

RESERVATIONS: RELEVANT STRATEGY FOR UPLIFTMENT OF SCHEDULED CASTES AND TRIBES

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Protective Discrimination which means a deliberate violation of the principle of equality of citizens in favour of the disadvantaged sections, is enshrined in our Constitution. Protective Discrimination is the outcome of a certain philosophical bias and a given historical context and our commitment to certain national goals. As Gandhi and Vinoba had emphasised our goal is "Sarvodaya" and "Antyodaya"- while the former term means the welfare of all, the latter implies that we begin with the welfare of the most oppressed. Protective Discrimination, in keeping with the broad contours of the Gandhian and modern liberal ideology, seeks a gradual, piecemeal solution within the existing framework of social institutions, to the age old problem of untouchability and the heinous policy of deliberately suppressing a people, economically, socially, and politically.

There are some who describe the term "Scheduled Castes" as a political or administrative category, thereby denying it the status of concept in political science. However, closer analysis will reveal that there has been a definite scientific criteria adopted in the scheduling of castes and therefore the term is a concept in social science. If one looks at the origin of the term one finds that a list of "Depressed Classes" was for the first time systematically categorised in 1931 by the Census Commissioner of India as a part of the 1931 Census operation. The criteria followed then, and again under the Government of India Act of 1935 when the term "Depressed Classes" was replaced by the term economic backwardness arising out of the tradition and practice of untouchability". In preparing the 1931 Census list of Depressed Classes (the 1935 Act's list of "Scheduled Castes" was a continuation of this earlier list) the Census authorities relied on a noted social scientist, Mr. Hutton. That the 1931 Census did a scientific job is clear from the fact that while it identified the Nath

community in the case of Surma valley as depressed, it did not so consider the Nath community in the case of Assam Valley. In short, the list was prepared on a sound sociological basis of a clear nexus being established between untouchability and related disabilities¹.

A Scheduled Caste Focussed Anti-Poverty Policy Necessary :

Today the Scheduled Castes constitute the below poverty line population of our country. The bulk of them are agricultural labourers or what we call landless labourers. Other occupations traditionally followed by them are: sub-marginal farmers, leather workers, weavers, fisher-men (especially in West Bengal, Assam and Tripura), scavengers, rag-pickers and pavement dwellers (that last two mainly in urban areas).

It is argued in some quarters that we should adopt an anti-poverty programme directed at the poor without reference to caste and that this would automatically help the Scheduled castes without perpetuating caste. Those who advocate this view say they are not opposed to the uplift of the Scheduled castes but to a "Scheduled Caste Focussed" approach to the poverty problem.

What these critics overlook, however, is that developmental programmes cannot and do not take place in vacuum. The Indian social milieu is unfortunately and undisputably caste ridden. The Scheduled Castes suffer from social boycott by high castes which makes it difficult for them to avail of any general anti-poverty effort. The theory of "percolation of general/economic growth" cannot hold good in the case of Scheduled Castes because of the practice of untouchability. Thus it is reported that in certain villages adult caste Hindus refused to participate in the "Food for work" programmes because the instructors happened to be Scheduled Castes.

Similarly take the case of drinking water wells. Today it is asked in certain quarters: "Are separate drinking water facilities for Scheduled Castes in their bastis (localities) desirable? And, "Does this not perpetuate untouchability rather than remove it?" But then can these critics guarantee that a new well located in the high caste bastis will be allowed for use by the Scheduled Castes? A sociologically desirable policy would be to locate any new well in

the Scheduled Caste bastis of the village and to make it open to all the communities of the village.

In the context of what has been said above, it would be quite correct to consider the policy of all round development of the Scheduled Castes and Tribes as the core of the national struggle against poverty. Any attempt to frame national anti-poverty policies by-passing the Scheduled Castes may prove a big folly and negation of the doctrine of antyodaya viz. beginning with the uplift of the most disadvantaged.

Scheduled Castes and Other Backward Classes:

Although the Constitution spells out the Scheduled Castes and Tribes, it has been left to the states individually to designate additional handicapped groups as "Backward Classes". Thus in Tamil Nadu, for instance, in addition to 18 percent Scheduled Castes and Tribes, an additional 50 percent of the population has been defined as Backward bringing the total of those eligible to some form of protective discrimination to 68 percent of the population.

Quite some Marxists argue that the policy of categorising a section of the population into Scheduled Castes and Tribes is a bourgeois policy to divide the poor and exploited. But the Marxist case appears weak because, as Andre Bettile² has pointed out, in India "Classes are built into Caste". Many studies bear this out. Thus the study of O. M. Lynch³ of the Scheduled Caste community clearly revealed the division of that community into two groups- the "bare log" or "big folk" comprising of factory and shop owners, politicians and government servants and the "chote log", the poor folk comprising of craftsmen, labourers and manual workers. Similarly Nandu Ram's study⁴ of social stratification of and mobility of Scheduled Castes in Kanpur city reveals that caste and class structure co-exist.

Regardless of the stand some Marxists may take, the Scheduled Castes and Tribes themselves have always viewed the policy of reservations for Other Backward Classes as a policy for diverting scarce resources away from their uplift and as a means by which crafty state politicians have sought to cultivate their constituencies.

In support of the Scheduled Castes and Tribes' fear, it may be mentioned here that in many states the Other Backward Classes have not only done well but tend to virtually dominate. Take Bihar as a typical illustration. A. K. Lal notes, "Post-independence economic policies have been highly in favour of the Kulaks in Bihar from among the OBCs. The four comparatively advanced "Backward Classes" are the Kurmis, Yadavs, Bania and Koeri. In 1978, 91 out of the 94 MLAs belonged to these four backward classes. Similarly out of the 210 gazetted officers 203 belonged to the four Backward Classes. Further, these four classes have consumed 98.6 per cent of the total provision of scholarships and stipends meant for Backward Communities.⁵ In view of these developments it is relevant to raise the question : Have not state governments shifted the focus from benefitting the Scheduled Castes and Tribes to benefitting the Other Backward Classes at their expense ?

Reservations as a Protective Measure :

I think the time has come to once again focus on the Scheduled Castes and Tribes rather than go on diluting the protective measures constitutionally guaranteed to the scheduled Castes and Tribes by indiscriminately extending the reservation facility. In some states reservations have reached the absurd levels of 80 to 90 per cent compelling even the Judiciary to intervene and cry halt to the policy.

The original intention had been to remove poverty and related disabilities arising from the obnoxious practice of untouchability. Today the policy of reservation can only be justified on this criteria and should be made available only to Scheduled Castes and Tribes. Its justification rests on the short term and long term effects it is intended to produce. The short term effect is compensatory in nature viz. to help this section overcome the incapacitating disabilities which prevent it from participating in the political process. The long term effect is to enable this section to permanently overcome its disabilities thereby making compensatory discrimination no longer necessary.

The policy of reservation presumes that the initial beneficiaries "the elite" among the Scheduled Castes would act as catalysts for social change among their less fortunate brethren. It

is based on the philosophy of the welfare state and on the theory of social mobility and downward percolation.

The policy of reservations is today found to be operative in three broad areas – political, educational and job or service.

Political Reservations :

Article 330 provides for the reservation of Scheduled Castes and Tribes in the Lok Sabha; while article 332 does the same in the case of the Legislative Assemblies of the States. The Constitution provided for reservations for ten years only. However, after the expiry of the first ten years they have been periodically renewed and currently stand extended till 2000. In the Lok Sabha 78 seats are reserved for Scheduled Castes and 38 for Scheduled Tribes. In the case of State Assemblies the total of reserved seats works upto 540 for Scheduled Castes and 282 for Scheduled Tribes. In addition, the state Governments provide for reservations for Scheduled Castes and Tribes in various local bodies.

The aim behind providing for these reservations is to enable the Scheduled Caste and Tribe members to ventilate their grievances and bring pressure on government to rectify the injustices they suffer from.

However, political reservations do raise certain interesting questions. For instance it can legitimately be asked : who do the reserved constituency candidates represent ? Since most constituencies are of composite caste character – the Scheduled Castes and Tribes constituting only 10 per cent to 30 per cent of the total population and nowhere exceeding 50 per cent – the Scheduled Caste representatives do not represent solely the interests of the Scheduled Castes but a plurality of interests in the constituency.

Again the reservation policy does not do justice to the numerical strength of the scheduled Castes. For example, in Maharashtra, one of the reserved constituencies, Buldhana, has a Scheduled Caste population of 5.55 per cent whereas each of the non-reserved constituencies in Punjab has a Scheduled Caste population exceeding 18 per cent. ⁶ What clearly emerges from these facts is that the Scheduled Caste MPs and MLAs do not

represent the social composition of their constituencies, certainly not the social composition of their own voting strength.

Another fact to be noted is that the Scheduled Caste candidate is invariably a party man. Since fighting an election is costly business usually requiring an independent income of one's own from land, business or service and very few Scheduled Castes fulfill this requirement, most candidates selected for the reserved constituencies are party sponsored candidates. Right from nomination to election the Scheduled Caste candidate is dependent on party backing. This fact detracts from the genuine representative character of the candidate who often merely acts as a mouthpiece of the party and rarely asserts independently on behalf of the Scheduled Castes or Tribes.

A third point that deserves to be mentioned is that the Scheduled Caste MP and MLAs have a very poor affinity with the social milieu (the scheduled caste masses) which they are supposed to represent. This is because the Scheduled Caste elites are in terms of literacy, job status, income etc., very far removed from the Scheduled Caste masses. When there is no assurance of an identity of interest between Scheduled Caste elite and masses, how can these representatives be expected to air the grievances of the oppressed masses or bring pressure on government to remove specific scheduled caste injustices ?

However, this does not warrant the conclusion that the policy of political reservations is futile. Far from it. A policy of political reservations would perhaps be unnecessary if political parties could help as many Scheduled Caste candidates as possible to return to the Lok Sabha and Vidhan Sabhas from general constituencies. But this they have been unable to do thereby proving that other caste groups within the party are powerful enough in lobbying against Scheduled Caste candidates. Nor have the general constituencies shown a particular penchant for returning Scheduled Caste candidates. So long as this situation prevails, the policy of political reservations will be necessary.

Studies made indicate that Scheduled Caste candidates from reserved constituencies do show concern on subjects relating to Scheduled Caste interests. For instance Scheduled Caste

representatives asked about 88.75 per cent of the total questions asked on Scheduled Castes as compared to 11.5 per cent by Non-Scheduled Caste MPs ⁷. But, then they have been unable to translate their concern into effective action partly because they lack ability, and partly because of party exigencies.

On the whole, although the policy of political reservations may not have yet succeeded in fulfilling the original objective, nevertheless the policy has to continue as the only means available today to give some representation to these disadvantaged sections and to bring about their political participation and mobilization.

Educational Reservations :

The Union Ministry of Education has instructed all states and Union Territories, as well as Universities, to reserve 20 per cent of seats in all educational and technical institutions for Scheduled Castes and Scheduled Tribes students and relax the qualifications for their admission. Although most states and Union Territories have sought to implement the Government's policy, a few have defied or chosen to ignore it. Even in those states that have implemented the policy the quota reserved for Scheduled Castes and Tribes is not yet fully utilized.

The aim behind the policy of educational reservations is to help promote education and occupational mobility among Scheduled Castes and raise their standard of living. Other reasons forwarded for justifying the policy are : educational institutions function as melting pots for caste differences and facilitate cultural integration. Also, education fosters a climate for change, it changes attitudes and aspirations on the lines of liberalism and humanism. In short, behind the policy of educational reservations is the belief that education is both the foundation as well as the vehicle for the emancipation of the scheduled castes. This fact explains why near 50 per cent of the total funds earmarked for the welfare of the Scheduled Castes and Tribes are for scholarships, hostel facilities and reservation of admission to educational institutions.

A large number of stock arguments have been made against the policy of educational reservations viz. it goes against the general policy of replacing aspiration with achievement; it

encourages a disregard for standards and militates against grading by levels of competence; it creates problems in the administration of educational institutions by making for batches that are highly uneven and disparate in terms of their academic preparedness etc. Suma Chitnis in her study of a particular IIT found that in spite of varying concessions given to the Scheduled Caste and Tribe candidates, these candidates found it extremely difficult to measure up to the academic levels required and there was a heavy drop-out and stagnation among these students creating a serious problem for the IIT⁸.

Yet, on balance, it can be shown that the policy has paid reasonable dividends and is a necessary protective measure. Let us illustrate with each level of education. At the primary education stage we find that primary education is still beyond the reach of the bulk of Scheduled Caste and Tribe families. They have no access to elite schools whose children generally get preference for admission in professional courses. Most Scheduled Caste and Tribe students have to go to ill equipped Government Schools and therefore have a weak educational background. A policy of reservation of some seats for these students in good schools can therefore go a long way in helping these handicapped children (invariably lacking a congenial home environment for study) to have a good start.

In the case of professional colleges and IITs, as Suma Chitnis has herself observed, "When intensive coaching is given to Scheduled Caste and Tribe students in medical colleges and IITs, their performance has improved considerably"⁹. Some have argued that it is unjust to protect and sponsor the disadvantaged all the way upto the completion of advanced (including professional) courses. But all that this means is that it is better to select deserving and talented Scheduled Caste and Tribe students in early childhood and carefully groom them in their early years so that they can later cope with competition more effectively. The argument that reservations in higher education has lowered efficiency and standards cannot be accepted so easily for the simple reason that the number of Scheduled Caste and Tribe students in higher education is so meagre that it is difficult to believe that the standards which have undoubtedly been falling, can be due to them.

Contemporary research also shows that for poor educational performance by the disadvantaged sectors, it is the socio-economic situation that is particularly to blame and hence meritocracy as a principle of ranking cannot be considered consistent with the ideal of equality. Also that social class and other non academic considerations like manners, bearing and behaviour, do creep into the total evaluation of students and therefore ranking by merit today cannot be considered all that academic.

The national study commissioned by the ICSSR¹⁰ as well as the 26th Report of the Commissioner for Scheduled Castes and Tribes shows that the majority of Scheduled Caste children today aspire traditional occupations. In brief, one can see a distinct trend and orientation towards upward social mobility.

One other point must be made here. Since contemporary research shows that syllabi, instructions and evaluation (in short the entire structure of formal education) is in tune with the lives of the privileged sectors and ill suited to the kind of lives the disadvantaged sectors (largely poor and rural) lead, the crying need of the day is to re-structure the educational system itself to suit the needs of the disadvantaged sectors. In this context the trend towards vocationalization may well prove the turning point. Not only must secondary school education, in particular, be re-structured along the lines suggested by Jayaprakash Narayan, to include relevant rural subjects, like animal husbandry and carpentry, it must also be made to include what P. Freire calls "conscientization", that is, "learning to perceive social, political and economic contradictions and to take action against the oppressive elements of reality".¹²

Job Reservations :

Under article 16 (4), 320 (4) and 333, 15 per cent and 7 per cent of the positions are reserved at all levels in the government and public sector for Scheduled Castes and Tribes. In addition, the qualifications for their recruitment and promotion are relaxed. As in the case of other reservations, job reservations were considered necessary to increase upward social and occupational mobility among Scheduled Castes.

For various reasons the Scheduled Castes have not succeeded in occupying all the positions reserved for them, particularly in

the upper echelons. Thus in 1959 only 1.18 per cent of the Class I positions in the Central Government were occupied by Scheduled Castes. Thirty years later, their proportion increased to just 4.75 per cent. In the case of Scheduled Tribes the percentage increased from 0.16 per cent in 1959 to 0.94 per cent in 1979.

The Commissioner for Scheduled Castes in his 26th Report (1978-79) attributed the poor recruitment to the prejudices of the recruiting authority. To prove his point he cited the example of the Delhi Central Board of Secondary Education which delayed for over five years the promotion of Scheduled Castes and Tribes candidates. It subsequently implemented the promotion orders only after the Commissioner for Scheduled Castes and Tribes made it a point to intervene. Yet another example the Commissioner gives to show the prejudice of the recruiting authorities relates to the year 1974 when out of 1515 vacancies proposed for "re-reservation" in Class II and Class III categories, it was found that Scheduled Tribe candidates were available for as many as 254 class III positions, "but were declared unsuitable for appointment". The Commissioner observes in this regard, "It is indeed a pity that Scheduled Tribe candidates possessing minimum qualifications for the post should be deemed as unsuitable.

According to Government directives the universities must also reserve a certain percentage of their posts for Scheduled Castes and Tribes (In Maharashtra it is 25 per cent, in Karnataka 15 per cent). However, most Universities have not taken these directives seriously since there is no provision in the University Acts requiring such reservations. Although not many authentic studies are available there is quite some scattered evidence to suggest the existence of prejudice in the recruiting authorities. This is clear from such Scheduled Caste complaints as, posts are deliberately reserved in categories where Scheduled Caste candidates are difficult to find; and that Universities have not hesitated to relax qualifications in case of several high caste candidates while declaring several Scheduled Caste candidates as 'unsuitable'.

The argument forwarded by some that reservations have lowered efficiency cannot be taken serious note of since the number of Scheduled Caste and Tribe candidates in government and public sector service is so low that it can hardly make a

difference. In 1980, according to the Report of the Commissioner for Scheduled Castes and Tribes only 4.95 per cent of total employees were Scheduled Castes and Tribes in Class I; only 8.54 per cent in Class II and 13.44 per cent in Class III. Similarly, at the time of the anti-reservation stir in Gujarat spearheaded by medical students, it is reported that only 22 out of 742 faculty members in the four medical colleges of Gujarat belonged to Scheduled Castes, while the number of Scheduled Tribes was only 2. Obviously the reasons for poor performance in the Government and Public sector cannot be attributed to the reservation policy.

If today the policy of job reservations is seeming to prove counter productive and alienating the Scheduled Castes and Tribes rather than integrate them, it is mainly because since 1970s there has been a limited expansion of the Government and Public sectors. At the same time increase in population has increased competition for jobs. This fact accounts for the strategy adopted by the high castes in many urban areas to get themselves labelled Backward Classes, a strategy which must be discouraged because increasing reservations to cover between 70 per cent and 90 per cent of the total population, deprives the policy of protective discrimination of its very essence. The policy of reservations, including "backlog" reservations and "promotional" reservations (roster system), must continue only in the limited and genuine case of the Scheduled Castes and Tribes.

Notes

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2. Andre Beteille, "Caste, Class and Power", Oxford University Press, 1966.
3. O. M. Lynch, "Politics of Untouchability", National Publishing House, Delhi, 1974.
4. Nandu Ram, "Social Stratification and Mobility Among the Scheduled Castes in Urban India" in Seshadri and Haq., op. cit., Ch.7.

5. A. K. Lal, "Politics of Protection : A Case Study of Bihar", in V. P. Shah and B. C. Agrawal, "Reservations : Policy, Programmes and Issues", Rawat Publications, Jaipur, 1986, p.127. Also see Ramashray Roy, "Caste and Political Recruitment in Bihar" in Rajni Kothari (Ed.), "Caste and Politics", Orient Longmans, New Delhi, 1973.
 6. Padmini R. Narayan, "Reservation in Politics and the Scheduled Caste Elite", in V. P. Shah and B. C. Agrawal Op. cit. p. 70.
 7. Ibid., p. 81.
 8. Suma Chitnis, "Measuring Upto Reserved Admissions", in Shah and Agrawal, Op. cit., p. 37.
 9. Suma Chitnis, "Reservations in Education" in V. P. Shah "Removal of Untouchability", Gujarat University, Ahmedabad, 1980.
 10. Suma Chitnis, "A Long Way to Go : A report on a Survey of Scheduled Caste High School and College students in Fifteen States of India," Allied Publishers, New Delhi, 1981.
 11. Report of the Commissioner For Scheduled Castes and Scheduled Tribes, 26th Report, 1978-79, Controller of Publications, Delhi, 1980.
 12. P. Freire, Pedagogy of the Oppressed, Penguin Books, 1972.
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