

FACTS

against

MYTHS

VIKAS ADHYAYAN KENDRA

Vol VI # 1/2000

INFORMATION BULLETIN

Status Quo or Quest for Social Justice Truth Behind Anti- Reservation Myths – I

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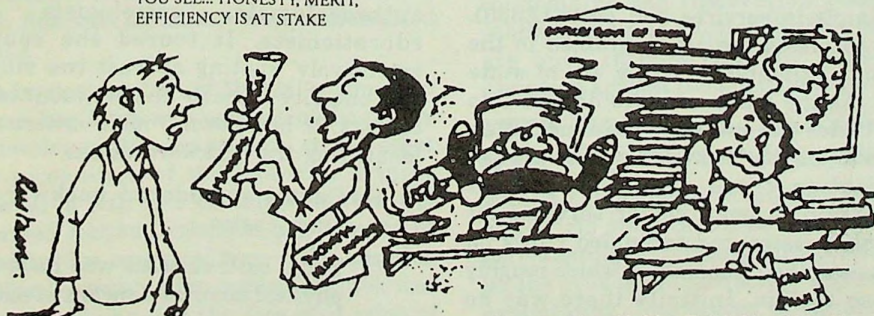
COMMENT

Indian caste system has its origin in the ancient past. Here the social hierarchy assumed the form of well laid out system in which the social, economic, political and educational position was determined by the caste and the system, 'Chaturvarnaya' (four castes) divided the Indian society into Brahmins (the priests, the earthly form of Gods, the ones who were supposed to be embodiment of knowledge and wisdom), the Khstriyas; (the warriors and kings), the Vaishyas (the traders), these three being the upper castes, while Shudras (the untouchables, the slaves, the ones to serve the upper castes) were the low castes meant to do all the manual labor in

society. This division of society is well described in Manu Smriti and various other Brahminical texts. The educational, economic, social and political deprivation of shudras, was perpetuated by the norms, rules and practices laid down by the Brahmins and approvingly upheld by other upper castes.

The conscious perpetuation of this practice was meant to sustain the intense exploitation, was meant to give the 'religious sanctity' to the prevalent social injustices. The slow changes in society and its conscious, motivated implementation by the upper castes over a period of centuries, millennia, made the system a 'deeply structural', one i.e. impregnable by the latter changes in the society, i.e. it became deeply ingrained in social psyche and firmly

YOU SEE... HONESTY, MERIT,
EFFICIENCY IS AT STAKE



Courtesy: Manushi, (New Delhi), Nos. 63 to 64.

imbibed by the victims (untouchables) themselves. With the introduction of industrialisation, rationalisation, scientific thought and ideas of enlightenment, ideas of 'Liberty; Equality; Fraternity', ripples of opposition to caste system started occurring. This opposition got manifested in ideas of some religious reforms as well. But the real process of challenge to the 'status quo' of caste system began with movements led by Phule. And these movements became significant by the time Ambedkar and Periyar's advent on the socio-political scenario.

Ambedkar's realisation of these 'structural constraints' led him to initiate the movement for claiming 'special provisions' to break the 'socio-ideological' chains imprisoning the shudras, to destroy the shackles of Brahminical slavery. While Gandhi was leading anti British struggles, Ambedkar made the point of incorporation of provisions which can be liberatory (from the centuries old shackles) to the shudras, he realised that the liberatory potential of 'Liberty, Equality and Fraternity' can be realised in Indian context only if it is supplemented by the 'affirmative action' in favor of the dalits. To achieve this he led the movement of dalits and went on to ensure the incorporation of these provisions in the Indian Constitution.

As Chairman of the drafting committee of Indian Constitution he ensured that these provisions take the 'concrete legal 'shape in the form of reservations for the dalits. As per the constitution there is straightaway recognition (A341 & 342) of SC. (Scheduled Castes) and STs (Scheduled Tribes). There are guarantees in the form of reservations in legislature (A330 & 332) and claims in services and posts (A335). These interests are also ingrained in the directive principles (A38 & 46) of state policy. As the dalits are also divided into many castes and subcastes, SCs and STs do not cover all the backward castes. As per constitution there are 22.50 percent reservation in govt. sector services for scheduled castes and scheduled tribes on the basis of their population, which roughly is close to this. Initially there was no provision in constitution for other

backward classes, which constituted 52% of population, since they were not properly identified as castes in different regions. But all the same, state govts. were directed under section 16 (4) to draw up their lists, for the purpose of reservation of seats in public services and in higher educational institutions.

Supreme Court treated these backward castes also as separate classes on par with backward castes under Indian Caste system. To clarify the concepts and confusions around issues related to 'socially and educationally backward classes', govt. appointed a commission headed by well known Gandhian, Kaka Saheb Kalelkar, which submitted the report in 1955 stating that social and educational backwardness should be judged by 'Caste' alone. The commission recommended various measures to eradicate the caste, including measures like land reforms, insurance for cattle breeding, promotion of village industries, rural housing, health and water supply, adult education and reservations in govt. services and educational institutions. The report was shelved by the govt. Also the central govt. advised state govt. to evolve state level schemes for reservation for backward castes. State govts. formed different commissions on backward classes and implemented various reservation policies at state levels. Central govt. did not initiate any other move in this direction. In 1977, Janata Party, formed in the wake of post emergency political alignment, formed the Mandal commission for backward classes in Dec 1977.

The commission did a thorough job for identifying backward castes. It prepared a 56-point questionnaire in consultation with anthropologists, sociologists and educationists. It toured the country extensively, visiting at least two villages and one city in each district (406) of the country. It laid down 3 main criterion for identifying the backward castes

- (1) Castes considered backward by other castes
- (2) Those castes/classes who have to do physical labor as a means of earning

- (3) Castes practicing child marriage. It included those castes, more than 25% of whose women participated in manual labor to earn livelihood, more than 25% of whose children did not attend primary schools between 5 to 15 years of age. The economic criterion employed were: ownership of property, type of housing, distance they had to travel to fetch drinking water and amount of consumption loans on their head.

As per the commission 'under the caste system, the superiority of upper castes' had been upheld in every sphere of life for centuries. Popular belief among lower castes was that God created castes. This belief has been perpetuated through Vedas and Puranas. All avenues of education and even literacy were denied to lower castes by religious sanctions. Backwards had been prevented from intermingling with upper castes. There was no upward social mobility for lower castes.

Therefore a caste was considered to be a class'. This commission identified a total of 3743 castes and subsets as 'backward'. It recommended several measures for eradication of castes, improvement in the socio economic conditions of the caste. These measures include job reservations in private sector, and seat reservations in institutes of higher learning. The commission recommended 27% reservation for OBC and suggested that wherever (in state) the reservation is already more than 27% that should continue as it is. It also recommended financial assistance to backward entrepreneurs and artisans and wanted the backward to be specially trained to conduct trade, commerce and industry with financial assistance from nationalised banks.

The implementation of Mandal commission on one hand was a recognition of the failure of developmental process and on the other the recognition of the fact that if these measures will not be implemented the deprived sections' rebellion will have to be faced in due course of time. The reaction to Mandal commission implementation was very mixed one. On the face of it most of

Send My Son to School

Waman Kardak

Send my boy to school

Lord and Master

I tell you

Send my boy to school -

We may be terribly poor

Famine may knock at our door

I'll see that he gets to school

Send my boy to school, etc.

If the leg of your garment is rent

I promise to patch and mend

For my garment, my needle's the tool

Send my boy to school, etc.

He's got something from society; in return

My boy is going to learn

He'll be a lawyer; nobody's fool

Send my boy to school, etc.

My boy won't stay stupid or worse

Like that poet Waman's bad verse

My oath on you if there's no school!

Send my boy to school, etc.

Translated by Priya Adarkar

the political parties showed that they are in support of the commission. The 'Upper caste' backlash, manifesting in the form of 'self immolations' came in as a great blackmailing factor. Simultaneously upper caste Hindu party, BJP, got busy in crystallising the upper caste backlashes, beginning with Advani's rath yatra. Even now their 'think tank' is churning argument after argument condemning the reservation policy in a subtle form. And most of all their followers are busy intensifying the whispering campaign against the policy of reservations.

MYTH: *Reservations are against the spirit of democracy and equality.*

FACT: Caste system in India had remained quite rigid since centuries and it has been perpetuating social inequalities along with all the evils of untouchability and economic exploitation. The status of shudras, who

have been the virtual slaves of landlords, is painfully obvious. Upper castes not only monopolised all the social resources but also blocked all the avenues for acquiring knowledge by the shudras. This rigidified social system led to 'structural inequalities' which keep 'self perpetuating' on the strength of the consciously created ideology by Brahminism. With modernity comes in a social system of 'functional' or 'fluid' hierarchies where the people can enter contractual relations irrespective of their social-background. In India this, 'structural hierarchy' of caste system went to the extreme and upper castes hegemonised the social and economic resources.

Despite the introduction of 'modern' education and 'the process of secularisation', *al bit* a slower one, because of the stranglehold of caste ideology and social power of upper castes, the low caste were doomed to remain in a 'semi bonded' existence. And that is precisely the reason, as to why reservation was thought of, as one of the means of breaking the deadlock, to bring the low, backward castes out of the prisons of their social situation. In democracy the credo to be adopted and followed is the one of Liberty, Equality & Fraternity. Equality in turn can be 'formal' or 'substantive'. Formal equality is seen to require equal treatment, equality is equated with sameness and the inherent inequality can keep perpetuating itself *ad infinitum*. Equality as such means equality amongst those with equal background or equal opportunities. Chief Justice Ray in K.T.Thomas case pointed out² "Equality of opportunity for unequals can only mean aggravation of inequality."

While substantive equality means that equality should be seen as sometimes requiring different treatment, i.e. 'that those who are different may have to be treated differently in order to be given substantive equality'.³ The principle of reservation falls in this category and it was this spirit that was ingrained in our constitution. The idea of this principle was to break the centuries old structural hierarchy of caste system, to be able to aim at 'equality of outcome' over a period of time.

In modern democracies, by and large states do undertake different steps to alleviate inequalities, to help the disadvantaged sections of society⁴. These steps are (a) preferential treatment: In a job or a seat, all other things being equal a disadvantaged person is preferred over the other. (b) Affirmative action: Positive actions are taken to help the disadvantaged groups: e.g. financial assistance, scholarships etc. (c) Positive or protective or reverse discrimination: Even other things being not equal, the disadvantaged group is granted benefits. Reservation of seats or jobs falls in this category. This is the ultimate method and the only one, which can break the 'structural disadvantages'. Most of the labor legislation is also built on this principle. Thus reservations are all the more needed to restore the social justice in a country like India where the caste system has institutionalised the discrimination, oppression and exploitation.

In this sense reservations are an attempt, a measure, to bring back big chunks of population into 'social' life by eliminating the prevalent 'reservation of upper castes' for the social resources. In reality present policy of reservation is a move to 'de-reserve' the opportunities grabbed by the upper caste from centuries, and so the only way to restore justice to the lower castes, to bring the semblance of equality for them and thereby going towards 'substantive equality' and the democracy.

MYTH: *Justification for reservations is no more valid today.*

FACT: Indian constitution had provided 22.50% reservation in govt. sector services for SCs and STs on the basis of their population which was roughly 22.50%. Initially the constitution did not provide any reservation for backward classes that constitute 52%, the reason being their non-identification. Under section 16-(4) state government were directed to draw up proper lists of other backward classes (OBCs), for the purpose of govt. jobs and educational institutions. Private sector had no such obligations. Various state govts, especially of Karnataka, Tamilnadu, and Kerala appointed local commissions and

implemented reservations for OBCs. Mandal commission implementation in 1987 was a major leap to do the justice to the deprived the sections of society, the OBCs.

The resreservation policy has so far not been able to achieve the desired level of social justice. In one sense what is normally called reservation is actually a de-reservation as we have seen above. *De facto* there already exists reservation to the extent of more than 95% in high-ranking jobs and for engineering and medical seats for the upper castes. What the so-called reservations for SCs., STs and OBC does is to serve the long term goal of de-reserving this *de facto* 95% reservation of the upper castes, in favor of the oppressed groups of society as a whole.

According to the Central Government's Department of Personnel and Training, in 1985, 2099 reserved posts were de-reserved (i.e. removed from the reserved quota) while, in 1986 the figure was 1994. The figure for unfilled posts, which are not de-reserved, is many times more. Let us look at the Maharashtra Governments latest figures regarding Reserved Posts for SCs and STs lying vacant Governments latest figures regarding Reserved Posts for SCs and STs lying vacant because of their not being filled:

Class	SC	ST	N. Tribes	Total
I	376	397	154	923
II	673	1,438	356	2,467
III	8,496	14,633	4,501	27,630
IV	2,369	4,445	2,450	12,274

Let us look at the teaching staff pattern in 41 Universities.

	ST	SC
Professors	0.6%	0.05%
Readers	1.04%	0.15%
Lecturers	3.16%	0.60%
Research Assistants	10.53%	0.30%

The percentage of seats reserved for OBCs in Engineering and Medical faculties in Gujarat which are utilized:

Year	Engineering	Medical
1978 79	3.5	6.4
1979 80	3.3	3.8
1980 81	4.8	3.0
1981 82	3.7	3.6
1982 83	4.3	4.1
1983 84	4.0	5.2
1984 85	4.0	3.8

It is obvious that utilization of reserved seats has never been full and has nearly always been less than half. Yet, open seats for which reservation are about 70% invariably eats up about 85% of the seats. But as the figures themselves suggest, it would be wrong to conclude that the reservation policy has completely failed. Let us look at the increase in SC/ST representation in the Central Government services over a 10-year period. It need not be stressed that the increase is primarily due to Reservations.

Percentage of SC/ST in Central Govt. service:

Group	SC	ST	Increase	SC	ST	Increase
	1977	1987		1977	1987	
A	4.16	8.23	0.77	2.05	4.07	1.28
B	6.07	10.40	0.77	1.92	4.33	1.15
C	11.84	14.46	2.78	4.23	2.62	1.45
D	19.07	20.09	4.35	5.84	1.02	1.49

Percentage of SC/ST representations in Public Sector Undertakings:

1.1.77 1.1.87 Increase
(126 undertakings) (211 undertakings)

	SC	ST	SC	ST	SC	ST
A	1.81	0.43	4.86	1.17	3.07	0.74
B	3.09	0.55	6.17	1.55	3.08	1.00
C	16.76	7.68	18.54	8.82	1.78	1.14
D	22.53	10.32	30.82	17.07	8.29	6.75

Source Mihir Desai: Lokayan Bulletin

State	SC	ST	OBCs	Total Reservation
Andhra Pradesh	14	4	25	43
Bihar	14	10	24	48
J & K	8	5	42	55
Karnataka	15	3	50	68
Kerala	8	2	40	50
Madhya Pradesh	15	18	29	62
Maharashtra	13	7	14	34
Punjab	25	5	5+20	55
Uttar Pradesh	18	2	15	35
Tamil Nadu	18		50	68
Harayana	20		10	30
Himachal Pradesh	15	7	5	27
Assam	7	12		19
Gujarat	7	14	10	31
Manipur	15	7		22
Meghalaya	58	48		98
Nagaland		45		45
Orissa	16	24		
Sikkim				28
Rajasthan	16	12		42
Tripura	13	29		20
West Bengal	15	5		16
Andaman/Nicobar		16		45
Arunachal		45		20
Chandigarh	20			22
Dadara/N. Haweli	15	7		22
Delhi	15	7		7
Goa, Daman, Die	2	5		15
Lakshdweep		15		
Mizoram				21
Pondichery	16	5		

Source: Mihir Desai

Though the overall percentage of both the SCs and STs is still much below their population proportion, it has virtually doubled in 10 years which itself is a positive step forward.

But again, the representation of SC/ST in class III and class IV posts should not be seen as a very significant trend because many jobs in class III & IV are such that even poor forward caste persons are unwilling to take them up. One significant reason for unfilled quota apart from availability of sufficient reserved candidates is the neglect and deliberate manipulation by authorities. Often reserved posts are not advertised. Interview letters are sent to reserved candidates in such a manner that they reach only after the date of interview. Age relaxations and other concessions are regularly omitted from the advertisements. Instead of saying that the posts are reserved, "preference will be given to SC/ST" is mentioned. Separate interviews are not taken despite the legal requirement to that effect. No roster is maintained.

The target sets for reservations of SC/ST as well as OBCs (in seats) have not been achieved. The question of doing away with reservations or reducing reservation can only arise when the representation of these groups in seats as also in various rungs of employment stabilizes adequately in proportion to their population. Even then, it would have to be ensured that removing or reducing the plank of reservation does not lead to a collapse in their representation.

Reservation for OBCs is not a new phenomenon. Most of the States have already provided some reservation for OBCs. These reservations are applicable only to State Government Services and

Percentage Representation of OBCs, STs. In Central Govt. Services.

Class I		Class II		Class III & IV		Total	
SC/ST	OBC	SC/ST	OBC	SC/ST	OBC	SC/ST	OBC
7.18	2.59	13.66	3.98	30.95	8.41	16.83	4.83
In Autonomous bodies Attached & Subordinate Officer							
6.64	5.09	18.16	11.74	20.78	20.98	18.06	14.43
In Public sector Undertakings							
4.51	4.59	18.74	9.91	31.72	15.77	19.95	10.61
Total							
5.68	4.69	18.18	10.63	24.40	18.98	18.72	12.55

State Level educational institutions. The present situation of reservation quotas in various States is as follows:

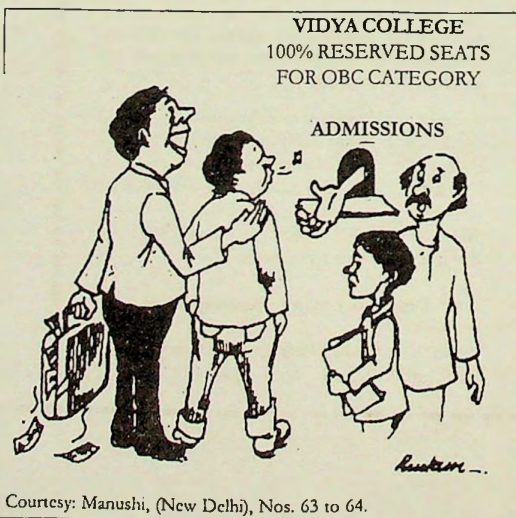
In the Southern States, reservations have been institutionalised since before 1947. Maharashtra has OBC reservations since 1964. Each state has formulated its own criteria for backwardness and therefore there is much variance in the classification. Mandal seeks to apply uniform criteria for backwardness for the whole of India, and introduce reservation for OBCs in Central Government services. The reservations as recommended by Mandal are not over and above the State reservations for OBCs.

But are the OBCs really backward? Let us look at some statistics regarding their representation in Central Government services. (The table is reproduced from the Mandal Report.) Thus the SCs, STs and OBCs which constitute 75% of the population occupy totally only 10% of Class 1 posts and that too after 40 years of reservation for SC/ST.

Percentage Representation of OBCs, STs.
In Central Govt. Services. (See above)

Similarly despite the implementation of schemes for OBCs (in southern states since 1947, Maharashtra 64), the SCs, STs and OBCs which constitute 75% of population occupy just 10% Class I posts after 40 years of reservation policy.

These clearly go into show that due to slow pace of development and still slower pace of social change the educational and social condition of backwards castes have not changed substantially. The reservation policy has yielded some results, but not enough results to even think of scrapping them.



Dalit Visions

*If you had kept your thumb
History would have happened
somehow differently.*

*But... you gave your thumb
and history also
became theirs.*

*Ekalavya,
since that day they
have not even given you a glance.
Forgive me, Ekalavya, I won't be fooled now
by their sweet words.*

*My thumb
will never be broken.
I stand today at the very end
of the twentieth century.
All around me is in flame...*

*Taking in one hand the sun, in the other the moon,
I am conscious of my resolve,
the worth of the blood of Ekalavya's broken finger.*

- Shashikant Hingonerkar

*Facts Against Myths is a monthly bulletin of factual
information on a number of development myths and
fallacies, etc, including information against alien
development models, paradigms and false concepts
on caste, creed and gender.*



Produced and Published by :
Vikas Adhyayan Kendra
D-1 Shivdham, 62 Link Road,
Malad West, Mumbai 400 064, **INDIA**

☎ : 882 2850 & 889 8662 ☎ : 889 8941
Email : vak@bom3.vsnl.net.in

Design & Layout : Kartiki Desai

Printed by : **Omega Offset**, 4574, Shetty Gally
Belgaum 590 002. ☎ 0831-424124 / 433429

PRINTED MATTER

BOOK - POST