CHAPTER - I

INTRODUCTION AND METHODOLOGY

The politics of reservation revolves round the premise of socio-economic-political concepts with the master puzzle of backwardness and forwardness, constitutional provisions and judicial trend, emancipation of the backward class of citizens, and the principles of natural justice and socio-economic-political justice in its realities and paradoxies precisely in the general conditions of socio-political-religious aspects with juristic facts of the monitoring spheres for nationalism and the national mainstream in the life of people in the Indian society in which the Hindus are in majority. As every change in the country depends upon the psycho-dynamic nature of the people linked together in social and personal life of every individual citizen, the nature of the existing society influences every child that takes birth in human society in the country woven with various isms and egoisms with nationalism and national outlook having been given a primacy by the society collectively in the country. This is very important from the view point of the socio-political-religious dictums and the characters of the people in the society which
governs the people on the principles of psycho-dynamism as the basic foundation of the society where the materialism is a matter of the secondary importance in the establishment and continuance of the typical human society. With such typicalities having been continued with religiously dictumatised nature, the system of reservation as a principle based on the foundations of social justice has been introduced in Indian life in which the State of Tamil Nadu pioneered the justifiable phenomenon and the State of Karnataka followed it for the ideal of a just society for its people.

The system of reservation at present includes and encompasses the whole population belonging to the income group of below ₹8,000/- per annum of every applicant citizen inclusive of his parent's income per annum to that particular year for which the citizen claims the benefits. And if this were to be so, we can mark two major groups of beneficiaries namely:

1. All the untouchable castes and tribes which have been scheduled under the Constitution of India, under the various governmental orders under the President of India right

from the democratic republic day from 26.1.1950 for every official testimony. And they were below the Shudras and they were the early representatives of the people and they were also called out-castes, depressed classes in due course of time¹ and now they are called scheduled castes.

ii. The other touchable castes which are in need of some benefits without which they cannot advance in their life in their struggle to catch up the growth of the high caste affluent group of people who are well off economically, socially well privileged, educationally progressed, politically conscious, active, alert and eventually happy in life.²

If that is the case, how to identify such citizens whom the Government can identify and classify as beneficiaries, in the society is a complicated issue. When viewed from the concept of equality, we find that the equality in its absolute sense in the Indian society is not found much clearly. And the absolute equality is impossible.³

2. Constitution of India, Articles 15(4) and 16(4).
After gaining political freedom, the constitutional scholars tried their level best to accommodate every citizen to satisfy him politically but in practice of it and in reality, it is very difficult to satisfy every body in every section of Indian heterogeneous, enclosed and endogamous caste ridden society. The formal calculations help less in solving the socio-political problems as the individuals are the basic elements and units of the human society in which the behavioural aspects are more important factors as the human behaviour emerges from the human mind which is influenced by the body politic in that society.

Hindu society in India is organised on the basis of a unique form of social stratification called "Caste", which has no parallel anywhere in the world. The word "Caste" is derived from the Portuguese word "Lat Castus" to mean in English translation "Pure or Chaste" or breeding. The caste is all pervasive of description and definitions. Yet it plays an important role in all spheres of life. It is commonly acknowledged that one's status in Hindu society is based on one's birth in a particular caste. Rajendra Pandey says, "...

(1) Caste exists whatever changes that are; only in peripheral

areas; (ii) There is continuance and reinforcement of the old in new forms or, to put the same differently, there is substitution of the modern for the ancient; and (iii) The dominion of stratification, namely class, power and status, besides, or along with the caste, are in the process of emerging.\(^1\)

Although 'Class' has some significance in determining the individual's status, it plays only a secondary role when compared to "Caste". This system has successfully compartmentalised the society into families split up in groups which are hierarchically organised with Brahmins at the apex and the untouchables, who are familiarly known as 'Harijans', \(^2\) 'the children of God', as named by M.K. Gandhi; and they are scheduled in the Presidential Orders, and they are at the bottom in the caste hierarchy dwelling outside the village called "Keri", "Holegeri", .... etc. The other castes, based on purity, pollution and occupation etc., have been compartmentalised in the social hierarchy with the tribals as the social hamlets to the existing castes with their endogomously graded status within their tribal relation in the society and the taboos like purity and pollution are imposed on the untouchables rigourously in practice with horrible

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severity more than the touchable castes in Hinduism. In this system, the highest groups enjoyed all the privileges while the lowest and the near lowest suffered all the disadvantages; and they virtually became lowest even lower than the slaves in their status and social mobilisation without any sense of freedom or liberty given in any aspect of human life to them and they had to be at the mercy of the high caste touchables who have the high grade of social status in life. Though the middle level castes or groups are at a considerable disadvantage when compared to Brahmins, they do not have to face the same problems as the lowest ones. Nevertheless, this system has been in vogue with some coherence for many centuries largely because of the compelling economic interdependence of castes and the religious sanctions and rules of the sacred law in the general behaviour of the human beings.

While the upper castes have a vested interest in keeping lower caste groups as low as possible,¹ the latter, due to their poverty, ignorance and illiteracy were not organised to exert pressure or claim a better status in the society.

With India emerging as a free Nation State, it adopted a policy of preferential treatment for the weaker and the disadvantaged sections of the population. India in its Constitution proclaimed equality as a cardinal value against a background of elaborate, valued, and clearly perceived inequalities. Her constitutional policies to offset these inequalities, proceeded from an awareness of the entrenched and cumulative nature of group inequalities.¹

Thus, the Indian Constitution is interpreted as a means to achieve a casteless and classless society. India's policy of protective discrimination comprises a wide array of preferential schemes for the upliftment of the oppressed and the downtrodden. These schemes and programmes are authorised by constitutional provisions that permit departure from formal equality for the purpose of favouring specified groups in order to elevate them to the level of the superior caste people.

In this context it may be helpful to identify the relevant constitutional provisions.

Article 46, the 'Directive Principles of State Policy' a non-justiceable fundamental right, declares that, 'The state

¹. Marc Galanter: Competing Equalities (Law and the Backward Classes in India), Oxford University Press, Delhi, 1984, p.1.
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 scheduled tribes and shall protect them from social injustice and all forms of exploitation'.

The Constitution's ban on discrimination in government employment is qualified by Article 16 (4), which permits the State to make .... "Any provision for the reservation of appointments for 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 general provisions banning discrimination by Government (Art. 15) and banning discrimination in government-aided educational institutions [Art. 29(2)] are similarly qualified by Article 15(4) which provides:

"Nothing in Article 29(2) ... shall prevent the State from making any special provisions for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes."

These, along with specific provisions for reservation of seats in legislative bodies, are the core of the constitutional commitment to compensatory discrimination.
The benefits of reservation are extended to a wide array of groups. There are three major classes, viz.,

a. There are those castes designated as scheduled castes on the basis of their being untouchable in the Hindu social fold.

b. Scheduled tribes who are distinguished by their tribal culture and physical isolation and who are residents of specially protected scheduled areas.

c. There are the 'backward classes' or 'Other Backward Classes', a heterogeneous category, varying greatly from State to State, composed of different castes who are low in the traditional social hierarchy, but not as low as scheduled castes and scheduled tribes.

The types of benefits may be roughly categorised as follows:

1. There are reservations which facilitate access to valued positions or resources — reservation of posts in government services, and reservation of seats in academic institutions and political reservations like reservation of
seats in the parliamentary and assembly elections and reservations in local bodies, Mandal Panchayats and Zilla Parishads etc.

2. The reservation device is also used in the distribution of land allotments, housing and other scarce resources. There are programmes involving expenditure or provisions of services, e.g., scholarships, grants, loans, land allotments, health care, legal aid to the beneficiary group beyond comparable expenditure for others.

3. And benefits in the form of special protections. These schemes are accompanied by efforts to protect the backward classes from being exploited and victimised by the upper crust of the society.

Decisions of governments relating to conferring the label of 'Backward Class' on certain section of society and the extension of benefits of reservation is unfortunately influenced by electoral motives, which in reality appear to be a political gimmick to satisfy the vote banks.

Studies on the politics of reservation are few. There are some studies which mainly deal with the question of reservation in a very lighter way. Mostly, they deal with the
peripheral aspects, excluding the more significant aspects or issues involved in the mechanism. However, the studies conducted by Marc Galanter, K.L. Sharma, Anil Bhat, Sunanda Patwardhan, James Manor, Ielah Duskin, A.K. Vakil, and B. Kuppuswamy are partly significant as they stress on social

1. Marc Galanter: Competing Equalities (Law and Backward Classes in India), Oxford University Press, Delhi, 1984.


8(1) B. Kuppuswamy: Social Change in India, Vikas Publications, Delhi, 1972.
patch work to the ruined feelings of the depressed class of people. Each one of them sheds light on the issues of the few effects of social dynamism leaving far away behind the causes for the variations in the society with interdisciplinary sciences in the subject matter. However, the studies are complimentary to each other so long as the social issues are concerned but the genesis of castes and religious influence have not been viewed in detail.

The interdisciplinary subjects of social sciences like jurisprudence and legal theory, history, psychology, and human behavioural aspects with political behaviours on caste base affinity, sociological traces and party politics, and above all, the religious polity, culture, subordination and domination, social-psychology, socio-political natural justice as such have to be viewed and analysed in detail because every action of human beings in the society responds, rebounds and reacts with cooperation or agitative facts on each other in varying degrees which needs a deep analysis in the subject-matter; as behind every action of every human being, the senses are acting there; and behind every sense there is a fine mind which commands every matter in life in consonance with others in social life.
Sunanda Patwardhan's investigation lacks in such spheres but the motivations of the political will of the public has not been taken into view with the legal validities and rejections at any level. She confines the castes, and religious spheres to the pollution and purity aspects and as such, the traditions of the society with religious conversion movement by the untouchables. Even the traditions change in a long period of time due to a change in the nature of the ruled and rulers like aristocratic, feudalistic, monarchical, colonial, democratic, dictatorial, anarchic or even despotic. With all succession and suppressions of one's rule over the other, the society which has a majority of people who are comprised of common men, women, old, young and children, do live under those rulers with persisting nature inherently carrying over knowingly or unknowingly settled with a label 'culture' for long periods of time. Hence the genesis of caste requires a critical analysis of inter-disciplinary cross examinations which Patwardhan has not discussed in her study regarding the facts and realities behind the birth of man with caste.

Marc Galanter has focussed his thoughts on the legal aspects of society with stress on scheduled castes and scheduled tribes and the other backward class of citizens. But as a matter of fact he does not view the concept of
untouchability other than purity and pollution concept in reality of its concept in socio-political and religious dimensions in life for a stable period of lengthy time for the realisation of the settlement of a culture in the same society in its mobility thrust on some and immobility conferred socio-religiously on the other.

Sunanda Patwardhan, has viewed the society of its mobility and immobility from the transformational process of conversion to other religions by the scheduled castes, namely, to Buddhism, labelled as "Neo-Buddhists" and entranced the old castes in the new bottle of the old religion. But the facts concerning the genesis of castes and religious theism and theistic religions have not been critically examined and tested for their social application in Hindu society.

Anil Bhat, has also viewed the caste from the purity and pollution point of view in Hindu religion; but he did never peep in deeper depth of the caste system, and its birth beyond "Varnashrama Dharma", customs, traditions, food habits, taboos, and reservation and the constitutional benefits and stratification of society on the principles of the economic distribution of goods and the capabilities of enjoying them or consuming them. Jurisprudential realism is rarely viewed into by him.
K.L. Sharma, emphasises on the economic exploitation, the economic hierarchy, means of production, class riots, and persistence of castes .... etc. as a feudal ideology etc. within caste having classes within than functioning,¹ but he does not analyse the cause of the origin of the concept of untouchability which enwrapped every social scientist.

However, most of the social scientists have focussed their views from socio-economic and castes-political aspects in their study; the legal, that is to say, the jurisprudential aspects with the religious politics, and psychological science of subordination and domination in society which has been put on the sole foundation of education and its standard for all other standards.

James Manor's study has a specific period of 1917-1955 within which he analyses the process of political change in the State of Karnataka. But Karnataka is a micro unit of an Indian macro and the genesis of caste and historical rise and fall of the races and dynasties have not been taken into consideration. But it is merely a temporary political change for a shorter period of time in which there is no chance for the rise or fall of any culture on the horizons of the nation state which would influence

for a pretty lengthy period of time. During this period human races have to live and lead a happy life either by suppression of the uprising and/or by the oppressed after rising up in a process to suppress the oppression turn by turn or by harmony established by law. This is either a mirage or paradise for the elites who are just bothered for the timely benefits of politics for their activities which help the big elites. But in between these elites are those who are called and labelled as "party workers" deriving more benefits than anybody else and they would never look to the welfare of the total mass of population as such or of its majority at least so that the minority shall at least once be ruling in future.

Leelah Duskin, however, presents her study much better in the general approach to the scheduled caste politics but the legal and juriprudential and reservation aspects with that of religious and caste genesis have not been analysed. Caste is the first factor in the political analysis of the society in India, whereas the economic factors are the dividing line between the political forces in the politics of the countries outside India because the 'class' denotes the economic standard in the measurement of the status there whereas the 'caste' in the Indian context denotes the status of the individual with that of the status of the other caste. Therefore, the study of Leelah Duskin is
peripheral so long as caste and religious causes are concerned in the context of socio-political aspects.

B. Kuppuswamy could not view the legal and political aspects of the backward classes movement.

Thus the contemporary views always are the remedial measures but are not the permanent cure for the grave disorderly conditions in the main social movements and mobility in a national main stream. But there should be a place or point where the fissioning and fusioning process of social actions and reactions for the existence and continuance of human race with harmony in the said society in its actions and reactions in life for a pretty long period of time. During this period generations will rise and live with a sense of social justice as an acceptable phenomenon to one and all members of the society on the principles of equity and natural social justice. And at the same time the realistic part of human behaviour in the society has been leaving behind the trace on the mind of the human beings who are the victims of the effects of the exercise of absolute natural rights by those who have the socio-political religious hold in the society. And that requires a detailed and comprehensive analysis with interdisciplinary subject matters.
Methodology

The issue of politics of reservation transcends the boundaries of various branches of social sciences. It is an issue related with social engineering, political science, economics, religion, legal theory and jurisprudence, psychology and the art of social work. Hence, a single methodology is insufficient to meet the objectives of the study. The present investigation is attended with a volley of methodologies. Thus, the methods of case study, historical, participant observation and content analysis are adopted with an explorative design.

Objectives of the Study

The main objective of the present study is to explore multifarious dimensions of politics of reservation with special reference to the State of Karnataka. This is presented inter alia in a crystallised form by raising a few issues as follows:

1. What is the nature of social and political setting which is responsible for framing the policy of reservation?

2. Whether preferential programmes unfairly confer benefits on grounds that depart from even-handedness, merit, etc, that should govern the distribution of opportunities and resources?
3. Whether protective discrimination policies come in the way of the crucial national goal of establishment of an egalitarian society?

4. Whether the present weaker sections of the society were in the past politically weak and socially deprived?

5. What is the historical significance of Karnataka State in the context of backward class movement?

6. What are the evidences to indicate that the reserved communities are socially, economically, educationally and politically weak?

7. Have the reservation facilities provided under the present system been implemented sincerely? Who in reality derive these benefits and why?

8. What is the relationship between the policy of reservation and the politics of searching power in Karnataka State?

9. What are the constitutional provisions and judicial trends related to the issue of reservation?

10. What are the impacts of reservation policy on social, economic, educational, jurisprudential
and political achievements and aspirations of the depressed classes in Karnataka State?

11. What is the role of the dominant castes in the State politics of Karnataka?

Data Base of the Study

The present study is based on two types of data such as:

1. Relevant secondary source material, and

2. Material that was generated during the field work.

Relevant Secondary Source Material

The main source of secondary data was from reports of various commissions. They are as follows:

1. Leslie Miller Committee Report, 1918.

2. Dr. Nagangouda Committee Report, 1960. (Also called as Mysore Backward Classes Commission).


5. A New Deal for Backward Classes in Karnataka.


The above-mentioned reports contain rich data related to socio-economic background of various communities and their representation in education and political fields.

Very interesting discussion is found in these reports on issue like basis of backwardness. Every commission has
evolved quite a comprehensive test of backwardness. In spite of this, almost all the subsequent reports have provoked violent protests from the communities which were not included in the list of backward classes. This followed emotionally choked, heated political debate everywhere. Agitation followed and criticism was aired. The criticism has centred around the definition of 'backwardness', criteria to determine backwardness, the exact scope and extent of executive power, the nature of help, methods and quantum of reservation and the scope of judicial review of executive action and so on. Some of them have raised a legal battle against the Commission's reports. To gain an insight into the whole issue of backwardness and reservation, it has become necessary to take note of the public opinion on this issue. For this purpose, the scholar carefully participated in the debates on the issue, in public meetings and had discussions with various community leaders.

Since the research scholar himself is a student of law and a legal practitioner he was naturally interested in the legal battle which was declared against the reservation policy in the various courts of the country. To assess the judicial trend related to the issue of reservation, constitutional provisions on these issues were also discussed with legal experts.
To generate field based primary data, the research scholar used the following tools of data collection.

1. Questionnaires
2. Schedules
3. Participant observation
4. Interview - formal and informal

Respondents were drawn from the cross section of the society ranging from ministers to common men. Since it was a macro study covering the Karnataka State as a whole, a rigorous sampling technique was not used. However, the research scholar could contact a substantial number of ministers, legislators belonging to different communities and collected their views on issues like backwardness and reservation. Their views influence the whole process of policy-framing and execution. Hence, one cannot afford to ignore them. Along with them, government officials who are held responsible for execution of various programmes were also interviewed. They ranged from secretaries to the village level common men and women including the educated people and students.

In the course of the study many 'brokers' and agents who serve as 'go-between' for policy makers and beneficiaries
and also responsible for delivering the benefits to beneficiaries were also interviewed in depth. They included many social workers. The social workers feel the first hand pulse of the beneficiaries and are capable of influencing the policy makers and executives through their interactions in society. They were therefore contacted in compiling the rich data herein used.

The beneficiaries of various developmental programmes were contacted in compiling data on socio-economic and educational levels. In this category, scheduled castes, scheduled tribes, minorities and other backward class people were included. An effort is also made to evaluate the impact of various programmes like special component programme, reservation for service, admission in educational institutions and other facilities. The impact of political reservation also is viewed with practical realities in public life.

As a result of formal and informal interviews and discussions with the above mentioned respondents, abundant primary data was collected. It was mainly qualitative and descriptive in nature. But the research scholar could not attempt for quantification of the data since qualitative data has its own significance. Simple statistical techniques like percentage proportions are used in tabular form wherever it was found necessary.
To complement the primary data, secondary data, from various reports and commentaries and views of experts were also collected. To gain an insight into the socio-political history of India, standard commentaries or orthogenic texts were referred to and a general genealogy of ancient rulers was built up in order to indicate broadly how the strata of touchables and untouchables probably originated and has remained an unsolved riddle in the Indian society eternally.

Area Under Study

Even before independence, the policy of reservation was adopted in the princely State of Mysore, the province of Madras, Old Bombay-Karnataka as also under the Maratha Shahu Maharaja of Kolhapur, another princely state, especially for the benefit of non-Brahmins. In fact, the Maharaja of Mysore appointed a Committee under the Chairmanship of Mr. Leslie Miller, the then Chief Justice of the Mysore Chief Court in 1918. In 1921, based on the Miller Committee report, 75 per cent of the posts in government service were reserved for the backward classes as a means of their socio-economic upliftment.

After the reorganisation of the states in 1956 the Government of the new State of Mysore, issued an order in 1959
listing out the backward classes as applicable to the entire State. This order was, however, quashed by the High Court. Subsequently, the State Government appointed a Committee under the Chairmanship of Dr. Nagangouda in the year 1960. The Committee submitted its report and recommended 50 per cent reservation in educational institutions and 45 per cent reservation in Government services. The Government Order issued in this regard was challenged in the Supreme Court. The Supreme Court struck down the order on the ground that 'caste' has been treated as the only test for determining backwardness of the citizens for conferring benefits.

Immediately thereafter, the Government abandoned the caste factor and favoured economic and occupational basis. Agriculturists, petty businessmen, artisans, and menial servants with an income of less than Rs. 1,200/- per annum were treated as backward. But the occupational cum-income test mostly benefited the Brahmins, Lingayats and Vokkaligas. In Karnataka State, Lingayat and Vokkaliga castes are considered to be two dominant castes. Thereafter the First Backward Classes Commission was appointed under the Chairmanship of Sri L.G. Havnoor in 1972. The Commission submitted its report in 1975. Again the order of the Government based on the Havnoor Commission report was challenged in the High Court of Karnataka and thereafter in the Supreme Court.
During the pendency of the case before the court the State Government agreed to appoint the Second Backward Classes Commission to examine the issues afresh.

After this event, the Second Backward Classes Commission was appointed in April 1983 under the Chairmanship of Shri Venkataswamy and its report was received in March 1986. After analysing the Commission's report at various levels and reaction of the public and the press, the Government of Karnataka rejected it.

Keeping in view the guidelines given by the Supreme Court and taking into account all available information with regard to the social and educational status of all castes and communities, considering the poverty of each community, their ways of life, standard of living, habits and customs and their place in the social order, the Government of Karnataka prepared a list of castes eligible for the benefits of reservation, vide Government Order No.SWL-66-BCA-86, dated the 13th October 1986.

Politics of Reservation and Backwardness In Karnataka State

In Karnataka State the Depressed Class lobby has not been quite effective, in the sense it is not so well-organised as
that of Vokkaliga-Lingayat lobbies. The militancy of the latter in a way hardened the attitude of the backward classes who were included in the Venkataswamy Commission's list on the ground that the really advanced communities like the Vokkaligas and Lingayats had been making an unjust dip into the backward class pool of reservations and other benefits.

The dominance of Vokkaligas and Lingayats in Karnataka politics was broken for the first time in 1972 when Devaraj Urs became the Chief Minister. Urs belonged to the numerically insignificant 'Arasu' community. During his 8 years' tenure as Chief Minister, Devaraj Urs smashed the political citadels of the Vokkaligas and Lingayats and completely purged the Karnataka politics of their domination. He cultivated, encouraged and promoted scheduled caste and backward class politicians. It was Urs who appointed the First Backward Classes Commission (the Havnoor Commission) to identify the backward classes of people in the State for their upliftment. It was Jyoti Phule of Maharashtra who championed the cause of the depressed class of citizens first. This was crystallised by B.R. Ambedkar who strived hard through his charisma, brilliance in intellectual, anthropological, social, political, religious, jurisprudential, legal and fraternity through reason and love for the loving and worst for the bad. With his charisma and large heartedness towards
the untouchables and tribals and with an extended heart to the other backward class citizens, Ambedkar fought for their emancipation till his death. He is the only one untouchable hero against the whole mass of touchable Hindu religious fanatics, who tried to remove untouchability sincerely, and legislated laws on his initiative which never was done by anybody else in the recent past. The execution might have been lopsided but test legislation is a sure of his blessings to the untouchables in particular and other backward class of citizens in general.

Hence, political dominance of these two groups enabled them to claim an overall reservation benefits in the State depriving the real, voiceless, depressed, scheduled caste and scheduled tribe members and such Other Backward Classes of citizens of their legitimate rights of the distribution of benefits and offers a convenient unit for examination in its applicability and execution of the policy of compensatory discrimination. Such an examination enables one to know as to how much is lost in the social life and how much is compensated for their re-estabishment through the governmental organisations. This is always a matter of socio-religious-political variables as human life is linked with the rule of law on purely psychological and jurisprudential aspects of life with political economy and the social intercourse and free social mobility in a continuous
process. Hence the State as a unit is taken for study. Against this unique historical background, Karnataka State attracts the attention of students of political science to explore in detail the policies of reservation and the politics involved therein. Hence the present study.