

Zusammenfassung des Berichts der 'Mandal Commission'

Chapter I—The First Backward Classes Commission

The First Backward Classes Commission was set up on January 29th, 1953 and it submitted its report on March 31st, 1955. On the basis of criteria evolved by it, the Commission listed 2,399 castes as socially and educationally backward. It recommended various welfare measures for OBCs including reservation in Government services and educational institutions.

The Central Government did not accept the recommendations of the Commission on the ground that it had not applied any objective tests for identifying Backward Classes. Five out of the 11 Members of the Commission had given notes of dissent. The Government felt that the Commission had classified a very large section of the population as backward and if special assistance had to be extended to all these people, "the really needy will be swamped by the multitude". The Government was also opposed to the adoption of caste as one of the criterion for backwardness and preferred the application of economic tests.

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.

Chapter II—Status of OBCs in Some States

It is for nearly 100 years that Provincial Governments in India have been implementing special programmes for the welfare of depressed and backward classes. Madras Government took the lead by framing Grant-in Aid Code in 1885 to regulate financial aid to educational institutions for backward classes students. Mysore State was the next to follow and, by now, all the Southern States are implementing fairly comprehensive programmes for OBCs. As on date 16 States and 2 Union Territories are providing special assistance of varying degrees to Other Backward Classes. Ten State Governments are doing so on the basis of recommendations made by Backward Classes Commission specially set up by them in this behalf and the others are doing in an *ad hoc* manner.

Special concessions like reservation of jobs in Government employment and seats in educational institutions; financial assistance; subsidised educational facilities, etc. are being given by several State Governments to OBCs. Southern States have done much more work in this connection as compared to the rest of the country. Karnataka has reserved 48% of all Government jobs for OBC candidates in addition to 18% for SCs and STs. In the case of Tamil Nadu, these figures stand 50% and 18% respectively.

Chapter III—Methodology and Data Base

One serious defect noticed by the Government in the report of first Backward Classes Commission was that it had not formulated any objective criteria for classifying Other Backward Classes. The need for field surveys and formulation of objective tests has also been repeatedly emphasised by the Supreme Court in several cases. In view of this, the Commission has taken special care to tap a number of independent sources for the collection of primary

data. Some of the important measures taken in this connection were: seminar of sociologists on social backwardness; issue of three sets of questionnaires to State Governments Central Government and the public; extensive touring of the country by the Commission, taking evidence of legislators, eminent public men, sociologists, etc.; undertaking a country-wide socio-educational survey; preparation of reports on some important issues by specialised agencies; analysis of census data, etc., etc.

By adopting this multilateral approach the Commission was able to cast its net far and wide and prepared a very firm and dependable data base for its Report.

Chapter IV—Social Backwardness and Caste

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.

This manner of stratification of society gave the higher castes deep-rooted vested interests in the perpetuation of the system. The priestly castes evolved an elaborate and subtle scheme of scripture, ritual and mythology and perpetuate their supremacy and, hold the lower castes in bondage for ages. Most of our Shastras uphold the four-fold Varna system and, because of this religious sanction, caste system has lasted longer than most other social institutions based on inequality and inequity.

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.

Chapter V—Social Dynamics of Castes

Caste system has been able to survive over the centuries because of its inherent resilience and its ability to adjust itself to the ever changing social reality. The traditional view of caste system, as contained in Chapter IV, is based more on Hindu Shastras than the actual state of social reality. Moreover, caste restrictions have loosened considerably as a result of the rule of law introduced by the British, urbanisation, industrialisation, spread of mass education and, above all, the introduction of adult franchise after independence. But all the above changes mark only shift of emphasis and not any material alteration in the basic structure of caste.

It is generally agreed that whereas certain caste taboos have weakened as a result of the above changes, the importance of casteism in Indian politics is on the increase. This perhaps, was inevitable. Caste system provided the political leadership with readymade channels of communication and mobilisation and, in view of this, the importance of caste was bound to increase in Indian politics. As Rajni Kothari has observed, "those in India who complain of 'casteism' in politics are really looking for a sort of politics which has no basis in society."

The pace of social mobility is no doubt increasing and some traditional features of caste system have inevitably weakened. But what caste has lost on the ritual front, it has more than gained on the political front. In view of this it will be unrealistic to assume that the institution of caste will wither away in the foreseeable future.

Chapter VI—Social Justice, Merit and Privilege

Equality before the law is a basic Fundamental Right guaranteed under Article 14 of the Constitution. But the principle of 'equality' 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 under-privileged 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. Some people consider provisions like reservation of posts for backward classes, etc., as a violation of their Fundamental Right and denial of meritorious person's legitimate due. In fact, '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.

Chapter VII—Social Justice, Constitution and the Law

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 in sizeable body of case law has grown on the subject and a gist of it is given below.

Caste is an important factor in the identification of Other Backward Classes 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(5). 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.

Chapter VIII—North South Comparison of OBC Welfare

Southern States have done much more for the welfare of Other Backward Classes than Northern States. Moreover, in the South the whole operation was conducted quite smoothly whereas in the North even modest welfare measures for OBCs have given rise to sharp resistance. The Commission approached Tata Institute of Social Sciences, Bombay, to prepare a comparative study of the 4 States of Tamil Nadu, Karnataka, Bihar and Uttar Pradesh, so as to have better appreciation of this phenomenon.

Tata Institute Study formulated a number of hypotheses in this regard. They are : Reservation scheme had a much longer history in the South; forward castes were more divided among themselves in the South; OBCs were not getting along very well with SCs/STs in the North and thus divided the backward classes movement; backward classes were more politicised in the South; reservation scheme was introduced too suddenly in the North; the capacity of backward classes to retaliate depends upon their numbers, political consciousness, dominance and perceived lack of alternative opportunities; more rapid expansion of tertiary sector gave opening to forward castes in the South which was not available to the same extent in the North, etc.

Tata Institute Study supports the above hypotheses by citing a number of examples and historical developments in the 4 States under consideration.

Chapter IX—Evidence by Central and State Governments

Two sets of questionnaires were circulated to all State Governments, Union Territories and Ministries and Departments of Central Government for eliciting information on various aspects of our inquiry. These questionnaires were designed to obtain a comparative picture of status of backward classes in various States, steps taken for their welfare, views of various Government agencies on the question of social and educational backwardness and any useful suggestions regarding the Commission's terms of reference.

Most of the State Governments favoured caste as an important criteria for determining social and educational backwardness. Some States preferred economic criteria and some a combination of caste and means-test. Eighteen State Governments and Union Territories have taken special steps for the welfare of Other Backward Classes, though there is wide variation in the quantum of assistance provided by them. For instance, reservation in Government services for OBCs ranges from 50% in the case of Karnataka and Tamil Nadu and 5% in Punjab and nil in the case of Rajasthan, Orissa, Delhi, etc. Representation of OBCs in local bodies, State Public Service Commissions, High Courts, etc., is also negligible. Social discrimination is still practised against OBCs. There are a number of castes and communities which are treated as untouchables though they have not been included in the list of Scheduled Castes. All the State Governments which have launched programmes for the welfare of

backward classes have to fund the same from their own resources as no separate Plan allocation is made by the Centre for this purpose.

Most States have reported loss of employment by village artisans owing to the introduction of machines, change in consumption patterns, etc.

From the information supplied by the Central Government Ministries and Departments it is seen that Other Backward Classes constitute 12.55% of the total number of Government employees, whereas their aggregate population is 52%. Their representation in Class I jobs is only 4.69%, i.e., less than 1/10th of their proportion to the country's total population.

Chapter X—Evidence by the Public

Nearly 2/3rd of the respondents to our questionnaire for General Public felt that no material changes have taken place in the country's caste structure since Independence. Regarding criterion for identifying backwardness, nearly 3/4th of the respondents favoured caste. More than 3/4th of the respondents also complained of various disabilities suffered by backward classes and many felt that no concrete steps have been taken to remove them. They wanted job reservation quotas to be enhanced and more educational concessions to be given to the children of OBC. Ameliorative measures suggested for OBCs were: reservation in Government employment and educational institutions; grant of interest free loans, free distribution of agricultural land and house sites; etc.

In their evidence before the Commission, Members of Sixth and Seventh Lok Sabha also expressed views similar to those summarised above. Some MPs warned against malicious propaganda being carried on by vested interests to create conflict between OBCs and SCs and STs. Some stated that the Commission should adopt those criteria for determining backwardness which have been tested before the Courts. They also suggested that the lists of OBCs prepared by State Governments and accepted by the courts should be adopted by the Commission *in toto*.

During the Commission's tour to various States, a large number of representations were received for including particular castes in the list of OBCs. Most of the other respondents expressed similar views on the criteria for identifying backward classes and measures to be taken for their upliftment as already indicated above.

Chapter XI—Socio-Educational Field Survey—Criteria for Backwardness

A country-wide socio-educational survey covering 405 out of 407 Districts was conducted with the help of Bureau of Economics and Statistics of various states from February to June, 1980. Voluminous data gathered from the Survey was computersied and 31 primary tables were generated from this data in respect of each State and Union Territory. On the basis of these tables, 11 Indicators or Criteria for social and educational backwardness were derived and they were grouped under 3 broad heads, i.e., Social, Educational and Economic. In view of their relative importance, 3 points were assigned to each one of the Social Indicators, 2 to Educational Indicators and 1 to Economic Indicators. This added upto a total score of 22 points. All these 11 indicators were applied

to each one of the castes covered by the Survey in each State. Castes obtaining a minimum score of 11 points on this scale were listed as socially and educationally backward.

Chapter XII—Identification of OBCs

A large number of castes were identified as backward in each State as a result of the Socio-Educational Survey. As this Survey covered only 2 villages and one urban block per District, a large number of Castes were naturally left out. Moreover, in some cases, the size of the sample was so small that the results were not dependable.

In view of this, two supplementary approaches were adopted to prepare complete lists of OBCs for each State. First, State-wise list of the 11 groups of primitive tribes, exterior castes, criminal tribes, etc. contained in the Registrar General of India's compilation of 1961 were culled and included in the Commission's lists of OBCs. This was done as the social and educational status of these castes and communities was more or less akin to Scheduled Castes and Scheduled Tribes. Secondly, based on the public evidence and personal knowledge of the Members of the Commission, State wise list of those OBCs were drawn up which could not be covered by the socio-educational survey.

It was as a result of this three pronged approach that State lists of OBCs (Volume-III) were prepared.

From the results of the field survey it was seen that some of the well-known OBCs which were also included in the lists of backward classes notified by various State Governments were not ranked as 'backward' in the survey. This is unavoidable in any sociological survey based on Statistical methods. Such aberrations were corrected in the light of the other field evidence available with the Commission.

The set of eleven Indicators (criteria), being caste-based, could not be applied to non-Hindu communities. In view of this, a separate set of 3 criteria was evolved for the identification of non-Hindu backward communities.

On the basis of the available census data, the population of Hindu and non-Hindu OBCs was estimated to be 52% of the total population of India. This is in addition to the population of Scheduled Castes and Scheduled Tribes which amounts to 22.5%.

Chapter XIII—Recommendations

Reservation for SCs and STs is in proportion to their population, i.e., 22.5%. But as there is a legal obligation to keep reservations under Articles 15(4) and 16(4) of the Constitution below 50%, the Commission recommends a reservation of 27% for OBCs. This reservation should apply to all Government services as well as technical and professional institutions, both in the Centre and the States.

Special educational facilities designed at upgrading the cultural environment of the students should be created in a phased manner in selected areas containing high concentration of OBCs. Special emphasis should be placed on vocational training. 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.

Special programmes for upgrading the skills of village artisans should be prepared and subsidised loans from financial institutions granted to them for setting up small scale industries. 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.

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 of 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, OBCs will never become truly independent. In view of this, highest priority should be given to radical land reforms by all the States.

At present no Central assistance is available to any State for implementing any welfare measures for Other Backward Classes. Several State Governments expressed their helplessness in undertaking more purposeful development programmes for backward classes in view of lack of resources. It is, therefore, recommended that welfare programmes specially designed for OBC should be financed by the Central Government in the same manner and to the same extent as done in the case of SCs and STs.

Religion Resides in Our Hearts, Not on Throne of Power

V.P. SINGH

The following is the text of Prime Minister V.P. Singh's address to the nation, broadcast and telecast in the night of November 9, 1990, before he laid down office.

Dear Friends,
I have bid goodbye to the government to return once more to you. I look forward to this reunion. I came to the government on issues, and it is on issues I am leaving. The National Front Government has gone but we have not lost our courage. Our courage came from you, and it is this courage that will endure us in our fight for national unity, social and economic justice, and communal harmony.

If some of my actions have pleased you then I feel fulfilled. But if some have angered you, that anger is a part of the burden I must bear. It is your duty and your right to express your displeasure, as it is mine to accept both your anger and your affection. I accept both because I have an abiding faith in your judgement and fairness.

Our country, our society, has been born of the confluence of the greatest religions of the world. Hinduism is, above all, a religion of synthesis. It has united the animate with the inanimate; the soul of one with the soul of all; the *atma* with the *Paramatma*. Islam teaches brotherhood and equality; Christianity lit the lamp of compassion; Buddhism and Jainism brought the message of non-violence; Sikhism opened its doors to the people of all castes, religions and social strata. Where in all this is a conflict? The conflict is elsewhere and religion is only a pretext.

Religion is the lamp of the soul. Let it light your way. Do not use it to ignite the flame of hatred. If you do so, the temple of mother India will be reduced to ashes. I beseech you, do not let this happen. Religion belongs in our hearts, not on the throne of power.

Today, we face the supreme test. We must decide on the basis of principles whether we will uphold the rule of law and the sanctity of our Constitution, or violate them and run the Indian state through force and coercion. Shall religious polarisation divide the country?

Who is opposed to a temple dedicated to Sri Ram built in Ayodhya? But has it to be done in violation of court orders and by breaking down the mosque?

I have sacrificed my government on this one issue. I shall devote my whole life, if necessary, to resolving this dispute. But I want all of you to remember that a resolution that comes out of mutual respect and generosity of spirit will be the strongest foundation of this nation's unity and an abiding testament to religious tolerance. I wish to thank from the bottom of my heart all those who have worked with total sincerity to resolve this problem. I also urge the nation to enact a law in Parliament that will protect the status of every existing mosque, temple or other religious shrine as of a given date, so that no such dispute can arise in the future.

To build our society we must eliminate entrenched injustice and inequality. We must do this not with anger but with compassion; not with confrontation but through cooperation. If some of us are weak or deprived, we must bring them forward. The nation is a family and we must run it, if necessary, by denying ourselves some of our wants — that is the duty of the elder brother to his weaker brethren and that is the basis of social justice.

My government decided to give the youth and the backward classes some concessions. But somehow these were misunderstood and an atmosphere was created in which many young people decided to immolate themselves. My heart will forever be heavy. These were our own children. They turned away from me but how can I turn away from them? The future of every child is the responsibility of us. It is our duty to make him or her a good human being who fights not only for himself or herself but for others. Only those who are capable of rising to this challenge have in them the seeds of greatness.

In this year of social justice dedicated to the memory of Babasaheb Bhimrao Ambedkar, we tried to light the lamp of hope in the hearts of those who have suffered from thousands of years of discrimination and deprivation. Once I am free of the obligations of the government, I hope to be able to devote myself to instilling courage in them. Our *advais*, who live in