of people with common traits and identifiable by some common attributes".<sup>16</sup> In such a case the relevance of social and educational backwardness took a subordinate place. Taking an example, the Court said that a cultivator holding 10 Kanals of land or less was to be regarded as socially and educationally backward. But if his brother owned half a Kanal more, he was not to be considered as backward.

4. The Supreme Court found the same error in the classification which regarded the dependant of a pensioner as backward if the maximum of the scale of pay of the post to which he belonged did not exceed Rs. 100/- per month. The Court held that this was not the test of social and educational backwardness. It analysed that in days when sources of employment were limited, many people,

though socially advanced, had accepted low paid jobs. Some of them had failed to make the educational grade and were thus forced by necessity to accept low paid jobs. Some others had pre-maturely retired from posts carrying the scale referred to above. Thus, the poor scale of pay could not be the test of social backwardness.

5. Further the rules had identified residents of certain areas as backward. The Backward classes Committee noticed that owing to lack of communication, inaccessibility, lack of material resources and the like the residents of bad pocket areas were living in almost primitive conditions and they were all socially and educationally backward. Similar conditions applied to areas adjoining the ceasefire line. The difficulties inherent in the living conditions in these areas had led the residents of these areas to live in economic and educational backwardness. The Supreme Court held that there was no objection to regard the residents of these areas as socially and educationally backward since the classification was not made merely on the ground of place of birth. But the rules had been so framed that the advantage was likely to be misused by imposters. A person wanting the advantage of reservation would be regarded as belonging to these classes if his father had been resident of the area for a period of not less than 10 years in a period of 20 years preceding the year in which the certificate of backwardness was obtained. The rules did not insist that either the father or the son should be a resident of the area when advantage was claimed. Further the rules did not

require that the son should have his earlier education in these areas to ensure that he and his father were permanent residents of that area. The Court observed that in order that the benefit might go to the residents of these areas, government ought to frame rules with adequate safeguards that only genuine residents would get the advantage of reservation and not outsiders.

In Deshu Rayudu V. A.P. Public Service Commission<sup>17</sup> the Petitioners challenged the cancellation of the list of backward classes prepared by the Andhra Pradesh Government. The Government decided to cancel the list because it was satisfied that the list was exclusively based on caste. The High Court of Andhra Pradesh stated that the Government was justified in cancelling the list of backward classes because "caste can not be exclusive or the dominant consideration for determining the backward classes for the purposes of article 16(4)".<sup>18</sup>

The U.P. Government Order dated 20th August, 1977, which enumerated backward classes comprising Ahirs, Kurmis and many other castes was challenged in Chhotey Lal V. State of U.P.<sup>19</sup> The petitioners alleged that many of the so-called backward classes like Ahirs and Kurmis were not economically and socially backward. Many of them were big farmers. Many were highly educated and occupied high offices. They urged that these castes were not backward within the meaning of article 16(4) and hence there was no rational basis for creating reservation for them. The counter-affidavit of the State disclosed that the State Government had

attempted to justify the reservation made in favour of the castes enumerated in the Government Order on the ground that they formed a class of citizens which considered as a whole was socially and educationally backward. The High Court quashed the Government Order. The Court speaking through Justice Misra observed : "Neither the impugned G.O. nor the counter-affidavit filed on behalf of the State reveals that any other survey or data collection in any other manner was done by the State Government. Similarly, as regards the list prepared by the Education Department, it is not mentioned in the counter-affidavit on what basis these castes were found even educationally backward class of citizens at that point of time. No fact-finding inquiry was alleged to have been made".<sup>20</sup> The Court observed that "no facts had been placed before it to show that the State Government had applied the tests laid down by the Supreme Court in arriving at the conclusion that each of the particular caste specified was a backward class".<sup>21</sup>

(ii) Quantum of reservation : When excessive?

The question whether the government can provide excessive reservation or not was raised in T. Devadasan V. India.<sup>22</sup> In this case the Supreme Court held that "the reservation for backward communities should not be so excessive as to create monopoly or to disturb unduly the legitimate claims of other communities".<sup>23</sup> The Court said that article 16(4) is an exception to article 16(1). An exception could not be so interpreted as to destroy the main

provision. Unlimited reservation under article 16(4) "would in effect efface the guarantee contained in clause (1) or at least make it illusory".<sup>24</sup> The overriding effect of article 16(4) on article 16(1) and (2) could only extend to the making of a reasonable number of reservation of posts. The Supreme Court observed that reservation exceeding 50% would not be constitutional.

On February 6, 1960 the U.P.S.C. had issued a notification to the effect that a competitive examination would be held in June, 1960 for promotion to the regular temporary establishment of Assistant Superintendents of the Central Secretariat Service. The notification stated that a reservation of 12½% of the vacancies would be made for members of the Scheduled castes and 5% for members of the Scheduled Tribes. But there was "carry forward" rule according to which unfilled reserved vacancies in the two years preceding the year of recruitment were to be added to these percentages. The result of this examination was announced in April 1961. The U.P.S.C. recommended 16 candidates for being appointed in unreserved vacancies and 28 candidates in reserved vacancies as per prescribed percentage plus carry forward quota. Subsequently the U.P.S.C. recommended 2 more candidates from Scheduled Castes/Tribes for the posts. The number of vacancies which were expected to be filled was stated to be 48 out of which 16 were unreserved and 32 reserved, though in fact the U.P.S.C. recommended only 30 for the latter category. The Government, however, made 45 appointments out of which 29 were from Scheduled Castes and Tribes. Thus

as a result of "carry forward" rule the reservation quota came to be 64.4% of the vacancies filled. As reservation quota exceeded 50%, the Supreme Court regarded it excessive and struck down the "carry forward" rule.

However, in A.B.S.K. Sangh (Rly) V. Union of India<sup>25</sup> the Supreme Court upheld the "carry forward" rule of the Railway Board. Justice Krishna Iyer for the majority held that the "carry forward" rule by being increased from 2 years to 3 years did not confer a monopoly on the Scheduled Castes and Scheduled Tribes and deprive others of their opportunity for appointment. But he was of the view that unlimited reservation of appointments was impermissible because it rendered article 16(1) nugatory. It should be seen that in no year the candidates belonging to the Scheduled castes and Scheduled Tribes were appointed "substantially" more than 50% of the reserved posts. Some excess might be permitted but "substantial" excess would void the selection. Subject to this condition the "carry forward" rule must be held valid.

The dissenting Judge in the instant case Pathak said that a quota of the posts might be reserved for backward class of citizens, but the interests of an efficient administration required that "at least half the total number of posts be kept open to attract the best of the nation's talent and not more than half be made the sum of reserved quotas".<sup>26</sup> An excess of reserved quotas would convert the state service into a collective membership predominantly of backward classes.<sup>27</sup> This would be inconsistent

with the maintenance of efficiency of administration.

80% reservation for the backward classes was challenged in Shivaji V. Chairman, M.P.S. Commission.<sup>28</sup> Pursuant to an advertisement issued by the Maharashtra Public Service Commission on 4th June, 1979, the Petitioners applied for the posts of Probationary Tahsildars in Maharashtra Civil Services Class II. There were 25 vacancies to be filled in the category of Probationary Tahsildars. 9 posts were reserved for the Scheduled Castes (including SCs converted to Buddhism), Scheduled Tribes and denotied nomadic Tribes and other backward communities. 9 posts out of 25 posts constituted 34% of the total posts. 11 posts out of 25 posts constituting 46% of the posts were reserved for economically weaker sections of society. Thus 20 posts out of 25 posts were reserved for backward classes. Only 5 posts were open to the merit pool. Thus there was reservation of 80% of the posts in favour of what the State had regarded as backward classes within the meaning of article 16(4) of the Constitution.

The Petitioners alleged that the reservation to the extent of 80% for backward classes had deprived them of being appointed for the posts of Tahsildars. According to them, reservation made by the State in the instant case beyond 34% was illegal and not protected by article 16(4) of the Constitution. The Bombay High Court held that the reservation of 46% by the State in the instant case in favour of backward classes of the community was not

supportable by law. Justice Jahagirdar, on behalf of the High Court observed : "Reservation under Article 16(4) of the Constitution should not be unreasonable, namely that reservation should not exceed 50% of the total number of posts and that backwardness which is mentioned in Article 16(4) is equivalent to social and educational backwardness mentioned in Article 15(4)".<sup>29</sup> He said that the State in the instant case had proceeded to determine the backwardness only on the basis of economic backwardness. Reservation made to the extent of 46% in addition to 34% made in favour of Scheduled Castes was invalid. Further, the reservation of 46% could not be treated as made validly in favour of another segment of backward class. If this was accepted, nothing could prevent the State from making reservation of 25% in respect of each segment of backward classes and swallow up the entire 100% in favour of the backward classes. Unlimited reservation, therefore, "destroys the equality of opportunity guaranteed to the citizens under Article 16(1) of the Constitution".<sup>30</sup>

In its recent judgement<sup>31</sup> the Supreme Court ruled that the reservation should not exceed 50 per cent. The Union Government issued a notification on August 13, 1990, reserving 27% jobs for backward classes in central services on the recommendations of the Second Backward Classes Commission, popularly known as Mandal Commission. Another notification was issued on September 25, 1991, modifying the earlier notification. The modified notification retained 27% reservation for backward classes but on the basis of

economic criterion another 10% reservation was given to more backward classes. 15% and 7½% reservations were already made for the members belonging to Scheduled Castes and Scheduled Tribes respectively. Thus it had raised the total reservation to over 50%. When the validity of these notifications was challenged in the Supreme Court, the Court upheld the 27% reservation for backward classes but struck down the 10% reservation based on economic criterion for weaker sections and ruled that reservation could not exceed 50%.

(iii) Discretionary with the Government to provide for reservations.

The question whether it is discretionary with the government to provide reservations for backward classes or not either in initial appointments or promotions occurred in C.A. Rajendran V. Union of India.<sup>32</sup> In this case the petitioner obtained rule from the Supreme Court calling upon the respondents to show cause why a writ in the nature of mandamus under article 32 of the Constitution should not be issued for quashing the Office Memorandum dated November 8, 1963 and restoring the earlier orders passed in Office Memorandum in 1955 and 1957. In 1955, the Union Government issued Office Memorandum whereby it reaffirmed its decision that there would be no reservation for Scheduled Castes and Scheduled Tribes in posts filled by promotion, but concessions as regards qualification and seniority were to be given to them in the matter of promotion. A further Memorandum of 1957 decided on a 12½ per cent

reservation for Scheduled Castes and 5 per cent for Scheduled Tribes. In 1963 the Union Government decided that there should be no reservation in the matter of promotion to Class I and Class II services because these services required higher degree of efficiency and responsibility and therefore the Government issued Memorandum dated November 8, 1963 withdrawing reservation quotas for Scheduled Castes and Scheduled Tribes made in the previous Government Orders of 1955 and 1957.

The Petitioner argued that the provision contained in article 16(4) of the Constitution was itself a fundamental right of the Scheduled castes and Scheduled Tribes and the Government could not withdraw the benefits conferred on them by the Government Orders of 1955 and 1957.

The Supreme Court held the Government Order of 1963 to be valid. It stated that article 16(4) did not confer any fundamental right on backward classes as regards reservation of posts and there was no constitutional obligation imposed on the Government to make reservation for Scheduled Castes and Scheduled Tribes, either at the initial stage of recruitment or at the stage of promotion. The Court observed : "Article 16(4) is an enabling provision and confers a discretionary power on the State to make a reservation of appointments in favour of backward class of citizens, which, in its opinion, is not adequately represented in the services of the State".<sup>33</sup> The language of article 16(4) must be interpreted

in the context and background of article 335 of the Constitution. In other words, in making a provision for reservation of appointments or posts the government must take into account consideration not only the claims of the members of the backward classes but also the maintenance of efficiency of administration.

In R.N. Pramanick V. Union of India<sup>34</sup> the Petitioner was appointed as a typist on April 24, 1956, against the quota reserved for Scheduled Castes. The Petitioner alleged that he was given the 75th place in the seniority list prepared by the Eastern Railway in 1961. But this was revised by the impugned Order of 1963 by which the petitioner was given the serial number 194-A. As a result of this reduction, he lost a chance of being promoted. The strongest ground urged on behalf of the petitioner was that of violation of the guarantee under article 16 of the Constitution. The Calcutta High Court upheld the Government Order. The Court held that it was within the right of the government to decide that merit would be the only consideration for promotion though there was reservation for the Scheduled Castes for recruitment to lower posts.

In Mohan Kumar Singhania V. Union of India<sup>35</sup> the Supreme Court held that article 16(4) conferred a discretionary power on the State for making reservation of appointments or posts in favour of any backward class of citizens. In this case the second proviso of Rule 4 of Civil Service Examination Rules (1983) was challenged as violative of articles 14 and 16 of the Constitution.

Rule 4 of Civil Service Examination Rules permitted every candidate to appear for three attempts at the civil service examination which is now increased to four. The proviso of this rule stated that this restriction on the number of attempts at the examination would not apply in the case of Scheduled Castes and Scheduled Tribes candidates who were otherwise eligible. The second proviso of the Rule provided that a candidate who had accepted allocation to a service and who was appointed to a service on the basis of the result of an earlier civil service examination could not be eligible to appear at the next civil service examination unless he resigned from the service. This rule was also applicable in the case of candidates belonging to Scheduled Castes and Scheduled Tribes. Justice S. Ratnaval Pandian appearing for the Supreme Court upheld the second proviso of Rule 4 and observed that the restriction imposed under the second proviso was only for a specified category of candidates by treating all such candidates at par and without making any exception to the candidates belonging to SC/ST. He said that reservation was not a constitutional compulsion but it was discretionary one.

(iv) Scope of reservations

That the state can make reservation in favour of backward classes both in initial appointments and promotions was expressed by the Supreme Court in General Manager, Southern Railway V. Rangachari<sup>36</sup>. The Railway Board issued two circulars on April 27, 1959 and June 12, 1959 by which it was expressed that there would

be prescribed quota of reservation for promotion to selection posts for the members belonging to Scheduled Castes and Scheduled Tribes. The respondent in this case urged that the safeguard provided by Article 16(4) applied only to reservation of posts at the time of appointment and not promotion. The Supreme Court upheld the circulars of the Railway Board and observed that "matters of employment" in article 16(1) covered not only initial appointments but also promotions and such other matters as salary and periodical increments and terms of leave, gratuity, pension and age of superannuation. Article 16(4) was an exception to article 16(1) but there could not be any exception even in regard to backward classes with regard to matters other than initial appointments and promotions. Article 16(4) covered both initial appointments and promotions.

In its subsequent decision, however, the Supreme Court held that "reservations in posts would be confined to initial appointment only and could not extend to providing reservation in the matter of promotion".<sup>37</sup> But later in accordance with the directions of the Supreme Court the Central Government issued an order on the 19th August, 1993 to the effect that reservation provisions in promotion for backward classes of citizens<sup>are</sup> implemented without fail.

(v) Concessions other than reservations to backward classes.

The leading case on the grant of concessions in government employment by ways other than reservations was State of Kerala V. N.M. Thomas.<sup>38</sup> In Kerala the service rules for promotion from one particular cadre to a higher cadre were provided on the basis of seniority subject to passing the departmental test within

two years. However, certain concessions were given to the members of the Scheduled Castes and Scheduled Tribes by Rule 13AA and two orders dated January 11, 1972 and January 13, 1974, of the Government of Kerala, which had the effect of granting Scheduled Castes and Scheduled Tribes extra two years for passing the departmental tests. These concessions were challenged as violative of article 16(1) and (2). The Supreme Court declared these concessions valid and observed that "both articles 14 and 16(1) permit reasonable classification having a nexus to the objects to be achieved".<sup>39</sup> Thus the classification of employees belonging to the Scheduled Castes and Scheduled Tribes under Rule 13AA which exempted them from passing the tests for promotion was a "just and reasonable classification having rational nexus to the object of providing equal opportunity for all citizens in matters relating to employment or appointment to public office".<sup>40</sup> The Court was of the view that Rule 13AA and the impugned orders were related to the constitutional mandate given by article 335 of the Constitution that the claims of the Scheduled Castes and Scheduled Tribes should be taken into consideration in matters of employment consistent with the maintenance of efficiency of administration. It stated that the impugned rule did not impair the test of administrative efficiency in as much as members of the Scheduled Castes and Scheduled Tribes who were promoted had to acquire the qualification of passing the test. The only relaxation was that they were granted two years more time than others to acquire the

qualification. From the point of view of time a differential treatment was given to them for the purpose of giving them equality consistent with administrative efficiency.

In Chandra Sekhar V. State of Mysore<sup>41</sup> the Mysore State Public Service Commission fixed 45% marks for the candidates belonging to Scheduled Castes and Scheduled Tribes and 55% marks for others as qualifying marks for success in the competitive examination for recruitment of Munsifs in the State Judicial service. The Mysore High Court expressed the opinion that fixation of smaller percentage of qualifying marks for success in a competitive examination was not "reservation in any sense of the term under article 16(4)".<sup>42</sup>

(vi) No reservations for communities other than backward classes.

In Venkataramana V. State of Mysore<sup>43</sup> the Supreme Court held that the State could make reservations only for backward classes and not other classes. By a notification dated 16-12-1949 the Madras Public Service Commission invited applications for 83 posts of District Munsifs in the Madras Subordinate Civil Judicial Service. It was notified that out of 83 posts to be filled by direct recruitment 12 were to go to persons already in service holding certain classes of employment in the Madras Civil Judicial Department and that the remaining 71 posts would be filled up from among the Official Receivers, Assistant Public Prosecutors and practising members of the Bar. It was further

notified that the selection of the candidates would be made from various castes, religion and communities in pursuance of the rules prescribed in what are described as Communal G.Os, namely, for Harijans 19, Muslims 5, Christians 6, Backward Hindus 10, Non-Brahmin Hindus 32 and Brahmins 11. The petitioner filed a writ petition praying for declaring that the rule of communal rotation was repugnant to the provisions of the Constitution and therefore void.

The Supreme Court held that the Communal G.O. was not permitted by article 16(1) and (2) which prohibited the State from discriminating against persons in respect of government employment on the basis of religion, race, caste etc. The ineligibility for reserved posts could not be regarded on the ground of religion, race, Caste etc, "but because of the necessity for making a provision for reservation of such posts in favour of a backward class of citizens".<sup>44</sup> The Court stated that article 16(4) permitted reservations only for backward classes and not other classes.

### III

#### Analysis of the Court Cases Under Article 15(4)

##### (1) Who are backward classes?

Since 1958 the State of Mysore had been endeavouring to make a special provision for the advancement of its socially and educationally backward classes under article 15(4), and

everytime when an order was passed in that behalf, its validity had been challenged by writ proceedings. Four previous orders passed in that behalf were challenged by writ proceedings taken against the State under article 226 of the Constitution in the High Court of Mysore. The present petitions were filed in M.R. Balaji V. State of Mysore<sup>45</sup> under article 32 of the Constitution to challenge the Government Order dated July 31, 1961. Under this Order, the backward classes were divided into two categories:

backward classes and more backward classes. The effect of this order was that it had fixed 50% as the quota for reservation of seats for other backward classes, 28% out of this was reserved for backward classes so called and 22% for more backward classes, 15% for Scheduled Castes and 3% for Scheduled Tribes. Thus 68% of the total seats was reserved and only 32% was available to the merit pool.

It may be mentioned that the Government Order of 1962 was made in the light of the Report of the Mysore Backward Class Committee, popularly known as Nagen Gowda Committee, which was appointed by the State Government in order to investigate the problem and advise the Government as to the criteria which should be adopted in determining the educationally and socially backward classes, and the special provisions which should be made for their advancement. This Report proceeded on the basis that higher social status had generally been accorded on the basis of caste for centuries and so it took the view that the low social position of

any community was, therefore, mainly due to the caste system. According to the Report, social backwardness was based mainly on social, tribal and caste differences, though the economic backwardness might have contributed to social backwardness. The Committee felt that the entire Lingayat Community was socially forward and that all sections of Vokkaligas, excluding Bhunts, were socially backward. According to the Committee, the Muslim community as a whole should be classified as socially backward. It further decided that the backward classes should be sub divided into two categories — backward and more backward. In making this distinction the Committee applied one test, i.e., was the standard of education in the community in question less than 50% of the State average? If it was, the community should be regarded as backward. As to the extent of reservation in educational institutions, the Committee recommended that 28% should be reserved for backward classes and 22% for more backward classes apart from 15% and 3% reservation for Scheduled castes and Scheduled Tribes respectively. Thus the Committee carved out 68% reservation for the advancement of the backward classes and the Scheduled Castes and Scheduled Tribes.

In determining educational backwardness of the classes of citizens the Committee proceeded on the basis of the average of student population in the last three High School classes of all High Schools in the State in relation to one thousand people

of that community. On the figures supplied the Committee came to the conclusion that the state average of student population in the last three High School classes of all High Schools in the State was 6.9 per thousand. The Committee decided that all castes whose average was less than the state average of 6.9 per thousand should be regarded as backward communities, and if the average of any community was less than 50% of the State average, it should be regarded as constituting the more backward classes. Thus the Government recommended that Lingayats with an average of 7.1 per thousand, Gangias with 7 and Muslims with 5 could be regarded as educationally backward.

The Supreme Court in an unanimous opinion delivered by Justice Gajendragadkar struck down the order of the State Government as unconstitutional. The Court observed that "the backwardness under article 15(4) must be social and educational. It is not either social or educational, but it is both social and educational".<sup>46</sup> It stated that in Hindu social structure, caste unfortunately played an important part in determining the status of the citizen. In dealing with the question as to whether any class of citizens was socially backward or not, it might not be irrelevant to consider the caste of the said group of citizens. Yet the special provision was contemplated for classes of citizens and not for individual citizens as such. Though the caste of the group of citizens might be relevant, its importance should not be

exaggerated. If backward classes of citizens were classified solely on the caste of the citizen, it might not be logical and might perpetuate the castes themselves. Besides, the sole test of caste would break down in relation to many sections of Indian society, as for instance, Muslims, Christians or Jains, who did not recognise castes in conventional sense known to Hindu society. Thus though castes in relation to Hindus might be a relevant factor in determining the social backwardness of groups or classes of citizens, it could not be made the sole or the dominant test on that behalf. The Court was of the view that "social backwardness is on the ultimate analysis the result of poverty to a very large extent. The classes of citizens who are deplorably poor automatically become socially backward".<sup>47</sup> It also emphasised the occupations of citizens and the place of habitation as contributing to social backwardness.

The Court was satisfied that the classification of socially backward classes made by the Government proceeded on the consideration only of their castes without regard to other factors which were undoubtedly relevant. If that be so, the social backwardness of the communities to whom the impugned Order applied had been determined in a manner which was not permissible under article 15(4).

As regards educational backwardness the Supreme Court held that it was doubtful if the test of the average of student population

in the last three High School classes as recommended by the Nagan Gowda Committee was appropriate in determining the educational backwardness. It might not be necessary or proper to put the test as high as had been done by the Committee. Even assuming that the test was rational and permissible, a community which satisfied the said test or just was below the said test could not be regarded as backward. According to the Court, "the classes of citizens whose average is well or substantially below the state average can be treated as educationally backward".<sup>48</sup> It approved that classes of citizens whose average of student population worked below 50% of the State average were obviously educationally backward classes of citizens. Thus when the State average was 6.9 per thousand, Lingayats with an average of 7.1 per thousand, Gangias with 7 and Muslims with 5 could not be regarded as educationally backward. Therefore the State was not justified in including in the list of backward classes, castes or communities whose average of student population per thousand was slightly above or very near, or just below the State average.

In the light of judicial pronouncements by the Supreme Court in Balaji the Government of Mysore by its Order dated July 26, 1963 directed that the classification of socially and educationally backward classes should be made on the basis of economic condition and occupation. The Government was of the opinion that a family whose income was Rs. 120/- per annum or less could be regarded as economically backward and that persons or classes

who followed occupations of agriculture, petty business, inferior services, crafts or other occupations involving manual labour, were, in general, socially backward. The Government listed the following occupations as contributory to social backwardness:

1. Actual cultivator;
2. Artisans;
3. Petty businessman;
4. Inferior Services (i.e., class IV in government services and corresponding class or service in private employment) including casual labour; and
5. Any other occupation involving manual labour.

The validity of the above order of the Mysore Government was challenged in Mysore High Court in D.G. Viswanath V. Government of Mysore<sup>49</sup> on the ground that out of the four bases for determining the socially and educationally backward classes, viz., "occupation", "income", "residence" and "caste" the Government had altogether ignored the caste basis and hence the scheme set out in the order was invalid. Following Balaji's case, Justice Hegde delivering the judgement of the High Court held that though the caste basis was undoubtedly a relevant basis in determining the classes of backward Hindus, it should not be made the sole basis. The test of caste might be adopted along with such other tests as occupation test, poverty test, residence test etc. In his view, as the State had ignored both caste test and residence test, the scheme was a very imperfect scheme.

The question of validity of the Mysore Government's Order of 1963 was raised next in Chitralekha V. State of Mysore.<sup>50</sup> In this case the Supreme Court again considered whether caste and class were synonymous and whether a caste as a whole could be identified as backward. Justice Subba Rao delivering the judgement of the Supreme Court held the Government Order to be valid. He observed that article 15(4) did not speak of castes but only classes. He was of the opinion that "if the makers of the Constitution intended to take castes also as units of social and educational backwardness, they have said so as they have said in the case of the Scheduled Castes and the Scheduled Tribes".<sup>51</sup> Though it might be suggested that the wider expression "classes" was used in article 15(4) as there were communities without castes, if the intention was to equate classes with castes, nothing prevented the constitution-makers to use the expression "Backward Classes or Castes". The juxtaposition of the expression "Backward Classes" and "Scheduled Castes" in article 15(4) also led to a reasonable inference that the expression "classes" was not synonymous with castes. For ascertaining whether a particular citizen or a group of citizens belonged to backward class or not, his or their caste might have some relevance, but it could not be either the sole or the dominant criterion for ascertaining the class to which he or they belonged.

The Court stated that if the expression "classes" was interpreted as "castes", the object of the Constitution would be

frustrated and the people who did not deserve any adventitious aid might get it to the exclusion of those who really deserved. This anomaly would not arise if, without equating caste with class, caste was taken as only one of the considerations to ascertain whether a person belonged to a backward class or not. If, on the other hand, the entire sub-caste, by and large, was backward, it might be included in the Scheduled Castes by following the appropriate procedure laid down by the Constitution.

The Court held that under no circumstances, a "class" could be equated to a "caste" though the caste of an individual or a group of individuals might be considered along with other relevant factors in putting him in a particular class.

The scope of the Mysore Government's Order of 1963<sup>52</sup> came up for scrutiny in N.S. Sudha V. Selection Committee of Medical Colleges<sup>52</sup>. In this case the petitioner was an applicant for admission to one of the government medical colleges in the State. She claimed to belong to socially and educationally backward classes. She satisfied the criterion of income as her father's annual income was stated as Rs. 480/-. In her application her father's occupation was stated as 'Purohit'. Mr S.K. Venkataranga, learned Counsel, who appeared for the petitioner, contended that the occupation of the petitioner's father involved manual labour as he had a 'Paricharaka Purohit' doing purely manual work in assisting a Purohit. The Mysore High Court applied the test of 'Predominant character' to decide whether an occupation involved

manual labour or intellectual labour. The Court was of the view that every occupation involving intellectual labour might also involve some manual labour. Though a Purohit might use his hands in performing certain rituals and ceremonies, the predominant nature of his occupation was that it required study and knowledge of scriptures and of the body of traditions and the performance of his work involved mainly chanting or recitation of 'mantras' and scriptures. The Court was in agreement with the Selection Committee of Medical Colleges that a Purohit's occupation did not involve manual labour. Accordingly, the petitioner was refused to be treated as belonging to socially and educationally backward class for the purpose of admission to Medical college.

In Gurindar Pal Singh V. State of Punjab<sup>53</sup> the special reservation for various categories of students was challenged in Punjab High Court. The Order of Punjab Government dated July 7, 1972, laid down that 50% of the total number of seats would be reserved for different categories of students and 50% would be allotted on the basis of merit. Reservation against 50% was made as under:

(i) Scheduled Castes/Tribes	20%
(ii) Backward classes	2%
(iii) Backward Areas	10%
(iv) Sportsmen/Women	2%
(v) Central Government nominees including from Jammu and Kashmir	6%



could be declared to belong to a backward class. It stated that such a classification was constitutionally permissible and could not be struck down.

The learned Counsel for the respondent then referred to the letter dated 7th September, 1956, issued by the State Government which laid down that candidates claiming admission from backward areas of the State should submit along with their applications a certificate from Deputy Commissioner/General Assistant to Deputy Commissioner, Sub-Divisional Officer (Civil) of the District concerned that the claim of the candidate fell under one of the following categories<sup>54</sup>;

(a) A person who with the family members had been residing in a particular village or town constantly for a period of ten years or more and was likely to continue to reside there.

(b) A person who had been residing in a village or town for a period of less than ten years, but was likely to reside there on account of the fact that he had obtained gainful employment or settled there after retirement, would also be termed as permanent resident, if the stay was for not less than five years.

(c) In the case of a person who had been residing in a village or town in the said area, the total period of his stay at both places would be counted towards his residence in that area.

The High Court declared the reservation for candidates from backward areas unconstitutional. It observed that article 15(4) of the Constitution allowed the State to provide a special reservation for advancement of socially and educationally backward classes of citizens. The classes of citizens mentioned in this article did not relate to those citizens who resided within certain geographical limits regardless of their personal attainments or achievements. The State could make a reasonable classification on the basis of geographical limits, but there must be an object for which such a classification was made and "the classification itself must have a reasonable nexus with the object sought to be achieved".<sup>55</sup> Residence in a particular area of the State could not form the basis of claiming additional privilege. The Punjab Government made provisions for entrance to medical colleges on the basis of residence in a particular area for a particular period regardless of economic condition of the residents. A millionaire and a pauper living in such areas had been treated at par. The Court was of the considered view that reservation for backward areas in absence of any yardstick with which social and educational backwardness of the citizens of the area could be determined was violative of articles 14 and 15 of the Constitution.

In Chitra Ghosh V. Union of India<sup>56</sup>, however, reservation made for the residents of the Union Territories other than Delhi was justified. The Supreme Court was of the opinion that the Union Territories consisted mostly of the erstwhile princely states were well known to be backward areas and with the exception of Himachal Pradesh they did not have any medical college. It was necessary that persons desirous of receiving medical education from these areas should be provided with some facility for doing so. But the same principle could not be extended to the citizens of the same State who were being denied equal protection of laws on the basis of the place of residence only.

The community-wise reservation was challenged in Kerala High Court in State of Kerala V. R. Jacob Methew<sup>57</sup>. The Kerala Government by its order dated 7th June, 1963 reserved 13% of the seats for the MB.B.S. course to Ezhavas, 9% to Muslims and 3% to Latin Catholics inclusive of Anglo-Indians. The respondent in this case alleged that the equality before law or equal protection of the laws was denied to him because of such community-wise reservation. He urged that the communities for which reservation was made were not entitled to protection afforded by article 15(4) of the Constitution.

The High Court of Kerala held that the Ezhavas, Muslims and Latin Catholics inclusive of Anglo-Indians in Kerala State constituted socially and educationally backward class of citizens within the meaning of article 15(4) of the Constitution and

reservation of seats for them by the Kerala Government Order dated 7th June, 1963, in the M.B.B.S. Course could not be considered as a violation of the fundamental right embodied in article 14 of the Constitution. It further observed that "if the whole or a substantial portion of a caste is socially and educationally backward, then the name of that caste will be a symbol or a synonym for a class of citizens who are socially and educationally backward and thus within the ambit of clause (4) of article 15 of the Constitution".<sup>58</sup>

The judgement of the Kerala High Court in the present case was opposite to that of Chitralkha in which the Supreme Court stated that a caste could not be identified as a class of citizens. While both Balaji and Chitralkha rejected the criterion of caste as the sole basis of classification, the Kerala High Court approved caste-wise classification on the ground that a caste was also a class of citizens.

In the subsequent decision of the Supreme Court in P. Rajendran V. State of Madras<sup>59</sup> the caste-wise classification was, however, held valid for identifying social and educational backwardness. In this case the validity of the Order of the State of Madras by which rules were promulgated for selection of candidates for admission to the first year integrated M.B.B.S. Course was challenged. Rule 5 provided reservation for socially and educationally backward classes and laid down that for the purpose

of article 15(4) socially and educationally backward classes would mean those classes which had been specified in Group III of the revised Appendix 17-A to the Madras Educational Rules issued with G.O. (Ms) 839 Education, dated 6th April, 1951. This rule was challenged on the ground that it violated article 15(4) of the Constitution because the list reserving seats for backward classes was exclusively made on the basis of caste. It was pointed out on behalf of the State that the list of backward classes was made starting from the year 1906 and had been kept upto date. It had also been stated that the main criterion for inclusion in the list was the social and educational backwardness of the caste based on occupations provided by these castes. As the members of the caste as a whole were found to be socially and educationally backward, they were put in the list. The matter was finally examined after the Constitution came into force in the light of the provisions contained in article 15(4) of the Constitution. As it was found that members of these castes as a whole were socially and educationally backward, the list which had been coming on from as far back as 1906 was finally adopted for purposes of article 15(4) of the Constitution.

In view of the explanation given by the State of Madras the Supreme Court was satisfied that though the list showed certain castes, the members of these castes were really classes of socially and educationally backward. Therefore, the list was not violative of article 15. It stated that if the reservation had been based

only on caste and had not taken into account the social and educational backwardness of the caste, it would violate article 15(4). The Court further observed : "A caste is also a class of citizens and if the caste as a whole is socially and educationally backward reservation can be made in favour of such a caste on the ground that it is a socially and educationally backward class of citizens within the meaning of article 15(4)".<sup>60</sup>

Thus the Chitralekha approach was departed from in the decision of the Supreme Court in Rajendran. In Rajendran the Supreme Court declared the caste-wise classification valid for identifying social and educational backwardness. Both Balaji and Chitralekha did not approve of the criterion of caste as the sole basis of classification. But Rajendran upheld the caste-wise classification on the ground that a caste was also a class of citizens. Though the Court recognised caste as a basis of classification provided the whole caste was socially and educationally backward, but it did not answer the question as regards persons not coming within the category of backward in that caste. The difficulty in adopting caste as the sole criterion was that persons in that caste though socially and educationally advanced might get the benefit of backwardness.

In Hridaya Narain Singh V. Md. Shariff<sup>61</sup> the validity of the notification dated February 7, 1956, of the Government of Bihar describing 'Harijans' as a backward community was challenged. The High Court of Patna held that Mr. Mahendra Prasad Pandey,

the Counsel for the appellant, had not been able to produce before the Court any material for holding that Harijans (Hindus and Muslims) were not socially and educationally backward. The Court, on the other hand, referred to Mr. P.C. Roy Choudhury's Gazetteer of Darbhanga District, at page 86 of which it was pointed out that "the incidence of literacy among them appears to be very low but a few of them who are educated have taken up other professions also".<sup>62</sup> It observed that the educational backwardness of Harijans was thus beyond question. Socially also, there was no data to show that they were not backward. Hence there was no ground for striking down the notification for the sole reason that the classes had been described by their caste name.

B.C. Swain V. Secretary, Works & Transport<sup>63</sup> involved the challenge to the proposed action conveyed in Letter No. 17165 dated 31-7-1970 (Annexure 8) issued by the Government of Orissa suggesting leasing out of the road-side lands to the Express Highway No. 1 for agricultural and piscicultural purposes temporarily on annual basis to landless Harijans, preference being given to the Fishery Co-operative Societies of the landless Harijans.

Mr. Rath, the learned Counsel, appearing for the petitioner contended that Harijans did not come under the Scheduled Castes and Scheduled Tribes enumerated under the Constitution. Unless Harijans came under the category of any socially and educationally backward classes of citizens, the Government Order would be a violation of article 15(4) of the Constitution on the ground of discrimination.

based only on caste as it was. His second contention in this regard was that there was no evidence nor was there any presumption that Harijans as a class were socially and educationally backward. It was averred in the writ petition that there were many landless persons even in other communities who were economically not more developed than the Harijans and as a matter of fact such Harijan community in the locality was much advanced, more affluent and economically advanced than persons belonging to other communities. There were various other backward classes who were economically much less advanced than the Harijans and so no such order for settlement of lands with the Harijans could be upheld since there was no determination of the fact that the Harijans were backward class.

Justice Panda delivering the judgement of the Orissa High Court held that there was no caste as Harijans. There was no definition of Harijan at any place. The term was of recent origin — towards the middle of 1920s, the father of which was Mahatma Gandhi. According to the Lexicon (Bhashakosh) the caste Hindus who looked down upon the non-caste Hindus took some of the castes as untouchables and that comprised this category. So Harijans were people of those castes whom the non-Hindus or the Caste Hindus or Sabarna-Hindus viewed as untouchables. It followed, therefore, that 'Harijan' was not a caste but "a conglomeration of people of different castes who were taken to be untouchables by the Sabarna-Hindus".<sup>64</sup> The argument, therefore, that a

classification like Harijan was based on caste, was not correct. The term 'Harijan' carried with it something more than the concept of a caste. The interveners in the writ petition asserted that Harijans had no lands for cultivation. They earned their livelihood either by labour or by cultivating the lands of others. They formed one society which was striving hard to find out ways and means for their employment in different avocations of life. The Court admitted that Harijans were socially and educationally backward and upheld the Government Order.

In State of Andhra Pradesh V. P. Sagar<sup>65</sup> the Supreme Court again after Balaji and Chitralekha declared the caste-wise classification invalid. This case came on appeal before the Supreme Court against the judgement of the Andhra Pradesh High Court invalidating the reservation for backward classes on the ground that it did not come within the exception provided in article 15(4) of the Constitution.

The list dated 21-6-1963 of castes prepared by the Andhra Pradesh Government to determine backward classes for the purpose of article 15(4) was declared invalid by the High Court on the ground that the list was based on caste alone and as such could not be sustained as falling within the exception provided in article 15(4). The Government published a fresh list of backward classes, vide Orders Nos. 1135 and 1136-Health, Housing and Municipal Administration Department dated 16-6-1966 and as modified by G.O. M.S. 1880 dated 27-7-1966 and G.O. M.S. 1786 dated

2-8-1966 respectively. The fresh list was ex facie based on caste or communities and barring a few changes was substantially similar to the list which was previously struck down as invalid by the High Court. The validity of the fresh list on being challenged, it was stated in the affidavit filed on behalf of the Government that an enquiry was in fact made with the aid of expert officers and the Law Secretary and the question was examined from all points of view by the State, by the Cabinet Subcommittee and by the Cabinet, and that correct lists were applied in the determination of backward classes though no materials at all were placed on the record to enable the Court to decide whether the criteria laid down by the Supreme Court for determining that the list prepared by the Government conformed to the requirements of clause (4) of article 15 were followed. The High Court held that the fresh list also could not be sustained as falling within the exception provided in article 15(4) on the grounds similar to those on which the first list was struck down.

The Supreme Court upheld the decision of the Andhra Pradesh High Court. It agreed with the view of the High Court that no enquiry or investigation had been made by the State Government before preparing the list of backward classes. It was further held that the State had placed no materials before the Court on the basis of which the list of backward classes was prepared.

Justice Shah, on behalf of the Supreme Court, observed that "the expression 'class' means a homogeneous section of the people grouped together because of certain likeliness or common traits and who are identifiable by some common attributes such as status, rank, occupation, residence in a locality, race, religion and the like".<sup>66</sup> In determining whether a particular section formed a class, caste could not be excluded altogether. But in determination of a class a test solely based upon the caste or community could not be accepted. The Parliament had by enacting clause (4) of article 15 attempted to balance as against the right of equality of citizens the special necessities of weaker sections of the people by allowing a provision to be made for their advancement. In order that effect might be given to clause (4), it must appear that the beneficiaries of the special provision were classes which were backward socially and educationally and they were other than the Scheduled Castes and Scheduled tribes and that the provision made was for their advancement. Reservation might be adopted to advance the interests of weaker sections of society, but in doing so, care must be taken to see that deserving and qualified candidates were not excluded from admission to higher educational institutions. The Court held that "the criterion for determining the backwardness must not be based solely on religion, race, caste, sex, or place of birth, and the backwardness being social and educational must be similar to the backwardness from which the Scheduled Castes and the Scheduled Tribes suffer".<sup>67</sup>

Unitwise distribution of seats in medical colleges in Tamil Nadu was declared violative of articles 14 and 15 of the Constitution by the Supreme Court in its decision in A. Peria-karuppan V. State of Tamil Nadu<sup>68</sup>. In this case the Supreme Court observed that caste was a relevant factor in the determination of the backward classes. It held that "a caste has always been recognised as a class".<sup>69</sup> Then the Court referred to the report of the First Backward Classes Commission of the Central Government, popularly known as Kaka Kalelkar Commission, which emphasised 'caste' in considering the social backwardness in India. It relied on the authority of Rajendran for its proposition that the classification of backward classes on the basis of castes was within the purview of article 15(4).

As a sequel to the decision of the Supreme Court in Sagar case the Government of Andhra Pradesh by G.O. No. 870 appointed a Commission on April 12, 1968, in order to determine the criteria to be adopted in considering whether any sections of the citizens of India in the State of Andhra Pradesh were to be treated as socially and educationally backward. The Commission was desired to investigate and determine the various matters regarding the preparation of the list of backward classes for providing reservation in educational institutions and also for appointments for posts in government service. The Commission submitted its report to the Government on June 20, 1970. In its report the Commission had drawn up a list of 92 classes which, according to it, were

socially and educationally backward and had to be classified as backward classes and for whom reservations had to be made. As regards social backwardness the Commission had indicated that only such persons belonging to a caste or community who had traditionally followed unclean and undignified occupation could be grouped under the classification of backward classes. In this connection the Commission had adverted to the general poverty of the class or community as a whole, the occupation pursued by the class of citizens, the nature of which was considered inferior and unclean, undignified or unremunerative or one which did not carry influence or power, and caste in relation to Hindus. Regarding educational backwardness the Commission had adverted to the fact that the average student population in classes X and XI in the State worked out to about 4.55 per thousand. On this basis, it applied the principle that communities whose student population in these standards was well below the State average, had to be considered as educationally backward.

The Government accepted the criteria adopted by the Commission for determination of socially and educationally backwardness of the citizens and made by G.O. No. 1793/Education of September 1970 a reservation of 25% of seats in professional colleges for backward classes on the basis of the report of the Backward Classes Commission.

When this Government Order was challenged in the Andhra Pradesh High Court, the Court struck down the Order on the ground that the Commission had classified the groups as backward class mainly on the basis of caste, which was contrary to the principle laid down by the Supreme Court in Balaji case.

On appeal the Supreme Court reversed the decision of the Andhra Pradesh High Court in State of Andhra Pradesh V. U.S.V. Balaram<sup>70</sup> and upheld the recommendations of the Backward Classes Commission of Andhra Pradesh for determining socially and educationally backward classes of citizens. Justice Vaidialingam delivering the judgement of the Supreme Court held that if an entire caste was as a fact found to be socially and educationally backward, their inclusion in the list of backward classes by their caste name was not violative of article 15(4). He expressed the opinion that "a caste is also a class of citizens and a caste as such may be socially and educationally backward".<sup>71</sup> If after collecting the necessary data, it was found that the caste as a whole was socially and educationally backward, the reservation made of such persons would have to be upheld notwithstanding the fact that a few individuals in that group might be both socially and educationally above the general average. He observed that the list of backward classes prepared by the Commission was only a description of the group following the particular occupations or professions. Even on the assumption that the list was based exclusively on caste, it was clear from the materials and the

reasons given by the State that the entire caste was socially and educationally backward and therefore their inclusion in the list of backward classes was warranted by article 15(4).

In Subhas Chandra V. State of U.P.<sup>72</sup> the Allahabad High Court upheld reservation for candidates from rural, hill and Uttarkhand areas. There were in all 758 seats in the six medical colleges of the State of Uttar Pradesh. Of these 26 had been allotted for nominees of the Government of India under various heads. The remaining 732 seats were to be filled in by the combined Pre-Medical Test. By different Orders issued by the State Government a number of seats were reserved for various classes. The ultimate reservation of seats was as follows:

(1) Girl candidates	20%
(2) Candidates from rural areas	12%
(3) Candidates from hill areas	3%
(4) Candidates from Uttarkhand Division	3%
(5) Candidates belonging to Scheduled Castes	7%
(6) Candidates belonging to Scheduled Castes from rural areas and	3%
(7) Candidates belonging to Scheduled Tribes	1%
Total	49%

Source : AIR 1973 Allahabad 295 at 296

As a result of such reservations, 51% of the total number of seats were open to the combined Pre-Medical Test.

This reservation was challenged in Allahabad High Court. It was argued for the appellant that there was no rational basis to classify the candidates belonging to hill, rural and Uttarkhand areas for a specially favoured treatment. Justice Satish Chandra on behalf of the the High Court held the reservation in respect of candidates from rural, hill and Uttarkhand areas to be constitutional because the citizens of these areas formed a socially and educationally backward class of citizens. He said that there was no facility for imparting medical education in the rural or hill or Uttarkhand areas. From the point of view of imparting medical education the citizens of these areas were correctly treated by the State Government as socially and educationally backward.

But the same Court in its subsequent decision in Dilip Kumar V. Government of U.P.<sup>73</sup> invalidated reservation of seats in medical colleges for candidates from rural and hill areas other than Uttarkhand division. The Court stated that all the residents of one village might be educationally backward but the same could not be said in regard to all the rural areas. Instances were not known where literacy in a rural area was very high in some villages nearing cent percent. Similarly, in the hill areas there were classes of citizens who could not be classes as educationally backward. It might be said that the major part of Uttarkhand division was socially and educationally backward. But

in Uttarkhand division also the residents of certain areas could not be classes as socially and educationally backward.

When the matter came on appeal before the Supreme Court in State of Uttar Pradesh V. Pradip Tandon<sup>74</sup>, the Court declared that the reservation of seats in medical colleges in U.P. for candidates from rural areas was unconstitutional, but the reservation for candidates from hill and Uttarkhand areas was valid because these areas in the State of U.P. were instances of socially and educationally backward class of citizens. Chief Justice Ray delivering the judgement of the Supreme Court emphasised economic element in backwardness. He said : "Backwardness is judged by the economic basis that each region has its own measurable possibilities for the maintenance of human numbers, standards of living and fixed property. From an economic point of view the classes of citizens was backward when they do not make effective use of resources".<sup>75</sup> To him, when large areas of land maintained a sparse, disorderly and illiterate population whose property was small and negligible the element of social backwardness was observed. When effective territorial specialisation was not possible in the absence of means of communication and technical processes as in hill and Uttarkhand areas the people were socially backward classes of citizens.

He stated that the people in the hill and Uttarkhand areas were also educationally backward classes of citizens because lack of educational facilities kept them stagnant. He was of the view

that "where people have traditional apathy for education on account of social and environmental conditions or occupational handicaps it is an illustration of educational backwardness".<sup>76</sup> There was lack of educational institutions and educational aids in the hill and Uttarkhand areas. Hence people in these areas were also educationally backward.

Invalidating reservation for candidates from rural areas Chief Justice Ray held that 80 per cent of the population in the State of U.P. in rural areas could not be a homogeneous class by itself. They were not of same kind. Their occupation was different. "Population can not be a class by itself. The rural element does not make it a class".<sup>77</sup> The special need for doctors in rural areas would not make the rural people socially and educationally backward classes of citizens. Poverty in rural areas could not also be the basis of classification to support reservation for rural areas. He further observed that the incident of birth in rural areas was made the basic qualification. But reservation could not be made on the basis of place of birth as this would offend article 15 of the Constitution. Thus reservation for candidates from rural areas was unconstitutional.

In K.S. Jayasree V. State of Kerala<sup>78</sup> the Supreme Court upheld the Kerala Government Order dated May 2, 1966, reserving seats in medical colleges for members of families consisting of Ezhavas whose annual income was below Rs. 6000/-. The said Order

of the Kerala Government was issued on the basis of the recommendations of the Kerala Backward Classes Commission (Kumara Pillai Commission) which was set up by the State Government for enquiring into social and educational conditions of the people in the State and reporting as to what sections of the people in the State of Kerala should be treated as belonging to socially and educationally backward classes.

The Kerala Backward Classes Commission was appointed by the State Government on 14 July, 1964 and it submitted its report on 31 December, 1965. The Commission recommended that only those citizens who were members of families which had an aggregate income of less than Rs. 4200/- per annum and which belonged to the castes and communities mentioned in Appendix VIII constituted socially and educationally backward classes for purposes of article 15(4). The Government agreed but raised the income limit to Rs. 6000/- and subsequently to Rs. 10,000/- . This Government Order was challenged in Kerala High Court. The single judge in T. Shameem V. Medical College, Trivandrum<sup>79</sup> struck down the Government Order as unconstitutional and held that "the test of poverty can not be the determining factor of social backwardness".<sup>80</sup> But on appeal the same Court declared the Government Order valid in State of Kerala V. K.S. Krishna Kumari<sup>81</sup>. Chief Justice Nair, on behalf of the High Court, held that "poverty or economic standards is a relevant factor in determining social backwardness or even educational backwardness because the economic position has a direct nexus to social and educational status".<sup>82</sup>

Social and educational backwardness of the castes resulting from historical reasons could not be perpetual and the caste as a whole could not be treated as socially and educationally backward if a group of persons in the castes were not so backward. He observed: "The idea in making the reservation is to give the members of such caste or community on equal opportunity with those who are treated as socially and economically advanced classes of the society. If a group in those castes/communities were able to advance socially and educationally and economically, to make reservations for them would be to deprive the chances of the really socially and educationally backward classes of people in those communities/castes".<sup>83</sup>

The Supreme Court upheld the decision of the Kerala High Court in K.S. Jayasree V. State of Kerala.<sup>84</sup> The Court stated that caste and poverty were both relevant for determining backwardness. But neither the caste alone nor poverty alone would be the determining test of social backwardness. It was satisfied that the classification made by the impugned Order was based not on income but social and educational backwardness. Hence the Government Order was declared valid.

In K.C. Vasanth Kumar V. State of Karnataka<sup>85</sup> the Supreme Court emphasised the test of economic backwardness for identification of socially and educationally backward classes. In this case the honourable judges of the Supreme Court expressed their opinion on the issue of reservations, which served as a guideline

to the Commission which the Government of Karnataka proposed to appoint, for examining the question of affording better employment and educational opportunities to the Scheduled castes, Scheduled Tribes and other backward classes in the State of Karnataka. Chief Justice Chandrachud emphasised that the test of economic backwardness ought to be made applicable even to the Scheduled Castes and Scheduled Tribes. In so far as the other backward classes were concerned, he referred to two tests which should be applied for identifying them for the purpose of reservations in employment and education. First, "they should be comparable to the Scheduled Castes and Scheduled Tribes in the matter of their backwardness"<sup>86</sup>, and second, "they should satisfy the means test such as a State Government may lay down in the context of prevailing economic conditions".<sup>87</sup> Justice Desai was of the opinion that the criterion of economic backwardness could be realistically devised for identification of socially and educationally backward classes. Some relevant criteria such as the secular character of the group, its opportunity for earning livelihood etc. might be added to this, "but by and large economic backwardness must be the lead star".<sup>88</sup> He said that if economic criterion for compensatory discrimination was accepted, "it would strike at the root cause of social and educational backwardness, and simultaneously take a vital step in the direction of destruction of caste structure which in turn would advance the secular character of the nation".<sup>89</sup> This approach,

he thought, would seek to translate into reality the twin constitutional goals: first, to strike at the perpetuation of the caste stratification of Indian Society so as to arrest progressive movement and to take a firm step towards establishing a casteless society; and second, to progressively eliminate poverty by giving an opportunity to the disadvantaged sections of the society to raise their position and be part of poverty. Justice A.P. Sen also emphasised economic backwardness as the only test to determine social and educational backwardness. He said that there were some services where expertise and skill were of the essence. In such services there could be no room for reservation. "Merit alone must be the sole and decisive consideration for appointments".<sup>90</sup>

(ii) Quantum of reservation

In Balaji V. State of Mysore<sup>91</sup> the Supreme Court struck down 68% reservation in favour of backward classes, Scheduled Castes and Scheduled Tribes because the Court was satisfied that reservation to the extent of 68% was excessive and not permitted by article 15(4). The Mysore Government Order dated 31st July, 1962, provided 50% reservation for other backward classes, 28% out of this for backward classes so-called, 22% for more backward classes, 15% for Scheduled Castes and 3% for Scheduled Tribes for admission to the Engineering and Medical Colleges and to other technical institutions. Thus 68% of the seats was reserved in

favour of backward classes, Scheduled Castes and Scheduled Tribes and 32% was available to the merit pool.

The Supreme Court held the Mysore Government Order to be invalid and said that reservation "must be adopted to advance the prospects of the weaker sections of society, but in providing for special measures in that behalf care should be taken not to exclude admission to higher educational centres to deserving and qualified candidates of other communities".<sup>92</sup> A special provision contemplated by article 15(4) must be within reasonable limits. The interests of the weaker sections of society had to be adjusted with the interests of the community as a whole. The adjustment of those competing claims was undoubtedly a difficult task, but if under the guise of making a special provision, a state reserved practically all the seats, that would clearly subvert the object of article 15(4). The Court stated that "a special provision should be less than 50%; how much less than 50% would depend upon the relevant prevailing circumstances in each case".<sup>93</sup> Accordingly, the reservation of 68% made by the impugned order was violative of article 15(4) and therefore was "a fraud on the constitutional power conferred on the State by Article 15(4)".<sup>94</sup>

#### IV

#### Conclusion

The following points arise from the analysis of judicial decisions:

1. A class to be backward must satisfy that it is socially and educationally backward and that it is not adequately represented in the services of the State.

2. Though castes in relation to Hindus may be a relevant factor in determining social backwardness, it can not be made the dominant test. A classification of backward classes based solely on caste without regard to other relevant factors is not permissible under article 15(4). However, in both Rajendran and Balaram the Supreme Court observed that if a caste as a whole was socially and educationally backward, its inclusion in the list of backward classes would not be violative of article 15(4).

3. Caste is not a synonym for class. The Supreme Court in Chitralekha stated that article 15(4) referred to backward classes and not backward castes. If classes were interpreted as castes, the object of the Constitution would be frustrated. Though the Chitralekha approach was repudiated by both Rajendran and Balaram, in subsequent decision (State of U.P. V. Pradip Tandon) the Supreme Court held that caste and class were not synonymous. The expression 'class' means a homogenous section of the people grouped together because of certain common attributes.

4. Poverty is a relevant factor in determining social and educational backwardness because economic position has a direct nexus to social and educational status. Social backwardness which results from poverty is to be aggravated by caste considerations of the poor people. This shows the relevance of both caste

and poverty in determining backwardness of citizens.

5. The class whose average is well or substantially below the State average can be treated as educationally backward. The Supreme Court in Balaji approved that the class whose average of student population worked below 50 per cent of the state average would be educationally backward.

6. People in the rural areas can not be regarded as socially and educationally backward classes of citizens. But the people in the hilly backward areas constitute socially and educationally backward classes of citizens.

7. Harijans form socially and educationally backward class.

8. The Ezhavas, Muslims and Catholics including Anglo-Indians in Kerala State are socially and educationally backward classes of citizens.

9. The Government is not constitutionally obliged to provide reservations for backward classes.

10. The government can not provide reservations for communities which are not coming in the category of backward classes.

11. Reservations can be made both in initial appointments and promotions.

12. Reservation in excess of 50 per cent is not constitutional.

13. The government can provide concessions other than reservations for backward classes. The Supreme Court in Thomas case held that a differential treatment could be given to the Scheduled Castes and Scheduled Tribes for the purpose of giving them equality consistent with the maintenance of efficiency of administration.

R E F E R E N C E S

1. Report of the Second Backward Classes Commission (Second part), 1980, p. 119
2. Ibid
3. Marc Galanter, 'Competing Equalities : Law and the Backward Classes in India', Delhi, Oxford University Press, 1984, p. 533
4. Ibid
5. Ibid
6. Ibid
7. Ibid
8. Ibid
9. Ibid
10. AIR 1967, SC 1283
11. Ibid at 1286
12. Ibid
13. AIR 1969 SC 1
14. AIR 1971 SC 2207
15. AIR 1973 SC 930
16. Ibid at 941
17. AIR 1967 AP 352
18. Ibid at 362
19. AIR 1979 All 135
20. Ibid at 156
21. Ibid
22. AIR 1964 SC 179
23. Ibid at 187
24. Ibid
25. AIR 1981 SC 298
26. Ibid at 332
27. Ibid

28. AIR 1984 Bombay 434
29. Ibid at 438
30. Ibid at 440
31. The Statesman, Nov 17, 1992
32. AIR 1968 SC 507
33. Ibid
34. AIR 1969 Cal 576
35. AIR 1992 SC 1
36. AIR 1962 SC 36
37. Op. cit., No. 31
38. AIR 1976 SC 490
39. Ibid at 497
40. Ibid at 500
41. AIR 1963 Mys. 292
42. Ibid at 299-300
43. AIR 1951 SC 229
44. Ibid at 230
45. AIR 1963 SC 649
46. Ibid at 658
47. Ibid at 659
48. Ibid at 661
49. AIR 1964 Mys 132
50. AIR 1964 SC 1823
51. Ibid at 1833
52. AIR 1967 Mys 221
53. AIR 1974 Punj. 125
54. Ibid at 127
55. Ibid
56. AIR 1970 SC 35
57. AIR 1964 Kerala 316
58. Ibid at 319
59. AIR 1968 SC 1012
60. Ibid at 1014-15
61. AIR 1968 Patna 296

62. Quoted in Ibid
63. AIR 1974 Orissa 115
64. Ibid at 118
65. AIR 1968 SC 1379
66. Ibid at 1382
67. Ibid at 1383
68. AIR 1971 SC 2303
69. Ibid at 2310
70. AIR 1972 SC 1375
71. Ibid at 1395
72. AIR 1973 All 295
73. AIR 1973 All 592
74. AIR 1975 SC 563
75. Ibid at 567
76. Ibid
77. Ibid at 568
78. AIR 1976 SC 2381
79. AIR 1975 Kerala 131
80. Ibid at 138
81. AIR 1976 Kerala 54
82. Ibid at 60
83. Ibid
84. Op. cit., No. 78
85. AIR 1985 SC 1495
86. Ibid at 1499
87. Ibid
88. Ibid at 1506
89. Ibid at 1507
90. Ibid at 1531
91. Op. cit., No. 45
92. Ibid at 662-663
93. Ibid at 663
94. Ibid.

## CHAPTER - IV

### Reservation Policy and the Political Process.

Any study of the nature and impact of reservation policy on the Indian political process reveals a number of interacting features. Its impact has been not only wide but also very penetrating which ultimately touched every aspect of India's governing process. The Mandal issue created controversies and confusions right from the day of its announcement by the V.P. Singh's government. It brought about a number of changes within the power structure of the ruling party itself. Not only, this generated some issues lying hidden so far among the left parties at the national level. Even the Congress had its own ideas and programmes regarding the implementation of the reservation policy. The cumulative impact of this policy was felt on the electoral process in India during this very eventful decade.

Before one engages oneself in the study of India's governing process, one should note the very appropriate remarks by N.D. Palmer when he declared that "contemporary India is fascinating laboratory of political, economic and social change".<sup>1</sup> Thus the model on which India is set "is one of modernization of an ancient and highly plural society in the context of an open polity".<sup>2</sup> Thus the Indian political system is 'deeply rooted' in the Indian society and its functions "within a framework of

identifiable institutions and processes in various peculiar and subterranean ways".<sup>3</sup> Although, to N.D. Palmer, the political system in India today is in 'multiple crisis stage', yet it has "over a relatively short period, acquired definable shape and form — stability not in the sense of a stationery movement".<sup>4</sup>

This idea of 'regulated movement' based on 'a high degree of flexibility and accommodation', as Palmer has identified, with such definite goals as national and social integration, economic development and higher levels of existence was put to serious challenges in the face of certain issues arising out of implemental as well as non-implemental aspects of the reservation policy in India.

Following G.K. Roberts, the concept of political process can be seen as sets of interactions concerned with such activities as the competition for political power (i.e., the electoral process), the conflict-resolution relating to selection of political goals (e.g., the bargaining process), the making of policies and their implementation (e.g., the legislative process).<sup>5</sup>

Thus, to C.P. Bhabri, the consequences of Mandal existence encouraged the acceleration of 'casteisation of politics' in India. It has further been observed that with the emergence of "oppositional" relationship, "caste versus caste is a reality of Indian social structure and this oppositional relationship

was sharpened by the new policy of reservations announced by the V.P. Singh government."<sup>6</sup>

## II

### Politics of the Backward Castes.

Those who advocate for the continuation of reservations in educational institutions and public services for socially and educationally backward groups think that these groups are grossly under-represented in educational institutions and government services even after years of independence. They are suffering historical disadvantages and remained, therefore, largely economically and socially backward. Thus reservation "can be a useful strategy for ensuring justice and equal opportunity to economically exploited and socially oppressed groups".<sup>7</sup>

The members of backward castes or the so-called pro-reservationists emphasise caste as an indicative instrument for identification of beneficiaries of reservations. To them, caste gives a statistically clear enough picture as to which castes are grossly below average and under-represented compared to their respective populations, and, therefore, eligible for reservations under Article 15(4) and 16(4) of the Constitution.<sup>8</sup> Hence, caste, being a clearly recognisable social entity, is only a method or device to identify educationally and socially backward groups<sup>9</sup>.

It is seen that these castes which become entitled to reservations are also those which suffer from various kinds of social and economic disabilities. Thus, it would not be right to say that this is discrimination only on the basis of caste.<sup>10</sup>

The economic criterion which is advocated by forward castes as the basis for providing reservation is rejected by backward castes as unconstitutional. The backward groups claim that there is no provision in the Constitution for providing reservation only on the basis of economic criterion. Justice O. Chinnappa Reddy has stated in his report on the Karnataka Backward Classes that if the socially and educationally backward classes are to be equated with economically backward, the Constitution would have used the expression 'economically backward' and not 'socially and educationally backward'.<sup>11</sup> If they are also treated as backward along with the really backward among the lower castes, only the former will be able to take advantage of the reservations.<sup>12</sup> That would amount to an invidious perpetration of the prevailing inequalities through constitutional mechanisms.<sup>13</sup>

The Mandal Commission itself has devised a criterion of caste for identifying the OBCs. The Commission notes that "castes are the building bricks of the Hindu social structure. They have kept Hindu society divided in a hierarchical order for centuries. This has resulted in a close linkage between the caste ranking of a person and his social, educational and economic status".<sup>14</sup>

This manner of stratification of society gave the higher castes deep-rooted vested interests in the perpetuation of the system.<sup>15</sup> The priestly castes evolved an elaborate and subtle scheme of scripture, ritual and mythology and perpetuate their supremacy and hold the lower castes in bondage for ages.<sup>16</sup> In view of the permanent stratification of society in hierarchical caste order, members of lower castes have always suffered from discrimination in all walks of life and this has resulted in their social, educational and economic backwardness'.<sup>17</sup>

The Mandal Commission states that "in a highly unequal society like ours, it is only by giving special protection and privileges to the under-privileged section of society that we can enable the weak to resist exploitation by the strong".<sup>18</sup> When the forward castes consider reservation of posts for backward classes as a denial of meritorious person's legitimate due, the Commission thinks that merit "is largely a product of favourable environmental privileges".<sup>19</sup> Children of socially and educationally backward parents coming from rural background can not compete on an equal footing with children from well to do hours.<sup>20</sup>

Ram Manohar Lohia, who advocated 60 per cent reservation for Scheduled Castes, Scheduled Tribes, minorities and women, said : "If merit were to be the sole criterion for selection or appointments, the high caste with their five thousand year old tradition of specialisation in mental pursuits would be unbeatable".<sup>21</sup>

He thought that preferential treatment for backward and Scheduled Castes was the only way to solve the problem of inbuilt inequality in the Indian society.<sup>22</sup> Cultural and educational traditions of certain castes on the one hand and systematic deprivation of large numbers of people from educational and administrative pursuits on the other, have created certain advantages for the children of upper castes and disadvantages for the children of other castes in the Indian society.<sup>23</sup> These mechanical inequalities and disadvantages can be removed only by a systematic effort to implant educational and administrative traditions among the backward and Scheduled caste people.<sup>24</sup> According to Lohia, three characteristics distinguished India's ruling classes: (1) High Caste, (2) English Education and (3) Wealth; the combination of any two of these three factors makes a person belong to the ruling classes.<sup>25</sup> The presence of the first factor of high caste freezes the whole situation into an almost immobility, for over 90 per cent of India's ruling classes belongs to the high caste, and most of them possess both of the other characteristics of wealth and English education, while some possess only one or the other.<sup>26</sup>

Sachchidananda alleges that "through the ages there has been an unwritten reservation for high castes in this country".<sup>27</sup> For four full decades, the backward groups believe, it is the forward caste Hindus who have held top positions in administration. But the administration of forward castes has become inefficient and corrupt. The members of backward castes deny that if

they are allowed to get in the administration, "that will spell the death of development for India".<sup>28</sup>

The backward groups further allege that "good public school education is reserved for children of the rich, and that reservation goes on for generation after generation".<sup>29</sup> A cultural atmosphere at home that is conducive to book learning is reserved for the Brahmins and the Brahminised upper castes.<sup>30</sup> But of course the biggest reservation of all is property which is reserved for the progeny of the propertied, for generation after generation, irrespective of talent or merit. But there has not been any suggestion that hereafter property shall not be inherited by the children of the propertied, but by the persons who possess the greatest merit in handling it.<sup>31</sup> After all, if it is a national disaster for jobs to be given to meritless persons on grounds of caste, it is equally a national disaster for property to pass into the hands of persons not competent to put it to use for no reason other than genetic accident.<sup>32</sup>

The members of the backward castes point out that the forward castes use their caste for climbing up political ladder and subsequently acquire property. Those who are poor among the forward castes have the advantage to use caste links with the rich to obtain a small job or a petty loan. But the backward caste members do not have such advantage. The forward castes use their caste identities for all these purposes, but when the

backward castes attempt to use their caste identity to gain a foothold in the corridors of power — or even to get an ill-paid clerk's job — there is so much fuss about destruction of merit and death of efficiency<sup>33</sup>. The casteism of the forward castes is never seen as casteism, for it is an advantage always possessed by privileged groups that their existence is taken to be part of the natural order of things.<sup>34</sup> As for forward castes caste remains one of the determinants of property and power, "it remains the moral right and indeed the political duty of the poor and the deprived to use their caste identity in the struggle for liberation".<sup>35</sup>

One of the criticisms frequently made is that reservations in Professional Colleges "result in scarce opportunities for such education being wasted on persons who are hardly qualified to benefit from such facilities".<sup>36</sup> The reserved groups, however, claim that the percentage of marks of their students in H Sc examinations which is the basis used for deciding admission to professional colleges has been gradually improving. Paranjape has proved in a survey made on the students of a medical college in Pune that the percentage of marks of Scheduled Caste and Scheduled Tribe students has gradually improved from 41 to 45 in 1970 to between 65 and 70 per cent ten years later. The fact that the lowest percentage of those admitted from the reserved categories was 67 per cent in 1984 suggests that there is no basis for

thinking that unqualified students are admitted to medical education because of the policy of reservation.<sup>37</sup>

The backward castes deny that technical efficiency has reduced on account of reservation. They argue that despite reservation the administration in South-Indian States is much more efficient than the Hindi-speaking northern states. Besides, the records of some of the top administrators at both national and state levels are known to be superior to those in no-reserved groups.

The argument that caste-based reservations go against the secular character of the Constitution has been denied by the backward groups. The backward groups state that "reservations have been called for because the Indian society has been governed by the principle of exclusiveness in social relationship based on caste and heredity".<sup>38</sup> In other societies in which stratification is not based on caste and heredity, inter-group mobility is possible through marriage.<sup>39</sup> But given the nature of stratification in India, social groups which have early access to the mainstream entrench themselves through kinship linkages both in educational institutions and in bureaucracy to the exclusion of other groups which did not have advantage of early access to education.<sup>40</sup> It is reservations which is breaking the "monopoly of kinship groups based on caste both in educational institutions and government".<sup>41</sup> The answer to casteism is not discontinuance of

reservations but a cultural revolution for eliminating the principle of exclusiveness in social relationships.<sup>42</sup> Reservation is breaking the sub-caste barriers by contributing to the entry of backward groups into the mainstream. That the caste-based reservations do not go against secularism has been argued by some legal experts in their evidence before the Karnataka Backward Classes Commission. They said that "nowhere in the Constitution a mention is made about a casteless society and socialism and secularism do not mean casteless society".<sup>43</sup> The reserved groups have been questioning the casteism of the high caste Hindus who are a minority in number in the population but occupy the major and lucrative sectors of the economy, bureaucracy and society and any talk of secularism and socialism should really mean fighting against these some tendencies.<sup>44</sup>

The backward castes feel that the implementation of the Mandal Commission recommendations "is a big step forward towards the democratisation of our socio-economic structure".<sup>45</sup> It will facilitate upward mobility within the socio-economic ladder for the hitherto oppressed and neglected classes by improving the prospects for higher income as well as better social status.<sup>46</sup> The administration and public services in general can be expected to become more sensitive and responsive to the needs of the disadvantaged sections who constitute the large majority of our population.<sup>47</sup>

According to the reserved groups, the Mandal Commission is criticised by the forward castes as casteist because the supremacy of the forward castes has been challenged and undermined by the Commission. As regards the Mandal Commission it is the forward castes and communities who are going to lose their dominance over administration. The Mandal Commission itself observed that "the furore against reservation is not aimed at the principle itself, but against the new class of beneficiaries, as they are now clamouring for a share of opportunities which were all along monopolised by the higher castes".<sup>48</sup>

### III

#### Politics of the Ruling Elite

The fathers of the Indian Constitution aimed at building egalitarian and secular society. This necessarily entailed abolition of the caste system. This is precisely what the Preamble to the Indian Constitution proclaims. Articles 15(4) and 16(4) empower the state to make provision for reservation in jobs in favour of backward classes so as to remove inequality between advanced classes and weaker sections of society.<sup>49</sup> There was great deal of discussion in the Constituent Assembly on clause (4) of article 16. There were three view points. One section opposed the provisions on the ground of merit and efficiency, secularism and national integration. They expressed a fear that reservation on the basis of birth would strengthen casteism

and communalism.<sup>50</sup> The second section did not oppose the provisions but felt that reservations were not the answer to the problem of inequality. What was needed was socialistic development.<sup>51</sup> The third section supported the provisions on the ground that backward castes had suffered from discrimination for centuries and they continued to do so on the eve of independence.<sup>52</sup> When a few members of the Constituent assembly opposed reservations, Dr. Ambedkar defended them on the ground that "we have quite a massive opinion which insists that there shall be a provision made for the entry of certain communities which have so far been outside the administration".<sup>53</sup>

On the eve of Independence, the sub-continent was divided into India and Pakistan, as the leaders of the Muslim minority succeeded in creating a feeling among their followers that they would lose their identity in independent India under the dominance of Hindus who constituted majority.<sup>54</sup> Some of the tribes in the North-East frontier regions expressed similar apprehensions. The tribal political leaders of Chhota Nagpur region in Bihar demanded a separate electorate for the tribals. A small section of the tribals in Gujrat also asked for a separate state for them outside the Indian Union. At the same time, the SCs were also demanding a separate electorate.<sup>55</sup> The ruling elite felt that separate electorates would strengthen separatist identity of the SCs, which would endanger the unity of the country. Thus, in order to give a 'fair deal' to deprived sections so as to

improve their socio-economic condition and satisfy the political aspirations of their elite the Constituent Assembly evolved the strategy of reservations.<sup>56</sup>

The President, by promulgating Ordinances in 1950, identified Scheduled Castes and Scheduled Tribes. But the ruling elite did not define 'backward classes' so as to make special provisions for them, though the Constitution uses the term 'backward classes'. When draft article 10(3) came up for general discussion, several members of the Constituent assembly pointed out that "the term 'backward' was vague, loose and indefinite".<sup>57</sup> However, under Article 340(1) the President may by order appoint a Commission to investigate the conditions of socially and educationally backward classes.

In post-independent India, there was no pressure from OBCs for reservations, except in South India. In fact, as a result of the anti-Brahmin movement, the Government of Madras granted quotas for different communities as far as 1927. Quotas for Scheduled Castes and other communities were increased by a Government Order in 1947. This Order, popularly known as Communal G.O., was, however, struck down by the Supreme Court in 1950. The Dravidar Kazhagam of Ramaswamy Naicker, progenitor of the DMK and the AIADMK, launched such an agitation throughout the state against the quashing of the Communal G.O. that the Centre had to take note. Jawaharlal Nehru, within two months of agitation, moved

the First Amendment to the Constitution empowering the States to make special provisions for the advancement of the socially and educationally backward classes of citizens, including the Scheduled Castes and Scheduled Tribes besides incorporating clause (4) in article 15. The Madras Government passed a fresh order in 1951, restoring communal reservations.<sup>58</sup>

It was the Jammu and Kashmir Government which for the first time after independence restored to a large scale communal reservations policy in 1952. It had reserved 50 per cent to Dogra Hindus of Jammu and 10 per cent was left to Pandits.<sup>59</sup> The first all India effort to recommend reservations on caste basis (other than SC and ST) was attempted by the Kaka Kalelkar Commission which was appointed by Government of India in 1953. The Commission submitted its report in 1955. But Jawaharlal Nehru's "wise understanding of the danger of social fragmentation, and his realistic awareness of the fact that merit can not forever be subordinated to the incident of birth"<sup>60</sup> obliged him to shelve the report which identified 2,399 castes as socially and educationally backward.

The Congress Party in 1971 Parliamentary elections dedicated itself to the promotion of educational, employment and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections of society. The Party assured to safeguard the interest of these classes to attain equality of status, and opportunity and

fraternity, assuring the dignity of the individual.<sup>61</sup> Shri Jagjivan Ram, addressing the 74th Congressional session held in Calcutta in 1972, said that the educated youth belonging to the lower strata of society needed some concessions in the field of recruitment to higher government posts, because young men and women coming from poor families could ill-afford to go to Posh schools and colleges. The talk of free competition for selection to administrative services was hardly fair in so far as these candidates were concerned, because they could not compete on equal footing with those who had economic facilities for acquiring better competitive abilities.<sup>62</sup>

In 1972 the Congress pledged a new to a socialist, peaceful and democratic which embraces all the people and permeates all spheres of national life. It proclaimed that it was "the only party which has the capacity to achieve a socialist revolution".<sup>63</sup> Socialist revolution included in it the desire of the party to take special care to promote the education, employment and weflare of the weaker sections particularly SCs, STs and BCs.<sup>64</sup> After the emergency the Congress pledged to continue its crusade against the social disabilities and work unremittingly to raise the living standard and social status of SCs and STs.<sup>65</sup>

In the early seventies the various state governments appointed Socially and Educationally Backward Classes Commissions which were asked to recommend which sections of society should be treated as OBCs and what special treatment should be bestowed on them. All

these commissions found it difficult to determine the criteria for identification of OBCs and failed to evolve any rigorous methodology or framework. That left enough scope for arbitrariness. And the arbitrariness has been, more often than not, guided by political exigencies.<sup>66</sup> On the basis of the Commissions' recommendations, some of the state governments considered certain castes as OBCs and granted them reservations in educational institutions and government jobs.

In 1978 another attempt for the welfare of other backward classes was made by the Janata Government by appointing the Second Backward Classes Commission under the Chairmanship of B.P. Mandal. But the Janata Government lost power before the Commission completed its report. The Congress (I), the then ruling party, extended full support and cooperation so that the Commission could complete its work. It submitted its report in 1980. It was placed before Parliament after two years in April 1982 as the backward class members of Parliament protested against the delay and held a 'dharna' in front of Parliament house.<sup>67</sup> The Congress government "considered all decisions of the Janata Party's government as politically motivated and adopted the policy of discarding and rejecting all major decisions on matters of public interest".<sup>68</sup> The same attitude has been adopted towards the various Committees and Commissions appointed during Janata Party's regime. Chaudhary Charan Singh and Karpoori Thakur, who can be described as the main architects of the OBCs movement in U.P. and Bihar adopted the policy to help this neglected population of OBCs. But their

governments too went out of office before they could implement the plan.<sup>69</sup> In order to pacify the anti-reservation agitation in Gujrat in 1985, Prime Minister Rajiv Gandhi promised to develop national consensus on the issue. But no effort was made in that direction.<sup>70</sup> Rajiv Gandhi was waiting for a political opportunity to use the Mandal report as Madhavsinh Solanki did in Gujrat with the Rane Commission Report.<sup>71</sup>

The National Front Government had faced a number of challenges from within and outside. It failed to check price rise and inflation, increasing violence in Punjab and Kashmir and rising emotions on the Ram Janmabhoomi issue.<sup>72</sup> After the departure of the Deputy Prime Minister Devi Lal, the Janata Dal faced internal crisis and the Prime Minister V.P. Singh feared loosing his rural base. On the other hand, politicians from the backward castes who became powerful in the Janata Government put pressure on the government for the implementation of the Mandal Commission Report so as to strengthen their base.<sup>73</sup> V.P. Singh, who was a critic of the Mandal Commission Report earlier and was not known as a champion of backward castes, announced on August 7, 1990 that his government had decided to implement the 'first phase' of the Commission's recommendations and that 27 per cent jobs were to be reserved for the socially and educationally backward classes in all central government departments and offices and public sector undertakings, including nationalised banks and financial institutions run by the government.<sup>74</sup> The state governments were given

freedom to accept or reject Mandal recommendations and to retain the prevailing state list if it was different from the list prepared by the Mandal Commission.

While it is undoubtedly true that action on the Mandal Commission recommendations was promised in the 1989 election manifesto of the ruling front and was included in the Action Programme of the Government, there had been no discussion on the subject either in the Janata Dal or in the National Front Parties and certainly not in Parliament. No wonder that the sudden announcement had led to agitations, some of them violent, in different parts of the country.<sup>75</sup> A large number of Cabinet colleagues were not with V.P. Singh on this issue. The Congress which sponsored caste based reservations in various states was now talking about economic criteria. One of the Congress leaders alleged that "caste based reservations rend the fabric of our nationhood. What the States can get away with, the centre can't".<sup>76</sup> He feared that caste-based reservations would jeopardise the administrative efficiency.

The Chandra Sekhar Government was not against the recommendations of Mandal Commission but he had no courage to perform the unfinished task of V.P. Singh. In 1991 Lok Sabha election the Congress made the implementation of Mandal Commission recommendations a part of its election manifesto. After coming to power at the centre the Congress Government headed by Mr. P.V. Narasimha Rao issued an order

on September 25, 1991, to fulfil its election commitment. In addition to 27 per cent reservation of jobs for socially and educationally backward classes in central services the Congress Government made another 10 per cent reservation in central services on the basis of economic criteria. In this respect, the Supreme Court Judgement on November 16, 1992, was of great significance. The Supreme Court approved the V.P. Singh Government's Order on 27 per cent quota and 49.5 per cent overall, and struck down the Narasimha Rao Government's order of September 25, 1991, including 10 per cent reservation on economic criteria and raising the total reservation to more than 50 per cent. The Supreme Court ruled that the "creamy layer" among the backward classes must be excluded from reservations. The Mandal Commission's recommendation to reserve 27 per cent of the jobs in the central government for persons from the backward classes excluding the "creamy layer" became effective on September 8, 1993, with a notification issued by the Welfare Minister, Mr. Sitaram Kesari.

#### IV

#### Politics of the Forward Castes

The forward castes blame the use of caste groups to identify beneficiaries of reservation "for perpetuating the caste system, accentuating caste consciousness, injecting caste into politics, and generally impeding the development of a secular society in which communal affiliation is ignored in public life".<sup>77</sup> According

to sociologists like I P Desai, Upendra Baxi and Andre Beteille, reservation is a must; but, they say, it should be on the basis of economic class instead of caste. They hold that caste-based reservation is against the basic spirit of our Constitution which promises equality, non-casteist and non-communal secularism and a non-obscurantist society. Caste based reservation is an impediment to progress and social change.<sup>78</sup>

According to forward castes, social and educational advancement does not necessarily mean job reservations. It should rather mean housing, medical and educational facilities<sup>79</sup>. Article 16(4) refers to 'backward class' and not 'backward castes'. Any 'backward class' does not necessarily mean 'backward castes'. It means economically backward. Hence, the reservation should definitely be only on the basis of economic criteria alone, irrespective of any caste.<sup>80</sup> Besides, article 46 clearly imposes a duty upon the state to promote with special care the educational and economic interests of the weaker sections of the people of the SCs and STs and to protect them from social injustice and all forms of exploitation. Here the stress is again not on castes but on weaker sections. Therefore, it should be appropriate for the government to give a second thought to the job reservation for Scheduled Castes and Scheduled Tribes on the basis of economically weaker sections within Scheduled Castes and Scheduled Tribes instead of carrying on with the policy of reservations for the whole of the Scheduled Castes and Scheduled Tribes.<sup>81</sup>

Devaraj Urs noted a number of points against reservations: (a) Reservations create a vested interest in perpetuating backwardness; it becomes a convenient tag whereby more and more sections of the community try to corner concessions available; (b) the benefits do not percolate down to the broad masses of SC/ST people and other backward communities. A tiny elite only, therefore, is created; this tiny elite in turn, creates a gap between it and the less fortunate sections of its own community and apes the manners and life-styles of the forward communities — the process referred to by sociologists as 'Sanskritisation'; (c) Under a system of reservations, injustice is caused to many meritorious candidates, whose only disqualification is that they belong to forward communities.<sup>82</sup>

S.R. Maheshwari points out that "though the Mandal Commission was called a 'Backward Classes Commission', its report does not define the term 'class' and assumes, quite innocently, that class means caste".<sup>83</sup> It would, thus be more correct to call it the 'Backward Castes Commission' which it became for all practical purposes.<sup>84</sup> To him, India is formally committed to abolition of caste system, but the reservation system perpetuates it.<sup>85</sup> As a result of reservation, many remain deprived of the chance to improve their economic status because jobs have already been allotted to others through lower recruitment standards. This creates resentment threatening to tear apart the social fabric and the Mandal Commission report is a potentially explosive threat to

social cohesion.<sup>86</sup>

Instead of caste, I. P. Desai has suggested class criteria along with the following alternative criteria : (1) The unit must be completely secular. (2) It must be in consonance with the new society that has emerged and is developing. (3) The new society is based on recognition of the individual as a citizen, and his rights and obligations are defined by secular political authority. (4) The class to which an individual belongs can be identified by the activity he engages in for earning livelihood.<sup>87</sup>

The forward castes observe that political imperative behind reservations "is to mobilise the support of the OBC elite".<sup>88</sup> The latter, it is believed, will be able — because of its unique status in OBC society, its wealth, its relatively high educational level and its control over caste councils — to persuade or coerce the general impoverished OBC masses to vote as it desires.<sup>89</sup> The OBC upper crust is viewed as the most significant group of power brokers in the country.<sup>90</sup> The Mandal myth — that reservations do something for the cause of social justice — has therefore been readily adopted and propagated by interested politicians.<sup>91</sup>

According to forward castes, reservations impair the quality of public services, they reduce the average standard of entrants to government service, destroy the incentive to perform, undermine morale and stimulate caste conflicts in public institutions and services. The result is a deterioration in the welfare level of every Indian.<sup>92</sup> Palkhivala criticises the Mandal report

on the ground that it contemplates rich and rigid reservations for employment under the state in its infinite variety, and in business undertakings and educational institutions — where merit would be unable to find a birth. The sub-standard has to replace the standard, and the reins of power are to pass from meritocracy to mediocrity.<sup>93</sup> When the backward classes claim that despite reservations, which has prevailed in the South for long, the administration of the south has become more efficient than the north, Andre Beteilli observes that "something has prevailed for a long time is not to prove that it has worked successfully".<sup>94</sup> The forward castes point out that "what the country needs is not reservation but to improve merit and efficiency".<sup>95</sup> If India is to survive as a nation in this world, it has to strive for highest standards of efficiency in every field and remove all barriers of efficiency.<sup>96</sup> Reservations for backward classes in jobs in government establishments and public sector undertakings are one of the major barriers.<sup>97</sup> The policy of job reservations needs to be replaced by effective programmes of affirmative action to promote efficiency, merit and skills among the weaker sections of society.<sup>98</sup> Primary education and other programmes linked with it should receive the highest priority. Maximum attention should be given to the lowest level so that affirmative action at the higher levels can also become effective.<sup>99</sup>

## V

Thus viewed from this perspective, it appears that the reservation policy created an atmosphere which witnessed some radical changes in the nature and direction of the political process in India. In fact, the development that took place within India had their far reaching consequences over a long period of time. The reservation policy had been viewed differently by different sections of the society — some appreciated the principle, some opposed it. In a word, the reservation policy became a political issue in the course of time and was used by all sections for the purpose of achieving their objectives.

R E F E R E N C E S

1. N.D. Palmer, 'The Indian Political System', Houghton Mifflin, Boston, 1971, p. 1.
2. Rajni Kothari, 'Politics in India', Orient Longman, New Delhi, 1970, p. 2.
3. N.D. Palmer, op. cit., No. 1
4. W.H. Morris-Jones, 'The Government and Politics of India', B.I. Publications, New Delhi, 1974, p. 245.
5. G.K. Roberts, 'A Dictionary of Political Analysis', Longman, 1971, p. 176.
6. C.P. Bhambri, 'Politics of Caste and Communal Mobilization', in Asghar Ali Engineer and Pradeep Nayak (ed), 'Communalization of Politics and 10th Lok Sabha Elections', Ajanta Publications, Delhi, 1993, p. 43.
7. S.C. Dube, 'Reservations : A Retrograde Step', Third Concept, October 1990, p. 53.
8. M.Y. Ghorpade, 'The Rationale', Seminar, November, 1990, p. 15.
9. Ibid.
10. Ibid.
11. P. Radhakrishnan, 'OBCs and Central Commissions', Seminar, November 1990, p. 25.
12. Ibid.
13. Ibid.
14. Report of the Second Backward Classes Commission, First Part, 1980, p. 61.
15. Ibid.
16. Ibid.
17. Ibid.
18. Ibid, p. 62.

19. Ibid.
20. Ibid.
21. Keshav Rao Jadhav, 'Dr. Lohia on Reservation Policy', in E.A.V. Sharma and K. Madhusudhan Reddy (ed), 'Reservation Policy in India', Life and Light Publications, New Delhi, 1982, pp. 37-38.
22. Ibid, p. 38.
23. Ibid.
24. Ibid.
25. Ibid, p. 40.
26. Ibid.
27. Sachchidananda, 'Welcome Policy', Seminar, November, 1990, p. 19.
28. K. Balagopal, 'This Anti-Mandal Mania', Economic and Political Weekly, October 6, 1990, p. 2231.
29. Ibid, p. 2233
30. Ibid.
31. Ibid.
32. Ibid.
33. Ibid.
34. Ibid.
35. Ibid.
36. H.K. Paranjape, 'Educational Reservations: Results of a Survey', Mainstream, March 31, 1990, p. 24.
37. Ibid.
38. K.S. Chalam, 'Caste Reservations and Equality of Opportunity in Education', Economic and Political Weekly, October 13, 1990, p. 2337.
39. Ibid.
40. Ibid.
41. Ibid.

42. Ibid.
43. Ibid.
44. Ibid, p. 2338.
45. C.H. Hanumantha Rao, 'Job Reservations for Backward Classes', Third Concept, October 1990, p. 55.
46. Ibid.
47. Ibid.
48. Report of the Second Backward Classes Commission, quoted from Kuneshwar Choudhary, 'Reservation for OBCs : Hardly An Abrupt Decision', Economic and Political Weekly, September 1-8, 1990, p. 1931.
49. Ghanshyam Shah, 'Social Backwardness and Politics of Reservation', Economic and Political Weekly, Annual Number, March 1991, p. 606.
50. Ibid.
51. Ibid.
52. Ibid.
53. Quoted in J. Laxminarasimha Rao, 'Reservation Policy and the Principle of Merit', The Indian Journal of Political Science, Oct-Dec 1992, p. 679
54. Ghanshyam Shah, 'Reservations : Promise and Performance, Third Concept, October 1990, p. 28.
55. Ibid.
56. Ibid.
57. Ibid.
58. The Statesman, September 2, 1990.
59. K.S. Chalam, op. cit., No. 38, p. 2333.
60. Editorial Columns, The Statesman, August 9, 1990.
61. N.L. Madan, 'Congress Party and Social Change', D.R. Publishing Corporation, New Delhi, 1984, p. 284.

62. A.M. & S.G. Zaidi, 'The Encyclopaedia of the Indian National Congress', Vol. 22, 1972-73, S. Chand and Company, New Delhi, pp. 103-104.
63. P. Satyanarayana, 'Reservations and Attitudes of Political Parties', in B.A.V. Sharma and K. Madhusudhan Reddy (ed), op. cit., No. 21, p. 237.
64. Ibid.
65. Ibid.
66. Ghanshyam Shah, op. cit., No. 54, p. 29.
67. Ibid.
68. Dr. Hoshiar Singh and Dr. Jagdish Kumar Malik, 'The Mandal Commission Report : A Plea For Share in Power', Political Science Review, July-Oct. 1984, p. 261.
69. Ibid.
70. Ghanshyam Shah, op. cit., No. 49, p. 606.
71. Ibid.
72. Ibid.
73. Ibid.
74. Ibid.
75. H.K. Paranjape, 'Implementing Mandal --- A Disastrous Step', Janata, Independence Day Number, November 1990, p. 35.
76. Mani Shankar Aiyar, 'Mandalem ! Mandalam !', Sunday, 16-22 September, 1990, p. 42.
77. Marc Galanter, 'Pursuing Equality : An Assessment of India's Policy of Compensatory Discrimination for Disadvantaged Groups', in D.K. Basu and Richard Sission (ed), 'Social and Economic Development in India', Sage Publication, New Delhi, 1986, p. 148.
78. D.L. Sheth, 'The Great Debate', in Haroobhai Mehta and Hasmukh Patel (ed), 'Dynamics of Reservation Policy', Patriot Publishers, New Delhi, 1985, p. 130.

79. Ashoke Sharma, 'Caste-based Reservations for OBCs are Unconstitutional', *Organiser*, September 23, 1990.
80. Ibid.
81. Ibid.
82. Devaraj Urs, 'The Only Way', Seminar, December 1981, pp. 25-26.
83. S.R. Maheshwari, 'Caste and Society ; Dangers of Reservation Policy', *The Statesman*, August 23, 1990.
84. Ibid.
85. Ibid.
86. Ibid.
87. I.P. Desai, 'Should Caste be the Basis for Recognising Backwardness', *Economic and Political Weekly*, July 14, 1984, p. 113.
88. Ashok, Guha, 'Reservations in Myth and Reality', *Economic and Political Weekly*, December 15, 1990, p. 2716.
89. Ibid.
90. Ibid.
91. Ibid.
92. Ashok Guha, 'The Mandal Mythology', Seminar, November 1990, p. 52.
93. Nani A. Palkhivala, 'Five Fatal Flaws of Mandal Report', *The Statesman*, August 28, 1990.
94. Andre Beteille, 'Lessons of South Indian Experience: Caste and Reservations', *The Hindu*, October 20, 1990.
95. Samaren Roy, 'Reservation : A Regressive Policy', *The Radical Humanist*, November 1990, p. 11.

96. A.M. Shah, 'Job Reservations and Efficiency', Economic and Political Weekly, July 20, 1991, p. 1734.
97. Ibid.
98. Ibid.
99. Ibid.

## CHAPTER - V

### Reservation Policy and Electoral Process

Caste has increased its hold over public life, despite such modernisation as there has been in India since independence. Many Indians believed at the time of independence that caste was on its way out and many ritual rules maintaining distances between castes were declining or dying out. However, caste not only held its ground but began to strengthen its hold in one sphere of life, that of politics. In independent India, the provision of constitutional safeguards to the backward sections of the population, especially the Scheduled Castes and Tribes, has given a new lease of life to caste.<sup>1</sup> Politics is a competitive enterprise, its purpose is the acquisition of power for the realisation of certain goals, and its process is one of identifying and manipulating existing and emerging allegiances in order to mobilise and consolidate positions.<sup>2</sup> The important thing is organisation and articulation of support, and where politics is mass-based the point is to articulate support through the organisation in which masses are to be found.<sup>3</sup> It follows that where the caste structure provides one of principal organisational clusters along which the bulk of the population is found to live, politics must strive to organise through such a structure.<sup>4</sup> The alleged 'casteism' in politics' is thus no more and no less than politicisation of caste.<sup>5</sup>

The politicians mobilise caste groupings in order to organise their power. The backward castes came for long to be regarded as a political asset. "It was Ram Manohar Lohia who conceived the idea of uniting the backward castes and made them the social base of the Samyukta Socialist Party, distancing these communities from the caste-based vote banks of the Congress".<sup>6</sup> The strategy climaxed when Yadavas, Kurmis, Koeris and Benias accounted for 31.6 per cent of Bihar's M.L.As in 1967 elections. The pattern was repeated in the 1969 mid-term polls. But the representation of backward castes declined sharply when the Congress returned to power in Bihar in 1972, and the party did not go up again until the rise of the Janata Party in 1977. In Uttar Pradesh in the SVD Ministry headed by Charan Singh in 1967 three ministerships were given to the peasant backward castes, including Yadavas and Kurmis, because these castes made considerable gains in the elections. In 1980 the then Chief Minister, Madhavasinh Solanki had formed an alliance of Kshatriyas, Harijans, Adivasis and Muslims (KHAM) to encounter the force of the upper castes, especially the Patels. Mr. Solanki's KHAM managed to create a new unprivileged support base for the Congress (I). The real below came to KHAM as a result of the anti-reservation agitation that swept the State in 1985 following Mr. Solanki's decision to give 28 per cent reservation to the other backward castes, popularly known as Bhaksi castes after the Bhaksi Commission report which identified 82 other backward castes as

in need of reservation. Since 1977, a tacit consensus seems to have emerged that all political bodies — Zilla Parishads, State Cabinets, Party Committees — should be so constituted as to represent the major castes and communities.<sup>7</sup>

Every Political Party in India seeks support of backward castes because these castes play an important role in influencing the outcome of elections. The political parties include various welfare schemes for backward castes in their election manifestos. In order to hold its power and to gain support of these castes in the next elections the party in power tries to implement the welfare schemes promised to backward castes at the time of elections. Myron Weiner writes that a reversal of preferential policies by either Central or State government would be politically costly. To terminate or in any way reduce the benefits provided for Scheduled Castes, Scheduled Tribes, or backward castes would incur political losses from these communities.<sup>8</sup>

## II

### Election 1989

In order to mobilise support of the backward castes all the political parties, except Congress(I), made the implementation of Mandal Commission's recommendations a part of their election manifestos in 1989 Lok Sabha election. BJP promised not only the continuation of the reservation policy, but also reservation for

backward classes on the basis of Mandal Commission report.<sup>9</sup> The Janata Dal leader V.P. Singh well understood the electoral arithmetic of castes and communities in U.P. and Bihar.<sup>10</sup> So an appropriate electoral strategy suggested itself to him. The line up of intermediate castes with the newly formed Janata Dal — Thakurs, Jats, Yadavas and other farming communities — ensured that the march of Hindutvavadi consolidation would be stopped in its tracks.<sup>11</sup> It also provided a durable base from which the Janata Dal could expand out in all directions, utilising fully the Bofors-Submarin scandals and popular discontent against Rajiv Gandhi.<sup>12</sup> V.P. Singh did not ignore the backward caste votes of U.P. and Bihar for he realised that these votes could influence the outcome of election. Therefore he included the implementation of Mandal Commission report in Janata Dal's election manifesto in 1989.

In 1989 Lok Sabha election Congress(I) had lost majority. The party bagged 193 seats as against 410 seats in 1984 Lok Sabha election. The main reason for Congress(I)'s losing majority was the erosion in the backward classes vote bank of the party. For long, the myth had been held that the Muslims and Scheduled Castes vote "en bloc", "en masse", "like lemmings" for the Congress.<sup>13</sup> Given the election 1989 results it appeared that new versions of vote bank ran as follows: In the South, where Rama Rao was unpopular, the Hindus, backward castes and Muslims constituted a vote bank

for the Congress, while in the North, where V.P. Singh ran and the Congress was perceived to be corrupt and communal, the Hindus, backward castes and Muslims vote went against the Congress. Moreover, in the North, the backward castes were influenced by the assurance of the implementation of Mandal Commission report by V.P. Singh.

While the Congress(I) based its election campaign on the protection of the rights of minorities, handing over real power to the Panchayats, stable governance and the unity of the country, it failed to include any welfare scheme for the backwards in its election campaign which caused the erosion in the backward castes vote bank of the party. Owing to this erosion in the party's backward castes vote bank the Congress(I) lost majority in the election 1989. In Rajasthan, of 7 reserved constituencies four (Sawai Madhopur-ST, Bayana - SC, Salumber - ST and Jalore - SC) went to BJP and the remaining (Ganganagar-SC, Banswara-ST and Tonk-SC) to Janata Dal.<sup>14</sup> In Uttar Pradesh and Bihar also the Congress(I) lost the votes of backward castes. The Bahujan Samaj Party made inroads into the ruling party's two traditional vote banks — the backward castes and Muslims — and hammered in the final nail in the Congress(I)'s coffin.<sup>15</sup> The BSP's 72 candidates got round 13 per cent of votes undercutting many Congressmen and even a few Janata Dal nominees.<sup>16</sup> The clearest message was that every caste and community was furious with Congress(I)'s misrule and ineptitude. In Bihar, the factor which went against Congress(I) was the

consolidation of Rajput and Yadava votes in favour of Janata Dal.<sup>17</sup> In caste ridden Bihar, the reason for the Rajput support for the Janata Dal was the projection of V.P. Singh as Prime Minister. Yadavas also constituted the backbone of the Janata Dal.<sup>18</sup> In Bihar, the Congress(I) which bagged 48 out of 54 in 1984 won only 4 seats. The Janata Dal and BJP bagged 30 and 9 seats respectively.

The most significant outcome of the 1989 election was the rout of the ruling Congress(I) at the centre and the installation of V.P. Singh, leader of Janata Dal, which was an important component of the National Front, as the new Prime Minister in place of Rajiv Gandhi. But in the kind of political equations that emerged within the Lok Sabha, V.P. Singh actually presided over a minority government — the Janata Dal had a total membership of 141 in a house of 525 but was supported by BJP (88) and the left parties which accounted for a little over 45, apart from Telegu Desham, the Jharkhand Mukti Morcha and others who were totally opposed to Congress(I).

### III

#### V.P. Singh's Announcement for Implementation of Mandal Commission Report.

After coming to power Prime Minister V.P. Singh assured that there would be a central government which could be expected to be more responsive to the needs and demands of the public. He said

that if the people had voted for a change, this must be reflected in programmes and policies pursued by the new Government. He further stated that when the nation looked forward to it was not a change in theoretical sense of the term, or just on paper, but in practice. Fighting corruption and implementation of Mandal Commission's recommendations were high on the agenda of the National Front Government.

The implementation of Mandal Commission's recommendations constituted an important element in the Janata Dal's election manifesto in 1989. In order to look afresh into the recommendations V.P. Singh appointed a sub committee in February 1990 which took six months to decide. On August 7, 1990, V.P. Singh announced in the Lok Sabha the implementation of 27 per cent reservation of jobs in Central Government services and Public Undertakings recommended by the Mandal Commission for socially and educationally backward classes. Making a suo moto statement in both Houses of Parliament on the Government's decision on the report of the Mandal Commission, Mr Singh said that such reservation of jobs for the socially and educationally backward classes (SEBs) was being made for the first time since independence.<sup>19</sup> He <sup>said</sup> "I am happy today to announce in this August House a momentous decision of social justice that my Government has taken regarding the socially and educationally backward classes on the basis of the report of the Mandal Commission".<sup>20</sup> He pointed out the Constitution envisaged that the socially and educationally backward classes be identified,

their difficulties removed and their conditions improved in terms of Article 340(1) read with Article 15(4) as well as 16(4). It was a negation of basic structure of our Constitution that till now the requirement was not fulfilled. He added that "in accordance with our commitment before the people we included this in our Action Plan".<sup>21</sup> After examining various aspects of it the Government had taken the following decisions on the Mandal Commission report:

1. Reservations would be based on castes. As V.P. Singh told the Parliament that "in order to avail ourselves of the benefits of the long experience of a number of states in preparing lists of socially and educationally backward classes and in order to ensure harmonious and quick implementation, we have decided to adopt in the first phase the castes common to both the Mandal list as well as the State lists".<sup>22</sup>
2. The percentage of reservation for the socially and educationally backward classes would be 27 per cent.
3. The reservation would be applicable to services under the Government of India and Public Undertakings.

The Mandal Commission had been set up by the Morarji Desai Janata Government of 1977, probably as an offshoot of the analysis of Indira Gandhi's poll debacle, which proved that her overwhelming defeat was mainly brought about by en masse voting of the politically awakened backward classes.<sup>23</sup> Due to political

upheavals which beset the first non-Congress government at the Centre and the Assembly and Lok Sabha elections which followed in quick succession, the Mandal report was submitted only in December 1980 to Indira Gandhi.<sup>24</sup> Mrs Gandhi neither shelved the report nor did she accept it. Rather, she discreetly set aside and the opposition also equally judiciously let it remain on the shelf for the reason that they also felt uneasy handling it.<sup>25</sup>

As Chief Minister of Uttar Pradesh in 1982 V.P. Singh had opted not to implement the Mandal report in the State. It was evident therefore that this new found empathy for the backward classes was motivated purely by political arithmetic and as a weapon to seize the political initiative from Devi Lal and all his other political opponents, for it would be political suicidal for any politician to come out against the report.<sup>26</sup> His announcement on August 7, 1990 — two days before Devi Lal's Kisan rally in New Delhi — that the Government would implement the recommendations of the Mandal Commission, was initially greeted as a masterstroke calculated to consolidate the backward castes as the new vote-bank of the Janata Dal.<sup>27</sup>

That V.P. Singh was willy-nilly planting the seeds for a new political harvest became even more evident when he used the Red Fort as an electoral platform on Independence Day to reiterate his commitment to implementing Mandal Commission's recommendations, and appealed to the Scheduled Castes and Muslims by repeated

references to Ambedkar and declaring Prophet Mohammed's birthday — a public holiday.<sup>28</sup>

#### IV

#### Impact of V.P. Singh's Announcement

The protests and demonstrations were started in different parts of the country following V.P. Singh's announcement to implement 27 per cent reservation of jobs for socially and educationally backward classes in the services of Central government and public undertakings. Soon after the announcement students took to the streets, blocking traffic, stoning vehicles, burning railway property and even gheraoing Ministers and senior officials. The students had never before got together to launch such a determined agitation. And the Government had never before appeared so helpless in the face of a popular agitation.

By August 14, 1990, a writ petition challenging the Central Government's decision to reserve 27 per cent jobs was filed by President of the All India Anti-Reservation Morcha, Ujjal Singh, before the Supreme Court. The petition stated that the Union Government's decision to implement the Mandal report by reserving 27 per cent of jobs for backward classes was only a political decision meant as a vote catching exercise. It was further pointed out that the reservation in favour of Scheduled Castes and Scheduled Tribes for the past 43 years had not brought about a general amelioration in their condition. The petitioner sought a stay order

on the implementation of Mandal Commission report. A similar writ petition was filed in the Allahabad High Court.

### Delhi

Bandhs, rallies and demonstrations brought life in Delhi to a standstill. Students of Delhi University, which has not witnessed any political activity of any consequence in the last decade, were on the streets protesting against the Mandal report.<sup>29</sup> About 300 students gathered on August 11 at the Maurice Nagar Chowk to mobilise support for the anti-reservation movement. Maurice Nagar Chowk had been rechristened "Kranti Chowk" by the protesting students. Students from almost all the departments of Delhi University came on the roads to support the call "to boycott class" given by the Anti-Mandal Commission Forum.<sup>30</sup> Delhi University students burnt books and newspapers of August 8 — "an ominous day". Effigies of the Prime Minister and Mr B.P. Mandal, the progenitor of the Mandal Commission report were also burnt at the Kranti Chowk.<sup>31</sup> The students took to car polishing and shoe shining in the Posh Connaught place and South Delhi trying to draw the people's attention to the Government's policy reserving 27 per cent jobs for the backward castes.<sup>32</sup>

Mr G.K. Kaushik, member of Academic Council of Research Scholars, and Mr B. Raja Rajan, Vice President of Delhi University Researchers' Association (DURA) in a joint statement criticised the Government's decision to implement the Mandal Commission recommendations at a time when the nation was passing through a critical

stage.<sup>33</sup> They said that the "suo moto" decision of the Government was not only politically motivated but also ill-timed.<sup>34</sup> They observed that it would divide the nation on caste lines.

The National Forum of Teachers representing a section of Delhi University academicians described as "an act of self-preservation", the implementation of the Mandal Commission's recommendations extending 27% job reservation to backward classes.<sup>35</sup> The Forum said that enhancement of reservation was only "a means to cover up failure in providing jobs and an admission of continuing bleak employment".<sup>36</sup> Several senior Professors of Delhi University came out with a statement on August 17 criticising the Government Policy on reservation which they feared would create divisions in our society.

The students' agitation in protest against the Mandal Commission report was all set to become a gigantic movement. On August 20 the students blocked the traffic at the busy ITO crossing in New Delhi for more than one hour. Earlier, hundreds of students mostly from Delhi University demonstrated in front of Door Darshan's Directorate-General's Office at Mandi House to protest against the "callous approach and the distorted picture" it was giving of the struggle of the students against a regime "out to divide the country on caste lines".<sup>37</sup> Later, the agitators gheraoed the Janata Dal member of Parliament,

Mr Sompal, who was attending a function at the Arts Faculty. Mr Sompal said that he supported the cause for which the students were fighting. He assured the students that he would raise the issue at different platforms, including the Parliament.

The Research Scholars Action Committee of Delhi University condemned the Government move to resort to reservations for teaching positions. They said that this would lead the country to "intellectual bankruptcy".<sup>38</sup> The students of Law Faculty in Delhi said that the Government should reconsider the Mandal Commission report because it would lead the country to class and caste war.

24 August was a day of spectacular protests all over Delhi. Most of the 10,000-odd students had assembled on the lawns of the Boat Club on the morning of that day. They were determined to form a "human chain" around Parliament as a mark of protest against the Government's decision to accept the Mandal Commission report.<sup>39</sup> The administration was also prepared in full force to tackle the situation. The Parliament was cordoned off, and when the students attempted to march towards the Lok Sabha, the police armed with canes, shields and tear gas, chased them away. There was total confusion everywhere and the cops had to burst as many as 50 tear gas shells on Parliament Street to disperse the crowds.<sup>40</sup> In another incident, hundreds of students of Deshbandhu College in South Delhi fought a pitched battle with the police for over an hour.<sup>41</sup>

The employees of Reserve Bank and Bank of India came out on the Parliament Street in support of the demonstrators. The All India Reserve Bank Employees' Congress demanded the immediate withdrawal of the implementation of the Mandal Commission report. The Mazdoor Ekta Commission, Gulmohar Park, while expressing solidarity with the agitating students described the Mandal Commission as "Bundle Commission" and warned the Government that if the report was implemented, the Government might have to reap the whirlwind of mass upsurge against it.<sup>42</sup>

Meanwhile, 68 teachers of Delhi University in a joint statement supported the Government for implementing the recommendations of Mandal Commission. Some of the signatories to the statement included Mr T.M. Thomas, member, Executive Council, Mr Harmohinder Singh, member, Academic Council and Dr A.N.Roy and Nalini Taneja, Members, DUTA Executive Committee. Participants at a pro-reservation meeting also welcomed the centre's decision to reserve 27% jobs in the government service for the backward classes and asked the Government to implement its decision even in the face of pressures.<sup>43</sup> Meeting under the auspices of the "Socialist Forum" they felt that reservation was necessary to ensure that the backward classes got their due which was denied to them for centuries.<sup>44</sup>

The Anti-Mandal Commission Forum called the Mandal report a "farce in the name of social justice, a slap in the face of

education and merit, a vote-catching measure based on censuses taken in 1891 and 1931 and misuse of power by the minority government".<sup>45</sup> University students, teachers and Karmachari leaders formed an "Equality Front" on August 25 to carry out the agitation programme against the Mandal Commission report. The first resolution that the Front adopted was to call for "Delhi Bandh" on August 27. In a letter to the Prime Minister, Mr R.K. Hooda, Chairman of All India Young Farmers' Conference regretted that an attempt was being made to give reservation to only one section on caste lines at a time when a large section of the population was backward. The Akhil Bharatiya Vidyarthi Parishad, Delhi Parishad, in a statement called upon the student community to expose thoroughly the politics of Central Government which sought to divide the country on caste lines in order to take political mileage out of it.<sup>46</sup> Hundreds of teachers and researchers of Delhi University appealed to the President and the Prime Minister in a signed memorandum on August 28 to stay the implementation of the Mandal Commission report until there was a national consensus on the issue.

The most significant event was the joint show of strength by farmers and students on 4 September at the Boat Club. At least 10,000 people turned up to denounce the Mandal Commission. Jeans and dhotis, cigarettes and hookas, sneakers and jootis, mingled together on the lawns as the Tikait-led Bharatiya Kisan Union (BKU) supporters joined the students of Delhi University in this "fight to finish".<sup>47</sup> The star speaker was the BKU Vice President

Captain Bhopal Singh who declared that the students, like the farmers, should be ready for any sacrifice in the cause of justice.<sup>48</sup> He said, "Farmers will not allow Parliamentarians and legislators to enter the villages if the centre does not withdraw the Mandal Commission".<sup>49</sup> The rally organised by the Anti-Mandal Commission Forum, was also addressed by the Panther Party President, Bhim Singh, who asked the Government to refrain from taking recourse to divide and rule policy popularised by the British.<sup>50</sup>

As the anti-reservation stir spread, supporters of Mandal proposals warned that the salient majority — composed allegedly of those backwards who would benefit from reservation — would strike back.<sup>51</sup> A Pro-reservation rally called in New Delhi by the two Union Ministers — Sharad Yadav and Ram Vilas Paswan — drew only 2,000 persons though the organisers had expected a crowd that ran into lakhs. While addressing the rally Paswan said: "People get married on the basis of caste, but when we talk of reservations they say that we are breaking the country. These anti-reservationists talk about dividing the country on the basis of caste, but everything is computed on the basis of caste anyway".<sup>52</sup>

Violent protesters brought life in the capital to a stand still. People had to trudge long distances to reach offices where attendance remained thin. Scores of buses were damaged as they became the target of student fury. Even school students joined

in the stir and police resorted to lathi charge at several places to keep them off the road.<sup>53</sup> The Government, not wishing to take any risk, had ordered the closure of all the schools in the capital for a month. The Universities had also been advised to close down. In getting the Universities closed the obvious purpose of the Government was to ensure that the hostellers, who had been in the forefront of the agitation, left for their homes. But in this the Government had not succeeded. On the campuses the students of the backward classes, who were in a minority, had preferred to remain silent in the presence of a vocal majority who opposing reservations said that a new caste-consciousness had emerged amongst them since the Government decision had been announced. A student from Orissa at JNU said, "Earlier we never stopped to think about the caste of our friends. But now we are making inquiries, albeit in hushed tones, about the caste of all those we know on the campus".<sup>54</sup>

### Bihar

V.P. Singh's announcement had sparked off violence in Patna, where anti-reservationists stopped trains, burnt buses and hurled bombs.<sup>55</sup> Patna erupted in flames as soon as the T.V. bulletin on 7 August declared that the Centre would implement the recommendations of the Mandal Commission extending 27% reservation. Youths took over the streets in protest against the Government's decision and brought life to a standstill. The following day, the students of the Patna University, hotbed of students' activities, went on

the rampage.<sup>56</sup> The office of the Vice-Chancellor was ransacked and the number of buildings set on fire. Trouble soon spread to other educational institutions. The Patna administration ordered the closure of all the schools and colleges of the capital city and the police were ordered to vacate the hostels.

The anti-reservationists in Bihar attacked government offices and railway property. They also attacked ministers and senior officials. Trains approaching Patna station were stoned and several bogies set on fire. In some parts of the State, the agitationists blew up railway tracks, throwing the State's transport system completely out of gear.<sup>57</sup> And on 13 August the police fired on a group of students in Madhubani, killing one of them.<sup>58</sup>

The Bihar Chief Minister, Laloo Prasad Yadav, blamed Congress(I) leaders for creating caste hatred over the issue. Condemning the violence, he said the nature of disturbances fully exposed the ugly nexus between hooligans and vested political interests opposed to Janata Dal.<sup>59</sup> He convened an all-Party meeting at the State Secretariat and issued a joint appeal to the people of the State to rethink the issue, remain calm and desist from escalating violence.<sup>60</sup>

The issue had also split political parties in Bihar along caste lines. Though the Congress(I) continued to pay lip service to the Mandal report, former Chief Minister Jagannath Mishra had taken an anti-Mandal posture. But this did not stop the Congress(I)

deputy leader in the Assembly, Ramalakhan Singh Yadav, from describing V.P. Singh as the "messiah of the backwards" at a pro-reservation rally.<sup>61</sup> Several legislators said in a joint statement that the decision to implement the Mandal Commission report was grossly unfair and went against the interests of the entire nation.<sup>62</sup>

The anti-reservation stir in Bihar took a new turn on August 22 when the Harijan Adivasi Vikas Sangh threatened to launch a country-wide agitation if the Government went ahead with its decision to reserve 27% jobs for backward classes. The leaders of the Sangh condemned what they called a conspiracy by the Janata Dal leaders to adjust 90 more castes in the list for Harijans and Adivasis eligible for reservation benefits.<sup>63</sup> Supporting the country-wide anti-reservation agitation, Mr Bilal Paswan Bihangam, the leader of Harijan Adivasi Vikas Sangh, suggested the implementation of Karpoori Thakur formula for reservation of jobs. He suggested that 10 per cent government jobs be reserved for economically poor, 6 per cent for women and 5 per cent for the poor belonging to the minorities.<sup>64</sup>

While the anti-reservationists came on the streets protesting against Central Government's job quota policy, the Bihar Janata Dal welcomed it and condemned the anti-reservation agitation in different parts of the country. In a resolution, adopted in a meeting of the party M.Ps, legislators and State as well as district party functionaries in Patna, it was said that the Centre's

decision to implement the recommendations of the Mandal Commission was a "historic step in the decision to provide opportunities to the oppressed and suppressed classes".<sup>65</sup>

The Laloo Prasad Government sought assistance of its Jharkhand allies, particularly the Jharkhand Mukti Morcha, to crush the anti-reservation movement in South Bihar. Consequently the entire South Bihar was threatened with direct clashes between JMM cadres and the anti-reservationists. The All-Jharkhand Students Union leaders organised a meeting at the Albert Ekka Chowk in Ranchi on August 22 giving warning to the anti-reservationists to desist from indulging in violence over the reservation policy. But totally ignoring the threats of JMM and AJSU, the anti-reservationists had been making the government's establishments their main targets.

So angry were the Bihar's upper castes that an organisation called the Rastriya Swarna Mukti Morcha (national upper caste liberation front) had been set up in Bhumihar-dominated Muzaffarpur district to demand a separate "Swarna Rajya" (upper caste State) comprising areas in Bihar, Uttar Pradesh, Madhya Pradesh, West Bengal and Haryana.<sup>66</sup> The Morcha had issued an ultimatum to the Prime Minister, V.P. Singh, to either withdraw the reservation policy by September 15 or face the consequences of the struggle for "Swarna Rajya".<sup>67</sup>

The anti-reservation stir in Bihar took a violent turn on 24 September when the agitators ignoring heavy rain gathered in Patna for a massive rally. The Police asked the students to disperse as they were violating prohibitory orders. Instead the students broke the police cordon, throwing stones and brickbats. As the agitators became violent, the police went berserk and in two hour long pitched battle, no less than 30 rounds were fired and as many as 125 tear gas shells were used. Four students died in the battle. The students, however, alleged that at least eleven had been killed.

Even in mid-October the situation remained tense with Pro-reservationists getting massive support from V.P. Singh's rally at Gandhi Maidan on October 8, 1990.<sup>68</sup>

### Orissa

In Orissa, the anti-reservation agitation had become the first major state-wide students' stir after the 1964 movement that brought down the Government of the then Chief Minister Biren Mitra. The anti-reservation stir in the State caused great damage to government property, delayed trains and disrupted normal life. The credibility of the six-month old Biju Patnaik Government suffered a loss of prestige. The Chief Minister, Biju Patnaik, announced after the occurrence of much violence in the State that the Mandal Commission report would not be implemented in Orissa because it was "full of errors". He accused Prime Minister V.P.

Singh of "playing caste politics for getting votes".<sup>69</sup>

Biju Patnaik was deeply worried over the anti-reservation agitation at different places in the State, particularly at Bhubaneswar, where it had turned violent. Moreover, the agitation started initially as anti-quota issue alone soon developed into anti-government agitation in general. The students and Lawyers of Bhubaneswar had raised slogans like "death to the mad government" and the students of Rajdhani College had burnt the effigy of the Chief Minister.<sup>70</sup>

In order to suppress the student agitation Biju Patnaik initiated stern administrative measures and ordered the police to deal with the students firmly in Bhubaneswar, where the stir was launched. The police, therefore, went on a rampage, entering the colleges and mercilessly beating up the students and the college staff.

The Cuttack students soon took the cue from their Bhubaneswar agitation, paralysing the State's premier city's normal life and disrupting the movement of trains and bringing the traffic on the Calcutta-Madras national highway (No.5) to a halt for days together.<sup>71</sup> The reports from other parts of the State also suggested that the movement was catching on and acquiring a state character. What was more, the students began protesting against the police atrocities as well.<sup>72</sup> Five persons were killed and three injured on September 1 when the police opened fire at Nirakarpur and Balugaon in Puri

district as the anti-reservation agitation in Orissa took a more violent turn.<sup>73</sup> The Railway Protection Force opened fire at Nirakarpur after lathi-charge and teargas failed to disperse the agitators who detained trains, set ablaze an engine and prevented fire tenders from reaching the spot.<sup>74</sup> At Balugaon the police opened fire when the demonstrators attacked the police station stabbing the officer-in-charge and another officer.<sup>75</sup>

Rather than allowing his opponents to get upper hand, Biju patnaik decided to perform a volte-face and wrote a letter to V.P. Singh on August 28 suggesting that there should be an income ceiling and that the quotas should be maintained only for recruitment and not for promotions. At a Press Conference on August 29 he denounced the Mandal Commission report and announced that he was not implementing the report in Orissa. But his turn around came a little too late, for the students had no signs of relenting and the agitation continued despite his assurance.

The agitation, which rocked the Biju Patnaik Government, had not been confined to anti-quota issue alone. There was growing resentment among the people over the Government's failures on all fronts which had also influenced the agitators. The Janata Dal Government had done little to solve the problems of the increasing prices of essential commodities and employment.

West Bengal

As the anti-reservation agitations were reported from seven educational institutions in West Bengal, the Confederation of Other Backward Castes, Scheduled Castes, Scheduled Tribes and Minorities of West Bengal demanded immediate implementation of the Mandal Commission recommendations in the State. The Confederation criticized the State Government for not having published a list identifying the backward classes as yet.<sup>76</sup> It thanked the National Front Government for keeping its election pledge to implement the Mandal report.

In Calcutta, the students had come out in open defiance of the CPI(M) student wing, the SFI. They boycotted classes, took out processions and staged demonstrations in college campuses.<sup>77</sup> The SFI leaders were taken by surprise when a large section of students of Economics Department of Calcutta University at the B.T. Road Campus boycotted classes and staged demonstration inside the college campus on August 23. A spokesman of the students criticised the reservation policy of the Central Government as based on class considerations. The SFI leaders could never imagine that the reservation issue would also affect the students in left front ruled West Bengal. Not only was the SFI's reflex show, but its reaction to the student's outburst on the Mandal Commission report was practicable. Mr Tapas Bose, the SFI State President described the entire episode as "insignificant" and argued that "most of the students in the campus had not involved in the agitation at the B.T. Road Campus."<sup>78</sup>

However, within a few days the students of Jadavpur University, Presidency College, Scottish Church College, St. Xavier's College, Lady Brabourne, Ashutosh, Dum Dum Motijheel Colleges boycotted their classes in protest against the reservation policy of the National Front Government. The students of Jadavpur University formed Anti-Mandal Commission Forum. In a letter to the Prime Minister, V.P. Singh, the Forum stated that this policy formulated "with an eye to vote bank" would "aggravate social tensions and promote mediocrity".<sup>79</sup> Students of Shibpur Bengal Engineering College polished shoes, drove rickshaws and cleaned the campus to protest against the Centre's reservation policy.<sup>80</sup>

It was only after this that the SFI leaders and the State CPI(M) took serious note of the agitations which they had earlier dismissed as insignificant. The Chief Minister, Jyoti Basu, who had even a fortnight ago lent his support to the reservation policy of National Front Government, changed his view and came down heavily on the centre and advocated a "realistic view of the situation instead of a hasty step for political gains".<sup>81</sup> He said that job applicants in West Bengal would be deprived if the Mandal Commission recommendation of 27 per cent job reservation for backward classes on community basis was implemented. He observed that there was no community-based backward class in West Bengal and urged the centre to ensure that job seekers in West Bengal were not deprived in any way.<sup>82</sup> Mr Basu pointed out that "we can not create any new backward class just to help them take advantage".<sup>83</sup> He

said : "we will not accept any discrimination against West Bengal".<sup>84</sup>

Mr Benoy Chowdhury, the West Bengal Minister for Land and Land Reforms, pleaded for a rational and scientific policy of reservation for the backward class.<sup>85</sup> He emphasised economic and educational upliftment of the backward classes. He said that reservation of jobs would not eliminate the disparities prevailing in the present society without any change in the socio-economic and cultural position. To him, job reservation had not yielded any good results for the Scheduled Castes and Scheduled Tribes. 95 per cent of them had failed to draw any benefit from the system and had on the contrary created a privileged class.<sup>86</sup>

In the meanwhile, the Gorkha National Students' Front (GNSF) in Darjeeling had opposed the Mandal Commission recommendations to reserve seats on the basis of caste. Mr Ashoke Chettri, Vice President of the GNSF, accused the Centre of trying to "garner the votes of the backward classes by dividing the nation on caste lines".<sup>87</sup> He said that instead of playing casteist politics, the Government should provide financial assistance to the poor for better education.<sup>88</sup> A number of Nepalese ethnic groups, on the other hand, demanded Scheduled Tribes status or backward class status.

Assam

The reservation issue had also hit Assam. Tempers ran high between pro- and anti-reservationists in Guwahati which witnessed noisy demonstrations and road blockades. While the anti-reservation lobby was led by the "Equality Forum" and a section of engineering and medical students, the United Reservation Movement Council of Assam superheaded the pro-reservation campaign, vowing to secure the implementation of the Mandal report. The members of "Equality Forum" demanded "exclusion of privileges on the basis of caste and communities"<sup>89</sup>. A spokesman of the Forum said : "Our crusade against the implementation of Mandal Commission recommendations will continue and we shall go to any extent within democratic norms to get this evil scapped"<sup>90</sup>. Hundreds of the United Reservation Movement Council, on the other hand, staged a dharna on the busy Guwahati-Shillong road, near the State Secretariat on September 10, seeking the total implementation of the Mandal Commission recommendations.<sup>91</sup> It claimed that Mandal Commission's recommendations be implemented in political and educational spheres also.<sup>92</sup> The Council also wanted the inclusion of religious and linguistic minorities in Assam in the OBC list and fulfilment of the quota backlog for Scheduled Castes and Scheduled Tribes.<sup>93</sup>

Uttar Pradesh

The fires of the anti-reservation stir in Uttar Pradesh had consumed at least 26 districts. While 15 of the districts including Allahabad, Varanasi, Ghaziabad, Muzaffarnagar, Meerut,

Nainital, Kanpur, Gazipur, Gorakhpur, Basti, Deoria, Jhansi and Lucknow had been the worst affected and had come under "the highly sensitized stir-prone zone", 11 districts had been identified as areas with less potential for trouble.<sup>94</sup>

Mr Mulayam Singh Yadav, Chief Minister of U.P. , backed the Mandal Commission report firstly because it had been sanctioned by the National Front Government and secondly because he tried to emerge as the messiah of the backward castes in the region. Since his coming to power, the undercurrents of a caste war were already visible as many of the upper caste officers had been upset over the transfer from lucrative posts in favour of officers from the backward castes.<sup>95</sup> Mr Yadav had been trying to woo the backwards and Muslims. The implementation of the Mandal Commission report had sent shock waves through the upper caste communities who had come out on the streets to protest against the Government decision.<sup>96</sup>

In the State capital, Lucknow University students, who declared August 9 as a "black day", wore black bands, took out processions, shouted anti-government slogans, besides burning an effigy of the Prime Minister and a copy of the Mandal Commission report.<sup>97</sup> The student leaders had also constituted Mandal Ayog Virodhi Sangharsh Samiti. The students of Banaras Hindu University burnt their degrees, marksheets and examination forms.<sup>98</sup>

In the face of continuing violence all the State Universities and 350 degree colleges had been closed. In Lucknow, the students polished shoes and cleaned cars and took out processions in which

they plied rickshaws -- to make the point that this was what they were likely to end up doing if the Government reserved more jobs. But Yadav seemed completely unconcerned about their fate. On one occasion he said : "There should be more reservation than what is suggested in the report. Only a handful of people are feeling bad and our government is not bothered about them".<sup>99</sup> Moreover, he egged on the backwards saying "come out and fight these anti-reservationists on the streets".<sup>100</sup>

Kanpur was the centre of student politics in the State. On August 19 a powerful bomb exploded at Chuniganj Police Station, injuring five people. The other target of the agitators was the Kidwainagar branch of the Punjab National Bank. Like Kanpur, Allahabad too<sup>was</sup> a nerve-centre of students' movements. The police came down with a heavy hand to deal with the situation. On Independence Day, students of the Allahabad University hoisted a black flag.<sup>102</sup> Later, when they brought out a procession, the police allegedly beat them up with lathis, forcing the protestors to retreat to their hostels.<sup>103</sup>

In Nainital, the students of Patnagar University set two jeeps belonging to the institution ablaze and set up road blocks in Maldwani, Nainital and Maaali. Soon government jeeps and buses were attacked.<sup>104</sup> The railways were singled out for attack in Lucknow. The agitators ransacked the computerised reservation office at Badshahnagar Station and its computers were destroyed. On 4 September, four railway bogies were burnt down in Gorakhpur, two in Deoria and one in Siddharthnagar.<sup>105</sup> In Jhansi, the agitating

students attacked the houses of railway officials, ransacked the railway station and set fire to a parcel godown, resulting in destruction of goods worth Rs. 50 lakhs.<sup>106</sup>

The attacks culminated in the gutting of the Meerut Cantonment railway station on 7 September. A group of students doused the station master's office and adjoining rooms with petrol and set them on fire, to register their protest against the Raja's move.<sup>107</sup>

The militant elements of the student unions of various Universities got together to form what they called 'commando forces' to stoke the blaze even further.<sup>108</sup> In Lucknow, on 2 September, they lobbed a crude bomb into the power transformer of the State guest house, located in the heart of the city. Fortunately, however, the police diffused the bomb in time, and no grave damage was inflicted.<sup>109</sup> On the same day, the 'commandos' hurled a bomb at the residence of the Vice-Chancellor of Banaras Hindu University.<sup>110</sup>

On 3 September, a mob of about 1,500 marched towards the police station in Salampur town, after damaging two police vans and setting fire to a couple of buses belonging to the State transport Corporation. Unable to control the procession, the police opened fire, killing one and injuring many.<sup>111</sup>

Despite violent protests against the Mandal Commission report in Uttar Pradesh it was implemented in the State's services.

In this respect, Uttar Pradesh was the first State to implement the Mandal report. Moreover, the ban imposed on December 1988 by the Chief Minister, Mulayam Singh Yadav, on the recruitment in the government serives had been withdrawn with immediate effect clearing decks for giving 27 per cent of the jobs to the backward classes.<sup>112</sup> The reservation quota for Scheduled Castes was 18 per cent and for Scheduled Tribes 2 per cent in Uttar Pradesh. While raising quota to 27 per cent, all the 55 backward castes and classes identified by the State Government on August 20, 1977 who were earlier allowed 15 per cent reservation had been kept in tact. Thus the total reservation in Uttar Pradesh was jacked up from 35 per cent to 62 per cent. The Mandal Commission had identified 116 castes as backward in Uttar Pradesh. Out of 55 castes which enjoyed reservation benefit, 53 were common to both the State Government and the Mandal Commission lists. The two castes, Kamboj and Jhohojā, which were in the U.P. list, were not in the Mandal list.

Mr Kailash Nath Singh, M.P. and President of Uttar Pradesh Arya Pratinidhi Sabha, demanded that the 27 per cent reservation should be extended to all educational and vocational institutions, otherwise the benefit of reservations would not reach to the needy.<sup>113</sup>

The Muslims, who constituted the most educationally and economically backward community in Uttar Pradesh, were the main losers because there was no provision for reservation for the

Muslims in the Mandal Commission report and it was only the Juhlaia (weavers) community which fell under reservation quota. The Muslim leaders felt that the basis for reservation should be economic. The Indian Muslim Youth Conference President, Mr M. A. Naqvi, demanded 35% reservation for the Muslims in the country. He said that if reservation facility was not extended to Muslims, then he would give a call to the 200 million Muslim population in the country to openly participate in the on going anti-reservation agitation.<sup>114</sup>

### Madhya Pradesh

Madhya Pradesh witnessed self-immolation bids and there was curfew in Gwalior when a youth Akhilesh Pandey suffered 50 per cent burns after setting himself ablaze.<sup>115</sup> The Madhya Pradesh Government has not been able to formulate a new policy on reservations in the light of the Central Government's stand on the Mandal Commission report. The Chief Minister, Mr Sunderlal Patwa, said that his Government would stick to the manifesto of the BJP which said that while abiding by the Constitutional provision of providing reservations to the Scheduled Castes and Scheduled Tribes it would endorse the implementation of Mandal Commission report conditionally.<sup>116</sup> Mr Patwa wanted reservations which should not exceed 50 per cent as suggested by the Supreme Court. He said that his Government found many anomalies in the Mandal Commission report in the context of the conditions prevailing in Madhya Pradesh.<sup>117</sup>

## Himachal Pradesh

The Mandal bomb had also exploded in peaceful State Himachal Pradesh. Simla, Nahan, Dhramshala and the beautiful Kangra Valley were engulfed in flames and the army had to stage flag marches and assist the civil administration between anti- and pro-reservationists.<sup>118</sup> Finally, on September 6 the Himachal Pradesh Cabinet decided not to implement the Mandal Commission report in its present form and instead, to widen the scope of 'Autodaya Scheme' for the uplift of educationally and economically backward classes.<sup>119</sup> The Cabinet, at its meeting in Simla under the Chairmanship of the State Chief Minister, Mr Shanta Kumar, decided that barring the facilities available at present to the Scheduled Castes and Scheduled Tribes, no more facilities would be allowed in future on a caste basis.<sup>120</sup> Mr Kumar claimed that Himachal Pradesh was the first State in the country to adopt a rational decision on the Mandal Commission report. He appealed to the State Government employees, who were in the forefront of the agitation, to call off the agitation, so as to avoid inconvenience to the public and loss of government property. The State Government employees, however, turned down the appeal of the Chief Minister, calling it "political statement of a politician".<sup>121</sup>

The struggle against the quota system was not new in Himachal Pradesh. In the late seventies, the employees formed a Non-Scheduled Castes and Tribes Services Welfare Association

and took up with the Government all their grievances. The Organisation also filed cases in the administrative Tribunal, challenging the suppression of non-Scheduled Castes and Tribes employees by junior employees from the reserved categories.<sup>122</sup>

The reservation in Himachal Pradesh was already 53 per cent including 15 per cent reservation for IRDP families. The employees claimed that reservation would go upto 95 per cent if the Government accepted the Mandal Commission report.

Students opposed to reservation had taken to the streets in most major towns of Himachal Pradesh. Schools and Colleges as well as all the three Universities in the State, at Simla, Palampur and Solar were closed.<sup>123</sup> The students were not united on the reservation issue. The Students Federation of India (SFI) which had a solid base in the student community all over the State, did not support the anti-reservation agitation and the ABVP, following the instances from the BJP high command, was not active any more in leading the agitation. However, the anti-reservation agitation supported by the Congress(I) under the banner of the NSUI looked quite strong and determined.

The stir in Himachal Pradesh took a significant dimension when the anti-reservationists demanded the scrapping of even the existing 22.5 per cent reservation for Scheduled Castes and Tribes. Till September 9, 1990 the situation in the State was tense as normal life remained paralysed on account of the indefinite strike

by government officials and public sector employees protesting against the report.<sup>124</sup> The anti-reservation agitation had fizzled out only when the dominant faction of the employees' leadership had decided to suspend the agitation after an agreement with the State Government on their main demands, including review of the present reservation policy.

### Punjab

The State administration in Punjab had been paralysed by the anti-reservation agitation. The agitation which started from the Government Medical College, Amritsar, had spread throughout the State. Educational institutions including Universities and professional colleges were closed. The agitation, however, did not take a violent turn in Punjab. The protest was even more muted as the Government announced that it would leave it to a popular government to decide on implementing the report and because the various Akali and militant groups seemed unable to take a stand on the issue.<sup>125</sup> Unlike in Haryana, the anti-reservation stir had failed to penetrate into the rural areas and it continued to be an urban middle class phenomenon.<sup>126</sup>

In fact, the Akali Dal (Mann) and Dr Sohan Singh's Panthic Committee had condemned the anti-reservation stir and extended full support to the Dalits. The Panthic Committee asked the students not to join the stir. While Akali Dal (Mann) came with a stand on the reservation issue, other Akali factions remained silent.

The anti-reservationists in Punjab formed a state-level body to coordinate the agitation. Meanwhile, the Indian Minorities and Dalit Front headed by Balwant Singh Tohra thanked the militants for opposing the anti-reservation agitation and said that it would promote the legitimate interests of the Dalits. The Front said it was for the first time that the militant organisations had supported the Dalits in conformity with the ideology of Guru Govind Singh who made supreme sacrifices for Dalits.

127

128

Mr Pritam Singh Bhatti, President of All India Backward Classes and Scheduled Castes Confederation had written to the President, the Prime Minister and many Union Ministers congratulating them for implementation of the Mandal Commission report. He also condemned the role played by the leader of the opposition, Mr Rajiv Gandhi, Organisations like RSS, Arya Samaj and Shiv Sena who, he alleged, were aiding and abetting the anti-reservation stir. Mr Bhatti regretted that the report of the first Backward Classes Commission named as Kaka Kalelkar Commission, which was submitted to the Government of India on March 31, 1955, was not implemented due to political reasons. He appealed to the Sikh leaders to extend cooperation to the Union Government in implementing the Mandal Commission report as the backward classes had been exploited for centuries.

129

130

The Communist Party of India in Punjab urged the Government to take steps to implement the Mandal Commission report, bring about structural changes and implement the promises of making

employment and education, fundamental rights.<sup>131</sup> The Party executive at its meeting in Chandigarh on September 8 recommended 10-15 per cent reservation for economically weaker sections of upper castes, reservation for women, fixing upper income ceiling for getting reservation benefits in the Bihar Pattern and priority to merit apart from reservation in promotions.<sup>132</sup> The CPI also called upon all right thinking people to whole heartedly support the reservation policy which aimed at doing away with the age old and inhuman prejudices, discriminations and injustices against a large section of the society and ensure their fuller participation in administration and social life.<sup>133</sup>

#### Haryana

While in Punjab the anti-reservation stir did not take a violent turn, Haryana witnessed far more trouble (road and rail blockades, violent clashes) possibly because the State Government was not exactly averse to fomenting it.<sup>134</sup> Chief Minister Hukum Singh — a Chantala Protege — welcomed the implementation of the Mandal Commission report but then in an obvious attempt to embarrass the Union Government, appointed a Backward Classes Commission.<sup>135</sup> He claimed to be done so because deputations of many communities, including Jats, Jat-Sikhs, Ahirs, Gujjars, Sainis, Rodes and Moos, had complained that despite being socially and economically backward, they had not been included in the list of beneficiaries.<sup>136</sup> The move was a blatant attempt to declare the entire agricultural community in Haryana backward.<sup>137</sup>

Haryana had 10 per cent quota in government services on the basis of the estimated population of the backward classes. The State Government had identified 66 backward castes as against 76 castes identified by the Mandal Commission. While Gujhars, Sainis and Ahirs had been recognised as backward by the Mandal Commission, these castes did not figure in the Haryana list. Jats did not figure as backward either in the Mandal list or in the State list.

### Rajasthan

The anti-reservation agitation in Rajasthan had spread to many cities including Jaipur, Jodhpur, Bikaner and Udaipur. The students of the medical college and some Higher Secondary institutions boycotted their classes and came out on the roads to block the traffic.<sup>138</sup> The anti-reservationists demanded reservation on economic basis.

The people of Rajasthan rejected the Prime Minister's decision in a manner that threatened to upset Mr V.P. Singh's calculations of a populist measure. Out of 142 municipal bodies in the State where elections were held on August 27, Mr V.P. Singh's Janata Dal won only 10 despite being a partner in the State coalition Government.<sup>139</sup>

In Rajasthan 28% vacancies in the State government and its corporations were already reserved for the Scheduled Castes and Tribes. The reservation would exceed 50 per cent of the total

vacancies if the other backward classes were given 27 per cent reservations, as recommended by the Mandal Commission. Moreover, the list prepared by the Mandal Commission in respect of backward classes did not tally with the list of the State Government. While the Mandal Commission listed 140 castes as other backward classes, the list prepared by the State Government comprised 57 castes.

The BJP Chief Minister, Mr Bhairon Singh Shekhawat, supported the reservation policy of the Union Government and warned the agitators against indulging in violence. He asked the State M.Ps and MIAs to ensure that there was no caste or class struggle in their constituencies.

However, the stir did not abate and agitations spread to Kota, Alwar, Bharatpur, Sanganer and many other places. The alleged threat of firm action by the police did not deter the anti-reservationists who warned the government against its divide-and-rule policy.<sup>140</sup> The stir continued till mid-October when it was overtaken by the Rath Yatra — communal uprisings.

### Gujrat

The anti-reservation agitation had neither fury nor the intensity of the movement that Gujrat witnessed over the issue in 1981 and 1985.<sup>141</sup> This was mainly because the Chief Minister, Mr Chimanbhai Patel, was perceived as the representative of the landed Patel community who would be outraged if job quotas were

increased for the backward communities. He further strengthened this belief by extending the term of the Justice Mankand Commission, appointed in 1985 to review the reservation policy.

There was also no strong demand from the leaders of the backward communities to enhance the quota as they knew too well that neither Mr Patel nor the BJP, which was a coalition partner in the state ministry, would accept such a demand. <sup>142</sup>

The Baxi Commission in 1980 had identified 82 socially and educationally backward communities which enjoyed job reservation of 10 per cent in the State Government. The then Chief Minister, Mr Madhavsingh Solanki had appointed the Justice Rane Commission and used its as yet unpublished report to enhance the reservation quota from 10 to 28 per cent. This led to a violent agitation in the State which had thrown Mr Solanki who had emerged as a messiah of the backward communities out of power. The new Chief Minister, Mr Amarsinh Chaudhary, promptly withdrew Mr Solanki's notification and set up the Justice Mankand Commission to advise the government on further course of action. Mr Chaudhary extended the term of the Commission twice because he did not wish to get involved in any controversy. Mr Patel also extended the term of the Commission because he knew that if the report was submitted it would lead to strident demands for and against enhancing quota.

However, well past the second week of October seven incidents of self-immolation bid had been reported from Gujrat and the Chief Minister said that the Government should not remain passive in the face of such acts. <sup>143</sup> He along with the Orissa Chief Minister, Mr Biju Patnaik, asked the Prime Minister, V.P. Singh, to clarify that the Mandal Commission recommendations would not be imposed on the States. Armed with this clarification Mr Patel summoned a meeting of 200 student leaders in Ahmedabad on September 2 and told them that there was no cause for them to agitate any more. <sup>144</sup> He announced that his Government would neither implement the Mandal Commission report nor enhance the job quota for backward communities, whatever might be the implementations of the Mankand Commission.

What had baffled the backward communities most was the silence maintained by the Congress(I) leaders, especially Mr Madhavsinh Solanki who had earlier committed to raising the quota. Mr Pasaji Thakore, a member of backward community said: "How can we expect Chimanbhai to do things for us if even <sup>145</sup> Madhavsinh is keeping mum?"

Members of the backward communities believed that the present rulers, including the BJP and Mr Chimanbhai Patel were the main forces behind the anti-reservation stir in 1985. The agitation leader, Mr Sankarbai Patel, openly acknowledged the support he received from them at that time. He claimed that the Chief Minister had assured him that the quota would not be increased. But many

believed that Mr Sankarbhai Patel was actually working for the Chief Minister who needed an excuse of an agitation to avoid enhancing the reservation quota.

With the debacle of the Congress (I) in the Assembly election of 1989, the other backward castes in Gujrat were left without effective representation. Though there were several MLAs from these communities in the BJP, they were a voiceless lot as the Party was controlled by upper caste leaders. Mr Surendra Makwana, a disgruntled youth leader of the backward community said: "The stark reality is that Gujrat is under upper caste rule. The weaker section must brace themselves for a long inning of suffering".<sup>146</sup> The backward communities were a helpless lot because their leaders in the Congress (I) were defeated while the ruling Parties — the Janata Dal and the BJP — did not take up their cause.

### Maharashtra

Maharashtra was one of the few States untouched by the violent opposition to the Mandal Commission report. Balram Jakhar, former Lok Sabha Speaker, and Shiv Sena Chief Bal Thackeray were the only prominent politicians who attacked the Mandal report. Mr Balram Jakhar said that the decision to implement the Mandal Commission report would cost the nation dearly and it would not serve the deprived sections of the society but would only lead

to caste war. According to him, the decision "is fraught with vested interests and intended to throw dust into the eyes of the people".<sup>147</sup> He alleged that the National Front Government had failed in every area and was "busy paralysing the nation and the Government", playing havoc with the economy.<sup>148</sup> Mr Bal Thakeray said: "What is this mandal-bandal? It is an election stunt. If the Mandal report is capable of providing more employment opportunities to the backward castes, I will support it. But this is not going to be the case. It is only an eye wash; an advance notice for the elections".<sup>149</sup>

### The South

While the Centre's decision to implement Mandal Commission report had set the northern part of India a fire, the reactions to the decisions in the South had been subdued.

### Tamil Nadu

As Mr V.P. Singh was pilloried for the decision of his National Front Government to implement the recommendations of Mandal Commission on backward classes, the Tamil Nadu Government presented him a shield in appreciation of the bold step.<sup>150</sup> Mr Karunanidhi, the Chief Minister of TamilNadu, expressing his gratitude, said Mg Singh's act was culmination of a long struggle against discrimination of backward classes launched by Ambedkar and Periyar E.V. Ramaswamy Naicker, and pointed out that Krishna, worshipped by devout Hindus, and Valmiki author of Ramayana,

belonged to backward classes.<sup>151</sup>

The DMK Government of Mr Karunanidhi was the the first in the country to convene the Assembly to pass a resolution thanking the Prime Minister for having taken "the revolutionary decision of giving effect to social justice".<sup>152</sup> Miss Jayalalitha, the AIADMK General Secretary, was, however, disappointed that the reservation was only 27 per cent as the MGR, the founder of her party, had achieved a 50 per cent reservation for the backward classes in the state services a decade ago.<sup>153</sup> There was no question of the State Unit of Congress(I) going against the move as it was Mr Kamraj who had not only championed the cause of the backward people but carved out a most backward class from among them and extended educational facilities to it.<sup>154</sup>

Though there had not been even a whimper of protest in public in Tamil Nadu, the Chief Minister, Mr Karunanidhi, had been going round delivering fiery speeches in defence of the Mandal Commission report. In his speeches, Mr Karunanidhi cautioned the anti-reservationists that volcanoes would erupt if there was any attempt to alter or modify the recommendations implemented by the National Front Government.<sup>155</sup> He called upon the backward caste people to unite against the opponents of the Mandal Commission report.

Tamil Nadu had reason to celebrate the implementation of Mandal Commission report by the centre for it was here that the

Justice Party Government led by Mr Muthiah Mudaliar, as a result of anti-Brahmin movement, granted quotas for different communities as far as 1927. Quotas were also enhanced by a Government Order in 1947 for Scheduled Castes and other backward communities. The Government Order, popularly known as the Communal G.O., was struck down by the Supreme Court in 1950. This led to such an agitation throughout the State launched by the Dravidar Kazhagam of Ramaswamy Naicker, progenitor of the DMK and the AIADMK, that the Centre had to take a note. Within two months of the agitation, Jawaharlal Nehru moved the first amendment to the Constitution empowering the States to provide special provisions for the advancement of the socially and educationally backward classes of citizens, including the Scheduled Castes and Tribes. In 1951, the Tamil Nadu Government passed a fresh order restoring communal reservations.

Since independence the backward communities in Tamil Nadu had been enjoying a 31 per cent reservation in the State government services. Then in 1979 M.G. Ramachandran introduced the income ceiling of Rs. 9000/- per annum for any backward caste member to be eligible for the reserved quota. <sup>156</sup> But this sparked off a hue and cry with the DMK and the DK, both essentially political parties of the backward castes by demanding a reversal of MGR's decision on the economic criterion. <sup>157</sup> MGR would have stood by his decision but for the crippling defeat the AIADMK suffered at the hands of <sup>158</sup> the Congress(I) - DMK combine in 1980 Lok Sabha elections. In a

panic reaction, he not only scraped the economic criterion but also boosted the backward class quota from 31 to 50 per cent.<sup>159</sup> Thus the total number of reserved seats in Tamil Nadu came to 69 per cent, including 19 per cent reservation for Scheduled Castes and Tribes. The members belonging to Scheduled Castes and Tribes were also permitted to compete for the jobs in the remaining 31 per cent open category.

With backward castes constituting about seventy per cent of the population Tamil Nadu is virtually in the hands of these communities politically and administratively.<sup>160</sup> This explains why the Mandal report was so favourably received in the State and the non-backward communities which are only eight per cent of the State's 5.5 crore population had not cared to pick up a fight against the report.<sup>161</sup>

Today in Tamil Nadu the forward communities are trying to get into the backward classes list while the backward classes are vying with one another to get into the list of most backward classes.

### Kerala

Kerala, the only State in the country where political parties were formed on caste and communal lines, was also the first State to introduce reservations on caste and communal basis, apart from statutory reservations for the Scheduled Castes and Tribes.<sup>162</sup> 40% of government jobs and seats in educational institutions are reserved for backward classes and Muslims. Ezhayas,

the most populous backward caste, gets 14% followed by Muslims 12%, Christians 5% and other sundry backward communities, the remaining 9% .<sup>163</sup>

While the ruling Left Democratic Front led by the CPI(M) welcomed the Centre's decision, the opposition United Democratic Front, a Confederation of castes and communal parties, under the Congress(I) Leadership, found itself in an embarrassing situation.<sup>164</sup> Mr Karunakaran, Congress(I) leader, criticised the Centre for excluding seats in educational institutions from the purview of reservation.<sup>165</sup> He said : "what is the use of reservation in government jobs without reservation in educational institutions."<sup>166</sup>

The real problem in the UDF was the internal contradictions among its constituents. While the National Democratic Party, political arm of the forward Nair community, opposed caste-based reservations, the Social Republic Party, political wing of the backward Ezhava community, favoured it. The opposition in Kerala failed to evolve a common strategy because of the opposing views of the two of the UDF partners.

The Chief Minister, Mr E.K. Nayanar, said that the system of reservation now in force in Kerala would continue for the present and the Government had no plans to make any changes in current procedures at the moment.<sup>167</sup> He said that the lists of Scheduled Castes and Scheduled Tribes prepared by the State Government would continue unchanged for the presnet. Nr Nayanar

appealed to the Nair Service Society, which planned an agitation to press reservation on economic basis, to desist from the agitation. He asked the NSS not to do anything which would divide the people communally. He regretted that the implementation of Mandal Commission's recommendations was being delayed unduly. Mr Nayanar said that the Centre was trying to get social justice for backward classes by implementing the Mandal Commission report and it was only proper to support it.

### Karnataka

In Karnataka, reservations have existed since the pre-independence days when the Millars Committee was in force.<sup>168</sup> Since 1977 the State Government in accordance with the recommendations of the Havanur Commission has reserved jobs and seats in educational institutions for backward classes. But the most controversial backward classes report did not provide any reservation for the Vokkaligas and the Lingayats, the dominant communities in the State. The Vokkaligas started a violent agitation against the report which forced the Ramakrishna Hegda Government to discard the report in 1984. Both the communities have, however, been covered under the Mandal Commission report. This explains why opposition to V.P. Singh's announcement implementing the Mandal Commission report had been muted in Karnataka.

The Janata Dal leader and the leader of the opposition in the state Legislative Assembly, Mr D.B. Chandregowda, predictably

hailed the Union Government's decision as a welcome step. He said: "For the first time since independence a government has genuinely done something for the rural masses". He felt that the policy of reservation had really benefited the people in the South.

### Andhra Pradesh

While the rest of the South remained peaceful, Congress(I) ruled Andhra Pradesh had its share of rail and rasta rokos, protest rallies and bandhs. Stray incidents of arson were reported, though mercifully no lives were lost. If the agitation did not take an ugly turn it was possible because it was a spontaneous student movement and not one engineered by political parties.

The Andhra Pradesh Backward Classes Commission, however, welcomed the Centre's decision to implement the Mandal Commission report. Mr P.C. Sarthy, leader of the Nava Sangarsh Samiti, on other hand, stressed the need for a country-wide debate on the subject.

In Andhra Pradesh, the Muralidhar Rao Commission, appointed in 1982, recommended 44% reservation for backward classes against the prevailing 25%. The Government Order to implement 44% reservation for backward classes was challenged in Andhra Pradesh High Court and an agitation was launched by Nava Sangarsh Samiti against the Order. The High Court struck down the Government Order. The Telegu Desham Government lacked the will to take the issue to the Supreme Court or face an anti-reservation agitation in the State and

adopted to revert to the status quo of 25% reservation for the backward classes.

## V

### Reaction of Political Parties:

Initially no political leader or no political party came out against the implementation of Mandal Commission report because they feared that opposition to reservation policy might cause the loss of backward castes votes. Moreover, every political party had supported reservation in the past. But when the anti-reservation agitation hit the country, the political parties described V.P. Singh's announcement implementing 27 per cent reservation for backward classes as "a hasty step for electoral gain" and demanded reservation on economic basis. The backward caste members of every political party had, however, welcomed the implementation of Mandal report.

The Congress (I) in a resolution adopted on August 30 maintained that economic criteria could not be divorced from caste-based reservation for backward classes and rejected Prime Minister V.P. Singh's contention that doing so would dilute the Mandal report. <sup>173</sup> Mr V.N. Gadgil releasing the resolution at a press conference pointed out that while the party was not opposed to reservations as such, it would also go along with the recommendations of the Mandal Commission about the socially and educationally backward classes provided that the Government accepted the Rajiv

Formula which says that "equality and fair play demand that job reservations and other special measures for the backward classes as a whole not be pre-empted by the richer or more privileged segments of backward classes"<sup>174</sup>.

Mr Rajiv Gandhi felt that the primary aim of the founding fathers of the Constitution was the creation of a casteless society. But by accepting reservation on the basis of caste, the nation would lose sight of the primary aim — the creation of a casteless society.<sup>175</sup> He called for an "economic cut off" to decide the issue. During his speech in Parliament, Mr Gandhi even admitted that the Congress(I) policies of introducing caste-based reservations in Karnataka and Andhra Pradesh were a mistake. Mr Dinesh Singh, the Congress(I) leader, said that the announcement on reservations had been made without arriving a national "consensus". He alleged that Mr V.P. Singh took the step with an eye on the next election.<sup>176</sup>

The 22-member Congress(I) Working Committee and 12-member Political Affairs Committee met jointly on September 3. Rajiv Gandhi brought a resolution which advocated the total rejection of the Mandal report. However, no sooner did the meeting begin than the Party stood clearly divided along caste and class lines. Vasant Sathe, a brahmin, attacked the report, declaring : "V.P. Singh is reviving the caste system. The Party must fight it"<sup>177</sup>. An aggressive array of backward class leaders like B. Shankaranand, Sita Ram Kesari, P. Shiv Sankar, D.P. Yadav and Margathan Chandrashekhar, on the other hand, countered: "The Congress has always fought for

the downtrodden. How can we oppose it?"<sup>178</sup>

That the Mandal report had hopelessly divided the Congress (I) along caste lines was evident when Charanjit Yadav, a backward class leader, openly welcomed the Centre's decision to implement 27 per cent reservation for backward classes.

The Left Parties who were the supporters of National Front Government called for modifications in the implementation of the Mandal report. The CPI was the first to come out in defence of the reservation. The party emphasised that economic criterion should be the main factor in determining the backwardness of a particular class to be included in the list of such beneficiaries.<sup>179</sup> The Party felt concerned over the present agitation by the students and others who were opposed to the job quota for the backward classes.<sup>180</sup> The CPI(M) also opposed the anti-reservation agitation in several parts of the country. The Party General Secretary, R.K. Ramachandran, said that while it was necessary to strickly implement the existing provisions for reservations, it was also necessary to extend such privileges to other backward castes.<sup>181</sup>

The CPI(M) was opposed to caste-based-reservations. The Party was of the view that the reservation of jobs should be done on the basis of economic backwardness of the backward communities. Mr Surjit pointed out that mere reservation of jobs would not solve the problem of backwardness among backward communities. What was needed was that enough job opportunities should be created by

effectively implementing land reforms and other measures of social  
change. <sup>182</sup>

The Mandal virus succeeded in dividing the West Bengal CPI(M) with anti-Mandal and the Kerala CPI(M) with pro-Mandal. While the Kerala CPI(M) welcomed the implementation of Mandal Commission recommendations, the West Bengal CPI(M) criticised it as a "hasty step for electoral gain". Jyoti Basu, the Chief Minister of West Bengal, wrote to V.P. Singh to introduce economic criteria and to ensure that job applicants from West Bengal were not deprived as there were no OBCs in the State.

The BJP was the hardest hit by the Mandal missile as it defeated their ploy of uniting Hindus under their saffron emblem. Dr Vijoy Kumar Malhotra, the BJP M.P., described the reservation of jobs "without availability of jobs" as a "mockery and political stunt" on the part of the Government. <sup>183</sup> The Party General Secretary, Krishanlal Sharma, maintained that the Government had taken a <sup>184</sup> hasty decision for some electoral gains. Several BJP leaders, including Vajpayee and Advani, had spoken about how economic criteria and not caste should have been the basis for job reservations. <sup>185</sup> Advani in early September had expressed scepticism over V.P. Singh's move to call an all party meeting to discuss <sup>186</sup> the reservation issue. He said the meeting would in no way end the nationwide turmoil caused by the Mandal report since it was <sup>187</sup> meant only for discussing ways to implement the report. Of late, however, the Party said that the decision to implement the report

was made in a hurry without consulting friendly parties and that the Government had made no serious attempts to talk to the agitating students.<sup>188</sup>

Both L.K. Advani and Atal Behari Vajpayee threatened to withdraw their support if the Government did not review its stand.<sup>189</sup> The BJP was, however, was not completely devoid of Mandal supporters. Many of its backward MPs from Rajasthan and Bihar welcomed the centre's decision to implement the Mandal Commission's recommendations.

## VI

### Factional Politics in Janata Dal

The Mandal issue had led to factional politics in Janata Dal, the principal constituent of National Front Government. Many members of the Party came out attacking the Mandal report and criticising V.P. Singh though Sharad Yadav, Ram Vilash Pashwan, Jaipal Reddy, S.R. Bommai and Ajit Singh were the staunch supporters of V.P. Singh. The sharp divisions within the party on the issue of the Government's decision on the Mandal Commission's report and its handling of the present unrest was clearly reflected in Mr Chandra Sekhar's urging the Government to take effective steps to "restore a feeling of trust and confidence among the youth" and warning that any provocative action on its part "will be suicidal and history will not forgive us".<sup>190</sup> Biju Patnaik, the Chief Minister of Orissa, accused the Prime Minister of inciting caste violence.

He took a tough stand by openly opposing Prime Minister V.P. Singh's acceptance of Mandal Commission recommendation of 27 per cent reservation for the socially and educationally backward classes and asserted that it would not be implemented in Orissa as it was "full of errors"<sup>191</sup>. The U.P. Chief Minister, Mulayam Singh Yadav, on the other hand, supported the Mandal report. He said that there should be more reservations for backward classes than what was suggested in the Mandal report.

Both Yashwant Sinha and Harmohan Dhawan also condemned the Mandal report. Jaipal Reddy, spokesman of Janata Dal, however, said : "It was part of our election manifesto and he (V.P. Singh)<sup>192</sup> as a loyal party soldier is determined to implement it". Reported Dhawan, the new General Secretary of the National Front Parliamentary Party : "It is not a question of manifesto. Should we plunge the country into a caste war just for retaining power?"<sup>193</sup> The Janata Dal Secretary, Mr Arvind Chaturvedi, severely criticised the National Front Government for accepting the Mandal Commission's recommendations and said it would balkanize the society.<sup>194</sup> He said that any reservations for jobs or other facilities should be based on economic grounds and not on caste lines.<sup>195</sup> He pointed out: "The Prime Minister, V.P. Singh, has committed a political harakari by accepting the Commission's recommendations under the pressure of political expediency"<sup>196</sup>.

Mr Lalit Vijoy Singh, a Lok Sabha member, had written to the Prime Minister against the Mandal report. Mr Vishwendra Singh

even resigned his Lok Sabha seat in protest against the report. Recalling the Prime Minister's statement on September 1 that the recommendations of Mandal Commission would be implemented in phases and 27 per cent reservation for the OBCs was the first phase he said : "Of all the recommendations you chose the 27 per cent reservation. The other recommendations of the Mandal Commission report, if one goes by an objective assessment, are more basic and important than present choice and priority. Without implementing the other recommendations no policy of reservation can yield fruitful results".<sup>197</sup> He said that the Mandal Commission had also recommended radical reforms to change oppressive production relations, setting up of financial and technical institutions to help the OBCs and implementation of educational reforms. The Government, he said, should make reservations wholly neutral to caste, religion, sex or race and follow economic criterion.<sup>198</sup>

The members of Janata Dal who opposed the Mandal report were, however, in a hopeless minority and stood arrayed against powerful backward leaders like Hukum Dev, Narayan Yadav, Ram Avdesh Singh, Satya Prakash Malaviya and Ram Dhan who had become V.P. Singh's most ardent supporters. Even Janata Dal President, S.R. Bommai, after initial reticence, came out roaring in favour of the Mandal report. He said : "If the report is not implemented, there will be a bloody revolution in the country".<sup>199</sup> Industry Minister, Ajit Singh, directed his supporters to organise a pro-

Mandal rally. Ram Vilash Paswan while addressing a pro-reservation rally organised by the National Union of Backward Castes in New Delhi said : "People get married on the basis of caste, but when we talk of reservations they say that we are breaking the country. These anti-reservationists talk about dividing the country on the basis of caste".<sup>200</sup> Arun Nehru and Arif Mohammad Khan were the only central ministers who condemned the Mandal report.

Casting him as a messiah of the backwards V.P. Singh told Parliament that each time anybody came forward to help the down-trodden vested interests always opposed his endeavours.<sup>201</sup> There was no caste war, he told incredulous M.P.s with a straight face, the scattered violence was the inevitable consequence of a revolutionary change directed at the poor and the dispossessed.<sup>202</sup>

## VII

### Withdrawal of Support

Ever since late August, 1990, several BJP leaders had been hinting that their disenchantment with the National Front Government had got to a point of no return.<sup>203</sup> On 21 September, for instance, several BJP leaders, including Madan Lal Khurana, M.P., warned that their party would be forced to consider withdrawing support to the Government if it did not stop the repression of the anti-Mandal student agitation.<sup>204</sup>

Earlier, at the BJP's Bhopal meet held in mid-September, Advani and others had issued highly critical statements against V.P. Singh's government and had warned that their support should not be taken for granted. The BJP's main objection to the Mandal report was that they could well lead to disintegration of Hindu community. The <sup>Party</sup> felt — with the Congress (I) — that the Government's decision could provoke caste holocaust. V.P. Singh, in an attempt to garner electoral gains, resorted to as cheap a trick as this.

The BJP leadership seemed convinced that in the wake of V.P. Singh Mandalising the country, only the Hindu card could save it at the hustings. Advani announced that he would participate in a 10,000 kilometre 'rath yatra' from Somnath to Ayodhya. Covering 300 kilometres a day, the Yatris would pass through eight states, mobilising support for the construction of Ram Temple in Ayodhya. Advani invited all party members to join the 'Kar Seva' which would follow the 'rath yatra'.

Advani's message was clear. If the Raja persisted in his attempts to win votes by fragmenting Hindu society with such weapons as the Mandal Commission report, the BJP would go all out to unite Hindus on the Ram Janmabhumi issue. As Advani set off on his DCM Toyota with 'rath yatra' determined that on October 30 Kar Seva would take place on the disputed Ram Janmabhumi-Babri Masjid complex, it became clear that time was

209

running out for V.P. Singh. With Advani wending his way through Bihar and into U.P. it became a race between the two Yadav Chief Ministers as to who would arrest Advani. Ultimately, it was Laloo Yadav who did so on October 23 in Samastipur. Atal Behari Vajpayee returned to Delhi from Calcutta and <sup>at</sup> 10.30 a.m. he called on the President and finally withdrew support to the V.P. Singh Government.<sup>211</sup>

V.P. Singh told the President R. Venkataraman that he would prove his majority in the House on the floor of the Lok Sabha. November 7 was fixed as the date for the vote of confidence in the Lok Sabha and V.P. Singh lost the vote of confidence in the House. Thus eleven month tenure National Front Government lost power.

### VIII

#### Reservation in Post V.P. Singh Era

After V.P. Singh, Chandra Sekhar with the support of Congress (I) was sworn in as Prime Minister of care-taker government at the Centre. Chandra Sekhar was not against the recommendations of the Mandal Commission, but he did not show any courage to implement these recommendations. In 1991 Lok Sabha elections the Congress (I) made the implementation of the Mandal report a part of its election manifesto. Having captured power at the centre, the Narasimha Rao Government issued an order on September 25, 1991, to fulfil its election commitment. The Narasimha Rao

Government made 10 per cent reservation on the basis of economic criteria in addition to 27 per cent reservation for socially and educationally backward classes in central services. It should be noted that this time there was no anti-reservation agitation as the country witnessed during V.P. Singh era, which clearly proved that the anti-reservationists during V.P. Singh era were politically motivated and the way in which V.P. Singh announced the implementation of 27 per cent reservation for socially and educationally backward classes recommended by the Mandal Commission openly sought political opportunity which made the other political parties oppose the announcement.

The Supreme Court's judgement of November 25, 1992 assumed great significance in so far as the reservation policy of the government was concerned. The Supreme Court struck down the Narasimha Rao Government's order of September 25, 1991, making 10 per cent reservation on the basis of economic criteria and raising the total reservation to more than 50 per cent and upheld the validity of V.P. Singh Government's order on 27 per cent quota and 49.5 per cent overall. The Supreme Court declared that the reservation exceeding 50 per cent would not be constitutional and that the "creamy layer" among the backward classes must be excluded from the benefits of reservation. The Mandal Commission's recommendation reserving 27 per cent jobs for socially and educationally backward classes excluding the "creamy layer" became effective with a notification issued on September 8, 1993, by the Welfare Minister, Mr Sitaram Kesari.

## Party Postion in the Lok Sabha:1952-1989

Year	No. of seats	Cong./ Cong. (I)	CPI	CPI-M	KMPP/ PSP & SSP	BJS/ BJP	BLD/ Janata/ Janata Dal	Janata (S)/ Lok Dal	Other Parties	Ind.
1952	489	364	16		9	3			59	38
1957	494	371	27		19	4			31	42
1962	494	361	29		12	14			58	20
1967	520	283	23	19	36	35			89	35
1971	518	352	23	25	5	22			77	14
1977	542	154	7	22			295		55	9
1980	542	353	11	36			31	41	48	9
1984	542	415	6	22		2	10	3	79	5
1989	542	193	12	32		88	141		59	-

Source: Mira Ganguli and Bangendu Ganguli, 'The Election Scene : 1989', Seminar, April, 1990, p. 26.

R E F E R E N C E S

1. M.N. Srinivas, 'Caste in Modern India', Ashia Publishing House, Bombay, 1962, p. 15
2. Rajni Kothari, 'Caste in Indian Politics', Orient Longman, New Delhi, 1970, p. 4
3. Ibid.
4. Ibid.
5. Ibid.
6. Quoted in Sunanda K. Dutta-Ray, 'Class into Caste: V.P. Singh's Political Insurance', The Statesman, Sept 9, 1990.
7. Andre Beteille, 'Caste and Politics : Subversion of Public Institutions', The Times of India, Sept 11, 1990.
8. Myron Weiner and M.F. Katzenstein, 'India's Preferential Policies', Oxford University Press, Bombay, 1981, p. 135
9. The Telegraph, Nov 9, 1990.
10. Madhu Limaye, 'Staying Away', The Illustrated Weekly of India', Dec 3-9, 1989.
11. Ibid.
12. Ibid.
13. Sujit Bhalla, 'Polls Demyshifted', Sunday, Dec 3-9, 1989.
14. Frontline, Dec 9-22, 1989.
15. India Today, Dec 15, 1989.
16. Ibid.
17. Op. cit., No. 13, p. 117.
18. Ibid.
19. The Hindustan Times, Aug 8, 1990.
20. Ibid.
21. Ibid.
22. New Wave, Aug 9, 1990.

23. C. Rupa, 'Reservation Policy — Mandal Commission and After', Sterling Publishers Private Limited, New Delhi, 1992, p. 80.
24. Ibid.
25. Ibid.
26. Ibid.
27. Inderjit, 'Mandal Commission : Dividing to Rule', India Today, Sept 15, 1990.
28. Ibid.
29. The Telegraph, Sept 9, 1990.
30. The Statesman, Aug 12, 1990
31. The Statesman, Aug 13, 1990
32. The Hindustan Times, Aug 17, 1990.
33. The Statesman, Aug 14, 1990.
34. Ibid.
35. The Statesman, Aug 15, 1990.
36. Ibid.
37. The Statesman, Aug 21, 1990.
38. The Statesman, Aug 24, 1990.
39. Sunday, Sept 2-8, 1990.
40. Ibid.
41. Ibid.
42. The Statesman, Aug 26, 1990.
43. Ibid.
44. Ibid.
45. Sunday, Sept 16-22, 1990.
46. The Statesman, Aug 28, 1990.
47. Op. cit., No. 45.
48. Ibid.
49. Ibid.
50. Ibid.

51. Ibid.
52. Ibid.
53. Op. cit., No. 29.
54. Ibid.
55. Sunday, Aug 19-25, 1990.
56. Op. cit., No. 39
57. Ibid.
58. Ibid.
59. Op. cit., No. 33
60. The Hindustan Times, Aug 12, 1990.
61. India Today, Sept 30, 1990.
62. The Hindustan Times, Aug 21, 1990.
63. Ibid.
64. The Hindustan Times, Aug 23, 1990.
65. The Statesman, Aug 25, 1990.
66. Op. cit., No. 61
67. The Telegraph, Sept 2, 1990.
68. Op. cit., No. 23, p. 104
69. Sunday, Sept 9-15, 1990.
70. Ibid.
71. Op. cit., No. 29.
72. Op. cit., No. 69
73. The Telegraph, Sept 6, 1990
74. Ibid.
75. Ibid.
76. The Telegraph, Sept 7, 1990
77. Op. cit., No. 29
78. Ibid.
79. Op. cit., No. 46
80. Op. cit., No. 73
81. Op. cit., No. 29
82. Indian Express, Sept 8, 1990
83. Ibid.
84. Ibid.
85. The Statesman, Sept 11, 1990
86. Ibid.

87. The Telegraph, Sept 16, 1990
88. Ibid.
89. The Telegraph, Sept 13, 1990.
90. Ibid.
91. Ibid.
92. Ibid.
93. Ibid.
94. Op. cit., No. 29
95. Ibid.
96. Ibid.
97. The Hindustan Times, Aug 14, 1990
98. Op.cit., No. 35
99. Op. cit., No. 61
100. Ibid.
101. Op. cit., No. 39
102. Ibid.
103. Ibid.
104. Op. cit., No. 45
105. Ibid.
106. Ibid.
107. Ibid.
108. Ibid.
109. Ibid.
110. Ibid.
111. Ibid.
112. Indian Express, Sept 29, 1990
113. Indian Express, Sept 7, 1990
114. The Statesman, Aug 23, 1990
115. Op. cit., No. 23, p. 108
116. Indian Express, Sept 6, 1990
117. Ibid.
118. Op. cit., No. 23, p. 97
119. Op. cit., No. 76
120. Ibid.

121. Op. cit., No. 113
122. Op. cit., No. 116
123. The Statesman, Sept 16, 1990
124. Op. cit., No. 23, p. 98
125. Op. cit., No. 61
126. Op. cit., No. 116
127. Ibid.
128. Ibid.
129. Indian Express, Sept 9, 1990
130. Ibid.
131. Ibid.
132. Ibid.
133. Ibid.
134. Op. cit., No. 61
135. Ibid.
136. Ibid.
137. Ibid.
138. The Hindustan Times, Aug 18, 1990
139. Op. cit., No. 29
140. Op. cit., No. 23, p. 105
141. The Statesman, Sept 4, 1990
142. Ibid.
143. Op. cit., No. 23, p. 105
144. Op. cit., No. 141
145. Ibid.
146. Ibid.
147. The Statesman, Aug 20, 1990
148. Ibid.
149. Op. cit., No. 29
150. The Statesman, Sept 2, 1990
151. Ibid.
512. Ibid.

153. Indian Express, Sept 15, 1990
154. Ibid.
155. Ibid.
156. Op. cit., No. 29
157. Ibid.
158. Ibid.
159. Ibid.
160. Ibid.
161. Ibid.
162. Op. cit., No. 150
163. Ibid.
164. Ibid.
165. Ibid.
166. Ibid.
167. Op. cit., No. 82
168. Op. cit., No. 29
169. Ibid.
170. Op. cit., No. 61
171. Ibid.
172. Ibid.
173. The Hindustan Times, Aug 30, 1990
174. Ibid.
175. The Statesman, Sept 9, 1990.
176. The Statesman, Aug 18, 1990.
177. Op. cit., No. 61
178. Ibid.
179. The Hindustan Times, Aug 22, 1990.
180. Ibid.
181. Op. cit., No. 32
182. The Hindustan Times, Aug 15, 1990.
183. Op. cit., No. 42.
184. The Hindustan Times, Aug 26, 1990.
185. Sunday, Oct 14-20, 1990.
186. Ibid.
187. Ibid.

188. Ibid.
189. Op. cit., No. 61
190. Editorial Columns, Indian Express, Sept 7, 1990.
191. Op. cit., No. 173
192. Op. cit., No. 61
193. Ibid.
194. Op. cit., No. 30
195. Ibid.
196. Ibid.
197. Op. cit., No. 129
198. Ibid.
199. Op. cit., No. 61.
200. Op. cit., No. 45.
201. Ibid.
202. Ibid.
203. Sunday, Oct 7-14, 1990.
204. Ibid.
205. Ibid.
206. Ibid.
207. India Today, Oct 15, 1990.
208. Op. cit., No. 203
209. Op. cit., No. 23, p. 126.
210. Ibid.
211. Ibid.

## CHAPTER - VI

### Reservation Policy and Socio-Economic Environment

Our Constitution has provided certain provisions for socio-economic advancement of the Scheduled Castes and Scheduled Tribes. They include abolition of untouchability (Article 17), prohibition of 'begar' or forced or bonded labour (Article 23), making of any provision by the state for the advancement of any socially and educationally backward class of citizens (Article 15) and 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 public services (Article 16). They also direct the State, under Article 46, to promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and protect them from social injustice and all forms of exploitation.

The measures for socio-economic development of the Scheduled Castes and Scheduled Tribes undertaken in pursuance of the constitutional provisions may be classified into three broad categories, namely, protective, developmental and preferential. Abolition of untouchability and prohibition of 'begar' or forced or bonded labour come under the first category. The second category includes various educational schemes like post-matric scholarship, pre-matric scholarship, book banks, girls hostels, boys' hostels etc. Reservation in Legislative bodies, educational institutions and public services fall in the third category.

## II

Persistence of Untouchability

The constitution of our country has provided equality of all citizens irrespective of their caste, religion and sex. The Scheduled Castes and Scheduled Tribes have also been provided with special safeguards in the Constitution in order to protect their interests. 'Untouchability' stands abolished and its practice in any form is forbidden under article 17 of the constitution. Article 23 prohibits 'begar' or forced or bonded labour. There are also legal measures in the form of Protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. But despite all these constitutional safeguards and legal measures, Scheduled Castes and Scheduled Tribes remain vulnerable. "They are denied number of civil rights. They are subjected to various offences, indignities, humiliations and harassment. They have, in several brutal incidents, been deprived of their life and property".<sup>1</sup>

Within five years of the adoption of the constitution of the Republic of India, Parliament set to work on a statute to spell out the practical details and application of the principles embodied in the Fundamental Rights. The result was the Untouchability (offences) Act of 1955<sup>2</sup> which has intended to wipe out untouchability and the social disabilities arising out of it, by making its practice in any form punishable under law.<sup>3</sup> But the

total number of cases registered with the police from 1955 to 1970 were only 6778 for the country as a whole, with only 1979 or 26 per cent of them ending up in conviction.<sup>4</sup>

As this Act was found inadequate to meet the constitutional requirements, it was amended in November 1976 and renamed as 'The Protection of Civil Rights Act, 1955'<sup>5</sup> with the objective of total eradication of untouchability within five years of its implementation. But data on PCR Act indicate that untouchability still persists in virtually all the states. The situation is the worst in Andhra Pradesh, Gujrat, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu and Uttar Pradesh (Table 1). Table 1 indicates that the total number of 3406 cases were registered with the police and 2184 cases were challenged in the courts under the PCR Act, 1955 during the year 1991. Only 1492 or 68.3 per cent of the total cases challenged were disposed by the courts with only 8.37 per cent ending up in conviction.

As the PCR Act, 1955 proved to be inadequate to deter atrocities on the Scheduled castes and Scheduled Tribes, a new legislation called 'The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989' to check and deter crimes against them committed by non-Scheduled Castes and non-Scheduled Tribes was passed and brought into force with effect from 30.1. 1990.<sup>6</sup> Data available in the annual report (1993-94) of the Ministry of Welfare indicate that under the Scheduled castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, 3778 cases were

registered with the police during the year 1990, but only 59.93 per cent of them were channaled before the courts. The total number of 2602 cases with the inclusion of those channaled by the police were with the courts during 1990, but only 0.84 per cent of these ended up in conviction. 90.93 per cent case were pending with the courts at the end of the year 1990 (Table 2). While this is the indication of poor performance of 'the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989' at all India level, data available in Table 2 for some of the states reveal that in all the states except Gujrat most of the cases were ended up in acquittals. The percentage of acquittals was very high in Haryana (23.75%) and Rajasthan (54.79%).

While the large number of cases pending with the court is a reflection of the tardy judicial process, the larger number of cases ending up in acquittals is for other reasons as well. As the reports of the Commissioner for SCs and STs indicate, these include the weak socio-economic condition of the victims and their witnesses, defective investigation by the Police, ineffective or indifferent handling of cases by the prosecution staff, victims yielding to pressures, promises, allurements, or intimidation, and the long drawn out trials which alone can discharge any victim from pursuing the case effectively.<sup>7</sup>

Although both Table 1 and 2 give us some idea about the persistence of untouchability, they are not adequate in bringing

about the real magnitude of this evil practice because many cases go on unnoticed and unreported. The seventh report (1984-85) of the Commissioner for SCs and STs noted that quite a large number of the victims do not seek legal redress and that though in states like Bihar and Orissa the problem of untouchability is acute, they have been reporting significantly lower number of cases compared to states like Tamil Nadu, Maharashtra and Karnataka.<sup>8</sup> The reason for this is not far to seek, Economically the SCs are still dependent on caste Hindus, and as such they do not risk approaching the police.<sup>9</sup>

A Survey conducted in January 1989 by the National Commission on atrocities in seven states (Uttar Pradesh, Tamil Nadu, Kerala, Rajasthan, Karnataka, Maharashtra and Bihar) clearly brought about the wide spread practice of untouchability in these states, particularly in rural areas. The Commission notes that the Scheduled Castes in these states do not have access to temples, drinking water resources, tea-stalls and hotels. Barber and washermen services are not available to them. They are discriminated against in the matter of participation in social ceremonies and in the sittings at village 'Chaupals' and 'Gram Sabhas'. They are also discriminated in educational institutions, public health centres, etc, and in respect of utensils, cremation/burial grounds, passages, etc. meant for the general public.

## III

Atrocities on SCs and STs

Atrocities against the members of Scheduled Castes and Scheduled Tribes are closely related to Untouchability. The term 'atrocities' has not been defined in any law and, therefore, the Government has been using the expression 'crimes against the Scheduled Castes and Scheduled Tribes.'<sup>10</sup> Atrocities on SCs and STs may be classified into four categories, viz, murder, grievous hurt, rape and arson. It is a matter of concern that in spite of legal measures in the form of protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, atrocities on members of these communities persist. 48,964 cases of atrocities against persons belonging to Scheduled Castes and 8,950 cases of atrocities against Scheduled Tribes were reported between 1991 and 1993. Of these 1712 cases were of murder, 2415 of rape and 1655 of arson against Scheduled Castes and 299 cases of murder, 841 of rape and 209 of arson against Scheduled Tribes (Tables 3 and 4). Data on atrocities against Scheduled Castes and Scheduled Tribes in the states reveal that during 1993, 61.4 per cent of total 13130 cases of atrocities in the country were committed against Scheduled castes in Uttar Pradesh (22.93%), Madhya Pradesh (22.77%) and Rajasthan (13.70%) (Table-5) and out of 2445 cases of atrocities against Scheduled Tribes in the country 1076 constituting 44 per cent were

committed against them in Madhya Pradesh. The percentage of atrocity against Scheduled Tribes was also high in Rajasthan (20.04%) (Table-6). Thus in these two states 64.04 per cent of total atrocities in the country were committed against Scheduled Tribes during 1993.

#### IV

##### Causes of atrocities

The main causes for commission of atrocities on Scheduled Caste and Scheduled Tribe persons are disputes and conflicts arising from land, bonded labour, indebtedness and wages.

##### (1) Land

The most important cause of atrocities on Scheduled Castes and Scheduled Tribes is land. The disputes on land relate to land reforms, allotment of house sites and cultivable lands, irrigation rights and land alienation. Atrocities in many cases take the form of interference with ownership of lands cultivated by members of the Scheduled Castes and Tribes. They are killed or wounded in land disputes. They are intimidated, beaten and shot at and their women are molested to force them to leave government lands allotted to them.

Land Reforms Acts fixing ceiling area and acquiring surplus lands for distribution to the landless SCs and STs were enacted in

every state. Upto 31.3.1987 out of the total area of 76.33 lakh acres declared surplus an area of 59.54 lakh acres was taken possession of, constituting 78% of the total area declared surplus. Out of the total area distributed an area of 15.07 lakh acres (34.18%) was distributed to the Scheduled Castes and 5.81 lakh acres (13.18%) to the Scheduled Tribes<sup>11</sup> However, "the process of implementation of land reforms has created animosity among the traditional land owning classes".<sup>12</sup>

Conflicts resulting in violence are "Occurred at the stages of proceedings before tribunals, announcement of awards, changes in land records, placing in possession and most of all at the stage of cultivation by the beneficiary".<sup>13</sup> In its report of 1990 the National Commission on atrocities notes that "Scheduled Castes and Scheduled Tribes are placed in a vulnerable position because their ability to defend themselves is much lower than in the case of other castes. It is this feature which has contributed to the atrocities arising out of land disputes".

(ii) Alienation of Tribal Lands:

Most states have passed special enactments to counter the displacement of tribals because of alienation of tribal lands to non-tribals. However, despite these enactments, "non-tribals have found illicit methods of evading law and acquiring tribal lands".<sup>14</sup> The pre-datory expansion of non-tribals into tribal areas and the dispossession of tribals through fraud or because of debt has been a continual source of violence, crimes and atrocities against tribals.<sup>15</sup>

In its report of 1978-79, the National Commission had given the findings of enquiries into atrocities in Godda Sub Division of Santhal Parganas district in Bihar. The observations of the Commission included the following points<sup>16</sup> :

- (a) Considerable agitation has arisen out of disputes about the ownership and possession of land and about entries in land records of rights.
- (b) Considerable discontentment was existing among Scheduled Castes and Scheduled Tribes about payment of less than the dues for sharing cropping of land.
- (c) There were reports that the prescribed wages were not being paid by landlords to Adivasi agricultural workers leading to discontentment.
- (d) Local Mahajans have been charging exorbitant interest on loans taken by Santhals. Allegations were also made that even where the Santhals were willing to return the money the Mahajans were reluctant to return the Jewellery in view of the steep rise in the prices of gold and silver. This was also leading to tension.
- (e) The lessées of "hats" in the Santhal Parganas District have been levying charges in excess of the prescribed charges leading to disputes, tension and clashes.

- (f) The Mahajans have been charging exorbitant interest for consumption loans to Adivasi agricultural workers.

The fate of tribal land in Adilabad district of Andhra Pradesh has been brought out graphically by Dr. Haimendorf in his "Tribes of India - Struggle for Survival" : "It seems that a few senior officers made some feeble attempts to stop the flow of immigrants, but on the whole neither revenue nor forest officers succeeded in stemming the tide. As many of the new comers were able to occupy cultivable land, there can be no doubt that the minor revenue officials, and particular Patwari and revenue inspectors, were won over by the immigrants, many of whom were wealthy enough to pay large bribes. The laws prohibiting the acquisition of tribal land by non-tribals were obviously ignored".<sup>17</sup>

(iii) Bonded Labour:

The 21st report (1971-73) of the Commissioner for SCs and STs described the bonded labour system as follows: "The prominent feature of the system is that a man pledges his person or sometimes a member of his family against a loan. The pledger or his nominee is released only on its discharge. Until then the man himself or the member of the family is required to work for his creditor against his daily meals. Since he gets no money, he has to depend upon someone in the family to procure the sum required for his release and this, of course, is rarely available. The relationship lasts for months and sometimes years, occasionally for an entire

life time and not infrequently follows the male heir".<sup>18</sup>

The Bonded Labour system (Abolition) Act, 1976 was passed to eliminate this evil practice, and identify, free and rehabilitate bonded labourers. But the practice still continues though eighteen years have passed since its enactment. According to an estimate of the programme Evaluation Organisation of the Planning Commission 83.2 per cent of the total number of bonded labourers belonged to the Scheduled Castes and Scheduled Tribes.<sup>19</sup> Data available in the report (1990) of the National Commission on atrocities indicate that in Andhra Pradesh and Bihar 80.5 per cent and 70.8 per cent belonged to the Scheduled Castes and in Rajasthan, Madhya Pradesh and Tamil Nadu 86.7 per cent, 71 per cent and 45 per cent respectively belonged to the Scheduled Tribes. According to the report (1992-93) of the Ministry of Labour, amongst the 2.23 lakhs bonded labour so far released and rehabilitated, 52% belonged to Scheduled Castes and 21% of Scheduled Tribes. But the landlords "have not been able to reconcile themselves to the new status of the former bonded labourers, and have insisted that they should fulfil their commitments".<sup>20</sup> Friction arises when the bonded labour or members of his family try to assert their rights. This leads to violence and crimes against these weaker sections many of whom belong to Scheduled Castes and Tribes.<sup>21</sup>

(iv) Indebtedness:

Disputes over money transactions constitute another important cause of atrocities on Scheduled Castes and Scheduled Tribes.

Violence against the members of these communities is "provoked by non-repayment of loans, demands for return of mortgaged property and attempts to extract forced labour against borrowing".<sup>22</sup> They become victims of atrocities in course of trying to recover their money. Atrocities arising out of money transactions take "the forms of murder, grievous injury, arson, molestation of women and taking away of bullocks".<sup>23</sup>

(v) Wages:

The Minimum Wages Act, 1948 was introduced for giving protection to labour in areas where they were vulnerable to exploitation. The Act lays down the procedure for fixing minimum wages and provided for related matters like hours of work, overtime and rest days.<sup>24</sup> But due to ineffective implementation of the Act disputes arise over the payment of minimum wages.

Between 1961 and 1981, the population of all workers increased by 30 per cent, from 189 million to 245 million. The strength of agricultural labourers during the same period rose from 32 million to 56 million an increase of 75 per cent. Agricultural labourers who constituted 17 per cent of the total work force in 1961 accounted for 25 per cent in 1981.<sup>25</sup> This increasingly easy availability of agricultural labour badly affects their bargaining power.<sup>26</sup> This position is aggravated by their lack of organisation and by the weakness of the Governmental machinery for implementing minimum wages in the rural areas.<sup>27</sup>

Further, employment in agriculture is seasonal and agricultural labourers are dependent on the landlord and the money lender during the idle months.<sup>28</sup> This occupational vulnerability is compounded in the case of Scheduled Caste agricultural labourers by the element of social disability.<sup>29</sup> Any attempt on their part to agitate for reasonable wages usually meets with violence at the hands of the landowning classes.<sup>30</sup>

## V

Government measures to check atrocities on Scheduled Castes and Scheduled Tribes.

(1) Steps for effective implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act, 1989):

---

Under the provisions of the Protection of Civil Rights Act, 1955, most of the state governments during the period of Eighth plan (1992-97) have taken measures for effective implementation of the Act including appointment of officers for initiating or exercising supervision over prosecutions, setting up of special/mobile courts, appointment of committees at the appropriate levels, periodic surveys on the working of the provisions of the Act and identification of areas where persons are under any disabilities arising from untouchability.<sup>31</sup> For implementation of the Scheduled

Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Eighth plan emphasised measures which include strengthening of existing police cells, mobile squads, increasing the number of special and mobile courts for trying atrocities cases, survey of untouchability prone areas, provision of legal aid and relief, encouraging inter-caste marriages, monitoring, publicity and propaganda.<sup>32</sup>

(2) Atrocity Control Room:

The Ministry of Welfare has set up an Atrocity Control Room on 15.10.91 to keep a close watch, monitor and to ascertain the details about the occurrence of cases of atrocities committed against Scheduled Castes and Scheduled Tribes.<sup>33</sup> The Control Room has been vested with the function to receive crime wise details of cases of atrocities against the members of Scheduled Castes and Scheduled Tribes from the States and Union Territories. The State Governments and Union Territories have also been advised to report to the Control Room the incidents of atrocities as and when occur in their states/Union Territories. During the year 1993 (upto the end of October) the Control Room had received the total number of 13130 cases of atrocities against the Scheduled Castes and 2445 against Scheduled Tribes from various States and Union Territories (Tables 5 and 6). It "has succeeded in a number of cases in getting the accused persons arrested and relief provided to the victims/families of atrocities".<sup>34</sup>

(3) National Commission for SCs and STs:

In pursuance of the Constitution 65th Amendment Act, 1990, a National Commission for Scheduled Castes and Scheduled Tribes replacing the erstwhile Commissioner for Scheduled Castes and Scheduled Tribes has been constituted with effect from 12.3.1992 with wider functions and powers. The National Commission consists of a Chairperson, Vice Chairperson and five other Members.<sup>35</sup> The main functions of the Commission are to investigate and monitor all matters relating to the safeguards provided for the SCs and STs, participate and advise in the planning process of socio-economic development of SCs and STs, discharge such other functions in relation to the protection, welfare development and advancement of the SCs and STs and to make such reports/recommendations as to steps that should be taken by the Union or the State(s) for effective implementation of the safeguards.<sup>36</sup>

It has been made obligatory on the Union and State Governments to consult the Commission in respect of any policy measures affecting the SCs and STs.<sup>37</sup>

VI

But these governmental efforts are not sufficient. The members of Scheduled Castes and Tribes must unite to fight and defend their rights. It is their united will and determination to fight and defend their rights which will help them in achieving their goal of

social equality.<sup>38</sup> All progressive forces in the country and all those who believe in social justice should come to help and co-operate Scheduled Castes and Scheduled Tribes in their struggle against atrocities and social oppression. This is not merely a humanitarian task, but the very interests of the country's development and national advance require such co-operation and help from all progressive and democratic sections.<sup>39</sup> As long as a considerable section of our people is forced to live a life of utter misery and is denied even the basic civil rights, there can not be any national progress in the real sense.<sup>40</sup> Hence the struggle against atrocities and social oppression is really a national struggle in which all progressive sections of our people should participate.<sup>41</sup>

## VII

### Economic Condition

A very large number of Scheduled Castes and Scheduled Tribes are languishing at the bottom of the economic pyramid. In rural areas, in 1977-78, the percentage of Scheduled Caste population below the poverty line was 44.7 and of Scheduled Tribe population 52.6, as compared to the All-India percentage of 33.4.<sup>42</sup> The comparative picture in the incidence of poverty during the period 1977-78 to 1987-88 is given below:

Table - 7

Year	(in percentage)		
	Total population	Scheduled Castes	Scheduled Tribes
1977-78	51.2	64.6	72.4
1983-84	40.4	53.1	58.4
1987-88	33.4	44.7	52.6

Source: Eighth Five Year Plan (1992-97), Vol. 1, Planning Commission, Government of India, p. 420.

Thus, while there has been a reduction in the percentage of population below the poverty line in the case of both Scheduled Castes and Scheduled Tribes, the incidence of poverty among them is still very high. Most of the Scheduled Caste and Scheduled Tribe families do not own land or other productive assets.<sup>43</sup> They constitute bulk of agricultural landless workers, construction workers and workers in the unorganised sector. They suffer from long periods of employment and under-employment.<sup>44</sup> They are also handicapped due to non-enforcement of protective laws such as the Minimum Wages Act and Prevention of Land Alienation Acts. Inequality and exploitation of Scheduled Castes and Scheduled Tribes, particularly in the rural areas, whether in the form of bonded labour or in other forms, both latent and manifest, still continue.<sup>45</sup> Poverty, ignorance, lack of options in employment opportunities and non-existence of organisations which can fight for their rights, facilitate the continuance of age old exploitation.<sup>46</sup>

Scheduled Caste and Scheduled Tribe families have often not been able to derive the full benefit of developmental programmes. Wrong identification of beneficiaries, poor selection of projects, unrealistic and simplistic assumptions in regard to their viability, administrative costs, and leakages have been other problems which have been further compounded by a largely unresponsive administrative structure.<sup>47</sup>

### VIII

#### Measures for economic development of Scheduled Castes and Scheduled Tribes in the Eighth Plan.

(1) The Eighth Plan has emphasised strengthening of activities of the Scheduled Caste and Scheduled Tribe Development Corporations "to enable proper identification of beneficiaries; selection of projects in non-traditional as well as traditional areas and matching them with the capabilities of the beneficiaries; provide financial assistance in the form of margin money or direct loan on concessional rate of interest in order to lessen the burden of repayment liability; facilitate the flow of credit through financial institutions for these projects; ensure tie-up with poverty alleviation programmes like IRDP; provide infrastructure support where necessary to enable the group of beneficiaries to take up their own ventures in a common work place; organise training in different skills to the target group, arrange for inputs such as supply of raw-material, marketing of finished

goods, etc. ; and monitor the implementation of the projects".<sup>48</sup>

(2) The Eighth Plan has laid emphasis on a time-bound programme which would be completed within the plan period to achieve complete elimination of scavenging. The objective would be achieved by "(1) making provisions of flush latrines mandatory in every house in urban areas and (ii) providing alternative work opportunities to those presently engaged in scavenging".<sup>49</sup>

(3) The National Scheduled Castes and Scheduled Tribes Finance and Development Corporation has been instructed to take up projects for the benefit of Scheduled Castes and Scheduled Tribes.

(4) The Tribal Cooperative Marketing Development Federation has been advised to "organise collection and marketing of minor forest produce in such a way as to ensure reasonable returns to tribals".<sup>50</sup> The Eighth Plan stressed the need for formulation of a new policy on Minor Forest produce in relation to the Scheduled Tribes.

(5) In order to provide Scheduled Castes and Scheduled Tribes with self-employment the Eighth Plan has emphasised the development of their productive and managerial skills through training and entrepreneurial development programmes.

(6) The Eighth Plan aimed at providing increased access to credit from banks and cooperative institutions to minimise dependence of the Scheduled Castes and Scheduled Tribes on money lenders/traders.

(7) The Eighth Plan emphasised "schemes on watershed basis, in which sectoral programmes like agriculture, forestry, horticulture, infrastructural and social services facilities will be interwoven in an integrated and viable manner to enable the shifting cultivators to take to settled cultivation".<sup>51</sup>

(8) An attempt has been made in the Eighth Plan to reach development benefits to forest villages. It has been said that "arrangements for review, on a regular basis, of the functioning of developmental schemes in forest villages for their all-round development, keeping in tune with environmental pollution, will be made".<sup>52</sup>

## IX

### Educational Condition

The educational advancement helps the Scheduled Castes and Scheduled Tribes to take advantage of the measures under third category, especially of employment reservations. Education is not only a means for betterment of their position in life but is also indicative of their socio-economic status. Therefore, the government has adopted a number of educational schemes for educational development of Scheduled Castes and Scheduled Tribes.

### Educational Schemes for SCs and STs

#### 1. Post-Matric Scholarship

Under this scheme scholarship is paid to the Scheduled Caste and Scheduled Tribe students to pursue post matriculation and higher

education by the State Governments/UT Administrations in accordance with the guidelines laid down by the Government of India who provide the funds for the plan scheme on 100% basis. In 1992-93, Central assistance amounting to Rs. 54.19 crores was released to the States/UTs. The allocation in 1993-94 was Rs. 72.40 crores.<sup>53</sup>

The scheme started with a low coverage of 114 scholarships to SC students in 1944-45 and 89 scholarships to ST students in 1948-49.<sup>54</sup> Since then, the coverage of the scheme has increased to an anticipated 16.80 lakh students in 1992-93.<sup>55</sup>

## 2. Pre-Matric Scholarship

The main objective of this scheme is to provide good quality education to children of those engaged in unclean occupations like scavenging, tanning and flaying, by keeping them away from the dirty and unhygienic surroundings under which their parents live.<sup>56</sup> The scheme was started in 1977-78. Central assistance is provided to the State Governments on 50:50 basis. The scheme covers day scholars from Class I to X, for whom the scholarship rates are Rs. 25/- per month for classes I to V, Rs. 40/- for classes VI to VIII and Rs. 50/- per month for classes IX and X.<sup>57</sup> The scholarship rates for hostellers in classes III to VIII is Rs. 200/- per month and Rs. 250 per month for those in classes IX and X. The scholarship is provided for 10 months in a year.<sup>58</sup> An ad hoc grant of Rs. 500/- per annum per scholar is also provided.<sup>59</sup>

A provision of Rs. 14 crores had been made under the scheme during 1993-94, out of which Rs. 3.51 crores had been sanctioned to

the concerned State Governments/UT Administrations for 74,836 students.<sup>60</sup> The coverage under the scheme was 99,912 in 1991-92 and 1,43,752 in 1992-93.<sup>61</sup>

### 3. Book Banks

The book banks scheme, started in 1978-79, provides financial assistance to Scheduled Caste and Scheduled Tribe students to pursue medical/engineering courses. The scheme is implemented through State Governments/UT Administrations. In 1992-93, an amount of Rs. 67.32 lakhs was released under the scheme so as to cover 11,582 students.<sup>62</sup> An allocation of Rs. 5.60 crores had been made for the year 1993-94, of which Rs. 1.47 crores had been sanctioned for coverage of 11,595 additional students.<sup>63</sup>

### 4. Girl's Hostels

This scheme was started during the third Five Year Plan. The expenditure on this scheme is shared by the centre and the states on a matching basis of 50:50 for construction of hostel buildings. In 1992-93 Rs. 5.33 crores were released for the construction of 177 hostels/extensions for 9547 inmates.<sup>64</sup> The allocation for 1993-94 was Rs. 6.00 crores, of which Rs. 1.74 crores had been sanctioned for 47 hostels with 4220 inmates.<sup>65</sup>

### 5. Boy's Hostels

This scheme was started in 1989-90 and is identical to the scheme of Girl's Hostels for Scheduled Castes and Scheduled Tribes. In 1992-93 Rs. 5.00 crores were released for the construction of 200 hostels/extensions for 10,271 inmates.<sup>66</sup> The allocation for 1993-94 was Rs. 6.00 crores, of which Rs. 1.39 crores had been sanctioned for 26 additional hostels with 1460 inmates.<sup>67</sup>

### 6. Ashram School in TSP Area

The centrally sponsored scheme of establishment of Ashram Schools in Tribal Sub-Plan Areas, introduced in 1990-91, provides environment conducive to learning to the Scheduled Tribe children and is to reduce drop out rates at primary, middle and secondary classes. Under this scheme, central assistance is provided to the State Governments on 50:50 basis and to UT Administrations on 100% basis for construction of Ashram building and upgradation of existing Ashram Schools.<sup>68</sup>

During 1990-91 to 1992-93, a total amount of Rs. 6.56 crores was released to the states for construction of 143 Ashram Schools.<sup>69</sup> The allocation during 1993-94 was Rs. 2.5 crores out of which Rs. 0.86 crores had been sanctioned till December 1993 for 4 Ashram Schools.<sup>70</sup>

Despite these schemes and increase in Financial allocation for these over the years educationally the Scheduled Castes and Scheduled tribes are far behind the general population in India. Their level of literacy is still very low. Their enrolments at

primary, middle, secondary and higher education are not commendable. Drop-out rates are also high among them.

## X

Position of literacy

Although the rate of literacy among Scheduled Castes and Scheduled Tribes has no doubt increased over the years but the levels are still very low. The gap in literacy between Scheduled Castes, Scheduled Tribes and the rest of the population has been increasing as is evident from the following table.

Table - 8

All India literacy rate of Scheduled Castes and Scheduled Tribes (Percentage)

Year	SCs	STs	Rest of the population	Gap between the population and	
				SCs	STs
1961	10.27	18.53	27.86	17.59	19.33
1971	14.67	11.30	33.80	19.13	22.50
1981	21.38	16.35	41.22	19.84	24.87
1991	37.41	29.60	-	-	-

Source: Eighth Five Year Plan (1992-97), Vol. 1, Planning Commission, Government of India, p. 420 and Annual Report (1993-94) Department of Education, Ministry of Human Resource Development, Government of India, pp 274-75.

The State/UT wise literacy rates for Scheduled Castes and Scheduled Tribes, according to 1991 census, are given in Table 9 . It may be seen therefrom that literacy percentage among Scheduled Castes in Rajasthan, Uttar Pradesh, Andhra Pradesh, Madhya Pradesh and Orissa is below the all India literacy percentage of Scheduled Castes. The position in case of Scheduled Tribes in comparison to the all India literacy percentage of Scheduled Tribes is low in Andhra Pradesh, Rajasthan, Madhya Pradesh, Orissa, Bihar, West Bengal, Tamil Nadu and Dadra & Nagar Haveli.

## XI

### Enrolment

The enrolment ratio of the Scheduled Caste children in classes I-V and VI-VIII during 1992-93 was reported to be 110.58% and 59.97% respectively (Table 10). Table 10 indicates that there was inter-state variation in the enrolment of Scheduled Caste children. For instance, while Maharashtra had an enrolment ratio of 284.18%, Arunachal Pradesh had only 21.71%. The figures relating to enrolment reveal that primary education is highly negligible among Scheduled Caste girls in states like Arunachal Pradesh, Bihar, Rajasthan and Uttar Pradesh. In these states the enrolment ratio of girls in Primary classes was much low in comparison to all India enrolment ratio of girls.

There was also variation in case of enrolment of Scheduled Castes in classes VI-VIII amongst different states. For instance, the enrolment in Arunachal Pradesh was only 1.21% and in Bihar, Rajasthan and Uttar Pradesh it was 24.61%, 38.78% and 35.07% respectively.

So far as higher education was concerned, the enrolment figures during 1992-93 for Scheduled Castes were not commendable in any state except Andhra Pradesh, Gujrat, Karnataka, Maharashtra, Tamil Nadu, Uttar Pradesh and West Bengal (Table 11).

The position about enrolment of the Scheduled Tribe children in classes I-V and VI-VIII during 1992-93 was also quite variable (Table 12). The level of enrolment in classes I-V in Bihar, Madhya Pradesh and Orissa, which, according to 1991 census, constitute 42.8% tribal population of India, was 86.13%, 76.93% and 98.86% respectively. The enrolment of girls in primary classes in these states was 68.09%, 59.40% and 65.22% respectively, which was quite low. The enrolment was high in Lakshadweep (159.72%) and Tripura (152.72%).

The enrolment ratio of the Scheduled Tribes in classes VI-VIII was low in Bihar (30.49%), Goa (3.62%), Madhya Pradesh (30.22%), Meghalaya (37.33%), Orissa (34.78%) and Rajasthan (36.01%). It was high only in Himachal Pradesh (73.62%), Mizoram (77.67%) and Tripura (77.17%). In these three states, however, the enrolment of Scheduled Tribes in higher education during 1992-93 was far from satisfactory. The position was also bad in some other

states like Arunachal Pradesh, Goa, Kerala, Punjab, Tamil Nadu, Uttar Pradesh and West Bengal (Table 11).

## XII

### Drop out

A large number of Scheduled Caste and Scheduled Tribe children discontinue their studies before they complete the level for which they were enrolled. In its report (1985) the Tata Institute of Social Sciences, Bombay, which conducted a study of 'Wastage and Stagnation in Education among the Scheduled Castes and Scheduled Tribes in Maharashtra', pointed out that there are three main reasons for discontinuing studies by the Scheduled Caste and Scheduled Tribe children. These are "(a) the child being required to help at home, (b) Poverty and inability to afford education and (c) their lack of interest in education".<sup>71</sup> Drop out rates in 1989-90 for classes I-V were 50.32% in case of Scheduled castes and 66.66% in case of Scheduled Tribes. In classes I-VIII the drop out rates for Scheduled castes and Scheduled Tribes were 68.47% and 81.40% respectively and in classes I-X these were 80.21% and 88.25% respectively.<sup>72</sup>

## XIII

### Measures for Educational development of SCs and STs during Eighth Plan period -

The Eighth Plan has emphasised steps to tackle the problems at both pre-mature and post-mature stages, such as high drop-out,

stagnation, non-enrolment of girl students and uneven growth amongst specified communities. At the pre-mature stage, emphasis has been laid on expansion of "programmes covering scholarship, boarding grants, hostel facilities, free supply of books, stationary and uniform and mid day meals."<sup>73</sup> The Eighth Plan stressed the need for working out an appropriate package of services "to promote literacy and raise the level of education of communities where the current level is low".<sup>74</sup> The retention of Scheduled Caste and Scheduled Tribe girl children in school has received special attention in the Eighth Plan.

The post-matric scholarship scheme, which is in operation since 1944-45, has been helping the students from Scheduled Caste and Scheduled Tribe communities for pursuing higher education. The rates of scholarship under this scheme have been increased from time to time, but no structural changes have been made for increasing employment opportunities. To rationalise the scheme the attempt during the Eighth Plan would be to "(i) Provide guidance with reference to employment opportunities and offering appropriate incentives for courses which have a larger market demand; (ii) improve the performance, if necessary by prescribing minimum standards; and (iii) identify causes for inter-caste/tribe variation in availing benefits under the scheme and chalk out appropriate remedial action".<sup>75</sup>

For the educational development of Scheduled Tribes the Eighth Plan has laid special emphasis on certain measures which

include continuation of existing programmes for pre-matric and post-matric education, expansion of residential schools, including ashram schools, opening of primary schools in tribal areas as envisaged in the National Policy on Education, 1986, devising of instructional materials in tribal languages at the initial stages with arrangements for switching over to the regional language, and establishment of Anganwadis, non-formal and adult education centres in tribal areas. Further, the Eighth plan emphasised that the curriculum of all stages of education would be so designed "as to create an awareness of the rich cultural identity of the tribal people as also of their enormous creative talent".<sup>76</sup>

A new scheme of Educational complex in low literacy pockets<sup>77</sup> has been launched from 1993-94 with the aim of raising the level of literacy among the women in tribal areas. The scheme envisages Residential Educational complex upto 5th standard for tribal girls with a provision for training in crafts/vocational education. An incentive of Rs. 30/- per month will be paid to the parents for sending their girl children to these residential schools. There is a provision for supply of two sets of Uniforms per year, boarding and lodging free of cost to the children and periodical medical check up. The Complex will also provide adult education to the parents of the girls in the evening. The scheme is being implemented through non-governmental organisations with 100% assistance from the central Government and with the support of the concerned state/UT in providing land wherever necessary. Till 31.12.93 Rs. 0.81 crores has been released to 13 N.G.Os (4 in

Orissa, 4 in Madhya Pradesh, one in Maharashtra and 4 in Gujrat) for setting up of thirteen educational complexes.

#### XIV

##### Representation in Public Services

The Scheduled Castes and Scheduled Tribes are also far behind the general population in their representation in public services. Though the representation of Scheduled Castes and Scheduled Tribes in Public employment has generally improved over the years, it is only in classes III and IV services that they are adequately represented. But their representation in Classes I and II services remains dismal due to non-availability of qualified candidates.

##### Representation in Central Government Services

The representation of Scheduled Castes and Scheduled Tribes in Central Government services is shown in Table 13. The representation of Scheduled Castes in Class IV of Central Government services was above the stipulated level in 1971 and that level has been attained for class III services by 1991. The representation of Scheduled Tribes in both Classes III and IV during 1971-91 period was however deplorably poor. In so far as classes I and II services are concerned the representation of both Scheduled castes and Scheduled Tribes is far from satisfactory. The proportion of representation during the same period for class I services has increased in case of Scheduled Castes from 2.58% to 9.09% only and in case of Scheduled

Tribes from 0.41% to 2.53% only. For Class II services the proportion of representation for Scheduled Castes has arisen from 4.06% to 11.82% only and for Scheduled Tribes from 0.43% to 2.35% only. The representation of Scheduled castes and Scheduled Tribes at both these levels remains dismal despite a big jump in statistical terms.

Table 13

Percentage of Scheduled Caste/Tribe representation  
in Central Government Services-

Category	<u>Scheduled Castes</u>		<u>Scheduled Tribes</u>	
	1.1.71	1.1.91	1.1.71	1.1.91
Class I	2.58	9.09	0.41	2.53
Class II	4.06	11.82	0.43	2.35
Class III	9.59	15.65	1.70	4.98
Class IV	18.37	21.24	3.65	6.82

(excluding sweepers)

Source : As Table 7, p. 419

Representation in Public Enterprises

The Scheduled Castes and Scheduled Tribes are also not adequately represented in Groups A and B services of Public Enterprises. While the position in Groups C and D is good, it is unsatisfactory in Groups A and B. As on 1.1.92 the representation of the Scheduled Castes in Group A was 6.59% only and in Group B

it was 9.22% only. The position of the scheduled Tribes during the same period was dismal as their representation in those categories was only 1.66% and 2.95% respectively. The position regarding representation of Scheduled Castes and Scheduled Tribes in Public Enterprises as on 1.1.92 is given below.

Table - 14

Group	Total No. of Employees	Representation of SCs/STs			
		SCs	%	STs	%
Group A	1,90,926	12,772	6.69	3,161	1.66
Group B	1,61,569	14,899	9.22	4,765	2.95
Group C	12,56,636	2,11,392	16.82	1,02,108	8.13
Group D (excluding Safai)	5,43,519	1,26,358	23.25	52,758	9.71
Total	21,52,650	3,65,421	16.98	1,62,792	7.56
Group D (Safai Karmacharis)	31,101	22,365	71.91	1,257	4.04
Grand Total	21,83,751	3,87,787	17.76	1,64,049	7.51

Source: Annual Report (1992-93), Ministry of Industry, Government of India, p. 152

### Representation in Central Ministries/Departments.

The representation of Scheduled Castes and Scheduled Tribes in Groups A and B services in a few selected Ministries/Departments is given in Table 15. It may be seen therefrom that while the position of Scheduled Castes in Group A is good in the Ministry of Industry and Department of legal Affairs under Ministry of law, it has been dismal in the Ministries of Commerce and Labour as their representation in these two ministries has not reached the stipulated level. The representation of Scheduled Tribes in Group A is poor in all the ministries. The position of Scheduled Castes and Scheduled Tribes in Group B is also far from satisfactory.

### Representation in State Government Services

The percentages of reservation for Scheduled Castes and Scheduled Tribes in the State services along with the percentages of population of Scheduled Castes and Scheduled Tribes in the States population in respect of 13 states is given in Table 16. It may be seen therefrom that in so far as Group A and B services are concerned no state has been able to achieve the quota of reservations prescribed for Scheduled Castes for its services except Gujrat (Both Group A and B) and Rajasthan (Group A only). In most of the States the representation of the Scheduled Castes in Group C services has been below the prescribed percentages except in case of Andhra Pradesh and Gujrat.

The Scheduled Castes are, however, adequately represented in Group D posts in the states of Andhra Pradesh, Gujrat, Haryana, Karnataka, Orissa, Rajasthan and West Bengal. The representation of the Scheduled Tribes is not at all satisfactory except in case of Group D posts in some states.

#### XV

To provide adequate representation of the Scheduled Castes and Scheduled Tribes in Public Services there are some special governmental schemes, such as coaching to improve their competitive ability, Dereservation of Reserved posts, and Special Recruitment Drive, 1991, for filling up back-log vacancies. Despite these schemes the scheduled castes and Scheduled Tribes are not adequately represented in public services. As they are not educationally developed, their representation in public services has not been adequate because education is a pre-condition for entry into public services. Therefore, the Eighth Five Year Plan has emphasised certain special schemes for educational development of the Scheduled Castes and Scheduled Tribes (already discussed in previous section). Let us await the implementation of these special schemes to bring the Scheduled Castes and Scheduled Tribes at par with general population in the attainment of education and representation in public services.

Table - 1

STATE/UT WISE NO. OF CASES REGISTERED UNDER THE PROTECTION OF CIVIL RIGHTS ACT, 1955  
AND THEIR DISPOSAL DURING THE CALENDAR YEAR 1991

Sl. No.	State/UT	Cases brought forwarded from previous year with		No. of fresh cases regd. by Police during the year	No. of Cases closed by Police after Investi- gation	No. of cases challenged in the Court during the year	No. of cases disposed off by the court during the year ending in		No. of cases still pending at the end of the year with Total Police Court		
		Police	Court				Convic- tion	Acqui- tial	Police	Court	
1	2	3	4	5	6	7	8	9	10	11	12
1.	Andhra Pradesh	416	453	365	190	201	28	314	342	390	312
2.	Assam	-	-	-	-	-	-	-	-	-	-
3.	Bihar	Not available									
4.	Goa	1	8	8	2	5	-	3	3	2	10
5.	Gujrat	7	317	209	13	177	-	64	64	26	430
6.	Haryana	1	-	2	1	1	-	-	-	1	1
7.	Himachal Pradesh	6	24	18	5	12	-	4	4	7	32
8.	Jammu & Kashmir	-	10	3	2	1	-	3	3	-	8
9.	Karnataka	96	1197	722	82	510	4	254	258	226	1449
10.	Kerala	6	49	24	9	11	3	15	18	10	42
11.	Madhya Pradesh	5	1305	384	145	135	13	45	58	109	1382
12.	Maharashtra	41	216	340	33	218	-	-	-	130	434
13.	Orissa	15	388	42	4	27	-	31	31	26	384
14.	Punjab	-	-	-	-	-	-	-	-	-	-
15.	Rajasthan	69	239	107	51	43	20	75	95	82	187

Contd..

Table - 1 (Contd..)

1	2	3	4	5	6	7	8	9	10	11	12
16. Tamil Nadu	-	171	914	861	214	647	29	509	538	171	1023
17. Tripura	-	-	-	-	-	Nil	1	-	-	-	-
18. Uttar Pradesh	-	34	677	296	38	170	26	39	65	122	782
19. West Bengal	-	-	-	-	-	1	-	-	-	-	1
20. Chandigarh	-	-	-	-	-	-	-	-	-	-	-
21. Delhi	-	2	14	1	-	4	1	-	1	1	17
22. Pondicherry	-	4	34	21	2	21	1	11	12	2	43
Total		874	5845	3406	791	2184	125	1367	1492	1305	6537

Source Annual Report (1993-94), Government of India, Ministry of Welfare, P.A-25.

Table - 2

STATE/UT WISE NUMBER OF CASES DISPOSED BY THE COURT DURING 1990 UNDER THE SCHEDULED CASTES AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989

Sl. No.	State/UT	No. of cases with the Police	No. of cases closed after investigation	No. of cases challenged	Total No. of cases with the court	No. of cases ending in conviction	No. of cases ending in acquittal	No. of cases pending with the court
1	2	3	4	5	6	7	8	9
1.	Andhra Pradesh	17	1	13	13	-	-	13
2.	Assam	Not Received.						
3.	Bihar	392	106	33	350	-	12	338
4.	Goa	5	1	4	4	-	-	4
5.	Gujrat	356	23	322	342	4	2	336
6.	Haryana	88	8	80	80	2	19	59
7.	Himachal Pradesh	2	-	1	1	-	-	1
8.	Jammu & Kashmir	Not Applicable						
9.	Karnataka	129	17	-	-	-	-	-
10.	Kerala	36	-	18	18	-	1	17
11.	Madhya Pradesh	1049	20	935	935	1	-	934
12.	Maharashtra	73	-	62	62	-	-	62
13.	Manipur	NIL	-	-	-	-	-	-
14.	Meghalaya	NIL	-	-	-	-	-	-
15.	Mizoram	NIL	-	-	-	-	-	-
16.	Nagaland	NIL	-	-	-	-	-	-

Contd..

Table - 2 (Contd..)

1	2	3	4	5	6	7	8	9
17. Orissa		7	-	6	6	-	-	6
18. Punjab		13	4	6	6	-	-	6
19. Rajasthan		1012	363	323	323	13	177	133
20. Sikkim		NIL	-	-	-	-	-	-
21. Tamil Nadu		4	-	3	3	-	-	3
22. Tripura		NIL	-	-	-	-	-	-
23. Uttar Pradesh		594	89	457	457	2	3	452
24. West Bengal		Not Received	-	-	-	-	-	-
25. A & N Islands		NIL	-	-	-	-	-	-
26. Arunachal Pradesh		NIL	-	-	-	-	-	-
27. Dadra & Nagar Haveli		1	-	1	1	-	-	1
28. Delhi		-	-	-	-	-	-	1
Total		3778	632	2264	2602	22	214	2366

Source: As Table 1, PP.A 30-31.

Table - 3

## ATROCITY CASES AGAINST SCs BY TYPE OF ATROCITY, ALL INDIA

Year	Murder	Grievous Hurt	Rape	Arson	Other IPC offences	Total
1991	613	1609	784	587	14227	17820
1992	662	1544	911	604	14293	18014
1993	437	1197	720	464	10312	13130
Total	1712	4350	2415	1655	38838	48964

Source: As Table 1, PP A26, A-28, A-32.

Table - 4

## ATROCITY CASES AGAINST STs BY TYPE OF ATROCITY, ALL INDIA

Year	Murder	Grievous Hurt	Rape	Arson	Other IPC offences	Total
1991	127	282	286	69	2921	3685
1992	115	262	274	93	2076	2820
1993	57	164	281	47	1896	2445
Total	299	426	841	209	6893	8950

Source: As Table 1, PP. A-27, A-29, A-33.

Table - 5STATE/UT WISE NUMBER OF CASES OF ATROCITY AGAINST SCHEDULED  
CASTES BY NON-SCs DURING 1993

(As reported upto Oct 93)

Sr. No.	States/UTs	Murder	G.Hurt	Rape	Arson	Other	Total	Upto
1	2	3	4	5	6	7	8	9
1.	Andhra Pradesh	30	185	45	15	288	563	Aug.
2.	Assam		Not received.					
3.	Bihar	15	37	27	37	415	531	July.
4.	Goa	-	-	-	-	6	6	Sept.
5.	Gujrat	21	52	21	11	1107	1212	Sept.
6.	Haryana	9	8	19	-	26	62	Oct.
7.	Himachal Pradesh	2	5	6	3	21	37	Aug.
8.	Jammu & Kashmir	-	2	3	-	13	17	Aug.
9.	Karnataka	11	9	12	9	469	518	Sept.
10.	Kerala	5	11	21	7	311	355	Aug.
11.	Madhya Pradesh	61	130	206	36	2468	2991	Aug.
12.	Maharashtra	12	35	28	22	936	1033	Sept.
13.	Manipur	-	-	-	-	-	-	-
14.	Orissa	6	14	18	17	252	307	Aug.
15.	Punjab	1	1	4	-	-	6	Oct.

Contd..

Table - 5 (Contd..)

1	2	3	4	5	6	7	8	9
16. Rajasthan		20	99	81	66	1533	1799	Aug.
17. Sikkim		-	-	-	-	17	17	Aug.
18. Tamil Nadu		11	9	6	18	439	483	Sept.
19. Tripura		-	-	-	-	-	-	-
20. Uttar Pradesh		233	600	220	223	1998	3274	Sept.
21. West Bengal		-	-	2	-	3	5	March
22. Chandigarh		-	-	-	-	-	Nil	Oct.
23. D & N Haveli		-	-	-	-	2	2	June
24. Delhi		-	-	1	-	2	3	Sept.
25. Pondicherry		-	-	1	-	6	7	Sept.
26. A & N Islands		-	-	-	-	-	-	Sept.
27. Daman & Diu		-	-	-	-	-	-	Sept.
<b>Total</b>		<b>437</b>	<b>1197</b>	<b>720</b>	<b>464</b>	<b>10312</b>	<b>13130</b>	

Source : As Table 1, P.A32.

Table - 6

STATE/UT WISE NUMBER OF CASES OF ATROCITY AGAINST  
SCHEDULED TRIBES BY NON-SCHEDULED TRIBES DURING 1993

(As reported upto Oct. 1993)

Sl. No.	States/UTs	Murder	Violence resulting in grievous hurt	Rape	Arson	Other IPC offences	Total	Upto
1	2	3	4	5	6	7	8	
1.	Andhra Pradesh	6	18	18	1	49	92	July
2.	Assam	No received						
3.	Bihar	-	-	-	2	2	4	July
4.	Goa	Nil	Nil	Nil	Nil	Nil	Nil	Oct
5.	Gujrat	15	18	23	3	168	227	Sept
6.	Himachal Pradesh	Nil	Nil	Nil	Nil	Nil	Nil	June
7.	Jammu & Kashmir	Not received						
8.	Karnataka	3	3	2	2	86	96	Sept
9.	Kerala	1	3	9	2	44	59	Aug.
10.	Madhya Pradesh	16	67	150	13	820	1076	Aug
11.	Maharashtra	6	15	32	5	212	270	Sept
12.	Manipur	-	1	-	-	-	1	Oct
13.	Orissa	2	3	11	-	98	114	Aug
14.	Rajasthan	7	35	25	18	405	490	Aug
15.	Sikkim	1	1	-	-	5	7	Aug
16.	Tamil Nadu	-	-	-	1	1	2	July
17.	Tripura	Nil	Nil	Nil	Nil	Nil	Nil	Sept
18.	Uttar Pradesh	Nil	Nil	Nil	Nil	Nil	Nil	Sept
19.	West Bengal	-	-	1	-	-	1	March
20.	A & N Islands	Nil	Nil	Nil	Nil	Nil	Nil	Sept
21.	Demam & Diu	Nil	Nil	Nil	Nil	Nil	Nil	Sept
22.	Dadra and N.Haveli	-	-	-	-	6	6	Oct
Total		57	164	281	47	1896	2445	

Source: As Table 1, p.A32.

Table - 9

STATE/UT WISE LITERACY RATES OF SCHEDULED CASTES  
AND SCHEDULED TRIBES (1991 Census)

States/UTs	Scheduled Castes	Scheduled Tribes
1. Andhra Pradesh	31.59	17.16
2. Arunachal Pradesh	57.27	34.45
3. Assam	53.94	49.16
4. Bihar	19.49	26.78
5. Goa	58.73	42.91
6. Gujrat	61.07	36.45
7. Haryana	39.22	-
8. Himachal Pradesh	53.20	47.09
9. Jammu & Kashmir	-	-
10. Karnataka	38.06	36.01
11. Kerala	79.66	57.22
12. Madhya Pradesh	35.08	21.54
13. Maharashtra	56.46	36.79
14. Manipur	56.44	53.63
15. Meghalaya	44.27	46.71
16. Mizoram	77.92	82.71
17. Nagaland	-	60.59
18. Orissa	36.78	22.31
19. Punjab	41.09	-
20. Rajasthan	26.29	19.44
21. Sikkim	51.03	59.01
22. Tamil Nadu	46.74	27.89
23. Tripura	56.66	40.37
24. Uttar Pradesh	26.85	35.70
25. West Bengal	42.21	27.28
26. A & N Islands	-	56.62
27. Chandigarh	55.44	-
28. D & N Haveli	77.64	28.21
29. Daman & Diu	79.18	52.91
30. Delhi	57.60	-
31. Lakshadweep	-	80.58
32. Pondicherry	56.26	-
INDIA	37.41	29.60

- Notes: 1. Census was not held in Jammu and Kashmir.  
 2. Scheduled Castes Population do not exist in A & N Islands, Lakshadweep and Nagaland.  
 3. Scheduled Tribes Population do not exist in Chandigarh, Delhi, Haryana, Pondicherry and Punjab.

Source: Annual Report (1993-94), Department of Education, Ministry of Human Resource Development, Government of India, pp. 274-75.

Table - 10

ENROLMENT RATIO OF STUDENTS BELONGING TO SCHEDULED  
CASTE - 1992-93

STATE/UNION TERRITORY	CLASSES I-V(6-11 YEARS)			CLASSES VI-VIII(11-14 YEARS)		
	BOYS	GIRLS	TOTAL	BOYS	GIRLS	TOTAL
Andhra Pradesh	162.74	128.92	146.05	79.85	45.76	62.98
Arunachal Pradesh	29.55	13.96	21.71	1.59	.81	1.21
Assam	245.87	207.30	227.09	145.54	127.10	136.59
Bihar	100.15	43.72	72.42	37.65	11.31	24.61
Goa	127.11	109.78	118.43	82.33	57.36	69.82
Gujrat	197.99	157.63	178.20	117.51	70.40	94.40
Haryana	110.82	94.32	102.79	66.63	40.70	54.29
Himachal Pradesh	133.28	112.61	122.95	99.25	68.21	83.79
Jammu & Kashmir	108.44	81.55	95.30	83.60	63.48	73.83
Karnataka	143.55	119.80	131.97	69.63	45.72	57.89
Kerala	112.66	109.74	111.22	118.12	114.98	116.58
Madhya Pradesh	121.63	88.78	105.80	92.26	27.57	60.96
Maharashtra	304.41	263.29	284.18	181.93	125.93	154.72
Manipur	137.47	148.83	142.94	78.77	74.72	76.78
Meghalaya	282.23	227.57	254.88	225.85	148.98	186.92
Mizoram	-	-	-	-	-	-
Nagaland	-	-	-	-	-	-
Orissa	162.93	109.57	136.99	74.26	46.81	60.78
Punjab	141.14	121.87	131.88	68.08	49.33	59.15
Rajasthan	102.37	40.85	72.46	62.70	13.38	38.78
Sikkim	126.42	114.28	120.42	42.12	40.61	41.39
Tamil Nadu	157.95	137.11	147.78	111.87	85.48	98.95
Tripura	170.53	146.61	158.70	100.76	74.60	87.99
Uttar Pradesh	85.85	40.27	64.21	52.63	15.51	35.07
West Bengal	140.65	125.59	133.27	83.01	77.31	80.19
A & N Islands	-	-	-	-	-	-
Chandigarh	119.13	107.67	113.68	76.63	73.97	75.40
D & N Navelli	89.71	88.06	88.92	77.00	62.02	69.82
Daman & Diu	-	-	-	-	-	-
Delhi	112.95	99.92	106.93	73.15	62.50	68.31
Lakshadweep	-	-	-	-	-	-
Pondicherry	179.54	188.21	183.83	172.75	161.72	167.28
INDIA	127.99	92.18	110.58	75.07	44.04	59.97

Source: As Table 9, p. 283.

Table - 11

ENROLMENT OF SCHEDULED CASTES AND SCHEDULED TRIBES IN  
HIGHER EDUCATION 1992-93

States/UTs	Scheduled Castes			Scheduled Tribes		
	Boys	Girls	Total	Boys	Girls	Total
1. Andhrapradesh	23256	7439	30695	3286	835	4121
2. Arunachal Pradesh	0	0	0	1091	232	1323
3. Assam	6242	2471	8713	6900	2624	9524
4. Bihar	0	0	0	0	0	0
5. Goa	67	32	99	13	1	14
6. Gujrat	19890	8880	28770	17890	10725	28615
7. Haryana	5784	743	6527	0	0	0
8. Himachal Pradesh	1288	324	1612	446	120	566
9. Jammu & Kashmir	830	345	1175	0	0	0
10. Karnataka	22240	6932	29172	5682	1629	7311
11. Kerala	4603	4492	9095	178	77	255
12. Madhya Pradesh	16418	2949	19367	11626	2126	13752
13. Maharashtra	51542	17904	69446	10209	3226	13435
14. Manipur	270	214	484	1574	892	2466
15. Meghalaya	179	144	323	2691	1969	4660
16. Mizoram	0	0	0	1014	463	1477
17. Nagaland	0	0	0	1859	956	2815
18. Orissa	4777	1011	5788	3678	812	4490
19. Punjab	6880	4780	11660	9	1	10
20. Rajasthan	5066	299	5365	3675	111	3786
21. Sikkim	0	0	0	0	0	0
22. Tamil Nadu	26546	13137	39683	500	303	803
23. Tripura	780	303	1083	308	122	430
24. Uttar Pradesh	53580	4091	57671	1253	505	1758
25. West Bengal	17364	7753	25117	775	284	1059
26. A & N Island	0	0	0	36	21	57
27. Chandigarh	470	164	634	87	17	104
28. D & N Haveli	0	0	0	0	0	0
29. Daman & Diu	15	4	19	84	23	107
30. Delhi	5286	3012	8298	421	252	673
31. Lakshadweep	0	0	0	0	0	0
32. Pondicherry	491	248	739	0	0	0

Source: As Table 9, pp. 282, 284.

Table - 12  
ENROLMENT RATIO OF STUDENTS BELONGING TO  
SCHEDULED TRIBE - 1992-93

STATE/UNION TERRITORY	CLASSES I-V (6-11 YEARS)			CLASSES VI-VIII (11-14 YEARS)		
	BOYS	GIRLS	TOTAL	BOYS	GIRLS	TOTAL
1	2	3	4	5	6	7
Andhra Pradesh	160.89	106.62	134.12	57.46	25.81	41.80
Arunachal Pradesh	130.87	92.68	111.67	53.51	33.06	43.39
Assam	149.98	128.43	139.49	73.44	60.57	67.19
Bihar	103.57	68.09	86.13	39.88	20.92	30.49
Goa	13.58	10.67	12.12	5.10	2.14	3.62
Gujrat	154.21	113.81	134.41	66.27	38.25	52.52
Haryana	-	-	-	-	-	-
Hinachal Pradesh	122.20	94.20	108.20	95.28	51.79	73.62
Jammu & Kashmir	-	-	-	-	-	-
Karnataka	136.68	111.18	124.24	60.06	38.71	49.58
Kerala	130.67	124.53	127.66	90.87	89.81	90.35
Madhya Pradesh	93.25	59.40	76.93	44.37	15.13	30.22
Maharashtra	151.18	119.54	135.62	64.68	39.14	52.27
Manipur	149.66	133.78	142.01	53.85	44.09	49.04
Meghalaya	84.16	78.36	81.26	39.33	35.39	37.33
Mizoram	147.07	141.72	144.47	80.16	75.08	77.67
Nagaland	106.50	98.18	102.41	69.35	68.41	68.89
Orissa	130.69	65.22	98.86	48.12	20.98	34.78
Punjab	-	-	-	-	-	-
Rajasthan	107.58	38.53	74.00	62.16	8.25	36.01
Sikkim	114.07	102.87	108.53	51.26	49.26	50.29
Tamil Nadu	131.08	104.39	118.05	75.97	52.75	64.61
Tripura	174.69	130.26	152.72	100.41	52.78	77.17
Uttar Pradesh	97.47	60.16	79.75	56.83	22.70	40.69
West Bengal	134.92	133.08	134.02	93.10	79.25	86.25
A & N Islands	67.39	56.24	61.61	57.94	49.28	53.68
Chandigarh	-	-	-	-	-	-
D & N Haveli	123.55	83.05	104.26	52.85	29.29	41.55
Daman & Diu	-	-	-	-	-	-
Delhi	-	-	-	-	-	-
Lakshadweep	173.74	145.70	159.72	144.13	109.65	127.45
Ponchicherry	-	-	-	-	-	-
INDIA	126.71	88.64	108.19	58.54	32.04	45.64

Source: As Table 9, p. 285.

Table -15

Representation of Scheduled Castes and Scheduled Tribes in  
Central Ministries/Departments

Ministries/ Departments	Date of represent- -ation	Total No. of employ- ees	Group A				Group B				
			SC	%age total employ- ees	ST	%age to total employ- ees	Total No. of employ- ees	SC	%age of total employ- ees	ST	%age of total employees
1	2	3	4	5	6	7	8	9	10	11	12
1. Ministry of Industry	1.1.89	223	35	15.69	9	4.03	213	17	7.98	2	0.93
2. Ministry of Commerce	31.12.91	72	4	5.55	NIL	-	197	17	8.62	3	1.52
3. Ministry of law (Department of legal affairs)	1.1.92	218	33	15.14	16	7.34	400	42	10.5	11	2.75
4. Ministry of Labour	1.1.92	1062	155	14.59	49	4.61	832	94	11.29	21	2.52

Sources: Annual Reports of Ministry of Industry, Department of Company Affairs (1989-90), p. 49,  
Ministry of Commerce, Department of Commerce (1991-92), p. 140, Ministry of Law, Justice  
and Company Affairs (1991-92) p. 30 and Ministry of labour (1992-93), p. 83, Government  
of India.

Table - 16

The percentage of representation of Scheduled Castes and Scheduled Tribes in State Services.

Sl.No.	States	Age of population (as per 1981 cen- sus)		Age of reservation prescribed		Date of represen- tation	Percentage of Reservation							
		SC	ST	SC	ST		Group A		Group B		Group C		Group D	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1.	Andhrapradesh	14.87	5.93	15	6	1.1.86	3.99	0.70	5.52	0.80	19.40	0.94	15.81	2.66
2.	Gujrat	7.15	14.22	7	4	1.1.87	9.64	5.91	11.49	4.00	17.68	8.98	41.62	15.78
3.	Haryana	19.07	-	20	-	1.7.86	5.6	-	4.7	-	8.8	-	26.2	-
4.	Karnataka	15.07	4.91	15	3	1.1.86	12.23	1.79	8.06	1.49	11.20	1.57	19.58	3.28
5.	Madhyapradesh	14.10	22.97	15(Gr.A+B) 16(Gr.B+D)	18(Gr.A+B) 20(Gr.C+D)	1.1.86	2.13	1.94	5.31	2.44	9.17	9.45	11.75	8.67
6.	Manipur	1.25	27.30	2	31	1.9.86	0.81	13.83	0.91	17.96	1.46	29.18	1.36	26.40
7.	Orissa	14.66	22.43	15	23	1.4.86	1.41	0.88	2.87	1.56	9.64	5.62	21.29	12.02
8.	Punjab	26.87	-	25	-	1.4.86	9.23	-	12.39	-	9.56	-	14.38	-
9.	Rajasthan	17.04	12.21	16	12	1.1.87	17.90	2.78	9.80	6.70	9.02	7.71	22.55	11.43
10.	Tamilnadu	18.35	1.07	18(Combin- ed for SC/ ST)		1.1.87	7.00	3.40	14.3	0.10	13.70	0.1	16.60	0.40
11.	Tripure	15.12	29.44	15	29	1.1.87	4.40	5.69	6.65	7.73	9.59	19.20	16.26	19.21
12.	Uttarpradesh	21.16	0.21	18(Gr.A+B) 25(Gr.C) 30(Gr.D)		1.1.86	7.40	0.45	7.11	0.37	13.66	0.42	17.58	0.50
13.	West Bengal	21.99	5.63	15	5	1.4.82	4.63	0.92	6.01	0.82	9.50	2.08	16.21	4.05

Source : Twenty-eighth Report of the Commissioner for SCs and STs, 1986-87, pp. 520-21.

R E F E R E N C E S

1. Quoted in the Report of National Commission on Atrocities, April 1990, p. 35.
2. Twenty Ninth Report of the Commissioner for SCs and STs 1987-89, p. 219.
3. P.Radhakrishnan, 'Ambedkar's legacy to Dalits: Has the Nation Reneged on Is promises? Economic and Political Weekly, August 17, 1990, p. 1914.
4. Ibid.
5. See Annual Report (1993-94), Ministry of Welfare, Government of India, for more details of the Act, p. 15.
6. Ibid.
7. P. Radhakrishnan, Op. cit. No. 3.
8. Ibid, pp. 15-16.
9. Ibid, p. 16.
10. Twenty Ninth Report of the Commissioner for SCs and STs, Op. cit.,<sup>No.2,</sup> p. 228.
11. Ibid, p. 257.
12. Report of the National Commission on atrocities, op. cit.,<sup>No.1,</sup> p. 7
13. Ibid.
14. Ibid, p. 9.
15. Ibid.
16. Ibid.
17. Quoted in Ibid.
18. Quoted in P. Radhakrishnan, op. cit.,<sup>No.3,</sup> pp. 1915-16.
19. Report of the National Commission on atrocities, op. cit., No. 1, p. 14.
20. Ibid.
21. Ibid.
22. Ibid, p. 16.
23. Ibid.

24. Ibid, p. 21.
25. Ibid.
26. Ibid.
27. Ibid.
28. Ibid.
29. Ibid.
30. Ibid.
31. Eighth Five Year Plan (1992-97), Vol. I, Planning Commission, Government of India, p. 423.
32. Ibid, pp. 423-24.
33. Annual Report of the Ministry of Welfare, cp. cit., No. 5, p. 16.
34. Ibid.
35. Ibid.
36. Ibid.
37. Ibid.
38. P.K. Kodian, 'Atrocities on Harijans and Weaker Sections', in A. R. Desai (ed) 'Repression and Resistance in India, Popular Prakashan, Bombay, 1990, p. 320.
39. Ibid.
40. Ibid.
41. Ibid.
42. Eighth Five Year Plan, cp. cit., No. 31, p. 419.
43. Ibid, p. 420.
44. Ibid.
45. Ibid.
46. Ibid.
47. Ibid.
48. Ibid, p. 423.
49. Ibid.
50. Ibid, p. 424.

51. Ibid, pp. 424-25.
52. Ibid, p. 425.
53. Annual Report of the Ministry of Welfare, op. cit.,  
No. 5, p. 13.
54. Ibid.
55. Ibid.
56. Twenty Ninth Report of the Commissioner for SCs and STs,  
op.,cit., No. 2, p. 307.
57. Annual Report of the Ministry of Welfare, op. cit.,  
No. 5, p. 13.
58. Ibid.
59. Ibid.
60. Ibid, p. 14.
61. Ibid.
62. Ibid.
63. Ibid.
64. Ibid.
65. Ibid.
66. Ibid.
67. Ibid.
68. Ibid, p. 22.
69. Ibid.
70. Ibid.
71. Twenty Ninth Report of the Commissioner for SCs and STs,  
op. cit., No. 2, p. 300.
72. Annual Report (1993-94), Department of Education, Ministry  
of Human Resource Development, Government of India, pp. 287-88.
73. Eighth Five Year Plan, op. cit, No. 31, P. 423.

74. Ibid.
75. Ibid.
76. Ibid, p. 424.
77. Annual Report of the Ministry of Welfare, op. cit.,  
No. 5, pp. 22-23.

## CHAPTER - VII

### Concluding Observations

The need for preferential treatment for historically disadvantaged sections of society was felt by the fathers of our Constitution. They, therefore, incorporated article 16(4) in the Constitution which empowers the State to make provision for reservation in jobs in favour of backward classes. The incorporation of this article in the Constitution was justified on the ground that the backward castes had suffered from discrimination for centuries. Later in 1951 by the First Amendment Act a new clause — Clause (4) — was added to article 15 of the Constitution empowering the States to make special provisions for the advancement of socially and educationally backward classes of citizens. Though the framers of the Constitution incorporated reservation provisions in jobs and educational institutions for backward classes, they did not define the term 'backward classes'. They left the task of determining backward classes to the state governments with ultimate review by the law courts.

In 1953 the Central Government appointed the first Backward Classes Commission under the Chairmanship of Kaka Kalelkar to determine the criteria to be adopted in considering what section of society other than Scheduled Castes and Scheduled Tribes could be considered as socially and educationally backward classes, and to prepare a list of them. But the Government did not accept the

~~the~~ recommendations of the Commission on the ground that it had not applied any objective tests to identify backward classes. In early seventies various state governments appointed Socially and Educationally Backward Classes Commissions which were asked to report what section of society should be treated as other backward classes and to recommend what special treatment should be bestowed upon them. But these Commissions could not evolve any uniform criteria to determine socially and educationally backward classes. ✓

The framers of the Constitution relied primarily on the discretion of the politicians and administrators of the future and not the courts to effect the reconciliation of the principles of equal treatment and compensatory discrimination. But the judiciary could not remain silent when the executive and the legislature used broad discretion in the application of compensatory discrimination principle. Thus the Constitution confronted both government and courts with the problem of reconciling the principles of equal treatment and the compensatory discrimination. The judiciary thus began to scrutinize the government's designation of backward classes and examine the government's schemes for the welfare of backward classes to see that these schemes do not unduly impair the rights of others.

It may be noted that the government before the judgement of the Supreme Court in Balaji case emphasised caste as the sole criterion in determining backward classes. In Balaji the Supreme Court held that the classification of backward classes based solely

<sup>caste</sup> on might not be logical. The Court observed that to be backward a class must be both socially and educationally backward. Besides, the judiciary while interpreting the compensatory discrimination policy emerged with other decisions which are as follows:

(i) Poverty is a relevant factor in determining social and educational backwardness because economic position has a direct nexus to social and educational status.

(ii) The class whose average is well or substantially below the state, average can be treated as educationally backward.

(iii) Caste and class are not synonymous. If classes are interpreted as castes, it would not be constitutional because article 15(4) refers to backward classes and not backward castes. The expression 'class' means a homogeneous section of people grouped together because of certain common attributes.

(iv) The government is not constitutionally obliged to provide reservation for backward classes.

(v) Reservation in excess of 50 per cent would not be constitutional.

The most important landmark in the identification of backward classes was the appointment of the Second Backward Classes Commission in 1978 by the Central Government under the Chairmanship of B.P.Mondal. The Commission in its report in 1980 held that the policy of reservation for OBCs should be centralised and must be at par with the Scheduled Castes and Scheduled Tribes. It is important

to note that the Commission emphasised caste in identifying socially and educationally backward classes of citizens.

The political implications of the recommendations made by the Mandal Commission were visible by 1980 when a new social configuration of Scheduled Castes, Scheduled Tribes and Other Backward Classes appeared on the scene. Social and political tensions among different sections of people holding power developed and resentment was high among upper caste people of society. As a reaction to the recommendations of the Commission the remaining part of the last decade witnessed a series of anti-reservation agitations all over the country which had influenced the electoral politics in India to a great extent.

Thus the failure of the Constituent Assembly in identification of backward classes and leaving the task by the Assembly to the politicians and administrators of the future created a problem in post-independence era and any government action in this regard faced anti-reservation protest movements which have changed the very shape of Indian politics.

Despite continuation of reservation policy for the last four decades the socio-economic position of historically disadvantaged sections of society has not improved. They are still socially and economically exploited. The protective measures like abolition of 'untouchability' under article 17 and prohibition of 'begar' or forced labour under article 23 have been undertaken by the Constitution.

Besides, the Protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 have been enacted. But in spite of these constitutional safeguards and legal measures the members of Scheduled Castes and Scheduled Tribes are subjected to various offences, indignities, humiliations and harassment. The incidence of poverty is still very high among them. Due to non-enforcement of protective laws such as the Minimum Wages Act and Prevention of Land Alienation Act the exploitation of Scheduled Castes and Scheduled Tribes, particularly in the rural areas, whether in the form of bonded labour or in other forms, still continue.

Educationally also the Scheduled Castes and Scheduled Tribes are far behind the general population. For their educational development the government has initiated schemes like pre-matric scholarship, post-matric scholarship, boy's hostel, girl's hostel etc. Despite these schemes the members of Scheduled Castes and Scheduled Tribes are still far behind the general population. According to 1991 Census, the literacy rates of Scheduled Castes and Scheduled Tribes are only 37.41 per cent and 29.60 per cent respectively. Their enrolment ratio in educational institutions is far from satisfactory. Drop out rates are also high among them. The representation of Scheduled Castes and Scheduled Tribes in public services, especially in Classes I and II services, has not been adequate due to non-availability of qualified candidates. Thus the objective for which the reservation provisions have been enshrined in the Constitution by the fathers of the Constitution has not at all been fulfilled.

Over a period of time, on the other hand, the reservation policy has assumed the form of protests and demonstrations both for and against the policy. No other public policy evoked as much controversy as this reservation policy did. The backward castes supported reservation policy on the ground that this policy can be a useful strategy to ensure justice and equal opportunity to socially and economically oppressed classes. They emphasise caste as an indicative instrument for identification of beneficiaries of reservation and reject the economic criterion as unconstitutional. The forward castes, on the other hand, reject caste-based reservation on the question of efficiency and favour reservation based on merit and economic criterion. The ruling elite has been emphasising<sup>ing</sup> the continuation of reservation policy, though the policy failed to improve overall condition of weaker sections of society, because the backward castes are considered as important vote bank which influence election results. Thus the policy of reservation has become a purely political issue and has been used by all sections of society in order to achieve their objectives.

The Ninth and Tenth Lok Sabha elections were fought on some social and economic problems of which the policy of reservation had occupied a central position. In Ninth Lok Sabha elections, 1989, all the political parties, except Congress (I), made the implementation of Mandal Commission recommendations as important part of their election manifestos. Though the Congress (I) in the Ninth Lok Sabha elections emerged as the largest party in the Lok

Sabha but it lost majority because the backward caste votes had their impact on election results. Owing to erosion in backward castes vote bank the Congress(I) lost majority.

After installation as new Prime Minister in place of Rajiv Gandhi, V.P. Singh, the leader of Janata Dal, an important constituent of National Front Government, announced in the Lok Sabha on 7 August, 1990 the implementation of 27 per cent reservation of jobs in central government and public undertakings recommended by Mandal Commission because the implementation of Mandal Commission recommendations constituted an important part of Janata Dal's manifesto in 1989 Lok Sabha elections. It may be noted that V.P. Singh emphasised caste for such reservation. However, following V.P. Singh's announcement protests and demonstrations for and against the implementation of Mandal Commission recommendations started in different parts of the country. While the South India which was accustomed to reservation for long welcomed the centre's decision, the Northern India witnessed anti-reservation agitations as a reaction to the centre's decision to implement Mandal Commission recommendations. All the political parties, even the Congress (I) which was responsible for sponsoring caste-based reservations in many states, began to talk of economic criteria.

The greatest reaction, however, came from BJP to the centre's decision. The party feared that the implementation of Mandal Commission recommendations would destroy Hindu unity. To preserve the Hindu unity Advani announced 10,000 kilometre 'rath yatra' from

Somnath to Ayodhya. During 'rath Yatra' Advani was arrested in Bihar and along with his arrest the BJP withdrew its support from the National Front Government which was constituted with the support of BJP and other parties except Congress(I). V.P. Singh was asked to prove his majority support in the Lok Sabha. November 7, 1990, was fixed as the date for vote of confidence, but V.P. lost the vote of confidence in the House. Thus the issue of reservation which V.P. Singh tried to use it as a means of mobilising support of backward castes caused his rout as Prime Minister and fall of eleventh month tenure National Front-Government.

The mistake which was responsible for the erosion of Congress (I)'s backward castes vote bank in Ninth Lok Sabha elections was rectified by the Party in Tenth Lok Sabha elections, 1991, by making the implementation of Mandal recommendations a part of its election manifesto. After coming to power Narasimha Rao Government issued a notification on 25 September, 1991 to fulfil its election commitment. In addition to 27 per cent job reservation for backward classes the Government made another 10 per cent reservation on the basis of economic criteria. This time there was no anti-reservation agitation in any part of the country as a reaction to the centre's decision to implement Mandal Commission recommendations. This clearly proved that the anti-reservationists during the regime of V.P. Singh were politically motivated and the way in which V.P. Singh who tried to emerge as 'messiah of backward classes' announced the implementation of Mandal Commission recommendation of 27 per cent job reservation

had openly sought political opportunity which made other political parties oppose his announcement. Besides, to resist another anti-reservation agitation in the country the Narasimha Rao Government satisfied the forward castes by announcing 10 per cent reservation based on economic criteria.

The Supreme Court, however, in its judgement dated November 16, 1992, struck down the Narasimha Rao Government's Order of September 25, 1991, including 10 per cent reservation based on economic criteria and raising the total reservation to more than 50 per cent and upheld the V.P. Singh's Government Order on 27 per cent quota for backward classes and 49.5 per cent overall. The Court ruled that the reservation exceeding 50 per cent would not be constitutional and that the 'creamy layer' among the backward classes must be excluded from the benefits of reservation. The Mandal Commission recommendation of 27 per cent reservation in central government services excluding 'creamy layer' became effective with a notification on September 8, 1993 by the Central Government. Thus the Congress which had opposed V.P. Singh's Government Order reserving 27 per cent jobs for backward classes as caste-based and talked of economic criteria made the order effective after coming to power.

Thus the reservation which was purely a constitutional issue in the very first decades of post-independence period became a political issue and started influencing Indian politics to a great extent since 1980 when a new social configuration of Scheduled Castes, Scheduled Tribes and Other Backward Classes appeared on the scene

following the recommendations of the Mandal Commission. These recommendations created resentment among the forward castes who opposed these on grounds of merit and efficiency in the form of anti-reservation protest movements. The situation became acute, in 1990 when the then Prime Minister V.P. Singh announced the implementation of 27 per cent reservation of jobs for backward classes. As a reaction to his announcement protests and demonstrations were started in different parts of the country causing the fall of National Front Government. Thus unless the reservation policy is carefully handled it may act as an influential factor, if not a decisive one, in Indian politics in near future as well.

Appendix - I

LISTS OF SCHEDULED CASTES AND SCHEDULED TRIBES

Under Clause (1) of Article 341 of the Constitution the President may with respect to any State or Union Territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of the Constitution be deemed to be Scheduled Castes in relation to that State or Union Territory, as the case may be. Similarly under Clause (1) of Article 342 the President may with respect to any State or Union Territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities which shall for the purposes of the Constitution be deemed to be Scheduled Tribes in relation to that State or Union Territory, as the case may be. Once these lists have been promulgated, inclusion therein or exclusion therefrom can be made only by Parliament vide Clause (2) of Articles 341 and 342.

2. The President has since issued 15 Orders as per details in the following table:

Sl. No.	Name of the Order	Date of notification of the Order	Name(s) of State(s)/ UT(s) for which the Order is applicable
1	2	3	4
<u>SCHEDULED CASTES</u>			
1.	The Constitution (Scheduled Castes) Order, 1950	10-8-1950	All the States except Jammu and Kashmir, Nagaland and Sikkim
2.	The Constitution (Scheduled Castes) (Union Territories) Order, 1951	20-0-1951	Arunachal Pradesh, Chandigarh, Delhi and Mizoram
3.	The Constitution (Jammu & Kashmir) Scheduled Castes Order, 1956	22-12-1956	Jammu & Kashmir

1	2	3	4
4.	The Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962	30-6-1962	Dadra & Nagar Haveli
5.	The Constitution (Pondicherry) Scheduled Castes Order, 1964	5-3-1964	Pondicherry
6.	The Constitution (Goa, Daman & Diu) Scheduled Castes Order, 1968	12-1-1968	Goa, Daman & Diu
7.	The Constitution (Sikkim) Scheduled Castes Order, 1978	22-6-1978	Sikkim
<u>SCHEDULED TRIBES</u>			
8.	The Constitution (Scheduled Tribes) Order, 1950	6-9-1950	All the States except Haryana, J & K, Nagaland, Punjab, Sikkim and Uttar Pradesh
9.	The Constitution (Scheduled Tribes) (Union Territories) Order, 1951	20-9-1951	Arunachal Pradesh, Lakshadweep and Mizoram
10.	The Constitution (Andaman and Nicobar Islands) (Scheduled Tribes) Order, 1959	31-3-1959	Andaman & Nicobar Islands
11.	The Constitution (Dadra and Nagar Haveli) Scheduled Tribes Order, 1962	30-6-1962	Dadra & Nagar Haveli
12.	The Constitution (Uttar Pradesh) Scheduled Tribes Order 1967	24-6-1967	Uttar Pradesh
13.	The Constitution (Goa, Daman & Diu) Scheduled Tribes Order, 1968	12-1-1968	Goa, Daman & Diu

1	2	3	4
14.	The Constitution (Nagaland) Scheduled Tribes Order, 1970	23-7-1970	Nagaland
15.	The Constitution (Sikkim) Scheduled Tribes Order, 1978	22-6-1978	Sikkim

### Criteria for Scheduled Castes

3. The very first question in relation to the lists of SCs and STs arises as to the basis on which a community is listed as a Scheduled Caste or a Scheduled Tribe. So far as the Scheduled Castes are concerned this term was used for the first time in the Government of India Act, 1935. In April 1936 the British Government issued the Government of India (Scheduled Castes) Order, 1936, specifying certain castes, races and tribes as Scheduled Castes in the then provinces of Assam, Bengal, Bihar, Bombay, Central Provinces & Berar, Madras, Orissa, Punjab and United Provinces. Prior to the Government of India Act, 1935, the term used for these communities was Depressed Classes. Though the expression Depressed Classes had been in usage before 1931, the Census Report of 1931 mentioned the following tests for classifying certain castes as Depressed Classes:

- (1) Whether the caste or class in question can be served by clean Brahmans or not.
- (2) Whether the caste or class in question can be served by the barbers, water-carriers, tailors, etc., who serve the caste Hindus.
- (3) Whether the caste in question pollutes a high caste Hindu by contact or by proximity.
- (4) Whether the caste or class in question is one from whose hands a caste Hindu can take water.
- (5) Whether the caste or class in question is debarred from using public convenience, such as roads, ferries, wells or schools.

- (6) Whether the caste or class in question is debarred from the use of Hindu temples.
- (7) Whether in ordinary social intercourse a well educated member of the caste or class in question will be treated as an equal by high caste men of the same educational qualifications.
- (8) Whether the caste or class in question is merely depressed on account of its own ignorance, illiteracy or poverty and but for that would be subject to no social disability.
- (9) Whether it is depressed on account of the occupation followed and whether but for that occupation it would be subject to no social disability.

"From the point of view of the State the important test is the right to use public convenience — roads, wells, and schools, and if this be taken as the primary test, religious disabilities and the social difficulties indirectly involved by them may be regarded as contributory only. Some importance must be attached to them, since obviously if the general public regards the persons of certain groups as so distasteful that concerted action is resorted to in order to keep them away, persons of those groups do suffer under a serious disability".

4. The above criteria, which in other words mean discrimination based on the obnoxious practice of untouchability, appear to hold good for purposes of specifying the Scheduled Castes. However, some anomalies have been observed in respect of the lists of the Scheduled Castes such as:

(i) There may be communities which do suffer from the practice of untouchability and social disabilities and may not have been included in the list of the Scheduled Castes of a State. An example may be taken from West Bengal. There is a considerable number of members of Dom community residing in Calcutta and other places as

well in West Bengal. Most of them are migrants from Bihar and Uttar Pradesh. They have been living for a long time in West Bengal and are not included in the list of the Scheduled Castes of that State.

(ii) There are some communities which are included in the list of the Scheduled Castes even though they were regarded as aboriginal tribes during the pre-Independence period and have also been declared as Scheduled Tribes after Independence in other States. For example, there are more than 10 tribal communities in the southern part of Uttar Pradesh which have not been declared as Scheduled Tribes and instead have been included in the list of the Scheduled Castes. These communities are Agariya, Baiga, Bhuiya, Chero, Gond, Kharwar, Kol, Korwa, Majnwar, Pankha (it should be Panika) and Saharya. This is typical of a situation in which the tribal communities occupying compact areas through which administrative boundaries happen to pass get divided and through chance of history may be recognised as a tribal community on one side of that line while not being so recognised on the other even though they may be otherwise indistinguishable in all respects. In fact, no Scheduled Tribes were recognised in U.P. until 1967. Even when the lists of the Scheduled Castes and Scheduled Tribes were amended through an Act of Parliament in 1976, this serious anomaly was not removed. It is hoped that whenever these lists are amended next by Parliament this and similar anomalies will be removed.

#### Criteria for Scheduled Tribes

5. Unlike the case of the Scheduled Castes where some definite criteria have been adopted for determining the status of a community as a Scheduled Caste, the issue of adopting certain definite criteria for treating a community as a Scheduled Tribe and the practical application of those criteria is complex. The expression Scheduled Tribes has been used for the first time in the Constitution only and the earlier expressions used in pre-Independence days were aboriginal tribes, backward tribes, etc. It may be mentioned in passing though that for the colonial rulers almost the entire

Indian people were backward or primitive or uncivilised and due care was not exercised in using the term tribe in an objective or scientific manner. However, it may be stated in the context of the primitive societies all over the world that there is no universal definition of a tribe acceptable to all social scientists. But in the Indian context the definition of a tribe given by the noted Indian anthropologist, the late Dr. D.N. Majumdar, has maximum acceptance. Dr. Majumdar defined a tribe as follows:

"A tribe is a social group with territorial affiliation, endogamous, with no specialisation of functions, ruled by tribal officers, hereditary or otherwise, united in language or dialect, recognising social distance from other tribes or castes but without any stigma attached in the case of a caste structure, following tribal traditions, beliefs and customs, illiberal of naturalization of ideas from alien sources; above all conscious of a homogeneity of ethnic and territorial integration".

6. It is true that due to various factors and forces and the different stages of transition through which various tribal communities have been passing, an Indian tribe today may not answer all the descriptions or characteristics included in Dr. Majumdar's definition. But we can say that if a community answers majority of these characteristics it can be treated as a tribe. In the first Report of the Commissioner for Scheduled Castes and Scheduled Tribes (1951) it was stated that the State Governments were requested to suggest tests for determining as to which of the tribes should be treated as Scheduled Tribes. In Appendix IV of that Report the criteria suggested by 14 State Governments were indicated. They offered conflicting views. However, the following appeared to be the features common to the tribes in various States:

- (i) Tribal origin
- (ii) Primitive way of life and habitation in remote and less easily accessible areas.
- (iii) General backwardness in all respects.

Source: Report of the Commissioner for SCs and STs, Twenty Eighth Report, 1986-87, pp. 548-552.

## Appendix - II

## WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

1. The Ministry of Labour has formulated several special schemes, which provide significant benefits to the members of scheduled Castes and scheduled Tribes. The schemes are as follows:

## SPECIAL SCHEMES FOR SCHEDULED CASTES/TRIBES

- (i) Coaching-cum-Guidance centres for Scheduled Castes and Scheduled Tribes.
- (ii) Strengthening of Employment Exchanges/University Employment Information and Guidance Bureau (UEIGB) for promotion of self-employment;
- (iii) Setting up of vocational rehabilitation centres for the handicapped;
- (iv) Schemes implemented under the Labour Welfare Funds;
- (v) Rehabilitation of Bonded Labour;
- (vi) Survey and Research Studies.

## COACHING-CUM-GUIDANCE CENTRES FOR SCHEDULED CASTES AND SCHEDULED TRIBES

2. The scheme was started in 1969-70. At present, twenty Coaching-cum-Guidance Centres are functioning in various States/ Union Territories. These centres provide occupational information, vocational guidance and confidence building training to the job seekers belong to Scheduled Caste and Scheduled Tribes and counselling to their parents. The applicants are provided guidance at the time of their registration with the Employment exchanges and also when they are sponsored against notified vacancies. They are given information on the job requirements and the type of tests/ interviews they are likely to undergo when called up by the employer. The Centres also follow up with the employer and get appointments made against vacancies reserved for the Scheduled Castes and Scheduled Tribes candidates. In addition, thirteen of these centres provide facilities for training in shorthand and

typing. The work done by the various Coaching-cum-Guidance Centres from January to December, 1992 is presented below:

Activity	Provisional Number of candidates covered
1. Registration Guidance	19434
2. Pre-submission guidance	4779
3. Confidence Building Programme	12568
4. Training in typing and shorthand	4082
5. Training Courses	3378

STRENGTHENING OF EMPLOYMENT EXCHANGES/UNIVERSITY EMPLOYMENT INFORMATION GUIDANCE BUREAU (UEIGB) FOR PROMOTION OF SELF EMPLOYMENT

3. This scheme was being implemented on a pilot basis as a Plan Scheme since 1983 in twenty eight selected districts. The Central Government contributed Rs. 60,000/- per district per year to meet the salaries of additional staff provided at the Employment Exchanges for guiding and motivating the job-seekers to take up self-employment. The scheme has now been converted into a Non-Plan Scheme from the financial year 1990-91. Six of 28 districts in which the scheme is being implemented are in tribal areas.

SCHEMES IMPLEMENTED UNDER LABOUR WELFARE FUNDS

4. A number of prototype schemes providing medical, housing, educational, recreational, water supply and family welfare benefits are being implemented for workers in mica, iron ore, chrome ore, limestone and dolomite mines and beedi workers under the Labour Welfare Funds. Some of these schemes have special dispensation for the Scheduled Castes and Scheduled Tribe Workers. These are outlined below:

- (i) Under the Type I and Type II housing schemes for different mine workers. 15% of the houses built by the mine management are reserved for the Scheduled Castes and Scheduled Tribes.
- (ii) Under the Build Your Own House Scheme for beedi workers, the exclusive ownership of land is not insisted upon and plots of smaller size are also considered in case of Scheduled Castes and Scheduled Tribes, who are allotted land by the State Governments and local bodies.
- (iii) Under the scheme for award of scholarships to wards of miners and beedi workers, 33.1/3 per cent of the total number of scholarships are reserved for weaker sections of workers, including Schedule Castes and Schedule Tribes.
- (iv) Under the scheme of providing financial assistance for supply of one set of dress and for providing Slates, Text Books, Note Books etc. 18 per cent of the financial assistance is reserved for the Scheduled Castes and Scheduled Tribes.

Source: Annual Report (1992-93) Ministry of Labour, Government of India, pp. 81-82.

# BACKWARD CLASSES DEVELOPMENT

The office memoranda dated 13th August, 1990 and 25th September, 1991 issued by the Government of India, providing for reservation in Civil Services and Posts for Socially and Educationally Backward Classes and other Economically Backward Sections not covered by any of the existing schemes of reservation, were challenged through various Writ Petitions.

The Supreme Court upheld the O.M. of 13th August, 1990, providing for reservation for OBCs in Government jobs subject to the exclusion of the socially advanced persons/sections (described by it as the 'creamy layer') from the notified "other backward classes". The Supreme Court directed the Government of India as well as the State Governments and the Union Territories to specify the bases for excluding the 'creamy layer' from the Other Backward Classes. It also directed the Government of India as well as each of the State Governments and the Administrations of Union Territories to constitute a permanent body for entertaining, examining and recommending upon requests for inclusion and complaints of over and under-inclusion in the lists of Other Backward Classes of citizens.

## 'Creamy Layer'

The Government set up an Expert Committee on 22 Feb. 1993 for recommending the socio-economic criteria for identification of socially advanced persons/sections ('creamy layer'). The Committee submitted its report on 10 March, 1993 which was accepted by the Government and tabled in both Houses of the Parliament on 16 March 1993.

## Discussion with Political Parties

In view of the apprehension expressed by various political parties that the application of the criteria suggested by the Expert Committee might result in exclusion of large number of OBCs from the benefits of reservation, the views of the political parties on the issue were sought and the matter was subsequently discussed in a meeting with the leaders of the political parties on 28th June, 1993. Barring two parties, namely, the Janata Dal and the Telugu

Desam Party, who were in favour of deferring the application of 'creamy layer' criteria for a period of ten years, there was consensus in favour of skimming off the 'creamy layer'. However, in respect of agriculturists it was urged that the criteria be further liberalised.

## Government decision on 'Creamy layer'

The cut-off limit of exclusion of 'creamy layer' among the agriculturists, was increased from 65% to 85% (in terms of irrigated land ceiling prescribed under the State land ceiling laws). The other parameters of the Expert Committee remained unchanged.

## OM, of 8.9.1993

An amended OM (in replacement of the OM of 13th August, 1990) was issued on 8th Sep. 1993 providing for reservation of 27% of the vacancies in civil posts and services under the Government of India for the OBCs, subject to the exclusion of the 'creamy layer'.

## List of Other Backward Classes

The OM of 8th September, 1993 provided that for the purpose of the aforesaid reservation, the OBCs would comprise, in the first phase, the castes and communities which are common to both the lists in the report of the Mandal Commission and the State Governments' Lists.

The Government accordingly notified the lists of Other Backward Classes on 10th Sep 1993 in respect of 14 States, namely, Assam, Andhra Pradesh, Bihar, Goa, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Maharashtra, Madhya Pradesh, Punjab, Tamil Nadu and Uttar Pradesh which had notified lists of OBCs for reservation in State services as on the date of judgment of the Supreme Court. These States together account for 30% population of the country. Subsequently, the States of Rajasthan and Orissa have also notified the lists of OBC's and the State of Sikkim has identified the list of OBC's:

In respect of those States/UTs where lists of OBCs

for reservation in State services did not exist, the State Governments/UT Administrations have initiated necessary action to identify the OBCs

**Permanent Commission for Backward Classes**

The National Commission for Backward Classes Act, 1993 has been enacted to provide for setting up of a permanent body at the Centre to recommend, from time to time, inclusion and/or exclusion of any caste/community from the lists of OBCs. The recommendations of the Commission would be ordinarily binding on the Government. The Commission has been constituted on 14th August, 1993 with Justice R.N. Prasad (Retd.) as the Chairperson.

**Reservation for Economically Backward Sections**

The Court has declared that the reservations of 10% of the posts in favour of other economically backward sections of the people, who are not covered by any of the existing schemes of reservation, is constitutionally invalid. Government will examine full implications of this verdict and in this process consult all political parties.

**Reservation in Promotion for SC/ST**

The Welfare Minister had assured both Houses of the Parliament in Dec. 1992 that there would be no immediate disturbance of the present dispensation regarding reservation in promotion for the SC/STs. He again made a statement on 19th August 1993 reiterating that the Government would take a view on the issues arising out of the judgement in the Mandal Case having regard to the constitutional obligations towards the advancement of backward class of citizens specially the SC and ST. The Department of Personnel and Training issued an order on 19th Aug. 1993 instructing all Ministries and Departments to ensure that existing provisions of reservation in promotion for SCs/STs are implemented without fail.

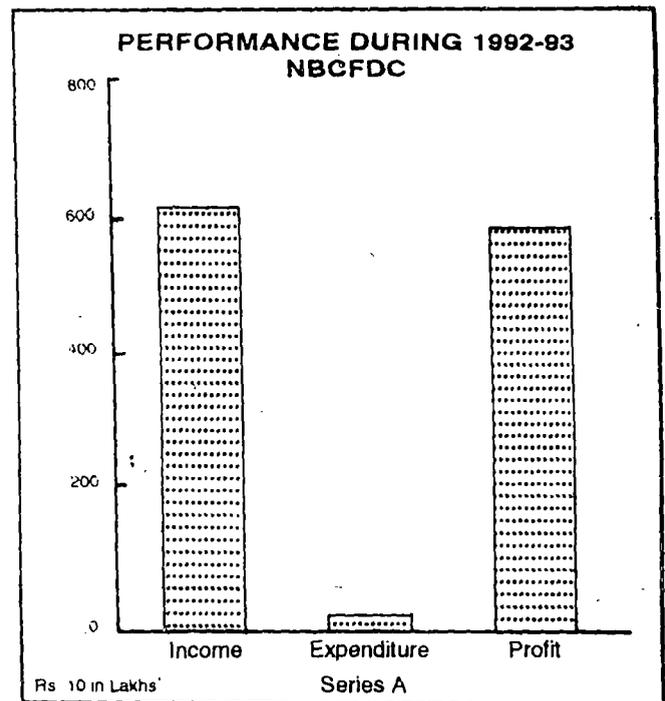
**NATIONAL BACKWARD CLASSES FINANCE AND DEVELOPMENT CORPORATION**

The National Backward Classes Finance and Development Corporation was set up on the 13th of January, 1992 as a company not for profit with an

authorised share capital of Rs. 200 crores. The main objective of the Corporation is to grant concessional finance to persons belonging to the poorer sections among the backward classes, promote their technical and entrepreneurial skills and act as an apex body for monitoring the work of all corporations and boards set up by the State Governments for the Welfare of backward classes.

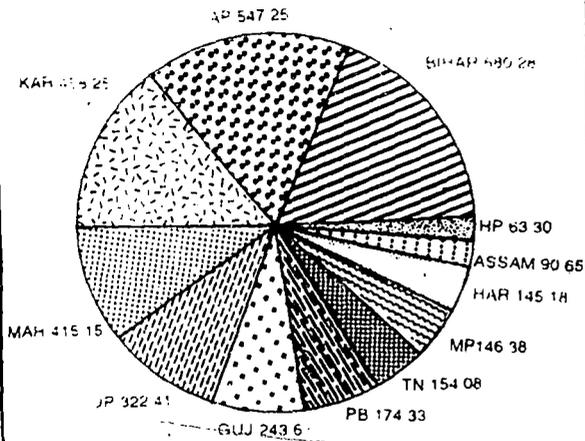
The paid up capital of the Corporation is Rs. 50 crores. A budget allocation of Rs. 32 crores has been made for the year 1993-94.

During the year 1992-93, the Corporation sanctioned loans to the tune of Rs. 34.40 crores to 25821 units and 28468 beneficiaries spread over 13 States. During the year 1993-94 the NBCFDC has set itself a target of Rs. 100 crores for sanctioning loans to the Backward Classes.



NBCFDC

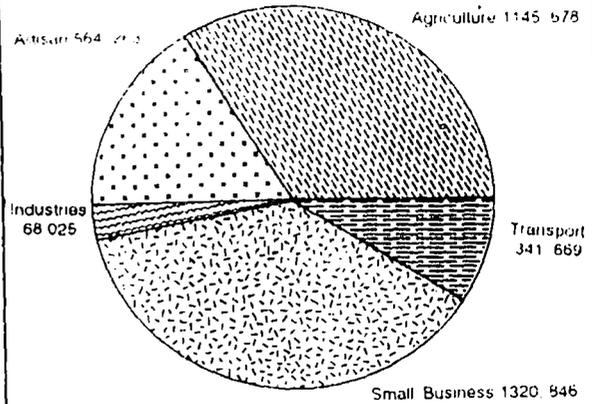
**STATE-WISE DISTRIBUTION OF LOAN SANCTIONED IN 1992-93**



Total Amount Sanctioned Rs. 3440.48 Lakh  
 Rs. 10 in Lakh, Rs. of 0.5 sanctioned to Goa, Total States 13

NBCFDC

**SECTOR-WISE DISTRIBUTION OF LOAN SANCTIONED IN 1992-93**

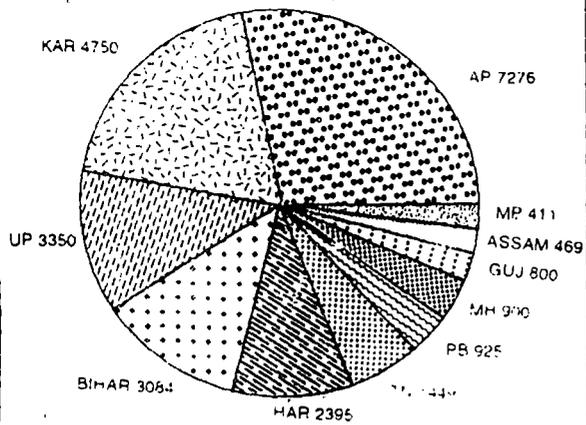


Total Loan Sanctioned Rs. 3440.46

Rs. 10 in Lakhs

NBCFDC

**NO. OF UNITS (STATE-WISE) IN 1992-93**

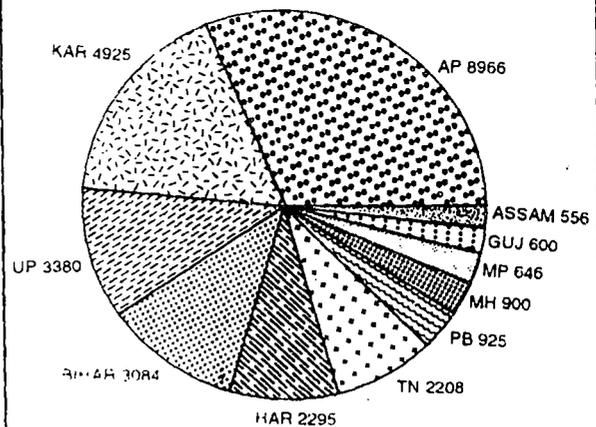


Total No. of Units 25,821

No. of States 13

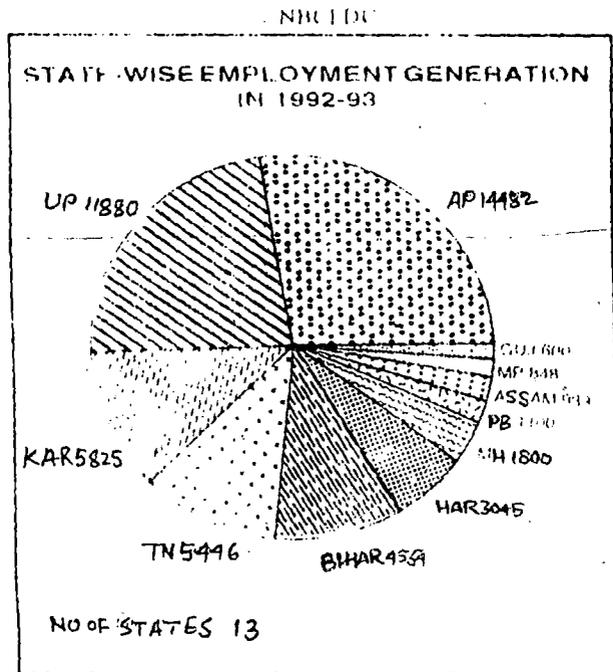
NBCFDC

**NO. OF BENEFICIARIES (STATE-WISE) in 1992-93**



Total No. of beneficiaries 28,468

No. of States 13



6. Total loans sanctioned Since inception till 10.2.94) 87.61
7. Loans disbursed Since inception till 10.2.1994 42.74
8. Profits 1992-93 5.92
9. Profits 1993-94 (till 31.8.1993) 2.50

**CREAMY LAYER AT A GLANCE**

The rule of exclusion will apply to son(s) and daughter(s) of:

Persons holding Constitutional positions like President of India; Vice President of India; Judges of the Supreme Court and High Court; Chairman and Members of Union Public Service Commission and State Public Service Commission; Chief Election Commissioner; Comptroller & Auditor General of India.

Parents, either of whom is a Class I officer.

Parents both of whom are Class II officers.

Parents either or both of whom is or are in the rank of Colonel and above in the Army and equivalent posts in the Navy and the Air Force and the Paramilitary forces.

Families owning irrigated land which is equal to or more than 85% of the ceiling limit in terms of irrigated land as per State land ceiling laws.

Persons having gross annual income of Rs. 1 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth-tax Act for a period of three consecutive years; (Income from salaries or agricultural land shall not be clubbed.)

**Income Tax Exemption**

The NBCEDC and State Corporations for the benefit of backward classes have been provided income tax exemption on their income respectively with effect from the Financial year 1992-93.

**National Backward Classes Finance and Development Corporation**

**ABSTRACT**

	Rs. in crore
1. Authorised Share Capital	200
2. Paid up Share Capital	50
3. Loans Sanctioned 1992-93	34.40
4. Loans Sanctioned 1993-94 (till 10.2.1994)	53.21
5. No. of States assisted	14 States

Source: Annual Report (1993-94), Ministry of Welfare, Government of India, pp. 27-30.

## B I B L I O G R A P H Y

### Primary Sources: Government Documents/Reports

Ambedkar's Writings and Speeches, Vol. 2, Education Department,  
Government of Maharashtra, 1982.

All India Reporters, Deputy Manager (Sales), All India  
Reporters Ltd, Congress Nagar, Nagpur.

Annual Reports, Government of India :

- (i) Ministry of Welfare
- (ii) Ministry of Industry
- (iii) Planning Commission
- (iv) Ministry of Labour
- (v) Department of Education, Ministry of Human  
Resource Development.

Backward Classes Commission (K. Kalelkar, Chairman): Report:  
3 Vols, 1955, Manager of Publications, Delhi.

Backward Classes Commission (B. P. Mandal, Chairman): Report:  
7 Vols in 2 Parts , 1980, Controller of Publications,  
New Delhi.

Backward Classes Commission (O. Chinnappa Reddy, Chairman),  
Karnataka: Report, 2 Vols, 1990, Bangalore.

Commissioner for Scheduled Castes and Scheduled Tribes : Reports:  
1951-56 -1988-89, Manager of Publications, New Delhi.

Constituent Assembly : Debates: Official Report, Vols 1-12,  
December 9, 1946 — January 24, 1950, Manager of  
Publications, Delhi.

National Commission (SCs and STs) on Atrocities : Report,  
April 1990.

II

Secondary Sources

(i) Books

- Aggarwal, Pratap Chand: Halfway to Equality, Manohar, New Delhi, 1983.
- Ambedkar, B.R. : The Untouchables : Who Were They and Why They Became Untouchables? Amrit Book Co., New Delhi, 1948.
- Austin, Granville : The Indian Constitution: Cornerstone of a Nation, Oxford University Press, Delhi, 1972.
- Basu, D.K. and Sission, Richard : Social Change and Economic Development in India, Sage Publication, New Delhi, 1986.
- Beteille, Andre : (i) The Backward Classes and the New Social Order, Oxford University Press, Delhi, 1981.
- (ii) Caste, Class and Power, University of California Press, Berkeley, 1969.
- (iii) The Backward Classes in Contemporary India, Oxford University Press, Delhi, 1992.
- Bhatt, Anil : Caste, Class and Politics : An Empirical Profile of Social Stratification in Modern India, Manohar Book Service, Delhi, 1975.
- Borale, P.T. : Segregation and Desegregation in India : A Social-legal study, Manaktalas, Bombay, 1968.
- Bose, Nirmal Kumar : Who are the Backward Classes?, Asia Publishing House, Bombay, 1967.
- Chatterjee, B.B., Singh, S.S. and Yadav, D.R. : Impact of Social Legislation on Social Change, Minerva Associates, Calcutta, 1971.
- Desai, A.R. (ed): Repression and Resistance in India, Popular Prakashan, Bombay, 1990.
- Desai, I.P. and Others: Caste, Caste conflict and reservations, Ajanta, Delhi, 1985.

- Engineer, Asghar Ali and Nayak, Pradeep (ed): Communalization of Politics and 10th Lok Sabha Elections, Ajanta Publications, Delhi, 1993.
- Frankel, Francine and Rao, MSA : Dominance and state power in Modern India, Oxford University Press, Delhi, 1989.
- Galenter, Marc : Competing Equalities: Law and the Backward Classes in India, Oxford University Press, New Delhi, 1984.
- Gandhi, M.K. : The Removal of Untouchability, Navajivan Publishing House, Ahmedabad, 1954.
- Ghouse, Mammad : Secularism, Society and Law in India, Vikash Publishing House, Delhi, 1973.
- Ghurye, G.S. : (i) Caste and Class in India, 3rd ed., Popular Book Depot, Bombay, 1957.
- (ii) The Scheduled Tribes, 3rd ed., Popular Prakashan, Bombay, 1963.
- (iii) Caste, Class and Occupation, Popular Prakashan, Bombay, 1969.
- Gupta, Sham Sunder : Preferential treatment in Public employment and Equality of Opportunity, Lucknow Eastern Book Co., Lucknow, 1979.
- Hutton, J.H. : Caste in India : Its Nature, Function and Origins, 3rd ed., Oxford University Press, Bombay, 1961.
- Issacs, Harold R. : India's Ex-Untouchables, John Day, New York, 1965.
- Kamble, J.R. : Rise and awakening of depressed classes in India, National Publishing House, New Delhi, 1979.
- Kohli, Atul : Democracy and Discontent: India's Growing Crisis of Governability, Cambridge University Press, Cambridge, 1992.
- Kappuswamy, B. : Backward Classes Movement in Karnataka, Bangalore University Press, Bangalore, 1978.

- Kothari, Rajni : (i) Caste in Indian Politics, Orient Longman, New Delhi, 1970.
- (ii) Politics in India, Orient Longman, New Delhi, 1970.
- Lal, Sheo Kumar and Nahar, Umed Roy : Higher education: Scheduled Castes and Scheduled Tribes, Jainsons Publications, Jodhpur, 1978.
- Lander, Stephen : Backward Classes in the Indian Constitution, University of Chicago, Chicago, 1965.
- Lohia, Ram Manahar : The Caste system, Navahind, Hyderabad, 1964.
- Lokhande, G.S. : Bhimrao Ramji Ambedkar : A Study in Social Democracy, Intellectual Publishing House, New Delhi, 1977.
- Lynch, Owen M. : The Politics of Untouchability : Social Mobility and Social Change in a City of India, Columbia University Press, New York, 1969.
- Madan, N.L. : Congress Party and Social Change, D.R. Publishing Corporation, New Delhi, 1984.
- Madholia, Mata Din : Supreme Court on reservations, Kamlesh Delhi, 1988.
- Mahar, Michael J. : The Untouchables in Contemporary India, The University of Arizona Press, Arizona, 1972.
- Maheshwari, Shriram : The Mandal Commission mandalisation: a critique, Concept, New Delhi, 1990.
- Malik, Suneila : Social Integration of Scheduled Castes, Abhinav Publications, New Delhi, 1979.
- Mehta, Harobhai and Patel, Hasmukh (ed) : Dynamics of Reservation Policy, Patriot Publishers, New Delhi, 1985.
- Mitra, Subrata Kumar : Politics of Positive Discrimination, Popular Prakashan, Bombay, 1990.

- Morris-Jones, W.H. : The Government and Politics of India,  
B.I. Publications, New Delhi, 1974.
- Padhy, K.S. : Reservation Policy in India, New Delhi, 1988.
- Palmer, N.D. : The Indian Political System, Houghton Mifflin,  
Boston, 1971.
- Paramaji, S. (ed) : Caste Reservations and Performance,  
Mamata Publications, Warangal, 1985.
- Parvathamma, C. : Scheduled Castes at the cross-roads, Ashish,  
New Delhi, 1989.
- Prakash, Om : Caste and Politics in Indian Education, Deep & Deep  
Publications, New Delhi, 1986.
- Prasad, Anirudh : (i) Reservation : Policy & Practice in India,  
Deep & Deep Publications, New Delhi, 1972.
- (ii) Social Engineering and Constitutional  
Protection of Weaker Sections in India, Deep & Deep  
Publications, New Delhi, 1980.
- Rao, Shiva B. : The Framing of India's Constitution, Select  
Documents, 4 Vols, Indian Institute of Public Administration,  
New Delhi, 1966-68.
- Revankar, Ratna G. : The Indian Constitution : A Case Study of  
Backward Classes, F.D.U. Press, 1971.
- Roberts, G.K. : A Dictionary of Political Analysis, Longman, 1971.
- Roy, Ramshray and Sission, Richard (ed) : Diversity and Dominance  
in Indian Politics, Vols I & II, Sage Publication, New Delhi,  
1990.
- Rudolph, Lloyd I. and Rudolph, Sussanne Hoerber : (i) The Modernity  
of Tradition : Political Development in India, University  
of Chicago Press, Chicago, 1967.
- (ii) Education and Politics in India : Studies in  
Organization, Society and Politics, Oxford University  
Press, Delhi, 1972.

- Rupa, C. : 'Reservation Policy — Mandal Commission and After,  
Sterling Publishers Private Limited, New Delhi, 1972.
- Sachchidananda : The Harijan Elite : A Study of their Status,  
Networks, Mobility and Role in Social Transformation,  
Thomson Press, Faridabad, 1977.
- Saksena, H.S. : Safeguards for Scheduled Castes and Tribes:  
Founding fathers' views: An exploration of Constituent  
Assembly Debates, Uppal, New Delhi, 1981.
- Sandanshiv, D.N. : Reservation for social Justice, Current Law  
Publishers, Bombay, 1986.
- Saxena, O.P. : Scheduled Caste Voters, Radha Publications,  
New Delhi, 1990.
- Seervai, H.M. : Constitutional Law of India, N.M. Tripathi,  
Bombay, 1968.
- Selvanathan, S. : Status of Scheduled Castes, Ashish, New  
Delhi, 1989.
- Shah, Vimal P. and Agrawal, Binod C. (ed): Reservation : Policy,  
Programmes and issues, Rawat, Jaipur, 1986.
- Sharma, B.A.V. and Reddy, Madhusudhan K. (ed) : Reservation Policy  
in India, Light and Life Publications, New Delhi, 1982.
- Singh, Parmanand : Equality, reservation and Discrimination in  
India, Deep & Deep, Delhi, 1982.
- Singh, Vijai P. : Caste, class and democracy: Changes in a  
stratification system, Schenkman, Cambridge (Mass), 1976.
- Srinivas, M.N. : (i) Caste in Modern India, Asia Publishing House,  
Bombay, 1962.
- (ii) Social Change in Modern India, Allied  
Publishers, Bombay, 1966.
- Thapar, Ramesh (ed): (i) Change and Conflict in India, Macmillan,  
New Delhi, 1978.

- \_\_\_\_\_ (ed) : (ii) Tribe, caste and Religion,  
Macmillan, New Delhi, 1977.
- Vakil, A.K. : Reservation Policy and Scheduled Castes in India,  
Ashish, New Delhi, 1985.
- Verba, Sidney and Others: Caste, race and Politics: A comparative  
Study of India and the United States, Sage Publications,  
Beverly Hills, 1971.
- Verma, G.P. : Caste reservation in India, Chugh Publications,  
Allahabad, 1980.
- Weiner, Myron and Katzenstein, M.F. : India's Preferential  
Policies : Migrants, the Middle Classes and Ethnic  
Equality, Oxford University Press, Bombay, 1981.
- Zaidi, A.M. & S.G. : The Encyclopaedia of the Indian National  
Congress, S. Chand and Company, New Delhi.
- (ii) Articles in Journals, magazines and newspapers
- Abraham, Amrita : 'Agenda for the backward classes', Indian  
Express, 27 September 1990.
- Abraham, A.S. : (i) 'True import of OBC quotas: Unravelling of  
new emergent order', The Times of India, 1 October 1990.
- \_\_\_\_\_ : (ii) 'Dalits on the march: education and  
inequality', The Times of India, 7 December 1979.
- \_\_\_\_\_ : (iii) 'Limits to reservations: Policy divorced  
from social reality', The Times of India, 19 September, 1980.
- Ahmad, Karuna : 'Towards equality ; consequences of protective  
discrimination', Economic and Political Weekly,  
14 January 1978.
- Aiyar, Mani Shankar: 'Mandalam ! Mandalam !', Sunday, 16-22  
September 1990.

- Ambirajan, S. : 'What reservations has achieved', Indian Express, 2 October 1990.
- Arora, V.N. : 'Special inputs for the backwards', Seminar (296), April 1984.
- Aziz, Abdul : 'The methodology behind the Mandal report: It seems to be quite fair', Deccan Herald, 11 October 1990.
- Badhwar, Inderjit : 'Mandal Commission : Dividing To Rule', India Today, 15 September 1990.
- Balagopal, K. : 'This anti-Mandal mania', Economic and Political Weekly, 6 October 1990.
- Barthakur, J.K. : 'Key to reservation', The Hindustan Times, 25 August 1990.
- Baxi, Upendra : 'Caste, Class and Reservations', Economic and Political Weekly, 9 March 1985.
- Beschi, Kathija : 'Share the reservations : scrap the varnas', Caravan, July 1980.
- Beteille, Andre : (i) 'Caste and Politics : Subversion of Public Institutions', The Times of India, 11 September 1990.  
 -----(ii) 'Cast and Class : Some Misconceptions', The Hindustan Times, 4 October 1990.  
 -----(iii) 'Lessons of South Indian Experience : Caste and Reservations', The Hindu, 20 October 1990.
- Bhagat, Bankim Bihari : 'Reservation: Politics and Perspective', Mainstream, 28 March 1981.
- Bharatiya, V.P. : 'NO Reserve Discrimination : Egalitarian Differentiation for Job Reservations', Journal of the Indian Law Institute, January-March 1991.
- Bhatia, Prem : 'A mostly Unread document', Tribune, 7 September 1990.

Bhattacharyya, Ajit : (i) 'The Truly Backward', The Radical Humanist, November 1990.

\_\_\_\_\_ (ii) 'Mandal mania : Who is responsible?'  
Mainstream, 13 October 1990.

\_\_\_\_\_ : (iii) 'Mandal : response to democratic upsurge',  
Patriot, 18 September 1990.

Bhowmick, Alok : 'Promote meritocracy or disparity !',  
Mainstream, 3 March 1990

Bhowmick, Sharit K. : 'Caste and Class in India', Economic and Political Weekly, 13-20 June 1992.

Butch, M.N. : 'An erroneous act', The India Magazine, October 1990.

Butch, M.N. : 'The futility of reservations', Indian Express,  
11-12 October 1990.

Chakravarty, Nikhil : (i) 'Reservation or Education: Which comes first?', The Telegraph, 16 September 1990.

\_\_\_\_\_ : (ii) 'A fresh look at the Mandal report is needed', The Telegraph, 2 September 1990.

\_\_\_\_\_ : (iii) 'Wanted : a debate on the Mandal report',  
The Telegraph, 26 August 1990.

Chalam, K.S. : 'Caste Reservations and Equality of Opportunity in Education', Economic and Political Weekly, 13 October 1990.

Chandolia, R.N. : 'Enrolment of Scheduled Castes in educational institutions', Yojana, 31 October 1980.

Chatterjee, B.B. : 'Social costs of reservations in higher education', Journal of Higher Education, Monsoon 1983.

Chaturvedi, J.P. : 'Origins of Backward Classes Commissions',  
Mainstream, 15 February 1992.

- Chawla, Prabhu : 'Unleashing New Equations', India Today,  
30 September 1990.
- Chopra, Pran : 'Reservations : The economic criteria',  
The Hindustan Times, 1 October 1990.
- Choudhary, Kameshwar : (i) 'Reservation for OBCs : Hardly An  
Abrupt Decision', Economic and Political Weekly,  
1-8 September 1990.
- : (ii) 'Reservations : A Systematic Compulsion',  
Mainstream, 3 March 1990.
- Choudhury, D.R. : 'Birth of new harijan elite', Tribune,  
17 April 1981.
- Costa, Benedict : 'Is backwardness a qualification?',  
Illustrated Weekly of India, 15 March 1981.
- Dang, Satyapal : 'Logic of reservations', Patriot, 10 October 1980.
- Darshankar, A.Y. : 'Job Reservation Policy', The Radical  
Humanist, September 1990.
- Das, Bhagwan : 'The Reservation Policy and the Mandal Judgement',  
Social Action, October-December 1993.
- Das Gupta, Subir: 'Economic well-being does not lie in reservations',  
The Telegraph, 20 September 1990.
- Datta-Ray, Sunanda K. : 'Class into Caste: V.P. Singh's Political  
Insurance', The Statesman, 9 September 1990.
- Dayal, Tarkeshwar : 'Concept of reservation under Constitution',  
Indian Nation, 18 March 1978.
- Desai, I.P. : 'Should Caste be the basis for recognising backward-  
ness?', Economic and Political Weekly, 14 July 1984.
- Deshpande, Anjali : 'Reservations and Mandal Report, Mainstream,  
25 August 1990.

- Dhavan, Rajib : '27% but for whom', Patriot, 7 September 1990.
- Dua, H.K. : 'Need for an open mind', The Hindustan Times, 25 September, 1990.
- Dube, S.C. : (i) 'Educating weaker sections: failure of a strategy', The Times of India, 14 & 15 July 1981.
- : (ii) Reservations : a retrograde fetish', The Hindustan Times, 4 September 1990.
- Dushkin, Lelah : 'Backward class benefits and social class in India', Economic and Political Weekly, 7 April 1979.
- Dutt, R.C. : 'The Mandal Commission', Mainstream, 13 February 1993.
- Engineer, Asghar Ali : 'Caste-Class complexity', Mainstream, 13 June 1981.
- Fadia, B.L. : 'Reservations in services : Promise and Performance', Indian Journal of Political Studies, December 1981.
- Faud, Mahmood : 'Reservation of seats : Need for a fresh look', Caravan, January 1980.
- Gandhi, P.C. : 'Job reservation : Invitation to anarchy?', Illustrated Weekly of India, 24 December 1978.
- Gani, H.A. : 'Supreme Court Verdict on Reservations and Its Implications', The Radical Humanist, March 1993.
- Gill, S.S. : (i) 'A Conflict of Interests', Illustrated Weekly of India, 7-13 October 1990.
- : (ii) 'Mandal : Myth of Merit and Equality', The Times of India, 4 September 1990.
- Guha, Arun Chandra : 'Reservation in service', Amrita Bazar Patrika, 18 April 1978.

- Guha, Ashok : (i) 'Mandal Mania and Social Justice', Indian Express, 5 September 1990.
- : (ii) 'Reservations in Myth and Reality', Economic and Political Weekly, 15 December 1990.
- Ilaiah, Kancha : (i) 'Reservations : Experience as framework of debate', Economic and Political Weekly, 13 October 1990.
- : (ii) 'SCs and STs : Systematic Exploitation', Economic and Political Weekly, 22 December 1990.
- Jagannathan, N.S. : 'Pandora's Box', Indian Express, 7 September 1990.
- Jain, Meenakshi : (i) 'Divide-and-rule redivivus !' Indian Express, 29 August 1990.
- : (ii) 'Irony of the Mandal Commission', Indian Express, 3 September 1990.
- Janardana Swami, P. : 'Reservation : a pragmatic approach', The Hindu, 21 April 1981.
- Jethmalani, Ram : 'Mandal Revisited', Indian Express, 28 September 1990.
- Jha, Chetakar : 'Reserved representation', Seminar (243), November 1979.
- Kabra, K.N. : 'Reservations : Much ado about nothing', The Hindustan Times, 9 October 1990.
- Kala, S.C. : 'How backwards are the so called backward classes', National Herald, 25 March 1978.
- Kamath, H.V. : 'Reservations : genesis, prognosis', M.P. Chronicle, 15 April 1981.
- Karlekar, Hiranmay : (i) 'Undermining India', Indian Express, 25 August 1990.

- : (ii) 'Wrath of Youth', Indian Express,  
4 October 1990.
- Katju, Markanday : 'Legal aspects of job reservation', Indian Express, 5 December 1978.
- Katyal, K.K. : 'Politics of Job reservation', The Hindu,  
20 March 1978.
- Kaul, Hridaya : Mandal Commission's mischief', Indian Express,  
6 October 1990.
- Khanna, H.R. : (i) 'Education, the better way', The Hindustan Times, 14 September 1990.
- : (ii) 'Reservation : weakening the roots', The Hindustan Times, 13 September 1990.
- Khare, Harish : 'Why reservations', The Hindustan Times,  
11 April 1981.
- Khusro, A.M. : 'Job reservations : Pro-side, con-side and inside',  
Indian Express, 13 September 1990.
- Kirpal, Viney : 'Higher education for the Scheduled Castes and  
Scheduled Tribes', Economic and Political Weekly,  
28 January & 4 February 1978.
- Kothari, Milap : 'What price reservation', The Hindustan Times,  
6 September 1990.
- Kothari, Rajni : (i) 'Caste and Politics : The Great Secular  
Upsurge', The Times of India, 28 September 1990.
- : (ii) 'Essence of Mandal Report', Mainstream,  
6 October 1990.
- Krishna Murthy, R. : 'Reservation Policy and Backward Class',  
Financial Express, 13 November 1979.
- Kumar, Ajay : 'Reservation : Who defines, what and how?'  
Mainstream, 22 December 1990.

- Kumar, Akhil and Kumar, Manoj : 'Reservation Controversy : some suggestions', Mainstream, 3 March 1990.
- Kumar, Kirti : 'Employment Planning for weaker sections', Kurukshetra, July 1992.
- Kundu, Amitabh : 'Reservationists, Anti-Reservationists and Democracy', Economic and Political Weekly, 10 November 1990.
- Limaye, Madhu : (i) 'Anti-reservationists: Who is inciting them?', The Telegraph, 11 September 1990.
- : (ii) 'Reservations : Cong-I can't complain', The Hindustan Times, 10 September 1990.
- Madhok, Balraj : 'Criteria of backwardness', Tribune, 5 April 1981.
- Maheshwari, S.R. : 'Caste and Society : Dangers of Reservation Policy', The Statesman, 23 August 1990.
- Majid, A. : 'Whose merit?', The Hindustan Times, 16 October 1990.
- Marwah, I.S. : 'Caste No Factor At All', The Hindustan Times, 17 October 1990.
- Masani, Mino : 'Abolish Reservations, Promote Meritocracy', Mainstream, 6 January 1990.
- Mehta, Balraj : 'Reservation in reverse', Capital, 1 July 1986.
- Mishra, Nishi : 'Why reservations?', Mainstream, 21 April 1990.
- Mishra, S.N. : 'Reservations and distributive Justice', Mainstream, 18 April 1981.
- Mitra, Amit : 'Job reservation : V.P. Singh's inner contradictions', Indian Express, 23 August 1990.
- Mitra, Ashok : 'For whom the quotas toll?', The Telegraph, 8 September 1990.
- Mukherji, Partha N. and Sahoo, Bhupati B. : 'Protective Discrimination and Nation Building : The Mandalian Dilemma', Man & Development, December 1990.

- Mukherji, Partha N. : 'Sociology, Development and National Integration', Indian Association of Social Science Institutions Quarterly, March 1990.
- Nanda, Babuli : 'Reservation for backward classes', Mainstream, 21 April 1990.
- Nanda, Bikram M. and Talib, Mohammad : 'Merit : reflections on a rhetoric', Mainstream, 29 September 1990.
- Narayanan, R : 'Price of a Populist Policy', Mainstream, 6 January 1979.
- Nayar, Kuldip : 'Harijans are still depressed', Tribune, 25 June 1981.
- Nigam, Aditya : 'Mandal Commission and the left', Economic and Political Weekly, 1-8 December 1990.
- Onkar, M.W. : 'Ominous implications of reservation in services as per Mandal Commission report', Organiser, 21 October 1990.
- Pachuri, Pankaj : 'New Reservation Policy : Apartheid, Indian Style', India Today, 15 September 1990.
- Palkhivala, Nani A. : 'Five Fatal Flaws of Mandal Report', The Statesman, 28 August 1990.
- Pandey, R.K. : 'Reservation be on economic basis', M.P. Chronicle, 10 March 1980.
- Paranjape, H.K. : (i) 'Educational Reservations : Results of a survey', Mainstream, 31 March 1990.
- : (ii) 'Implementing Mandal — A Disastrous Step', Janata, Independence Day Number 1990.
- Parthasarathy, Malini : 'Reacting for the Lohia mantle', The Hindu, 1 October 1990.

- Patel, Bahubhai Jashbhai : 'Reservations Dilemma', Economic Times, 28 March 1981.
- Pathak, Avijit : 'Demythologising Reservation', Mainstream, 29 September 1990.
- Patit, Sharad : 'Should Class be the basis for recognising backwardness?', Economic and Political Weekly, 15 December 1990.
- Patit, V.T. : 'Weaker sections and their problems with special reference to the policy of reservation', Modern Review, February 1979.
- Pinto, Ambrose : 'Judiciary's approach to reservation : not progressive enough', Deccan Herald, 13 October 1990.
- Prasad, Chandra Bhan : 'Alternative strategy for SCs and STs in education', Mainstream, 29 September 1990.
- Puri, Biraj : 'An ideological perspective on Mandal Report', Economic and Political Weekly, 20-27 October 1990.
- Puri, Rajindar : 'Mandal : A Way Out', The Hindustan Times, 11 September 1990.
- Radhakrishnan, P. : 'Ambedkar's Legacy to Dalits : Has the nation reneged on its promises?', Economic and Political Weekly, 17 August 1991.
- Rajshekher, V.T. : 'Caste the only factor', The Hindustan Times, 17 October 1990.
- Raina, Badri : 'Reservations : Connotation of Merit', The Hindustan Times, 4 September 1990.
- Ramaiah, A. : (i) 'Identifying Other Backward Classes', Economic and Political Weekly, 6 June 1992.
- : (ii) 'Mandal Commission's Recommendations: A critical view', Mainstream, 18 August 1990.

- Ramamurty, M.V. : 'Reservations without tears', The Radical Humanist, June 1980.
- Ramanathan, K.V. : 'Reservations : Lessons from experience', Indian Express, 7 September 1990.
- Rao, Hanumantha : 'Job Reservations for Backward Classes', Mainstream, 8 September 1990.
- Rao, Laxminarasimha L. : 'Reservation Policy and the Principle of Merit : A Study of Indian Bureaucracy', Indian Journal of Political Science, October-December 1992.
- Roy, A.K. : 'No merit in Caste : importance of motivation', The Statesman, 9 January 1990.
- Roy, A.N. : 'Reservations for OBCs : vote banks at stake', Patriot, 9 June 1990.
- Roy, Ramashray : 'Mandal Commission Report : Fiction into Fact', Indian Express, 30 August 1990.
- Roy, Samaran : 'Reservation : A Regressive Policy', The Radical Humanist, November 1990.
- Roy Burman, B.K. : 'Mandal's faulty data interpretation', The Times of India, 18 October 1990.
- Sahay, S. : 'Reservations : Reprieve for Govt.', The Hindustan Times, 5 October 1990.
- Seervai, H.M. : 'Is an efficient public service irrelevant in India?', Indian Express, 18 August 1990.
- Shah, A.M. : (i) 'Double Talk on Castes', The Hindustan Times, 9 September 1990.
- : (ii) 'Job reservations and efficiency', Economic and Political Weekly, 20 July 1991.
- Shah, Ghanshyam : (i) 'Social Backwardness and Politics of Reservations', Economic and Political Weekly, Annual Number, March 1991.

- \_\_\_\_\_ : (ii) 'Middle Class Politics: Case of anti-reservation agitation in Gujrat', Economic and Political Weekly, May 1987.
- Shanmugam, M.S. : 'No reservation about reservation', Mainstream, 16 February 1990.
- Sharma, Ashoke : 'Caste-based Reservations for OBCs are Unconstitutional', Organiser, 23 September 1990.
- Sharma, K.L. : 'A Backward Step', The Hindustan Times, 19 September 1990.
- Sheth, D.L. : (i) 'Politics of caste conflict', Seminar (233), January 1979.
- \_\_\_\_\_ : (ii) 'Reservations Policy Revisited', Economic and Political Weekly, 14 November 1987.
- Shourie, Arun : (i) 'The Mandal report: the stretch of casteism', Indian Express, 23 August 1990.
- \_\_\_\_\_ : (ii) 'The Mandal report: This Way lies not only folly, but disaster', Indian Express, 25 August 1990.
- \_\_\_\_\_ : (iii) 'Mandal: what he says and on what basis — substandard by definition', Indian Express, 22 August 1990.
- Shukla, S. : 'Reservation : why this hysteria', The Hindustan Times, 25 September 1990.
- Singh, Harbhajan : 'Paranjape's Mandal Analysis : A Rejoinder', Mainstream, 19 July 1991.
- Singh, Hoshiar and Malik, Jagdish Kumar : 'The Mandal Commission Report : A Plea For Share in Power', Political Science Review, July-December 1984.
- Singh, L.P. : 'Mandal — report with flaws', The Hindustan Times, 22 October 1990.

- Singh, Parmanand : 'Equal Opportunity and Compensatory Discrimination : Constitutional Policy and Judicial Control', Journal of the Indian Law Institute, Vol. 18:2, 1976.
- Singh, Rajendra : 'Culture of Inequality', Seminar (255), November 1990.
- Singh, Satish Kr : 'Reservation or Protective Discrimination', Third Concept, September 1990.
- Singh, Shyam Nand : (i) 'Caste, Class and Politics in India', Janata, Independence Day Number 1990.
- \_\_\_\_\_ : (ii) 'Politics of Job reservation', Mainstream, 29 July 1989.
- \_\_\_\_\_ : (iii) 'Reservation for the Other Backward Classes: A National Perspective', Political Science Review, January-June 1989.
- Srinivas, M.N. : (i) 'The Mandal formula : backwardness: Castes vs Individuals', The Times of India, 17 September 1990.
- \_\_\_\_\_ : (ii) 'The South's Lead on Mandal', The Times of India, 2 October 1990.
- Subharao, M.V. : 'Pro-Reservationists Vs. Anti-Reservationists', Social Change, June 1982.
- Tharyan, P. : 'Attack Caste, Not Mandal', The Hindustan Times, 8 September 1990.
- Tiwary, S.C. : 'Reservations : consensus is needed', The Hindustan Times, 28 September 1990.
- Trivedi, Harshad R. : 'Towards a Policy of Differentiated Method of Reservation in the light of Gujrat Stir', The Indian Journal of Public Administration, October-December 1990.
- Tyagi, Hari Kumar : 'Why reservations must continue?', Mainstream, 10 February 1990.

Unnikrishnan, K.P. : 'Constitution, Equality and Reservations',  
Mainstream, 6 October 1984.

Uplaonkar, A.T. : 'Protective Discrimination and the equality of  
opportunity', Social Change, September 1989.

Vaid, K.K. : 'Reservation Towards Aberrance', Third Concept,  
September 1990.

Varma, Kewal : (i) 'Forward Vs Backward, Hindu Vs Muslim',  
The Telegraph, 15 September 1990.

-----: (ii) 'Running the nation in back gear',  
The Telegraph, September 1990.

Venkateswarlu, B. : 'Reservations : Upper caste manipulations',  
Mainstream, 19 January 1980.

Yadav, Naval Kishore : 'In defence of Mandal', The Times of India,  
21 August 1990.

### III

#### Special issues on Reservation

Seminar, December 1981, November 1990.

Third Concept, October 1990.

### IV

#### Journals and Magazines

Caravan.

Economic and Political Weekly.

Indian Journal of Political Science.

India Today.

Illustrated Weekly of India.

Indian Association of Social Institutions Quarterly.

Indian Journal of Public Administration.

Indian Journal of Political Studies.

Janata.

Journal of Indian Law Institute.

Journal of Higher Education.

Kurukshetra.

Mainstream.

Man & Development.

Modern Review.

Political Science Review.

Seminar.

Social Change

Sunday.

Social Action.

The India Magazine.

The Radical Humanist.

Third Concept.

V

Newspapers

Deccan Herald.

Financial Express.

Hindustan Times.

Indian Express.

M. P. Chronicle.

National Herald.

Organiser.

Patriot.

Times of India.

The Statesman.

The Telegraph.

The Hindu.

Tribune.