



Protective discrimination policies in India

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Abstract

Important benefits have come to thousands of scheduled castes from reservations and the decrease in unwarranted discrimination in public employment. While with regard to Scheduled Castes there was at least a common referent around the idea of caste including caste group which, as group had been subject historically to numerous discriminations at the hands of the caste Hindus summarized by the term 'untouchability' [1]. But with regard to backward castes there is no such single criterion which could be easily applied throughout the country for the status and economic well-being of the numerous intermediate castes between "untouchable group and the elite vary greatly from region to region" [2].

Keywords: scheduled castes, backward classes, majoritarianism, democratization, factionalism

Introduction

The Government of India appointed the Backward Classes Commission in 1953 [3]. The Commission reported in 1955 identifying 2399 castes as socially and educationally backward classes. The government, however, did not accept the recommendations on the grounds that the Commission had not applied any objective tests for identifying backward classes [4].

It was not until 1978 when the Janta coalition displaced the Congress power at the centre, with considerable support in north India from Backward Caste groups that the central government again took up the issue of the preferential treatment for the backward castes by appointing the Second Backward Classes Commission (with B. P. Mandal as the Chairman).

The Second Commission explicitly recommended 'caste as criterion' and identified 3248 castes as backward. But by the time the commission submitted its report in December 1980, the Congress had returned to power. The report was placed only in April 1982. The Congress government neither took a decision nor rejected the report [5]. In August 1990 Prime Minister V.P. Singh, the leader of fragile non-Congress government in need of solidifying his electoral base announced 27 percent of reservation to OBCs (Other Backward Classes) in addition to 22 percent set aside for Scheduled Castes and Tribes.

The centrality accorded to power was just as clear in the remarks of the former prime minister V.P. Singh, the chief architect of the social justice platform:

"Through Mandal I knew we were going to bring changes in the basic nature of power. I was putting my hand on the real structures of power. I knew I was not giving jobs, Mandal is not an employment scheme but I was seeking to place people in the instruments of incompatibility between the logic of power through the use of government power. [6]"

With the Mandal Commission report (1990) began the trend of Caste majoritarianism (or 'bahujanwad') [7]. The immediate objective of which is to seek the transfer of power from upper castes to the backward and dalit castes and the depressed minority communities, which is considered inevitable and desirable in democratization of

Indian polity, as those who oppose caste majoritarianism oppose the basic tenets of democracy [8]. Here, it needs to be mentioned what Kaviraj has argued that democratic forces and the logic of popular mobilization is such that the realization of one part of the democratic ideal undermines the other part [9]. Extensive democratization makes democracy less sensitive to the secular democratic principles on which the nationalist /elite sought to ground the state. Thus high politics are coming under pressure from the alphabet of the lower discourse [10].

Further, the implementation of the Mandal Commission report in 1990 and the anti- Mandal agitation by upper castes youth and parties have, according to Kancha Ilaiah, politicized and homogenized dalits. According to Ilaiah, after the demolition of Babri Masjid minorities have started looking towards backward castes formation for a security belt. He point out that when Hindutva school is appealing to the sense of the religious community, the dalit Bahujan school is trying to woo the sense of caste community [11].

Caste Politics in India

The caste politicization did not always lead to coalitions. In fact, the caste by its very nature is a divisive factor [12]. It separates one backward caste from another and makes them compete among themselves. Each caste thus gets organized for its own politics and develops its own leadership where commonalities are forgotten. The backward caste party gets factionalized in the process [13]. It sometimes even becomes difficult to keep track of factions of splits within splits, for instance in the case of Janta Dal [14].

This caste logic not only separate the backward castes from one another but also brings in the hierarchy element i.e. the castes which are little ahead of with regard to income, educational and organization capture and deny any share in power to others. The Yadavs of U.P. or Bihar falls in this category. In 1990s, Mulayam Singh Yadavs regime had triggered a backlash from Kurmis, Koeris, the Mullah and other similar castes because it favoured members of Mulayam's Caste [15].

Similarly Bahujanism created a desire to seek power among dalits but they had to pay a heavy price for it because of the

atrocities on dalits by the upper OBCs (which have been reported from Bihar and U.P.). The OBCs of Bihar have raised their armies on the line of upper castes. They are named after Shrikrishna or Mandal and take active part in the struggle against poor peasants. In U.P., Mulayam Singh in his 1998 campaign criticized dalits for misusing the Prevention of Atrocities Act and appealed his followers to defeat the BSP ^[16].

Then, OBCs itself is not a homogeneous category. In the last decade divisions among them such as rural/urban or poor/rich have been aggravated and a new category of the most backward castes (MBCs) has taken shape ^[17]. The upper layers of OBCs (like Yadavs, Kurmis and Koeris in U.P.) are the principal beneficiaries of various land reforms and zamindari abolition programmes which in theory should have empowered the dalit community ^[18]. Similarly, MBCs, who on account for two-third of the total OBCs population have been deprived of both economic and political benefits ^[19]. In recent years, a process of politicization and awareness of MBCs; of their lowly social and economic position has begun among them creating confrontation with the OBCs and Dalits who they feel have received all the benefits from their process of development ^[20].

Another issue, that arose after the Mandal report and during agitation against it, was redefinition of the concept of 'poverty' and 'backwardness' by a section of dominant elite ^[21]. This redefinition led to the argument in favour of economic criteria adopted for affirmative action. The phenomena of 'backwardness' is viewed purely on economic terms thus poverty and the issue of backwardness are no longer seen in the structural setting of political and social context. As a result, for example, the Gujarat Kshatriya Sabha argued that all Kshatriyas should be considered backward because they were economically backward. According to Rajputs, particularly those who are unable to compete openly, should get the benefit of reservation. Similarly, the Lingayats and Vokkaligas communities, realizing that they would not get backward status, as a caste, insisted that the Chinnapa Reddy Commission adopt economic criteria to identify social and educationally backward classes ^[22]. But here, Sheth argues that poverty in India is essentially a group phenomenon (a characteristic of group). It is the consequence of their social backwardness and not its cause ^[23].

Further, the social factor which is largely ignored in the rubric of economic criteria, cannot be ignored because the socially backward is at a more disadvantaged situation than those who is merely economic backward. Thus reservation becomes relevant in the case of Scheduled Castes than economically disadvantaged.

Moreover, along with the growing stress on economic criteria, there has been a growing trend in giving weight to the idea of 'merit'. It is considered that the 'merit' should be preferred than the reservation. But merit is viewed as an inherited 'virtue' of the upper caste class groups and is counter posed against 'numbers' which are generally represented by groups occupying the lower rungs of society. In such a context democratic assertion (i.e. as democratic political rights) by the socially deprived but numerically strong groups is seen by the dominant political elites as a destabilizing influence ^[24]. This factor, however, is argued by Parekh and Mitra. According to them "the merit argument as advanced by the anti-reservationists is ahistorical and arrests history at a convenient and arbitrary

point. It prevents the emergence of merit in hitherto untapped areas. For centuries SCs and STs have been oppressed and denied opportunities for growth. There is no evidence to support the unarticulated but widely held racist belief that they are naturally and inherently inferior and endowed with a low intelligence. If we are therefore to tap the unutilized intellectual potential, enable them to break out of the cumulative cycle of deprivation and thereby increase the nationally available pool of merit, we must obviously give them additional facilities. Reservation of place is one of them ^[25]."

Conclusion

The economic criteria may offer an approach is neither anti-non-secular nor casteist in character yet it failed to register any significant impact on the India's traditional structure. This has contributed to weakening of roots of modernism, secularism and democracy in India. The use of social criteria, on the other hand, would enable groups occupying a low status in the traditional hierarchy to overcome structural obstacles militant against their social and economic mobility ^[26].

In order to realistically, allay the sufferings of the disadvantaged, more stress should be laid on comprehensive agrarian reforms with focus on certain rural schemes, income generation schemes, formation of self-help groups, extension of micro credit and provision of basic social infrastructure in the villages for attaining a minimal quality of life to teeming million ^[27].

References

1. Brass in Johnson (ed.), 1990, 210.
2. Ibid: 210-211
3. The first backward classes commission with Kaka Kalelkar as its head was established by the Presidential order under Article 340 of the Constitution.
4. Shah Ghanshyam. Caste and Democratic Politics in India, Permanent Black, Delhi: Infact the Commission was also doubtful in identifying backward classes, 2002, 404.
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6. Hasan Zoya. 'Representation and Redistribution; The New Lower Caste Politics of North India', in Zoya Hasan (ed.), Parties and Party Politics in India. Oxford University Press, Delhi, 2002, 380.
7. See. Vora R. 'Decline of Caste Majoritarianism in Indian Politics', in Rajendra Vora and Suhas Palshikar (ed.), Indian Democracy- Meanings and Practices. Sage Publications, New Delhi, 2004, 277.
8. ibid
9. This is because according to Jayal unequal distribution of social and economic resource creates its own logic of democracy. See. Jayal, Neerja, Democracy and the State Welfare, Secularism and Development in Contemporary India. Oxford University Press, Delhi, 1999.
10. Jayal, 1999, 26.
11. Vora in Vora and Palshikar (eds.), 2004, 278.
12. Vora in Vora and Palshikar (eds.), 2004, 279.
13. ibid
14. There seems to be around 10 splinter groups of Janta Dal. The Samajwadi party of Mulayam Singh Yadav, Rashtriya Lok Dal of Ajit Singh, Samajwadi Janta Party of Chanda Shekhar, Indian National Lok Dal of Om

Prakash Chautala, JD (U) of Secular,Rashtriya Janta Dal of Laloo Prasad Yadav, Biju Janta Dal of Naveen Patnaik, Smata Party of Nitish Kumar and he Lok Shakti of Ramkrishna (ed.) See. Ibid.

15. ibid
16. Ibid.
17. The term MBCs refers to those castes that stand lowest in the caste hierarchy among the backwards perched precariously on the border dividing the clean and the unclean. They were landless service castes forming a part of the jajmani system and hence are found in all villages. See Pai, Sudha, State Politics-New Dimensions, Party System, Liberalization and Politics of Identity. Shipra Publications, New Delhi, 2001, 91-92.
18. Hasan in Hasan (ed.), 2004, 378.
19. See Vora in Vora and Palshikar (eds.), 2004, 280.
20. Pai, 2001, 91-92.
21. Sheth in Sathyamurthy (ed.), Sheth, D.L., 1996, Changing Terms of Elite Discourse: The Case of reservation for 'Other Backward Classes' in T.V. Sathyamurthy (ed.). Social Change and Political Discourse in India- Structure of Power Movements of Resistance, Region, Religion, Caste, Gender and Culture in Contemporary India. Oxford University Press, Delhi,1996:3:234.
22. Ibid.
23. Sheth in Sathyamurthy (ed.), 1996, 324.
24. Sheth in Sathyamurthy (ed.), 325.
25. Parekh Bhiku, Mitra, SK. 'The Logic of Anti Reservation Discourse in India', in Subrata Kumar Mitra (ed.), Politics of Positive Discrimination. Popular Press, Bombay, 1990, 150.
26. Sheth in Sathyamurthy (ed.), 1996, 325.
27. Kar Samit. 'Reservation for EBCs – Poor Quota Card', in Economic and Political Weekly, 2003.