CHAPTER III
AN ASSESSMENT OF THE POLICY OF CASTE BASED RESERVATION

Affirmative action in India in modern times can be traced to the beginning of the twentieth Century. India at that time was under the British Rule. Part of India was governed directly by the British and part-almost a third of it indirectly, through native ruler loyal to the British Raj. It has been observed that “Reservation policy has remained an integral part of public policy of both the British India and Princely India. A policy that was formulated by the British to provide for representation to India in the administrative set up was later extended to recruitment, promotion and educational institutions. The successive democratic governments continued to pursue this policy with the exception of effecting some cosmetic changes to it now and then.”

As a matter of fact, Caste is a reality of Indian society and is a terrifying force of instability; therefore, strategy of the social action must base itself on the issues that revolve around the social system which is based on caste system. In order to fully understand the existing scenario, it is vital to understand the functioning of the caste system and its changing character. Mahatma Gandhi in this context had perceived and understood the existing conditions of the caste system more realistically and accurately. He was fully aware and conscious that the present form of caste system was totally a degenerated form as provided in the Varnashrama Dharma. He, therefore, declared, “Down with the monster of caste that masquerades the guise of Varna.”

The caste based division was the major factor responsible for the backwardness of the people who belong to the lower sections of the society. It

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2. Young India, 24-11-1927, p. 2
is not a redressal of sentimental grievances around historical deprivation rather a scheme of equitable distribution of the very scarce social positions and educational opportunities, determining status, power and privilege in society.

In fact, “discrimination is a word which has definitely a negative connotation of being against somebody or something. It denotes, to create differences, to separate, to act in a way that is unfair to others, etc. Moreover, discriminatory practices are generally rooted in the constitutive principles of social organisation and, consequently, certain groups in society become the systematic and perennial victims of these practices. Such practices do give rise to a pattern of differential endowment of privileges and power and are, in turn, supported and reinforced by them. Since normative elements and institutional arrangements reinforce each other, the escapes of the disadvantaged groups from these discriminatory practices become difficult, if not impossible. With the change in the normative system, social practices come to seriously questioned and sought to be changed in the light of new norms. With the relegation of society to back seat modern times, the responsibility of changing these practices devolves on the state. One more factor aids in this process. “The normal process of politics, which is supposed to redress the balance of power in favour of the numerous underprivileged or unprivileged and, through it, change the iniquitous character of the distribution of societal resources in the long run, itself gets entangled in the prevailing patterns of power distribution. It, therefore, proves incapable of eradicating discriminatory practices. The state has, then, to intervene to redress this balance in a way that frees the disadvantaged groups from their disabilities-disabilities that hamper them in taking part in the competition for access to and control over societal resources on a footing of quality.”

By the end of 19th Century the British in India had begun to hesitatingly introduce self-government in India in the parts ruled over by them. From their perspective the ‘minority’ communities were perceived to be in danger of being

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3 Pasricha, Seema, Caste Based Reservation in India, op. cit., p. 81
overwhelmed by a ‘majority’ community as democratic reforms were introduced, for a majority could always outmanoeuvre a minority. This generated a political philosophy according to which the rights of these minorities had to be safeguarded against such a steamrolling majority. Two such minorities gradually came to be identified in a major way; First a Muslim minority vis-à-vis a Hindu majority and than an untouchable minority vis-à-vis the caste Hindus, even within this Hindu majority. The British Government then assumed the role of the protector and promoter of the interests of these minorities.

The recognition that the untouchables and the lower castes need to receive special attention if an Indian sense of nationality was to emerge, thrive and survive, gradually gained widespread support through three channels: the work of Hindu reformers in the 19th and 20th Century; various movements led by the untouchables and the lower castes against the dominance of the higher castes, particularly in the South, and the formal British recognition of this need.

This meant the beginnings of governmental intervention in society and policy in a manner which we now associate with affirmative action programme. This also applied to both the more enlightened native ruler and the British Government. The use of reservation as an instrument of affirmative action, for instance, may be traced to the Princely State of Mysore or Shahuji of Kolhapur. Similar attempts by the British have both a positive and a suspicious side to it. The suspicious pertained to the alleged imperial disposition to any empire to divide and rule; the positive aspect consisted of the fact that, irrespective of the motive, the policies did promote the interests of the untouchables and the lower classes. The states in India were given the liberty of implementing reservation policy on the basis of criterion evolved by them. This was only to enabling them to adopt policies which were considered best and in consonance with circumstances prevailing therein. Hence a common ground was not found either in determining the backwardness and also the percentage of reservation to be provided for its elimination.
It may be mentioned here that during the British rule, agitations were launched to provide reservation in legislative assembly and also for the separate electorates for various communities. Under the leadership of Dr. Ambedkar a demand for separate electorates was put forth for the protection of the rights of untouchables. Motilal Nehru Committee strongly objected to maintain the separate electorates, yet recommended reservation of seats for minority communities in some provinces under a system of mixed or joint electorates for a period of ten years. In order to stress the unanimity about the demands of untouchables, Dr. Ambedkar abandoned his earlier opposition to separate electorates. Therefore, at the First Round Table Conference he put his demands for safeguards in the future Constitution.

Ramsay MacDonald’s Communal Award even went further for the creation of separate electorate for Scheduled castes. However Gandhi did not approve it and resolved to stall it if necessary, at the cost of his life. It was only after the Poona Pact that such a provision was abolished. The Communal Award though was considered as a step to bring depressed classes at par with the other sections of society, yet real motive was to further divide Indian society and create division and tension within Hindu social order. Mahatma Gandhi was against such reservation, which separated depressed classes from Hindu social order. According to him every individual was equal to his or her counterpart and everyone should get equal chance and opportunities in the developmental process. “If all that is in the universe is pervaded by God, that is to say, if the Brahmana and the Bhangi, the learned man and the scavenger, the Ezhava and the Pariah, no matter what caste they belong to, if all these are pervaded by God, there is none that is high and none that is low, all are absolutely equal, equal because all are creatures of the creator.”4

It should be mentioned here that the Reservations in government services were introduced for the depressed classes in 1942 by British

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4 Gandhi, M.K., Harijan, 30-1-1937, p. 6
government. But at that time very few qualified persons from the untouchables and tribes were available to take the advantage of the reservations.

In this respect the Britishers cleverly focused on managing agitating forces, broadening their shakening base and thereby to perpetuate their own rule in India. Thus, reservation policy during colonial regime was half hearted, short sighted and ill motivated, besides lacking its need-based coverage. It has been very nicely stated that “It included number of minorities which never suffered social discrimination, but surprisingly ignored inclusion of those tribes deserted from the mainstream society and living in mountains and forest in a very pitiable condition.”5

Further, in the wake of independence, the new government took particular interest in the welfare of the depressed classes. Mahatma Gandhi’s special emphasis on the amelioration of untouchables and the nomination of Dr. B.R. Ambedkar as the Chairman of the Drafting Committee of the Constitution was also a reason for this. Through a resolution moved by Dr. Ambedkar, all the previously existing reservations except for the S.C’s and ST’s were abolished. Long before Mahatma Gandhi appealed to the masses that “So far as the Harijans are concerned, every Hindu should make common cause with them and befriend them in their awful isolation-such isolation as perhaps the world has never seen in the monstrous immensity one witnesses in India. I know from experience how difficult the task is. But it is part of the task of building the edifice of Swaraj. And the road to Swaraj is steep and narrow. There are many slippery ascents and many deep Chasms. They have all to be negotiated with unaltering step before we can reach the summit and breathe the fresh air of freedom.”6

However, the question of reservation in services was handled by the Constituent assembly in the most vacillating manner. In the initial stages of the framing of the Constitution the Advisory Committee on the subject of

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5 Rana, Mulchand S., Reservation in India: Myths and Realities, op. cit., p.20
6 Gandhi, M.K., Constructive Programme: its Meaning and Place (Ahmedabad: Navjivan Publication House), 1941, p. 10
Fundamental Rights of Minorities under the Chairmanship of Sardar Vallabh Bhai Patel stated that “consistent with the need of efficiency in administration, it is necessary for the State to pay due regard to the claims of minorities in making appointments to public services.” The members of assembly so committed to provide safeguard to the ‘Depressed classes that while moving resolution for the setting up of Advisory Committee in the Constituent Assembly. Govind Ballabh Pant laid particular emphasis on the importance of the question of Scheduled Castes. As per his views “we find that in our country we have to take particular case of the depressed classes, the Scheduled castes and the backward classes. We have to atone for our omissions – I won’t use the word commission. We must do all we can to bring them up to the general level and it is a real necessity as much in our interest as in there that the gap should be bridged. The strength of the chain is measured by the weakest link of it and so until very link is fully revitalized, we will not have a healthy body politic.”

The adoption of objective resolution as presented by Pt. Jawaharlal Nehru provides a broad framework for the Constitution makers. They followed the ideals mentioned in that document and started preparing the largest Constitution of the World.

The sustenance of the objective resolution was to draw a Constitution which could guarantee and secure to all the people of India justice, social economic and political, equality of status and opportunity before the law, and freedom of thought, expression, belief, faith and worship. The mover of the resolution declared, the future of India that they had envisaged was not confined to any group, section, province or others, but it comprised all the four hundred million people of India; considering the past history and its compulsion the Constitution-maker had, therefore, to provide for a plurality of groups, co-existing with each other on the basis of mutual respect and confidence. They not only needed protection from suppression and exploitation

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7 Constituent Assembly of India, Debates, Vol. V, p. 270
but even positive and social help from the state for amelioration of their miserable lot.

Accordingly, reservation was used as a device or mechanism for the removal of social disparities and social distortions that had crept historically in our social system. Advancement and integration of the Scheduled castes, Scheduled Tribes and Backward classes, in the main stream of our national life was decided as one of the main goal of national development plan and protective discrimination was one of the ways through which government had to make an attempt to deal with the problems confronted by the depressed classes. Now it is evident that there are several Constitutional and other legal provisions which remove discrimination against untouchables and grant them the same rights as other citizens enjoy. On the other hand there are some provisions or benefits which only make Scheduled Castes and Scheduled Tribes eligible for them and make other persons ineligible.

Therefore, reservation abstracts various shades of safeguards, protections, claims, weightages, benefits, facilities, concessions, guarantees, advantages and representation to the downtrodden sections of the society. It is a mechanism of compensatory discrimination. The main focus of reservation policy was to bring depressed classes at par with other sections of the society and fill the social and economic gaps among them. In fact, the policy of reservation was used as a measure of distributive justice. The benefits of protective discrimination are available to three major classes. The first two classes are Scheduled Castes and Scheduled Tribes, and the third class consists of the backward classes. In a way, the policy of reservation compensates members of backward castes for their age-old social handicap by giving them better representation, better opportunities and better facilities. This policy not only brings changes in the social and economic stature of backward classes but also fill the gap in society. As a result, the ascribed status has been changed into achieved status.
Therefore, Reservation is not a number game of apportioning a percentage of vacancies for the eligible community candidates, but it is a mission of abscission of deeply rooted abject social animosity. Social backwardness is not insurmountable and establishing a social harmony wherein every citizen of the nation irrespective of his/her caste, creed or religion shall have an open, impartial and abundant opportunity as also vowed in our Constitution.

The issue of reservation for the backward classes has become a debatable issue, as it has been challenged in the court time and again, who should be given benefits under this policy? What should be the rational criteria for deciding eligibility or giving benefits? How long benefits should be granted? How much posts and seats be reserved? How do preserve the society from evil effects of reservation policy? These questions have aroused public attention. Heated discussions have been witnessed in and out of the house. It has also given birth to protest movement in many parts of the country.

It must be mentioned here that reservation policy has its own share of critics and supporters. Over the years, the emergence of powerful casteist lobbies has exerted tremendous pressure on political parties and government from either depriving them of the benefits of reservations or from meeting out preferential treatment to other communities. This policy has also been utilized as a powerful weapon in making government.

In the 1950's and the 1960's the policy of reservation was not regarded as a social or political problem. There were job opportunities for all educated youth. The spread of education among all sections of society has fostered keen competition in the job market. Unemployment is an acute problem. This is where young men of the advanced classes think that reservation in favour of the backward classes is great hindrance to them in their search for jobs and better education. The concept of free labour market has been changed with adoption of reservation policy. Failure to get a job even in face of best result and better ability has created job consciousness amongst free job seekers. On
the other hand young men belonging to the backward classes think that the young men of the advanced classes are out to corner all available opportunities. These mutually antagonistic feelings have led to the pro-reservationist and anti-reservationist movements in different parts of the country. The rise of the anti-reservationist feeling was a direct result of the sudden and massive success achieved in the implementation of the policy of reservation during the 1970's. The reservation for Scheduled Castes and Scheduled Tribes was raised from 12.5 per cent and 5 per cent to 15 per cent and 7.5 percent respectively in 1970. The period for carrying forward unfilled vacancies was also extended from two to three years. And the benefits of reservation were extended to cover promotions as well. In December 1977 the number of seats reserved together with the number of seats carried forward exceeded 50 per cent of the total seats available. This led naturally to better representation for the Scheduled Castes and Scheduled Tribes in Government services. As a corollary it also led to a spurt in the anti-reservation feeling among the advanced classes.

In the context of backward classes the 1970's and the 1980's have witnessed the appointment of Backward Classes Commissions in different Indian states. The advanced classes took it as a great challenge to them in their search for a livelihood. Differential reservations are provided for differential categories of the beneficiaries. Reservation for S.C’s and S.T’s has four components, i.e., educational, governmental jobs, legislative and economic. The direct outcome of the policy was supposed to be a more equitable distribution of economic resources and a worthwhile sharing of power at different levels in the running of the state affairs. The concomitant outcome of this policy was supposed to be a breakdown of the caste hierarchies, removal of stigma attached to the Scheduled Castes and the creation of a pressure group in the administration to safeguard the rights and interests of these sections of the Indian society. But many studies have shown that the actual beneficiaries were not the poorest or the most deserving among the Scheduled Castes, but those who were already economically better off among them. The scholarships for
higher education were grabbed by those somewhat affluent sections among S.C.'s. Similarly economic benefits had failed to percolate to the poor S.C.'s. In fact, it is the better off among them who had mainly benefited from the scheme such as Integrated Rural Development Programme (IRDP). Though, in some cases the reservation policy was a major factor in the upward mobility of those S.C.'s who belonged to very poor families, but their number is very small.

The representation of the Scheduled Castes in the Parliament was approximately in proportion of the S.C.'s population to the total population in different states. Notably, reservation in legislatures had not achieved such importance as to become an issue as the reservation for the S.C.'s in the field of education and government services. We can say that the policy of reservation has failed to realize its objectives and has resulted in the formation of an elite class with vested interests in this section.

**Critique of Reservation Policy**

The framers of the Constitution in their determination to herald in a new era enshrined in it the provision of Fundamental Rights, thereby ensuring the elimination of stumbling blocks towards progress in the socio-political sphere. But reservation policy which was encouraged to ameliorate the depressed classes and promote egalitarianism has only ensured the compartmentalization of society into backward and forward castes. Thus the principle of equality becomes the greatest causality of reservation policy. Mutual suspicion and hatred engenders which would thereby be a greatest deterrent toward social egalitarianism.

The provisions of Reservation was for ten years from the coming into force of the Constitution. By extending the term every decade, some sections of society argue that we are going against the aims of Constitution itself.

The anti-reservationists point out that reservation has tended to increase rather than reduce disparities between and within target groups. For example, the general mass of Harijans have been let down by their own people and only the prosperous among them have cornered all the benefits of preferential
treatment. Under the reservation policy who are the beneficiaries? Obviously only those persons who have enjoyed benefits who can afford to send their children for education and consequently after education can get job as well as promotion. Naturally the economically weaker families are out of picture.

Caste systems got a fresh lease of life through reservation policy. The framers of the Constitution had fought tooth and nail against the caste system, which had blocked the progress of society. The benefit that accrues to the members of certain castes engenders reverse caste consciousness among them. They stoutly resist any attempt in removing them from the eligible list of beneficiaries of reservation policy. This has also resulted in a mad scramble by many castes for inclusion into the list of beneficiaries eligible for reservations. It segregates society on the basis of caste thereby dealing a severe blow to forces of integration and solidarity. Caste antagonism will deter all sorts of improvements needed to be effected on the overall progress of the nation. Nepotism, corruption would be the method resorted to by various castes to benefit their kith and kin. Grave suspicion would be engendered in the minds of people regarding the sincerity and integrity in times of recruitment, selecting and in distribution of resources.

Ever since 1997 caste is increasing being used for political gains. The conglomeration of various caste groups has become a very powerful pressure group within various political parties. This mechanism has got extended to various institutions as well. Political power is now used by caste groups to resist it being derecognized as backward. The Supreme Court and High Court have now and then warned various state governments that reservation should be removed in a phased manner. But political parties have ignored all such warnings and instead continued to inflate the list of castes eligible for reservation. Reservation policy effects only a cosmetic change to the problem of backwardness offering relaxation in qualification, age, concessions, and scholarships to pursue education would benefit an individual only at a certain stage. It does not alter the circumstances of depravity under which an
individual is shaped up. Reservation will not steal the resolve of a person to overcome the hardships he confronts. It makes him dependently dullard, indolent and lazy. An improvement in the circumstances done will not strengthen the will power to surmount handicaps. The state should adopt ultimately a policy of reservation facility to build up human material and therefore let the best be selected to give their best in the service of the nation. We should have reservation amenities and privileges to the backwards or any class economically weak, right from the beginning of their educational pursuits, through the grant of scholarship and free ships, book, aid, free residential or hostel facilities, better food etc. But after competing education and environmental training, they should not be given any kind of special treatment in selection for jobs. There should be reservation of facilities but not of jobs.

India has tried out the reservation idea to improve the lot of the weaker sections for more than 60 years and if the policy of reservation has really made no difference in the conditions of weaker or depressed sections of the society, why we are following such an ineffectual arrangement. Some people argue that the Sc's and S.T.'s in India together constitute 24.56 per cent (16.48% and 8.18%) of the total population, OBC's 51 per cent, economically weaker sections 10 per cent and Muslim 13 per cent. All this adds up to 98%. When nearly the whole country is backward, where is the justification for special measures for any particular section of the backwards? The anti reservationists, further, hold that the traditional system of social stratification has undergone a metamorphosis in recent times. A number of factors are responsible for this metamorphosis such as universal education, wide-ranging social legislation affecting age-old institutions and inequalities, land reforms, urbanization, industrialization and the consequent diversification of occupational structures. In this situation inferior occupations like artisan, landless labourer, cultivators and others would be the correct test of backwardness in place of caste.

Recruitment on the basis of merit is envisaged to secure the best talent available and utilized in the service of the country.Merit is fixed as a criterion
for entry into government services in order to avert nepotism, corruption and favouritism in the recruitment process. Provision for reservation policy would impede the intention behind the recruitment process. In addition to merit caste also becomes a criterion for recruitment. Professions like teaching, engineering and medical practices which are extremely vital to the development and welfare of the country will be severely vital to the development and welfare of the country will be severely affected by deterioration in standard and quality. Respect, confidence, in the capacity of these professionals would cease to exist in the minds of the public. The horrendous consequences of this would be stagnation in social and development spheres.

Moreover, the reservation policy has also been used by the politicians for creating vote banks. In their zealoussness to ensure success at the polls, the reality is ignored and entire attention gets focused in pondering to the desires of a particular section of the society. They are recalcitrant in discussing the various commissions’ reports threadbare with the intension of assessing the geniuses of the commission findings and the effectiveness of the methodology adopted by it towards this goal. Such reluctance on the part of political leaders has seriously impeded the reigning government from making any alteration to the reservation policy to keep it in tune with the changing circumstances. Hence this has resulted in people virtually deluging the judiciary with petitions seeking justice for the redressed of their grievance which an obdurate legislature is reluctant to grant.

**Views of the Pro-Reservationists:**

The pro reservations argue that the superiority of the Brahmans and the other upper castes and the low social ranking of the backward castes and the Shudras are ideas rooted in the Hindu Scriptures. They point out how even today a Brahman enjoys a higher status socially than a rich man belonging to one of the depressed castes. They, therefore, feel that caste is a relevant criterion in the determination of backwardness. They want to compensate members of the backward castes for their age-old social handicap by giving
them better representation better opportunities and better facilities. They further argue the ritual status is a predominant criterion of social stratification and that the acquisition of economic and political power does not in itself assure the upward movement of a social group on the social ladder. Further, they point out how, if economic backwardness is everything, the framers of the Constitution would not have taken the troubles of using the words "socially and educationally" in Article 15(4) of the Constitution. They would have been quite brief and used just the word 'economically'. To promote the advancement of the untouchables, tribals and other "socially and educationally backward" classes, the Constitution allows "Protective" or "Compensatory" discrimination in their behalf. The Pro-reservationists regard this as the acceptance of caste as a criterion for determining backwardness in the implementation of a policy of reservation.

The presence of depressed classes on the job creates relations of interdependence with both follow officers and clientage. To some extent this offsets the feelings of alimentation experienced by the depressed classes’ employees which they attribute to rejection on the part of their fellow officers. Thus together these employees will be able to work for the common objectives of the organizations removing any doubts in the minds of the clients. The main motive behind the policy of reservation is to bring down strides into the national main stream as government jobs give status; they imply power that is more valuable than more economic benefits. On this view, again the problem of backwardness remains social, and not economic. Further, the pro-reservationists argue that to run the administration one does not need to be a genius. Common intelligence is sufficient if it is coupled with a high degree of honesty and a capacity to take decisions. According to the leaders of the backward classes one's merit is a product of the socio economic conditions of one's family. The children of socially superior and prosperous parents do well in education and in the job market. The socio-economic conditions of the backward castes have not improved. They are, therefore, entitled to reservation. Reservation, they declare does not lead to any decline in administrative
efficiency. On the other hand it integrates the political and social systems and ensures social equality. It strengthens the faith of the backward classes in the political systems. This in turn promotes national integration.

Educational qualifications are the prime requirement for recruitment into government services. The awareness that education imparts would enlighten them about their legitimate rights, and when the same is denied to them will find a violent fighter for it. Reservation releases many a criterion prescribed for recruitment to a job. An entrant from backward castes into government service, his improved status, thereafter would be a great source of inspection to them for taking to education and competing for jobs. Reservation has made a threefold impact. The most crucial one is that education has become a value among the socially backward, an accessible means for modernity and social mobility. People of these communities now go to great lengths to see that their children are educated, so that they can receive the benefits of reservations and are able to enter the middle class frame work. Secondly given such educational aspirations their life style has changed, with alcoholism on the wane and savings increasing. Thirdly, such opportunities have enabled certain people to attain a professional stature and as in the case of every community which creates an upper crust, they not only act as a role model but also as a protective device, a 'spear head' for their people to enter the system.

In service training, coaching, counselling are procedures adapted in all institutions to equip employees to contribute their mite. These measures overcome the initial disadvantages a candidate faces at the time of recruitment. The employees who get selected will not be of uniform quality as their circumstance would have a powerful bearing on their performance. A sort of acclimatization is required to familiarize every employee irrespective of his caste/class background to ensure efficient performance. The fear of undeserving colleague becoming one's superior is quite unfounded. The training undergone by the employee would naturally equip everyone with the requisite job competence to be promoted. It is baseless and still unfair a charge
that through reservations only the most inefficient gets understanding promoted.

Economic deprivation is one of the main causes for educational backwardness. This has resulted in the poor not sending their wards to school and if sent many drop out before completion. Moreover, the circumstances under which the backward castes have to study are miserable and socially humiliating. Hence they are not in a position to compete with the upper castes who hail from more advantageous families. Thus, the relaxation of age is essential for them.

The arguments placed by pro and anti reservationists groups have valid grounds. A comparative and analytical analysis of arguments seems inevitable. In a democratic socialist country the upliftment of backward and weaker sections in the society becomes the responsibility of the state and the public. Measures for upliftment are to be adopted for a certain period which may be economic, educational, cultural, social and even political. The measures adopted should not have reverse impact on other groups for long. Further, the backward and weaker sections must avail the limited benefits made available to them. The measures must be such as the check the undesirable use of privileges.

The recreational policy should be based on rational basis, which must eliminate caste basis. Any policy based only on caste would provide fertile soil for the germination of caste hatred and war which would be injurious for the society. Thus, it calls for a well thought rational policy in order to provide opportunities for upliftment of those who are backward economically and socially. The continual demand for a change in reservation policy both in the Parliament and out of it has logical force behind it. It has been supported through individually by many members of the backward classes, commissions, academicians, statesman, various organizations, etc. Unless the present reservation policy is replaced, it would turn into further imbalance, well-to-do families in the backward castes would further grow and weaker families of forward castes would further become weaker. Such will be gross injustice
against the weaker section of upper castes. As a result, the society would witness stir after stir, which would be detrimental for all. Therefore, let a new thinking be infused to save the society as well as to provide opportunities to all for all-round development.

The government’s efforts to evade its duty of providing quality education in government schools, and take that as an excuse for providing reservation to the backward classes, may be a populist policy thereby garnering votes for themselves. Now the question arises, that why every parent tries to send their child to private and convent schools and not in the government schools. They spend thousands of rupees for this purpose but they don’t prefer to avail the free education given by the state. The main reason behind this is the problems faced by the government schools like shortage of teachers, insufficient funds to pay salaries to the teachers, poor quality of infrastructure and shortage of qualified teachers. Whenever the government is alerted of the conditions it turns a deaf ear to the problems. The government on an average spends about 3 per cent of the GDP on education, while the requirement is to spend more than 6-7 per cent. Even the ‘Right to Education’ till the age 14 was made compulsory after the intervention of the court. The strengthening of the government school, which is in a bad shape, is the requirement which in itself would enable providing of a level playing field to the backward classes.

After reservation being given in higher education and having reserved jobs for the backward classes in the public sector, now the debate is for giving reservation even in private sector. So why is it that it has reached this stage, thereby proving that it is an ineffective system? The demand for awarding reservation in the private sector was raised after the globalization resulted into the boom of private sector, while there has been shrinkage in the jobs being generated by the public sector entities.

Tapan Narayan, in this context has observed that “If real empowerment is the aim, the backward should exhort the government to make good schools and world class institutions for higher education and make conditions conducive for availing of the reservation. This would go a long way in solving
the problems faced by the backward. If backward rely on the political leaders completely and think reservation would help them out then they would be repeating the mistake that they have been repeating all these years. It would only help in the concentration of power in a few among this class, which is not the purpose of giving reservation.\textsuperscript{9}

It is the very malfunctioning of the reservation system that has made it reach this stage where people have started asking for reservation to be awarded in the private sector. If the whole reservation policy would have been successful then reservation should have been ended in the educational institutions itself, as those who would have got into these institutes would have developed their skills whereby they could work as professionals or join the public sectors depending upon their interest. Reservations have utterly failed to raise the vast majority of dalits and tribal’s from abject poverty. But they have served as an important support of bourgeois rule, nurturing a small that is loyal to the Indian state and zealous in its promotion of identity politics.

The current reservation controversy has witnessed an expression of acute social crisis. The ruling elite has been sharply divided over the government's attempt to use caste appeals- long stock and trade of Indian politics- to give a populist covering to its pursuit of the socially incendiary new liberal agenda of big business. A genuine struggle against caste operation is required and is possible only through an educated working class led movement that can mobilize all sections of the oppressed, irrespective of caste, religion or ethnicity in order to achieve equal opportunities and quality public services for all. “Social justice is the balance between the individual’s rights and social control ensuring the fulfillment of the ‘legitimate’ expectation of the individual under the existing laws and to assure him benefits there under and protection in case of any violation or enrichment on his rights, consistent with the unity of the nation and needs of the society.”\textsuperscript{10}

\textsuperscript{9} Narayan, Tapan, ‘Review of Reservation policy, Legal Service India.Com. 18 August 2005.
\textsuperscript{10} V. Santosh, Kumar, Social Justice and the Politics of Reservation in India (New Delhi: Mittal Publications), 2008, p. 1
The policy of reservation should be judged on the ground of prevailing social realities in Indian society. The Caste system is impediment to the progress of our nation. The removal of the bondage of caste can help to achieve liberation of individuals, essential for the system of merit to work and the classes to be formed. What is needed is that for a social change, the power generating structure like education and administration must be equitably distributed over the whole social surface rather than being clustered, through one system of legitimisation or the other, within the limited segments of society.

Mulchand Rana in his work ‘Reservations in India’ argues that the demand for reservation concerns only the distribution of educational opportunities, modern jobs and national resources within a democratic political system. This is a just demand through non-violent means. If this is not conceded, it may not be of the boundary of possibility for those who have grievances of being deprived, to aspire for the realisation of their rightful place in the power structure even through violence, if the inbuilt social discrimination is not tackled through democratic procedures.

In the immediate sense, caste-based reservation is a reality and the same can be started only from where the people stand now. So, the immediate first step for doing away with caste-based reservation seems to be the combination of one or more options as explained below:

Actually we should aim to set the criteria of reservations based on economic factors. Even now, the majority of our people of all sections are poor. Let us keep the reservation percentage same, but let us persuade the masses to support the reservation based on economic criteria like annual family income being less than a certain number. The creamy layer among so-called backward castes would surely oppose this move in the name of injustice to their castes because of their selfish interests, but we can expose these elements of selfishness through concerted efforts because the people belonging to the non-creamy-poor layer rather than creamy layer is still the majority in our country and they need to be awakened that the alternate mechanism of “economic
criteria"-based reservation rather than caste-based reservation is in their supreme interest.

Thus, in essence, we have to work for replacing caste-based reservations by “economic criteria”-based reservation. It will require awakening among the poor, but it is certainly actionable if we make enormous efforts. If we fail in doing so, in another few decades, the masses will develop such a strong attachment to their caste-identity that caste-free vision will have to wait for a few millennia like it has waited since last 2500 years, the time of the Buddha. So, one has to gird up loins to make the future of our country, by taking forward the best from our past and leaving aside the worse things of our past forever. This is the time to prove that there are still people who can work for great ideals with supreme level of zest and devotion. We must not miss this opportunity to work for a caste-free society and hence, fulfil the dreams of our great personalities like Mahatma Buddha, Swami Vivekananda, Mahatma Gandhi, Guru Nanak Dev, Sri Narayan Guru and Baba Saheb Ambedkar.

**Caste Census: A New Debate**

Undoubtedly, the Indian Census has a rich tradition and also enjoys the reputation of being one of the best in the World. The first Census in India was conducted in the year 1872. This was conducted at different points of time in different parts of the country. In 1881 a Census was conducted for the entire country simultaneously. Since then, Census has been conducted every ten years, without a break. Thus, the Census of India 2011 was be the fifteenth in this unbroken series since 1872 and the seventh after independence. It is through the missionary zeal and dedication of Enumerators that the great historical tradition of conducting the Census uninterruptedly has been maintained in spite of several adversities like wars, epidemics, natural calamities, political unrest, etc. Participation in the Census by the people of India is Indeed a true reflection of the national spirit of unity in diversity.

Now India has been designated a welfare State. Since independence, Five Year Plans, Annual Plans and various welfare schemes have been
launched for the benefit of the common man. All these require information at the grass root level. This information is provided by the Census.

Population Enumeration provides valuable information about the land and its people at a given point of time. It provides trends in the population and its various characteristics, which are an essential input for planning. The Census data are frequently required to make and develop sound policies and programmes aimed at fostering the welfare of the country and its people. This data source has become indispensable for effective and efficient public administration besides serving the needs of scholars, businessmen, industrialists, planners and electoral authorities, etc. Therefore, Census has become a regular feature in progressive countries, whatever be their size and political set up. It is conducted at regular intervals for fulfilling well defined objectives. One of the essential features of Population Enumeration is that each person is enumerated and her/his individual particulars are collected at a well-defined point of time.

The much debated topic in India has been the Caste Census. Is there really a need for a caste Census in India? Well first of all, what is Caste Census? Census is a term used for numbering of people, valuation of their estate for the purpose of imposing taxes. Similarly, Caste is a social reality which determines one’s social status and the limits of the social relations and also opportunities for advancement in the life of an individual.

The Government of India has approved the caste headcount should be done at the biometric stage. It is a part of 15th National decadal Census which began on 1st may 2010. The first Caste based Census was conducted in 1931 by colonial British Government. There is only one instance of a caste-count in post-independence India. It was conducted in Kerala in 1968 by the Communist Government under E. M. Namboodiripad to assess the social and economic backwardness of various lower castes. The Census was termed Socio - Economic survey of 1968 and the results were published in the Gazetteer of Kerala, 1971.
The most significant development of this Census is that it would not just be an OBC head count but a comprehensive caste head count in which every citizen being asked which caste he or she belongs to. Although, there is an option before every citizen either to fill caste based form or not. The biometric phase will cover photographing, fingerprinting and is mapping of all citizens over the age of 15 for the National Population Register.

**The issue right now**

The exercise of caste Census was demanded during the ongoing 2010-11 Census. Now the question is that if it is feasible to undertake the exercise at this stage, now that Census operations have begun? No doubt this decision should ideally have come earlier, and is perhaps too late for a full enumeration of all castes. But enumeration of the OBCs is not impossible even at this stage. The National Commission for Backward Classes has already prepared a list of "Socially and Educationally Backward Classes"- legal nomenclature for the OBCs. This can be the basis of identification of these communities across the country. This can be supplemented by the People of India project. In 1901, when the British did a caste survey they collected a list of 1000 castes, and in 1931 they found that there were 4000-odd caste names. Current reservation allocation is based on the data of this Census. These data were collected by the Colonial Government. Further, we cannot rely on the data compiled 80 years ago. Thus, the reservations have been given on the basis of guess so far. This has created a controversy and became an issue of debate.

**Caste as an identity in India**

Among the urban elite, caste is private information while in the rural places caste is public information. Clearly, caste is neither relevant, nor sought to be known in anonymous urban spaces like worksites or commercial areas. In western concept of democracy, voting right is strictly individual but in a multi-cultural society (like India), it becomes both individual and communitarian. People vote on the basis of both economic considerations and caste identities. Caste represents the vertical solidarity of caste agglomerations, which uses caste to create the pattern of electoral democracy.
Furthermore, there are few other aspects of politicization of caste system. Caste division earlier was just a reminder to the societal vocations. But now the government has ended up giving an official status to caste. They have used the caste label for quotas and reservations in education and job. By creating such caste divisions the government is giving rise to casteism. People have started showing more interest in their caste status so that they can use it to fill up application forms for the various examinations, jobs etc to become eligible for quota privilege. The policy of the government to give quotas and reservation on the basis of caste rather than on the basis of economic status is discriminatory towards people of other caste and is often condemned by the common people.

Further, it may be mentioned here that only interpretations from caste are wrong. Caste is a code of behaviour. It enforces a range of behaviour including rules of marriage. Caste is an index of solidarity, even in modern urban society. To a newcomer, caste is the grid, of familiarity and of survival. The division of labour present in caste, particularly craft communities, creates the diversity that India is famous for. It was the Brahmanical interpretations, which made it a social hierarchy and an inheritance based system. Persons were not recognized by their talent, but by their birth, which they had no control on. There are many examples of inter-caste marriages which led to brutal murder by parents themselves or other members of the family. Even today, many Dalits cannot fetch water from village well; a low caste person cannot contest election for the post of Sarpanch and is murdered, if he does. For upper caste, caste is not only an identity, it is a great prestige. This sense of prestige increases if economic disparities increase. Low caste people continuously going down the scale. Our very culture is caste culture and it is being reinforced by our ethos, our status symbols and above all, our politics. Owing to their identity, the lower caste applicants face significant discrimination in the white collar job market.

In Independent India, the Constitution abolished caste and hence caste as a category was not included in subsequent Censuses. But the social
stratifications have not diminished. On the contrary, it has been intensified several folds. The question of caste again became important when the recommendations of Mandal Commission were implemented in 1990 by V.P. Singh Government. Recommendations were alleged to be dubious as they were based on unreliable data.

All this indicates, powerful influence caste enjoys on the Indian psyche. And if this is the case, then caste must be analyzed. It would be unwise to exclude caste and would be politically counter-productive. If such a large section of people seek such Census then it would be difficult to brush aside the consensus in Parliament, as these representatives are considered the voice of the people in the Parliament.

The need for Caste Census

Caste Census will give an idea of regional distribution of different castes. All the Commissions like Kaka Kalelkar, Mandal and Venkata Chelliah have recommended caste census. One prime feature of the 1931 Census was the data on the sex ratio of each caste group, which clearly indicated which groups were killing their newborn daughters (since they didn't have pre-natal sex determination techniques then). It was noted that the worst sex ratio was among the Jats, who had only 806 females for every 1,000 males. It is not a coincidence that 'khap Panchayat rule' plagues Haryana even today. There have been many cases recently which have eroded all the human values.

Also, some of the lower castes were found to have the best sex ratios (since they never looked at the female child as a liability), e.g. The Mala caste of Andhra had 1,028 females per 1,000 males; the lower caste Mahars of Maharashtra, Holeyas of Karnataka and Pulayas of Kerala etc. had 1,002. The Scheduled Tribes had the best sex ratios then. Will it not be useful to see which castes today are the prime movers in female feticides? The data will also help in policy-making and in delineating groups that are not clearly defined or show degrees of overlap with other groups.

Development planners in government have always worked with data from the NSSO, National Health Survey and other such data which do use caste
as a variable. The Arjun Sengupta Commission Report on 'Conditions of Workers and Promotion of Livelihoods in the Unorganized Sector' of 2007, for example, is an eye-opener. It showed that the upper castes formed the richest strata in the country, with 45 per cent falling in the 'middle to high income' category, whereas only 12-20 per cent of SCs, STs, OBCs and Muslims fell in that category. The report deemed 88 per cent of Dalits and Advasis 'poor and vulnerable' in terms of income; 80 per cent people belonging to the OBCs and 84 per cent of Muslims were also found 'poor and vulnerable'. This shows caste is still a factor in the marginalization of some sections of people. Even so, we need authentic and current data to know where we stand. After analysing the situation we can say that caste-based census definitely will help to identify the various backward and downtrodden classes. These classes may benefit if the government implements development plans effectively. It would also help in understanding the change in society. They say that having this data will strengthen the democratic system and will help to uplift a particular caste and in future there will hopefully be a casteless society. Also the caste-based system could help in eradicating inequality in the society.

Arguments against Caste Census

The 2011 Indian Census, considered collection of caste data. On one hand we say that India is growing and becoming a developed nation while on the other we are agreeing to the caste based Census. Are we really trying to show to the world that we are still tied in the ropes of a caste based society? In a secular and independent country like India, is there still any need or scope for the old caste based Census that used to be followed during the British Rule?

The exercise of Census is already on. Certain facts have already been collected. Caste based enumeration will cause huge changes in the strategy and data collections. Logistics need a big change. A move to determine numbers can trigger an irreversible chain of events over reservations.

The framers of the Constitution and the first Cabinet after Independence, which had giants like Jawaharlal Nehru, Sardar Vallabhbhai Patel, B R
Ambedkar and Maulana Azad, decided to do away with caste-based Census which was seen as divisive. It is too early to justify a reversal of the decision taken by the people who were connected with the aspirations of the people and who grasped the social complexities so well. It is a politically and socially sensitive issue. These issues have to be dealt with only after due deliberations and proper planning. Full participation of civil society and all political parties have also to be ensured and taken into confidence.

However, today politicians are doing everything to divide the country rather than integrating it. There is also an apprehension that a caste-based census might further divide it. It would merely become a tool for formation of vote banks and be wielded power hungry leaders. Politicians who belong to regional parties are more interested in vote bank politics. They are dependent upon a certain caste to win in the first pass the post system of voting. It is also a known fact that Also, elections are fought on the basis of caste and communal identities. Castes and sub-castes come into play for political aspirants. Tickets are given not on merit but on the basis of these identities. Even those who were not aware of their sub-castes are demanding their share on that basis. The case of Gujjars in Rajasthan and Jats in Haryana are the cases in point. The caste census may better or destroy the society, but it will definitely aggravate the polity of the Country as it will then call for the framing of caste based policies and there will be a hue and cry in the long run.

In fact, Caste system is based on local solidarity; it is based on sub national loyalties. These things undermine the efforts of national integration. We aspire to become an egalitarian society and the caste culture negates this very aspiration. Caste enumeration will increase class conflicts. Some have observed that the demand for a caste-based step is a conspiracy to divide the country. The goal of the Indian Constitution is to create a casteless and classless society, but the caste census could be a disgrace for such a dream. Vesting the data with the sanctity of the census operation is bound to raise issues of quotas within reservations based on the relative strengths of castes.
Many intellectuals and almost all the business organizations have also expressed their views against the caste census.

If proportion of the OBCs turns out to be more than as it was supposed by the Mandal Commission (52%), the 50% moratorium on reservation in government jobs, presently imposed by the Supreme Court, may have to be revised. It may initiate slew of petitions and Constitutional complexities too.

Besides, there is an apprehension that Caste-based Census may give rise to caste division. Also there will be a difficulty in the operation of ascertaining the correctness of the caste claimed by a person as the census authorities do not have any such final list. The Census may be misused by a person to move up the social order. Do the government really want to label a person by caste? The caste-based census will not help the common man. It is only going to add fuel to the fire. If the government really wants to work for the progress of the country they should divide the people on the basis of educated and non-educated, literate and illiterate, rich and poor (above poverty line and below poverty line). If they have a proper count of the number of illiterate and poor, the government can then work towards their uplifting.

Further, when we talk about a secular India, then where does the question of caste division arise? Also there are more than 4000 castes in India. How many different caste divisions are they actually going to do? Will it be feasible to take into account all the different castes? What if a person does not want to identify himself by caste? What will he put in the caste box? What is the utility of caste system, when parents kill their own children if they marry in same gotra of a caste? Then, Caste Census will reinforce their caste identity and their orthodox beliefs. How will the government keep a track of all these various issues? This is a question to be answered.

Similarly, we go on boasting of equality. But by creating a caste division and on that basis making quotas and reservations, is the government or the politician really showing equality? Well if they really wish to develop the country and eradicate poverty and illiteracy, then the government should give more emphasis on education, healthcare and development. Effort should be
made to remove caste system at all and make India a casteless society but keeping in view the interest of all the weakest sections of the society.

The tensions in the country around the policy of reservation are likely to be resolved only when there is a spirit of accommodation specially among those who oppose the affirmative action, because of having vested interests in the on-going order of society, must change their mind and heart and work for a social order in which the monopoly of certain castes over the power structure is made non-existent. This would give meaning to a democratic system and usher in a balancing order of society. This is in the best interests of the nation since the caste-segmented society cannot allow the economy to move rapidly on the road to economic development.

Dr B.R. Ambedkar, the man behind the drafting of the Constitution had viewed the reservation system as a temporary measure; he had imagined that as time progressed Indians would be able to rise beyond their barriers of caste through education and knowledge. His vision became reality for the most part but what Dr Ambedkar didn’t foresee, was the political selfishness and greed of the forthcoming generations of politicians. The Quota system that was supposed to be eliminated after few decades of independence, was allowed to be extended over and over again, the most damaging part was the increment of these quotas from 7.5%-15% during the time of independence to almost 50% currently, in order to lure the voters in the caste based politics.

However, Justice in a democratic society does demand a socially representative power structure. Seen in this perspective, the long run national interest can be protected through internal adjustment which depends upon as to how understandingly the ruling high castes handle the legitimate aspirations and rightful demands of the lower system of Indian society and whose recovery is impossible under the circumstances without preferential treatment to these people as required by their social and economic situation.

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