

# RESERVATIONS

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

Compiled By

Dr Hemant M Tirpude,  
Regional P F Commissioner II,  
EPFO, Ministry of Labour, Government of India.  
Email – [drhemanttirpude@gmail.com](mailto:drhemanttirpude@gmail.com)  
Mobile - 8554837268

# **CONTENTS**

<b>No</b>	<b>CHAPTER</b>	<b>PAGE</b>
I	Scope & Applicability of Reservations.	3
II	Genesis / Origin of policy of Reservations.	5
III	Objectives behind Reservations.	9
IV	1 <sup>st</sup> Misconception “Reservations Are Based On Castes”.	10
V	2nd Misconception “Reservations & Relaxations are one and same”.	13
VI	3 <sup>rd</sup> Misconception “Reservations Were Only For 10 Years”.	14
VII	4th Misconception “Reservations Cannot Exceed 50%”.	18
VIII	Who Are Opposing Proportional Reservations To OBC’s And Why ?	23
IX	Offensive Action Plan for Proportional Reservations to OBC’s.	26
X	Why Reservations Are Provided On The Basis Of Social Status & Not On Economic Status ?	28
XI	Why Are The Forward Castes Insisting On Economic Criteria For Reservations ?	32
XII	Why The Merit And Efficiency Of Only Reserved Categories Is Questioned ?	35
XIII	Format of Caste Certificate for SC converts to Buddhism.	37
	Memorial Addressed to Hunter Commission by Jyotirao Phule	40

## 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.

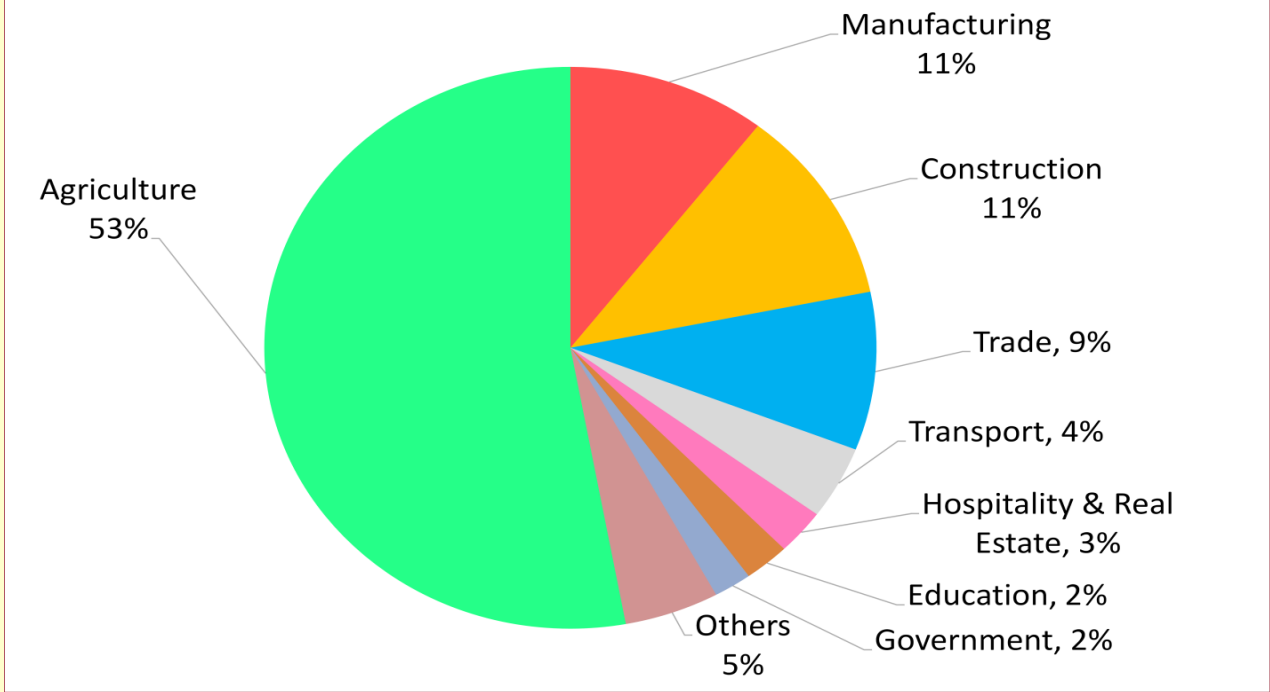
The entire discourse, discussion, controversy, objection and allegation on “Reservations” is limited to this miniscule 1% space while the remaining employment space created by private / corporate sector remains dominated by the Savarna / Forward castes and which has emphatically refused to adopt the 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 instinct 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 Bramhinal Social Order (BSO) believed that it’s their foremost religious duty to obey and enforce the rules and regulations prescribed by the ancient Bramhinal 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** a Princely State in Maharashtra - **Chatrapati Shahu Maharaj**, who was an 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**. An important point to note was the mention of 4 Forward Castes - **Brahmin, Shenvi, Prabhu & Parsi** castes which were specifically **excluded** from the definition of Backward Castes.

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 protection against discrimination in the form of Reservations for the backward castes which was admitted and passed by the Constituent Assembly thus making it a Constitutional policy.

The Indian Constitution came into force with effect from 26 January 1950, a **specific and explicit** provision was made in the original Constitution to provide Reservations to Backward classes in public **EMPLOYMENT** vide **Article 16 (4)**. *However no such specific and explicit provision was made to provide Reservations to Backward classes in EDUCATION*, the necessity to do so aroused when Supreme Court vide judgment dated **09/04/1951** struck down the Government Order of State of Madras giving **Proportional Representation** to all the classes in the admissions to Medical & Engineering colleges in the case of **State of Madras v. Champakam Dorairajan** ([AIR 1951 SC 226](#)).

The State of Madras had 4 Medical colleges and 4 Engineering Colleges, in **1921 when Justice Party came to power**, it issued a Government Order prescribing the following distribution for every 14 seats :-

Non-Brahmin (Hindus)	...	6
Backward Hindus	...	2
Brahmins	...	2
Harijans	...	2
Anglo-Indians and Indian		
Christians	...	1
Muslims	...	1

The above procedure ensured proportional representation to candidates from all categories. **After Independence** the State of Madras issued **Government Order No. 1254 Education** dated **17/05/1948** and **subsequently G.O. No. 2208, dated June 16, 1950**, laying down rules for the selection of candidates for admission into the Medical Colleges as per the procedure prescribed in the **1921 order**.

On **June 7, 1950**, a Bramhin lady *Srimathi Champakam Dorairajan* filed a writ petition in the High Court of Judicature at Madras against the above procedure under [article 226](#) of the Constitution for protection of her fundamental rights under [article 15 \(1\)](#) and [article 29 \(2\)](#) of the Constitution. The High Court by its judgment delivered on July 27, 1950, allowed this writ petition and struck down the above Government Order. The State of Madras filed appeal in Supreme Court which was **dismissed** vide judgment dated **09/04/1951** declaring that “the Government Order being inconsistent with the provisions of article 29 (2) in Part III of the Constitution is void under article 13.”

Periyar Ramaswamy launched a fierce agitation in Tamil Nadu which later on forced the Nehru government to override the Supreme Court judgment by way of 1st Constitutional amendment. **Art 15 (4)** was inserted vide First Amendment Act 1951 on **18th June 1951** which empowered the State to make special provisions in favour of Backward classes in EDUCATION.



**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 मॅट्रेंट, भाग १, २६ जुलै १९०२)

### ***III - OBJECTIVES BEHIND RESERVATIONS.***

- 1) The foremost objective of Reservations is to provide **PROTECTION** to Backward classes from being discriminated in the fields of Education and Employment.
- 2) Political Reservations are meant to ensure **REPRESENTATION** of Backward classes in law making, in policy making and also in implementation of laws and policies by government and administration.
- 3) Reservations are meant for **EQUITABLE SHARING** of economic and natural resources of the country.
- 4) 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.
- 5) Reservations are meant for removing **Social and Educational** backwardness among OBC SC ST categories.
- 6) Reservations are meant for establishing **SOCIAL & ECONOMIC DEMOCRACY**.
- 7) Reservations are meant for ensuring and achieving **Social Justice**.

***The constitutional policy of Reservations is NOT aimed at poverty alleviation OR employment generation, this has been taken care by provisions in Directive Principles of State Policy.***

## **IV - 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** - Certificate of caste is issued only to SC's and OBC's, ST's are not issued Certificates of caste but certificate of TRIBE. CASTE is the fundamental unit of mainland Indian society while TRIBE is the fundamental unit of tribal society. 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 are 4 basic differences between Caste groups and Tribal groups :-

1] There are **5000 plus** OBC castes and **1108 SC's** all over India, thus in total we have 6000 plus caste groups at pan India level, all these 6000 caste groups are having **unequal social status** among them, every caste group has a sentiment of being superior or inferior with respect to other caste groups. On the contrary there is no such higher or lower social status accorded to any of tribe, any clan, all the **744 tribes** in India are having equal social status and equal social recognition in their tribal society.

2] There is no caste / varna system / untouchability prevalent among tribal societies as it is in the Caste based societies.

3] In Caste based societies **women** are not regarded as equals and are deprived of their social, economic, marital, family, religious, political rights while in Tribal societies women are equally and respectfully treated and endowed with all the above mentioned rights.

4] The Varna / caste system is sanctified by ancient religious scriptures and is thus an essential part of religion while tribal societies are not associated with any religion because they have their own tribal/totemic culture and civilization which is more ancient than any prevalent mainstream religions.

So there is no concept of caste as such in the tribal societies and if **Scheduled Tribes (ST)** are still 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 12<sup>th</sup> 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 happens which indicate that "Caste" is not the parameter for being eligible to avail the protection of

Reservations. For availing Reservations along with Caste certificate the students also need to secure the prescribed qualifications, marks and rank.

Now a question can be raised that if Caste is not the criteria than why certificate of Caste / Tribe is required to be produced ?

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).

Article 15 & 16 of the Indian Constitution mandates to make special provisions for **Socially & Educationally Backward Classes (SEBC)** in Education & Employment. The special provisions were designed in the form of Reservations to these SEBC, so one may say that **Social & Educational backwardness** is the criteria for providing protection in the form of Reservations. But here the question need to be asked is “what rendered some classes of the society Socially & Educationally Backward”?

It was **ID3** which rendered these classes Socially & Educationally backward. What is **ID3** ? ID3 stands for *I - Inequality, D1 - Discrimination, D2 - Deprivation, D3 - Denial of opportunities*. In other words Social & Educational backwardness was the CONSEQUENCE of ID3.

Therefore the basis, the criteria for providing Reservations to OBC, SC, ST groups becomes **ID3** as under :-

- 1) **Inequality** - These groups were treated unequally.
- 2) **Discrimination** - These groups were discriminated to their disadvantage.
- 3) **Deprivation** - These groups were deprived of their natural and basic human rights.
- 4) **Denial of Opportunities** - These groups were wrongfully denied the opportunities required for any human group to progress.

These **principles of ID3** (*Inequality, Discrimination, Deprivation, Denial of opportunities*) constitute the grounds on 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 **INEQUALLY**, they were **DISCRIMINATED** to their disadvantage, they were **DEPRIVED** of their rights and they were wrongfully **DENIED** the opportunities required to progress. ***The principles of ID3 are applicable here also.***

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 ?

## ***V - 2nd MISCONCEPTION "RESERVATIONS AND RELAXATIONS ARE ONE & THE SAME"***

On this front, both the parties (Pro Reservation & Anti Reservation) have made a small error in failing to differentiate the **Constitutional policy** of Reservations from the **Facilitative measures** of Relaxations. It would be a surprising eye opener for both the parties to know and realise that Reservations & Relaxations are TWO DIFFERENT things. **ANTI Reservationists** are NOT actually against the policy of Reservations but are against the RELAXATIONS attached to the policy of Reservations. They are aggrieved more because of **preferential treatment** given to reserved categories in the 4 areas - cut off marks, fee structure, age and number of attempts. But surprisingly, instead of opposing these RELAXATIONS, they tend to oppose the policy of RESERVATIONS.

Those who support Reservations instead of analyzing and putting forth arguments on the issue of RELAXATIONS directly jump to defend the policy of Reservations because they feel that it is an attack on the policy of Reservations. Both parties commit this folly because of the assumption that Reservations and Relaxations are one and the same.

The policy of Reservations is CONSTITUTIONAL in nature while the measures of Relaxations are ADMINISTRATIVE in nature, constitutional policy of Reservations came into existence in 1950 while Relaxations were offered much later by the governments in centre and state power, that too at different times. The objective of Reservations is to provide PROTECTION AGAINST DISCRIMINATION to the backward classes in the areas of education and employment while Relaxations were only to FACILITATE the backward classes so that they can avail the protection of Reservations.

There was and there is no Law / Act framed to regulate these Relaxations, they are being laid only as a policy measure by the government departments. **Till the year 2000** there was no mention of the term RELAXATIONS in the Constitution with reference to Reservations, this term was used in the proviso added to Article 335, that too with reference to Promotions only, vide the 82<sup>nd</sup> Amendment Act in 2000.

Though these are two different and distinct issues due to the policy of central and state governments they both have become interwoven and inseparable aggravating the confusion. RELAXATIONS were offered to facilitate the backward classes to avail the benefits of policy of Reservations, so as to overcome their poor socio-economic conditions. The administrative policy measures today have made Relaxations MANDATORY to everyone who avails Reservations, irrespective of his economic status.

Even if an OBC SC ST NT DNT candidate from a well off family wishes to avail ONLY RESERVATIONS and NOT to avail the corresponding RELAXATIONS, he cannot do so because the government policies and their forms / documents do not give the option to do so. A simple change in the policies can solve this entire tangle, the candidates should be given **OPTIONS** to avail Reservations WITH RELAXATIONS or WITHOUT RELAXATIONS. If this is done than those OBC SC ST NT DNT candidates who are from sound financial families and living in urban areas can avail Reservations WITHOUT RELAXATIONS while those from poor and rural families can avail Reservations WITH RELAXATIONS.

## **VI - 3<sup>RD</sup> 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 3 areas – Education, Employment, Lok Sabha and Legislative Assemblies. 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 - 4<sup>th</sup> 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 **30<sup>th</sup> 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.

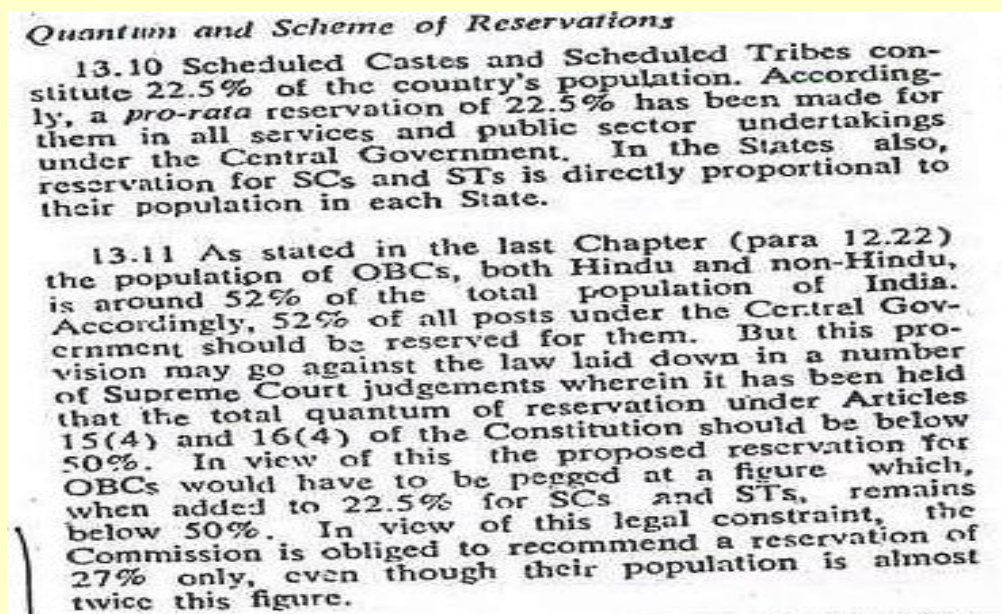
So what quantum of Reservations could have been considered as ***“adequate”***, ***“justifiable”*** and ***“rational”*** for the backward classes by the Supreme Court ? The answer is that quantum which would have been

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 :-



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 Jats, Marathas, Patels etc, the dominant middle castes in 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***

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

### ***From 1993 to 2015 - FOR 23 YEARS***

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

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.

## **LET US ALSO CAREFULLY ANALYSE WHO ARE OPPOSING THE ENTIR POLICY OF RESERVATIONS**

- Those who have created the Caste and Varna system.
- Those who are protecting and preserving the Caste and Varna system.
- Those who are perpetuating the Caste and Varna system.
- Those who believe in the MERIT of Caste & Varna system.
- Those who believe in the DIVINITY of Caste & Varna system.
- Those who never dare to oppose the Caste and Varna system.
- Those who have never participated in any agitation against Caste and Varna system.
- Those who believe that caste based discrimination is more important than constitutional justice.
- Those self-proclaimed & self certified meritorious people.
- Those who have never sympathised with a single person facing caste based Discrimination.
- Those who rant about being discriminated only when they go for world tours in outside developed countries.
- Those who choose to close their eyes to the day to day incidents of caste based discrimination.
- Those who have chosen / choose their spouse based on caste.
- Those who have even chosen / choose their maid & servants based on caste.
- Those who take admissions in Payment quota, Donation quota, Management quota, NRI quota.
- Those who love the country but don't love its countrymen.
- Those who belong to one and the same religion but are against the rights of their own brothers and sisters.
- Those who know NOTHING about Reservations.
- Those who themselves don't know why they are opposing Reservations but doing so being part of a group.

## **IX - OFFENSIVE ACTION PLAN FOR PROPORTIONAL RESERVATIONS TO OBC's**

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 on the following lines :-**

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, **the General/Open category to be suspended for next 42 years**. 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.

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, quantified and recovered from the Forward castes.
5. Independent **Ministry & Department for OBC welfare** should be established for devising and funding welfare policies for the OBC out of these assets recovered.
6. Separate **OBC sub plan**, separate budgeting to be started to sustain the 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 conferences.
3. By erecting banners and flex boards.
4. By conducting closed room meets and also public programmes.
5. By printing pamphlets, handbills.
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.

## ***X - 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	<b>SOCIAL BACKWARDNESS / SOCIAL PROTECTION</b>	<b>ECONOMIC BACKWARDNESS / ECONOMIC PROTECTION</b>
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	<b>For establishing SOCIAL equality by removing SOCIAL backwardness.</b>	<b>For establishing ECONOMIC equality by removing ECONOMIC backwardness.</b>
5	Social backwardness in OBC, SC, ST categories was the <b>result</b> 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 <b>GROUP</b> phenomenon hence entire groups (not individuals) are provided protection of Reservations.	Economic backwardness among OBC, SC, ST categories is also a <b>GROUP</b> phenomenon but Economic backwardness among Forward castes is an <b>individual</b> 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 10<sup>th</sup> and 12<sup>th</sup> 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 10<sup>th</sup> and 12<sup>th</sup> 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.

## ***XI - 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 2<sup>nd</sup> & 3<sup>rd</sup> 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 **4.5 lakh**. Those OBC individuals whose annual Income limit is above **4.5 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, Baniyas, 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 10<sup>th</sup> and 12<sup>th</sup> 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 (NOT RESERVATIONS)** in the form of **marks, fees, age and attempts** MAY be voluntarily given up by the children of such financially well off SC ST parents BUT at present there is no such provision to avail Reservations without availing Relaxations. However 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."**

## **XII - "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, lesser fees, 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.

### ***XIII - FORMAT OF CASTE CERTIFICATE FOR SC CONVERTS TO BUDDHISM***

1. In the Indian cities/villages the fundamental unit of society is a NOT an individual but an endogamous social group known as CASTE GROUP while in the forest societies the fundamental unit is another endogamous social group known as TRIBE. Both social groups, Caste and Tribe, are different from each other.

2. The protection of Reservations was given to those SOCIAL GROUPS who remained socially, educationally and economically backward because of ID3 - Inequality (I), Discrimination (D), Deprivation (D) and Denial of life opportunities (D).

3. To implement the protective policy of Reservations identification and listing of both - CASTE groups as well as TRIBAL groups was undertaken.

Two Constitutional orders were issued by the President in 1950, FIRST The Scheduled Castes (SC) Order 1950 (under article 341) in this Order was incorporated the statewise list of **untouchable caste groups**. SECOND The Constitution Scheduled Tribe (ST) Order 1950 (under article 342) along with this order was attached the statewise list of **tribal groups**.

4. These two constitutional orders along with list of SCs and STs form the basis of preparation and issuance of certificate of Caste and Tribe under **Article 341 & 342**. These certificates of Castes and Tribes are only for identification of legitimate beneficiaries from the above listed Caste and Tribal groups.

5. Tribal groups are not part of any religion because tribals all over the globe have their own animistic culture, hence there is no mention of any religion in the Constitutional order for ST. However in the Constitutional Order for SC it was mentioned that the caste groups professing only HINDUISM will be included in this list.

6. This linking of Scheduled Castes with a particular religion was against the provisions of Article 341 which does not mention any religious criteria for any caste to be recognised as SC. Article 341 is religiously neutral, which means any untouchable caste belonging to any religion can be recognized as SC by the President.

7. Due to the above linking of Scheduled Castes ONLY WITH ONE RELIGION (Hinduism), the untouchable castes converted into other religions like Islam, Sikhism, Christianity and Buddhism could not get listed into the Constitutional SC Order 1950.

8. In **1956** the Constitutional SC Order was amended and Scheduled castes converted into **SIKHISM** were included in the Order, this made the Sikh SC eligible for Reservations in Punjab as well as Central government. Thus untouchable castes from TWO religions - Hinduism n Sikhism were now declared as SC.

9. In Oct 1956 more than 5 lakh Hindu SC - (Mahar, Matang) embraced Buddhism in Nagpur, Maharashtra **but no amendment to Constitutional SC Order was made** to incorporate Hindu SC converts to Buddhism into that Order.

10. Therefore Buddhist converts were now NOT considered as SC for Maharashtra State as well as Centre government, in other words erstwhile Mahars, Matangs who were earlier eligible for Reservations as Hindu SC before conversion now became IN-ELIGIBLE for Reservations.

11. Maharashtra gov issued an administrative / executive order in **1960 declaring the Buddhist converts as SC** and extending the benefits of Reservations to them in the State. The format of Caste certificate was also suitable changed in **1962** to issue SC certificates to Buddhist converts. Thus at least in the Maharashtra state the Buddhist converts were recognised as SC and became eligible for related benefits.

12. But Central government neither issued any such orders NOR enacted amendment in the Constitution SC order 1950 to extend the benefits of Reservations to Buddhist converts at the central levels. So the Buddhist SC remained ineligible for and deprived of any benefits of SC at CENTRAL levels till 1990.

13. In **1990** the Central govt amended the Constitution SC Order 1950 **adding Buddhism** along with Hinduism and Sikhism, thus recognising Buddhist converts as SC. ***Now Schedule castes from 3 different religions - Hinduism, Sikhism & Buddhism were constitutionally recognised.*** However it is again emphasised that linking of caste groups with religion is against the provisions of Article 341 which does not provides any religious criteria for any caste group to be recognised as SC.

THERE REMAINED AN ANOMALY THAT THE ORDER FINDS MENTION OF HINDUISM, SIKHISM & BUDDHISM BUT THE LIST ATTACHED TO THE ORDER DOES NOT MENTION ANY RELIGIOUS GROUPS OR RELIGIOUS CONVERTS.

14. Article 341 & 342 are related to "**IDENTIFICATION**" of Caste groups & Tribal groups respectively. The Constitution SC Order 1950 and Constitution ST Order 1950 issued by President are related to "RECOGNISING" Caste groups and Tribal groups. The certificate of SC and ST are for "**CERTIFYING**" a person that they belong to caste and tribe recognised by Constitution SC ST Order 1950.

15. We need to understand that the list of names attached to Constitution SC Order 1950 is that of CASTE GROUPS and not religious groups. The list includes 1108 names of CASTE GROUPS and there is no mention of any of the 3 religions - Hinduism, Sikhism, Buddhism.

In the same way, the Caste Certificate is supposed to certify only the CASTE of an individual, not his religion. Hence the NAME of the Caste along with the SERIAL number of the caste as per the Constitution Order 1950 is required to be mentioned in the Caste certificate.

16. No caste certificate of Hindu SC and Sikh SC mentions their respective religions but only the name of caste and serial number. In Maharashtra in 1962 the format of caste certificate for Buddhist converts was rightly modified and a phrase "**before conversion to Buddhism**" was inserted to make it more clear that the individual is not a Hindu SC.

17. However most of the Caste certificates were issued WITHOUT any mention of the name and serial number of caste (as per Constitution SC Order 1950) to which the individual belonged before conversion, instead only Bouddha / Nav Bouddha was mentioned in place of Caste. This type of certificate which is

devoid of mention of name and serial number of Caste is INCORRECT but accepted in Maharashtra because the state government has issued Order in 1960 declaring converted Buddhists as SC.

18. Such Caste certificates were RIGHTLY not accepted by the Central government even after 1990 because they did not mention the name and serial number of caste to which the individual belonged prior to conversion to Buddhism. Rejecting such caste certificates was technically CORRECT because Bouddha / Nav Bouddha was not a caste and hence not included in the list attached to the Constitution SC Order 1950.

19. The solution for this is to obtain the Caste Certificate in CORRECT FORMAT which should include following three wordings :-

- Name of caste.
- Serial number of caste.
- Constitution (SC) Amendment Act 1990 (and all subsequent amendments)

My OLD caste certificate was rejected by UPSC and I have to obtain NEW caste certificate in above format which was accepted.

20. My NEW Caste certificate mentioned both "**before conversion to Buddhism**" as well as Caste, so it is WRONG to say that Buddhist caste certificate is not accepted by central government. Central government REJECTS Caste certificate which mentions ONLY Bouddha / Nav Bouddha, along with this the name and serial number of caste should ALSO be mentioned.

21. So while obtaining the caste certificate it should be ensured that at least **name and serial number of Caste** is mentioned. Mention of name of Caste in the certificate does NOT mean that Buddhism believes in Caste system. We should be worrying about the mention of CASTE in the certificate and not about the Religion.

22. Our demand should be to extend the benefits of Reservations to SC people in Christianity and Islam also EITHER by adding these two religions in the Constitution SC Order 1950 OR by de-linking this order with religion, means no mention of any religion in the Order.

# **Memorial Addressed To The Education Commission**

## **A statement for the information of the Education commission**

My experience in educational matters is principally confined to Poona and the surrounding villages. About 25 years ago, the missionaries had established a female school at Poona but no indigenous school for girls existed at that time. I, therefore, was induced, about the year 1854,\* to establish such a school, and in which I and my wife worked together for many years. After some time I placed this school under the management of a committee of educated natives. Under their auspices two more schools were opened in different parts of the town. A year after the institution of the female schools, I also established an indigenous mixed school for the lower classes, especially Mahars and Mangs. Two more schools for these classes were subsequently added. Sir Erskine Perry, the president of the late Educational Board, and Mr. Lumsdain, the then Secretary to Government, visited the female schools and were much pleased with the movement set on foot, and presented me with a pair of shawls. I continued to work in them for nearly 9 to 10 years, owing to circumstances, which it is needless here to detail, I seceded from the work.

These female schools still exist, having been made over by the committee to the Educational Department under the management Mrs. Mitchell. A school for the lower classes, Mahars and Mangs, also exists at the present day, but not in a satisfactory condition. I have also been a teacher or some years in a mission female boarding school. My principal experience was gained in connection with these schools. I devoted some attention also to the primary educations available in this Presidency and have had some opportunities of forming an opinion as to the system and *personnel* employed in the lower schools of the Educational Department. I wrote some years ago a Marathi pamphlet exposing the religious practices of the Brahmins and incidentally among other matters, adverted therein to the present system of education, which by providing ampler funds for higher educations tended to educate Brahmins and the higher classes only, and to leave the masses wallowing in ignorance and poverty. I summarized the views expressed in the book in an English preface attached thereto, portions of which I reproduce here so far as they relate to the present enquiry:—

“Perhaps a part of the blame in bringing matters to his crisis may be justly laid to the credit of the Government. Whatever may have been their motives in providing ampler funds and greater facilities for higher education, and neglecting that of the masses, it will be acknowledged by all that injustice to the latter, this is not as it should be. It is an admitted fact that the greater portion of the revenues of the Indian Empire are derived from the ryot’s labour – from the sweat of his brow. The higher and richer classes contribute little or nothing to the state exchequer. A well-informed English writer states that our income is derived, not from surplus profits, but from capital; not from luxuries, but from the poorest necessities. It is the product of sin and tears.

“That Government should expend profusely a large portion of revenue thus raised, on the education of the higher classes, for it is these only who take advantage of it, is anything t just or equitable. Their object in patronizing this virtual high class education appears to be to prepare scholars who, it is thought would in time vend learning without money and without price. If we can inspire, say they, the love of knowledge in the minds of the superior classes, the result will be a higher standard, or morals in the cases of individuals, a

large amount of affection for the British Government, and unconquerable desire to spread among their own countrymen the intellectual blessings which they have received.

“Regarding these objects of Government the writer above alluded to, states that we have never heard of philosophy more benevolent and more utopian. It is proposed by men who witness the wondrous changes about in the Western world, purely by the agency of popular knowledge, to redress the defects of the two hundred millions of India, by giving superior education to the superior classes and to them only. We ask the friends of Indian Universities to favour us with a single example of the truth of their theory from the instances which have already fallen within the scope of their experience. They have educated many children of wealthy men and have been the means of advancing very materially the worldly prospects of some of their pupils. But what contribution have these made to great work of regenerating their fellowmen? How have they begun to act upon the masses?

Have any of them formed classes at their own homes or elsewhere, for the instruction of their less fortunate or less wise countrymen? Or have they kept their knowledge to themselves, as a personal gift, not to be soiled by contact with the ignorant vulgar? Have they in any way shown themselves anxious to advance the general interests and repay the philanthropy with patriotism? Upon what grounds is it asserted that the best way to advance the moral and intellectual welfare of the people is to raise the standard of instruction among the higher classes? A glorious argument this for aristocracy, were it only tenable. To show the growth of the national happiness, it would only be necessary to refer to the number of pupils at the colleges and the lists of academic degrees. Each wrangler would be accounted a national benefactor; and the existence of Deans and Proctors would be associated; like the game laws and the ten-pound franchise, with the best interest of the constitution.

***“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 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.*** Perhaps some might be inclined to say that it is not feasible in the present state of education. Our only reply is that if Government look a little less after higher education which is able to take care of itself and more towards the education of the masses there would be no difficulty in training up a body of men every way qualified and perhaps far better in morals and manners.

“My object in writing the present volume is not only to tell my Shudra brethren how they have been duped by the Brahmins, but also to open the eyes of Government to that pernicious system of high class education, which has hitherto been so persistently followed, and which statesmen like Sir George Campbell, the present Lieutenant Governor of Bengal, with broad universal sympathies, are finding to be highly mischievous and pernicious to the interests of Government. I sincerely hope that Government will ere long see the error of their ways, trust less to writers or men who look through highclass spectacles, and take the glory into their own hands of emancipating my Shudra brethren from the trammels of bondage which the Brahmins have woven around them like the coils of a serpent. It is no less the duty of each of my Shudra brethren as have received any education, to place before Government the true state of their fellowmen and

endeavor of the best of their power to emancipate themselves from Brahmin thralldom. Let there be schools for the Shudras in every village; but away will all Brahmin school-masters! The Shudras are the life and sinews of the country, and it is to them alone, and not to the Brahmins, that Government must ever look to tide over their difficulties, financial as well as political. If the hearts and minds of the Shudras are made happy and contented, the British Government need have no fear of their loyalty in the future.”

## PRIMARY EDUCATION

There is little doubt that primary education among the masses in this Presidency has been much more neglected. Although the number of primary schools now in existence is greater than those existing a few years ago, yet they are not commensurate to the requirements of the community. Government collect a special cess for educational purposes, and it is to be regretted that this fund is not spent for the purposes of which it is collected. Nearly nine-tenths of the villages in this Presidency, or nearly 10 lakhs of children, it is said, are without any provision, whatever, for primary instruction. A good deal of their own poverty, their want of self-reliance, their entire dependence upon the learned and intelligent classes, is attributable to this deplorable state of education among the peasantry.

Even *in towns* Brahmins, Purbhoos, the hereditary classes, who generally live by the occupation of pen, and the trading classes seek primary education. The cultivating and the other classes, as a rule, do not generally avail themselves of the same. A few of latter class are found in primary and secondary school, but owing to their poverty and other causes they do not continue long at school. As there are no special inducements for these to continue at school, they naturally leave off as soon as they find any menial or other occupation. In *villages* also most of the cultivating classes hold aloof, owing to extreme poverty, and also because they require their children to tend cattle and look after their fields. Besides an increase in the number of schools, special inducements in the shape of scholarships and half-yearly or annual prizes, to encourage them to send their children to school and thus create in them a taste for learning, is most essential.

I think primary education of the masses should be made compulsory up to a certain age, say at least 12 years. Muhammadans also hold aloof from these schools, as they show-how evince no liking for Marathi or English. There are a few Muhammadan primary schools where their own language is taught. The *Mahars*, *Mangs*, and other lower classes are practically excluded from all schools owing to caste prejudices, as they are not allowed to sit by the children of higher castes. Consequently special schools for these have been opened by Government. But these exist only in large town. In the whole of Poona and for a population exceeding over 5,000 people, there is only one school, and in which the attendance is under 30 boys. This state of matters is not at all creditable to the educational authorities. Under the promise of the Queen's Proclamation I beg to urge that Mahars, Mangs, and other lower classes, where their number is large enough, should have separate schools or them, as they are not allowed to attend the other schools owing to caste prejudices.

In the present state of education, payment by results is not at all suitable for the promotion of education amongst a poor and ignorant people, as no taste has yet been created among them for education. I do not think any teacher would undertake to open schools on his own account among these people, as he would not

be able to make a living by it. Government schools and special inducements, as noted above, are essential until such a taste is created among them.

With regard to the few Government primary schools that exist in the Presidency, I beg to observe that the primary education imparted in them is not at all placed on a satisfactory or sound basis. The system is imperfect in so far as it does not prove practical and useful in the future career of the pupils. The system is capable of being developed up to the requirements of the community, if improvements that will result in its future usefulness be effected in it. Both the teaching machinery employed and the course in instruction now followed, require a thorough remodeling.

(a) The teachers now employed in the primary schools are almost all Brahmins; a few of them are from the normal training college, the rest being all untrained men. Their salaries are very low, seldom exceeding Rs. 10, and their attainments are also very meagre. But as a rule they are all unpractical men, and the boys who learn under them generally imbibe inactive habits and try to obtain service, to the avoidance of their hereditary or other hardy or independent professions. I think teachers for primary schools should be trained, as far as possible, out of the cultivating classes, who will be able to mix freely with them and understand their wants and wishes much better than a Brahmin teacher, who generally holds himself aloof under religious prejudices. These would, moreover, exercise a more beneficial influence over the masses than teachers of other classes, and who will not feel ashamed to hold the handle of plough or the carpenter's adze when required, and who will be able to mix themselves readily with the lower orders of society.

The course of training for them ought to include, besides the ordinary subjects, an elementary knowledge of agriculture and sanitation. The untrained teachers should, except the thoroughly efficient, be replaced by efficient trained teachers. To secure a better class of teachers and to improve their position, better salaries should be given. Their salaries should not be less than Rs. 12 and in larger villages should be at least Rs. 15 or 20. Associating them in the village polity as auditors of village accounts or registrars of deeds, or village postmasters or stamp vendors, would improve their status, and thus exert a beneficial influence over the people among whom they live. The schoolmasters of village schools who pass a large number of boys should also get some special allowance other than their pay, as an encouragement to them.

(b) The course of instruction should consist of reading, writing Modi and Balbodh and accounts, and a rudimentary knowledge of general history, general geography, and grammar, also an elementary knowledge of agriculture and a few lessons on moral duties and sanitation. The studies in the village schools might be fewer than those in larger villages and towns, but not the less practical. In connections with lessons in agriculture, a small model farm, where practical instruction to the pupils can be given, would be a decided advantage and, if really efficiently managed, would be a productive of the greatest good to the country. The text-book in use, both in primary and Anglovernacular schools, require revision and recasting as much as they are not practical or progressive in their scope. Lessons on technical education and morality, sanitation and agriculture, and some useful arts, should be interspersed among them in progressive series. The fees in the primary schools should be as 1 to 2 from the children of cess-payers and non-cesspayers.

(c) The supervising agency over these primary schools is also very defective and insufficient. The Deputy Inspector's visit once a year can hardly be of any appreciable benefit. All these schools ought at least to be inspected quarterly if not oftener. I would also suggest the advisability of visiting these schools

at other times and without any intimation being given. No reliance can be placed on the district or village officers owing to the multifarious duties devolving on them, as they seldom find time to visit them, and when they do, their examination is necessarily very superficial and imperfect. European Inspector's supervision is also occasionally very desirable, as it will tend to exercise a very efficient control over the teachers generally.

(d) The number of primary schools should be increased—

1. By utilizing such indigenous schools as shall be or are conducted by trained and certificated teachers, by giving them liberal grants-in-aid.
2. By making over one half of the local cess fund for primary care education alone.
3. By compelling, under a statutory enactment, municipalities to maintain all the primary schools within their respective limits.
4. By an adequate grant from the provincial or imperial funds.

Prizes and scholarships to pupils, and capitation or other allowance to the teachers, as an encouragement, will tend to render these schools more efficient. The Municipalities in large towns should be asked to contribute whole share of the expenses incurred on primary schools within the municipal areas. But in no case ought the management of the same to be entirely made over to them. They should be under the supervision of the Educational Department.

The municipalities should also give grants-in-aid to such secondary and private English schools as shall be conducted according to the rules of the Educational Department, where their funds permit, such grants-in-aid being regulated by the number of boys passed every year. These contributions from municipal funds may be made compulsory by statutory enactment.

The administration of the funds for primary education should ordinarily be in the hands of the Director of Public Instruction. But if educated and intelligent men are appointed on the local or district committees, these funds may be safely entrusted to them, under the guidance of the Collector, or the Director of Public Instruction. At present, the local boards consist of ignorant and uneducated men, such as Patels, Inamdars, Surdars, & C. who would not be capable of exercising any intelligent control over the funds.

### **INDIGENOUS SCHOOLS**

Indigenous schools exist a good deal in cities, towns and some large villages, especially where there is a Brahmin population. From the latest reports of Public Instruction in this presidency, it is found that there are 1,049 indigenous schools with about 27,694 pupils in them. They are conducted on the old village system. The boys are generally taught the multiplication table by heart, a little Modi writing and reading, and to recite a few religious pieces. The teachers, as a rule, are not capable of effecting any improvements, as they are not initiated in the art of teaching. The fees charged in these schools range from 2 to 8 annas.

The teachers generally come from the Brahminical society. Their qualifications hardly go beyond reading and writing Marathi very indifferently, and casting accounts up to the rule of three or so. They set up as teachers as the last resource of getting a livelihood. Their failure or unfitness in other callings of life

obliges them to open schools. No arrangements exist in the country to train up teachers for indigenous schools. The indigenous schools could not be turned to any good account, unless the present teachers are replaced by men from the training colleges and by those who pass the 6th standard in the vernaculars. The present teachers will willingly accept State aid but money thus spent will be thrown away. I do not know any instance in which a grant-in-aid is paid to such a school. If it is being paid anywhere, it must be in very rare cases. In my opinion no grants-in-aid should be paid to such schools unless the master is a certificated one. But in certificated or competent teachers be found, grant-in-aid should be given and will be productive of great good.

## HIGHER EDUCATION

The cry over the whole country has been for some time past that Government have amply provided for higher education, whereas that of the masses has been neglected. To some extent this cry is justified, although the classes directly benefited by the higher education may not readily admit it. But for all this no well-wisher of his country would desire that Government should, at the present time, withdraw its aid from higher education. All that they would wish is, that as one class of the body politic has been neglected, its advancement should form as anxious a concern as that of the other. Education in India is still in its infancy. Any withdrawal of State aid from higher education cannot but be injurious to the spread of education generally.

A taste for education the higher and wealthy classes, such as the Brahmins and Purbhoos, especially those classes who live by the pain, has been created, and a gradual withdrawal of State aid may be possible so far as these classes are concerned; but in the middle and lower classes, among whom higher education has made no perceptible progress, such a withdrawal would be a great hardship. In the event of such withdrawal, boys will be obliged to have recourse to inefficient and sectarian schools, much against their wish, and the cause of education cannot but suffer. Nor could any part of such education be entrusted to private agency. For a long time to come the entire educational machinery, both ministerial and executive, must be in the hands of Government. Both the higher and primary education requires all the fostering care and attention which Government can bestow on it.

The withdrawal of Government from schools or colleges would not tend to check the spread of education, but would seriously endanger that spirit of neutrality which has all along been the aim of Government to foster, owing to the different nationalities and religious creeds prevalent in India. This withdrawal may, to a certain extent, create a spirit of self-reliance for local purposes in the higher and wealthy classes, but the cause of education would be so far injured that the spirit of self-reliance would take years to remedy that evil. Educated men of ability, who do not succeed in getting into public service, may be induced to open schools for higher education on being assured of liberal grants-in-aid. But no one would be ready to do so on his own account as a means of gaining of livelihood, and it is doubtful whether such private efforts could be permanent or stable, nor would they succeed half so well in their results. Private schools, such as those of Mr. Vishnu Shastree Chiploonkar and Bhavey, exist in Poona, and with adequate grants-in-aid may be rendered very efficient, but they can never supersede the necessity of the high school.

The missionary schools, although some of them are very efficiently conducted, do not succeed half so well in their results, nor do they attract half the number of students which the high school attract. The

superiority of Government schools is mainly owing to the richly paid staff of teachers and professors which is not possible for a private school to maintain.

The character of instruction given in the Government higher schools, is not at all practical, or such as is required for the necessities of ordinary life. It is only good to turn out so many clerks and schoolmasters. The Matriculation examination unduly engrosses the attention of the teachers and pupils, and the course of studies has not practical element in it, so as to fit the pupils for his future career in independent life. Although the number of students presenting for the Entrance examination is not at all large when the diffusion of knowledge in the country is taken into consideration, it looks large when the requirements of Government service are concerned.

Were the education universal and within easy reach of all, the number would have been larger still, and it should be so arranged as to be within easy reach of all, and the books on the subjects for the Matriculation examination should be published into the Government Gazette, as is done in Madras and Bengal. Such a course will encourage private studies and secure larger diffusion of knowledge in the country. It is a boon to the people that the Bombay University recognises private studies in the case of those presenting for the entrance examination.

I hope, the University in granting the degrees of B.A., M.A., &c., many young men will devote their time to private studies. Their doing so will still further tend to the diffusion of knowledge. It is found in many instances quite impossible to prosecute studies at the colleges for various reasons. If private studies be recognized by the University, much good will be effected to the country at large, and a good deal of the drain on the country at large, and a good deal of the drain on the public purse on account of higher education will be lessened.

The system of Government scholarships, at present followed in the Government schools, is also defective, as much it gives undue encouragement to those classes only, who have already acquired a taste for education to the detriment of the other classes. The system might be so arranged that some of these scholarships should be awarded to such classes amongst whom education has made no progress.

The system of awarding them by competition, although abstractedly equitable, does not tend to spread of education among other classes.

With regard to the question as to educated natives finding remunerative employments, it will be remembered that the educated natives who mostly belong to the Brahminical and other higher classes are mostly fond of services. But as the public service can afford no field for all the educated natives who come out from schools and colleges, and moreover the course of training they receive being not of a technical or practical nature, they find great difficulty in betaking themselves to other manual or remunerative employments. Hence the cry that the market is overstocked with educated natives who do not find any remunerative employment.

It may, to a certain extent, be true that some of the professions are overstocked, but this does not show that there is no other remunerative employment to which they can betake themselves. The present number of educated is very small in relation to the country at large, and we trust that the day may not be far distant

when we shall have the present number multiplied a hundred-fold and all betaking themselves to useful and remunerative occupations and not be looking after service.

In conclusion, I beg to request the Education Commission to be kind enough to sanction measures for the spread of female primary education on a more liberal scale.

**Poona,  
19th October 1882**

**JOTEERAO GOVINDRAO PHOOLEY,  
Merchant and Cultivator and  
Municipal Commissioner,  
Peth Joona Ganja.**

[Education Commission, Bombay, Vol. II. Calcutta, 1884, pp.140-145]