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MANDAL COMMISSION¹ AND THE FUTURE OF DALITS

1. Introduction

Socially sensitive Indian citizens must have been rather shocked, I presume, by the quite violent response to the Government Order (G.O.), issued by the V.P. Singh ministry on the Mandal Commission Report on 13th August, 1990. Why was there such a response? Was the acceptance by the V.P. Singh government, of a very small part of the varied recommendations of the Mandal Commission, doing an injustice to the forward communities of India? Will Mandal Commission recommendations get really implemented in this country? And if they are implemented, how are they likely to influence the 'dalits' of India? These and related questions will be explored in this article.

2. The Constitutional Goals of India

When it was written and adopted, the Indian Constitution, the most fundamental law of this land, laid down certain goals and directions for the Indian polity. Sometimes one wonders whether the Indian Constitution really means anything to us Indian citizens and to our political leaders! Just to remind ourselves of what newly independent India started off with, during the hopeful dawn of our independence, let me quote a few stunning passages from our own Indian Constitution. These passages clearly state the constitutional goals of free India:

We, the people of India, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC, and to secure to ALL ITS CITIZENS; *Justice*, social, economic and political, *Liberty* of thought, expression, belief,

¹ The Commission Constituted by the Janatha Government in 1979 in order to promote the educational and economic interests of the Weaker Sections of the People and Protect them from Social injustices and all forms of exploitations.

faith and worship, *Equality* of status and of opportunity, and promote among them all *Fraternity*, assuring the dignity of the individual, and the unity and integrity of the Nation.²

In Article 38 of the Constitution the Founding Fathers of free India stated this: "The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may, a social order in which JUSTICE, SOCIAL, ECONOMIC and POLITICAL, shall inform ALL THE INSTITUTIONS OF THE NATIONAL LIFE. The State shall, in particular, direct its policy towards securing:

- (a) that the citizens, men and women equally, have the right to AN ADEQUATE MEANS TO LIVELIHOOD;
- (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the COMMON GOOD;
- (c) THAT THE OPERATION OF THE ECONOMIC SYSTEM DOES NOT RESULT IN THE CONCENTRATION OF WEALTH AND MEANS OF PRODUCTION TO THE COMMON DETRIMENT;
- (d) that there is EQUAL PAY for equal work for both MEN AND WOMEN;
- (e) that the health and strength of workers, men and women, and the tender age of children are not abused.

3. Some Constitutional Directives

With the above noble goals in mind, the Indian Constitution has given some specific directives to the governments and rulers of this land. Article 46 reads thus: "The State SHALL PROMOTE WITH SPECIAL CARE, THE EDUCATIONAL AND ECONOMIC INTERESTS OF THE WEAKER SECTIONS OF THE PEOPLE, and, in particular, of the SCHEDULED CASTES and the SCHEDULED TRIBES, and shall PROTECT THEM FROM SOCIAL INJUSTICE AND ALL FORMS OF EXPLOITATION."

2. *Indian Constitution, Preamble.*

Article 340 reads: (1) The President may, by order, *appoint a Commission* consisting of such persons as he thinks fit, *to investigate the conditions of socially and educationally backward classes* within the territory of India, and the difficulties under which they labour, and to make recommendations as to the steps that should be taken by the Union or any State, to remove such difficulties, and to improve their condition, and as to the grants that should be made for the purpose by the Union or any State and the conditions subject to which such grants should be made, and the order appointing such Commission shall define the procedure to be followed by the Commission...."

4. The Birth of the Mandal Commission

It was in keeping with the Constitutional goals, mentioned above in section (2), and in obedience to the Constitutional directives mentioned above in section (3), that the Mandal Commission was constituted by the Janatha Government in 1979. The report of the Commission was submitted in 1980. It remained in cold storage under the Indira Gandhi and Rajive Gandhi regimes.

5. The Government Order That Rocked Our Motherland

V.P. Singh Government's decision to implement a very limited part of the 'recommendations' of the Mandal Commission report, evoked that kind of social and political response in the country, where emotions and cliches take the driver's seat, and facts and figures get brushed aside. Let us try to take a cool look at the facts. These are the facts. On 13th August, 1990, a G.O. (Government Order) was issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training). It was a very brief, one page G.O. After two brief introductory paragraphs, orders were issued as follows:

- I) 27% of the vacancies in civil posts and services under the Government of India shall be reserved for SEBC (Socially and Educationally Backward Classes).
- II) The aforesaid reservation shall apply to vacancies to be filled by direct recruitment. Detailed instructions relating to the procedure to be followed for enforcing reservation will be issued separately.

- III) Candidates belonging to SEBCs, recruited on the basis of merit, in an open competition on the same standards prescribed for the general candidates shall not be adjusted against the reservation quota of 27%.
- IV) The SEBC would comprise, in the first phase, the castes and communities which are common to both the lists in the report of the Mandal Commission and the State Government's lists.
- V) The aforesaid reservation shall take effect from 7-8-1990. However, this will not apply to vacancies where the recruitment process has already been initiated prior to the issue of these orders.

Similar instructions in respect of public sector undertakings and financial institutions including public sector banks will be issued by the Department of Public Enterprises and Ministry of Finance respectively.³

What is to be noted in the above G.O. is that it attempts to implement only a very limited part of the comprehensive recommendations of the Mandal Commission. For one thing, the G.O. deals only with 'reservation' of jobs, and says nothing about the recommendations of Mandal Commission on 'special educational facilities' designed at upgrading the cultural environment of the Other Backward Classes (OBC) students, and it says nothing about the 'special programmes' mentioned in the report, meant for upgrading the skills of village artisans. And even in 'reservations', the Mandal Commission recommendation was a 27% reservation in "all government services, as well as technical and professional institutions, both in the Centre and the States." The above G.O. implements reservation only for "civil posts and services under the Government of India." No mention is made of the State Governments, and no mention is made of reservations in technical and professional institutions! It is quite significant to notice, that in spite of this very limited, partial, and quite inadequate attempt at implementation of the Mandal Commission report, this was a G.O. that rocked our Motherland from end to end!

6. Commission Recommendations

In popular parlance today, the Mandal Commission Recommendations are thought to be recommendations on 'reservation of jobs' for

3. Smt. Krishna Singh, Joint Secretary to the Govt. of India.

the OBCs. But actually, the commission has taken a much broader and more comprehensive view on the general predicament of the OBCs in India, and given rather comprehensive recommendations, covering many more aspects than just the 'reservation of jobs'. The following is the summary of the recommendations of the Commission.

a) *Reservation of jobs for SCs and STs* is in proportion to their population. That is, 22.5%. But, since there is a legal obligation to keep reservation of jobs under Article 15 (4) and 16 (4) of the Constitution below 50%, the Mandal Commission recommends a reservation of only 27%, even though the real population strength of OBCs is around 52%. This 27% reservation is recommended to apply to all Government services as well as technical and professional institutions, both in the Centre and the States.

b) *Special educational facilities* for the OBCs. Going beyond mere reservations in jobs, the Mandal Commission recommended special educational facilities, *designed at upgrading the cultural environment of the OBC students*. This was to be created in a '*phased manner*' in '*selected areas*' containing high concentration of OBCs. The Commission recommended that special emphasis be placed on *vocational training*: that *separate coaching facilities* should be provided in technical and professional institutions to OBC students, to enable them to catch up with students from open quota.

c) *Special programmes*. Thinking in rather comprehensive ways, the Mandal Commission also recommended 'special programmes' for upgrading the skills of village artisans. And again that 'subsidised loans' should be granted to the OBCs by the financial institutions, so that they can set up small scale industries. Another recommendation in this line was that, in order to promote the participation of OBCs in the industrial and business life of the country, 'a separate net-work of financial and technical institutions should be created by all State Governments.

7. Perspectives Beyond Recommendations

Reading through the original documents of the Mandal Commission Report, it is quite refreshing to see that the Commission did have rather sharp insights into the ideological perspectives from which the

whole issue of the OBCs had to be viewed. The Commission seems to have been aware, that all their recommendations, even when implemented in full, could only hope to solve one part of the problem faced by the OBCs and other oppressed people in our country. This is clear from what the Commission has to say about the radical distortions inherent in India's 'production relations'. Let me summarise what the Mandal Commission has to say on this. "Under the existing scheme of production-relations, Backward Classes, comprising mainly small land holders, tenants, agricultural labour, village artisans, etc. are *heavily dependent on the rich peasantry* for their sustenance. In view of this, OBCs continue to *remain in mental and material bondage* to the dominant castes and classes. *Unless these production relations are radically altered* through structural changes, and progressive land reforms implemented rigorously, all over the country, the OBCs will never become truly independent. In view of this, the highest priority should be given to *radical land reforms by all the States.*" What I have just quoted, reveals the analytical perspective from which the Mandal Commission has looked at the whole issue of the liberation of the OBCs in our country. I, personally, am in full agreement with the Commission in this statement of perspectives.

8. The Heated Argumentation

How one wishes to be able to say that we had a serious national debate on the Mandal Commission report! In our democracy, that would have been a real conscientization process and a mass educational process. But we had nothing of the sort in the country! What we had was heated and partisan argumentation in the midst of a violent backlash from the upper classes all over the country and the Indian media and the political parties playing rather ambivalent and inglorious roles. The loss of rationality in the Indian politics over the issue of 27% reservation of Jobs for OBCs in the Central Government, was best symbolised by the gruesome stories of 'self-immolations' by students all over the country, but especially in the north of India. What I propose to do here is to take up some of these 'arguments' against the reservation recommendation of the Mandal Commission Report, which the V.P. Singh government accepted in part, and try to evaluate these arguments from the point of view of a social activist.

a) The decision of V.P. Singh government for a 27% reservation of Central Government jobs for the OBCs, it is argued by some, will

not at all produce any perceptible impact on the social condition of the OBCs in India. There is an appearance of truth in this argument. But actually, this is not the way we should evaluate the social impact of this rule in India. One is not arguing that by offering a few thousand jobs to the OBC candidates, the 52% of the Indian population will automatically become forward communities. The main purpose of this new reservation policy is to give to the OBCs a sense of some participation in the government of the country which is their legitimate right. Actually, what happens today is that the OBCs are effectively sidelined from the higher fora of decision making and administration, where the upper castes dominate almost totally. Take a look at the following *tell-tale statistics*, given by Khushwant Singh (Sunday: 23-29 December, 1990 p. 19). "During British rule, the largest proportion of government jobs (40%) were held by Kayasthas. Today their figure has dropped to 7%. Next came the Muslims who were given special privileges by the British. They had 35% jobs in 1935. In free India their representation has dropped to 3.5%. Christians, likewise favoured by the English, had 15%; their figure has dropped to 1%. Scheduled Castes, tribes and backward classes, who had hardly any government jobs, have achieved a representation of 9%. But the most striking contrast is in the employment of Brahmins. Under the British, they had 3% - fractionally less than the proportion of their 3.5% population. Today they hold as much as 70% of government jobs - I presume the figure refers only to gazetted posts. In the senior echelons of the civil service from the rank of deputy secretaries upwards, out of 500, there are 310 Brahmins; ie. 63%; of the 26 state chief secretaries, 19 are Brahmins; of the 27 Governors and Lt. Governors 13 are Brahmins; of the 16 Supreme Court judges, 9 are Brahmins; of the 330 judges of the High Courts, 166 are Brahmins; of 140 ambassadors, 58 are Brahmins; of 98 vice-chancellors 50 are Brahmins: of 438 district magistrates, 250 are Brahmins; of the total of 3,300 IAS officers, 2,376 are Brahmins. They do equally well in electoral posts. Of the 530 Lok Sabha members, 190 are Brahmins. Of 244 in the Rajya Sabha 89 are Brahmins. These statistics clearly prove that this 3.5% of Brahmin community of India holds between 36% to 63% of all the plum jobs available in the country!" Is there any doubt as to who really governs this country? The whole purpose of the reservation policy proposed by the Mandal Commission is to give to

the OBCs at least a limited share of participation in the government of the country, which is their legitimate right in a democracy.

b) A second argument adduced against the reservation policy is that this will damage the quality and efficiency of government services. Let us set aside the obvious fact that there is not much to write home about the 'quality' and the 'efficiency' of our government services. The most pervasive quality of the Indian administration and bureaucracy, is 'corruption'! And the 'efficiency' of our government services is a topic fit only for rude jokes, biting satire and hilarious cartoons! And yet some people don't hesitate to speak of the need for 'merit-based criteria', as against 'reservation'. Is it real 'merit' that has catapulted the Brahmins of India to the top of the heap in the bureaucratic hierarchy in India? Is it real lack of 'merit' by which the 52% OBCs get only 4.69% of government jobs at the Centre?, and the 22.5% SCs and STs get only 4.31% of government jobs at the Centre? As the Commission report itself says, 'merit' itself "is largely a product of favourable environmental privileges, and higher rating in an examination does not necessarily reflect higher intrinsic worth of the examinee. Children of socially and educationally backward parents, coming from rural background, cannot compete on an equal footing with children from well to do homes. In view of this 'merit' and 'equality' should be viewed in proper perspective, and the element of privilege should be duly recognised, and discounted for, when 'unequals' are made to run the same race.

c) A third argument against reservation raises the fear that the benefits of reservation will not go to the really poor, but will be cornered by the better off among the OBCs. This fear is quite justified, but is the wrong argument against reservation. Reservation is not meant to create egalitarianism among the OBCs, but to give to the backward communities as a whole, some share of participation in the running of the country.

d) That a policy of large-scale reservation will create heartburn in the meritorious candidates who are left out through this process, is another argument adduced against the Mandal Commission recommendations. This may well be true. The question is, so what? Can such heartburns be allowed to operate as a moral veto against legitimate social reforms? What about the soul singing heartburns suffered for so many centuries by the 75% OBCs, SCs and STs of the Indian subcontinent?

e) A fifth argument one hears sometimes is that the real problem of the country is the lack of jobs in the country, due to the wrong economic policies of the various governments. And this problem will not be solved by any kind of reservation policy. Quite right! It would have been wonderful if every job seeker in India had a job awaiting him. While we are busy solving this major problem of the country, what the OBCs have a right to demand is that they have their legitimate share in the existing governmental jobs in the country. A democracy can deny this right of the OBCs only at its own peril!

f) A sixth very important argument brought forward against the reservation policy is that it will perpetuate caste divisions in the land, and will bring about caste conflicts or caste war. About 'perpetuation of caste divisions,' there is nothing perpetual about the reservation policy recommended by Mandal Commission. The Commission itself suggests that the policy can be reviewed after a period of twenty years! About caste conflicts, they are already part of the existing social reality in India. The only fact is that in these conflicts, it is the OBCs and the SCs who suffer more at present. This silent suffering of the weaker sections in our society gives a false sense of peace. Such peaceful suffering may not continue, even though the upper castes may desire so. If some conflict is necessary to bring about a sense of justice and equality in our society, it is perhaps better that we have the conflicts now, rather than later, when the explosions may become uncontrollable.

g) Another argument goes like this. What is really needed is special economic and educational policies and programmes for the OBCs, and not a forced and artificial reservation policy. This too is a misconceived criticism, as far as the Mandal Commission Report is concerned. This report has specifically stressed the need for special economic and educational programmes for the development of the OBCs, such as "intensive and time-bound programmes for adult education," "residential schools," "cooperative societies of occupational groups," etc. That the V.P. Singh government's recent order on reservations, does not include the other measures suggested by the commission, is a sad fact. Without such supplementary and supportive measures in the near future, the plight of the OBCs will not change significantly. But this is not an argument to be adduced against the right of the OBCs to have a legitimate share in governmental jobs today.

h) One more argument is sometimes heard. Why go by a caste basis for measuring 'social backwardness'? Why not use the more rational and non-discriminatory basis of 'economic tests'? The Commission report itself has given a very good justification for their adoption of the 'caste' basis. Let me quote: "As Article 340 of the Constitution speaks of 'socially and educationally backward classes,' the application of 'economic tests' for their identification seems to be misconceived. Castes are the building bricks of the Hindu social structure. They have kept Hindu society divided in a hierarchical order for centuries. This has resulted in a close linkage between the caste ranking of a person and his social, educational and economic status.....In view of the permanent stratification of society in hierarchical caste order, members of lower castes have always suffered from discrimination in all walks of life, and this has resulted in their social, educational and economic backwardness. In India, therefore, *the low ritual caste status of a person has a direct bearing on his social backwardness.*"

9. Social Justice, Merit and Privilege

In a serious debate on this issue of reservations, it is quite important to understand clearly the inter-relationships between the three concepts of 'social justice,' 'merit' and 'privilege'. "Equality before the law" is a basic Fundamental Right guaranteed under Article 14 of the Indian Constitution. Hence, some people consider provisions like reservation of posts for backward classes etc. as 'a violation of their Fundamental Rights,' and denial of meritorious persons' legitimate dues. How is one to view this serious problem?

The 'principle of equality,' as the Commission says, "is a double-edged weapon." "It places the strong and the handicapped on the same footing in the race of life. It is a dictum of social justice, that THERE IS EQUALITY ONLY AMONG EQUALS. To treat unequals as equals is to perpetuate inequality. The humaneness of a society is determined by the degree of protection it provides to its weaker, handicapped, and less gifted members"..... "Equality of opportunity" and "equality of treatment" places the weak and the strong on par, and to that extent, it amounts to denial of social justice. In fact it is "equality of results" which is the acid test of society's egalitarian pretensions. In a highly unequal society like ours, it is only by giving special protection and privileges to the underprivileged section of society,

that we can enable the weak to resist exploitation by the strong. It was in view of these considerations that our Constitution makers made special provisions under Articles 15 (4), 16 (4) and 46 etc. to protect the interests of SCs, STs and OBCs....'Merit' itself is largely a product of favourable environmental privileges... In view of this, 'merit' and 'equality' should be viewed in proper perspective, and the element of 'privilege' should be duly recognised and discounted for, when 'unequals' are made to run the same race". "The element of conflict between the Fundamental Rights and the Directive Principles of State Policy has been the subject matter of numerous parliamentary debates and judicial pronouncements. In pursuance of Articles 15 (4) and 16 (4), a number of State Governments made reservations in Government services and educational institutions for OBCs and several petitions were filed before the High Courts and the Supreme Court against such orders. Gradually, a sizeable body of case law has grown on the subject and gist of it is given below."

"Caste is an important factor in the identification of OBCs among Hindu communities. Backwardness must be 'both social and educational', and not 'either social or educational'. Caste is also a class of citizens, and if the caste as a whole is socially and educationally backward, reservation can be made in favour of such a caste on the ground that it is a socially and educationally backward class of citizens within the meaning of Article 15 (4). The further division of backward classes into 'backward' and 'most backward' is not warranted by Article 15 (4). The aggregate reservation of posts under Article 15 (4) should be less than 50%. Objective criteria should be evolved on the basis of field survey, etc., for identifying OBCs." These are the perceptions of the Mandal Commission on the relationship between the concepts of 'social justice', 'merit' and 'privilege'.

10. The OBCs and the Dalits

Within the Hindu caste structure, the OBCs belong to the Sudra caste, the lowest of the four-fold caste hierarchy. The order is Brahmins, Kshatriyas, Vaisyas and Sudras. The Sudras, though at the lowest rung of the hierarchy, still belong within the hierarchy. But the 'Dalits', as is commonly accepted today, are 'outcastes,' too impure to belong to the caste hierarchy! If the OBCs form about 52% of the population of India, the Dalits form only 16% (147 million) in India. The SCs (Dalits)

are scattered all over the country. They are not concentrated in very large numbers (except in slums in cities) in any particular districts or taluks. And they are divided within themselves into several castes! Internal social hierarchy, economic differentiations and dispersed population affect the strength and weakness of the different dalit movements in the country.

In Marathi, Hindi, Gujarati and many other Indian languages, the word 'dalit' means 'the poor and oppressed persons'. But the modern use of the term is more restricted. In this restricted sense, the 'dalits' include only the 'outcastes', or 'Harijans', as Gandhi called them, or Scheduled Castes (SCs), as the Mandal Commission calls them. It was the neo-Buddhist activists, the followers of Babasaheb Ambedkar, in the early seventies, who began to use the term 'dalit' in its modern restricted meaning, to apply only to the SCs. The term 'dalit' here implies "those who have been broken, ground down by those above them in a deliberate and active way. There is, in the word itself, an inherent denial of pollution, *karma* and justified caste hierarchy" (Zelliot 1978). The 'dalit' movements of the past two decades (ever since the word has become popular) have been mainly confined to 'ex-untouchables'. Those who do not object to call themselves HARIJANS, also prefer to call themselves DALITS, though many modern 'dalits' refuse to call themselves 'harijans'.

In legal parlance, the ex-untouchables are called Scheduled Castes (SCs). But some of the ex-untouchables, especially those converted to Christianity or Islam, are not included in the legal category of SCs. In the past, these castes were called *ādi-sudras* or *avarna*, placed outside the *Caturvarna* system. They were also called *asudh* ie. untouchable. Their touch, and sometimes their shadows, and even voices, are believed to pollute caste Hindus! Legally they are no longer untouchables, though in practice many of them still bear that stigma, and suffer discrimination.

II. The OBC's Attitude to the Dalits

The average OBC's attitude to the dalits is full of contempt for the lowly dalit, and a sense of superiority of the OBC over the dalit. Social activists who work in solidarity with the dalits for dalit resurgence know, that the dalits very often hate the OBCs more than they hate

the attitudes of the upper castes. The dalits have to suffer some of the most humiliating and dehumanising caste tyrannies not from the upper castes, but from the well-to-do OBCs. Hence, if the historic experience is anything to go by, the dalits of India cannot expect the OBCs to behave like fellow sufferers who will be automatically supportive of the struggles of the dalits for liberation, equality and dignity.

12. The Mandal Commission Report and The Future of Dalits

If the recommendations of the Mandal commission Report are seriously and honestly implemented, the status of the OBCs, who form 52% of India's population, is sure to improve. But one cannot take it for granted that this will be a great boon to the dalits of India. At least in the short run, the tensions between the OBCs and the dalits in India are likely to remain. But politically, there seems to be a likelihood of the OBCs and the dalits forming joint fronts in their battles for dignity against the upper castes. Whether this sort of solidarity in struggles for justice and dignity will create some new consciousness of human equality among all the oppressed peoples of India is yet to be seen. My own perception is that the Dalits of India would have to forge their own independent liberation movements and struggles to achieve more parity with the OBCs of India. The dalits simply cannot count on the OBCs to be really supportive of the dalit liberation movements. It is true that if a common front could be forged between the dalits, the tribals and the OBCs of India, the persistent phenomenon of this country, of the upper caste domination in the socio-political and economic life of this country, can be effectively tackled. But, even if such a united front comes into being, the dalits of India should carry on their separate battles and counter-cultural movements. One possible future danger is that the implementation of the Mandal Commission Report will strengthen the 52% OBCs, and they in their turn join hands with the upper castes to isolate and tyrannise over the dalits and the tribals of India! Unfortunately, I do not see this as an impossible future scenario of India!