

RESERVATIONS

- PHILOSOPHY,
- MISCONCEPTIONS
- THE OBC FACTOR
&
- ACTION PLAN

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I – SCOPE & APPLICABILITY OF RESERVATIONS

Before beginning the discussion about policy of Reservations, let us see the employment scenario in India. Entire employment can be divided into

A] Un-organized / Informal sector – Here falls all sorts self employment and employment provided by micro, small, individual, un-registered, un-licensed firms, economic / business activities where various labour laws and social security laws could not be made applicable because of their peculiar nature and non maintenance of any record, any data. This is therefore a self governed sector and unregulated by any government machinery, government laws, rules and procedures.

This sector constitutes roughly 90% of total employment.

B] Organized / Formal sector - Here the employment is provided by formally registered / licensed firms, companies, undertakings in accordance with various labour laws and social security laws. This sector constitutes remaining 10% of total employment out of which 8% employment is provided by private / corporate sector and only 2% by government / public sector. Out of this 50% post are filled up through seniority and promotions and remaining 50% are filled up by direct recruitment through open competition.

So in totality it is only 1% government / public space of employment in which the Constitutional policy of protective action in the form of “Reservations” to SC, ST, OBC categories is applicable. And statistics show that the Reservations for OBC, SC, ST categories even in this 1% government space are not FULLY implemented.

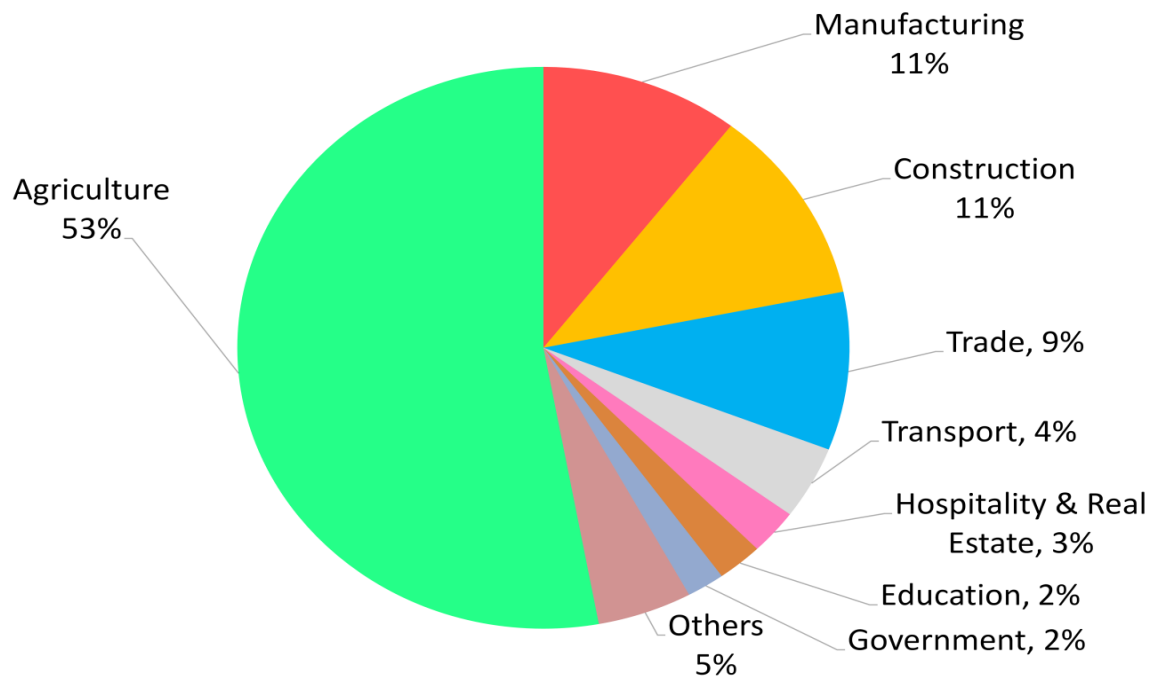
The entire discourse, discussion, controversy, objection and allegation on “Reservations” is limited to this miniscule 1% space while the remaining employment space created by private / corporate sector remains dominated by the Savarna / Forward castes and which has emphatically refused to adopt the policy of Reservations.

Nobody is uttering a word, leave aside any talks / discussions, about this near monopolization of huge employment space, vast economic and natural resources under the tight grasps of private / corporate sector because of deliberate, systemic and institutional exclusion of SC, ST, OBC categories.

Government had in principle accepted the necessity of protection of Reservations in private sector hence policy of Reservation is made applicable in PRIVATE educational institutes and PRIVATE colleges, so if **education in private sector** can be brought under the ambit of Reservations, than **employment in private sector** can also be brought under the scheme of Reservations.

The necessity of protective and participative policy of Reservations becomes **intensified** for private / corporate sector because here the scope for social bias and discrimination is very wide and absolute in the absence of any constitutional mandate of ensuring social parity and justice **by the Non Governmental sector and other Non State entities**. The instincts and urge for restricting the ownership and control of vast economic and natural resources along with commercial and monetary gains, ONLY within the same social hierarchical groups override the noble philosophy of equitable distribution of resources.

Employment by Sector (%) 2009-10



NSSO 66th Nationwide Survey, Planning Commission, Government of India (June 3, 2014), pp 116.

II - GENESIS / ORIGIN OF POLICY OF RESERVATIONS.

The Originator of this protective, participative, affirmative thought was **Mahatma Jyotirao Phule** who is also known as **“Father of Social Revolution”** in Modern India.

Lord Ripon appointed the first Indian Education Commission on 3rd February **1882** to inquire, investigate into the condition of Education system with emphasis on Primary education and submit his recommendations. Sir William Hunter (a member of viceroy’s Executive Council) was appointed as the chairman of the commission. Besides the chairman, the commission consisted of 20 other members. There was a good representation of missionaries and Indians in the commission. Among the Indian members were Syed Mahmud, Bhudev Mukherjee, Anand Mohan Bose and K.T.Telang.

In his 6 pages Memorandum submitted to Hunter Commission, Mahatma Jyotirao Phule, on page 2, para 2, records -

“One of the most glaring tendencies of Government system of high class education has been the virtual monopoly of all the higher offices under them by Brahmins. If the welfare of Ryot (common masses) is at heart, if it is the duty of the Government to check a host of abuses, it behoves them to narrow this monopoly day by day so as to allow a sprinkling of the other castes to get into the public services.”

He pointed out 2 important issues, first - virtual monopoly of all the higher offices under British government by Brahmins and second – abuse of this monopoly to the disadvantage of the other castes. The question is how the abuse of this monopoly in administration was adversely affecting the educational interests of Backward Castes ?

The Brahmins being the traditional upholders of the Bramhinical Social Order (BSO) believed that it’s their foremost religious duty to obey and enforce the rules and regulations prescribed by the ancient Bramhinical scriptures (Vedas, Puranas, Shastras, Smritis), these scriptures have limited the acquiring and pursuing of knowledge and education only to Brahmin Varna and not only prohibited the Shudras & Ati Shudras, that is Backward castes (OBC) and Untouchable castes (SC) but also prescribed atrocious punishments for trying to receive, acquire and pursue any kind of knowledge and education.

Thus it had become the mental construct of this class to violently disallow any efforts by the backward castes to seek education, this was put to strict practice and made a socio-religious norm. Jyotirao Phule put forth the root cause of the hapless and hopeless conditions of the Primary Education system in the obstructive, negative and contemptuous approach of Brahmins towards attempts of Backward castes to secure any sort of education.

The 90% masses for which the Primary education was essentially required were that from Backward castes - Shudras & Ati Shudras (OBC, SC, ST) and the school teachers in all of the schools were invariably from Brahmin castes who were reluctant to even see the students of Backward castes sitting alongside with students of upper castes. Many of the parents of upper castes students used to threaten to withdraw their children from schools if backward castes students were given admissions.

The Brahmin instructors, officials who were in the lower level administration in the department of education were therefore not inclined to suggest and recommend any improvements for the betterment of the standards of the government schools. Had the officials in administration been appointed from all castes, then those from backward castes would have been more sympathetic towards the issues

concerning with the interests of backward castes. Therefore Jyotirao Phule suggested introducing free and compulsory primary education to all the children, training of teachers from backward castes and also suggested that **for the effective monitoring and implementation of policies related to backward castes, there should be representation of backward castes in the public offices and administration.**

This recommendation laid down the foundation of the origination of the protective and participative policy of Reservations in modern India. (Though these suggestions were not acted upon by British government later on the government of free India realized their importance after 120 years, in **2002**, the year in which primary education was made compulsory and also a “Fundamental Right” by inserting Article 21A. To give effect to this Constitutional Amendment Right To Education Act was framed in 2009.)

The King of Kolhapur Princely State in Maharashtra - **Chatrapati Shahu Maharaj**, who was the ardent follower of Jyotirao Phule, was a visionary and benevolent ruler, implemented the recommendations given by Jyotirao Phule to the first Indian Education Commission and introduced **50% Reservation** to all Backward Castes in the services of Kolhapur Princely state on **26 July 1902** and specifically **excluded 4** Forward Castes - Brahmin, Shenvi, Prabhu, Parsi.

He also established separate boarding schools, hostels for the students of backward castes and provided free education to the students of backward castes.

Dr B R Ambedkar, whose higher education was financed by Chatrapati Shahu Maharaj and who regarded Jyotirao Phule as his mentor, eloquently justified the necessity of the policy of Reservations for the backward castes in education and employment which was admitted and passed by the Constituent Assembly thus making it a Constitutional policy.



His Highness Chhatrapati Shahuji Maharaja

Notification

General Department

Kolhapur, Dated 26th July, 1902, No. 11

Endeavors have been made in recent years in the Kolhapur State to foster and encourage the education of all classes of the subjects, so far, but His Highness regrets to have to record that those endeavors have not in the case of the more backward classes met with the success that was hoped for. His Highness, has had the matter under very careful consideration, has come to the conclusion that this want of success is due to the fact that the rewards for the higher education are not sufficiently widely distributed.

To remedy this to a certain extent and to establish within the State an incentive to the backward classes of His Highness's subjects to study upto a higher standard His Highness has decided that it is desirable to recover for those classes a larger share of employment in the State service's; than has hitherto been the case.

In the pursuance of this policy His Highness is pleased to direct that from the date of this order, 50 per cent of the vacancies of that may occur shall be filled by recruits from among the backward classes. In all offices in which the proportion of officers of the backward classes at present is less than 50 per cent, the next appointment shall be given to a member of those classes.

A quarterly return of all appointments made after the Issue of this order shall be submitted by all Heads of Departments.

For the purpose of these orders the backward classes shall be understood to mean all castes other than Brahmins, Prabhus, Shenavis, Parsees and other advanced classes.

- By Order of His Highness Chhatrapati Maharaja

- K. N. Pandit, Acting Diwan

(करवीर सरकारचे गॅझेट, भाग १, २६ जुलै १९०२)

III - OBJECTIVES BEHIND RESERVATIONS.

- 1) Reservations are meant to provide **PROTECTION** to OBC SC ST people from being discriminated in Education and Employment.
- 2) Reservations are NOT meant to provide education and employment to OBC SC ST categories.
- 3) Reservations are meant to ensure **PARTICIPATION** of OBC SC ST categories in Education.
- 4) Reservations are meant to ensure **REPRESENTATION** of OBC SC ST categories in policy making and implementation by government and administration.
- 5) Reservations are meant for removing **Social and Educational** backwardness among OBC SC ST categories.
- 6) Reservations are NOT meant for removing economic backwardness.
- 7) Reservations are also meant to **EXCLUDE** those groups who are **over** represented in government and administration so as to reduce the scope of abuse of monopoly.
- 8) Reservations are meant for **EQUITABLE SHARING** of economic and natural resources of the country.
- 9) Reservations are meant for establishing **SOCIAL & ECONOMIC DEMOCRACY**.
- 10) Reservations are in the form of **Justice**.

IV - WHY RESERVATIONS ARE PROVIDED ON THE BASIS OF SOCIAL STATUS & NOT ON ECONOMIC STATUS.

Discrimination is based on caste status / Varna status and not on economic status, the **Other Backward Classes (OBC)** were deprived of their educational rights, economic rights, occupational rights and were treated as slave class for upper three varnas - Brahmin, Kshatriyas & Vaishyas and degraded as SHUDRA Varna.

Scheduled castes (SC), along with all the above mentioned disabilities of Shudras, were further dehumanized as Untouchables, Unseeables, Unaudibles and Unapproachables.

Scheduled tribes (ST) i.e. tribals, adivasis remained cut off from the urban/rural social life and remained in their hunting, food gathering stages confined to forests.

OBC SC ST people were/are not discriminated because they were/are poor but because of their **lower social status** and the CASTE still, unfortunately, determines the social status of an individual in India. The social status decides the social behavior, not the educational or economic status.

- The POOR of SC ST BC also face discrimination and RICH of SC ST BC also face discrimination.
- Those staying in RURAL areas are also discriminated as well as those in URBAN areas.
- Those who are EDUCATED are also discriminated as well as those who are illiterate.
- Those who are EMPLOYED are also discriminated as well as those who are JOBLESS.
- Those who are employed in GOVT sector are also discriminated as well as those in PRIVATE sector.
- The bureaucrats, judges, ministers as well as those holding constitutional posts are also discriminated and common man from SC ST BC is also subjected to discrimination.

This becomes more clear if we appreciate the various dimensions & differences between Social Backwardness and Economic Backwardness.

SOCIAL BACKWARDNESS VERSUS ECONOMICAL BACKWARDNESS.

Social backwardness is the CAUSE of Educational backwardness, Economic backwardness and economic deprivation. The Constitution makers, the members of Constituent Assembly believed that once social backwardness is removed there will be no hindrance for economic progress. The poverty and deprivation in SC ST OBC categories is the result of discrimination and inequality meted out to BC. Reservations are not any poverty eradication programme OR employment generation scheme OR economic empowerment policy.

In OTHER COUNTRIES economic backwardness is the CAUSE for social backwardness but in India SOCIAL backwardness is the cause of economic backwardness. Hence Social Backwardness is made the parameter for providing Reservations and therefore placed in Fundamental rights.

N O	SOCIAL BACKWARDNESS / SOCIAL PROTECTION	ECONOMIC BACKWARDNESS / ECONOMIC PROTECTION
1	Provisions in Fundamental Rights – Part 3 of Constitution.	Provisions in Directive Principles of State policy – Part 4 of Constitution
2	Art 15 (4) (5) and 16 (4) (4A) (4B).	Art 38, 39, 41, 42, 43, 46.
3	For Social protection of SC (Untouchable castes) ST (Adivasis) OBC, VJ, NT, DNT (Shudra castes) from discrimination in education & services.	For removing poverty, for economic empowerment & for providing employment to POOR among ALL castes & classes.
4	For establishing SOCIAL equality by removing SOCIAL backwardness.	For establishing ECONOMIC equality by removing ECONOMIC backwardness.
5	Social backwardness in OBC, SC, ST categories was the result of discrimination, unequal treatment and denial of opportunities.	Economic backwardness among OBC, SC, ST categories is due to social backwardness while economic backwardness among Forward castes is NOT due to social backwardness but because of their individual reasons.
6	Social backwardness among OBC, SC, ST categories is a GROUP phenomenon hence entire groups (not individuals) are provided protection of Reservations.	Economic backwardness among OBC, SC, ST categories is also a GROUP phenomenon but Economic backwardness among Forward castes is an individual phenomenon.
7	Poor among Forward castes are constitutionally NOT eligible for Reservations because they were not subjected to discrimination, unequal treatment and denial of opportunities.	Poor among Forward castes are constitutionally eligible for enrolling themselves in all the schemes / programmes for economic empowerment, for employment generation and for removing poverty.
8	Poor among OBC, SC, ST who are in a crippled financial position and therefore could not avail the benefits of Reservations in Education/Services ENROLL themselves in all the schemes / programmes for economic empowerment, for employment generation and for removing poverty.	Poor among Forward Castes who are in a crippled financial position DO NOT ENROLL themselves in the schemes / programmes for economic empowerment, for employment generation and for removing poverty but instead are demanding Reservations.

POVERTY IN BACKWARD CASTES VIS A VIS POVERTY IN FORWARD CASTES

It is a usual and very casual opinion held by the proponents of Economic criteria that poor in backward class should not be differentiated from poor in forward class as both require help / assistance from the government and therefore poor from forward castes should also be extended Reservations. The origin of this argument is basically from a flawed and erroneous assumption that Reservations are meant for removing poverty, for economic empowerment & for providing employment **which is not the case** as already discussed above.

Secondly neither the poor from Backward castes nor the poor from forward castes are in a position to avail the benefits of Reservations because of the expenses required to be incurred in educating their children. How many poor from backward castes, in both rural and urban areas, are able to ensure even primary education of their kids ? How many poor from backward castes, in both rural and urban areas, are able to ensure education of their kids till 10th and 12th standard ? How much is the **NUMBER** of such people ? Approximately two thirds. Do Reservations have any meaning for such people ?

So what do these poor people from backward castes do ? They enroll themselves in different schemes / programmes of State as well as Central government for employment, for their economic empowerment and for removing poverty. They provide labour for digging wells, for constructing roads and canals under MNREGA for example. Their immediate requirement is survival.

Now take the case of **poor in forward castes**, how much is the **NUMBER** of poor from forward castes, in both rural and urban areas, who are **UNABLE** to ensure even primary education of their kids ? How much is the **NUMBER** of poor from forward castes, in both rural and urban areas, who are **UNABLE** to ensure education of their kids till 10th and 12th standard ? It's a very very thin number.

So what should these poor people from forward castes do ? They should also enroll themselves in different schemes / programmes of State as well as Central government for employment, for their economic empowerment and for removing poverty. They should also provide labour for digging wells, for constructing roads and canals under MNREGA for example.

Do we see any forward castes people working under MNREGA or any other such scheme ? **No, why ?** Because the severity and intensity of poverty is not to that extent mandating manual labour. **So how can it be said that poor in backward castes stand on one and the same footing as that of poor in forward castes ?**

The reason and nature of poverty in backward castes is different from that in forward castes, the **reason of poverty** in backward castes is because of discrimination as well as deprivation from educational, economic and occupational rights. What could be the reason of poverty in forward castes when they themselves had monopoly over land, economic resources and occupational avenues ? What could be the reason of poverty in forward castes when they were at the top of social hierarchy ? What could be the reason of poverty in forward castes when the State and political power protected and maintained their privileges by upholding the rules of Varnashrama Dharma and Caste system ?

If a social group who had enjoyed control over the social order, economic resources and political power for thousands of years but still lands in poverty then the reasons might be one of the following :-

- 1] Misutilisation/wastage of resources.
- 2] Inability to generate alternate resources.
- 3] Lack of equitable sharing and distribution of resources among themselves during needs.

The **nature of poverty** in backward castes is a GROUP phenomenon therefore three fourths of the people form OBC, SC, ST are suffering in poverty, where the entire groups are excluded while poverty in forward castes is an INDIVIDUAL phenomenon hence only a microscopic, handful of individuals have landed themselves in poverty.

V- 1st MISCONCEPTION “RESERVATIONS ARE BASED ON CASTES”

This is a very popular but false notion in the mind of the people of both the Forward castes as well as Backward Castes who held that CASTE is the criteria for providing Reservations to OBC SC ST people. This misconception can be cleared by following two contentions :-

First - Had Reservations been based on Castes, the **Scheduled Tribes (ST)** that is Adivasis, tribals would not have been eligible for the protection of Reservations because there are no castes among the tribals and Adivasis. Their society is not based on caste groups, it is not a vertically stratified society. Hence they are called Scheduled “**Tribes**” not “**Castes**”. **Tribes are not castes, tribal groups are not caste groups.** They are “clans”. There is no higher or lower social status accorded to any tribe, any clan, all tribes and clans are having equal social status and equal social recognition in their society.

There is no such discrimination among the tribals themselves, there is no caste / varna system / untouchability among tribals. In Caste / Varna system **women** are not regarded as equals and are deprived of their social, economic, marital, family, religious, political rights while in Tribal society women are equally and respectfully treated and endowed with all the rights. So if **Scheduled Tribes (ST)** are getting the protection of Reservations even in the absence of Caste this shows that Caste is not the criteria for providing Reservations.

Second – Had Caste been the criteria for providing Reservations then the Medical, Engineering colleges, Institutions like IIT, IIM, IISC etc would have been required to give admission to even a 12th failed student, from OBC, SC, ST category possessing a valid CASTE CERTIFICATE. Or any State/Central government department would have been required to give employment to any student, from OBC, SC, ST category possessing a valid CASTE CERTIFICATE, irrespective of his educational qualifications. But this does not happen which indicate that “Caste” is not the parameter for being eligible to avail the protection of Reservations.

So having established that Reservations are NOT based on Castes, it is also necessary to put forth as to what forms the basis of Reservations ? **On what criteria / principle Reservations are based upon ?** So as to find answer to this question we need to find out what are the common factors in all 3 different groups - **Scheduled Castes** (who are the untouchable castes) **Scheduled Tribes** (who are the tribals, adivasis residing in forests) and **Other Backward Castes** (who are placed in lower social hierarchy and accorded lower social status).

The common factors, in all above 3 groups, which form the basis of affirmative policy in the form of Reservations in India are as under :-

- 1] **Inequality** - These groups were treated unequally.
- 2] **Discrimination** - These groups were discriminated to their disadvantage.
- 3] **Denial of Opportunities** - These groups were wrongfully denied the opportunities required for any human group to progress.

These are the principles on the basis of which the policy of affirmative action is based, not only in India **but in more than 76 countries of the world.** Let us test these principles with the policy of affirmative/participative/protective action in other countries. In USA, the policy of affirmative action for various racial minority groups is mandated for government sector vide **Civil Rights Act 1964**. For the non government corporate sector, private sector a new federal agency as a branch of U.S. Department of Labour, named “**Equal Employment Opportunity Commission**” was created to act as a Facilitator.

Sixty five major corporations having annual revenue that exceeds 1 trillion \$ like Microsoft, Alcoa, American Express, Boeing, John Hancock, Hewlet-Packard etc have argued *in favour of* affirmative policies, race conscious practices in hiring, training, development to improve the racial diversity of their talent pipeline and executive ranks. This open, healthy and positive approach of American corporate sector, has led to adoption of “Voluntary Affirmative policies” by many firms. The openness of glittering Hollywood industry for example, provided space to incredible and outstanding Black actors/actress which can be usually seen in every Hollywood films.

Now what forms the basis of Reservations to Blacks in America? Whether the affirmative policies towards Blacks are based on race, just like, what is said in India, that Reservations to OBC, SC, ST are based on castes ? Do Blacks and other minority racial groups qualify for affirmative actions only because they are Black or only because they belong to a particular race ? No, this is not the case. **The Blacks and other minority racial groups in America were treated unequally, they were discriminated to their disadvantage and because they were wrongfully denied the opportunities required to progress.**

Thus the first myth about Reservations in India stands busted. Those who are deliberately trying to propagate that Reservations are based on caste are not honest and courageous enough to admit the continued existence of discrimination and inequality in the Indian social system. They do not want to owe their very own, ancient, evil creation of Casteism on the contrary by linking caste with Reservations they are trying to portray that it is only because of the policy of Reservations that the Caste system exists and is being perpetuated.

Thus the Anti Reservationists are creating reverse argument that if you want to end Caste System you will have to scrap this Reservation policy. Such elements are also not taking any efforts to genuinely educate the masses for dispelling the false notions about superiority or inferiority of castes, to reduce the social distance among various caste groups and to lessen the caste based hatred. This task is also left on the shoulders of those who are victims of caste based discrimination.

Someone should tell these intellectual giants that the Reservation policy was introduced only in 1950, so does it means that Caste system did not exist prior to 1950 ?

VI -2nd MISCONCEPTION “ RESERVATIONS WERE ONLY FOR 10 YEARS”

It is commonly said that Reservations were meant initially for 10 years only but the same is being extended after every 10 years by the political parties so as to further their interests of vote banks. To dissect this misconception one needs to know the different types of Reservations and their constitutional provisions.

Constitution provides Reservations in 4 areas – Education, Employment, Lok Sabha and Legislative Assemblies of States. The Constitutional provisions are as under :-

1] Part 3 “Fundamental Rights” - Reservations in Education.

Art 15 (4) - Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

Art 15 (5) Nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30.]

In none of the above provisions it is specified that Reservations in Education were only for 10 years.

2] Part 3 “Fundamental Rights” - Reservations in Employment.

Art 16 (4) – Nothing in this article shall prevent the State from making any provision for 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.

Art 16 (4A) - Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.

Art 16 (4B) - Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty percent reservation on total number of vacancies of that year.

In none of the above provisions it is specified that Reservations in Employment were only for 10 years.

3] Part 16 “Special Provisions relating to certain classes” - Reservations in Lok Sabha.

Art 330. (1) Seats shall be reserved in the House of the People for — (a) the Scheduled Castes; (b) the Scheduled Tribes except the Scheduled Tribes in the autonomous districts of Assam; and (c) the Scheduled Tribes in the autonomous districts of Assam.

4] Part 16 “Special Provisions relating to certain classes” - Reservations in the Legislative Assembly of every State.

Art 332. (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, except the Scheduled Tribes in the autonomous districts of Assam, in the Legislative Assembly of every State.

The provision of expiry of Reservations after 10 years from commencement of Constitution is available in Art 334, Part 16 “Special Provisions relating to certain classes” and is related only to the Reservations in Lok Sabha & Legislative Assemblies

Art 334 is not applicable to Reservations in Education & Employment.

Art 334. Notwithstanding anything in the foregoing provisions of this Part, the provisions of this Constitution relating to— (a) the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People and in the Legislative Assemblies of the States; and (b) the representation of the Anglo-Indian community in the House of the People and in the Legislative Assemblies of the States by nomination, shall cease to have effect on the expiration of a period of [seventy years] from the commencement of this Constitution.

IT IS THIS ARTICLE 334 WHICH WAS AMENDED FROM TIME TO TIME TO EXTEND THE POLITICAL RESERVATIONS IN LOK SABHA & LEGISLATIVE ASSEMBLIES.

It is surprising that these political reservations were extended even when there is NO DEMAND from SC ST people, SC ST organizations have NOT asked the parties and politicians to do so. The SC ST community do not want these political reservations to continue as they are well aware that the SC ST Members of Parliament (MP) in Lok Sabha and SC ST Members of Legislative Assemblies (MLA) serve the society LESS and their respective parties MORE. These MPs and MLAs usually work as per the requirement of the parties and not as per the needs of the society.

India has not witnessed any agitation in support of political reservations, whatever demands and agitations are launched they are in support of reservations in education and employment only.

Thus the second myth that Reservations were meant initially for 10 years is only **partially correct** to the extent of political reservations, those who link this time period with Reservations in Education and Employment are mischievously trying to confuse and mislead the people with an intention to create hatred AGAINST the SC ST OBC people in the minds of Forward castes.

So what is the time period for Reservations in Education and Employment?

Constitution has not provided any time period for these Reservations, on the contrary these Reservations have been granted the constitutional status of “Fundamental Right” and is therefore placed in the part 3 along with other Fundamental Rights like Right to Life, Liberty, Freedom of Religion, Speech, Expression etc. If interpreted in congruence with other Fundamental rights it becomes clear that the right of Reservations in Education and Employment will stay as long as other Fundamental Rights continue to operate. There will be more clarity on this after the following two questions are probed into.

- > Why Reservations in Education and Employment was made a Fundamental Right ?**
- > Why Reservations in the nature of Fundamental rights were specified only in the areas of Education and Employment and not in other areas like Farming, Manual labour works etc ?**

It is because the Varnashrama Dharma and Caste based social order has not prevented, prohibited or deprived the Shudras and Ati Shudras from doing farming or other manual labour works. It was the Education and Employment in decent and dignified occupations which was denied to the backward castes. The society as a whole was made to believe that Education and Employment in decent and dignified occupations was not meant for the lower castes. It was enforced with all the might so that in the coming ages it became established as a social norm.

Any violation of this norm was dealt severely and at times it cost the life of the violators. We have gruesome examples of this not only in history but mythology also. This reality of Indian society was emphatically quoted by second National Commission for Backward Classes, popularly known as “**Mandal Commission**” in its report, submitted in 1980, Part I, page 58, Chapter 13, para 13.9, which is reproduced below :-

“In fact the Indian society has always operated a very rigorous scheme of Reservations, which was internalized through caste system. Eklavya lost his thumb and Shambhuk his neck for their breach of caste rules of Reservations”

So, the demand of the thumb of **Eklavya** (a tribal) by his Brahmin guru **Dronacharya** and beheading of **Shambhuk** (a lower caste) by King Rama was nothing but enforcement of these caste rules to prevent the Backward Castes from seeking and acquiring education. To sum up, the Bramhinal Social Order (BSO) had prescribed and enforced CAPITAL PUNISHMENT to backward castes for their attempt to seek, receive or pursue education.

Do we have any parallel of such kind in modern times ?? If one is compelled to relate this with Malala Yousafzai and Taliban then he or she should do it at his own risk. Jyotirao Phule was not only expelled from his house because he had opened school for educating the backward castes but hired assassins were sent to kill Jyotirao Phule. His wife, **Savitribai Phule**, who used to teach in that school was showered with stones, mud and dung because the socio-religious norm was being violated. And this is not thousand year’s old ancient history but only 165 years of modern history.

Most important is that in India the traditions, customs, ancient practices are considered more sacrosanct than laws, so if any law is made AGAINST traditions, customs, ancient practices that are against the constitutional values, people do not tend to obey that laws and it remain only on the law books. In 1965, **Deen Dayal Upadhyay**, the RSS ideologue and head of **Bharatiya Jan Sangha** (the precursor of BJP) had stated that “Traditions are more important than Parliament”.

This is the reason why the protection in the form of Reservations in Education and Employment were made a Fundamental Right, this is the reason why the right to practice any profession, to carry on any occupation, trade or business was made a fundamental right and this is also the reason why all fundamental rights are justiciable in nature, means the Supreme Court and High court are duty bound to hear if any of these fundamental rights are violated.

Till the time there exists the tendency and behavior in the society to discriminate and deprive the backward castes from their legitimate as well as natural rights, the protection in the form of Reservations in Education and Employment are going to stay.

VII - 3rd MISCONCEPTION “RESERVATIONS CANNOT EXCEED 50%.”

Most of us subscribe to this notion that the total percentage of Reservations should be within the limit of 50% set down by Supreme Court and Central / State Governments cannot increase the quantum of Reservations beyond 50%. Other Backward Classes, who constitute more than half of the population of this country and who should have extended **Proportional Reservations** (in tune with their needs / population) at least from 1955 are still deprived of their constitutional rights because of this imposition of 50% cap on Reservations by Supreme Court.

Whenever OBC demanded **Proportional Reservations** it was and is said that the quantum of Reservations cannot exceed 50% as this violates the Supreme Court direction. Does it mean that at present at Central as well as State level the percentage of Reservations is within 50% ? At the level of Central Government it is 49.5% and within the limit, what about State Governments ?

At present following States are providing above 50% Reservations

- 1) Tamil Nadu : **Total 69%**
 - = Scheduled Castes - 18%
 - Scheduled Tribes - 01%
 - Backward Class - 20%
 - Most Backward Class - 30%
- 2) Rajasthan : **Total 68%**
 - = Scheduled Castes - 16%
 - Scheduled Tribes - 12%
 - Other Backward Class - 21%
 - Economically Backward Class - 14%
 - Special Backward Classes - 05%
- 3) Chattisgarh : **Total 58%**
 - = Scheduled Castes - 12%
 - Scheduled Tribes - 32%
 - Backward Class - 14%
- 4) Maharashtra : **Total 52%**
 - = Scheduled Castes - 13%
 - Scheduled Tribes - 07%
 - Other Backward Class - 19%
 - Special Backward Classes - 02%
 - VJ (DNT) - 03%
 - NT (B) - 2.5%
 - NT (C) - 3.5%
 - NT (D) - 02%

If Supreme Court has laid down the ceiling of 50% then how is that above State Governments are providing **over and above 50%** Reservations and Supreme Court has not held any of the Chief Ministers in contempt ? Why are the Reservations exceeding 50% not struck down by the Supreme Court yet in above states ? In Tamil Nadu the quantum of Reservations reached **69%** way back in **1980** itself and the Reservation Act was framed in **1993**.

The **1993** Reservation Act of Tamil Nadu was not struck down by Supreme Court because it was placed in the **Ninth Schedule** of the Constitution in **1994**. What is **Ninth Schedule** of the Constitution and why is it significant for Reservation related laws ?

The original Constitution had only Eight Schedules, Ninth Schedule was added in 1951 through **Article 31-B** which was inserted by the First Constitutional (Amendment) Act 1951 which provided that the no law which is placed in the Ninth Schedule shall be declared void on the grounds of violation of Fundamental rights. Thus Article 31-B of the Constitution of India ensured that any law in the Ninth Schedule could not be challenged in courts.

Any law framed by Central or State Government can be placed into Ninth Schedule **but only by way of Constitutional Amendment**. The Constitutional 76th (Amendment) Act 1994 was passed by the Parliament to accommodate Tamil Nadu Government's legislation in the Ninth Schedule which provided 69 percent reservation for backward classes so as to take the legislation **out of the ambit of the judicial review**. Till now more than **284 laws / Acts** have been placed in this Schedule to shield them from the Judicial Scrutiny.

However on **11 Jan 2007** in the case of **I R Coelho Vs State of Tamil Nadu** , the Constitution bench of 9 judges delivered that any law placed under Ninth Schedule after 23 April 1973 is subject to scrutiny of Court if it violated the fundamental rights. This now being a settled principle then why the Reservations exceeding 50% in the above 4 states, including Tamil Nadu, are not struck down yet by the Supreme Court ?

What is the history of the genesis of this 50% ceiling and when was this cap of 50% on total Reservations imposed by the Supreme Court ? It was vide judgment dated **28/09/1962**, in the case of **M R Balaji vs State of Mysore**.

On July 31, 1962, the State of Mysore passed order reserving **68%** of the seats in the Engineering and Medical colleges and other technical institutions for the educationally and socially backward classes and Scheduled Castes and Scheduled Tribes. While justifying the quashing of this order of State of Mysore, Supreme Court made following observations :-

{“The impugned order categorises the backward classes on the sole basis of caste which is not permitted by Art. 15 (4). The reservation of 68% seats is inconsistent with the concept of the special provision authorised by Art.15(4). **However, this Court would not attempt to lay down definitely and in an inflexible manner as to what should be the proper percentage for reservation.**”

“Reservations under Arts. 15 (4) and 16 (4) must be within reasonable limits. The interests of weaker sections of society, which are a first charge on the States and the Centre, have to be adjusted with the interests of the community as a whole. **Speaking generally and in a broad way, a special provision should be less than 50%. The actual percentage must depend upon the relevant prevailing circumstances in each case.**”

“The object of Art. 15 (4) is to advance the interests of the society as a whole by looking after the interests of the weaker elements in society. If a provision under Art. 15(4) ignores the interests of society, than it is clearly outside the scope of Art. 15 (4). It is extremely unreasonable to assume that in enacting Art. 15 (4), Parliament intended to provide that where the advancement of the backward classes or the Scheduled Castes and Tribes were concerned, the fundamental right of the citizens constituting the rest of the society were to be completely and absolutely ignored. Considerations of national interest and the interests of the community and the society as a whole have already to be kept in mind.” }

In the 22 pages judgment, the Supreme Court had nowhere given the rationale or basis for arriving at the figure of 50%. Immediately thereafter it makes a point that ***“the actual percentage must depend upon the relevant prevailing circumstances in each case”*** which also means that the percentage are linked with the existing and verifiable circumstances and government should put forth objective, verifiable data, necessitating and substantiating the given percentage of Reservations.

Also ***“interests of society as a whole”*** had been given consideration over the ***“interests of weaker sections”***. This is after assuming that “society as a whole” is a larger unit and “weaker sections” are smaller and therefore subset of this larger unit. Did Supreme Court made any attempt to obtain and assess the relative population figures of weaker sections ? The population percentage of Scheduled Castes & Scheduled Tribes was readily available, did Supreme Court made any attempt to obtain the data of Other Backward Classes ?

The **First Backward Classes Commission**, headed by **Kakasaheb Kalelkar**, had on **30th March 1955** (seven years before the pronouncement of the above Judgment by Supreme Court) already submitted detailed, objective and quantifiable statistics regarding the **2399 backward castes** in India, after issuing a questionnaire comprising 182 questions for government and public and after extensive touring of the entire country to collect on the spot evidence, laboring for more than two years.

Thus the population statistics of SC, ST, OBC in the country along with their socio-economic status were already available, had Supreme Court referred to this data it would have been clear that SC + ST + OBC population (weaker sections) make the larger whole of the society while the remaining sections form the subset of this larger whole. ***And by this principle, the “interests of the weaker sections” form the “interests of the society as a whole”.*** If “weaker sections” constitute major lot of the society, where does the invisible logic of limiting Reservations to 50% stand ?

It was rightly held by the Supreme Court that ***“the interests of weaker sections of society are a first charge on the States and the Centre”***, therefore the interests of remaining forward castes are required to be adjusted with the interests of the backward castes.

So what quantum of Reservations could have been considered as “adequate”, “justifiable” and “rational” for the backward classes by the Supreme Court ? The answer is that quantum which would have been commensurate to the **needs, requirements** of the backward classes, in other words that quantum which would be proportionate to the **population** of the backward classes. And it is precisely this principle which is guiding the existing quantum of Reservations to SC’s and ST’s at the state level as well as at Central level.

The existing quantum of Reservations to SC’s and ST’s in Central as well as State Government, is in accordance with the **population** of SC, ST’s at the Centre and in respective States. So if the quantum of Reservations provided to SC’s and ST’s is in proportion to their needs and requirements then the quantum of Reservations to OBC’s should also be in proportion to their needs and requirements.

If Art 15(4) and 16(4) are interpreted in the light of above contentions then it becomes clear that Indian Constitution does not limit the quantum of Reservations to any arbitrary figure of 50%, on the contrary, it **directly links the quantum of Reservations with the needs and requirement of the total population of the group**. The opinion held by Supreme Court in the case of *M R Balaji vs State of Mysore* is not only inconsistent with this principle but also violates the spirit with which these Articles were framed by the Constituent Assembly.

This was also the explicit opinion of the **Second Backward Classes Commission**, headed by B P Mandal, hence popularly known as “**Mandal Commission**” who has expressed in its report, submitted in December 1980, Part I, on page 58, Chapter 13, para 13.10 and 13.11, which is reproduced below :-

Quantum and Scheme of Reservations

13.10 Scheduled Castes and Scheduled Tribes constitute 22.5% of the country's population. Accordingly, a *pro-rata* reservation of 22.5% has been made for them in all services and public sector undertakings under the Central Government. In the States also, reservation for SCs and STs is directly proportional to their population in each State.

13.11 As stated in the last Chapter (para 12.22) the population of OBCs, both Hindu and non-Hindu, is around 52% of the total population of India. Accordingly, 52% of all posts under the Central Government should be reserved for them. But this provision may go against the law laid down in a number of Supreme Court judgements wherein it has been held that the total quantum of reservation under Articles 15(4) and 16(4) of the Constitution should be below 50%. In view of this the proposed reservation for OBCs would have to be pegged at a figure which, when added to 22.5% for SCs and STs, remains below 50%. In view of this legal constraint, the Commission is obliged to recommend a reservation of 27% only, even though their population is almost twice this figure.

Even the Mandal Commission had accepted the principle of “**Proportional Reservations**” and therefore wished to recommend **52%** quantum of Reservations to OBC's based on their population but could not do so because of the restriction of 50% imposed by Supreme Court judgment in M R Balaji versus State of Mysore of 1962. Supreme Court emphatically reiterated this imposition of 50% cap on Reservations in the case of Indira Sawhney vs Union of India, on **16 November 1992**, which has famously gone down in the history as Mandal Commission judgment and mauled down all the hopes of **Proportional Reservations** to OBC's.

TO SUMMARISE, THE PERCENTAGE OF RESERVATIONS CAN EXCEED UP TO THE PERCENTAGE OF POPULATION OF THAT PARTICULAR GROUP.

Whenever Other Backward Classes raised the demand of “**Proportional Reservations**” that is 52 % Reservation, it was, and still is, told that Reservations cannot exceed 50%; however when demand for Reservations was made by Forward Castes, Rajasthan government breached the ceiling of 50%, enacted two laws in **September 2015** providing **14% Reservations to Forward castes** by creating new category of **EBC – Economically Backward Classes** and 5% to SBC - Special Backward Classes, taking quantum of Reservations to **68%**.

In most of the states the population of Forward castes is between **13% to 17%** roughly (barring few) and extending 14% Reservations to Forward castes means providing “**Proportional Reservations**” to Forward castes. Now apart from SC's and ST's the principle of “**Proportional Reservations**” is also applied to Forward Castes, but the same is consistently being denied to **OBC** who comprise more than half of Indian population.

Rajasthan government has also decided to request the Central Government to place its new Reservation laws in the Ninth Schedule. Rajasthan government does not intend to repeat the mistake committed by

Prime Minister **P V Narasimha Rao** whose government in **1991** had issued a notification providing 10 per cent reservation for economically weaker sections *but did not place it in the Ninth Schedule*, hence was struck down by the Supreme Court.

VIII - WHO ARE OPPOSING PROPORTIONAL RESERVATIONS TO OBC AND WHY ?

This is very crucial for us to know as to which section of the society is opposing the Proportional Reservations to the Other Backward Classes (OBC). Are Scheduled Castes (SC) & Scheduled Tribes (ST) opposing ? No, on the contrary it were the SC, ST's who were instrumental in making the OBC's realize about their Constitutional rights, it were the SC, ST's who played prominent role during the **Mandal One** agitation beginning in the late 1980's and initial 1990's for extending Reservations to OBC's and also during **Mandal Two** for extending Reservations to OBC's in Central Educational Institutions (IIT's IIM's) between 2006-2007.

Are Gujjars, Jats, Marathas, Patels etc, the dominant middle castes in Rajasthan, Haryana, Maharashtra and Gujarat respectively, opposed to the Proportional Reservations for OBC's ? No, these caste groups are demanding OBC Reservations for themselves.

It is the core **forward castes groups** and their intellectuals, opinion makers, who are expressing their denial and discomforts to the Proportional Reservations for OBC's. It were these same forward caste groups who had led violent agitations during **Mandal One** and **Mandal Two** opposing the Reservations to OBC's.

Why did Forward Caste groups opposed Mandal One and Mandal Two ? And why are Forward castes still not in favour of Proportional Reservations to OBC's ? Let us see the following chart

From 1950 to 1992 - FOR 42 YEARS

CLASS / CATEGORIES	POPULATION	BENEFITS
<i>Other Backward Castes</i>	52 %	00
<i>Religious Minorities</i>	8 %	00
Scheduled Castes	15 %	15 %
Scheduled Tribes	7.5 %	7.5 %
Open / General (Forward castes)	17.5 %	77.5 %

From 1993 to 2015 - FOR 23 YEARS

CLASS / CATEGORIES	POPULATION	BENEFITS
<i>Other Backward Castes</i>	52 %	27
<i>Religious Minorities</i>	8 %	00
Scheduled Castes	15 %	15 %
Scheduled Tribes	7.5 %	7.5 %
Open / General (Forward castes)	17.5 %	50.5 %

Population figures are taken from Mandal Commission report, Vol I, Chapter XII, Page no 56.

Forward castes, who account for **17.5%** have enjoyed **77.5%** benefits in Education and Employment for **42 years**, from 1950 to 1992, before implementation of recommendations of Mandal Commission. This means Forward Castes have enjoyed **FIVE TIMES** more benefits as compared to their population during these 42 years.

Since the implementation of recommendations of Mandal Commission, from 1993 to 2015, the Forward castes enjoyed **50.5%** for **23 years**, means THREE TIMES more as compared to their population. This enjoyment of surplus benefits, multiple times more than their needs, **for 65 years** is the reason for the dominant presence of Forward castes in virtually every field, every sector, governmental as well as non governmental.

It were the Forward Castes who lost some portion of their **surplus benefits**, due to the implementation of recommendations of Mandal Commission in 1993. It were the Forward Castes who lost some more portions of their **surplus benefits** when Reservations to OBC were extended in Central Educational Institutions (IIT's IIM's) in 2007. Now also these forward castes are not in favour of Proportional Reservations to OBC's because it is again them, and not any other social group, who are going to lose further more portions of their enjoyments in Education and Employment.

As they cannot publicly give above reason for their opposition, the intellectual argument extended by Forward castes against further expansion of Reserved category is that it may adversely affect the merit pool and discourage the meritorious candidates. And by merit pool and meritorious candidates they invariably intend **only those among forward castes** but never say it expressly. Even this argument cannot hold the ground.

Can the self proclaimed meritorious lot claim right on more than required opportunities, more than necessary resources and multi fold benefits at the cost of legitimate needs and necessities of other groups ? British were competent people, so did it gave them right to rule over the entire world and command the economic resources of the world ? Merit (self proclaimed) and competency (self proclaimed) does not provides any legitimacy to amass resources, particularly when they are limited, and that too by leaving majority of others in a deprived and vulnerable state.

In a civilized society, merit can be good and benevolent only if it is not self centered, only if it understands and respects the socio-economic necessities of others.

IX - WHY ARE THE FORWARD CASTES INSISTING ON ECONOMIC CRITERIA FOR RESERVATIONS ?

The intention for the demand of forward castes for aligning Reservations on economic criteria is not only to **INCLUDE** themselves into the constitutional scheme of Reservations but also to **EXCLUDE** specifically the **SC, ST** beneficiaries from the scheme of Reservations. In Rajasthan they have succeeded in including themselves into the fold of Reservations in the garb of Economically Backward Classes. The all time apparently sweet arguments, in different flavors, for advocating economic criteria are :-

- 1] Poor people are also there among Forward castes, they should also be provided Reservations.
- 2] Income should be made the criteria for Reservations instead of Caste.
- 3] Only rich are cornering the benefits instead of the poor and needy, hence the rich among SC ST's should not be allowed to avail Reservations.
- 4] The rich among SC ST's are already financially capable hence they do not need Reservations.

The **first argument** is already discussed and answered in Chapter 4 "Why Reservations Are Provided On The Basis Of Social Status & Not On Economic Status" ? The 2nd & 3rd argument have the overall effect of excluding the SC, ST beneficiaries from the scheme of Reservations and are extended on the misplaced assumption that the present scheme of Reservations completely ignore any income / economic considerations. The Anti Reservationists Forward castes are trying to imply that present Reservations does not have any income / economic criteria.

If it is so then why the OBC's are required to produce Non Creamy layer Certificate for availing Reservations? Non Creamy layer certificate is given only to those OBC individuals who fall within the specified annual Income limit, which is at present **Six lakh**. Those OBC individuals whose annual Income limit is above **Six lakh** cannot avail the benefits of Reservations. This concept of Creamy layer (Income criteria) was already introduced by the Supreme Court in 1993 vide the judgment in the Indira Sawhney (Mandal Commission) case and is still being followed, then how can it be said that present Reservations are not having any income criteria ?

The intention of the Forward Castes is to extend this concept of Creamy layer, income criteria to the SC and ST categories. Why ? Why they want to **EXCLUDE** the SC ST beneficiaries from the Scheme of Reservations ? The answer is not a mystery to any activist of Phule Ambedkarite movement. What damage is done by these **active** SC ST Beneficiaries to the Forward castes and their Bramhinal Social Order (BSO) ?

Because of this protective and participative policy of Reservations some of the SC ST people were able to empower themselves **educationally, then financially and later on intellectually also**. Intellectually here means expert and talented in their own respective fields. So whether this intellectual empowerment is posing any risk to the Bramhinal Social Order (BSO) ? No, the intellectuals, the experts and talented doctors, engineers, administrators, scientists, entrepreneurs, academicians etc do not pose any risk to the Bramhinal Social Order (BSO). It is the **ideological empowerment** of these intellectuals which is giving sleepless nights to the Bramhinal Social Order (BSO).

Ideological empowerment means getting acquainted with the Phule Ambedkarite thoughts, philosophy and values which are the anti dote to Bramhinal Social Order (BSO). These ideologically empowered SC ST people have awakened the OBC and made them aware of their exploitation and deprivation. Now even the OBC people are kindled with spirit of Phule Ambedkarite ideology and

joining hands with the SC ST people to neutralize the Bramhinal Social Order (BSO). Phule Ambedkarite philosophy is the biggest and only challenge to the Bramhinal Social Order (BSO).

The reason for this educational, financial, intellectual and subsequently ideological empowerment is the policy of Reservations, so if this nourishment is blocked then gradually these active beneficiaries will not be able to sustain themselves and will eventually run out of resources. They will once again be engrossed in searching their livelihood and fulfilling their basic needs, thus no more active ideological involvement and the threat to Bramhinism will melt down.

The **third argument** surprisingly shows the deepest concerns of the Forward castes towards the poor among SC and ST's and makes thereby portrays the Forward castes as their greatest well wisher. The anti-reservationists Savarna castes (Brahmins, Banias, Kshatriya) are now showing sympathy for the POOR castes among SC, ST category who could not take advantage of reservations. If the sympathy shown was genuine then they castes would have first talked about abolishing the Caste / Varna system instead of talking about abolishing Reservations.

As is discussed in Chapter 4 as to how the poor among SC and ST's barely manage to educate their children upto 10th and 12th how will it be possible for them to take advantage of the Reservations in higher education ? In the absence of higher education how will these poor from SC ST's be able to take advantage of Reservations in Employment ?

Due to overall inflation in economy, Commercialization & Privatization of Education, even the MIDDLE CLASS is struggling to bear the educational costs of their children. If income criteria is made applicable to SC ST's than the net outcome will be that those rich SC ST's who are having the capability to provide complete and quality education to their children will not be eligible for availing Reservations. On the other hand those poor SC ST's would not be in a condition to avail the benefit of Reservations, ultimately the Reserved seats will remain vacant and after few years they will be de-reserved and converted into Open/General category.

The **fourth argument** that the rich among SC ST's are already financially capable hence they do not need Reservations. Also said is "why should the children of rich SC ST people, bureaucrats, etc be allowed to avail Reservations"? One thing can be surely admitted in this regard that the **Relaxations** in the form of **fees, age and attempts** can be voluntarily given up by the children of such financially well off SC ST parents. But the argument that there is no need of **Reservations** to children of such rich SC ST people can surely be contested.

Is there any such law, mechanism or assurance by the Government, Parliament or Judiciary in existence that will **protect the children** of such rich SC ST people from being discriminated on the basis of Caste in future ? Whether the Government, Parliament or Judiciary takes the responsibility of the good and unbiased behavior by the society ?

It is utterly incorrect to say that presence of money in the pocket, modern clothes, decent vehicle and good house of SC ST children will minimize the hatred of forward castes towards them and provide them immunity from being socially discriminated in different spheres of life. Why only children, the incidents of discrimination of rich SC ST adults, officers, Member of Parliament and Legislative Assemblies, Ministers, Constitutional post holders are also being discriminated on their caste profiles.

In **2011 P N Punia**, who himself was Chairman of National Commission for SC ST, a constitutional body, was denied entry in a temple at **Puri**.

In **June 1998 Bharthari Prasad**, then Additional Sessions judge in Allahabad, was transferred to another court, his successor **A K Srivastava** a Brahmin, had got the entire chamber and its furniture washed with 'Ganga jal' because it was previously occupied by a judicial officer belonging to a Scheduled Caste.

These examples being already known in common public hence quoted, newspapers are full of similar incidents with lesser known personalities. India has miles to go on the road of social equality.

The institution of UNTOUCHABILITY has been abolished by Article 17 of Indian Constitution, **however the Constitution has NOT abolished the originating cause of untouchability and caste based discrimination which is the Caste and Varnashram system.** Let the Parliament abolish fourfold Varnashram dharma and caste system and amend this article 17 by ADDING the following :-

"The Caste and Varnashram system has given rise to the world's most evil and inhuman institution of untouchability, not only this the Caste and Varnashram system also prevents the people of India from identifying themselves as CITIZENS of India because identity of caste has been ingrained in the blood, flesh and bones of Indians.

This caste identity is a big hurdle in creating and nurturing the identity of being a CITIZEN in the psyche of the people of India, which is preventing the generation of feeling of brotherhood and bond of Fraternity among the people of India, hence Caste and Varnashram system is declared as **ANTI NATIONAL**. Further the Caste and Varnashram system is against the constitutional spirit of Liberty, Equality & Justice, hence this system is also declared **ANTI CONSTITUTIONAL**. **Thus, Caste and Varnashram system being anti national and anti constitutional is therefore abolished."**

X - "WHY THE MERIT AND EFFICIENCY OF ONLY RESERVED CATEGORIES IS QUESTIONED" ?

The students, candidates, employees of SC, ST, OBC categories are frequently humiliated by saying that they lack merit, they are inefficient, they do not deserve but are still admitted etc. These allegations are leveled aiming at the **relaxations/concessions** given to the Reserved categories like lower mark cut off, higher age limit, more number of attempts etc. The **relaxations/concessions** attached with the policy of Reservations are the main reason why the students/candidates of unreserved, open categories insult and denigrate the Reserved category students/candidates.

These **relaxations/concessions** are not specified by the Constitution but were extended by the governments in the form of executive policy measures. Also no section of SC ST OBC categories have ever demanded these relaxations, no agitation or Morcha by any backward caste organisation for securing these relaxations can be recalled.

These relaxations/concessions are not Reservations. Reservations are meant for protection from discrimination and ensuring participation. The relaxations in the form of lower mark cut off, higher age limit, more number of attempts etc were formulated when the reserved seats continued to remain vacant because of non-availability of students/candidates from the SC, ST, OBC categories.

The intention was to facilitate these students who mostly were from poor financial and rural background as they were the first generation to avail the benefits of Reservations. It was only the second & third generation, who settled in urban areas and was able to become financially stable and sound.

However these Relaxations to Reserved categories are limited only during ADMISSIONS, later on all the students have to study and learn the same syllabus, all the students have to go through same tests, exams and practicals. The students from reserved categories are not provided any additional facilities to qualify the exams. If it is so, after completing the course and obtaining degrees in the same fashion, how can it be said that the students from reserved categories do not possess sufficient skills and are not competent ?

Secondly, are the reserved categories the only ones who are given these relaxations / concessions ? Are there no other quotas, other than Reserved categories, where similar relaxations are offered ? **The answer is NO. There are at least SIX different quotas during admissions in professional education Colleges / institutes and in Public Employment where MARKS / MERIT / RANK is not the criteria.**

The **OTHER QUOTAS** for admission in professional education Colleges / Institutes are :-

1. Donation / Payment quota.
2. Management quota.
3. Non Resident Indian (NRI) quota.

The students securing admissions through the above quotas also do not possess equal MARKS / MERIT / RANK but their merit and efficiency is never questioned. Similarly the **OTHER QUOTAS** for selection in public employment are :-

4. Defense quota.
5. Sports quota.
6. Physically Handicapped quota.

Here also the relaxations are provided to candidates from above quotas but they are never at the receiving end from the forward castes / open category.

(The examples of above quotas is given only for the sake of argument, it is not at all the intention to cast any doubts on the students / candidates from all above six quotas.)

The specific and selective targeting of Reserved categories in the name of merit and competency and not uttering a word about other quotas amply proves that it is only an excuse for expressing of hatred towards the backward caste people.

There are NO RESERVATIONS in the following areas :-

1. In Judiciary.
2. In Defense.
3. In Sports.
4. In Films.
5. In Private sector.

And India is therefore having the most efficient Judicial system, completely safe, secured and sealed boundaries, winning dozens of gold medals in Olympic and every sport event, never missed an Oscar in any year and enjoying the dominance of products from India MNC's in world market.

XI - OFFENSIVE ACTION PLAN

The Anti Reservationists Forward castes are raising their issues, concerns and we are reacting, in the same tone, why ? They are asking non sense questions and we are clarifying and giving answers, why ? They are screening their "feature film" about Reservations, why are we Bahujans watching it ? By engaging in above activities we are displaying our Defensive and Scared attitude.

- ◆ Why should we be DEFENSIVE ?
- ◆ Why should we bother to answer the questions raised by them ?
- ◆ Why should we look at the issue in the way they have presented ?
- ◆ Why should we discuss the issues raised by them ?

● WHY ARE WE NOT OFFENSIVE ?

- 🗣️ We have our issues and concerns about Reservations.
- 🗣️ We have our own questions about Reservations.
- 🗣️ We will show our own "feature film" about Reservations.

- 👉 Defensive approach generates NEGATIVITY while Offensive approach Positivity.
- 👉 Defensive approach indicates DEMORALISED mental state while Offensive approach indicates highly motivated mental state.

- 👉 Defensive approach only MAINTAINS our existing rights while Offensive approach INCREASES our existing rights.
- 👉 Defensive approach does not increase our strength but Offensive approach does.

If Anti Reservationists have launched Arakshan **HATAO** campaign, we need NOT to start Arakshan **BACHAO** campaign, on the contrary we should launch Arakshan **BADHAO** campaign.

Let us focus on mobilizing MOSTLY the OBC people by explaining them the following :-

1. The 13% to 17% Anti reservationist Forward Castes have enjoyed **78.5%** benefits in education and employment from 1950 to 1992 for 42 years and **50.5%** from 1992 till 2015 for 23 years. Thus they have enriched themselves for **65 years (42+23)** ENORMOUSLY OVER AND ABOVE THEIR POPULATION REQUIREMENTS by depriving OBC of their constitutional rights.
2. OBC were deprived of their constitutional rights for **42 years**, so as to **compensate** for their material loss and social-economic sufferings, for the next 42 years OBC should be provided with **78%** Reservations by maintaining only 3 categories for SC ST and OBC in education and employment, **the General/Open category to be suspended for next 42 years.**
3. The Wealth and material assets accumulated by Forward castes from 1950, **over and above their population**, rightfully belong to OBC.
4. **SOCIAL Wealth tax** to be imposed by Income Tax dept on these surplus assets and recovered.

5. Independent **Ministry & Department for OBC welfare** should be established for disbursement of these assets / corpus to the poor people from OBC.
6. Separate **OBC sub plan**, separate budgeting to be started to execute welfare policies for OBC.
7. On the lines of SC ST (Prevention of Atrocities) Act a new “**OBC (Prevention of Discrimination) Act**” should be framed under which the discrimination of OBC on the grounds of **caste** in the fields of **Education and Employment** will be a cognizable offence.
8. Every State government as well as Central government shall pass a law providing **Proportional Reservations** to OBC, abolishing Creamy layer, providing Reservations in promotion to OBC with back effect from 1993 and place it in the IX Schedule of Constitution. If any of these laws are declared unconstitutional, suitable amendment in Constitution should be made.

● **HOW TO SPREAD**

1. By utilizing Bahujan electronic and print media.
2. By conducting Press conference.
3. By erecting banners and flex boards.
4. By conducting closed room meets and also public programmes.
5. By printing pamphlets, handouts.
6. By organizing silent and peaceful road marches with large banners.
7. By conducting road shows and plays, dramas on this issue.
8. Aggressive use of social media - Facebook, Twitter, What's app, YouTube, Audios etc.
9. By Creating OBC welfare Associations in every government office.