

## INTRODUCTION

In early September 2001, world television news viewers saw an unusual sight. A delegation from India had come to the United Nations Conference on Racism in Durban, South Africa, not to join in condemnations of Western countries but to condemn India and its treatment of its *Dalits* (oppressed), as Indians better known abroad as “untouchables” call themselves. The Chairman of India’s official but independent National Human Rights Commission thought the plight of one-sixth of India’s population was worthy of inclusion in the conference agenda, but the Indian government did not agree. India’s Minister of State for External Affairs stated that raising the issue would equate “casteism with racism, which makes India a racist country, which we are not.”<sup>1</sup>

Discrimination against groups of citizens on grounds of race, religion, language, or national origin has long been a problem with which societies have grappled. Religion, over time, has been a frequent issue, with continuing tensions in Northern Ireland and in Bosnia being but two recent and still smoldering examples. Race-based discrimination in the United States has a long history beginning with evictions of Native Americans by European colonists eager for land and other natural resources and the importation of African slaves to work the land. While the framers of the U.S. Constitution papered over slavery in 1787, it was already a moral issue troubling national leaders, including some Southern slave owners like Washington and Jefferson. On his last political mission, the aging Benjamin Franklin lobbied the first new Congress to outlaw slavery.

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<sup>1</sup> “Indian Groups Raise Caste Question,” BBC News, September 6, 2001. <[http://news.bbc.co.uk/1/1/english/world/south\\_asia/newsid\\_1528000/1528181.stm](http://news.bbc.co.uk/1/1/english/world/south_asia/newsid_1528000/1528181.stm)> Accessed February 27, 2002.

Just weeks before the Constitutional Convention, the last Congress of the Confederation passed the Northwest Ordinance. It was, in part, a successful effort to bar slavery by law from a large part of the new nation.<sup>2</sup> Following the Civil War, three amendments were added to the U.S. Constitution to end slavery and protect civil liberties of all citizens under federal law. Congress established and funded a government agency, the Freedmen's Bureau, to help bring former slaves into the mainstream of American life. Yet with the end of Reconstruction in 1876, the United States relapsed into decades of indifference or worse towards its black citizens. Varying in intensity by region, this included denial of voting rights, intimidation and lynchings, denial of access to adequate public services (including education and water supply), hostile treatment by police and courts, and widespread discrimination in employment and housing.

Not until nearly a century after the Civil War did the United States begin meaningfully to address grievances of black Americans. Black activism and changing white attitudes were central to the process and led to landmark civil rights laws in the 1960s. Since then, a broad system of "affirmative action" has come into being in the public and private sectors. It in effect reserves a portion of available jobs for African Americans (and other minorities viewed as "disadvantaged"). Laws prohibit workplace discrimination, "diversity" has become a watchword, and a social "safety net" assists those in need. However, despite much progress, abundant national wealth, laws, and good intentions, discrimination remains a serious issue for American society.

The roots of India's untouchability problem recede beyond history as does the caste system that gave rise to it. This is different from the American setting, where the population

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<sup>2</sup> Article 6 of the Northwest Ordinance of 1787 reads: "There shall be neither slavery nor involuntary servitude in the said territory . . ."

is not divided into a “natural” hierarchy conforming to religious belief, with the lowest sector regarded as polluted and “untouchable.” Nevertheless, there are some parallels with what happened in the United States. Untouchability inspired many Indians to work for reform, including leaders of the independence movement like Nehru and Gandhi. Efforts to help the Dalits began in the 19<sup>th</sup> century, first under British colonial administration and, later, from 1947, under India’s independent government. Untouchability, like slavery in America, was prohibited by constitutional provision. As in the United States, laws, administrative regulations, and commissions have anchored official efforts. At the center is a network of government-managed “reservations,” positions set aside by quota in legislative bodies, in government service, and in schools at all levels. The hope is that the “Scheduled Castes,” as Dalits are officially known, can use such opportunities as springboards for better lives for themselves and for integrating themselves more fully into the life of the country. (The situation of India’s “Scheduled Tribes” (ST) is generally similar to that of the Scheduled Castes (SC), but is beyond the scope of this paper.)

This paper traces the complex background of the Dalit issue and analyzes the efforts of the Government of India, starting in the colonial period, to use a reservations policy to benefit the Scheduled Castes. The question to be answered is whether nearly seven decades of implementing reservations have paid off in terms of giving Dalits a bigger stake in Indian society. The thrust of the argument is that the origins of untouchability make reform difficult, that Dalits in many parts of India remain targets of discrimination and abuse, and that extensive government remedial efforts have often been inefficient and even corruption-prone, but that overall Dalits as a group have made significant progress.

## CHAPTER I

### DEVELOPMENT OF RESERVATIONS POLICY IN THE PRE-INDEPENDENCE PERIOD

#### *The Caste System*

Hindu society is divided into four *varna*, or classes, a convention which had its origins in the *Rig Veda*, the first and most important set of hymns in Hindu scripture which dates back to 1500-1000 B.C.<sup>3</sup> At the top of the hierarchy are the *Brahmins*, or priests, followed by the *Kshatriyas*, or warriors. The *Vaisyas*, the farmers and artisans, constitute the third class. At the bottom are the *Shudras*, the class responsible for serving the three higher groups. Finally, the *Untouchables* fall completely outside of this system. It is for this reason that the untouchables have also been termed *avarna* (“no class”).

*Jati*, or caste, is a second factor specifying rank in the Hindu social hierarchy. *Jatis* are roughly determined by occupation. Often region-specific, they are more precise than the sweeping *varna* system which is common across India and can be divided further into subcastes and sub-subcastes. This is also the case among untouchables. Andre Beteille defines caste as “a small and named group of persons characterized by endogamy, hereditary membership, and a specific style of life which sometimes includes the pursuit by tradition of a particular occupation and is usually associated with a more or less distinct ritual status in a hierarchical system.”<sup>4</sup>

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<sup>3</sup> C.J. Fuller, *The Camphor Flame: Popular Hinduism and Society in India* (Princeton: Princeton University Press, 1992), 12.

<sup>4</sup> Andre Beteille, *Caste, Class and Power: Changing Patterns of Stratification in a Tanjore Village* (Delhi: Oxford University Press, 1996), 46.

Jatis in the three highest varnas in the hierarchy—Brahmins, Kshatriyas, and Vaisyas—are considered “twice-born” according to Hindu scripture, meaning they are allowed to participate in Hindu ceremonies and are considered more “pure” than the Sudras and “polluting” untouchables. This concept of pollution versus purity governs the interaction between members of different castes. The touch of an untouchable is considered defiling to an upper-caste Hindu. In southern India, where caste prejudice has been historically most severe, even the sight of an untouchable was considered polluting. Untouchables usually handled “impure” tasks such as work involving human waste and dead animals. As a result, until reforms began in the 19th century, untouchables were barred from entering temples, drawing water from upper-caste wells, and all social interaction with upper-caste Hindus (including dining in the same room). These social rules were strictly imposed and violators were severely punished; some were even killed.

Despite constitutional prohibitions and laws, most recently the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989, violence and injustices against untouchables continue today, particularly in rural areas of India.<sup>5</sup> Accounts of caste-driven abuses continually appear in Western media and surely affect foreigners’ perceptions of India. American economist Thomas Sowell drew on a 1978 case in which an untouchable girl had her ears cut off for drawing water from an upper-caste well in one of his books.<sup>6</sup> More recent examples include Dalit students at a government school in Rajasthan who were punished for asking to drink water from a pitcher used by higher caste students and a Dalit in

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<sup>5</sup> Since the early 20<sup>th</sup> century, several terms have been used to describe the same group of people. The earliest and still most widely known terms are “untouchables” and “outcastes.” Gandhi, because of the unfavorable connotation of “untouchable,” dubbed them “harijans” (children of God). From the 1930s, they have also been known collectively as “scheduled castes,” after the schedules appended to laws affecting their status. In the 1970s, they came to call themselves “Dalits” (the oppressed).

<sup>6</sup> Thomas Sowell, *Preferential Policies: An International Perspective* (New York: William Morrow and Company, Inc., 1990), 92.

Punjab who was murdered by “affluent Rajput Hindu youths” after his dog ran into a Hindu temple.<sup>7</sup>

In its latest published report, the Government of India’s National Commission for Scheduled Castes and Scheduled Tribes states that “...even after 50 years of Independence Untouchability has not been abolished as provided in Article 17 of the Constitution & incidents continued to be reported.”<sup>8</sup> For 1997, the Commission lists 1,157 “registered” cases of abuse of untouchables and tribals. An independent overview is provided annually by the U.S. Department of State in its annual report to Congress on worldwide human rights practices. For India in 2001, the Department commented, *inter alia*, that

- Dalits are among the poorest of citizens, generally do not own land, and often are illiterate. They face significant discrimination despite the laws that exist to protect them, and often are prohibited from using the same wells and from attending the same temples as higher caste Hindus, and from marrying persons from higher castes. In addition they face segregation in housing, in land ownership, on roads, and on buses. Dalits tend to be malnourished, lack access to health care, work in poor conditions, and face continuing and severe social ostracism.
- The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act lists offenses against disadvantaged persons and provides for stiff penalties for offenders. However, this act has had only a modest effect in curbing abuse. Under the Act, 996 cases were filed in Tamil Nadu and 1,254 cases in Karnataka in 2000. Human rights NGO's allege that caste violence is on the increase.
- Intercaste violence claims hundreds of lives annually; it was especially pronounced in Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh, Tamil Nadu, and Andhra Pradesh.<sup>9</sup>

In addition to specifying an economic and social role, caste is also accompanied by certain popularly held generalizations. Brahmins, for instance, are often believed to be fair-skinned, sharp-nosed, and having more “refined” features, consistent with their Aryan roots. Untouchables, on the other hand, are commonly held to be dark-skinned and possessing coarse features. Beteille has pointed out that lighter skin color has a higher social value,

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<sup>7</sup> BBC News, 25 September 2000 and Manpreet Singh’ “Justice Delayed for Dalits,” *Christianity Today*, Vol.44, Issue 13, November 13, 2000, 34.

<sup>8</sup> National Commission for Scheduled Castes and Scheduled Tribes, *Fourth Report: 1996-97 and 1997-98*, New Delhi, 1998, 232.

making Brahmins highly conscious of their appearance.<sup>10</sup> A dark-skinned Brahmin girl, for example, is a source of anxiety for her parents since the task of finding a husband is made harder.<sup>11</sup> Matrimonial advertisements, a staple in Indian newspapers, are full of families seeking “wheatish” brides for their sons.

Nevertheless, there is increasing social mobility, especially in India’s urban areas. Some untouchables and sudras have tried to move up in the hierarchy by adopting customs of upper castes, a process labeled *sanskritization*. Others have attempted to escape the system entirely by converting to Buddhism or Christianity. The prominent Dalit politician and lawyer, Bhimrao Ramji Ambedkar (1891-1956), who saw the demolition of the caste system as necessary for the emancipation of India’s Dalits, converted to Buddhism at the end of his life. Over time, significant numbers, although only a tiny portion of India’s Dalits, have followed his example; in November 2001, thousands of untouchables participated in a mass conversion to Buddhism in Delhi.<sup>12</sup>

#### *Pre-Independence Initiatives to Eliminate Untouchability*

Christian missionaries took the lead in adopting the cause of the Depressed Classes seeking to provide welfare for them. By the 1850s, either inspired or shamed into action by the missionaries’ example, Hindu reformers emerged. Jyotiba Phule was one such activist,

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<sup>9</sup> Department of State, U.S.A., *Country Reports on Human Rights Practices, 2001*, (Washington, D.C., Government Printing Office, 2002), <<http://www.state.gov/g/drl/rls/hrrpt/2001/sa/8230.htm>> Accessed on March 13, 2002.

<sup>10</sup> In fact, the term *varna* literally means “color.”

<sup>11</sup> Beteille 48.

<sup>12</sup> “Churches Back Buddhist Conversion of Dalits,” *The Christian Century*, 5 December 2001, 13.

and in 1860 he called attention to the plight of victims of caste discrimination in Maharashtra.<sup>13</sup>

British and other Indian leaders soon followed suit, spurred on in part by reports of discrimination against Indians in South Africa. Thus, in the 1880s, British officials set up scholarships, special schools, and other programs to benefit the Depressed Classes. Forward-thinking maharajas (princes) in “native” states like Baroda, Kolhapur, and Travancore, which were not under direct British administration, established similar initiatives.<sup>14</sup> Ambedkar, from the Mahar caste of Maharashtra, was one beneficiary. The Mahars had a long association with the British-organized Indian Army, in which Ambedkar’s father and grandfather had served. One result was that Ambedkar was able to attend government primary and secondary schools.<sup>15</sup> The Maharaja of Baroda, recognizing Ambedkar’s gifts for scholarship, sponsored his study abroad, first at Columbia University in New York, where Ambedkar obtained a Ph.D. in Economics, and later at London University, where he earned a DSc. and entrance to the Bar from Grey’s Inn.<sup>16</sup>

As early as 1858, the government of Bombay Presidency, which included today’s Maharashtra, declared that “all schools maintained at the sole cost of Government shall be open to all classes of its subjects without discrimination.” Although a 1915 press note revealed that this policy was not being enforced—in one case, a Mahar boy was not allowed to enter the schoolroom, but was relegated to the veranda—the Bombay government maintained its position on the issue, and, in 1923, announced a resolution cutting off aid to

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<sup>13</sup> V.A. Pai Panandiker, ed., *The Politics of Backwardness: Reservation Policy in India* (New Delhi: Konark Publishers Pvt Ltd, 1997), 94.

<sup>14</sup> *Ibid.*, 95.

<sup>15</sup> “Dr. B.R. Ambedkar,” <[www.Dalitawaj.com](http://www.Dalitawaj.com)> Accessed March 12, 2002.

<sup>16</sup> “Dr. B R Ambedkar,” <<http://www.mmu.ac.uk/h-ss/heh/ambedkar/ambbiog.htm>>, Manchester Metropolitan University. Accessed December 28, 2001.



educational institutions that refused admission to members of the Depressed Classes.<sup>17</sup> Other initiatives followed including the 1943 Bombay Harijan Temple Entry Act and the 1947 Bombay Harijan (Removal of Civil Disabilities) Act. In the United Provinces, now Uttar Pradesh, the 1947 United Provinces Removal of Social Disabilities Act was put in force.<sup>18</sup>

In what is now Kerala, the Maharaja of Travancore announced the “Temple Entry Proclamation” in 1936, in what has been called a “pioneer [effort] in the field of reforms relating to the eradication of untouchability before independence.” Stating that “none of our Hindu subjects should, by reason of birth or caste or community, be denied the consolations and solace of the Hindu faith,” the Maharaja declared the removal of all bars on those denied entry to temples controlled by the Travancore government.<sup>19</sup> Other measures affecting what would become the present state of Kerala included the 1938 Madras Removal of Civil Disabilities Act and the 1950 Travancore-Cochin Temple Entry (Removal of Disabilities) Act.<sup>20</sup>

### The Government of India Act of 1919

Caught in the turmoil of World War I, Britain focused its attention on Europe, not on India. Nevertheless, the British passed important legislation during this turbulent period that would have a significant impact on the development of Indian governmental institutions: The Government of India Act of 1919.

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<sup>17</sup> Department of Social Welfare, Government of India. *Report of the Committee on Untouchability, Economic and Educational Development of the Scheduled Castes and Connected Documents* (1969), 3.

<sup>18</sup> *Ibid.*, 4-5.

<sup>19</sup> *Ibid.*, 3.

<sup>20</sup> *Ibid.*, 4.

The Act had its immediate origins on August 20, 1917. With Britain in a war for survival in Europe, in need of continued support from India and the Empire, and desiring to avoid confrontation with the Indian independence movement, Secretary of State for India Edwin Montagu, in an announcement in Parliament, defined Britain's India policy as:

increasing [the] association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire.<sup>21</sup>

Montagu and Lord Chelmsford, then Viceroy, embarked on an analysis of the Indian situation, eventually laying out proposals forming the basis for the 1919 Government of India Act. Despite mention of greater Indian participation in politics, the 1919 Act still contained provisions guaranteeing a continued active British presence and dominance:

While we do everything that we can to encourage Indians to settle their own problems for themselves we must retain power to restrain them from seeking to do so in a way that threatens the stability of the country.<sup>22</sup>

The reforms included devolution of more authority to provincial governments and dyarchy, a system in which elected Indian ministers, responsible to the legislatures, were to share power with appointed British governors and ministers. The Act also addressed minority safeguards, including the particularly vexing issue of communal electorates.

Montagu and Chelmsford firmly rejected communal electorates, characterizing the system as a “perpetuat[or] of class division” and a “very serious hindrance to the development of the self-governing principle.” The authors also pointed out another related problem that:

A minority which is given special representation owing to its weak and backward state, is positively encouraged to settle down into a feeling of satisfied security; it is under no inducement to educate and qualify itself to make good the ground it has lost compared with the stronger majority. On

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<sup>21</sup> Sir Harcourt Butler, *India Insistent*. (London: William Heinemann Ltd., 1931.) 73.

<sup>22</sup> Government of Britain: India Office. Report on Indian Constitutional Reforms (*Montagu-Chelmsford Proposals*), (1918), 7.

the other hand, the latter will be tempted to feel that they have done all they need do for their weaker fellow countrymen and that they are free to use their power for their own purposes. The give-and-take which is the essence of political life is lacking. There is no inducement to the one side to forbear, or to the other to exert itself. The communal system stereotypes existing relations.<sup>23</sup>

Despite their repudiation of communal electorates, Montagu and Chelmsford realized it would be unfeasible to take away communal representation already granted to Muslims by the 1909 Morley-Minto reforms. At Lucknow in 1916 the Indian National Congress and the All India Muslim League had agreed to separate electorates for Muslims. Britain for political reasons was not willing to risk the combined ire of these Indian groups. Other, including Sikhs, Anglo-Indians, Europeans, Indian Christians, and non-Brahmins, also clamored for special representation, but Montagu and Chelmsford largely resisted their demands—they did grant the Sikhs (described as a “gallant and valuable element to the Indian Army”) communal representation—proposing instead a system of nomination. If nomination proved ineffective, they proposed reserving seats for communities in plural constituencies, but with a general electoral roll.<sup>24</sup>

In Britain, the decision against communal electorates was controversial. Indian moderates and some British members of Parliament (MPs) supported the Montagu-Chelmsford position. (One MP effusively praised the Montagu Report, but lamented that such an excellent product came from a Jew and not a “real” Englishman.) However, most feared an “oligarchy of Brahmins” if communal electorates were not set up for non-Brahmin Hindus.<sup>25</sup> Several factors contributed to such “Brahminophobia,” a fear that had been developing even before the Montagu-Chelmsford Report

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<sup>23</sup> Ibid., 230.

<sup>24</sup> Ibid., 111-112.

<sup>25</sup> Eugene Irschick, *Politics and Social Conflict in South India: the Non-Brahmin Movement and Tamil Separatism, 1916-1929* (Berkeley: University of California Press, 1969) 96.

Some Britons perceived Brahmins as “untrustworthy,” oppressive towards the lower castes, and subversive regarding British governmental and social reforms. Valentine Chirol, a prominent *Times* correspondent, published *Indian Unrest*, in which he asserted that Brahminism was the biggest threat to the British. The Rowlatt Report of 1918, the product of a study on the causes of political violence in India, described Brahmins as “revolutionaries.” Annie Besant, English-born leader of the “Home Rule” movement for Indian independence, accused Brahmins of repressing the lower castes.<sup>26</sup>

Another important feature of the 1919 Act was the provision for the appointment of a statutory commission after ten years

for the purpose of enquiring into the working of the system of government, the growth of education and the development of representative institutions in British India...and ...report...to what extent it is desirable to establish the principle of responsible government, or to extend, modify or restrict the degree of responsible government then existing therein.<sup>27</sup>

### The Simon Commission

In keeping with the 1919 Government of India Act, the British government in 1927 appointed a commission to assess the Montagu-Chelmsford reforms and “whether, and to what extent it [was] desirable to establish the principle of responsible government, or to extend, modify, or restrict the degree of responsible government existing therein.” The seven-member commission was headed by John Simon, MP, and included MP Clement Attlee.<sup>28</sup>

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<sup>26</sup> Ibid., 146.

<sup>27</sup> Butler 78.

<sup>28</sup> Nearly 20 years later, Attlee would be Prime Minister when Britain granted India independence.

This “all-white” panel proved controversial. The competence of the nominees was not at issue, but rather the lack of any Indian representatives.<sup>29</sup> In protest, Gandhi and the Congress Party, the dominant Indian political party, boycotted the Commission<sup>30</sup> and protest demonstrations in India were widespread.<sup>31</sup>

The Simon Commission toured every Indian province.<sup>32</sup> Its findings were based largely on memoranda from the Government of India, from committees appointed by the provincial legislative councils, and from non-official sources.<sup>33</sup> The final report contained recommendations for reform.

One area the Commission identified was the need to safeguard minorities and other disadvantaged members of Indian society. Noting that “the spirit of toleration has made little progress in India,” the Simon report detailed the plight of the Depressed Classes in particular, which it saw not only as a problem of caste, but as an issue with distinct political overtones.

Based on its assumption that the “true cause of communal conflict. . . is the struggle for political power and for the opportunities which political power confers,”<sup>34</sup> the committee saw the improvement of the Depressed Classes’ situation as hinging on increased political

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<sup>29</sup> This lack of Indian representation was indicative of the British desire to maintain control of and influence in India, despite rhetoric of “responsible government.” A statement by, Viscount Burnham, one of the panel members, is telling, “[the main purpose of the Commission is] to prevent the dissolution of the British Empire in India.” (R.W. Brock, ed., *The Simon Report on India (An Abridgement)* (London: J.M. Dent & Sons Limited, 1930) vi.) Further evidence of Britain’s reluctance to “let go” are provisions in major documents which effectively guarantee a continued presence and element of control. The Simon Report, for example, indicates that “the only practical means of protecting the weaker and less numerous elements in the population is by the retention of an impartial power residing in the Governor-General and the Governors in the provinces.”

<sup>30</sup> Butler 78.

<sup>31</sup> S.R. Bakshi, *Simon Commission and Indian Nationalism* (New Delhi: Munshiram Manoharlal Publishers Pvt. Ltd., 1976) 65.

<sup>32</sup> R.W. Brock, ed., *The Simon Report on India (An Abridgement)* (London: J.M. Dent & Sons Limited, 1930) vi.

<sup>33</sup> United States Office of Strategic Services, *The Depressed Classes of India* (Washington: Office of Strategic Services, 1943) 31. (Originally classified)

<sup>34</sup> Brock 15.

influence.<sup>35</sup> Several options emerged, including pursuing a system of nomination, creating separate electorates, and reserving seats in government within a general electorate.<sup>36</sup>

In its consultations, the Simon Commission found that most provincial governments supported a nominating system. The Government of Bihar and Orissa, for example, asserted that a nomination was best since the Depressed Classes were too backward to choose their own representatives.<sup>37</sup> Despite these arguments, the Commission discarded the idea, arguing that the Depressed Classes needed opportunities for training in self-government.<sup>38</sup>

Support for separate electorates was strong among the Depressed Classes. Their representatives proposed combining separate electorates and reserved seats. They also demanded a wider franchise, since property and educational requirements significantly restricted their right to vote and to participate in government. The Bengal Depressed Classes Association, for instance, lobbied for separate electorates with seats reserved according to the proportion of Depressed Class members to the total population as well as for adult franchise. The All-India Depressed Classes Association proposed separate electorates for each of what it termed the four major groups in India: the Brahmins, Muslims, Depressed Classes, and Non-Brahmins. The governments of Assam and Bombay supported similar concepts.<sup>39</sup>

The Simon Commission rejected separate electorates for the Depressed Classes:<sup>40</sup>

Separate electorates would no doubt be the safest method of securing the return of an adequate number of persons who enjoy the confidence of the Depressed Classes, but we are averse from stereotyping the differences between the Depressed Classes and the remainder of the Hindus by such a step which we consider would introduce a new and serious bar to their

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<sup>35</sup> Ibid., 97.

<sup>36</sup> Office of Strategic Services (OSS) 34.

<sup>37</sup> The committee from Bihar and Orissa called for the creation of separate constituencies for the Depressed Classes, rejecting the nomination scheme.

<sup>38</sup> OSS 31.

<sup>39</sup> Ibid., 33-34.

<sup>40</sup> Although the Commission denied separate electorates to the Depressed Classes, it “felt compelled to continue” separate electorates for the Muslims, Sikhs, and the Europeans. (John Simon, *India and the Simon Report: A Talk* (New York: Coward-McCann, Inc., 1930).

ultimate political amalgamation with others.<sup>41</sup>

However, they retained the concept of reserving seats:

The Commission recommends that in all the eight provinces there should be some reservation of seats for the Depressed Classes on a scale which will secure a substantial increase in the number of Members of Legislative Councils drawn from the Depressed Classes.<sup>42</sup>

Seats were to be reserved for the Depressed Classes in general constituencies and these seats would be filled by election, based on a broadened franchise. The Commission also recommended drawing up rules to ensure the competency of candidates for reserved positions. In addition, provincial governors would have the power to nominate or allow non-Depressed Class members to run for election. Competency was of particular concern to the Commission. Members questioned whether enough qualified candidates would be available if seats were reserved according to the proportion of Depressed Classes persons in the population. As a result, the Commission suggested, “the proportion of the number of such reserved seats to the total number of seats in all the Indian general constituencies should be three-quarters of the proportion of the Depressed Classes to the total population of the electoral area of the province.”<sup>43</sup> Again, these measures were regarded as strictly temporary, with the goal that an improvement in the Depressed Classes’ condition would eventually make reservations unnecessary.

### The Round Table Conferences

In 1931, sixth months after the Simon Commission’s report was published, a Round Table Conference convened in London to review the Commission’s proposals and how they

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<sup>41</sup> OSS 34.

<sup>42</sup> Brock 97.

<sup>43</sup> OSS 35.

might be incorporated into a new constitution. This time, there were Indian delegates from various interest groups. Ambedkar represented the Depressed Classes, along with Rai Bahadur R. Srinivasan. Gandhi and his Indian National Congress were conspicuously absent, refusing to participate on the grounds that Congress alone represented Indian opinion.<sup>44</sup>

How to treat minorities was a major topic at the conference. Prime Minister Ramsay MacDonald chaired a subcommittee to focus on this problem. Ambedkar and Srinivasan appealed for separate electorates and adult suffrage. Separate electorates were designed to be temporary. After ten years, general electorates with reserved seats would replace separate electorates with the consent of the Depressed Classes and enfranchisement of all adults. In the end, the subcommittee could not reach an agreement, a general reflection of the entire conference, which was inconclusive.

A second Roundtable Conference convened eight months later. Ambedkar and Srinivasan again attended. Gandhi also joined, representing the Congress. Having taken up the cause of the *Harijans* (“children of God,” a term the Congress leader coined), Gandhi adamantly opposed separate electorates, especially for the Depressed Classes.<sup>45</sup> Arguing that untouchability was inseparable from Hinduism, he linked creation of separate electorates for the Depressed Classes to alleged British “divide and rule” strategy and asserted that the group should be included in the main body of Hindus. As a result of staunch opposition from

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<sup>44</sup> Marc Galanter, *Competing Equalities: Law and the Backward Classes in India* (Berkeley: University of California Press, 1984) 31.

<sup>45</sup> Politically active Dalits consider the term “Harijan” patronizing and condescending. Its use was prohibited in all government business in 1990. (*Nabhi's Brochure on Reservation and Concession* (New Delhi: Nabhi Publications, 2001) 335.)



Gandhi and the Congress on separate electorates, the second conference was inconclusive and the minority issue remained unresolved.<sup>46</sup>

Ambedkar originally had misgivings about separate electorates as well, but was compelled to ask for them at the second Roundtable conference when he felt the Depressed Classes were in danger of not gaining any concessions.<sup>47</sup> Earlier in the conference, Ambedkar had attempted to compromise with Gandhi on reserved seats in a common electorate, but Gandhi, who had declared himself spokesman for India's oppressed, rejected Ambedkar's proposal, and denounced the other delegates, including Ambedkar, as unrepresentative. At the same time, Gandhi attempted to strike a deal with Muslims, promising to support their demands as long as the Muslims voted against separate electorates for the Depressed Classes. It is apparent that political considerations might have also motivated Gandhi to adopt this position.

Given the failure of the conference to settle minority representation, Prime Minister Ramsay MacDonald, who had chaired the committee on minorities, offered to mediate on the condition that the other members of the committee supported his decision. The product of this mediation was the Communal Award of 1932.<sup>48</sup>

#### A Turning Point: MacDonald's Communal Award and the Poona Pact

MacDonald announced the Communal Award on August 16, 1932. Based on the findings of the Indian Franchise Committee, called the Lothian Committee,<sup>49</sup> the Communal

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<sup>46</sup> Anthony Read and David Fisher, *The Proudest Day: India's Long Road to Independence* (New York: W.W. Norton and Company, 1997) 243-244.

<sup>47</sup> Kusum Sharma, *Ambedkar and Indian Constitution* (New Delhi: Ashish Publishing House, 1992) p.224-25.

<sup>48</sup> OSS 36.

<sup>49</sup> The Lothian Committee, which included both British and Indian representatives, was formed in 1932 to study extension of the franchise, women's suffrage, representation of the Depressed Classes and other related issues. Regarding representation of the Depressed Classes, the committee decided that "provision should be made in

Award established separate electorates and reserved seats for minorities, including the Depressed Classes which were granted seventy-eight, reserved seats. Unlike previous communal electorates set up for Muslims and other communities, the Award provided for the Depressed Classes to vote in both general and special constituencies, essentially granting a “double vote.” However, in keeping with earlier special concessions to minorities, MacDonald asserted:

His Majesty’s Government do not consider that these special Depressed Classes constituencies will be required for more than a limited time. They intend that the constitution shall provide that they shall come to an end after 20 years if they have not previously been abolished under the general powers of electoral revision.<sup>50</sup>

Gandhi, who was in the Yeravada Prison in the city of Poona at the time because of his civil disobedience campaign, reacted by declaring a hunger strike “unto death.”<sup>51</sup> In his opposition to the Award, he compared the creation of separate electorates for the Depressed Classes to the “injection of a poison that is calculated to destroy Hinduism and do no good whatever.” Others were similarly critical of the Award. Ambedkar felt too few seats were reserved for the Depressed Classes. Rajah, another leader of the Depressed Classes, opposed the separation of the community from the Hindu fold.

As a result of widespread disapproval of the Award and Gandhi’s hunger strike, a new agreement, the Poona Pact, was reached on September 24, 1932. The Pact called for a single (non-Muslim) general electorate for each of the provinces of British India and for seats

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the new constitution for better representation of the Depressed Classes, and that the method of representation by nomination [was] no longer regarded as appropriate.” For the basis of its inquiry, the Lothian committee submitted questionnaires to each of the provinces, asking for input on how best to secure representation for the Depressed Classes and advising that “the application of the group system of representation to the Depressed Classes should be specially considered.” (Indian Franchise Committee, *Report of the Indian Franchise Committee, 1932* (Calcutta: Government of India Central Publication Branch, 1932) 4.

<sup>50</sup> OSS 37.

<sup>51</sup> Jagadis Chandra Mandal, *Poona Pact and Depressed Classes* (Calcutta: Sujjan Publications, 1999) v.

in the Central Legislature. At the same time, specified numbers of seats, totaling 148 for the provincial legislatures and to be taken from seats allotted to the general electorate, were reserved for the Depressed Classes. In the Central Legislature, the Depressed Classes were to get eighteen percent of the seats. Voting members of the Depressed Classes in each reserved seat constituency were to form an “electoral college” to select four candidates from among their number. The Pact also called for “every endeavor” to give the Depressed Classes “fair representation” in the public services “subject to such educational qualifications as may be laid down.”<sup>52</sup> Like each of its antecedents, the system of representation of Depressed Classes by reservation outlined in the Pact was intended to be temporary, continuing, “until determined by mutual agreement between the communities concerned in the statement.”<sup>53</sup>

#### Gandhi v. Ambedkar

The Poona Pact set in motion what one student of caste in India has termed “Ambedkar’s qualified victory over Gandhi and the Congress.”<sup>54</sup> Although Ambedkar had given in on the common voting roll, he had ensured that specified numbers of Depressed Classes legislators, nominated by members of those Classes, would be included in Indian provincial and national legislative bodies. The number of reserved seats was higher than in the Award. Gandhi and the Congress had little choice. Unless they came to terms with Ambedkar on reserved seats, they risked a break-up of the Hindu electorate with potentially serious political consequences:

To subtract them [the depressed classes] from the population on which the

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<sup>52</sup> Text of Pact at [www.harijansevaksangh.org/poona](http://www.harijansevaksangh.org/poona), accessed March 12, 2002.

<sup>53</sup> Sharma Appendix 1.

<sup>54</sup> Susan Bayly, *Caste, Society and Politics in India* (Cambridge: Cambridge University Press, 1999) 260.

provinces' Hindu representation was calculated would make a critical difference to the subcontinent's electoral arithmetic, particularly in Bengal and the Punjab where the balance between Hindu and Muslim was so close.<sup>55</sup>

The Poona Pact is significant in that it initiated a pattern of political compromise between “caste” Hindus and the Depressed Classes in the allocation of legislative representation and government jobs. Although much has changed in India, seventy years after the Pact 81 of the 543 members of the Lok Sabha, the lower house of Parliament, are from what were formerly known as the Depressed Classes and 79 of them hold reserved seats.

A by-product of the Pact was the highlighting of the underlying problems between “caste” Hindus and “outcastes.” Gandhi initiated a national campaign to eliminate the evils of untouchability. Six days after the Pact, with help from wealthy industrialists like the Birlas, he started the Harijan Sevak Sangh (Servants of the Untouchables Society) and its weekly journal *Harijan*. The serious gulf in Hindu society that continues until now along with the reservations system is evident in an exchange between Gandhi and Ambedkar in the February 11, 1933, issue of *Harijan*. Having asked Ambedkar for a greetings message for the inaugural issue of *Harijan*, Gandhi received a blunt reply:

. . . I feel I cannot give a message. For I believe it will be a most unwarranted presumption on my part to suppose that I have sufficient worth in the eyes of the Hindus which would make them treat any message from me with respect . . . I am therefore sending you the accompanying statement for publication in your *Harijan*.

B.R. Ambedkar

#### Statement

‘The Out-caste is a bye-product of the Caste system. There will be outcastes as long as there are castes. Nothing can emancipate the Out-caste except the destruction of the Caste system. Nothing can help to save Hindus and ensure their survival in the coming struggle except the purging of the Hindu Faith of this odious and vicious dogma.’<sup>56</sup>

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<sup>55</sup> Ibid., 261

<sup>56</sup> “Dr. Ambedkar & Caste,” *Harijan*, February 11, 1933, 3.

In his rejoinder, Gandhi noted: “Dr. Ambedkar is bitter. He has every reason to feel so.”

Gandhi continued, commenting that Ambedkar’s “exterior is as clean as that of the cleanest and proudest Brahmin. Of his interior, the world knows as little as that of any of us.”

Affecting humility, Gandhi announced that *Harijan* “is not *my* weekly” but belonged to the Servants of Untouchables Society and that Ambedkar should feel “it is as much his as of any other Hindu.” Then Gandhi went to the heart of the matter:

As to the burden of his message, the opinion he holds about the caste system is shared by many educated Hindus. I have not, however, been able to share that opinion. I do not believe the caste system, even as distinguished from Varnashram, to be an ‘odious and vicious dogma.’ It has its limitations and its defects, but there is nothing sinful about it, as there is about untouchability, and, if it is a bye-product of the caste system it is only in the same sense that an ugly growth is of a body, or weeds of a crop.<sup>57</sup>

Therefore, according to Gandhi, the “joint fight is restricted to the removal of untouchability,” a fight into which he invited Ambedkar “and those who think with him to throw themselves, heart and soul . . .” Ambedkar preferred to carry on the fight through legal and constitutional measures. His legacy is the existing system of reservations. Gandhi, a Hindu traditionalist, sought to inspire Hindus to cleanse the caste system of the evil of untouchability. Judging from his writings, he saw this as an achievable goal.

Gandhi’s Harijan Sevak Sangh continues his work throughout India.<sup>58</sup> While the sincerity of the Society’s efforts cannot be doubted, some Dalits see the organization as paternalistic and condescending. At the Society’s start, Gandhi opposed having a harijan on the board of directors. Some sense of caste attitude comes from a report in *Harijan* of some early activities. For example:

Under the auspices of the Valmik Achhut Mandal, Jullundur, Punjab, a well attended meeting of caste Hindus and Harijans was held at Basti Sheikh with Chaudri Daulatram, a Harijan, in the chair. Master Shadiram, a well educated Harijan, exhorted his brother Harijans to keep clean and

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<sup>57</sup> Ibid., 3.

<sup>58</sup> The Harijan Sevak Sangh’s activities are outlined on its website: [www.hindusevaksangh.org](http://www.hindusevaksangh.org).

give up drink and other bad habits.

Bhagat Dhanna Mal, a prominent Congressman of Ferozepur, Punjab, has taken a vow to remove the evil practices of untouchability, as far as it lies in his power to do so. He will gladly respond at his own expense to any call for help from Harijans in any part of India.<sup>59</sup>

### The Government of India Act of 1935

The reservation of seats for the Depressed Classes was incorporated into the Government of India Act of 1935, legislation by the British designed to give Indian provinces greater self-rule and set up a national federal structure that would incorporate the princely states. The Act went into force in 1937.

The Act brought the term “scheduled castes,” now the Indian Government’s official designation, into use, defining the group as including “such castes, races or tribes or parts of or groups within castes, races or tribes, being castes, races, tribes, parts of groups which appear to His Majesty in Council to correspond to the classes of persons formerly known as “the Depressed Classes,” as His Majesty in Council may specify.”<sup>60</sup> This vague classification was later clarified in “The Government of India (Scheduled Castes) Order, 1936 which contained a list, or “schedule,” of scheduled castes throughout the British provinces.

### All-India Depressed Classes Conference at Nagpur, 1942

Efforts by both Indians and British officials encouraged untouchables and the lower castes to form their own organizations to call for more equitable treatment and to demand economic assistance. Ambedkar was at the center of these activities. Seeking a vehicle to

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<sup>59</sup> *Harijan*, February 11, 1933, 3.

<sup>60</sup> Chuni Lal Anand, ed., *The Government of India Act, 1935* (Lahore: The University Book Agency) 180.

bring pressure to bear on the government to secure more resources for the Depressed Classes he had formed the Independent Labor Party in 1936. Changing tactics, he used a July 1942 All India Depressed Classes Conference in Nagpur to establish an All India Depressed Classes Federation.

Among the group's demands were those for a new constitution with provisions in provincial budgets, specifically in the form of money for education, to support the advancement of the scheduled castes; representation by statute in all legislatures and local bodies; separate electorates; representation on public service commissions; the creation of separate villages for scheduled castes, "away from and independent of the Hindu villages," as well as a government-sponsored "Settlement Commission" to administer the new villages; and the establishment of an All-India Scheduled Castes Federation.<sup>61</sup> When in 1942 Congress Party leaders launched a "Quit India" movement, the British, engaged in a war for survival, rounded up Nehru, Gandhi, and other leaders and jailed them for the duration of the struggle with Germany and Japan. Ambedkar, by contrast, supported the war effort and became a member of the Viceroy's Executive Council. He used his new position to advance the interests of the Scheduled Castes. Ambedkar:

Submitted a memorandum demanding reservation for the Scheduled Castes in services, and scholarships and financial aid for the promotion of their education. The government accepted the recommendations, and in 1943 reservation in services in favor of the Scheduled Castes became effective.<sup>62</sup>

He had played the situation perfectly. With independence in sight, Congress leaders locked up, and Britain desiring to keep India quiet Ambedkar had successfully expanded the scope of reservations from legislative seats to government jobs and education.

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<sup>61</sup> *Report of the Proceedings of the 3rd Session of the All India Depressed Classes Conference held at Nagpur on July 18 and 19, 1942.*

<sup>62</sup> Prahlad G. Jogdan, *Dalit Movement in Maharashtra*, (Kanak Publications: New Delhi: 1991) 57.

*Altruism or Political Interest?*

Were these pre-independence efforts to uplift the Depressed Classes driven by simple altruism and the desire to correct past injustices? Or were political interests what motivated British and Indians to act? While one cannot deny that leaders such as Gandhi certainly were sincere in seeking to improve the plight of the “Harijans” and weaker elements of Indian society, scholars have argued that politics influenced and continues today to drive the advocacy of reservations and special provisions for Depressed Classes. Suma Chitnis, for example, has argued that the British saw this issue as useful against Indian independence seekers. Missionaries saw the Depressed Classes as especially amenable to their proselytizing efforts. The Congress Party, the dominant Indian party at the time, sought to keep the Depressed Classes in its fold to prevent political fragmentation of the independence movement (and the Hindu population) and to counterbalance the Muslim League, especially in “mixed” provinces like Bengal and the Punjab. Nevertheless, Congress’ interest was relatively late in coming. Chitnis points out that the Congress Party’s interest in the welfare of the Depressed Classes did not emerge until 1917, when Gandhi made it one of the main planks of the party.<sup>63</sup>

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<sup>63</sup> Pai Panandiker 96-98.



## CHAPTER II

### INDEPENDENCE AND THE CONSTITUTION: FRAMING RESERVATIONS POLICY

On May 16, 1946, the British government released the Cabinet Mission Statement, a set of proposals to guide the framing of a new Indian constitution. By this time, the wheels for India's independence had already been set in motion by Clement Atlee's Labor Party government in London. Among other recommendations, the Cabinet Mission laid out a detailed plan for the Constituent Assembly's composition, such that the body be "as broad-based and accurate a representation of the whole population as possible." Three categories from which to draw delegates were proposed. In addition to divisions for Muslims and Sikhs, the Cabinet Mission suggested a "general" category which would include all others groups—Hindus, Anglo-Indians, Parsis, Indian Christians, the Scheduled Castes and Tribes, and women, among others. Delegates were appointed on the basis of indirect elections in the provincial legislative assemblies.

In March 1947, Britain sent Lord Louis Mountbatten, war hero and royal relative, to New Delhi as the King-Emperor's last Viceroy. His mission was to transfer power to an independent Indian government. In the end, power was transferred to two successor entities, Pakistan on August 14, 1947, and India on August 15, 1947.

Under the Cabinet Mission plan the Constituent Assembly was to consist of 389 seats, 296 of which were filled by delegates elected from the directly-administered provinces of British India and 93 of which were allotted to the princely states. The total number of seats was based on an undivided India, and, overall, represented a cross-section of the population of the country. Given the Muslim League's boycott of the Assembly, the impact of partition

and subsequent migration, and the lengthy process of integrating the princely states, the number and distribution of seats continually fluctuated from the time of the first meeting on December 9, 1946. With the 1947 partition, many Muslim delegates left for Pakistan, terminating their membership in the Assembly. As a result, the body was reorganized. By November 26, 1949, it consisted of 324 seats, divided among the provinces and the princely states and representative of all major minority groups.

The make-up of the Constituent Assembly reflected the reality of what groups wield power in India, then and now. An analysis of membership in the most important advisory committees of the Constituent Assembly found that 6.5 percent were SCs. Brahmins made up 45.7 percent.<sup>64</sup> Minority and Scheduled Caste delegates did have some influence during the Assembly proceedings, with several holding significant positions. Dr. H.C. Mookherjee,<sup>65</sup> an Indian Christian, was Vice-President of the Constituent Assembly as well as Chairman of the Sub-Committee on Minorities. However, by far the most important was Dr. Ambedkar.

Jawaharlal Nehru (1889-1964), India's first Prime Minister and dominant political figure until his death, had already selected Ambedkar, an accomplished lawyer, as his Law Minister. A Brahmin himself, Nehru sought to build a secular India free from caste discrimination. He was among the "many educated Hindus" opposed to the caste system as noted by Gandhi in his 1933 *Harijan* exchange with Ambedkar (above). Given Nehru's views and Ambedkar's talents, it is not surprising that Ambedkar became chairman of the drafting committee for India's new constitution. It was also an astute political move for both leaders. For Nehru, it kept the independently minded Ambedkar "on board" with the

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<sup>64</sup> Christophe Jaffrelot, *India's Silent Revolution* (London: Hurst & Co., in publication), 208, citing research by G. Austin in *The Indian Constitution*, Appendix III.

government at a critical time; for Ambedkar, it was an opportunity to influence preparation of the new constitution and protect Scheduled Caste interests.

From the outset, the Constituent Assembly laid out clearly its objectives and philosophy for the new constitution. Several of the framers' main goals, articulated in the "Objectives Resolution," included guarantees of equality, basic freedoms of expression, as well as "adequate safeguards...for minorities, backward and tribal areas, and depressed and other backward classes." These principles guided the delegates throughout the Constitution-making process.

The Assembly set up a special Advisory Committee to tackle minority rights issues. This committee was further divided into several subcommittees. The Subcommittee on Minorities focused on representation in legislatures (joint versus separate electorates and weightings), reservation of seats for minorities in cabinets, reservation for minorities in the public services, and administrative machinery to ensure the protection of minority rights. After extensive research and debate, the Subcommittee on Minorities drafted a report of its findings for submission to the Advisory Committee. The latter supported most of the Subcommittee's recommendations.<sup>66</sup>

Vallabhbhai Patel (1875-1950), Chairman of the Advisory Committee and the most powerful member of the governing Congress party after Nehru, submitted the Report on Minority Rights to Rajendra Prasad, President of the Assembly, and on August 27, 1947, the Assembly convened to discuss the Report. Patel opened the debate by presenting the Advisory Committee's main recommendations. Rejecting separate electorates—Congress wanted no repeat of the separate electorates granted to the Muslims by the British—and a

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<sup>66</sup> His name indicates his family was Bengali Brahmin by background.

“weightage” system, the Report endorsed the creation of joint electorates and proportional representation. Reservations were approved for minorities, as long as the reservations were in proportion to the population of the targeted groups. Some minorities, like the Parsis, voluntarily gave up this right.

Treatment of the Scheduled Castes was extensively debated. Efforts by Ambedkar and his allies to craft a provision requiring a “tripwire” 35 percent of Scheduled Caste votes in a constituency reserved for the Scheduled Castes failed. The principle of common voting and reserved seats in legislative bodies throughout the country was retained despite strong opposition from influential Constituent Assembly members like Nehru.<sup>67</sup> However, the colonial-era system of having the Scheduled Castes choose candidates for reserved seats through local “electoral colleges” was dropped. Throughout the debate, caste Hindus permitted nothing that would suggest splitting off the Scheduled Castes in an electoral sense from the Hindu community.<sup>68</sup>

### Reservations Under the Constitution<sup>69</sup>

On January 26, 1950, India ended its “Dominion” status, became a republic, and put in effect its new constitution. With an entire section dedicated to “Fundamental Rights,” the Indian Constitution prohibits any discrimination based on religion, race, caste, sex, and place

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<sup>66</sup> Kamlesh Kumar Wadwaha, *Minority Safeguards in India: Constitutional Provisions and Their Implementation* (New Delhi: Thomson Press (India) Limited, 1975) 47-68.

<sup>67</sup> Nehru maintained this position when backward caste leaders lobbied to extend job reservations to backward groups in the 1950s, remarking “I am grieved to learn how far this business of reservation has gone based on communal or caste considerations. This way lies not only folly, but disaster.” Steven Ian Wilkinson, “India, Consociational Theory, and Ethnic Violence,” *Asian Survey*. Vol. XL, No.5, September/October 2000, 774-775.

<sup>68</sup> Jaffrelot, *op. cit.*, 92-95.

<sup>69</sup> *The Constitution of India: A Commemorative Edition on 50 Years of Indian Constitution* (New Delhi: Taxmann, 2000).

of birth (Article 15[1]). This law extends to all public institutions, such as government-run educational facilities, to access to hotels and restaurants, public employment and public wells, tanks (manmade ponds for water supply and bathing), and roads. The practice of untouchability is declared illegal (Article 17).

Significantly, Article 15, which prohibits discrimination, also contains a clause allowing the union and state governments to make “any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes.” This language was added in 1951 within weeks of a Supreme Court decision outlawing quotas in school admissions. The speed of the amendment is indicative of the strong political support for reservations, Nehru’s personal views notwithstanding.

Similarly, Article 16, calling for “equality of opportunity in matters of public employment,” contains clauses permitting the “reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State” and another allowing “reservation in matters of promotion” for Scheduled Castes and Scheduled Tribes.<sup>70</sup>

A separate section of the Constitution, “Special Provisions Relating to Certain Classes,” requires the reservation of seats in the “House of the People,” or Lok Sabha, and the Legislative Assemblies of the states for the Scheduled Castes and Scheduled Tribes.<sup>71</sup> The numbers of reserved seats are determined by the proportion Scheduled Caste and Scheduled Tribe members to the general population, based on population estimates from the

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<sup>70</sup> The Constitution defines the “State” as the “Government and Parliament of India and the Government and the Legislature of each of the States.”

<sup>71</sup> The draft constitution, produced by the Constituent Assembly’s Drafting Committee headed by B.R. Ambedkar, included Muslims and Indian Christians among the beneficiaries of reservations in legislatures.

most recent decennial census. The President of India and the Parliament, in consultation with the state governments, determine the list of groups qualifying as Scheduled Castes, Scheduled Tribes, and “backward classes.”

Several safeguards accompany these provisions for reservation. First, the Constitution originally required the reservation of seats in the Lokh Sabha and state legislatures to end after ten years. After five amendments, the policy is now set to expire on January 25, 2010. Secondly, regarding the reservation of jobs, Article 335 of the Constitution mandates that the “claims of the members of the Scheduled Castes and Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration.” Finally, a National Commission for Scheduled Castes and Scheduled Tribes<sup>72</sup> was created to investigate, monitor, advise, and evaluate the progress of the Scheduled Castes and Scheduled Tribes under the schemes aimed at the socio-economic development of these groups. Another Commission was also created to investigate the conditions of the socially and educationally backward classes.

It is interesting to note that the Constitution’s reservations construct, which explicitly singles out certain castes for special preferential treatment, contradicts the document’s prohibition on discrimination based on caste, race, and other such criteria. Furthermore, India’s caste system itself, with its strict hierarchy dictated by birth, is at odds with the ideals of equality and social justice.

Despite the creation of centrally based commissions to monitor reservations and other schemes, the Constitution gives great liberties to the individual states to determine the quantity and limits of reservation and what, for example, qualifies as the “maintenance of the efficiency of administration.” The clause giving states the authority to formulate and

implement policy to facilitate “the advancement of any socially and educationally backward classes of citizens,” is also decidedly vague. No concrete definition of “backward” is provided either. In addition, though a specific—if, in practice, flexible—time limit is placed on the reservation of seats in the Lok Sabha and state legislative assemblies, there is no such clause regarding the future termination of reservations of jobs and promotions.

#### Other Legal Protections for Scheduled Castes and Scheduled Tribes

To give teeth to the protections for the Scheduled Castes and Tribes mandated by the Constitution, India’s Parliament has passed two major laws. The Untouchability (Offenses) Act of 1955 (renamed the Protection of Civil Rights Act in 1976) was intended to provide enforcement of Article 17 of the Constitution, outlawing untouchability. It fell short of expectations. In the words of India’s National Commission for Scheduled Castes and Scheduled Tribes, “All the measures taken were not found to be effective enough in curbing the incidents of atrocities on Scheduled Castes and Scheduled Tribes.”<sup>73</sup> In 1989 a new law, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, came into force. Similar to an American hate crimes statute, it provides heavier penalties than under ordinary law for eighteen specified crimes including forcing the eating of obnoxious substances, bonded labor, and sexual exploitation.

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<sup>72</sup> In 1990, a five-member commission replaced the Officer for Scheduled Castes and Scheduled Tribes

<sup>73</sup> Report of the National Commission for Scheduled Castes and Scheduled Tribes, *Fourth Report: 1996-1997 and 1997-1998*, Volume I, 232.

## CHAPTER III

### AN ASSESSMENT OF RESERVATIONS

As the reservations policy expands, involving more groups of people and continuing to generate debate, so too does the task of assessing this system. A review of the literature reveals entire books dedicated to the issue, and even these efforts cannot fully sort out the reservations puzzle. In order to achieve breadth without losing depth, I have chosen to examine the effectiveness of reservations by focusing on the experience of the scheduled castes (SCs). Furthermore, I will analyze the policy across time, from inception to present, on a national level.<sup>74</sup> Narrowing the problem in this way facilitated a more comprehensive study of the domains into which reservations extends—the legislatures, government service, and education. In addition, because consistent and complete state-specific data were unavailable, this assessment of reservations relies primarily on all-India statistics.<sup>75</sup>

Though the scheduled tribes (STs) and the other backward classes are undoubtedly important players, covering them thoroughly would be beyond the scope of this study. The other backward classes (OBC), particularly since the release of the Mandal Report, have often been at the center of the controversy surrounding reservations. Nevertheless, Oliver Mendelsohn, for example, has attributed the relative lack of controversy over reservations for SCs and STs (compared to that over reservations for backward classes), who are guaranteed seats in legislatures in addition to preferential treatment in education and public employment,

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<sup>74</sup> The annual reports of the National Commission for Scheduled Castes and Scheduled Tribes, which have been published from the 1950s, along with other Government of India publications were major resources. However, statistics gleaned from these sources were either incomplete or unavailable across time.

<sup>75</sup> Oliver Mendelsohn, "A 'Harijan Elite'? The Lives of Some Untouchable Politicians," *Economic and Political Weekly*, Vol XXI, No 12, March 22, 1986.



to the reservation system's "failure." It is for this reason, Mendelsohn argues, that the policy has not generated the animus of a more successful program.<sup>76</sup>

In its 50-plus years of operation has the reservations policy achieved positive results? Have the SCs received the social, political and economic uplifting envisioned by the Constitution's framers? This section will address these questions.

### *A Survey of Reservations Policy*

#### Government Services

As Marc Galanter has observed, government employment in India is widely considered prestigious and a guarantor of security and advancement.<sup>77</sup> Government jobs still account for the majority of jobs in the economy's organized sector. Table 1 illustrates that despite serious attempts at liberalization beginning in 1991, the public sector continues to dominate the Indian economy and serve as the main source of employment.

**Table 1. Estimated Percent Employment in the Public and Quasi-Public Sectors (in organized sector)**

| Year    | % Employment in Public Sector |
|---------|-------------------------------|
| 1990-91 | 62.62                         |
| 1992-93 | 63.16                         |
| 1993-94 | 62.99                         |
| 1994-95 | 62.74                         |
| 1995-96 | 61.69                         |
| 1996-97 | 61.42                         |
| 1997-98 | 60.97                         |
| 1998-99 | 61.02                         |

*Source:* Statistical Abstract, India, 2000, 263.

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<sup>76</sup> Ibid.

<sup>77</sup> Marc Galanter, *Competing Equalities: Law and the Backward Classes in India*. Delhi: Oxford University Press, 1984, 84-85.

As a result, reservations in the coveted area of government services take on increased salience.

Public sector jobs are divided into four levels, distinguished by income and selectivity: Class I (or Group A), Class II (or Group B), Class III (or Group C) and Class IV (or Group D). Table 2 shows the distribution of jobs among these four categories based on 1994 estimates:

**Table 2. Profile of Central Government Employment**

| <b>Class</b> | <b>% of workforce</b> |
|--------------|-----------------------|
| <b>I</b>     | 2.2                   |
| <b>II</b>    | 3.3                   |
| <b>III</b>   | 66.8                  |
| <b>IV</b>    | 27.2                  |
| <b>Total</b> | <b>99.5*</b>          |

*Source:* Kanchan Chandra, "Why Ethnic Parties Succeed: A Comparative Study of the BSP Across Indian States." PhD Thesis, February 2000, Harvard University, 124.

*Notes:* Figures do not total 100% because of rounding error

Class I, the highest-paid level, includes members of the elite Indian Administrative Service (IAS), the Indian Foreign Service (IFS), the Indian Police Service (IPS) and connected Central Government services. In the next income bracket, Class II employees comprise officers of the state civil service cadre. Competitive exams and interviews are usually used to fill these top two tiers, which require highly skilled and well-qualified candidates.

In contrast, the bottom two job categories, Class III and Class IV, include low-skill, low-qualification posts such as primary school teachers, revenue inspectors, constables, peons, clerks, drivers, and sweepers. These are typically low-income jobs and are not subject to strict selection processes. Additionally, selecting officials exercise a high degree of

discretion in filling posts. Influence plays a major role. This is particularly relevant given that Class III and Class IV jobs make up the bulk of public sector employment in the organized economy. According to estimates from 1994, 94 percent of public sector jobs in the Central Government fell into the Class III and Class IV levels.<sup>78</sup> Table 3 summarizes SC representation in the four classes of central government from 1959 to 1995:

**Table 3. Percentage of SC Employees in Central Government Services**

| <b>Class</b> | <b>1959</b>        | <b>1965</b> | <b>1974</b> | <b>1984</b> | <b>1995</b>        |
|--------------|--------------------|-------------|-------------|-------------|--------------------|
| <b>I</b>     | 1.18               | 1.64        | 3.2         | 6.92        | 10.12              |
| <b>II</b>    | 2.38               | 2.82        | 4.6         | 10.36       | 12.67              |
| <b>III</b>   | 6.95               | 8.88        | 10.3        | 13.98       | 16.15              |
| <b>IV</b>    | 17.24 <sup>a</sup> | 17.75       | 18.6        | 20.2        | 21.26 <sup>a</sup> |

*Sources:* National Commission for Scheduled Castes and Scheduled Tribes, *Seventh Report, April 1984 - March 1985*, 5; Commissioner for Scheduled Castes and Scheduled Tribes, *Sixteenth Report, 1966-1967*, 15; National Commission for Scheduled Castes and Scheduled Tribes, *Fourth Report, 1996-1997 and 1997-1998*, Volume I, 14.

<sup>a</sup>Excludes sweepers

It is clear that there has been a general rise in SC representation in all four categories of employment in central services across time. The SC presence in Class I, for instance, has increased by ten-fold, from 1.18 percent in 1959 to 10.12 percent in 1995. The Class II figures show an upward trend from 2.38 percent in 1959 to 12.67 percent in 1995. The lowest class, which initially had more SC employees in 1959 than any of the other classes had in 1995, has had a slower rate of increase.

While these are all good indications that reservations are working, it is difficult to ignore certain realities that detract from this success. First, SC representation in the Classes I and II, after over 50 years, still fall short of the reservations quota of 15 percent for SCs, while the less-prestigious and lower-paid Class III and IV jobs are amply filled. Even prior

<sup>78</sup> Kanchan Chandra, "Why Ethnic Parties Succeed: A Comparative Study of the BSP Across Indian States."

to 1970, when quotas were set at 12.5 percent, only Class IV met the quota of places allotted to SCs. However, because reservations apply to only current appointments and the average service career is around 30 years, it is a time-consuming process for the percentage of posts held to equal the percentage of positions reserved.<sup>79</sup> The steep increase in Class I and II positions since the 1960s suggests that the percentage of new SC recruits is nearing the SC reservations quota.

Secondly, certain posts are “exempt” from reservation. Under the current policy, reservations do not apply to cases of transfer or deputation; cases of promotion in grades or services in which the element of direct recruitment exceeds 75%; temporary appointments of less than 45 days; work-charged posts required for emergencies (such as relief work in cases of natural disaster); certain scientific and technical posts; single post cadre; upgradation of posts due to cadre restructuring (total or partial); and ad hoc appointments arising out of stop gap arrangements.<sup>80</sup> As far as scientific and technical posts are concerned, reservations do not apply to positions above the lowest grade in Group I services.

Finally, another factor undercutting the positive trends is the prevalence of false caste certification. Non-SCs, whether out of opportunism or desperation, have been known to pose as SCs in order to take advantage of reserved government jobs, in addition to other benefits afforded to SCs, such as relaxation of maximum age limits and waiving of civil service exams and fees. In an attempt to curb the problem, the Karnataka state government considered issuing caste identity cards to SCs, STs, and OBCs in June 2001. However, the

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PhD Thesis, February 2000, Harvard University, 124.

<sup>79</sup> Galanter 93.

<sup>80</sup> “Nabhi’s Brochure on Reservation and Concessions for Scheduled Castes, Scheduled Tribes, Other Backward Classes, Physically Handicapped, Ex-Servicemen, Sportsmen, and Compassionate Appointments.” Delhi: Nabhi Publications, 2001, 43.

plan was shelved when the authorities realized how costly such a policy would be, given that around 90 percent of the state's population could be counted as SC, ST or OBC.<sup>81</sup>

### Legislatures: The Lok Sabha

One of the most explicit constitutional provisions concerns the reservation of seats for SCs in the Union and state legislatures. An analysis of the composition of the current Lok Sabha (the 13<sup>th</sup>, elected in 1999) indicates adherence to the Constitution's mandate. All seats reserved for SCs are filled, with two states, Maharashtra and Andhra Pradesh, each having an SC Member of Parliament (MP) from a non-reserved constituency (Table 4).

**Table 4. Distribution of Seats in Thirteenth Lok Sabha (1999) among States with Constituencies Reserved for SCs**

| State/UT         | Total seats | Reserved seats | Seats filled by SCs |
|------------------|-------------|----------------|---------------------|
| Andhra Pradesh   | 42          | 6              | 7                   |
| Assam            | 14          | 1              | 1                   |
| Bihar            | 54          | 8              | 8                   |
| Gujarat          | 26          | 2              | 2                   |
| Haryana          | 10          | 2              | 2                   |
| Himachal Pradesh | 4           | 1              | 1                   |
| Karnataka        | 28          | 4              | 4                   |
| Kerala           | 20          | 2              | 2                   |
| Madhya Pradesh   | 40          | 6              | 6                   |
| Maharashtra      | 48          | 3              | 4                   |
| Orissa           | 21          | 3              | 3                   |
| Punjab           | 13          | 3              | 3                   |
| Rajasthan        | 25          | 4              | 4                   |
| Tamil Nadu       | 39          | 7              | 7                   |
| Uttar Pradesh    | 85          | 18             | 18                  |
| West Bengal      | 42          | 8              | 8                   |
| Delhi            | 7           | 1              | 1                   |
| <b>TOTALS</b>    | <b>518</b>  | <b>79</b>      | <b>81</b>           |

Source: "Seats in the 13<sup>th</sup> Lok Sabha (1999)," <http://education.vsnl.com/journalist/breakup.html>. Actual numbers of SC MPs were compiled from MP biographies (<http://alfa.nic.in/lok13/biodata>). Both sites accessed on March 2, 2002.

<sup>81</sup> "SC, ST, OBC families to get caste identity cards," June 23, 2001. <<http://www.ambedkar.org/News/SCST.htm>>. Accessed February 22, 2002.

While all seats reserved for SCs are filled, a look at the portfolios and posts held within the 13<sup>th</sup> Lok Sabha by SCs undercuts the degree of substantive SC representation.

Table 5 shows all Lok Sabha committees chaired by and Union Cabinet Minister and Minister of State posts held by SCs:

**Table 5. Posts Held by SC Members of Parliament (MP) in the Council of Ministers and Committees of the Thirteenth Lok Sabha**

| <b>SC-chaired committees (including departmentally-related standing committees):</b> |  |   |  |
|--|--|---|--|
| Welfare of SC/ST   |  | Ratilal Kalides Varma (BJP)                                     |  |
| Rules Committee  |  | Lok Sabha Speaker Ganti Balayogi (TDP)                          |  |
| General Purposes Committee   |  | Lok Sabha Speaker Ganti Balayogi (TDP)                          |  |
| Business Advisory Committee  |  | Lok Sabha Speaker Ganti Balayogi (TDP)                          |  |
| Labour and Welfare (standing)  |  | Sushil Kumar Indora (INLD)                                      |  |
|  |  |   |  |
| <b>Union Cabinet Minister:</b>   |  |   |  |
| Social Justice and Empowerment   |  | Satyanarayan Jatiya (BJP)                                       |  |
| Agro and Rural Industries  |  | Kariya Munda (BJP)  |  |
| Coal Mines   |  | Ram Vilas Paswan (Lok Jan Shakti)                               |  |
| Water Resources  |  | Arjun Charan Sethi (Biju Janata Dal)                            |  |
|  |  |   |  |
| <b>Minister of State (non-independent charge):</b>                                   |  |   |  |
| Health and Family Welfare  |  | A. Raja (DMK)   |  |
| Consumer Affairs, Food and<br>Public Distribution                                    |  | V. Sreenivasa Prasad (JD (Samata))<br>Ashok Kumar Pradhan (BJP) |  |
| Labour and Employment  |  | Muni Lall (BJP)   |  |

Source: "Parliamentary Committees (Lok Sabha)" <http://alfa.nic.in/committee/committee.htm>. Accessed March 2, 2002.

Out of a total of 40 Lok Sabha committees, five are chaired by SCs. Ganti Balayogi, an MP from Andhra Pradesh who served as house Speaker until his death in a helicopter crash on March 3, 2002, headed three of these groups—Rules, General Purposes, and Business Advisory—*ex-officio* in addition to presiding over the Lok Sabha.<sup>82</sup> Elected by the Lok Sabha in 1998, Balayogi was the first SC to be Speaker, a post that in the past has been

<sup>82</sup> "Balayogi Dies in Copter Crash," *The Times of India*, March 4, 2002.

<[http://timesofindia.indiatimes.com/articleshow.asp?art\\_id=2710212&sType=1](http://timesofindia.indiatimes.com/articleshow.asp?art_id=2710212&sType=1)> Accessed March 29, 2002.

held by such notables as Vallabhbhai Patel.<sup>83</sup> Though the Speaker is mainly responsible for the maintenance of order and the conduct of business in the house, he also can wield considerable influence, especially in cases where a tie vote occurs, and his vote (the only instance in which he can cast one) breaks the deadlock.

As a result of the need for governing parties to accommodate party factions with office and to secure representation for certain regions and groups, the Council of Ministers includes 73 ministers. Eight SC MPs currently serve in Union cabinet minister and minister of state positions. Portfolios such as Labor and Employment are not insignificant, but conspicuously absent from the list are such major ministries as Finance, External Affairs, Defense, and Home.

There have been other influential SC MPs in past cabinets. Ram Vilas Paswan, a Dalit from Bihar, has held a seat in Parliament since 1977. In addition to serving as Minister for Labour and Welfare in the V. P. Singh Government of 1989-90, Paswan was also Railway Minister, an office considered a “classic source of patronage,” from 1996-1998.<sup>84</sup>

Despite not always controlling “heavyweight” portfolios, SC MPs are generally well-qualified. According to Table 6, 80.25 percent of SC MPs possess at least an undergraduate degree, compared to 87.5 percent for the entire Lok Sabha.<sup>85</sup> Breaking down these figures by gender brings out some interesting contrasts. All female SC MPs have had, at the minimum, an undergraduate education and 66.67 percent have had post-graduate training. Among the general pool of female MPs, only 74.5 percent had at least an undergraduate degree. The

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<sup>83</sup> George Iype, “BJP looks ahead to winning trust vote,” *Rediff On The Net*, March 24, 1998. <http://www.rediff.com/news/1998/mar/24BJPwin.htm>, Accessed March 2, 2002.

<sup>84</sup> Untouchable politics and politicians since 1956: Ram Vilas Paswan. <http://www.ambedkar.org/books/tu8.htm> Accessed March 31, 2002.

<sup>85</sup> This all-Lok Sabha figure, which includes SCs, is based on the 12<sup>th</sup> Lok Sabha. Current statistics are not yet available.

situation for males is the opposite—only 77.78 percent of male SC MPs had undergraduate degrees and higher while the figure for all male MPs was 88.9 percent.<sup>86</sup>

**Table 6. Educational Attainment of SC MPs in the Thirteenth Lok Sabha**

| Level of Education | All SC MPs | %age  | Male SC MPs | %age  | Female SC MPs | %age  |
|--------------------|------------|-------|-------------|-------|---------------|-------|
| Doctorate          | 6          | 7.41  | 5           | 6.94  | 1             | 11.11 |
| Post Graduate      | 24         | 29.63 | 18          | 25.00 | 6             | 66.67 |
| Graduate           | 14         | 17.28 | 13          | 18.06 | 1             | 11.11 |
| Undergraduate      | 21         | 25.93 | 20          | 27.78 | 1             | 11.11 |
| Matriculate        | 4          | 4.94  | 4           | 5.56  | 0             | 0.00  |
| Under Matriculate  | 5          | 6.17  | 5           | 6.94  | 0             | 0.00  |
| Info N/A           | 2          | 2.47  | 2           | 2.78  | 0             | 0.00  |

Source: Compiled from MP biographies. (<http://alfa.nic.in/lok13/biodata>). Accessed March 2, 2002

Given the last available all-India literacy rate for SCs (37.41 percent according to 1991 estimates), the high educational attainment of the majority of SC MPs resonates with what has been dubbed the “creamy layer” effect.<sup>87</sup> Critics of reservations have often asserted that the policy has had disproportionate effects, benefiting only the most forward of the SCs—those already in a better position to take advantage of reservations—and facilitating the emergence of an SC “elite.”

In the case of the female SC MPs, their high educational qualifications might also be an indication of an inherent disadvantage in their ability to seek political influence. Perhaps, the fact that 100 percent of the SC women have higher degrees, compared to 74.5% for all women in the Lok Sabha, is indicative of SC females having to overcome both gender and

<sup>86</sup> “Education wise Details of Members of XII Lok Sabha,” <http://alfa.nic.in/stat/edu.htm>. Accessed March 7, 2002.

<sup>87</sup> According to the 2001 census, India has made great strides in literacy in the past decade. Total literacy has increased by over 13 percent since 1991. The SC literacy rate for 2001 was not available, but it can be inferred that SCs are part of this upward trend. (Census of India, 2001. <http://www.censusindia.net/results/resultsmain.html>, Accessed March 30, 2002.)



caste hurdles. In order to obtain office, they need to be even more qualified than non-SC females.

Data to construct an educational profile for an earlier Lok Sabha were not available for the purpose of drawing comparisons. However, information showing the number of reserved constituencies and the distribution of SC MPs among political parties was obtainable. With the intention of finding as much difference in time as possible and avoiding the shuffling of state borders that occurred in the years after Independence, the third Lok Sabha was chosen for analysis.

In the years between the third Lok Sabha and the present one, the number of seats reserved for SCs has only decreased by one. Comparing the party affiliations of the SC MPs in each Lok Sabha group brings out more striking differences (Table 7):

**Table 7. Party-Affiliation of SC MPs in the Third and Thirteenth Lok Sabhas**

| <b>PARTY</b>                  | <b>3<sup>rd</sup></b> | <b>LOK</b> | <b>SABHA</b> | <b>13<sup>th</sup></b> | <b>LOK</b> | <b>SABHA</b> |
|-------------------------------|-----------------------|------------|--------------|------------------------|------------|--------------|
|                               | <b>Total</b>          | <b>SC</b>  | <b>% SC</b>  | <b>Total</b>           | <b>SC</b>  | <b>%SC</b>   |
| Congress                      | 366                   | 64         | 17.4         | 112                    | 6          | 5.36         |
| Bharatiya Janata Party (BJP)  | --                    | --         | --           | 180                    | 24         | 13.3         |
| Jan Sangh                     | 13                    | 2          | 7.7          | --                     | --         | --           |
| Communist Party (M)           | --                    | --         | --           | 33                     | 5          | 14.3         |
| Communist Party               | 29                    | 2          | 6.9          | 3                      | 1          | 33.3         |
| Bahujan Samaj Party           | --                    | --         | --           | 13                     | 5          | 38.5         |
| Samajwadi Party               | --                    | --         | --           | 27                     | 5          | 18.5         |
| Telugu Desam Party (TDP)      | --                    | --         | --           | 28                     | 7          | 25           |
| DMK                           | 7                     | 1          | 14.3         | 12                     | 2          | 16.7         |
| Swatantra Party               | 23                    | 2          | 8.7          | --                     | --         | --           |
| All-India Forward Bloc (FBL)  | 1                     | 1          | 100          | 2                      | 1          | 50           |
| Independent                   | 18                    | 1          | 5.6          | 6                      | 1          | 16.7         |
| Jharkhand Party               | 3                     | 1          | 33.3         | --                     | --         | --           |
| Praja Socialist Party         | 13                    | 2          | 15.4         | --                     | --         | --           |
| Biju Janata Dal               | --                    | --         | --           | 10                     | 3          | 30           |
| Lok Jan Shakti                | --                    | --         | --           | 4                      | 3          | 75           |
| Janata Dal (Samata)           | --                    | --         | --           | 12                     | 2          | 16.7         |
| Shiv Sena                     | --                    | --         | --           | 15                     | 2          | 13.3         |
| Republican Party of India     | 3                     | 1          | 33.3         | --                     | --         | --           |
| AIADMK                        | --                    | --         | --           | 11                     | 2          | 18.2         |
| MADMK                         | --                    | --         | --           | 4                      | 2          | 40           |
| Revolutionary Socialist Party | --                    | --         | --           | 3                      | 2          | 66.7         |
| Akali                         | 1                     | 1          | 100          | --                     | --         | --           |
| Akali Dal                     | 1                     | 1          | 100          | --                     | --         | --           |
| Indian National Lok Dal       | --                    | --         | --           | 5                      | 1          | 20           |
| Himachal Vikas Congress       | --                    | --         | --           | 1                      | 1          | 100          |
| Akhil Bharatiya Lok Tantrik   | --                    | --         | --           | 2                      | 1          | 50           |
| Bharipa Bahujan Mahasangha    | --                    | --         | --           | 1                      | 1          | 100          |
| Pattali Makkal Katchi         | --                    | --         | --           | 5                      | 1          | 20           |
| All-India Trinamool Congress  | --                    | --         | --           | 9                      | 1          | 11.1         |
| Rashtriya Janata Dal          | --                    | --         | --           | 7                      | 1          | 14.3         |

Source: Compiled from Lok Sabha party-distribution and SC-constituency data

(<http://alfa.nic.in/lok13/list/party/13lsparty.htm> and <http://alfa.nic.in/lok03/list/03lstate.htm>). Accessed March 2, 2002

\*The party affiliations of two SC members (one from each of the two Lok Sabhas) were not available.

One of the major differences brought out in the table is the Congress' fall from dominance. This is not only reflected in the total number of seats controlled by the party

(366 down to 112), but also in the number of its SC MPs, which has been reduced from 63 to 6. In contrast, the BJP, with 180 seats, has taken Congress' place. The BJP has 24 SC MPs, 17 more than the next highest party. SC MPs also make up nearly 15 percent of the BJP's representatives in the Lok Sabha while Congress' SC MPs are only 5 percent of the total party members in office.

Another change over time has been the significant growth in the number of political parties to which SC MPs belong. SC MPs only represented 12 different parties in the third Lok Sabha. This number has doubled in the current Lok Sabha. Though the BJP has the most SC members of any party, it does not enjoy the same "monopoly" as the Congress party did in the third Lok Sabha.

Finally, an additional important development with the election of the current Lok Sabha has been the emergence of the Bahujan Samaj Party (BSP), the first major party formed to advocate Dalit rights that has achieved electoral success. Ironically, the BSP's increasing prominence, mainly in northern India has depleted the Congress' traditional vote bank.<sup>88</sup>

## Education

Education has long been identified as key to achieving the advancement of the SCs. In line with Article 15(4) of the Constitution, which empowers the State to make special provisions for the educational development of SCs, the Indian government currently allows the reservation of 15 percent of seats for SCs in universities and colleges. This policy covers enrolment in various undergraduate and graduate courses of general, technical, medical and

other professional education. Reservations can also extend to the allotment of places in dormitories. State governments observe different rates of reservation, based on the size of their SC populations.

Along with these measures, Central and state governments have also instituted scholarship/stipend programs, as well as initiatives to furnish SCs with special tutoring, books, mid-day meals, stationery and uniforms. One such scheme, funded entirely by the Central government, provides four years of special and remedial tutoring to select secondary-school students to help SCs gain admission to universities and technical institutions.<sup>89</sup>

Created in 1956 by an Act of Parliament, the University Grants Commission (UGC) oversees the implementation of these policies in institutes of higher education. There are currently 166 central/state universities, 37 “deemed” universities, and 9,278 colleges.<sup>90</sup> The UGC has routinely published guidelines to encourage and aid state governments in filling reservations quotas entirely. For example, SC candidates are normally given a relaxation of marks by five per cent from the minimum qualifying level. Should reserved seats remain vacant, universities are advised to increase relaxation of admission.<sup>91</sup>

Despite these special concessions, enrolment statistics for undergraduate, post-graduate, technical and professional courses indicate that the SC are still under-represented, with only 13.30 percent enrolment (Table 8). This falls short of both the instructed reservation of 15 percent of seats as well as the proportion of SCs to the total population.

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<sup>88</sup> “Bahujan Samaj Party,” <http://www.indian-elections.com/partyprofiles/bahujan-samaj-party.html>. Accessed March 3, 2002.

<sup>89</sup> National Commission for Scheduled Castes and Scheduled Tribes, *Annual Report: 1993-94*, 18-22.

<sup>90</sup> National Commission for Scheduled Castes and Scheduled Tribes, *Annual Report: 1996-97 & 1997-98*, 60.

<sup>91</sup> Ministry of Human Resource Development, Department of Education of India, *Annual Report: 1996-97*, 196.

However, it should be noted that the percentage of SCs in courses of higher education has nearly doubled since 1978.

**Table 8. SC Enrolment in Undergraduate, Post-graduate, Technical and Professional Courses**

| Year      | Total Enrolment | SC Enrolment | % SC Enrolment      |
|-----------|-----------------|--------------|---------------------|
| 1978-1979 | 2,543,449       | 180,058      | 7.08%               |
| 1995-1996 | 7,955,811       | 1,058,514    | 13.30% <sup>a</sup> |

Source: National Commission for Scheduled Castes and Scheduled Tribes, *Annual Report: 1996-97 & 1997-98*, 60.

<sup>a</sup>This number was calculated incorrectly and reported as 23.31% in the original. Assuming the actual enrolment figures are correct, the percent of SC enrolled for 1995-96 should be 13.30%.

A survey of SC admission to central universities (Table 9) backs this finding. Among the institutions examined, only Visva Bharati in West Bengal clearly met the 15 percent quota, with 17.6 percent of those enrolled in the non-professional school from the scheduled castes. Banaras Hindu University in Uttar Pradesh, reporting 14.78 percent SC

**Table 9. Admission of SCs to Central Universities in 1996-97**

| University                     | TOTAL            |              | SC       |      | % SC     |        |
|--------------------------------|------------------|--------------|----------|------|----------|--------|
|                                | Non-Professional | Professional | Non-Prof | Prof | Non-Prof | Prof   |
| Assam University               | 648              | --           | 50       | --   | 7.7%     | --     |
| Tejpur University (Assam)      | 34               | 93           | 1        | 7    | 2.9%     | 7.5%   |
| Delhi University               | Not available    | NA           | 4242     | 546  | NA       | NA     |
| Jamia Millia (Delhi)           | 3102             | 2639         | 58       | 339  | 1.87%    | 12.81% |
| Nagaland University            | 161              | --           | 1        | --   | 0.6%     | --     |
| Pondicherry University         | 1217             | --           | 158      | --   | %13      | --     |
| Aligarh Muslim University (UP) | 5385             | 1722         | 66       | 14   | 1.23%    | 0.8%   |
| Banaras Hindu University (UP)  | 4926             | 2423         | 728      | 230  | 14.78%   | 9.48%  |
| University of Hyderabad (AP)   | NA               | NA           | NA       | NA   | NA       | NA     |
| Visva Bharati (West Bengal)    | 738              | 750          | 130      | 103  | 17.6%    | 13.6%  |
| Jawahar Lal Nehru Uni. (WB)    | 1345             | --           | 151      | --   | 11.23%   | --     |
| N.E.H.U (Meghalaya)            | 17222            | 2051         | 385      | 14   | 2.2%     | 0.7%   |

Source: National Commission for Scheduled Castes and Scheduled Tribes, *Annual Report: 1996-97 & 1997-98*, 78-79.

representation, nearly filled reserved non-professional seats. Based on Table 9, there is no clear pattern regarding SC admission rates to non-professional versus professional courses of study.

In contrast, a look at Table 10, which shows the number of SCs in teaching and non-teaching posts in central universities, where reservations should be in operation, reveals a distinct pattern of SC representation:

**Table 10. Representation of SCs in Teaching/Non-teaching Posts in Central Universities (as on 1/1/93)\***

| <b>Position</b>  | <b>Total Employees</b> | <b>SC Employees</b> | <b>% SC Employees</b> |
|--|------------------------|---------------------|-----------------------|
| <b>Professor</b>   | 1,155                  | 2                   | 0.17                  |
| <b>Reader/Associate Professor</b>  | 1,774                  | 6                   | 0.34                  |
| <b>Lecturer/Assistant Professor/<br/>Directors of Physical<br/>Education</b> | 1,491                  | 35                  | 2.35                  |
| <b>Research Associate/ Tutor/<br/>Demonstrator</b>                           | 257                    | 3                   | 1.17                  |
| <b>Group A, non-teaching</b>   | 756                    | 26                  | 3.44                  |
| <b>Group B, non-teaching</b>   | 1,525                  | 49                  | 3.21                  |
| <b>Group C, non-teaching</b>   | 9,001                  | 414                 | 4.60                  |
| <b>Group D, non-teaching</b>   | 10,635                 | 2,368               | 22.27                 |

*Source:* National Commission for Scheduled Castes and Scheduled Tribes, *Annual Report: 1993-94*, 103.  
*Notes:* Excludes Indira Gandhi National Open University, for which figures were not available.

Out of eight categories of posts, the reservations quota is met in one, and, as is the case with all central government services, it is the bottom-ranked, lowest-paid group of positions: Group D. None of the remaining job groups has more than five percent SC employees. In all central universities, SCs held two out of a total of 1,155 professorships. The National Commission for Scheduled Castes and Scheduled Tribes attributed this low level of representation to the “lukewarm attitude of the authorities in the Union Department

of Education” which failed to initiate legislation making the implementation of reservations in central universities mandatory. As a result, universities were not instituting reservations because the University Acts contained no legally binding provisions to do so.<sup>92</sup>

Setting the context for the under-representation of SCs in all aspects of university life--learning, teaching, administrating—has been an SC literacy rate lagging behind that of the rest of the Indian population. Table 11 compares the literacy rates of SCs and the general population across time and by gender:

**Table 11. Sex-wise Literacy Trends among SCs and Total Population**

|             | Male  | Female | Total |  | Male  | Female | Total |
|-------------|-------|--------|-------|--|-------|--------|-------|
| <b>1961</b> | 34.44 | 12.95  | 24.02 |  | 16.96 | 3.29   | 10.27 |
| <b>1971</b> | 39.45 | 18.72  | 29.46 |  | 22.36 | 6.44   | 14.67 |
| <b>1981</b> | 65.5  | 29.85  | 43.67 |  | 31.12 | 10.93  | 21.38 |
| <b>1991</b> | 64.13 | 39.29  | 52.21 |  | 49.91 | 23.76  | 37.41 |
| <b>2001</b> | 75.85 | 54.16  | 65.38 |  |       |        |       |

*Source:* National Commission for Scheduled Castes and Scheduled Tribes, *Fourth Report, 1996-97 & 1997-98*, 12.

*Notes:* Data is based on 1991 census figures. SC literacy rates for 2001 are not yet available.

In 1991, SCs were trailing the rest of the population by 14.8 percent in literacy, a larger margin of difference than in 1961 when the deficit was 13.75 percent. While SC males have gained some ground over the past decades, now only 14.22 percent versus 17.48 percent behind, SC women are not faring as well. The gap for women has widened from 9.66 percent in 1961 to 15.53 percent in 1991.

A state-wise breakdown (Table 12) shows that even in states like Kerala, where universal education has been, by and large, achieved, SCs still lag behind by 10 percent. However, compared to the disparity in 1961 between the total population and SCs in Kerala

<sup>92</sup> National Commission for Scheduled Castes and Scheduled Tribes, *Annual Report: 1993-94*, 103-104.

(approximately 22 percent), the gap seems to be narrowing. In “Hindi belt” states like Uttar Pradesh, literacy rates among SCs did not clear 30 percent in 1991. At 19.49 percent, SC literacy in Bihar was even lower.

**Table 12. State/UT-wise Literacy Rates of SCs (from highest to lowest)**

| State/UT         | % Total Literate | % SCs Literate | % Total Literate | % SCs Literate |
|------------------|------------------|----------------|------------------|----------------|
|                  | 1961             | 1961           | 1991             | 1991           |
| Kerala           | 46.8             | 24.44          | 89.81            | 79.66          |
| Mizoram          |                  |                | 82.27            | 77.92          |
| Gujarat          | 30.5             | 22.46          | 61.29            | 61.07          |
| Delhi            | 52.7             | 20.86          | 75.29            | 57.6           |
| Maharashtra      | 29.8             | 15.78          | 64.87            | 56.46          |
| Pondicherry      | 37.4             | 11.11          | 74.74            | 56.26          |
| Assam            | 21.2             | 8.47           | 52.89*           | 53.94          |
| Himachal Pradesh | 17.1             | 8.46           | 63.86            | 53.2           |
| Tamil Nadu       | 31.4             | 14.66          | 62.66            | 46.74          |
| West Bengal      | 29.3             | 13.58          | 57.7             | 42.21          |
| Punjab           | 24.2             | 9.64           | 58.51            | 41.09          |
| Haryana          | see Punjab       | see Punjab     | 55.85            | 39.22          |
| Karnataka        |                  |                | 56.04            | 38.06          |
| Orissa           | 21.7             | 11.57          | 49.09            | 36.78          |
| Madhya Pradesh   | 17.1             | 7.89           | 44.2             | 35.08          |
| Andhra Pradesh   | 21.2             | 8.47           | 44.09            | 31.59          |
| Uttar Pradesh    | 17.6             | 13.58          | 41.6             | 26.85          |
| Rajasthan        | 15.2             | 6.44           | 38.55            | 26.29          |
| Bihar            | 18.4             | 5.95           | 38.48            | 19.49          |

*Sources:* Ministry of Human Resource Development, Department of Education, Government of India, *Annual Report, 1996-97: Part I, 255*; Department of Social Welfare, *Report of the Committee on Untouchability, Economic and Educational Development of the Scheduled Castes and Connected Documents, 1969, 183*.

*Notes:* The 1991 Census was not conducted in Assam. This estimate is based on “estimated population aged seven years and above.”

#### *A Note on Availability and Reliability of Data*

As mentioned above, the process of collecting statistics on SCs was frequently complicated by the lack of sufficient information. In addition, when data could be obtained on the representation of SCs in services, legislatures, and educational institutions, there was



no guarantee that the figures necessarily reflected whether such representation was due to reservations policy alone. For instance, is the general increase in the SC presence in government services an indication that reservations were helping SCs get jobs or was it that a growing number of SCs were qualified for positions?

Further compounding the problem was the issue of reliability of the figures and tables obtained from government reports. For example, meaningful data regarding the enrolment of SCs in institutes of higher education were scarce. Facing pressure from bodies like the UGC to reserve and fill adequate numbers of seats for SCs, universities have been known to inflate enrolment figures.

In addition, this study made extensive use of reports from the National Commission for Scheduled Castes and Scheduled Tribes. Like the Lok Sabha Committee for the Welfare of Scheduled Castes and Scheduled Tribes, the Commission is composed of SC politicians. As a result, the potential for bias in assessing the working of reservations should be taken into account.

Despite such uncertainties and possible distortions of data, the fact that SCs are still under-represented in government services and educational institutions (in relation to the proportion they make up in the total population) undercuts the goals of the reservations policy. The evidence presented in this study also shows that even when all reserved seats are filled, as in the case of the Lok Sabha, there may not always be substance to the positions attained through reservations.

## CHAPTER IV

### ACCOUNTING FOR SUCCESS

The preceding chapter has shown that the reservations policy has not been entirely successful in significantly improving the conditions of the SCs. As a perusal of any report from the National Commission for SCs and STs will reveal, the Indian government, from central to local levels, has often displayed a lackadaisical attitude in administering reservations policy. At the same time, SC interests often take a back seat on the political agenda. The reservations system has evolved into a bureaucratic structure with major inefficiencies.

There are two major reasons for these realities. First, with the fading of the Congress party's dominance, the Indian political scene has witnessed the flowering of many new parties and the intensification of party competition. As the population of SCs increases, faster than the rate of growth of the general population, political parties have realized the electoral potential of this group and have sought to use reservations as a way of garnering votes. Christophe Jaffrelot has argued that the Congress party in its heyday used such a strategy, "bargaining and extending its patronage in exchange for electoral support."<sup>93</sup> However, once in office, politicians lose their incentive to see that reservations are implemented effectively.

A second reason is the fact that Dalits have failed to unite as an All-India political force. Though there have been Dalit political success stories, such as the rise to power of the Bahujan Samaj Party in Uttar Pradesh, these achievements have been restricted to certain regions. Dalits have been plagued by internal rivalries, including their own caste hierarchy.

A politically influential national Dalit movement has yet to emerge. Consequently, they have not been able to lobby effectively for the efficient implementation of the reservations policy. Dalit politicians who are elected to reserved seats in legislative bodies like the Lok Sabha have also been known to be servants of the party rather than representatives of their SC constituents. Furthermore, the general politicization of reservations has contributed to Dalit disunity, sparking disputes over the distribution of benefits.

This section will examine obstacles to the success of the reservations policy. It begins with an example of the administrative difficulties and inefficiencies of the system. Next, there is an analysis of the role of the government commission that oversees reservations policy. The current political setting is also an important component, including the views of the BJP-led coalition that governs India. A review of selected social and economic indicators provides background for considering the current political climate within the Dalit community.

### *Administrative Deficiencies*

#### A Flawed and Cumbersome System: The Issue of False Certificates

Any consideration of reservations as a form of social engineering to redress the grievances of a minority must touch on the mechanics of the system. It is a system that has grown enormously since its origins in the 1930s and reaches into all levels of Indian politics, education, and government employment, including the substantial number of public sector “undertakings,” as government-owned industries are known.

The cornerstone of the system is the official list, or schedule, that gave the “Scheduled Castes” (SCs) their name. Originally compiled by civil servants in the 1930s, the

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<sup>93</sup> Jaffrelot 89.

current version shows 1,091 Scheduled Castes.<sup>94</sup> States with the greatest numbers of SCs are Karnataka (101), Orissa (93), and Tamil Nadu (76). A Scheduled Caste in one state may not be so in another state or even in another part of the same state.

Over time, a large body of administrative regulations, forms, and case law has come into being to guide the reservation process. There are, for example, a “Pro forma for sending proposals for dereservation of vacancies,” an instruction for the “Grouping of isolated posts for purposes of orders regarding reservation,” and “Descheduling of Caste of Scheduled Caste person after his initial appointment.” However, the most important form is the certificate every Scheduled Caste member must have to apply for reserved employment, educational benefits, holding reserved legislative seats at any level, or receiving “benefits under various developmental programmes meant for members of Scheduled Castes & Scheduled Tribes.”<sup>95</sup>

Any of *eighteen* specified local officials can issue a certificate, but the rules for issuing a certificate are complex. An applicant who moves to an area of his state in which his group is not “scheduled” can still get a certificate, but if he moves to another state where his group is not “scheduled” he will not. Should he convert to other than Hinduism, Sikhism, or Buddhism, he may not receive a certificate. If he converts while holding a “reserved” job, he will be stripped of his SC promotion advantage. Should he reconvert, he can get a certificate only if he can show he is accepted back by his former group.<sup>96</sup>

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<sup>94</sup> The Constitution (Scheduled Castes) Order, 1950, is the controlling document. Nabhi’s *Brochure on Reservation and Concession* (New Delhi: Nabhi Publications, 2001) 412-438, reprints the most recent version of the list.

<sup>95</sup> National Commission for Scheduled Castes and Scheduled Tribes, Fourth Report 1996-97 & 1997-98, Volume I (New Delhi: 1998), 212.

<sup>96</sup> Nabhi’s *Brochure*, 24-42.

Inevitably, the issuing of certificates has become a source of corruption. Jobs, schooling, grant money, and even some share of political power—perhaps a seat on a village or municipal council—are at stake. On the receiving end, there is often a lack of Scheduled Caste candidates for mid- or higher-level positions. Given employer or school interest in filling SC positions, a “don’t ask, don’t tell” attitude may prevail. At all levels above traditional untouchable occupations like sweeper, the possibility exists that caste Hindus with bogus SC certificates are squeezing out real members of the Scheduled Castes.

The problem of false certificates is of long standing. Earlier mentions are often couched in bureaucratic language, like this example from 1976:

. . . Complaints continued to be received in this Organisation about false certificates obtained by non-Scheduled Caste/Scheduled Tribe persons to get the facilities admissible to members of Scheduled Caste/Tribe communities. At times, it was observed that the authorities empowered to issue caste certificates did not satisfy themselves adequately about the genuineness of the castes to which the applicants claimed to belong. Sometimes, certificates were issued without necessary inquiries/verifications. This matter was also highlighted in the last report. . . The [Home] Ministry has further suggested that the officials concerned may also be informed that action would be taken against them under the relevant provisions of the Indian Penal Code if any of them is found to have issued the certificates carelessly and without making proper verifications. . .”<sup>97</sup>

Although the possibility that officials were selling certificates is not mentioned, it is implied by the threat to use the Indian Penal Code.

By the mid-1990s, the problem had worsened and “False Certificates” has its own chapter in the two most recent reports of the National Commission for Scheduled Castes and Scheduled Tribes. Concerned about the “widespread incidence” of false certificates, the Commission in 1996 carried out pilot field studies in several states. The studies confirmed the irregularities and the trend. A check on twelve Central Government organizations in Tamil Nadu found 338 holders of fraudulent ST certificates. In the end, only six were

dismissed after what the Commission termed “enormous delays.” Nearly a quarter of the individuals thwarted removal by getting stay orders from cooperative local courts.<sup>98</sup>

The Commission has repeatedly called on the government to crack down on fraudulent certifications. It has made detailed proposals for corrective measures, but none have been forthcoming. The appearance is that few in government really care. The Commission’s 1998 report provides a final word:

- . . . certificates have been issued to ineligible persons, carelessly or deliberately. . . This has resulted in wrong persons availing of the benefits meant for the Scheduled Castes and Scheduled Tribes on a false pretext.
- . . .the menace of false caste certificates is on the increase. . .
- A considerable number of seats in the educational institutions are also secured by these wrong persons.
- . . .there have been instances of persons being elected to elective offices on the strength of false Community Certificates.<sup>99</sup>

#### The National Commission for Scheduled Castes and Scheduled Tribes: Reservations Watchdog

As mandated by Article 338 of the Constitution, a special officer was appointed in 1950 to monitor safeguards for the SCs. The post has since been altered several times. At one point, two government organizations existed concurrently—a Commissioner’s office and the Directorate General of Backward Classes. A constitutional amendment in 1978 merged the two bodies to create the National Commission for Scheduled Castes and Scheduled Tribes. Despite this apparent improvement, understaffing continues to be a chronic problem. In 1992, six of seventeen field-office directors posts were abolished. Offices in Patna, Bihar and Hyderabad, Andhra Pradesh, two states where atrocities against SCs are particularly

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<sup>97</sup> *Report of the Commissioner for Scheduled Castes and Scheduled Tribes, 1974* (New Delhi: Government of India Press, 1977) 185.

<sup>98</sup> National Commission for Scheduled Castes and Scheduled Tribes, *Third Report: 1994-95 & 1995-96* (New Delhi: Government of India Press, 1998), 192.

<sup>99</sup> National Commission for Scheduled Castes and Scheduled Tribes, *Fourth Report: 1996-97 & 1997-98* (New Delhi: Government of India Press, 1998), 213-214.

prevalent, were among the posts sustaining cutbacks.<sup>100</sup> At times even the central head post has been left vacant, as one outgoing commissioner related:

No successor has been appointed creating a Constitutional vacuum [sic]. I do not know how long this will continue. This is another incident of constitutional violation concerning the safeguards of the SCs and STs which I have been repeatedly asserting. But this is how the current of arowed [sic]equity and social justice for the weakest sections of our society flows in our country.<sup>101</sup>

Another problem the Commission has encountered consistently is the difficulty of obtaining data from state and local governments in a timely and complete manner. In 1953, the Commissioner for Scheduled Castes and Scheduled Tribes, L.M. Shrikant, lamented:

Experience has...shown that in spite of repeated and urgent reminders, it has not been possible for the State Governments to furnish me with the required and sufficient data in time for inclusion in the Report. Moreover, it is found that at times the information furnished by the State Governments is very sketchy and incomplete and, it being already too late, no time is left to obtain further details from them.<sup>102</sup>

This is still an issue. The Tamil Nadu government, for example, which has been conducting censuses of its employees since 1978, did not collect any data on reservations until 1992.<sup>103</sup>

Such evidence is illustrative of the general lack of priority given to issues involving the welfare of SCs.

The story at the central level is no better. Frequently, Commission reports are not reviewed by Parliament for months or even years after they are completed. In 1964, Commissioner Anil Chanda politely noted the “long gap between presentation of [the annual]

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<sup>100</sup> National Commission for Scheduled Castes and Scheduled Tribes, *Annual Report: 1993-94*.

<sup>101</sup> *Report of the Commissioner for Scheduled Castes And Scheduled Tribes*. 30<sup>th</sup> Report. [originally presented in Hindi] p.109. Letter from SC/ST Commissioner, B.D. Sharma to Shri C. Subramanian, Governor of Maharashtra.

<sup>102</sup> *Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the Year 1953 (Third Report)*. L.M. Shrikant, Government of India, 2.

<sup>103</sup> P. Radhakrishnan, “Sensitizing Officials on Dalits and Reservations,” *EPW*, February 16, 2002, 653.

Report to the President and its placing before Parliament.”<sup>104</sup> He attributed this to a delay in printing and in translating the text into Hindi. Commenting on the same problem thirty years later, B.D. Sharma, then holding the Commissioner’s post, was not as forgiving:

Even if a report is presented it remains shelved for months and years together without any action being taken on it. Even when the Parliament finds time...there is hardly any discussion on the contents of the report and the formality is over in no time. Of what use is such an arrangement?<sup>105</sup>

Sharma was not exaggerating. The most recent National Commission report available to the public is from 1998. Subsequent reports are still pending Parliament’s review before they can be released.

### Dalits and the Law

When SC legislators do not represent their interests, Dalits do not have many other options for protesting transgressions of the reservations policy or atrocities they sustain. The police, for example, are often indifferent to the SC’s grievances and have frequently been known to be aggressors themselves.

In October 2000 in Mataila village, Uttar Pradesh, upper caste men severely beat up and threw acid on six Dalits, blinding two. One of the victims gave an account of the incident:

They beat us mercilessly and poured acid on all of us. Our family took us to the Mati police post in the neighborhood but we were snubbed by the policemen there...(when they went to the police station in Dewa the next day), the police reluctantly lodged our complaint after we requested them several times...we were left to go to the hospital on our own.”<sup>106</sup>

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<sup>104</sup> *Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the Year 1963-1964: Part I. Thirteenth Report.* Printed in India by the Manager Government of India Press Coimbatore and Published by the Manager of Publications Delhi-6, 1965. Commissioner: Anil K. Chanda.

<sup>105</sup> *Report of the Commissioner for Scheduled Castes And Scheduled Tribes. 30<sup>th</sup> Report.* [originally presented in Hindi] 9.

<sup>106</sup> Sharat Pradhan, “Two blinded as upper caste men throw acid on six Dalits,” *India Abroad News Service*, October 23, 2000.



Though the conduct of the police in this case showed more negligence than brutality, many cases of violence committed by the police against SCs have been documented. Of the 418 cases brought to the attention of the National Commission for Scheduled Castes and Scheduled Tribes in 1993-94, 52 involved the commission of atrocities by the police. Such cases included torture while in police custody, rape in police custody, and other harassment. In 1994 for instance, police in the Vaishali district of Bihar beat an SC youth to death. Another 23 cases involved lapses such as the failure of the police to arrest the accused and to provide protection to victims of caste-based atrocities. For example, in Fatehpur district, Uttar Pradesh, non-SCs murdered an SC father and son over a land dispute and set fire to the victims' house after placing the bodies inside. The local police wrote off the incident as a "fire accident" and did not press charges on the culprits.<sup>107</sup>

SCs also do not often have means for or access to legal resources to contest violations. Few have obtained judgeships and other positions in courts. Table 13, which surveys SC representation on the high courts of select states in 1996, shows that SCs rarely attain posts in the upper echelons of the Indian justice system:

**Table 13. SC Representation in High Courts in Various States/UTs in 1996**

| State/UT         | Total | SC |
|------------------|-------|----|
| Gujarat          | 27    | 0  |
| Sikkim           | 3     | 0  |
| Himachal Pradesh | 7     | 0  |
| Kerala           | 25    | 1  |
| Tamil Nadu       | 20    | 1  |
| Punjab & Haryana | 29    | 0  |
| Andhra Pradesh   | N.A.  | 0  |
| Karnataka        | N.A.  | 3  |
| Delhi            | 28    | 0  |

Source: National Commission for Scheduled Castes and Scheduled Tribes, *Fourth Report, 1996-97 & 1997-98*, 16.

Notes: N.A.= not available.

<sup>107</sup> National Commission for Scheduled Castes and Scheduled Tribes, *Annual Report: 1993-94*, 167-170.

Between the eight states and one union territory surveyed, there were a total of five SCs with positions on high courts. Himachal Pradesh, where, according to the 1991 census, SCs make up 25.30 percent of the population, had no SCs in its high court. Punjab and Harayana, which share the same capital of Chandigarh, have SC populations of 28.30 percent and 19.70 percent, respectively, but have no SC high court officials out of a total of 29. In contrast, it is estimated that Brahmins hold approximately 78 percent of judicial positions though this group accounts for only 3.5 percent of India's population.<sup>108</sup>

Administrative problems aside, a clearly disgruntled Sharma got to the heart of the matter in the opening pages of his report:

Today the question of reservation has plunged the whole country into an atmosphere of madness...Unfortunately instead of appreciating the spirit of reservation in a right way as envisaged in the Constitution and consistent with its leasie [sic] spirit and creating a suitable atmosphere therefor it is being used the arithmetics [sic] of votes as an unerring weapon for strengthening the party base in the context of all prevailing real politics prevalent all over the country. The reservation is not only turning into a partnership in the gains of exploitation but also an instrument of permanent division, prejudices, inequality and distress created thereby in the society. Thus to-day the foremost question is how far and how much the interests of the country and society will continue to be sacrificed for the immediate political gains.<sup>109</sup>

Thus, part of the explanation for the reservations policy's problems stems from the system having become a political tool for political parties looking to expand their vote banks. Though they may jump to support reservations and even seek the policy's extension, such parties lack the political will to follow through with their promises once they have achieved election.

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<sup>108</sup> Department of State Human Rights Report 2001.

<sup>109</sup> *Report of the Commissioner for Scheduled Castes And Scheduled Tribes*. 30<sup>th</sup> Report. [originally presented in Hindi] 4.

*Reservation as an Electoral Tool: Political Interests*

A survey of the manifestos of the major political parties in the late 1990s indicates that nearly all groups address the issue of reservations. Furthermore, adopting a pro-reservations stance is often the course of action, since, as the policy expands, opposing the reservations is considered “electoral suicide.”<sup>110</sup> In 1996, for example, four major parties—Congress I, BJP, Janata Dal, and CPI(M)—endorsed reservations. While the BJP, Janata Dal, and CPI(M) supported reservations for backward classes, the Congress party even proposed to extend reservation to women in the Lok Sabha.<sup>111</sup>

This is not a new development on the Indian political scene. As Christophe Jaffrelot argues in his forthcoming book *India’s Silent Revolution: The Rise of the Low Castes in North Indian Politics*, the Congress party had long been aware of the significance of the SC vote as well as of the electoral potential of the reservations system:

Congress succeeded in projecting itself as the natural representative of the Scheduled Castes because of its skill in promoting or co-opting Untouchable leaders—including cadres of the parties established by Ambedkar—and getting them elected in the framework of the reservation system. Even if they had propagated revolutionary views in their early career, they often forgot them, once integrated to the political elite.<sup>112</sup>

### The Changing Face of the BJP

Since the waning of Congress’ dominance, the BJP has emerged as India’s leading party. In addition to being characterized as a Hindu nationalist party fiercely opposed to Muslim culture, the BJP has also been described as perpetuating a “Brahminical Social

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<sup>110</sup> Bayly 303.

<sup>111</sup> “Policies of Political Parties based on their Election manifesto 1996,” <http://meadev.nic.in/election/cmpare.htm> Accessed February 18, 2002.

<sup>112</sup> Jaffrelot 89.

Order” in which upper caste Hindus dominate and oppress the lower castes in Indian society.<sup>113</sup> Since its political troubles after the 1996 elections, when the party could not find any coalition partners and was unsuccessful in forming a government, the BJP has attempted to alter its image to widen its appeal.

One major change has been the BJP’s effort to tone down its traditionally militant Hindu nationalist rhetoric. Its manifesto features sections on “Commitment to the Welfare of the Scheduled Castes and Scheduled Tribes” and “Untouchability: A Crime Against Humanity.” Among its promises are those for a law to back up the reservations policy, special tribunals to deal with complaints of non-implementation of the policy, and efforts to see that preferential opportunities benefit the largest and widest cross-section of SCs. The BJP has even invoked the name of Ambedkar, announcing in its 1998 manifesto that “a befitting National Memorial in honour of Dr. Babasaheb Ambedkar, who dedicated his life to the cause of social justice, will be erected at Chaityabhoomi in Mumbai on the lines of national memorials like Raj Ghat, Shanti Van and Vijay Ghat.”<sup>114</sup> The most recent manifesto from 1999 for the BJP-led National Democratic Alliance contains pledges to protect existing reservations policy for SCs.<sup>115</sup> Such statements are no doubt aimed at wooing SC voters.

Moderating its position has also facilitated the BJP’s attempt to forge more widespread alliances with regional parties. In 1997, the BJP formed a coalition with the BSP in the Uttar Pradesh government. Most recently, with its success in the 1999 elections, it

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<sup>113</sup> Alistair McMillan, “Scheduled Caste voting and the BJP,” prepared for presentation at the 2001 American Political Science Association Annual Meeting, San Francisco, California, August 31 – September 2, 2001, 2.

<sup>114</sup> “Our Social Philosophy,” BJP Manifesto. <http://www.bjp.org/manifes/chap9.htm>. Accessed February 23, 2002.

<sup>115</sup> National Democratic Alliance, “For A Proud, Prosperous India: An Agenda,” 1999 manifesto. <http://www.bjp.org/history>. Accessed February 23, 2002.

heads the National Democratic Alliance<sup>116</sup>. The Alliance, which includes leftist parties like SC-politician Ram Vilas Paswan's Lok Jan Shakti Party, controls the Lok Sabha.

Within its party ranks, the BJP has also tried to advance members with non-traditional backgrounds, such as SCs. For example, it made Bangaru Laxman, an SC, its president. However, he was forced to resign when the Tehelka scandal involving bribery and defense contracts surfaced in 2001.<sup>117</sup>

### Spending on Scheduled Castes: An Indicator of Political Will

Budget allocation and spending are often telling indicators of a government's policy interests and priorities. Since 1979, the Government of India has implemented a Special Component Plan (SCP) with the goal of boosting SCs above the poverty line. Based on the proportion of SC population, the umbrella program is designed to direct the flow of outlays and benefits from general sectors in State and Central Ministry plans into the development of SCs. Despite the claim of the Ministry of Social Justice and Empowerment (which oversees implementation of the program) of having helped 1,930,641 families cross the poverty line in 1999-2000, Table 14 shows that portions of the funds earmarked for SCP use are left unspent each year, with as much as 40 percent unused in 1997-98. It should also be noted that the percentage of State Plan Outlay set aside for the SCP is less than the proportion of the SC population, which, according to the 1991 Census was 16.37 percent. However, in justification of the lack of direct correlation between the SCP outlay and the percentage of

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<sup>116</sup> Venkitesh Ramakrishnan, "A Battle in U.P." *Frontline*, Vol.15, No.10, May 9-22, 1998. <<http://www.flonnet.com/fl1510/15101220.htm>>. Accessed March 31,2002.

<sup>117</sup> McMillan 6.

SCs in the population, SCs benefit from spending on general public infrastructure development, like roads.

**Table 14. Total Special Component Plan (SCP) Outlays and Expenditures**  
(Rupees in Crore. One crore equals ten million. US\$1 = Rs. 48.8 as of March 22, 2002)

| Year    | Total State Plan Outlay | SCP Outlay | % SCP of St. Plan | SCP spent | % SCP outlay spent |
|---------|-------------------------|------------|-------------------|-----------|--------------------|
| 1990-91 | 23225.49                | 2377.82    | 10.23             | 2107.22   | 0.89               |
| 1991-92 | 28041.04                | 3066.37    | 10.93             | 2936.45   | 0.96               |
| 1992-93 | 30684.47                | 3090.36    | 10.07             | 2892.89   | 0.94               |
| 1993-94 | 32728.54                | 3487.89    | 10.65             | 2887.95   | 0.83               |
| 1994-95 | 37771.5                 | 4154.38    | 11                | 3631.54   | 0.87               |
| 1995-96 | 47142.04                | 5503.15    | 11.67             | 4131.22   | 0.75               |
| 1997-98 | 61354.51                | 7030.43    | 11.46             | 4259.11   | 60.58              |
| 1998-99 | 76156.21                | 8531.58    | 11.2              | 6162.01   | 72.24              |
| 1999-00 | 76932.14                | 9212.74    | 11.98             | 7617.73   | 82.68              |
| 2000-01 | 75275.12                | 9561.01    | 12.7              | TBA       | TBA                |

Sources: National Commission for Scheduled Castes and Scheduled Tribes, *Annual Report, 1993-94*, 41; National Commission for Scheduled Castes and Scheduled Tribes. *Fourth Report, 1996-97 & 1997-98*, 136-7, Ministry of Social Justice & Empowerment, Government of India, *Annual Report, 2000-2001*, 18.

Notes: TBA= To be announced.

The program has also been hampered by the tendency of state governments to divert funds to other sectors, away from the target group. In a village in Lucknow, Uttar Pradesh, it was discovered that the President of the *gram panchayat* (village council) had fraudulently tried to obtain grant money. He claimed that the request was at the behest of some SC residents in his village, but it was later found that the SCs had never applied for money and had not given the council president permission to do so on their behalf.<sup>118</sup>

Local governments have also been known to take excessive time in finalizing benefit programs for SCs, such that by the time the plans and accompanying money are released, the year for which the grants were intended to apply has already elapsed.<sup>119</sup>

<sup>118</sup> *Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the Year 1963-1964: Part I. Thirteenth Report* 10-11.

<sup>119</sup> *Ibid.*

Thus, despite the programs designed to extend economic aid to SCs, corruption and inefficiency have hindered their economic progress. Poverty statistics reflect this:

**Table 15. Percentage of SC and Total Population Below the Poverty Line**

| <b>Year</b> | <b>SC</b> | <b>Total</b> |
|-------------|-----------|--------------|
| 1977-78     | 56.3      | 48.3         |
| 1983-84     | 50.1      | 37.4         |
| 1987-88     | 41.5      | 29.9         |

*Source:* National Commission for Scheduled Castes and Scheduled Tribes. *Fourth Report, 1996-97 & 1997-98*, 13.

*Notes:* More recent poverty statistics for SCs were not available.

Table 15 indicates that even though a lower proportion of SCs are below the poverty line than in the 1970s, compared to the all-India estimates the SCs remain behind in the climb out of poverty. In 1989 the Planning Commission, which produced the poverty estimates above, decided to review its estimates based on a new methodology devised by a contractor “expert” group. The group’s findings, submitted in 1993, showed that earlier surveys had underestimated poverty levels by nearly ten percent:

**Table 16. Percentage of Total Population Below the Poverty Line**

| <b>Year</b>    | <b>%age Below Poverty Line</b> |
|----------------|--------------------------------|
| <b>1977-78</b> | 51.32%                         |
| <b>1983-84</b> | 44.48%                         |
| <b>1987-88</b> | 38.86%                         |
| <b>1993-94</b> | 35.97%                         |

*Source:* National Commission for Scheduled Castes and Scheduled Tribes. *Fourth Report, 1996-97 & 1997-98*, 82.

The group neglected to generate statistics on the SC population, but the National Commission for SCs and STs, using the new methodology, made such estimates, finding that

for the year 1993-94 approximately 48.8 percent of the SC population was below the poverty line. This is much higher than the original estimate of 41.5 percent for the year 1987-88.

Though the discrepancies could simply be accounted for by improvements in data collection and statistical analysis, the underestimates could be indicative of the desire to downplay the seriousness of the poverty problem, especially concerning the SCs. Given the emphasis placed on the uplift of the SCs in the Indian constitution and by politicians, the failure to collect and report on the economic status of SCs is a telling oversight. Whichever poverty estimates may be closer to the truth, the common denominator is that economic development programs have not had a significant impact. The Commission for SCs and STs summed up the picture best:

Each and every act of development...reviewed for judging the condition of the SCs/STs shows that their position today in rural India and urban slums had not improved substantially even after fifty years.<sup>120</sup>

### *Dalit Mobilization*

#### The Dalit Masses and the Harijan Elite

With poverty widespread among the SC population, many SCs are still not able to take advantage of preferential policies. A large proportion live in rural areas far removed from many of the opportunities for job and educational reservations. According to the 1991 census, the ratio of rural to urban population was 81:19 for SCs, while that for all of India was 74:26 (72:28 in the 2001 census).<sup>121</sup> Over half of SCs are employed in the agricultural sector, primarily as landless agricultural laborers. Thus, benefits such as reserved seats in

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<sup>120</sup> National Commission for Scheduled Castes and Scheduled Tribes, *Annual Report: 1993-94*, 1.

<sup>121</sup> "Rural - Urban distribution of population," *Census of India 2001*, <http://www.censusindia.net/results/rudist.html>, Accessed March 15, 2002.



institutions of higher education are of little consequence when many SCs do not make it past the primary level of school.

In contrast, as noted by various commissioners for SC/STs, the “forward” among the SCs, who are better off economically and have political connections, are securing a disproportionate share of reservations benefits. As a result, scholars such as Oliver Mendelsohn, Sachchidananda, and G. Narayana have brought to light the emergence of a “Harijan Elite,” who are gradually moving farther and farther away—politically, socially, and economically—from the rest of the SC population.<sup>122</sup> Some of these dominant sub-castes include the Mahars of Maharashtra, the Ezhavas in Kerala and the Malas in Andhra Pradesh.

It is apparent that many of the SCs who made use of reservations, such as to obtain seats in legislatures, had such advantages as educational opportunities, better economic positions and political links. Mendelsohn, who conducted interviews with SC members of Parliament in the 1980s, found that “self-made” politicians, those who did not depend on earlier generations to break from the economic condition (typically landless laborers) of the SC community, were the exception to the rule. The majority of SC politicians interviewed had also received higher education.<sup>123</sup> The analysis in this study of the backgrounds of members of the current Lok Sabha also reflects a high level of education. Prominent SC politicians like Ambedkar, a Mahar from Maharashtra, came from comparatively more prosperous SC families. Ambedkar’s father and grandfather were in the military, often a way of getting access to education and more stable pay. Jagjivan Ram, who became active in the

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<sup>122</sup> A similar phenomenon has occurred among the ranks of the Other Backward Classes, namely, the development of a “creamy layer,” which also profits disproportionately from reservations benefits.

<sup>123</sup> A ‘Harijan Elite’? The Lives of Some Untouchable Politicians (Oliver Mendelsohn), *Economic and Political Weekly*, Vol XXI, No 12, March 22, 1986.

Congress party in the early 1930s, was a Chamar from Bihar whose father was employed by the Indian army. Ram's family's comfortable economic situation facilitated his attending university in Calcutta.<sup>124</sup>

### The Legislatures: Descriptive Representation Achieved, Substantive Representation Still Elusive

The November 1993 elections in UP brought a coalition government of Mulayam Singh Yadav's Samajwadi Party (SP) and Mayawati's Bahujan Samaj Party to power. The event marked the "emergence and consolidation of a successful organizational and political focal point for the Dalits of UP for the first time in 20 years." The BSP's rise to power was also the first time a political party that depended on the Dalit support and advanced a Dalit-based agenda was voted into government office.<sup>125</sup> The election resurrected the modern Dalit movement spearheaded by Ambedkar that had lost steam by the 1970s.<sup>126</sup>

Demographics have been a deterrent to achieving unity. Because SCs, who constitute 16.4 percent of the population based on 1991 Census estimates, are distributed fairly evenly across India, they do not make up the majority of any Lok Sabha district. Alistair McMillan has calculated that, on average, SCs make up 23.1 percent of the population in SC reserved

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<sup>124</sup> Oliver Mendelsohn and Marika Vicziany, *The Untouchables: Subordination, Poverty, and the State in Modern India*. Cambridge: Cambridge University Press, 1998.

<sup>125</sup> Ian Duncan, "New political equations in North India: Mayawati, Mulayam, and government instability in Uttar Pradesh," *Asian Survey*, October 1997, v37n10, 979.

<sup>126</sup> Jaffrelot 101-103. Yet, even with his popularity and stature among Dalits across India, Ambedkar himself had only modest success in building an influential Dalit political party. What began as Ambedkar's Independent Labour Party (ILP) in 1936, soon turned into the Scheduled Castes Federation (SCF) in 1942. When the SCF failed to achieve any significant electoral success, the party became the Republican Party of India (RPI), founded in 1957, less than a year after Ambedkar's death. Though the RPI did enjoy some modest electoral victories, the leadership crisis that emerged with Ambedkar's death ultimately caused the party to meet the fate of its predecessors. At one point, shortly before it dissolved, the RPI had four different factions contesting elections, including one led by Ambedkar's son.

constituencies. Given India's first-past-the-post electoral set-up, candidates in these reserved constituencies do not always have to depend on the SC support for victory.<sup>127</sup>

**Table 17. Distribution of Constituencies Reserved for SCs (according to percentage of Scheduled Castes)**

| <b>% of Scheduled Castes</b> | <b>Number of constituencies</b> |
|------------------------------|---------------------------------|
| <b>0-10</b>                  | <b>4</b>                        |
| <b>10-20</b>                 | <b>25</b>                       |
| <b>20-30</b>                 | <b>33</b>                       |
| <b>30-40</b>                 | <b>10</b>                       |
| <b>40-50</b>                 | <b>3</b>                        |

Source: Christophe Jaffrelot, *India's Silent Revolution*. London: Hurst & Co., in publication, 96.

Notes: Table is based on 1961 data when there were 75 Lok Sabha seats for SCs.

As a result, Dalit representatives who are elected do not always derive their main support from the SCs, but from caste Hindu constituents.

Though the quotas for SC parliamentary representation have been filled, Dalit politicians do not appear to be gaining influence or support outside of these special constituencies. Marc Galanter, writing in the early 1980s, commented:

At the policy-making level, reserved seats have secured the acceptance of SC and ST as groups whose interests and views must be taken into account. In every legislative setting they are present in sufficient numbers so that issues affecting these groups remain on the agenda. Anything less than respectful attention to their problems, even if only lip service, is virtually unknown. Overt hostility to these groups is taboo in legislative and many other public forums. But there is evidence that SC and ST are not accepted politically. Very few members of these groups are nominated for non-reserved seats, and only a tiny number are elected.<sup>128</sup>

<sup>127</sup> Alistair McMillan, "Scheduled Caste voting and the BJP," prepared for presentation at the 2001 American Political Science Association Annual Meeting, San Francisco, California, August 31 – September 2, 2001, 4.

<sup>128</sup> Marc Galanter, *Competing Equalities: Law and the Backward Classes in India*. Delhi: Oxford University Press, 1984, 549.

The situation has not changed. The success of only two SC MPs in non-reserved constituencies in the 1999 Lok Sabha elections supports this observation. As a result, SC MPs in reserved seats have less of an incentive to fight for SC interests than they would if separate electorates existed.

India's parliamentary system amplifies the problem. Unlike presidential-style governments, such as in the United States, the parliamentary set up requires a greater degree of party discipline. Therefore, especially when Dalits do not form a significant part of their constituencies, Dalit politicians may show more loyalty to their parties than to their Dalit constituents. This situation has been summed up by one former Indian state governor: "Unfortunately these members belonging to different political parties are more loyal to the parties than to the millions of Dalits whom they represent. They seem to have become silent and voiceless surrogates of the parties."<sup>129</sup>

#### Intra-Dalit Rivalry

More significantly, the emergence of a powerful Dalit movement has been hindered by intra-group rivalry. Dalits, too, have their own caste hierarchy, with some groups clearly more dominant and influential.<sup>130</sup> Such groups have enjoyed a disproportionate share of reservations.

The on-going conflict between the Mala and Madiga castes, both groups considered "untouchable," in Andhra Pradesh is a case in point. Of the 59 scheduled castes in Andhra Pradesh, the Mala and Madiga are the largest, constituting about 80 percent of the state's SC population. Between the two groups, the Madigas are considered to be lower than the Malas

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<sup>129</sup> A. Padmanaban, "Dalits and Durban," *The Hindu* (Internet edition), Chennai, September 25, 2001.

<sup>130</sup> McMillan 10.

in the Andhra Pradesh SC hierarchy—they are “outcastes” who “eat beef, drink and loaf around” to the Malas. Since 1972, the numerically larger Madiga community, which cites the Malas’ disproportionate share of reservations quotas, has demanded that the state’s 15 percent SC quota be subdivided. Their claim, which has been bounced around between the Andhra Pradesh government, high court, the National Commission for Scheduled Castes and Scheduled Tribes, is still pending final ruling and will probably be considered by the Supreme Court. In the meantime tensions between the communities continue, even though so far few violent incidents, like on in 1997 in which a Madiga youth was clubbed to death by Mala youth, have occurred.<sup>131</sup>

In addition to the friction with the caste Hindus, the politicization of reservations has created tensions within the ranks of the SCs between “haves” and “have-nots.” McMillan has hypothesized that the BJP has played upon these intra-group rivalries and tried to reach out to the most backward SCs. Last year, controversy arose over BJP Chief Minister of Uttar Pradesh Rajnath Singh’s proposed policy to create quotas within the existing ones for this very group.

#### A Step Towards Unity: The Bhopal Conference

In January 2002, the Madhya Pradesh government sponsored an all-India meeting of Dalits in Bhopal. The conference, which took place four months after Dalit groups gained worldwide publicity for their cause at the United Nations meeting on racism in Durban, South Africa, marked the first time since independence that a state government had supported a forum focused on Dalit issues and entertained participation from critics of the state’s policies for helping Scheduled Castes.

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<sup>131</sup> K. Balagopal, “A Tangled Web: Subdivision of SC Reservations in AP,” *EPW*, March 25, 2000, 1075.

In organizing the Bhopal meeting, Madhya Pradesh Chief Minister Digvijay Singh publicly demonstrated a commitment to improving Dalits' status in Indian society, not simply the politician's habit of reaffirming reservations in order to garner votes. With the theme "On Charting a New Course for Dalits in the 21<sup>st</sup> century," the event culminated in the Madhya Pradesh government's release of the 21-point Bhopal Declaration. The declaration, which points out the lack of progress of Dalit movements in the past 50 years, calls for a series of economic reforms. These include policies to ensure Dalits a fair share in the appropriation and use of rural and urban common property resources and legislation to achieve diversity in both public and private sectors of the workforce. One of the participants, K.S. Chalam of Andhra University, Visakhapatnam, asserted that the conference declaration represented a "paradigm shift" in that, for the first time, Dalits looked beyond the established system of reservations for solutions to their problems. Dalits proposed an economic agenda to achieve socio-economic advancement.<sup>132</sup> As the reservations-free private sector grows, the whole structure of compensatory discrimination, spearheaded by B.R. Ambedkar, is brought into question.

It is too early to conclude that the Bhopal conference is a precursor of major change for Dalits and the central and state governments. So far, governments have been reluctant to venture outside of the established reservations framework. At the same time, lack of a cohesive pan-India movement has slowed Dalit efforts for advancement. Though Ambedkar did serve as a figure around which Dalits could unify, he never achieved a politically potent pan-Indian following. Unity has been elusive for Dalits. With a cohesive national Dalit movement yet to be established, what political consolidation of Dalits that has occurred has mostly been restricted to states such as Maharashtra and Uttar Pradesh. As previously

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<sup>132</sup> V. Venkatesan, "The Dalit Cause." *Frontline*, Vol.19:3, February 2-15, 2002.

indicated, Dalits in office tend to demonstrate more loyalty to their individual parties (the number of which increases with every election) than they do to the Dalits they represent.

## CHAPTER V

### CONCLUSION

#### *Have Reservations Worked?*

Success of reservations policy will be measured by results—how Dalits fare in Indian society. A precursor example was the selection in 1997 of K.R. Naryanan, a Dalit, as India's President. His distinguished career has included time as a journalist, heading a university, and service as Ambassador to the United States. Dalit political activism is another indicator of change. Well orchestrated protests at the 2001 United Nations Conference on Racism in Durban, lively Internet sites of Dalit advocacy groups, and, most of all, growing involvement in political life show that increasing numbers of Dalits are making their presence felt.

The emergence of well-educated, articulate, and middle class Dalits raises the question of what was responsible for such progress. In the case of Dr. Ambedkar, a maharaja stepped in to help at a critical juncture in his education. For those following in his footsteps, the “maharaja” may be the reservations system.

Criticized, with justification, for inefficiency (or worse), the network of reservations in its half century of existence has contributed to Dalit opportunity. On a nationwide scale, it has meant more educational and better government job opportunities for Dalits. Statistical evidence (Tables 3 and 8, above) shows decidedly positive trends for Dalits entering into senior civil service ranks, an eight-fold increase from 1959 to 1995, and receiving higher education, a near-doubling over 17 years ending in 1996.

Literacy rates through 1991 are less compelling and showed that Dalits were not closing the gap with the general population. However, the 2001 Census reports a ten-year



jump of 27 percent in national literacy (to 65 percent).<sup>133</sup> Census data on Dalit literacy are not yet available, but an independent 1997-1998 study found that Dalit educational achievement for younger age groups in villages in Rajasthan and Madhya Pradesh had surged to the point that it was virtually the same as for upper castes.<sup>134</sup>

What is harder to pinpoint is how much improvement can be credited to reservations and how much might have occurred without them as a result of general government development policies and economic growth. Dalit groups are in no mood to find out. Realistically, the system has become such a mainstay in India, involving a significant portion of the population, that it is doubtful that the dismantling of the system is even feasible. No politician will risk trying to roll back these “temporary” measures.

#### *Are Reservations Enough?*

Reservations will continue to play a useful role but will likely be a diminishing part of the solution of Dalit problems. There are major flaws. Reservations apply to the public sector but not the private sector, the probable growth area of the Indian economy. Then there are tens of millions of Dalits living in rural areas and not part of the “organized” economy. It is often a difficult life. In 1976, Shankarrao Mane, the then Commissioner for Scheduled Castes and Scheduled Tribes, wrote the following appraisal:

The hard fact of our social life is that the Scheduled Castes are fighting alone. Houses in Caste Hindus localities are not available to them on rent even in urban areas; drinking water wells are generally not open to them, the services of priests, barbers and washermen are still denied to them in several parts of the country and they are paid nominal wages for hard labour in the fields. And, when they try to assert their rights to use common services or demand proper wages, they are subjected to inhuman atrocities, abuses, assaults, social boycott, loot, arson, murder and what not. They are branded with red hot iron. Even their women are not spared. Still they struggle.

<sup>133</sup> “Literacy Rate: India,” *Census of India*, <http://www.censusindia.net/results/provindia3.html>. Accessed March 20, 2002.

<sup>134</sup> Anirudh Krishna, “What is Happening to Caste? A View from Some North Indian Villages.” (Manuscript, 2002) Table 1. Based on surveys in 69 villages.

Let the Scheduled Castes be assured that in their struggle they are not alone. That the enlightened among the Indians are with them not only with words of sympathy but with concrete action.<sup>135</sup>

Reporting by Indian and foreign human rights groups and governments indicates that problems of this kind remain in many parts of India despite the Constitution, laws, and the desire of a great many Indians for an end to mistreatment of Dalits.

### *What Can Be Done?*

The reservations system would benefit markedly from an administrative face-lift. As recommended by the Commission for Scheduled Castes and Scheduled Tribes, a comprehensive act, articulating the policy, is needed. The revision and streamlining of procedures, such as SC certification, might help curb abuse. In addition, social programs such as those directed at improving the education system, especially at the primary level and in rural areas, should be given more emphasis.

Reform will depend heavily on the political will of government leaders and dominant political parties as well as the ability of the Dalits to mobilize successfully. A source of optimism is the success of the Bahujan Samaj Party in the February 2000 assembly elections in Uttar Pradesh. The party won 97 out of 403 seats in the state legislature with the support of a wide range of communities.<sup>136</sup>

Over the longer term, other forces might be in the SC's favor. In addition to stressing the importance of education, businessman-turned-journalist Gurcharan Das sees the growth of capitalism as a key to breaking down caste prejudice and raising the SCs. Pointing out

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<sup>135</sup> *Report of the Commissioner for Scheduled Castes and Scheduled Tribes 1974-75* (New Delhi: Government Printer, 1976), 17.

<sup>136</sup> Sukumar Muralidharan, "BJP in Big Trouble," *Frontline*, Vol. 19, Issue 5, March 2-15, 2002. <http://www.flonnet.com/fl1905/19050040.htm> Accessed March 22, 2002.

that “caste does not pervade modern economic life in the way that it structures rural social life,” he predicts that the growth of the private sector and the middle class will erode the old Indian hierarchy.<sup>137</sup> Acknowledging democracy’s role in improving the lot of Dalits in the twentieth century, Das believes that in the new century the Indian economy

. . . will create new opportunities for everyone. The better jobs, it is true, will go to the better educated. But as the lower castes begin to realize that the better jobs are in the private sector rather than in the government, they will turn, one hopes, to education rather than reservations.<sup>138</sup>

This may already be happening. Previously mentioned field research in Rajasthan and Madhya Pradesh suggests that a new political leadership, defined by education and skill rather than caste, may be emerging in these rural areas. Twenty-six percent of the new leaders are SCs, though the group only makes up 22 percent of the population. Education, commercialization, and land reform have facilitated the representation of SCs among this new political elite.<sup>139</sup>

Das’ argument may be overstated given the slow pace of economic liberalization in India since major reforms in 1991. As Das concedes, the private sector is still influenced by the affinities of kin and caste connection—the Birla and Tata companies being examples—but the spirit of capitalist competition has also driven many businesses to recruit for skill and talent, not caste.

Finally, the January 2002 Bhopal Conference is a good sign. That the non-Dalit Chief Minister of a large state would organize the meeting and take personal interest in the welfare of Dalits showed both political acumen and willingness to fashion solutions. Singh foresaw a continued role for reservations. In his paper for the conference, he warned, though, that they were only part of the solution:

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<sup>137</sup> Gurcharan Das, *India Unbound* (New York: Alfred A. Knopf, 2001) 154.

<sup>138</sup> *Ibid.*, 153.

While the Dalit movement must strive to achieve complete fulfillment of the quota, we at the same time must understand the limited role reservation in government jobs has in SC-ST's progress and emancipation. Unless we have understood it, it would be difficult to mould the direction of the movement toward the desired goal.<sup>140</sup>

The Chief Minister outlined a detailed program to benefit and protect all Dalits, including those in rural areas. A remarkable feature of the final conference document is the influence on it of the long, difficult American experience dealing with the legacy of slavery. If Martin Luther King drew inspiration from Gandhi, now Indians were drawing inspiration from American historical experience. The conference document notes that out of the troubles of the 1960s came policies of equal opportunity and diversity. It talks of what Exxon Mobil, Wal-Mart, and General Motors and other companies have done to ensure employment of minorities. The authors see it as time for Indians to follow the American example and go beyond reservations. So globalization has brought greater exchange of ideas as well as commodities.

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<sup>139</sup> Krishna 22-25.

<sup>140</sup> "Digvijay's Dalit Gambit," *Indian Express*, January 15, 2002.

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