

The Left and the caste question

By Gopal Guru

THE GROWING recognition of the caste question by the Indian Left, ranging from the ultras to the mainstream parties particularly the CPI(M), shows a promising advance in the democratic consolidation of the subaltern masses which have been crushed under the oppressive weight of civil society, on the one hand, and the repressive state, on the other. This Left recognition of caste and gender based discrimination was evident from two conferences. The national convention of the Sanza Sanskritik Abhiyan, a cultural front of the marxist-leninist (ML) groups, in Chandigarh from November 9 to 11, 2000, and the CPI(M)'s conference in Thiruvananthapuram in October 2000.

While such reconciliation was overdue, how did it happen? It was certainly not due to the rising political pressure of the mainstream Dalit politics. It would be naive to expect Dalit leaders to take the political/moral lead to pressure the Left parties for such a democratic consolidation. In fact, as the experience of recent years shows, Dalit leaders have been using the Left as the counterpoint to rationalise their everyday forms of petty politics.

Similarly, the present efforts for reconciliation cannot be explained in terms of the righteous indignation of the Indian Left. They need to be explained, among other things, in terms of the shifting significance of the political categories whose progressiveness or regressiveness is conditioned by structural changes initiated by the forces of globalisation. These changes involve the fragmentation, if not complete replacement, of coherent forms of class consciousness and their replacement with more specific senses of identity. This fragmentation of class consciousness has, however, removed the burden of the Leftist, who in the past indulged in a class reductionism that in effect ignored the democratic promise that was present in Dalit assertions. In other words, Left leaders now do not have to feel sceptical about the caste issue for fear that it will disturb class unity, for the latter has anyway been overshadowed by

other developments. This recent move of the Leftists perhaps indicate their political journey that now includes casteless society as an important terminal point.

However, in this regard, the Left parties have to make a concrete beginning both at the level of offering effective programmes and building organisation. In this regard, it is interesting to note that some of the ML groups have already taken a definite lead in establishing such anti-caste organisations in Andhra Pradesh and Karnataka. These groups, for example, have established the Jati Vinashak Vedike (caste annihilation front) in Kar-

ing of such multiple forms of cultural mediation into the caste question. They do not seem to be interested in engaging with civil society. They believe that the question of caste is firmly linked with the feudal land structures and that the annihilation of caste is, therefore, inextricably linked with the redistribution of land. Hence, the armed struggle with the state becomes the primary concern, leaving civil society outside the purview of the confrontation. Of course, this leaves a lot of scope for the "Manuvadis" to reaffirm the spaces in the civil society. Witness, for example, RSS activists

social democratic content in the sense that these new channels in the vernacular are filled by people belonging to the upper caste social background. This "vernacular democracy" further entails a parochial slant that often acquires Hindutva overtones. In addition to the reproduction of caste exclusion, there are also new forms of caste-based humiliation that are often produced on a everyday basis through language and speech and performative acts. For example, a Dalit research student in an institutions of higher learning has to walk at least three feet behind his upper caste research guide. Keeping in view the tormenting nature of civil society, a devastating critique of it is a must. Glossing over the inequities carries the peril of delaying if not messing up the cause of social revolution. Therefore, cultural mediation within civil society is as important as taking on the state on the land issue.

The growing recognition of the caste question by the Indian Left shows a promising advance in the democratic consolidation of the subaltern masses.

nataka and the Kulam Nirmulan Porata in Andhra Pradesh. At the national level also, these groups have established the sanza Sanskritik Abhiyan (Collective Cultural Campaign). Thus, these groups have realised that attacking caste is a must to take the project of revolution to its logical end. This was very forcefully put forward by these groups at the Chandigarh meet.

In this collective cultural campaign, the majority of the members recognised the importance of the different forms of cultural mediation in dealing with the question of caste. This particular form of mediation further recognises the need to interrogate the hierarchical social relationship within civil society. Thus, such efforts also seek to engage with civil society while confronting the state. Contesting the hierarchical social relationships within civil society is considered an essential condition for the ultimate elimination of caste exploitation. Such groups also find it critical to appropriate all the Dalit-Bahujan intellectual traditions to broaden the social base of these endeavours.

However, within the ML camps, there are some who do not seem to be welcome

conducting their *kauayats* (drill) on the campuses of some of the universities, particularly in Andhra Pradesh.

While it is true that the annihilation of caste is certainly linked up with the redistribution of land and also that class is relevant in understanding the social reality, at least in certain parts of country, this approach of some of the ML members is problematic for the following reasons. First, it is problematic because its understanding of caste is one-dimensional. Since it treats caste as a feudal remnant rooted in the agrarian structure it, by implication, leaves out the caste discrimination being reproduced in urban areas. In civil society, newer forms of exclusion based on caste are being reproduced even in the age of globalisation.

International capital which is spreading its tentacles particularly into information technology and the electronic media, does not seem to be interested in undermining caste discrimination. For example, the IT industry is by and large, controlled by the "twice born". Similarly, the electronic media might look to be democratic in nature as it has opened up channels in different regional languages. But it still betrays the promise of a deeper,

Second, the armed struggle as suggested by some of the sections within the ML, ambit is also problematic when viewed from the vantage point of civil society. Some might argue that armed struggle cannot be discounted as a part of a creative historical process, that a certain amount of sacrifice is desirable and unavoidable. But what one increasingly finds is that revolutionary violence is yet to establish itself as the perfect virtue in a social order that is conditioned by the prevailing moral climate. In fact, the moral climate within a civil society can enable the revolutionary groups to turn the people against state-perpetrated violence. It can deny the state a political legitimacy to unleash fresh rounds of counter violence against the oppressed masses. Such intervention can continuously expose the frustration of the state that is evident from its ruthless suppression of ex-ML activists and Civil Liberties activists. Thus, engaging with the state within civil society turns out to be a far more effective method of confrontation; it can not only downsize the state on moral/political grounds but also expand the social base of the political delegitimisation of the repressive state.

THE HINDU

20 DEC 2000

SC-ST panel flays Badal for poor record in Punjab

BY ASIT JOLLY

APR 5/11
Chandigarh, Nov. 4: The National Commission for Scheduled Castes and Scheduled Tribes has come down heavily on the Parkash Singh Badal government for its failure to either improve the lot of Punjab's scheduled castes or even protect them from atrocities.

In Chandigarh at the end of their four-day visit to Punjab, commission chairman Dileep Singh Bhuria, and a member, Mr Harinder Singh Khalsa said that the Punjab state government's performance on scheduled castes welfare and development was amongst the worst in the country. They said that the situation was distressing in light of the fact that Punjab has the highest percentage of scheduled castes at 28.31 per cent.

Mr Bhuria said that he was shocked to learn that Punjab was the only state in the country, which is yet to implement provisions for compensating scheduled castes who become victims of atrocities. In addition to that it was noted that despite the large percentage of scheduled castes living in Punjab,

there has been an almost negligible number of cases registered under the SC & ST (Prevention of Atrocity) Act, 1989.

"The large number of cases which would have been registered under this Act, is not being done either because of an ignorance of the law, or under pressure from interested parties," Mr Bhuria said. Even in instances where a case was actually registered, the accused were almost never punished.

Mr Khalsa revealed that in ten such cases registered by the Punjab police, all the accused have been allowed to go scot-free. He said that the commission had mentioned this during their meeting with chief minister Badal and senior state government officials on Thursday.

Mr Bhuria said that Punjab had an even more abysmal record in the implementation of central schemes and the development of scheduled castes. He revealed that funds made available under the Special Component Plan — a continuing Sixth Plan concept which envisages earmarking of funds for scheduled caste development —

amounted to a mere four to seven per cent of the total state plan outlay as against the requisite 28.31 per cent. Not only has this already meagre allocation been declining over the years, but utilisation has also dropped to about 47 per cent.

The commission said that as a direct consequence of the state government's lack of sincerity in implementing scheduled castes related programmes, more than half, i.e. 53.80 per cent of Punjab's scheduled castes population lives below the poverty line.

The commission added that even though scheduled castes make up more than a fourth of the state's population, they collectively hold only a minuscule 2.54 per cent of the total cultivable land. The commission members castigated the administration for failing to effectively protect scheduled castes families whose small land holdings were increasingly prone to illegal transfers. Disclosing that the Punjab chief minister had been apprised of the gloomy scenario, Mr Bhuria said that he had agreed to initiate urgent steps towards correcting the situation.

THE ASIAN AGE

5 NOV 2000

PM'S WORD PREVAILS

Harin Pathak quits, Bhatt to follow suit

By Harish Khare

NEW DELHI, NOV. 11. The Minister of State for Defence, Mr. Harin Pathak, submitted his resignation to the Prime Minister, Mr. Atal Behari Vajpayee, late tonight. It would be forwarded to the President with the advice that it be accepted.

Mr. Pathak was constrained to resign after being charge-sheeted by a sessions court in Ahmedabad in a case relating to the murder of a head constable at the height of the anti-reservation agitation in 1985, which had taken a communal colour. Mr. Pathak has, however, been getting elected to the Lok Sabha from the Ahmedabad since 1989.

Mr. Pathak's co-accused, Mr. Ashok Bhatt, Minister in the BJP Government in Gujarat, has informed the Prime Minister that he would be submitting his resignation as soon as he reaches Gandhinagar.

Mr. Pathak and Mr. Bhatt were rather reluctant to submit their resignations, much to the embarrassment of the Central leadership. The two were canvassing their case with the Central leaders, including with the Home Minister, Mr. L.K. Advani, but there were enough indications that the Prime Minister himself was inclined to ask Mr. Pathak to step down (till such time he was able to get his name cleared in court.)

Indeed, Mr. Pathak and Mr. Bhatt held a press conference here this evening and vehemently insisted that the charge-sheet was a part of a political conspiracy. (It is also learnt that the Keshubhai Patel Government was being

pressured to withdraw the cases.)

They also indicated that they would be meeting Mr. Vajpayee on Sunday to explain their case. The tone of their utterances at the press conference was not appreciated by the Prime Minister, and therefore when Mr. Pathak rang up to seek an appointment, he was left in no doubt that he would be welcome only if he was coming with a letter of resignation. Consequently, Mr. Pathak visited the Prime Minister's residence at 10.30 p.m. to hand in his resignation.

Earlier, Mr. Vajpayee's senior aides were of the view that the NDA Government could ill-afford to allow a charge-sheeted Minister to continue in office. Law Ministry officials were also of the view that Mr. Pathak's continuation in the Government would be untenable. The Samata Party leaders were also privately counselling the resignation option, particularly if they were to persist with their anti-Laloo Yadav crusade.

The resignation option was the route that Mr. Vajpayee took when in his earlier prime ministerial innings two of his colleagues, Mr. Buta Singh and Mr. Muthiah, were chargesheeted. Politically, the BJP could not fashion a different response, especially after making a song and dance all these years about corruption in high places. There was also the precedent of Mr. Advani resigning his Lok Sabha seat after having been charged in the hawala case. Had the Pathak-Bhatt duo been allowed to stick to their ministerial office, the country would have been needlessly reminded of the BJP's unflattering role in the Gujarat anti-reservation riots.

THE HINDU

12 NOV 2000

Riot-case minister quits

FROM OUR SPECIAL
CORRESPONDENT

New Delhi, Nov. 11: Minister of state for defence Harin Pathak, charged in a case of rioting in which a policeman was killed, resigned tonight, helping the Centre avert a confrontation but arming the Opposition with a potential weapon to target L.K. Advani and Murli Manohar Joshi.

Pathak, along with fellow-accused and Gujarat minister Ashok Bhatt, had pleaded innocence in the evening but put in his papers after meeting Prime Minister A.B. Vajpayee late in the night. Bhatt is expected to step down tomorrow.

The two were chargesheeted in connection with a riot in 1985 during the anti-reservation agitation. The duo said they had been implicated in the first information re-

port as they moved the high court against police atrocities.

The law ministry was understood to have informed the Prime Minister earlier that the continuance of a chargesheeted minister was "untenable", though legally he could remain in power until found guilty. Vajpayee had sought the ministry's opinion immediately after the chargesheets were filed.

Sources said experts in the ministry reportedly felt that "technically" a person could even contest elections until a guilty verdict, but it was "moral" and "almost a practice" for the minister concerned to step down on "his own".

Throughout the day, BJP leaders argued that since it was a "political case", Pathak need not resign. "The case against Pathak and Bhatt relates to a political agi-

tation and does not involve public morality as in a corruption case. The same stand was taken in a Babri Masjid demolition case. This aspect cannot be ignored," a BJP leader said.

However, Pathak's resignation is expected to punch a hole in the BJP's rationale for ridiculing demands for the resignation of home minister Advani and human resources development minister Joshi, who have been chargesheeted in the Babri case.

The BJP has been staving off the Opposition clamour for the senior leaders' resignation on the ground that the issue was a "political case".

With the winter session of Parliament a little over a week away, the Opposition is likely to pounce on the issue and renew the demand for the exit of Advani and Joshi.

THE TELEGRAPH

12 NOV 2000

PM summons Jaitley over Pathak issue

9/11/00
Our Political Bureau
NEW DELHI 10 NOVEMBER

IN THE face of mounting pressure from both within the alliance and outside, on the issue of chargesheeted junior minister Harin Pathak continuing in office, Prime Minister A.B. Vajpayee was forced to address the issue.

Mr Vajpayee summoned his law minister, Mr Arun Jaitley, in order to assess the implications of the formal charge of rioting and murder framed by a Gujarat court against the minister.

Political observers feel a decision to the contrary would mean that the Prime Minister was using different yardsticks to measure different ministers. It may be recalled that Mr Vajpayee had sacked two of his colleagues, Sedapatti Muthiah and Buta Singh, when the courts had framed corruption charges against them.

Although the BJP has chosen to view it as a political case, what has compounded problems

for the Prime Minister is the pressure from within the alliance to sack the minister.

Ms Mamata Banerjee, who is yet to succeed in making the Prime Minister formally announce a rollback of petro goods prices, appears to have found this a politically correct issue to get even with Mr Vajpayee. The Trinamul leader's campaign against the minister on Friday prompted NDA convenor George

CLEAN-UP CALL

Fernandes to formally convey to the Prime Minister the "feelings" of the allies over the charges framed against the minister.

Applying the chargesheet yardstick in the Pathak case, which the BJP claims is political in nature, is fraught with serious consequences. For the Ayodhya cases against Cabinet ministers in the Vajpayee government are at a critical stage. If the Prime Minister indeed sacks Mr Pathak, he will have to use the

same criteria against ministers involved in the Ayodhya case.

That the defence strategy coined by the ruling party leadership in support of Messrs Pathak and Bhatt was likely to come under severe test nonetheless was indicated here on Friday when both the Congress and the Left parties sharpened knives against the duo, demanding their immediate sacking.

Not only did the Congress leadership demand urgent clarification by the Prime Minister of his own position on the issue, the party leadership also cast doubts none too vaguely on the vocal claims to "value-based politics" flourished by the ruling party as one of its key USPs.

While the Congress charged the BJP leadership with showing "utter contempt to the judicial process once again" through its defence of the continuance in office of Pathak and, in the Keshubhai Patel ministry, of Ashok Bhatt.

The Economic Times

11 NOV 2000

Old ghosts back to haunt Pathak, Bhatt

Rathin Das
Gandhinagar, November 10

CHIEF MINISTER'S MEN IN THE DOCK
Police Inspector-brother of Technical Education Minister Bharat Barot arrested. Probe still on. Industries Minister Suresh Mehta resigned over the murder of his aide in intra-party rivalry. Party MLA arrested for his role in the murder of Morbi's former Mayor. By Minister Purshottam Solanki stormed a police station to save his brother locked in cable TV war. Social Welfare Minister Gaothaji Thakore's son arrested. Minister disowned him.

Eye-witnesses have told the police that Harin Pathak and Ashok Bhatt had led the mob while the actual stabbing of the Head Constable was done by BJP activist Kiran Shah, brother of the present Information Technology Minister Bimal Shah. According to the police, the charges of murder and attempt to murder are still valid against Pathak and Bhatt as instigation is equally heinous a crime.

The incident sparked a revolt in the city constabulary which went on total strike the same evening. In the snowballing effect of the anti-reservation agitation that turned political and then became communal and the killing of the Head Constable, the law and order system collapse, forcing the Congress High Command to replace Madhavsingh Solanki with Amarsingh Chaudhary who became the country's first tribal-majority Minister in a non non tribal-majority state.

IT ALL began during the anti-quota agitation in 1985 which subsequently led to the fall of the Madhavsingh Solanki ministry. Just before the Assembly elections in March 1985, the then Chief Minister Madhavsingh Solanki's decision to increase the reservation quota for the state's OBCs had led to a statewide agitation by the students and youths.

But, the decision paid rich dividends. The Congress returned to power with a three-fourth majority. Although the BJP and the higher caste oriented youth and students organizations had temporarily supported the anti-reservation agitation in view of the assembly elections, it was reversed after the Congress victory which was seen to be a result of backward caste appeasement by the C.M.

It was during one of these anti-reservation demonstrations at the peak of the agitation that a mob instigated by the then municipal corporator Harin Pathak and Khadia MLA Ashok Bhatt had killed Head Constable Lavant Desai and injured several other policemen. The incident took place in Khadia

area of the walled city around 11.30 a.m. on April 24, 1985, minutes after Harin Pathak and Ashok Bhatt's provocative speeches before a mob of BJP workers. What had started as an agitation against the rise in quota for backward classes soon acquired political overtones.

BJP's reaction 'is shameful'

THE LEFT on Friday demanded the immediate resignations of BJP's Union Minister of State for Defence Harin Pathak and Gujarat Health Minister Ashok Bhatt. The CPM Polit Bureau found it "shameful that the BJP is trying to justify their continuance in office even after proceedings have been launched against them."

In similar vein, the Congress, too, flayed the BJP for its brazen attempts to shield the tainted Ministers. Speaking to reporters, AICC general secretary Ghulam Nabi Azad said: "It appears that the BJP's obsession to retain in power is leading them to invent a new penal code where a murder charge is less heinous than corruption." Mr. Azad said the Congress will raise the matter in the forthcoming Winter Session of Parliament.

HTC, New Delhi

WHEELS WITHIN WHEELS

A RECENT JUDGMENT on the A.P. Scheduled Castes (Rationalisation of Reservation) Act by a five-judge bench of the Andhra Pradesh High Court, apportioning quotas in education and employment among four categories of Scheduled Castes in proportion to their numbers, is a major step towards an equitable resolution of the long-standing debate on 'creamy layers'. Two castes, Malas and Madigas, both 'untouchables', together account for about 80 per cent of the total SC population in the State. The Madigas, whose numbers are about 20 per cent higher than the Malas, are reportedly treated as 'outcastes by the Malas, just as there are castes even lower than the Madigas that are treated as outcastes by the Madigas'.

The Malas, who have been walking away with a disproportionate share of reserved vacancies, contested the claim of the Madigas for reservation proportionate to their numbers on the ground that the Madigas 'eat, drink and loaf around, whereas we work hard'. The Madigas, naturally, resented this characterisation and attributed the disproportionate gains accruing to the Malas to the fact that the latter, being higher up in the socio-economic hierarchy, enjoyed an unfair advantage in competing for reserved vacancies. This, of course, is precisely the question that the Supreme Court's directives on the 'creamy layers' have sought, not very successfully, to address. The judgment of the Andhra Pradesh High Court has now opened up the possibility of progress on the tangled issue in other States as well; in respect of reservation not only for the SCs but hopefully for backward castes as well.

How far this potential is realised will, however, depend on the degree to which the 'underdogs among the underdogs' in other States

are able to mobilise in favour of their eminently reasonable demands. The debate about 'creamy layers' arose in the first place because a minority of those eligible for reservation were walking away with the lion's share of benefits; for years on end, in perpetuity. The reason why such a situation prevailed was not because the advantaged groups had greater numbers on their side. On the contrary, they were a privileged minority. The reason was, rather, that they enjoyed a superior political clout. In other words, to repeat the obvious, it is not always the logic of numbers that prevails in a democracy, even when there is a great mismatch in the numbers involved.

The victory for the Madigas in the 'creamy layer' debate in Andhra Pradesh did not come about either because of the inherent justice of their case or on account of their superior numbers. Only after a long and hard struggle were they able to lay the basis for victory. The Malas launched a fierce counter attack, and often the two came to blows over this issue. One of the arguments of the Malas was that their caste outperformed the other simply because it happened to be more concentrated in the economically and educationally more developed coastal districts. It was this, they said, that gave them an advantage in the competition for reserved vacancies. But this is hardly a tenable argument. No matter how reasonable the reasons for advantaged access, the very fact that some groups have an advantaged access makes it necessary to protect other underprivileged groups which do not have such an advantage. It is to be hoped that more numerous but less fortunately placed groups in other States too will be able to profit from the developments in Andhra Pradesh.

THE HINDU

13 DEC 2000

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to opt for the DMK's traditional social
constituency — the intermediate
castes. Indeed, it would not have been
possible for the platform to thrive
merely on the basis of a perception,
particularly among the Dalits, of MGR
as the messiah.

After all, the ground realities were
changing. The Dalits too, at least those
among them who had access to educa-
tion as well as Government jobs, were
beginning to assert themselves and
were expressing this by way of rallying
behind such parties as the Dalit Pan-
thers and the Puthiya Tamizhagam.
And wherever the Dalits asserted in
such fashion, there were incidents of
violence against them. It is another
matter that there have been instances
of retaliations too as part of this as-
sertion.

This indeed is the fallout of the
framework on which Periyar had based
his social reforms agenda; the attempt
to address the issue isolated from the
mainstream political discourse. And
there cannot be a better way to estab-
lish this than by looking at, rather
briefly, the experience in Kerala.

That society in Kerala today, despite
caste identities playing a major role,
has hardly witnessed any incident of
violence against Dalits is indeed signifi-
cant. And more so given the fact that
Malayalis had practiced "unapproach-
ability" (where even the sighting of
members belonging to some castes by
the upper-caste Hindus was consid-

Claimed by all

Periyar's legacy is being appropriated with ease by anyone and everyone.

WHILE THERE is nothing
new about the various
offshoots of the Dravidian
movement — the DMK, the
AIADMK and the MDMK —
resorting to the rhetoric of Periyar's
legacy, what was striking about the
September 23-24 events (when
Periyar's 122nd birth anniversary
was observed) was the presence of
such outfits as the Congress(I), the
TMC and the Left parties on one of
the two occasions.

The Congress(I)'s decline and
virtual decimation in Tamil Nadu
was at the hands of the DMK. Yet,
Congressmen were now willing to
be counted among those bearing
the mantle of the Dravidian
movement. Similar is the case with
the communists who were once
denounced by Periyar and his
followers as defenders of the
Brahmanical order.

Similarly, it was rather baffling to
see leaders who showed no

compunction in teaming up with
the BJP — a platform so overtly
committed to the Brahmanical
traditions and the idea of India
being a nation of one
homogeneous culture — stand up
and wax eloquent on their
commitment to the rationalist ideas
that Periyar stood for.

That such compromises are
possible and are made with such
ease cannot but suggest how
amenable to appropriation the
legacy left behind by Periyar is. It
can be appropriated with ease by
anyone and everyone.

And worst of all is what is taking
place elsewhere; the PMK's Dr. S.
Ramdoss finding in Veerappan an
instance of assertion by the
subaltern groups.

All these trends cannot be
wished away as mere aberrations;
they are reflective of the inherent
weakness in the legacy of Periyar.
— V.K.A

ered polluting) as late as the beginning
of the 20th century.

All this could be changed, so soon
and so much, only because the social
reforms movement was never sought
to be isolated from the dominant polit-
ical discourse, which at that stage was
the struggle for freedom. That the
struggle against the obnoxious practi-
ces of the Brahminical order (the Nam-
boodiris dominating the
socio-economic scene) was combined
with the campaign against landlor-
dism, drawing immensely from the
tradition of the Moplah revolt, is one
part of the legacy. At another level,
there were the initiatives for reform
from within the Namboodiris them-
selves in the form of the Yogashema
Sabha.

Then there was Sri Narayana Guru,
who went to the extent of establishing
a Shiva temple where the Ezhavas
(who were prevented entry into the
temples) could worship; but then, the
Narayana Guru tradition did not stop
there and end up as an exclusively Ez-
hava movement. Instead, Kerala soci-
ety witnessed the coming together of
several members from among the
caste-Hindus agitating for the right to
all to enter temples.

The most striking feature in all these
was that, attempts were made, and
with remarkable success, to internalise
the social reform agenda into the polit-
ical discourse among the Malayalis. So
much so, even those who proclaimed
themselves atheists — the communists

in particular — were engaged in lead-
ing movements demanding the right
for all Hindus to enter temples.

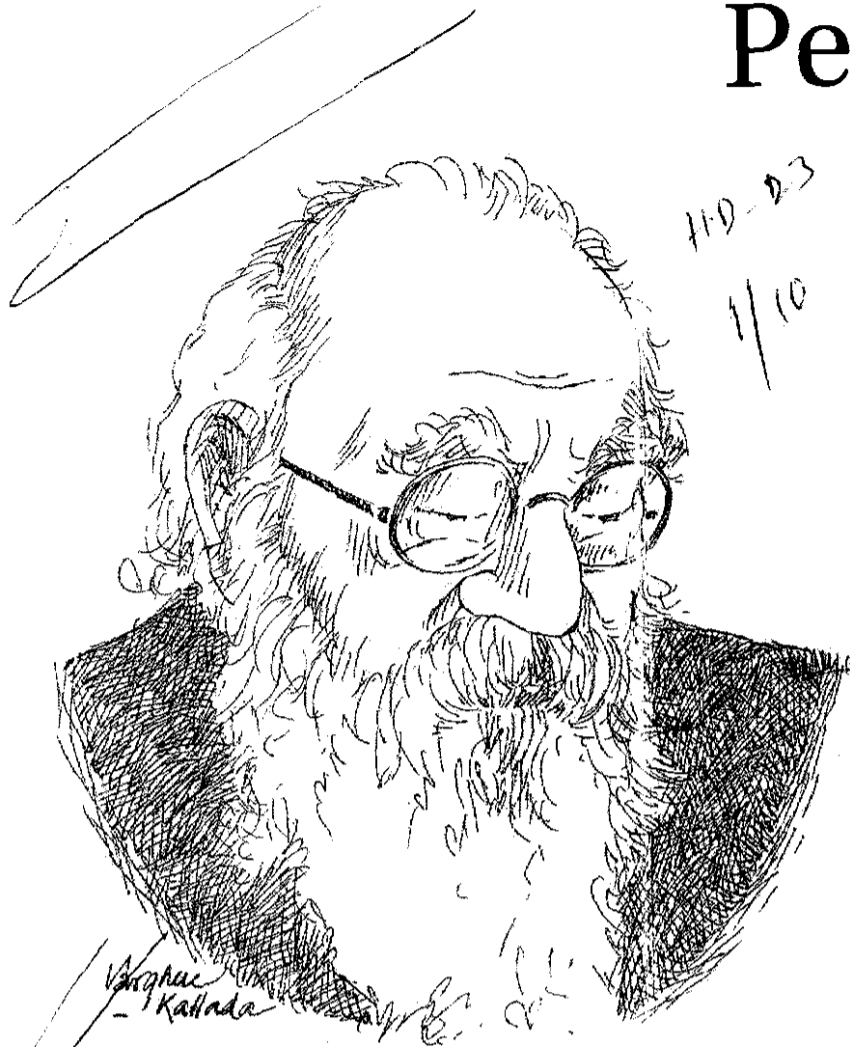
And all of them persisted with such
campaigns from within the Indian Na-
tional Congress fold, ensuring that the
social reform agenda became an in-
tegral part of the movement for inde-
pendence.

This, indeed, was what the Mahatma
too had insisted, particularly after he
settled down at Wardha in the
mid-1930s. The Mahatma, by then,
was clear that freedom was imminent;
and hence insisted on devoting all his
energy, and wanted those in the Con-
gress too to do so, on campaigns that
could lead to building an egalitarian
society in social terms.

It is this aspect that Periyar refused
to internalise; rather than persisting
from within the Indian National Con-
gress and attempting to do what many
others committed to a similar ideal did
in their own way, Periyar treated social
reforms and political mobilisation as
two separate aspects; such an ap-
proach, one can say with the benefit of
hindsight, was inherently flawed.

Periyar may have had his own com-
pulsions at that stage; but then the
whole idea has turned out to be a trag-
edy. As to the present, the parties that
belong to the Dravidian lineage are
simply enacting a farce.

Periyar — dei



IF ONLY the events in Chennai on September 23 and 24 — two days when all the leaders who matter in Tamil Nadu's political discourse "affirmed" their "commitment" to the legacy of Periyar E. V. Ramasamy Naicker — reflected the socio-political reality in the State, the people could have boasted of having achieved social equality in the fullest sense.

With all the parties competing to establish their credentials as inheritors of the Dravidian movement of Periyar's time — against the obnoxious values in society that refused to treat one section as human beings on grounds of caste — there should not, logically, be any space in Tamil Nadu's social set-up for those persisting with the kind of discrimination ordained by "Manu" and practiced by the social elite for centuries.

Yet, several parts of the State have been witness to atrocities against the Dalits. These incidents happen whenever the Dalits begin to assert that they too are human beings, that they are no longer prepared to carry on with animal-like existence and that it is their right to lead a life with dignity. Kodiyankulam (1995), Melavalavu (1997) and Tirunelveli (1999) were clearly a reflection of this trend in Tamil Nadu's socio-political discourse as was the violence in Chidambaram during the Lok Sabha elections.

That such violence, where Dalits in general and those among them who had begun to identify with outfits such

as the Dalit Panthers and the Puthiya Tamizhagam were targeted by the cadres of platforms that overtly consolidated one or other social group classified as Backward Castes — the Thevars in the southern districts and the Vanniyars in the northern parts — is not merely a crisis restricted to the social realm. Instead, it is now central to the political discourse too.

And this is something that must provoke a serious discussion on the Periyar legacy. Rather than mere attempts to score points against or hold a brief for one or other off-shoot of the Dravidian movement, such a debate will have to deal with the very basis on which it was constructed upon by Periyar himself and the legacy as it was perceived by those of his followers

Periyar treated social reforms and political mobilisation as two separate aspects. Such an approach was, one can say with the benefit of hindsight, inherently flawed.
V. KRISHNA ANANTH
on the founder of the Dravidian movement.

who entered the political space.

Such facts as that Periyar began his public activity from within the Indian National Congress, which he left because he found the Brahmanical elite so entrenched in its leadership that even Mahatma Gandhi refused to take his side — the Cheranmahadevi incident — are all too well known to need elaboration. But these facts are relevant in the present context.

The self-respect movement, as built up by Periyar, had as its cardinal principle the taking up of the agenda of social reforms as an autonomous movement rather than linking it up with the dominant political discourse, which at that stage was the struggle for freedom. And it was this approach that finally led Periyar into demanding Dominion status under the Crown and opposing freedom.

This approach to social reforms — as an autonomous movement — created the scope for an autonomous political movement too: the founding of the DMK in 1949. It may be true that the DMK, in the initial years, sought to present itself as a platform committed to internalising the social reforms agenda with its political objectives: the rhetoric was that wresting control over the political establishment from the Brahmanical elite (and its representative, the Congress) was necessary to ensure social transformation. But then, political interests rather than social reforms soon began to dominate

the DMK's agen

And the weak acy was first ex The DMK found as a political pl Tamil identity as Indian Congress cial agenda to an than launch a se forms across the

And, as it ha yielded results q party polling a s of the votes in t tions; the party l members in the non-Brahmin ca termediate caste constitute the p muscle. The The the Gounders ret cle. A phenomen ferent from w witnessed in Utt where the Yada even the Rajputs hind a party as lo any assertion by

And this clearly section of the pe was left to "fall i for at least a deca M. G. Ramachan emerged on the then, the AIAD committed to an da and hence it Jayalalitha, inher

THE HINDU

7 9 1999

Equality through reservation

By Amrik Singh

and investigated the entire range of issues connected with reservation.

The issue of reservation has been with us for over a century now. Its political ramifications are there for everyone to see. Today, almost half the Lok Sabha membership is drawn from castes and communities which were discriminated against for centuries together. Despite the matter having moved to centre stage in political terms, not enough serious, scholarly thought has been given to this problem. The book does precisely this.

Both the authors were on the staff of the IIT, Mumbai, when the study was initiated. They took into account not only the findings of the other IITs but also the experience of other institutions. The first point that emerges is that reservation does not

promote merit, nor does it ensure equality. Second, admissions under the quota breed a kind of dependence which does not enable the students to stand on their own feet. Even among those who passed out of the IITs, 60 per cent voted in favour of continued reservation for the next generation also. Third, the amount of frustration produced led to the withdrawal of some students from the IITs. Eventually, the review committee concluded that a much more feasible proposition would be that those who were selected must have achieved at least two-thirds of what the other students had done. This would at least ensure that those admitted were not sent out. This revised system was adopted in 1978 and continues to date.

According to the authors, even this system, though much less wasteful and psychologically more protective than the earlier one, has not worked as well as was expected. In the course of further research done by the authors, various questions were issued. On the academic plane, all kinds of difficulties were identified, the most important being that the pace of work in the IITs was so demanding that those admitted under the reservation category could not just cope with it. Another alternative mooted and actually ex-

perimented in the IIT, Kanpur, was that there could be two parallel streams of study, one moving fast and the other moving slower. It cannot be affirmed that even this system worked all that successfully. Whatever was proposed could not overcome the deficiencies that the students started with. Today, students admitted to the IITs are given special coaching and are systematically enabled to come up to the required level; and additional time is provided for that exercise. It is only when they move or less come abreast of others that they get started formally. Even then, the gap between the two categories is eventually not obliterated. Both in academic and psychological terms, the only way of success is that poor students who join professional institutions such as the IITs

should be brought on a par with the rest at the time of admission. Unless this is ensured, the gap will widen with the passage of time. Even in the U.S., under affirmative action programmes, the experience is about the same. There is one basic difference, however. Schooling for almost everyone is the same in the U.S. In our country, we have developed a system of parallel schooling and, unlike as in the U.S., government-run schools here are third-rate. In a sense, thus, we have complicated the problem rather than resolved it. It must be said to the credit of the authors that they do not tamely accept this situation. They recognise that those students who make it, despite all handicaps, know that this gives them a start in life and puts them in a situation where it is possible to help the family, encourage siblings and support parents. All that is there but the negative consequences cannot be overlooked. Most of them suffer from a feeling of inferiority. Quite a proportion of them come from well-off families and are aware of the advantage of getting admitted to an IIT. At the same time, they are also alive to a feeling of animosity towards them among the general mass of students. In any case, according to a survey, their first preference was to a public sector job

Despite all sloganeering, hardly any serious effort has been made to improve the quality of education.

What is to be done in this situation? The authors are very much in favour of helping the underprivileged and have put forward an alternative scheme for bridging the academic gap. They recognise the fact that even a partial deficiency disables these students at the very start from catching up. Therefore they propose that, instead of being formal or bureaucratic, a planned search for talented students among the SC/ST categories be undertaken more or less on the lines of the experiment done by the Homi Bhabha Centre for Science Education in Mumbai. In terms of this experiment, promising students in standards VI, VII, IX and X were identified and nurtured in two stages. Between standards VIII and X, an attempt was made to raise their general knowledge and related abilities and between standards XI and XII, they were prepared for entry into higher and professional education. The authors also suggest that promising students in Navodaya Vidyalayas, Kendriya Vidyalayas and municipal schools be given a free two-year, rigorous postal and TV coaching for the JEE. They have quoted one beneficiary who said, "Do this and see the difference".

Strictly speaking, the whole controversy is about the quality of education. Those who can afford to spend a substantial proportion of their income on the education of their children buy quality education. What happens to the common folk? Either they do not go to school or receive third-rate education. Despite all sloganeering, hardly any serious or systematic effort has been made to improve the quality of education. Members of Parliament and other elected representatives will render immensely more useful service to the nation and their own community if they pay more attention to what happens on the ground. They must understand that students who have lived through generations of discrimination can be brought into the mainstream only with hard, systematic and high quality teaching.

IS a comment on the class to which we belong and the times we live in that the book, *Equality Through Reservations*, by Viney Kimpal and Meenakshi Gupta (Bharat Publications), which was published about a year ago, has not even been noticed anywhere. This is the most serious and comprehensive study of the subject, to continue to ignore it would be an indefensible omission.

Reservation was provided for in education and the services when the Constitution came into force in 1950. While all institutions were covered by legal orders, the IITs were somehow not included. Therefore, in December 1972, a committee was appointed by the IIT Council to examine the feasibility of providing reservation to Scheduled Caste and Scheduled Tribe candidates. It recommended that, regardless of their level of performance in the Joint Entrance Examination (JEE) all SC/ST students who qualify be admitted against the quota reserved for them. This was without reference to the minimum standards laid down for the general candidates. The scheme was implemented in 1973 and 15 students under these two categories were enrolled in each IIT.

Three years later, it was however found that this system was not working. Students who came from poor homes and poor schools could not adjust to the demands of the IIT course work. They began with a handicap and could never overcome it. There were also problems of social adjustment. It was in this background that it was decided to review the system.

Experience even under the British showed that caste discrimination was one of the central problems of Indian society and unless something was done to remedy the situation there could be neither social justice nor economic advancement. Some of the southern States took significant initiatives and these became very much a part of the political experience when the new Constitution was drawn up after 1947. The Mandal Commission recommended 70 per cent reservation for backward classes in technical and professional institutes.

Apart from what was done in Mumbai, something similar was done in the other IITs too. The authors of this book who belong to the IIT, Mumbai, have, however, gone beyond what was done in the IITs

THE HINDU

9/10 By Amrik Singh

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Governor seeks report from Rabri ministry

PRESS TRUST OF INDIA
PATNA, OCT 15

BIHAR Governor V C Pande has sought a report from the Rabri Devi government on Friday's killing of eleven Yadavs of a family in Siwan district.

A Raj Bhavan spokesman told *PTI* that Pande, who is presently in New Delhi, expressed deep concern over the recurrence of violence and sought a detailed report from the state government on the killing and the action taken thereof. Condoling the deaths, Pande said the incident was an "unfortunate happening" in civil society. The mass killing deserved condemnation, he said. He said those people who created social tension in the state should be firmly dealt with.

The spokesman said the Governor had asked the state administra-

tion to take immediate steps to arrest the culprits.

Meanwhile, Opposition leader in Bihar Assembly, S K Modi, who headed a fact-finding team to make on the spot study of the situation in Siwan, told reporters that the state government had failed to check the carnage recurring.

SIWAN MASSACRE

He charged that an RJD MP had masterminded the killing, but his name was dropped from the FIR registered in connection with the incident under pressure from the ruling party in Bihar. Modi demanded immediate arrest of the culprits involved in the heinous crime.

Meanwhile, the Bihar government has announced an ex-gratia payment of Rs one lakh to depen-

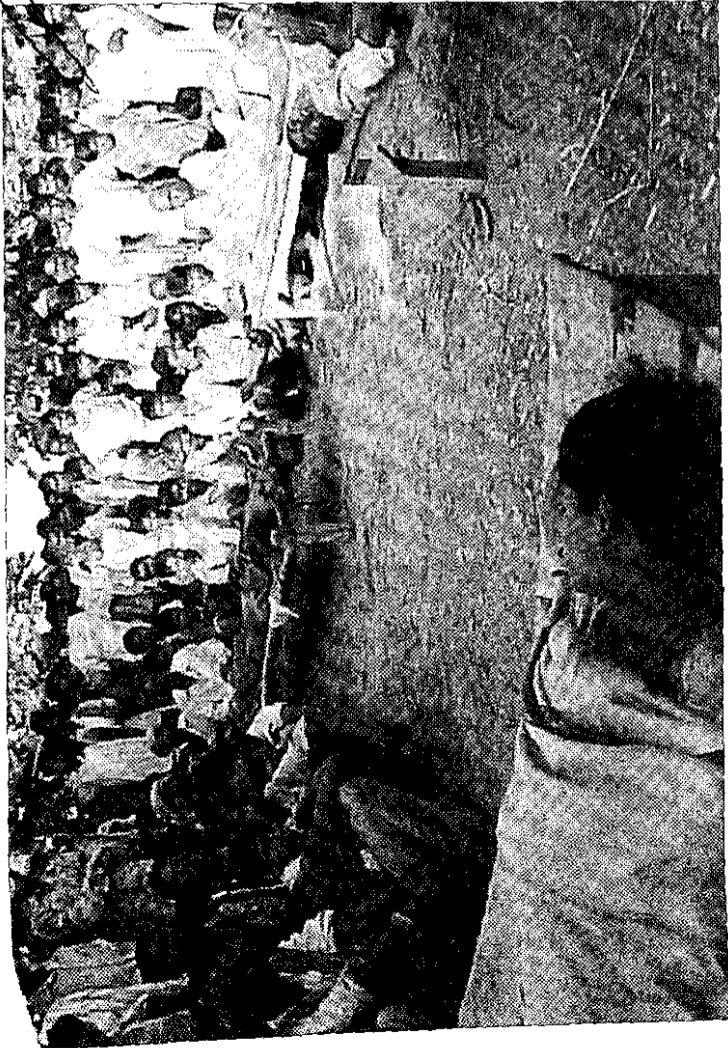
dents of those killed in the attack. Laloo Prasad Yadav, ministers Shivanand Tiwari and Awadh Bihari Choudhury who visited the carnage site yesterday, also announced that the state government would provide a job to an eligible dependent of each of the eleven deceased.

Meanwhile, prohibitory orders under Section 144 CrPc have been promulgated in Siwan keeping in view tension following the massacre.

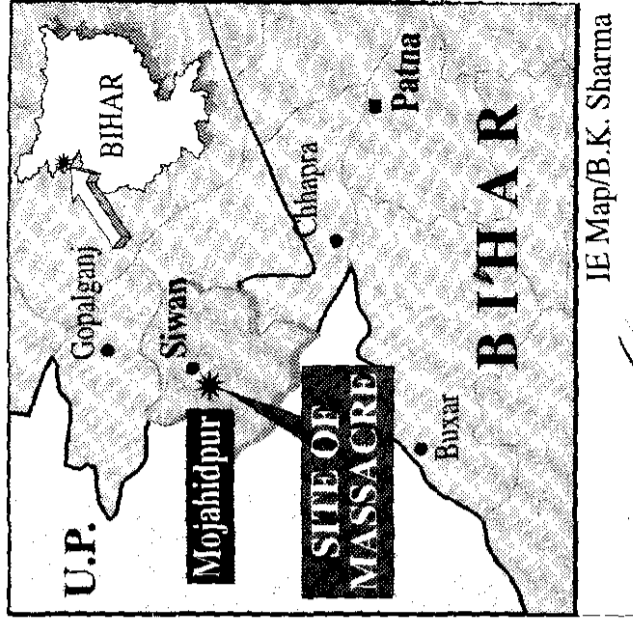
Official sources today claimed that the situation was tense but well under control.

Additional companies of paramilitary personnel were deployed in Siwan to maintain law and order, sources said.

CPI-ML(L) has held the state government responsible for the massacre and given a call for a bandh in Siwan tomorrow to protest against the killing.



Family members surround the dead bodies in Mojahidpur village at Siwan, Patna — *PTI*



IE Map/B.K. Sharma

INDIAN EXPRESS

16 OCT 2000

Thakurs pour acid on 6 UP dalits

BY AMITA VERMA

Lucknow, Oct. 23: Six persons belonging to the dalit community in Barabanki district, barely 22 kms from Lucknow, were subjected to a brutal acid attack over the weekend by the local Thakurs when the latter failed to procure a tender for fishing rights in a nearby pond.

The victims who were brought to Lucknow for medical treatment on Sunday night, are said to be in a critical condition, having suffered 30 to 65 per cent acid burns on

their bodies. Two of the victims, including a 12-year-old boy, Budhai, have lost their eyesight in the incident.

According to reports, trouble began brewing in Matiala village when some persons belonging to the dalit community, managed to procure fishing rights of a pond after making a higher bid for the same. The tender of the local Thakurs, belonging to the nearby Hadauri village was rejected. Tension between the two communities had been steadily increasing since the Thakurs, apparently, saw this

as an insult to their community.

Over the weekend, when six dalits — Maniram, 30, Ram, Lakhan, 26, Sanjay, 17, Ram Prasad, 15, Kamlesh, 22 and Budhai, 12 — came to the pond for fishing, they were accosted by six Thakur youths. The youths first abused them and when the Dalits objected to their behaviour, the Thakurs attacked them. The assailants, armed with country-made pistols, lathis, sharp-edged weapons and a container of acid, began beating the dalits. When the victims lost

consciousness after the beating and fell to the ground, the Thakurs opened the acid container and showered the acid on the hapless victims.

The assailants — later identified as Paras Singh, Jagjivan, Govind, Ramadhar, Manoj and Shiv Narain — then warned the victims to keep away from the pond if they wanted to remain alive.

The relatives of the victims first applied homemade remedies on the burns but when their condition showed no signs of improvement, they

Turn to Page 2

Ulfa guns down 16 in Upper Assam

BY MANOJ ANAND

Guwahati, Oct. 23: Heavily-armed Ulfa militants massacred at least 16 persons and seriously wounded three others in two separate attacks in Upper Assam's Tinsukia and Dibrugarh districts on Sunday evening.

The rebels escaped unchallenged after the massacres.

The police said here on Monday that the first incident took place at about 6.30 pm at Kakojan No. 4 village under Doom Dooma police station in Tinsukia district. The militants cordoned off the village and asked the villagers to gather in front of a house. The helpless villagers, who did not have any alternative but to obey the orders of the mili-

tants, were then shot in cold blood at close range. At least 11 died on the spot, three others sustained bullet injuries and were shifted to Dibrugarh Medical College Hospital. The condition of the injured persons is stated to be critical.

The deceased were later identified as Keshaw Prasad Kanu, Paresw Kanu, Shanker Kanu, Parsuram Prasad, Dilip Singh, Manoj Singh, Subhash Gupta and his son Raju Gupta, Binoy Kanu, Sheikh Hazarat and Sheikh Mustaq.

This is the first time that Ulfa militants have killed so many people (11) in one incident, the police said, indicating that Ulfa has also started targeting the state's non-Assamese population.

The second tragic incident took place at Naoholia, under Bordubi police station in Dibrugarh district, when three heavily-armed militants entered the business establishment of one Radheshyam Agarwal and killed him. The militants, believed to have come with the intent of extorting money, had an altercation with Agarwal before they opened fire on him. Hearing gunfire, a crowd assembled in front of Agarwal's shop. The militants then opened fire on the crowd to flee from the spot. A three-year-old boy died on the spot after being shot in the stomach.

Three others in the crowd also sustained bullet injuries and died on their way to the Oil India Limited hospital. The militants

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THE ASIAN AGE

24 OCT 2000

Dalits & economic liberalisation

By Pratap Bhanu Mehta

If participation in wealth-generating market activity can be widely diffused across different castes, the zero-sum character of political competition may also get dissipated.

THE EMERGING rumblings of discontent over economic liberalisation call for a rethinking of the relationship between it and the empowerment of Dalits. Often the relationship between the two processes is characterised negatively. It is argued that historically the upper castes have secured their dominance through the slipping from their control, they are calling for a rolling back of the state.

Social privilege will now be structured by access to the market rather than to the state; and the upper castes have great advantages in the market. The call for rolling back the state just at the moment when the Backward Castes are gaining significant access to it is nothing but an upper caste ruse to reinstate their power through the market. As an explanation for the necessity of liberalisation much of this argument is beside the point. There is, however, a grain of truth to this argument that needs to be taken seriously.

Unless the newly-mobilised Dalit castes can be given access to the gains of the market economy, their prospects for social advancement remain dim. The gains of the market economy can be legitimised only to the extent that Dalits are part of these gains and Dalits can in the long run socially and economically empower themselves only if they acquire the capacities to navigate a market economy successfully. The state has limited resources and most wealth in society will be generated outside it. Access to political power can ensure that the state is not complicit in reproducing social inequity.

But state power will not, by itself, enhance Dalit and Backward Caste representation in all those walks of life that will be at the cutting edge of the new economy. The process of economic liberalisation must be shown to yield direct gains for Dalits, in a way that can

The approach outlined above will have several benefits. It will prevent the state from squandering the resources on itself; it will represent a concerted effort to give Dalits independent standing in the private economy; it could potentially mobilise this important sector on behalf of privatisation and thereby diffuse criticisms from the Left.

And finally such a scheme would in the long run produce more lasting social gain than Mandal did. It would actively encourage Dalit initiative rather than merely coopt it into the state. It would give society renewable assets such as schools. It would give Dalits wider representation in different sectors of the economy.

One of the chief limitations of the discourse of social justice in India has been the fact that it has focussed only on the state. This focus has given this discourse a zero-sum character. One group wins at the expense of the other. Unlike goods distributed by the state the market's allocations are not, under right conditions, zero-sum in character. If participation in wealth-generating market activity can be widely diffused across different castes, the zero-sum character of political competition may also get dissipated.

By moving to a new discourse, that demands not just state resources, but wider participation in the market, Dalits might revolutionise our understanding of social justice. Without the market, growth cannot be achieved; and without Dalit participation in the market, equity cannot be achieved.

Let us forge a virtuous cycle, where liberalisation is seen as a means of Dalit empowerment; and Dalit empowerment is seen as saving us all from the excesses of the state. Dalits now feel that they have most stake in the liberal constitutional values that their upper caste peers are so intent on betraying. It is desirable that they acquire a stake in the private economy as well.

Third, some of these resources could be used to set up an entrepreneurship fund for qualifying Dalits. Many states have such funds for qualifying women entrepreneurs. These funds could take the form of low interest loans, matching grants etc. These will ensure that Dalits have some resources to draw upon which will allow them to be entrepreneurs and business leaders.

Economists would argue that, in theory, earmarking funds from disinvestment is not an optimal use of these monies. But in practice there are three arguments for earmarking funds. One is that in the absence of such earmarking the state is not very likely to use these funds for productive purposes any way. Second, the rationale for economic liberalisation is that it will generate more wealth than the state dominance of the economy allowed. But the gains from this wealth have to be shared, not by expropriating the wealthy, but by using this wealth to generate opportunities for the weaker sections of society.

In the last decade or so, the state has not been able to send any firm signals about how the latter part of this bargain is going to be kept. Suggesting that disinvestment proceeds will be used only for important social purposes that benefit those who have least access to the market economy will send an important signal.

Third, such gestures will help consolidate political support for reforms. Of course imaginative ways will have to be found to administer these funds; and they will by no means be sufficient to address most of the real deprivations that Dalits face. But this use of disinvestment funds is likely to be better than any of the alternatives.

make them allies rather than opponents of liberalisation.

The process of economic liberalisation is at a critical juncture. The public sector is undergoing a massive disinvestment. The Government hopes to generate Rs. 10,000 crores in the 2000-2001 financial year alone, very little of which will go directly for Dalit welfare.

Revenues generated by this process will not be put to any productive use by the state. Given the pressures of our fiscal deficit and temptations of populism and patronage, these gains will be swallowed up. The revenue from disinvestment needs to be earmarked for social purposes. We need a political consensus that will commit this revenue to Dalit and Backward Caste welfare.

This spending could have three components: first, some of it could be used for general investment in primary education and health in rural areas, especially where there is a large concentration of Dalits. Second, it would provide money for Dalits in the form of scholarships and grants, which could be redeemed at suitable qualifying private institutions, which could include not only private colleges, professional institutes, but also computer institutes.

For instance, training for the information technology sector is in private hands and weaker sections need to be given access to them. This would have several advantages. Dalits would not remain confined to second-rate state institutions. Many private institutions which at the moment do not admit Dalits will have an incentive to do because these students would come with their own funding.

Cabinet nod for more castes in

40-1 OBC list

519 By P. Sunderarajan

NEW DELHI, SEPT. 4. The Union Cabinet today decided to further amend the Central list of Other Backward Classes in respect of States and Union Territories such as Tamil Nadu, Andhra Pradesh, Karnataka, Pondicherry, Delhi, Uttar Pradesh, Haryana, Rajasthan, Madhya Pradesh, Gujarat, Orissa, West Bengal, and Goa.

Announcing this, the spokesperson of the Government said 51 advises for amendments were received from the National Commission for Backward Classes and all were accepted.

According to official sources, the inclusions included Pulluva Gounder and Kallalar Kula Thondaman in Tamil Nadu, Christian Nadar in Pondicherry and Nayi Brahmin (Mangali, Mangala and Bhajanthi) in Andhra Pradesh.

The Cabinet, which met here this evening, also decided to extend the scheme for preferential purchase of products and services

Highlights

Financial restructuring of the four stand-alone refineries in Chennai, Cochin, Bongaigoan and Numaligarh in the run-up to the total dismantling of administered price mechanism for petroleum products.

Reviving viable national textile units and closing down non-viable ones along with a voluntary retirement scheme for workers.

Retirement age of instructors of girl NCC cadets enhanced from 54 to 55.

Repeal of the Vaccination Act 1880 through an amendment. The act has become infructuous as small pox was eradicated in the world.

of Central Public Sector Undertakings for another two years, under existing parameters, except that the minimum value of the purchase order under the scheme would be Rs. one crore instead of Rs. five crores.

The Cabinet also decided to deal with the issue of revival/ closure of NTC mills on a unit-wise basis. Consequently, it was decided that units that were viable would be revived, while those found non-viable by BIFR, would be closed down, with a generous voluntary retirement scheme for employees. It further decided to enhance the retirement age of NCC girl cadet instructors by one year to 55.

No hike in petro prices for now: Page 13

THE HINDU

SEP 5 1977

SEP 5 1977

5 SEP 7 1977

Ranvir Sena kills six in Bhojpur

STATESMAN NEWS SERVICE

PATNA, Sept. 10. — Suspected Ranvir Sena members late last night hacked to death as many as six CPI-ML (Liberation) supporters at the twin villages of Dumaria and Nawadhava in the Tarari area Bhojpur district, about 100 km from here.

All victims were from backward and minority communities. More than 50 armed men abducted the six from the Dumaria-Nawadhava villages, police said. The victims were split into two groups, taken to two places and hacked to death. The killers are believed to be members of the outlawed Ranvir Sena, a dreaded private army of upper caste Bhumihar landlords.

Police found bodies of three of the victims in a field near Dumaria late last night. The other three bodies were found in another field at Nawadhava early this morning. All had abdomens and throats slit open.

The victims have been identified as Algu Kahar, Shyamsunder Kahar, Bhumar Kahar, Anil Yadav, Vishwanath Rajwar and Aftab Ansari.

The Superintendent of Police, Bhojpur, Mr ML Meena, confirmed the killings before he left for the place, about 50 km from the district headquarters of Arra.

The RJD chief, Mr Laloo Prasad Yadav, rushed to the spot after news of the killings came in. So did the state water resources minister, Mr Jagdanand Singh, and senior officers including the zonal inspector-general, district magistrate and SP. A police officer said flood waters made it hard to reach the twin villages.

Bhojpur has long been a battle ground, with the lines drawn between the Ranvir Sena and landless peasants organised under the banner of the CPI ML (Liberation).

A case should be launched against the Ranvir Sena, the CPI-ML (Liberation) has demanded. It has also demanded compensation packages of Rs 5 lakh for dependents of each of those killed.

THE STATESMAN

11 SEP 2000

Ranvir Sena activist held for Bih

Patna, Sept. 11: A Ranvir Sena activist was arrested on Monday in connection with the killing of six people at Dumaria and Dharmdesri villages in Bhojpur district on Sunday.

State home commissioner U.N. Panjiyar said here on Monday that 25 people had been named as accused in the Dumaria incident while 18 others had been named as accused in the Dharmdesri killing.

He said that the police along with para-military forces were raiding all possible hide-outs of Ranvir Sena activists.

Mr Panjiyar said that vehicles travelling in the district area, were being thoroughly checked for preventing movement of illegal firearms.

Meanwhile the Bihar government on Monday announced an ex-gratia of Rs 1 lakh to each victim of Sunday's killings in Bhojpur.

Rashtriya Janata Dal president Laloo Prasad Yadav, who visited Dumaria and Dharmdesri villages made an announcement to this effect on behalf of the state government on Sunday.

Mr Yadav said that the state government would provide government jobs to one member of the victim's family, adding that the state government would provide pucca houses, ensure the constitution of a Gram Raksha Dal in the extremist-hit areas and offer firearms to members of the dal.

(UPI)

Caste count revisited

By Manabi Majumdar

ABOUT FIVE decades ago, to get beyond casteism, the framers of our Constitution first took account of caste while delineating the building blocks of social justice. Today, after 50 years of Independence, is caste still relevant to our social, political and economic life either as a 'measuring rod' for determining social handicap and/or as a 'social unit' providing the basis for identity formation and community aspirations, political mobilisation and representation, and, more generally, struggle for power? If, on the ground of relevance to India's past and present, caste is an inescapable focal variable for analysis, understanding and policy action, is it not desirable to furnish a caste-wise demographic account of the nation, similar to the currently available profiles by language, religion, location and gender? The desirability question pushes the enquiry further back to the attendant issue of feasibility which, in turn, has to be approached on two different levels. The first one is about method: should we conduct a census, i.e., a complete caste enumeration of the billion-plus, or should a decentrally designed, context sensitive, sample survey be more worthwhile? The second one is about agency—given that caste is a 'nebulous' category, is the Population Census or an independent agency drawing on multidisciplinary resources more equipped to capture its complexities and nuances?

These questions brought together a group of people from diverse disciplinary perspectives and professional backgrounds — administrators, anthropologists, constitutional experts, economists, judges, lawyers, policy advisers, political scientists, sociologists, statisticians, writers, present and past chairpersons of Backward Classes Commissions — in a seminar on 'Caste Enumeration in the 2001 Census'.

The Madras Institute of Development Studies conceived of the programme and took the initiative in organising it. The University of Mysore, the Institute for Social and Economic Change, and the National Institute of Advanced Studies,

Bangalore, were co-sponsors.

While the original Government proposal to recommence caste returns in the Decennial Census constituted the proximate backdrop for the meeting, the purpose of the seminar was to go beyond this momentary furore — with a likelihood of generating 'academic light' rather than rhetorical heat. The idea was to confer on the desirability and feasibility of collecting reliable data on caste which would likely resolve the conceptual and policy riddle that besets the identification of backward castes and communities. The

missions have extrapolated population figures of various communities based on the 1931 estimates. But the underlying assumption that all communities experienced equal growth rates renders suspect many of these estimates. Such shaky foundations for analysis and policy choice, the majority argued, should be questioned.

There was a view that collection of caste information would reinforce rather than weaken caste divisions and lead to large-scale caste conflicts. Also, it might result in legitimising caste. But several

turn, the possibility of a schism between the self-representation of the respondent and the judgment of the enumerator.

Another set of complications arises out of the unintended effects of compensatory measures. The potential beneficiaries of welfare measures are not just passive 'targets'; they think, choose and respond to policies. And their response may not be immune to incentive effects. People may willfully misreport their caste origin on tactical grounds to get a share of reservation benefits which they do not otherwise deserve. But do all these complexities indicate a case for dropping the idea of collecting caste particulars?

Some participants endorsed the proposal to reintroduce caste enumeration in the Decennial Census, since the latter is a statutory, all-India operation. A more forceful plea was made in favour of caste enumeration on the ground that it is a constitutional imperative to do so. However, the legal position on caste enumeration being unclear (the recent Supreme Court order is not categorical on the issue), the 'Census sceptics' focussed on the tractability of collecting data on caste on a national scale in a centralised manner — a generic, context-insensitive, all-purpose caste schedule is quite unlikely to be workable.

An alternative suggested was that the responsibility for gathering caste details should be entrusted to an independent agency. It was argued that only a decentralised agency, with an awareness and sensitivity to local contexts, can yield worthwhile socio-economic data on caste. The majority felt, that a well-designed sample survey, repeated periodically, will be a much better way of building an adequate data base for facilitating policy than a complete census.

The general opinion was that the Government should initiate steps to gather caste details and this should be completed before the end of 2003. The exercise should have legislative backing, maximum transparency, and the information collected should be made public.

If relations between caste groups remain strained, lack of information will not resolve the problem but only mask it.

speakers countered that the society was no better for the lack of caste details as caste conflicts were none the fewer for it. Moreover, if relations between caste groups remain strained due to genuine or manufactured reasons, lack of information will not resolve the problem but only mask it. Discussions on these issues are often uninformed, provocative and rhetorical precisely because of shortage of data. What are the potential gains from collecting caste data? It can help identify the numbers of those which require target group oriented programmes of social and economic amelioration. Policy can then be anchored in a reliable data base. Above all, it would enable authentic identification of the backward classes.

Having arrived at a clear 'yes' to the question whether caste counts, the participants could not be inevitable: can it be counted through analyses of past censuses, the speakers showed how localised, fragmented and fluid caste groups are; how social political movements effect changes in caste nomenclature; how names of distinct castes phonetically resemble; how two or more communities/groups adopt the same name; how some groups disguise into the identity of another community and so on, creating, in

guiding premise was that even with authentic caste particulars the political settlement of the contemporary contentious vis-a-vis compensatory discrimination would not be easy to come by; but in the absence of useful data there is very little hope. Hence it is the 'poverty of information', the group felt, which needs to be addressed squarely.

The endurance of caste is manifest in three distinct ways: (1) caste as a pernicious vestige of our discriminatory history; (2) caste as a positive and empowering identity for groups traditionally consigned to the bottom of the social hierarchy and (3) castes as 'pressure groups' jostling for political representation and power. Put simply, in its twentieth century incarnation, caste has emerged as a major recruiting ground of electoral politics. This is anything but a testimony to a decline in the salience of caste. As a corollary, the group reasoned that it is time we revisited the rationale behind discontinuing caste enumeration in the Census. Caste tabulations were integral to Census operations between 1872 and 1931. But caste groups have not been counted in the Decennial Census since 1931. In the absence of required figures, several academicians and Backward Classes Com-

THE HINDU

16 SEP 2000

CASTE BARS

5/18
Dalits are still second-class citizens

INDIANS are wont to complain that in Western countries they are treated as second-class citizens; that institutionalised racism prevents meritorious people from being justly rewarded in their personal and professional lives because of their colour. There can be little doubt that a great deal of truth informs this perception. At the same time, there is enough substance in the structured inequalities that persist in Indian society to merit a look at "racism" in India. The matrix of inequality is provided by the caste system. The tenacity of caste is more than equal to provisions enshrined in the Constitution, and laws framed under such provisions. Dalits — taken as an umbrella description for the "scheduled" tribes and the castes — still remain beyond the pale of privilege. They remain second-class citizens in every sense. They have little access to land, education, health care, shelter and, not unoften, the most basic necessity of life, two square meals.

One reason behind the Indian state's failure to mainstream the traditionally disempowered and dispossessed is that the agencies of the state are manned overwhelmingly by people who not only have a social *locus standi* by way of being within caste Hindu society, but also have a deeply rooted consciousness of being in harmony with the *cosmos* of the caste. In other words, anti-Dalit prejudice is alive and well, and doing good business in society and within state agencies. The latest instance of police atrocities against Dalits is the killing of a tribal in police firing in MP. The only positive feature of the episode is that three of the policemen involved in the firing were suspended. The Prime Minister should ponder over one question — do we need a debate on conversion, or do we need a debate on why tribals are only too ready to convert.

THE STATESMAN

- 2 JUL 2000

Caste violence in central Bihar

By G. P. Sharma

IN RECENT weeks, as well as in the past, central Bihar has been witness to the most gruesome and bloodiest of human carnage. The impunity with which these massacres are perpetrated is a matter of great concern to the civil society. In a sense these mindless killings indicate certain deep-rooted maladies in this part of the State. Many say land reforms are an answer but there is more to it than meets the eye. Land reform is one aspect of the problem. Another equally important aspect is social inequality, underlined by strong caste feelings, which has persisted throughout modern history and has now reached a point where each passing day in the region is seen as a day of deliverance.

What we are witnessing today in central Bihar has its roots in history. This area has been agriculturally very prosperous because of an elaborate irrigation network which was largely owned by the landlords. They used it as a ploy for extracting high rent and various illegal exactions. This led to widespread peasant protests under the leadership of the Kisan Sabha in the 1930s. If one compares today's situation with the past, one comes across interesting changes in the political economy but these have not been able to rid this part of the State of a scorching agrarian-caste strife. Before independence, the institution of zamindari provided a broad platform for the convergence of interests of various caste groups. Peasants were mobilised against the landlords cutting across caste lines, although the basis of mobilisation was caste. But now caste has become the key rallying ground, with backward castes and the Dalits represented by their prosperous sections taking on the vestiges of upper caste feudal domination. The upper caste landowners have found a strong contender in the backward castes for wealth and power. However, earlier as also now the Bhumi-haris remain the biggest landholders and the backward and Scheduled Castes then as well as now form the majority of ten-

ants. Caste feelings have always remained palpable for two reasons. One, the former never wanted that the latter should acquire any rights in land and hence all surveys aimed at ascertaining land rights were opposed vehemently by the former. Two, social humiliation had become a way life for the latter as the former took it as their birthright. On assuming power in independent India, the Congress came out with two piecemeal agrarian legislation which were supposed to be the bedrock of land reforms in the State. These were the

The real challenge lies in breaking the caste barrier and creating a political formation that could stand the test of time.

Bihar Land Reforms Act of 1950 and the Bihar Land Ceiling Act of 1961. Both were amended from time to time. With the passing of the first Act all intermediary interests in land were abolished and the same were vested in the State with the intention of giving secure rights in land to the peasants. But the successful implementation of the Act was seriously hampered by the unwillingness of the landlords to part with the relevant papers.

The second major attempt at land reform was in the shape of Bihar Land Ceiling Act of 1961 which was aimed at redistribution of land. But till March 15, 1969, only 3.69 lakh acres could be acquired and out of this 91,058 acres were either under dispute or under court stay order. Hence, the implementation of the Land Ceiling Act has also been very weak. One of the outcomes of the above legislative measures was the imparting of a sense of identity to the marginalised sections of the rural population. But above all, these measures conveyed the message that the latter too now could assert their rights. However, for quite long, their dreams of coming into social reckoning, through the

assertion of their rights, remained elusive because the political leadership and the bureaucracy were not on their side and the latter was, and still is, partisan in its approach. This left the land reforms floundering. Mr. Laloo Yadav is the first person to have cashed in on this dichotomy by bringing the socially and economically oppressed out of oblivion to the centre stage of politics. The new social and political identities that he bestowed upon them have made a lot of difference to the latter's self-perception. But two things stand out

clearly against this exercise — its major beneficiaries have been the elite within the underprivileged and it has led to alienation of the upper castes. As political largesse began to flow in made the upper castes, particularly the Bhumi-haris, even more circumspect about the intentions of the State. As a counter-offensive the latter began mobilising the upper castes by spearheading the anti-Laloo tirade. Their inability to reconcile with the new political predicament became very pronounced. Even in the present political set-up, where the Congress(I) is a part of the coalition Government, the Bihar Ministers from the party are far from comfortable. The recent killings have led to a strong pressure from within the caste for the resignation of these Ministers. It has also given Mr. Laloo Yadav some embarrassing moments.

In doing a post-script of the recent incidents, an important lacuna comes to mind. One needs to rethink the role of the Left parties; for others treading along caste lines are unable to take a neutral position and even worse are fomenting caste wars. Even the left parties seem to be faltering

on this account. It is an irony that in the very area where the Left party has made tall claims about rural mobilisation, the fate of the marginal peasants on both sides hangs fire. There is utter lack of secular political education. The real challenge lies in breaking the caste barrier and creating a political formation that could stand the test of time, thus setting an example of social harmony. Otherwise innocents, on both sides, will be used as pawns by the elite of the two communities to please their political masters.

It appears that the radical Left is also not able to entirely come out of the backward-forward syndrome, for obvious reasons, to concentrate on the genuine problems of the poor on either side. Any political party cannot afford to overlook an important fact of agrarian life: that over the years there has been an erosion in the economic basis of the upper caste peasants and the reverse in the case of the backward castes. This has upset the social scale and now the contest is between the kulaks belonging to the backward castes and the upper caste landed gentry for land and labour. An upper caste Bhumi-har peasant who does not even have enough land to make both ends meet feels proud to be associated with the Ranvir Sena and none seems to be able to convince him that his real interest lies not in remaining tied to his own caste but in joining hands with rural folks from his own economic background. And the same holds true for the other caste combine.

The problem is one of making them see reason and persuading them to give up their rigid caste positions. There is a difference between rigid and flexible caste consciousness. While the former is a state of mind almost equivalent to mental sickness, the latter is amenable to reason. Mending a badly torn social fabric such as this is a challenge for any Leftist party, for it will require hard work.

(The writer is a Professor in the Department of History, Jamia Millia Islamia, New Delhi).

THE HINDU

14 AUG 200

Caste-based parties mushroom in Tamil Nadu

G C Shekhar
Chennai, July 16

ONE MORE Tamil Nadu politician has declared that he would soon float a caste-based party. Mr. S. Kannappan, a powerful PWD Minister in Jayalalitha's regime but presently a nonentity in the AIADMK, announced that his new party would rally together the Yadava, Nadar, Pillai and Matharayar communities.

This falls into a pattern whereby more and more caste-based political parties are cropping up in the State. Early this month another former AIADMK leader and former MP

A C Shanmugam painted Chennai red when he floated an organisation to protect the interests of the Mudalayar community. And he promised that this organisation would be converted into a political party in time for the Assembly elections.

With more community leaders planning to convert their caste-associations into caste-based political parties, Tamil Nadu's politics could become more caste-ridden than Bihar's.

Apparently all these caste parties are eyeing the political pie in the form of Assembly seats and ministerships if they end up on the

winning side. Kerala has already set a precedent where community-based parties have one MLA who becomes a Minister in a precariously perched coalition government.

These caste parties hope to carve up their own community votes by eroding the vote banks of the two Dravidian parties in the coming Assembly elections so that they could call the shots in a hung assembly.

The Tamil Nadu leaders have been inspired by the success of the PMK, which initially evolved from the Vanniyar Sangam and has become the safe-keeper of the

Vanniyar votes, which forms around 15 per cent of the State's electorate. While the PMK had its vote-bank in the Northern Districts of TN and could easily mobilise these votes in an election, the same cannot be said of the new crop of caste parties. Kannappan, a Yadava, admits that his caste may not have solid pockets like the PMK does, but with at least 3,000 votes in each assembly seat, it could make a difference.

With the PMK demonstrating that it can bargain for more seats with each election, these parties feel that the caste tag would give them the leverage.

(To be concluded)

News Analysis

THE HINDUSTAN TIMES

17 JUL 2000

10 Dalit lives and an inquiry

EXPRESS FOCUS SOCIETY

Like most commissions of inquiry, the Justice Gundewar Commission report, which investigated the shooting down by the police of Dalits protesting against the desecration of Dr Ambedkar's statue in Mumbai in 1997, has been consigned to cold storage. Will the government of the day oblige the families of the victims? **JYOTI PUNWANI reports**



BURNING ISSUE: Police in action during the protests that swept Mumbai after the firing on Dalits — *Express photo*

AN departmental inquiry against a police sub-inspector who has been indicted by a commission of inquiry headed by a sitting High Court judge take more than six months? What is the value of a departmental inquiry whose outcome depends on who's in power? Do 10 Dalit lives translate into anything other than votes for politicians?

These questions come to mind

on the third anniversary of the Ramabai Nagarkar firing which took place in Mumbai on July 11, '97. The then Sena-BJP government, rattled by the public outcry at the shooting down of 10 Dalits within minutes of their protesting the desecration of an Ambedkar statue, appointed the Justice S.D. Gundewar Commission of Inquiry. Its report was tabled in June '98.

Justice Gundewar found the firing unjustified. The police had

projected the firing as necessary because, they alleged, the angry mob had begun to set fire to an oil tanker parked nearby. A resident of one of the buildings had rifled the burning tanker. Justice Gundewar rejected the "tanker theory" as false, and found the "fire" to be staged and bogus.

Unlike the Srikrishna Commission report, the Sena-BJP government accepted Justice Gundewar's report. But no steps were taken to remove from service P-

lice Sub-Inspector M.Y. Kadam who ordered the firing, about whom the Commission had said: "The police did not take any steps to deal with the crowd and its dispersal at the place of firing and straightaway opened fire for which P.S.I M.Y. Kadam is responsible. The decision to open fire was exclusively that of P.S.I Kadam... The firing was without warning, unjustified, unwarranted and indiscriminate... Police Sub-Inspector Kadam's lapses are so glaring and

that erupted, all of which he says, were based on the theory that the mob was violent. We've told both Bhujbal and Ramdas Athavale to use the Gundewar Commission Report as evidence to institute fresh inquiries."

Dalit leader Ramdas Athavale, now a partner in the ruling coalition, was mandated by residents of Ramabai Nagar on his first visit there after the incident, and his party, the Republican Party of India, boycotted the Gundewar Commission. But on July 11, the RPI was very much in evidence at the annual ritual enacted at Ramabai Nagar on that day, and its leaders now swear by the report.

One of them publicly admitted that no government takes action unless pressured to do so.

"There must be a people's movement on this issue, I don't see any evidence of it."

Significantly, almost the same answer was given at another public meeting by Congress minister Hadasai Dabhai when he was asked why this government was not implementing the Srikrishna Commission report, though its implementation was part of the Congress party's manifesto.

"These leaders made it to power riding on the people's movement on these issues," laments Professor Suresh Mehta. "The people regarded them as

our people' and expected them to get these reports implemented. Now they have realised that these leaders are useless, and the frustration that has set in makes it difficult to mobilise them into a mass movement yet again."

Does it take a people's movement to get a sub-inspector punished? But then, if one questions and ropeweave allege that unjustly the police firing, the "tanker theory" was propounded by senior police officials, be it then police commissioner Subash Mahotra, then additional Commissioner of Police T.K. Choudhury or DCP Sanjay Barve and Investigating Officer Rane.

"If the report is read in totality," says Rupanwar, "it becomes clear that two completely different versions were presented before the Commission of the incident, the police version and the people's version. The Commission then held that the people's version is the correct one. But this government has promoted the officers who propounded the false version."

Be it Manubhai's former police commissioner R.D. Vagh, indicted by Justice Srikrishna, or P.S.I Kadam, found unfit for further service by Justice Gundewar, the answer seems to know how to get away with murder: *legally*.

fatal that they can hardly be accepted. I do not think that such victims can file a complaint against an officer should continue to public service."

Two years later, P.S.I Kadam continues to be in service. It is not even as though the anti-minority, anti-Dalit Sena-BJP combine is bent on shielding him.

Today, the second-most powerful politician in Maharashtra is the man who was in the forefront of protest against the Ramabai Nagarkar firing. Indeed, the Sena had even accused Deputy Chief Minister Chhagan Bhujbal of having engineered the desecration, a charge they could not prove.

Why then is it so difficult for Bhujbal to act upon Justice Gundewar's finding against a mere sub-inspector?

The reason being given is that a departmental inquiry held soon after the incident had exonerated Kadam. Now this government has initiated another departmental inquiry, which will, in all probability, indict him.

Advocate Sanglataji Rupanwar, who appeared for one of the victims before the Commission, argues that there's enough evidence in the report for the government to file charges against Kadam under Sec. 302, IPC, and then file on the desecration, on the three charges which were then filed on the desecration, on the circumstances leading to the firing and on the public protest

leds, in a recent.

The aftermath of police atrocities: Why then is it so difficult for Bhujbal to act upon Justice Gundewar's finding against a mere sub-inspector?

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Amendment overturns Supreme Court ruling **SC, ST officials' rise made easier**

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STATESMAN NEWS SERVICE

NEW DELHI, Aug. 17. — Legislative action was taken by the Rajya Sabha today to restore the system by which qualifying marks and evaluation standards could be lowered in matters pertaining to promotions of members of the Scheduled Castes and Tribes in government services. The Constitution (Eighty-Eighth) Amendment Bill was adopted by the requisite special majority.

The Bill seeks to nullify an office memorandum issued in July 1977 which gave effect to the verdict of the Supreme Court in 1996 which had ruled against the relaxations. The five memoranda issued at the time, all in the wake of verdicts of the Supreme Court, had become the subject of political controversy and the Prime Minister had repeatedly assured remedial legislation.

The Elders today voted in favour of amending Article 335 by inserting a proviso that enables a relaxation in qualifying marks and evaluation standards "for reservation in mat-

ters of promotion" in all classes of posts and services in the Central and state governments.

There was all round political support to the Bill which was approved by 139 members, opposed by none, but Gen. Shankar Roychowdhury (Ind) formally abstained from the vote. The nation laid so much stock by the Supreme Court, yet the Bill sought to reverse its verdict without a serious attempt to analyse why the court had taken that view, he said.

The Rajya Sabha also approved the Constitution (Eighty-Sixth) Amendment Bill which deletes the provision to reserve seats for members of the Scheduled Castes in panchayats/local bodies in Arunachal Pradesh.

The state does not have an SC populace, there are no such reservations in its legislature and services. All the 140 members present voted in favour of this Bill.

While the Bills secured the necessary vote of both 50 per cent of the strength of the House and two-thirds of those

present and voting, at one stage there was an apprehension that it might not be possible to meet the first requisite. The Deputy Chairman had suggested a way out, but with several members turning up as the debate wound down there was no need to resort to unusual procedure.

During the discussion on the Bill pertaining to promotions, members generally lauded the move but also asked what action the government was taking in regard to three other office memoranda issued at the time. What was before the House today was the second step they observed, the first was taken a few months ago to ensure that the backlog of promotions would not be calculated as part of 50 per cent limit on promotions.

Several members recommended the passage of a Reservations Act, which would carry more weight than the office orders issued to give effect to the reservations policy. Complaints were made that no serious efforts were made to fill the vacancies in posts reserved for the SC/STs.

THE STATESMAN

18 AUG 200

Backgrounder ready for probe by Governors' panel

Sunita Aron

Lucknow, August 22

ENTHUSED BY his meeting with President K.R. Narayanan in Delhi on August 17, Governor Suraj Bhan has taken yet another major step in working out the modalities for a probe by the high profile Governors' Committee into the poor implementation of SC/ST welfare programmes in the country.

A Governors' meeting is scheduled in Mumbai for September 8.

Mr Suraj Bhan has sent a 22-page background material to all the members of the committee listing the constitutional safeguards, statutes and legislation for SC/STs.

He had earlier told The Hindustan Times that Uttar Pradesh was spending only six to nine per cent of its outlay on the welfare of SC against 21 per cent of total plan outlay. The situation, according to him, was more or less identical in other States as well as Central Ministries.

Mr Suraj Bhan has even enclosed with the background material three detailed pro forma for the monitoring of welfare/development schemes, review of Special Central Assistance and Special

Component Plan from 1990 onwards and review of cases registered under the Protection of Civil Rights Act, 1955.

The procedure if followed would not leave any scope for concealment of facts. Significantly, the Governor has also submitted this background material to the President.

Apparently, Mr Suraj Bhan's suggestion of forming a permanent watchdog committee in every State, which would also oversee the implementation of the recommendations made by the

Suraj Bhan has suggested that there should be cent per cent checking of financial and physical targets by the committee so that an objective picture could emerge regarding the implementation of various schemes. Moreover, he is also of the view that the committee should tour all major regions of the country and interact with the people's representatives and government machinery to get first-hand information.

Proposing formation of study groups, the Governor has suggested that it would be desirable to

check the implementation of welfare schemes at the village level. For this purpose, 5886 development blocks in the country should be divided into

three-four sectors consisting of 25-30 villages. Each sector thereafter may be assigned to a district level officer for data collection on various pro forma and submitting report to the higher authority.

Thereafter, the State government could compile the data and put up a State profile before the committee. Similar exercise could be carried out in the urban areas by dividing the municipal areas into various sectors. The Governor has also suggested enacting some legislation for quick action against the erring government servants.

Poor implementation of SC/ST welfare schemes

Governor's Committee has received a positive response from the President.

Mr Suraj Bhan has suggested that the committee should comprise the Governor, Chief Minister, Chief Secretary, two public representatives and two government servants. The proposal may now come up for approval at the first meeting of the Governors' Committee. If approved, it would go a long way in ensuring the benefit of the welfare schemes to SC/ST.

In his background material, Mr

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Exiles in their own land

MAYAWATI, HER husband, Sohanlal, and three children were leading a "happy" life at village Madwana, hardly an hour's drive from Lucknow until the evening of July 5, 2000. Two constables from Maal police station called on them that evening and took Sohanlal away to "teach" him a lesson. For 26-year-old Mayawati had quarrelled with Anita, another Dalit woman of the neighbourhood, whose father had the "means" to influence the policemen. Sohanlal they say was let off after a few blows (and the police admit this). And a little later, alleges Mayawati, two men in uniform came and raped her.

Mayawati, however, dared to approach the Zilla Parishad member from her ward (he belongs to the CPI) and insisted that an FIR be registered only to be chased away by Badan Singh, Maal station in-charge. She persisted with the State Commission for Castes and Scheduled Tribes which is hearing the case. An FIR from Kakori police station and an examination conducted at the alleged rape are now according to law.

Badan Singh is convinced "she has

The right to life, leave alone a life of dignity, is being denied to the Dalit in the two biggest States. While in Uttar Pradesh, he can at least hope to earn a living working in some factory or cold storage plant dotting the countryside, in Bihar he has nowhere to go, writes
V. KRISHNA ANANTH.

manufactured a story to get Rs. 1 lakh as compensation". And all those in Madwana, most of them Dalits again, seem to have been "told" by their village elders (who insist on accompanying you when you go to the Dalit *basti*) to convey that nothing happened.

Ever since July 7, Mayawati, Sohanlal and their children have been on the run; they reach Indira Bhawan (where the SC/ST commission is located) in Lucknow for the hearing and then go away. Their home in Madwana is locked and no one wants to know where they are. They do not want to face the wrath of the police.

Birendra, a 30-year-old Passi, had inherited the "patta" for one bigha (two-

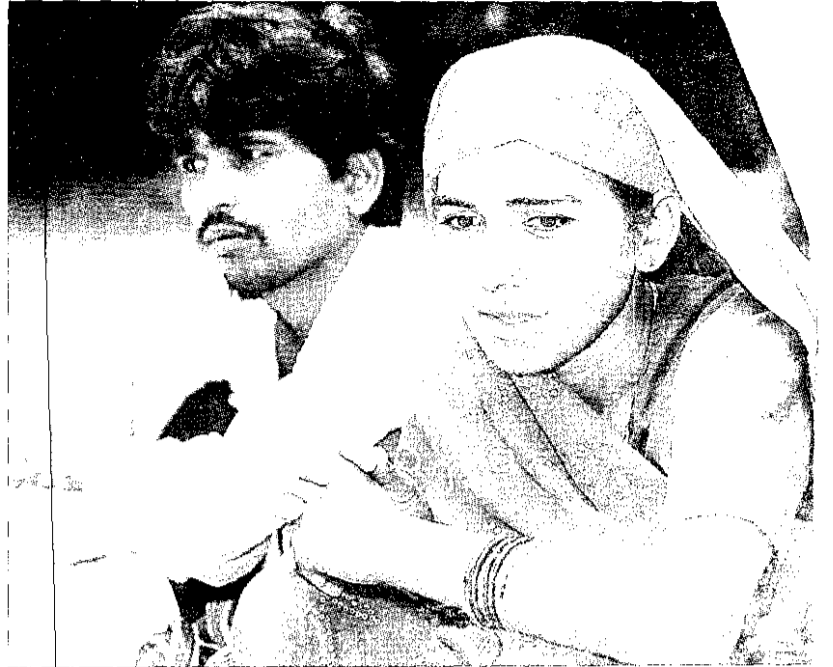
thirds of an acre) of fertile land at Uttar Dauna, a village on the Lucknow-Barabanki highway. His father got the "patta" thanks to the land reforms drive in Uttar Pradesh in the 1970s. But then, Birendra had to sell it off — he became a Buddhist to do that: for "patta" land, according to the law, is inalienable as long as he remains a Dalit — a few months ago. "They" (the village elders) had captured all the land around his small plot and he was forced to part with his own *zamin* for a price or wait and watch as that too was "captured".

Instances of "patta" lands of Dalits being sold and the holders moving to other places or opting out of agricultural operations are now common in Uttar Pradesh. Indeed, these incidents do not count as atrocities against the Dalits; certainly not as are taking place in neighbouring Bihar. Of the 2100 murders in Uttar Pradesh, between January 1 and April 15 this year (20 murders a day on an average), the victims were Dalits in at least 99 cases. That 99 Dalits were killed in just 106 days (almost one a day) may not be the same as the instances of mass killings that Bihar had witnessed during the past few years.

The situation in Uttar Pradesh is a shade different from what prevails in Bihar: there is no Ranvir Sena in Uttar Pradesh. But then, it is not because the elite in social and economic terms are more humane and democratic than their brethren in Bihar. It is simply because the others, the Dalits in particular, have more ways of eking out a livelihood — they can sell off their land, even if it is for a paltry sum, look for another vocation in the big and small factories that dot the countryside and wait patiently for the day when the BSP captures power in the State before they "assert" their rights.

All the changes in the socio-economic reality in Uttar Pradesh as a result of the semblance of reforms — affirmative action leading to changes in the land-owning patterns — such as the abolition of Zamindari in the early 1950s leading to tenancy rights for the peasants (that made the intermediate castes a force in the State's political discourse), followed by distribution, by the State, of "patta" lands to the Dalits in a big way in the 1970s, have rendered the countryside in Uttar Pradesh different. But then, such progress too is being reversed.

These measures along with the com-



Mayawati and Sohanlal of Madwana village in Uttar Pradesh... victims of police tyranny.

ing up of farmers cooperatives, some industrial growth (smallscale as well as large factories), accompanied by mechanisation of agricultural operations had their impact on the social scene too. In other words, the feudal structure was rattled if not dismantled.

In Bihar, there was no such tradition. Those who own land in Bihar not only consider it *infra-dig* to work on it but also consider it their right to treat the hapless workers like cattle. The landless workers, predominantly Dalits, can either continue to live in servility or refuse to work in the fields; they can migrate to Patna, Calcutta or Mumbai to pull rickshaws or work as menials. For, Bihar hardly boasts of any industry, big, small or medium.

But then, some decided to stay back and demand proper wages, a share in the crop and also a space in the political discourse. And the consequence was there for all to see: Khopira in the Bhojpur region witnessed the killing of three such persons (all Dalits) by the Ranvir Sena in April 1995; and the trail of blood has continued down the years, the latest incident being at Miapara on June 16.

There are large tracts in Bihar where the Dalits are allowed to live "peacefully". For instance, Saneswari Devi and her husband, Ram Axtar Das, of Nagaun, only a few km from Patna, enjoy "protection" from Mahalay Singh. Apart from several acres of land and lots of cattle, he also "owns" at least two dozen men and women who work in his fields. They get 3 kg of rice and 1/2 kg of flour for every day's work and as long as they do not demand anything more, they face no threat to their life. The fact is

that the right to life, leave alone a life of dignity, is being denied to the Dalits in the two largest States in the country. Men, women and children get killed by armed mercenaries of the feudal lords. A truck driver is confined in a Minister's official residence, beaten up and his toenails plucked out.

There is terror in the air; if it is the fear of the Ranvir Sena that haunts the poor and the Dalits in central Bihar, it is the fear of being dispossessed of whatever little land they own that is driving the Dalits in Uttar Pradesh to sell to the powerful elite and "settle" down in some small town. While in Uttar Pradesh the Dalit can at least hope to earn a living working in some factory or cold storage plant dotting the countryside in Bihar, he has nowhere to go: "liberation" by way of becoming a truck driver too is not safe.

For the killings to end and the atmosphere of terror to vanish, there are two ways. One, the state machinery acts and ensures that the rule of law is enforced. This will require that political leadership of all hues clears its own stables of those with criminal and feudal mindsets. Two, the poor and the marginalised reconcile themselves, the way Birendra in Barabanki or Saneswari Devi in Nagaun have, to suffer in silence. This, however, is inimical to the basic tenets of democracy and the spirit of our Constitution. And hence, it is unfair to even wish this: peace is restored in this way. In the meanwhile, civil society in these States, encompassing the Gangetic basin, home of the "glorious" civilisation, is sliding into an abyss.

THE HINDU

23 JUL 2000

Politics of lobbying

By Gopal Guru

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PREPARATORY MEETINGS of various sub-commissions on human rights have been held in Geneva for the world conference on racism scheduled in Durban for early 2001. This process, aimed at finalising the issues and themes to be discussed at the conference, involves three key players — the Human Rights Commission, the various Governments and the NGOs. Of the three, the UNCHR's role is to maintain the balance between the positions of the Governments and the NGOs. This naturally suggests that the Governments and the NGOs are supposed to sort out problems at their level. But in the case of the Government of India, the situation is not straightforward as it is locked in conflict with the NGOs particularly led by the national campaign on Dalit human rights. The discord was related to the question of caste. In the beginning of the deliberations, the Government looked to be vehemently opposed to the idea of inclusion of caste in the world conference. It refused to name the caste issue at the international level. For the following reasons. First, it argued that the issue cannot be taken up as caste discrimination was different from racial discrimination. Second, the Indian diplomatic mission in Geneva took the position of denying any violation of human rights based on caste discrimination. Third, the caste issue could be entertained at any international forum only in the context where it is proved that the domestic mechanisms of redress had failed. And the Government of India argued that such mechanisms are still active even in regard to the question of Dalits. Finally, the Government raised the bogey of nationalism against the "internationalisation" of the caste issue. It argued that the adversarial next door might use it to embarrass India internationally.

Of course, the Dalits made hectic lobbying efforts to impress upon member-countries, including India, that caste discrimination should be included in the agenda. They argued on two grounds. First, caste and race, by implication, are the same because both lead to discrimination. Second, the caste issue, prevalent

not only in India but also in other countries, including Senegal, should be given visibility at the international level. Both these phenomena, according to these groups, are the cunning construct of the socially-dominant forces and therefore they result in discrimination and humiliation of the Dalit masses.

The defence offered by the Government of India at the Geneva meetings looked to be feeble and at times fraught with contradictions. For example, at one level, the Government, at least in the past, supported the liberation movement of

to appreciate this point of view, which is therefore radically different from groups motivated by the idea of secessionism. In fact, such sincere acceptance of caste-based discrimination offers the Government a chance to prove its democratic credentials; that which it talks a lot about.

But one fails to understand why the Government, at least in the beginning, vehemently refused to accept this raising of the caste issue at the international level? However, this stiff opposition led the Dalit groups to intensify their lobbying efforts and finally they succeeded in getting

The whole process of lobbying, by implication, denies autonomy and authenticity to Dalit politics as it is done for or on behalf of the people but without their involvement.

the African Americans who are still fighting against white racial discrimination in different parts of the world. The representatives of the diplomatic establishments in Geneva were found lauding on the racial discrimination that is practised against Indian upper castes settled in countries dominated by the white majority. If caste also involves discrimination, perhaps of the worst kind, and therefore necessarily leads to the denial of recognition of human dignity, why does the Government of India feel hesitant to accept it in an international forum? Why does the Government refuse to seize an intellectual initiative to define discrimination in broader terms? In fact, such generalisation would help the Government to remove the inconsistency in its approach towards discrimination and thus strengthen its moral standing internationally. Its refusal only helps its adversaries, those next door or far off.

Similarly, the Government's efforts to beat the Dalits with the stick of nationalism are problematic for two reasons. First, Dalits are lobbying for the their cause not with any intention of undermining the nation; their efforts are aimed at expanding the democratic base of nationalism. They expect the Government

to open up an attractive passage to power and perhaps to powerful personalities, but, at another level, it necessarily blocks the path to the people. This ultimately replaces the need to make the political efforts or the emancipatory efforts of such groups publicly more accountable. In fact, any Government would feel uncomfortable with such politics of lobbying because such efforts always keep otherwise politically motivated activists busy with rhetoric and personalities. Since lobbying does not require any actual mobilisation of the Dalit masses, the state does not feel threatened. It can handle the Dalit groups with a little bit of cunning and the "politics of promises". One could see this cunning in Geneva when some of the Dalit NGOs argued quite ironically that there was no problem of caste in India. Finally, lobbying may not be a sufficient condition for forcing the Indian state to translate rhetorical promises into reality, because lobbying basically depends on the intentions and the ability of the actors involved in the process. Thus, the question of emancipation comes to be dependent on the mood and the "might" of the lobbyist. The whole process, by implication, denies autonomy and authenticity to Dalit politics as it is done for or on behalf of the people but without their involvement.

What perhaps is needed is the kind of purposive politics which will involve people's engagement with the state on a regular basis. This domestic terrain perhaps is the most ~~available~~ available for the state, as it does not give respite to the latter in as much as it puts the state and its political morality under public scrutiny. This taking on of the state at the local site would reaffirm the claim of the Dalits on the Indian nation on the one hand and, on the other, it will also prevent the Indian state from wielding the stick of nationalism against the Dalits. The so-called nationalists did try to beat Dr. B. R. Ambedkar with the stick of nationalism but they failed because his democratic nationalism was firmly rooted in the Dalits and other toiling masses.

(The writer is Mahatma Gandhi Professor, University of Pune.)

10-12/2008

THE HINDU

26 AUG 2000

BJP concerned at failure to extend base among Dalits

Diwakar & P R Ramesh
NAGPUR 27 AUGUST

THE BJP's self-preening over the election of a Dalit as its president has been tempered by the realisation that the expansion of its support base among the OBCs and Dalits have plateaued off.

The confession came from the newly-elected party president, Mr Bangaru Laxman, who chose in his maiden remarks to sound the warning that

"Although we have been able to attract dalits,

adivasis and OBCs in significant numbers in recent years, we are yet to consolidate this new support base and continuously expand it among these numerically and socially important sections of our society."

The acknowledgement forms part of the overall concern over how to get past the 25 per cent electoral barricade after the Hindutva-inspired rapid growth starting from 1989. "The results of the 1999 Lok Sabha elections, and also, recent elections in some states show a trend that demands a serious look from us."

Further, the disappointment over the recent performance in Uttar Pradesh and Bihar showed

clearly, with Mr Laxman observing "In some states, which were our traditional strongholds, we have suffered setbacks. In some other states, where the party has grown rapidly in the past decade or so and where we expected to come to power, our performance was not up to the mark."

Mr Laxman whose remarks were at variance with the "party on the roll" image painted by committed spin doctors struck a can-

SOUL SEARCHING

did note while dwelling on the Muslim question also. He said that suspicions have helped neither the Muslims nor the party, and that there is a need to rework the equations with the community.

The concern over lack of consolidation of support among the non-upper caste sections comes at a time when the party is having to deal with a fresh round of allegations of neglecting the OBCs.

The removal of Mr Kalyan Singh, a backward, as Uttar Pradesh chief minister, together with the replacement of Mr Om Prakash Singh, another backward, with Mr Kalraj Mishra, as the state unit chief is cited to indicate that there is a slant against the non-dwijias.

The Economic Times

28 AUG 2000

Notified: Delhi Jats are OBC

Anju Sharma
New Delhi, June 2

LAKHS OF Jats in the Capital will now be part of the Other Backward Classes (OBCs). A notification to this effect was issued by Delhi Lt. Governor Vijai Kapoor yesterday. Following the issuance of the notification, the Jats can now avail of the reservation benefits.

According to estimates, there are at least 10 lakh Jats in Delhi who will be benefited by this decision. The Jats had been demanding, since a long time, that they should be included in the OBC category on the plea that they are socially and economically backward as compared to other communities.

The Jats are also an important political force in the city and are essentially concentrated in Outer Delhi, where they play a crucial role in deciding the fate of electoral candidates.

Delhi becomes the second state after Rajasthan to give OBC status to the Jats. In Western Rajasthan, the Jats were included in the OBC category last year. The Jat community then placed its demand before the Delhi Commission for Other Backward Classes. The commission, headed by former member

of Parliament, Justice (retired) Ghuman Mal Lodha listened to the views of the Jat community and in its report recommended that the Jats in the Capital should be included in the OBCs. The Delhi Government accepted the recommendations.

In their representations to the Commission, the Jats claimed that they were socially and economically weaker than other communities in the city and therefore should be included in the list. They also maintained that other communities such as Ahirs and Gujjars, which were economically better off, had already been given this status.

When contacted, various Jat leaders in the Capital including Member of Parliament Sahib Singh Verma, Yoganand Shastri and Sajjan Kumar welcomed the decision.

Mr Shastri said the reservation would help the community to progress both socially and economically. While Mr Sahib Singh Verma is the MP from the Jat-dominated Outer Delhi constituency, Mr Sajjan Kumar has been MP from this area twice.

The Delhi Government will not look into the recommendations made by the commission with regard to some other communities.

THE HINDUSTAN TIMES

3 JUN 2008

11 gunned down in Bihar district

PRESS TRUST OF INDIA
NAWADA (BIHAR), JUNE 12

ELEVEN upper caste people, including eight of a family, were gunned down and four others seriously injured by unidentified assailants in Bihar's Nawada district on Sunday night, police said on Monday.

State Director General of Police, K A Jacob said over hundred assailants, armed with automatic weapons, swooped on Apsad village under Warsaliganj police station in Nawada and killed eleven persons including a five-year-old child sleeping on the roof of a two-storeyed building owned by relatives of an Independent MLA, Aruna Devi.

Four others who suffered injuries in the attack were sent to Patna Medical College Hospital (PMCH) where their condition was stated to be critical.

Those killed were Gita Singh (48), Ramdahan Prasad (25), Chandrika Prasad Singh (15), Girish Kumar (5), Kamlesh Singh (12), Ramakant Singh (28), Mintu Kumar (18), Dasrath Singh (24), Satish Kumar, Rajo Singh (45) and Ramlal (15). Police said the attackers also slit the throat of the victims and pierced their abdomen with sharp-

edged weapons. Angry villagers refused to allow lifting of the bodies for cremation demanding immediate suspension of Deputy Superintendent of Police, Warsaliganj, P K Mandal, officer-in-charge, and in-charge of Chakway police station. Raids were being conducted at various places in Nawada to arrest the killers. Additional companies of the para-military forces were being rushed to Nawada keeping in view the mounting tension after the incident.

The victims belonged to upper caste Bhumihar community, the sources said adding that the killing could be the fallout of the gang war between Ashok Mahato and Akhilesh Singh groups in central Bihar. Senior officials including Jacob, state Home Secretary U N Panjiar, Inspector General of Police (Patna Range) Neelmani were camping on the spot to oversee the combing operation.

The killing came barely a week after the massacre of six persons belonging to Yadava community in Nawada. According to official sources, angry villagers set on fire three bogies of 591 up Jhajha-Gaya DMU train at Gauspur station in protest against the incident. They also uprooted fish plates to block movement of trains.

INDIAN EXPRESS

13 JUN 2000

Bihar bloodbath claims 35 lives

9 cards & photos

Anil Kumar
Mipur (Aurangabad), June 17

OVER 150 armed marauders, suspected to be members of the outlawed Ranveer Sena, raided village Mipur under Upahara police station and gunned down 35 villagers, including 14 women and six children, and injured as many as 16 others late on Friday night.

The injured have been admitted to the ANMCH in Gaya.

Reports quoting villagers and police sources said armed outlaws descended on the Mipur village at around 9.30 pm and surrounded the tiny Yadav-dominated hamlet. They fired indiscriminately at the villagers, killing 35.

The marauders then went on to conduct house-to-house searches and pumped bullets into whoever they found. A few of those who were hiding on their thatched roofs and cowsheds also could not escape the attack and fell to the marauders' bullets.

After their two-and-a-half hour

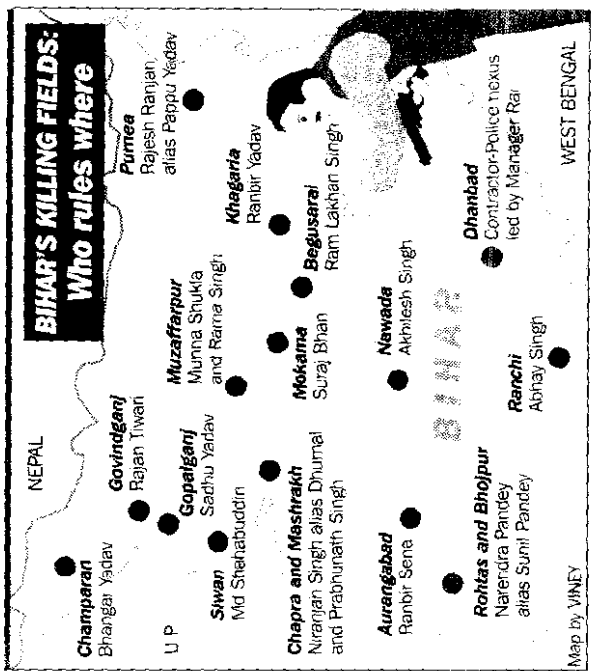
operation, the attackers shouted: "Ranveer Sena zindabad, Senari ka badla le lia. Apasish ka badla le lia".

Talking to *The Hindustan Times* at the carnage site, Aurangabad District Magistrate S Sidharth said the incident prima facie appeared to be the handiwork of the Ranveer Sena. He said it was a retaliatory action, carried out to avenge the killings in Senari and Apasish.

Senior police and civil officials, including the Director-General of Police K A Jacob, Home Commissioner U N Panjiviar, zonal I-G Neelmani besides the District Magistrates and Police Superintendents of Gaya and Aurangabad have been camping in the village.

RJD chief Laloo Prasad Yadav arrived at the village this afternoon. He was accompanied by members of the Rabri Devi Cabinet, including Ramai Ram and Dr Surendra Prasad Yadav.

The team had to face the wrath of the angry villagers, who raised slo-



gans like "Laloo wapas jao, Laloo Awas unis and Rs 1.10 lakh cash for the kin of those killed."

Later, the RJD leader announced a relief package, which the villagers alleged that the

Saharsa police picket, which is located merely three km from the carnage site, instead of coming to the rescue of the villagers, extended covert support to the marauders. They said that the police had visited the village just half-an-hour before the arrival of the marauders. The cops had been stationed at a distance of not more than half-kilometre, they claimed.

A villager further claimed that when he rushed to the police patrol to apprise them of the attack, he was chased away by the men in khaki. The villagers said it was the Usasdeora police picket of Gaya district that acted promptly and rushed to the village, forcing the killers to leave.

Gaya SP S Ravindran, who was incidentally patrolling in Tekari areas, also rushed to the spot and directed his men to chase the fleeing Sena activists.

The villagers also pointed out that on Friday at least five strangers visited the village during daytime and enquired about the caste break-up.

"We are not in a position to do it. We do not have a majority in the Raja Sabha," Vajpayee told the media.

1876
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RANVIR SENA STRIKES AGAIN

15 women among 34 gunned down in Bihar

By K. Balchand

GOH (Aurangabad), JUNE 17. At least 34 people, including women and children, belonging to some intermediary backward castes and Dalits, were shot dead and 19 injured by gunmen of the Ranvir Sena, a private army of upper caste Bhumihars, in Mianpur tola of Upahara village under Goh police station limits of central Bihar's Aurangabad district last night.

Of the 19 injured, 13 were admitted to the Magadh Medical College Hospital, Gaya where the condition of three of them is said to be serious.

The killing was reportedly to avenge the killing of 35 Bhumihars in Senari village by members of the outlawed Maoist Communist Centre last year, though the immediate provocation is said to be the massacre of 13 members of a Bhumihar family in Nawada district last week by a criminal gang having the support of yet another intermediary backward caste, the Kurmis. Hundreds of armed marauders swooped down on the village last night around 8 p.m. when most of the residents were having their supper and began firing indiscriminately from close range.

At least four of the dead were children — some were shot through the head and some through the eyes — while 15 women were killed. Never before were women targeted on such a large scale by the Ranvir Sena. The slain included 26 Yadavs, six Dushadhs, a sub-sect of a Scheduled Caste, and two carpenters. The police said the Ranvir Sena's obvious target were the Yadavs.

According to the locals, four Bhumihars of Senari came to the village on Friday morning under the pretext of searching for missing cattle. The villagers chased the four out and even lodged a complaint at the Saharsa police outpost near Senari. The police ignored it but later sent a team which arrived around 7.30 p.m. and talked to the villagers. As soon as the police team reached the outskirts hundreds of gun-toting men arrived. The law enforcers promptly took to their heels leaving the villagers to fend for themselves. The Chief Secretary, Mr. V.S. Dubey, rushed to the site and took stock of the situation.

The Rashtriya Janata Dal president, Mr. Laloo Prasad Yadav, who went to the village stayed for a bout four hours and tried to console the bereaved families. None of the senior leaders of the National Democratic Alliance — the BJP, Samata Party or the JD(U) — went there.

The Chief Minister, Mrs. Rabri Devi brushed aside Opposition demand for her ministry's resignation



A woman's body hangs out of a rice storage bin in Mianpur village on Saturday. The victim, who tried to hide herself, was killed allegedly by Ranvir Sena. — AP

and said it was out of sheer desperation to destabilise a duly-elected Government. After visiting Mianpur village, the Chief Minister said she was ready to resign "but somebody should come forward with a guarantee to prevent massacres".

She announced a compensation package including Rs. 1 lakh in cash and employment under the Indira Awas Yojana to each of the affected families.

Laloo's charge

PTI reports from Patna:

Talking to reporters later, Mr. Laloo Prasad Yadav, charged that the massacre was "part of the sinister design to topple and destabilise" the Rabri Devi Ministry by "feudal and fascist forces".

Pointing out that the Government would not spare anyone involved in the "dastardly act", he said the move to destabilise the Government began after Mrs. Rabri Devi took over as Chief Minister.

Parties' reactions on predictable lines: Page 8

THE HINDU

18 JUN 2000

Fresh carnage bloodies Bihar



MIAPUR (Bihar), June 17. — Twenty women, eight minors and six men were gunned down by the outlawed Ranvir Sena men in this remote village in the Upahara area of Bihar's Aurangabad district last night. Twenty-five of the victims were Yadavs and the rest Dalits of the Paswan caste. About 400 members of Bhumihar landlords' private army invaded the village around 7.30 p.m. and fired indiscriminately. The dance of death lasted two-and-a-half hours. The toll may go up, for the condition of 10 of the 20 injured is serious. They have been admitted to Gaya Sadar Hospital. The killers shouted: *Senari ka* as a slogan. **Senari ka** means 'Senari's rule'.

MALINI VERMA
STATESMAN NEWS SERVICE

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SHIVNATH JHA
STATESMAN NEWS SERVICE

PM seeks report card on Bihar law and order

Between November 1999 and June 2000, over 70 people of backward and Dalit communities were killed. Five members of Yadav community were shot dead and beheaded by ultra-Left forces in Rajobigha village on 6 June in Nawada district, 11 Dalits were killed at Balughat in Lakhisarai district on 11 May and 12 members of a family were butchered at Lato village in Palamu district on 21 November.

SHIVNATH JHA
STATESMAN NEWS SERVICE

The Prime Minister today sought a detailed report on the caste wars and massacres in Bihar which have claimed over 70 lives in the past five months. He asked the Union home ministry and the central agencies to make an assessment of the law and order situation in the state. Officials in the PMO denied

that the PM had sought a report in the past five months. Between November 1999 and June 2000, over 70 people of backward and Dalit communities were killed. Five members of Yadav community were shot dead and beheaded by ultra-Left forces in Rajobigha village on 6 June in Nawada district, 11 Dalits were killed at Balughat in Lakhisarai district on 11 May and 12 members of a family were butchered at Lato village in Palamu district on 21 November.

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Rabri says she'll quit only if someone can stop killings

PRESS TRUST OF INDIA

PATNA, June 17. — Mrs Rabri Devi tonight brushed aside the Opposition demand that she resign after the Miapur carnage.

The chief minister said after visiting Miapur village that she was ready to resign "but somebody should come forward with a guarantee to prevent massacres."

She said steps were being taken to bring the killers to book immediately. She had announced an ex-gratia payment of Rs 1.10 lakh to dependents of each of the victims, besides a government job to an eligible member of the bereaved families.

Opposition parties, she charged, were indulging in a vilification campaign against her government and said that they were the "masterminds" behind massacres, after being defeated in elections.

Mrs Rabri Devi said villagers of Miapur had informed her that there was a conspiracy to destabilise her government. "We have secured the people's mandate and we have to serve them."

Charge-sheet

The CBI joint director, Dr UN Biswas, today said the agency did not seek permission from the Governor to file charge-sheet against the Chief

MASSACRES IN BIHAR SINCE JULY 1996

- 11 July 1996: Ranvir Sena kills 21 Dalits at Pathanitola in Bhojpur
- 24 Dec 1996: Ranvir Sena kills 12 Dalits at Haibaspur in Patna
- 1 Dec 1997: Ranvir Sena kills 61 Dalits in Lakshmanpur-Batha, Jehanabad
- 11 May 1998: Ranvir Sena kills 10 Dalits at Nagribazar in Bhojpur
- 25 Jan 1999: Ranvir Sena kills 22 Dalits at Sankarbigha in Jehanabad
- 10 Feb 1999: Ranvir Sena kills 11 Dalits at Narayanpur in Jehanabad
- 14 Feb 1999: People's War kills seven upper caste members at Usribazar in Jehanabad
- 18 Mar 1999: Maoist Communist Centre kills 33 Bhumihars at Senari in Jehanabad
- 21 Apr 1999: Ranvir Sena kills 12 Dalits and Yadavs at Zahirbigha in Jehanabad
- 18 Nov 1999: MCC kills 12 Muslims at Latu in Palamau
- 3 June 2000: Six people killed at Rajivbigha in Nawada by unidentified assailants
- 13 Jun 2000: Twelve upper caste members killed at Apsad in Nawada by unidentified assailants
- 16 Jun 2000: Ranvir Sena kills 34 at Miapur in Aurangabad

Minister, Mrs Rabri Devi, in the disproportionate assets case, says UNI from Ranchi.

Talking to reporters here, Dr Biswas said sanction had not been sought from the Governor as Mrs Rabri Devi was being chargesheeted in a case which was of the period when she was not a public servant.

On the fodder scam, he said field investigation was almost over and charge-sheets had been filed in about 36 cases.

In three major conspiracy angle cases of the fodder scam, charge-sheets would be filed soon, he said, adding that the rest of the cases were in the state of legal scrutiny.

THE STATESMAN

18 JUN 2000

19/6 Ranvir Sena again

BIHAR HAS returned to the headlines in the only way it knows — with the news of yet another massacre. In a state where the writ of the Government doesn't run beyond the corridors of power, the tragedy that struck Miapur village in Aurangabad district last Friday night was perhaps only waiting to happen. Unadulterated caste violence, ideologically-driven violence and politically-inspired violence have long plagued the benighted state. At times, there is a combination of all the three. Saturday's carnage by alleged members of the Ranvir Sena appears to be a case of retaliatory violence perpetrated against a particular intermediate caste which had been held responsible for the massacre of a dozen members of a forward caste a week ago.

The intensification of caste conflicts underscores the signal failure of the Rabri Devi Government to contain agrarian violence occurring in south-central Bihar with distressing regularity. The mayhem at Miapur is yet another addition to a long list of tragic episodes in this respect. Nawada and Aurangabad districts are fast catching up with Jehanabad and Gaya in notoriety. The number of armed clashes is increasing in the two neighboring districts as a result of the running battle both between the caste senas and the Naxalites, and the upper and intermediate castes. Each major incident of massacre is followed by retaliatory violence.

Perhaps the single causal thread running through Miapur, Bara, Belchi, Arwal etc. is the absence of the political will to undertake meaningful land reforms in the state. The agrarian unrest, including Naxalite-inspired violence, is rooted in acute social and economic disparities. The State Government has neither the ability nor the political will to take on either the armed "revolutionary" groups or the private armies. Politicians are of course a class apart. Bihar has a large number of legislators with criminal antecedents. Whereas in the Sixties and Seventies the goonda elements were kept away from direct involvement in the political process, today they find themselves elected to the legislature and ardently courted by various parties. The agony of Bihar can only end if a responsible administration takes charge, but there does not seem to be any in sight.

THE HINDUSTAN T

19 JUN 20

Bihar govt. will set up special court to try massacre accused

Centre ready to assist RJD govt: Vajpayee ^{19/6} Mourning the death of civil society in Bihar

By Pranava K Chaudhary
The Times of India News Service

NEW DELHI: Prime Minister Atal Behari Vajpayee on Sunday reviewed the situation arising out of Friday's massacre of 34 people in Aurangabad district in Bihar at a high-level meeting here.

According to sources, Mr Vajpayee told the meeting that the Centre is ready to assist the RJD government in Bihar in every way to prevent the killing of innocent people.

The PM has asked Union agriculture minister Nitish Kumar, who is currently in Bihar, to contact leaders of various groups to calm down the situation, the sources said.

Those present at the meeting were minister of state for home Vidya Sagar Rao, principal secretary to the PM Brajesh Mishra, special home secretary M.B. Kaushal and other senior officials.

Meanwhile, in Patna, the Bihar government has decided to constitute a special court to try the accused in Mianpur massacre.

"The government will also constitute a special task force divided into 20 teams to tackle the left and right wing extremism and identify criminal gangs," RJD president Laloo Prasad Yadav told reporter on Sunday.

Armed men belonging to the Ranvir Sena, a private army of the upper caste, gunned down 34 people at Mianpur village on Friday night.

All the policemen posted at the Sahar police picket near Mianpur were suspended for negligence of duty, inspector general of police Neelmani said, adding that the Sahar police picket had also been closed.

He said it had been decided to set up a new police picket at Dulhabigha under Gob police station with adequate strength of securitymen to deal with extremists and anti-socials.

Mr Neelmani, who is supervising the combing operation against the ultra organisations in central Bihar, said Aurangabad, Jehanabad and Arwal police were conducting joint raids at various places.

Eleven persons have so far been arrested as intense raids continue for the outlawed Ranvir Sena men responsible for the massacre, he said.

Mr Neelmani said an additional company of Central Reserve Police Force (CRPF) was deployed in Aurangabad to further step up the combing operation. A three-member fact finding team of the BJP, led by former Union minister M.A. Naqvi, visited the spot and later said that the situation in Bihar had gone beyond control and the NDA should take initiative to end the misrule of the Laloo-Rabri regime.

BJP Rajya Sabha member S.S. Ahluwalia, who is also a member of the team, demanded immediate dismissal of the Rabri Devi ministry placing the state assembly under suspended animation.

RJD president Laloo Yadav, on the other hand, accused BJP, Samata and JD(U) of patronising the banned Ranvir Sena.

Meanwhile, left parties, including the CPI, CPI-ML (Liberation), and Forward Bloc on Sunday called a 12-hour Bihar bandh on June 21 to protest against the recurrence of massacres in the state. Agencies

PATNA: The state has finally withered away. What took the Russians over seventy-five years has taken us in Bihar just ten years. Yes, the external trappings are there. There is a President, a Prime Minister, a Duma (Parliament) and police. But everyone knows that there is no Russian state. Gangsters, crime syndicates and above all the Russian equivalent of the dreaded mafia—they are the people who have replaced the state.

In Bihar, the parallel is uncanny. There is a governor, a chief minister, the legislature, the police and the para-military forces. But all the shows are called by the "criminal gangs" who operate with immunity since it is they who are the state. Mourning the death of civil society is always a difficult task. But there are no mourners left, strongly feels social activist Purushottam of Mass Information Research Association (MIRA).

The recent killing of the innocents is but a grim reminder that criminal gangs rule the state and will not be denied their right to collect toll or protection money. The collection of *chauth* (fourth part of the produce) is an age-old tradition in this country. While mostly it was the state or what passed for a state collected this *chauth*, it was not uncommon for gangsters to pre-empt the state and collect *chauth* for their own upkeep. The state, when it could, came down heavily on these criminal bands and the supremacy of law was established and order was maintained.

Where else can you find that the toning up of administration means mass transfers of hundreds of top officials? Where else can you find the police force being rewarded for failure? "But at what cost?" questioned human right activist Ramashray Prasad Singh.

In each and every carnage, only the innocent have been butchered. Hardly any gangster, caste leader, community leader or anyone having a voice has been killed.

The gangs need money to operate and sustain themselves. So they collect *chauth* and whenever there is dispute over the collection, there is a carnage. Everyone then rushes to the spot and "learned discourses" are made on social and caste tensions being at the root cause of the massacre.

A purely law-and-order matter is thus turned into something which is faintly understood by even those who shout about social caste tensions from the rooftop. Yet this is the lawful government of the state. The high court has all often castigated the non-functioning of the government and now there is hardly a day when the government is not criticised or censured in the highest judicial forum of the state.

And to top it all, the ruling party has been demanding the recall of the governor. The Centre has indeed reposed great faith on the present incumbent and has given him additional charge as governor of West Bengal.

The wheel has come a full circle in Bihar. Very soon there will be no one left. For, the dead carry no tales.

MURDER MOST FOUL

- Special task force to tackle left and right wing extremism
- Left parties call 12-hour Bihar bandh on June 21
- Eleven persons arrested as intense raids are on

SPECIAL COURT TO TRY MIANPUR MASSACRE ACCU

PM assures all help to fight caste killings in Bihar

HO-1
19/6

g-Cards of P... in

By Our Special Correspondent

NEW DELHI, JUNE 18. The Prime Minister, Mr. Atal Behari Vajpayee, today expressed the Centre's willingness to assist the Bihar Government in its bid to put an end to caste-related killings in the State. The offer of assistance came after a review meeting summoned this afternoon by the Prime Minister.

According to a senior official of the PMO, the offer mainly pertains to making available more para-military personnel in addition to the BSF battalion sent a week ago. Mr. Vajpayee has also directed the Union Agriculture Minister, Mr. Nitish Kumar, who is already present in the State, to contact "leaders of various groups to calm down the situation".

Among those present at the review meeting were the Minister of State for Home, Mr. C. Vidyasagar Rao, the Principal Secretary to the Prime Minister, Mr. Brajesh Mishra, and the Special Secretary (Home), Mr. M.B. Kaushal.

Laloo blames it on BJP-RSS-Ranvir Sena nexus

By K. Balchand

PATNA, JUNE 18. The Bihar Government today announced fresh administrative measures to cope with the growing incidents of massacre in the State, while the RJD blamed the BJP-RSS-Ranvir Sena nexus to destabilise the Rabri Devi Government. At a high-level meeting with senior officers, the Chief Minister, Mrs. Rabri Devi, decided to set up a special court

for the speedy trial of those responsible for Friday's massacre, in which 34 people were killed in Mianpur village in Aurangabad district.

The Government also placed under suspension the Daroga and all the constables of the Saharsa police picket which had been set up after the Senari massacre in March 1999 when 34 Bhumihars were killed by the MCC.

The picket had not reacted to the complaint of the Mianpur tola residents about the visit of residents of Senari and had also not tried to protect them when the attack was launched despite its presence in the ill-fated village.

Apart from posting six police officers in the rank of ADG (vested with the powers of the DGP) on the field, the Government constituted 20 task forces to bring to book all those wanted by the law — be it naxalites or Ranvir Sena members or individual criminals.

Governor briefed

On his part, the Governor, Mr. V.C. Pandey, summoned the Chief Secretary, Mr. V.S. Dubey, and the Home Secretary, Mr. U.N. Panjari, and held discussions. The Centre had sought a report from the Governor over the law and order situation following the massacre. Mr. Dubey told *The Hindu* that the Governor was briefed with the details he had sought. At a press conference, the RJD president, Mr. Laloo Prasad Yadav, lashed out at the BJP, RSS and the Ranvir Sena. Clarifying that the task forces had been instructed to arrest the Ranvir Sena chief, Brameshwar Singh,

at the earliest, he said he had been assigned a specific job in a definite timeframe. The task force would be responsible for any recurrence of crime of any serious nature.

The RJD chief charged the Government with the misuse of Article 356 and said that the Government had tried to suppress the truth about the Senari massacre. He said that the Government had not taken any steps to prevent such a massacre from being hatched again.

Reacting to the statement of the Prime Minister, Mr. A.B. Vajpayee, he said that the Government had not taken any steps to prevent such a massacre from being hatched again.

Mr. Yadav also blamed the Government for not acceding to its demand for the deployment of 85 companies of para-military forces instead of the 20 companies that were deployed. He wondered how plans for the deployment of 85 companies could be made available if the Government was imposed as a condition.

Left's bandh call

PTI reports: The Left parties (Liberation) and the CPI(M) called for a 12-hour Bihar bandh (strike) in protest against the recurrence of caste killings in the State.

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... ds by RJD: Page 13

THE HINDU

119-9 A new twist to Bihar killings 206

By Our Special Correspondent

PATNA, JUNE 19. The massacre of 34 people in Aurangabad district by the Ranvir Sena on Friday last marks a new twist to killings in the violence-prone central Bihar where it had always been a clash between the feudal landlords and the naxalite outfits fighting the cause of the exploited lot.

Even though the Ranvir Sena claimed that it avenged the killings of 35 Bhumihars in Senari in Jehanabad district in March 1999, the instant instigation for the blood-bath in Mianpur was the murder of 13 Bhumihars in Afsar village of Nawada district a week ago. The Afsar carnage was the culmination of the internecine battle between three gangs which had the support of the Bhumihars, Yadavs and the Kurmis respectively.

Formed about eight years ago in the name of countering naxalite activities, the Ranvir Sena has now interceded on behalf of the criminal gang led by Akhilesh Singh without any remorse. The only possible explanation for its action could be that those killed in Afsar belonged to the Bhumihar caste and that it no longer was in a position to receive support from such criminal elements without returning the favour.

That underscores the Sena's weakness. At the same time the Sena's leadership sought to use the opportunity to get over the internal rift that had caused a split in its rank.

The Ranvir Sena has been trying to speak on behalf of the entire caste for sometime now. It succeeded in its effort in the Assembly elections when it forced the NDA

constituents to field its nominees or support its candidates in the Assembly elections.

In the backdrop was also the action of the Union Home Ministry in slapping a ban about a couple of months ago on the PWG within one week of its announcement that it would hold talks with any organisation in the country to restore peace within the framework of the Constitution. The point is the Sena was spared. The impact of which was that the underground naxalite groups sought to bury their differences to meet the threat, while the Sena was emboldened enough to even demand a ban on the CPI-ML, though it had given up its underground activities long ago and had joined the mainstream political system. This apparently led to few clashes inside some jails located in the central districts of the State.

The Afsar carnage came handy for the Sena leadership to prove its relevance once again and broaden its base from the confines of Jehanabad and Bhojpur districts. It has now taken up cudgels on behalf of its community in Nawada district and claim entry into Aurangabad district as well though the fact remains that Upahar village (Mianpur tola is located in it) is so located that it is the first village from both Jehanabad and Gaya district, where too the Sena has been seeking to spread its tentacles.

The most significant aspect of the Mianpur carnage is that it had targeted the intermediary backward caste of Yadavs besides the Dusadhs (a subset of the Scheduled Caste) and Mistris (carpenters).

It is the second time the Sena has attacked Yadavs, the first one being in Senari in Gaya district in May 1999 soon after the Senari killings.

From the Sena point of view the Senari massacre was a failed attack as it could kill only eight people, mostly women and children, and hence it made Mianpur tola its object of retribution. Here too the able-bodied men escaped the wrath of the killers who turned their guns on hapless women and children.

The killing of no less than 20 women — never were so many women and children killed in any carnage in the State till date — was indeed a sign that the Sena was desperate and anarchist. The fact that it claimed that it had avenged the Senari killings makes it explicit that its objective was to kill as many people as possible whether or not they were at fault.

This shows that the Sena had turned its guns on the Yadavs instead of the Dalits. But on both occasions the Sena had indulged in senseless killings, unlike the MCC and the PWG which eliminated only those whom it targeted. Other than creating terror, the Sena had failed to achieve any objective, if the two killings are any indication. Hence, the Sena suffers from a major drawback.

It is also indulging in a dangerous trend by carrying out a killing in Aurangabad in retaliation to something that happened in Nawada district. The move to get the support of the community as a whole across the State by killing innocent people threatens to prove counterproductive for the community as a whole.

THE HINDU

THE HINDU

20 JUN 2000

TUESDAY, JUNE 20, 2000

10/12 20/6
YET ANOTHER MASSACRE

THE RANVIR SENNA, private army of the land-owning social groups in Bihar, has struck once again in Bihar. Established by the feudal social groups in the Bhojpur region to counter the landless agricultural workers who had begun to assert their civil rights, the mercenaries have been killing innocent men, women and children with impunity all these years. The state machinery in central Bihar has shown very little will to check the activities of the members of this killer gang. It is in this context that one finds in the latest instance of crime — the grisly killing of as many as 34 innocent persons at Mianpur in Aurangabad district — another chilling reminder of the grim state of affairs in Bihar. Reports that the police personnel posted in the neighbouring village simply withdrew when the armed marauders were shooting down the poor village folk on that fateful night cannot but shock even those familiar with the ground realities in the State. The Mianpur tragedy has only revealed that a civil society where men, women and children are supposed to have the right to life against danger to their lives — a fundamental right even by a minimalist interpretation of Article 21 of the Constitution — does not exist in parts of Bihar.

That the Mianpur killings were carried out close on the heels of the massacre at a village in Nawada district — where 13 members of a Bhumihar family were done to death — clearly shows the fragmentation of society in the State. It is important to put all those who are vested with the responsibility of ensuring law and order on notice, including the civil administration. The manner in which human lives are being allowed to be snatched away in Bihar clearly points to the need to deal with the critical issues that have been thrown up in society ever since the feudal socio-political order, dominated for long by sections belonging to the land-owning upper castes, was challenged in Bihar in the past one decade. The emergence of Mr. Laloo Prasad Yadav (representing, to begin

with, the long legacy of the socialist movement in Bihar) on the political scene and the reorganisation achieved in the socio-political set-up since 1990 and also the rise of the CPI(ML-Liberation) as a force all over Central Bihar left the traditional power groups seething with anger; and the failure of these groups to ensure "their" own Government in Patna after Mr. Nitish Kumar failed miserably to manage a majority in the State Assembly despite his anointment as Chief Minister seemed to have been the proverbial last straw. One would have to view the current round of violence in the context of the developments in Patna after the last elections to the Assembly.

Indeed, there could be a grain of truth in the charge by Mr. Yadav that the Mianpur massacre was "part of a sinister design to topple and destabilise" the Rabri Devi dispensation. Unlike in the past, when the Ranvir Sena's marauders chose only such villages whose folks had shown allegiance to the CPI(ML-Liberation) or any other Left-wing groups in the State, the Mianpur killings fall in a different category. It is for the first time, since this band of marauders was put together by the land-owning upper castes in 1994, that the Ranvir Sena has chosen to direct its fire-power against residents of a hamlet who have had nothing much to do with any of the left-wing outfits. This critical difference does point to a conspiracy against the elected Government. It, however, cannot be a ground for absolving the Rabri Devi Government of its failure; at the same time, the constituents of the NDA will do well, in their own interests and in the interest of the State, to desist from furthering their partisan political ends. The imperative for all those connected with Bihar's affairs (including the members on the elected fora, both in the State and at the Centre, of all political hues) is to engage themselves in earnest efforts to reconstruct civil society in the State rather than letting the drift persist.

RECEIVED

20 JUN 2000

Bihar evolves plan to check caste killings

By K. Balchand 49-13

PATNA, JUNE 21. The coordination committee of the ruling coalition in Bihar today chalked out a three-pronged strategy to check the recurrence of caste killings by devising a self-protection mechanism, organising peace marches and speeding up development programmes.

The meeting was held against the backdrop of a series of caste killings in central Bihar over the past few weeks, the latest being the massacre of 34 persons by the Ranvir Sena in Mianpur village of Aurangabad district. Equally important was the letter from the AICC(I) president, Ms. Sonia Gandhi, to the Chief Minister, Mrs. Rabri Devi, expressing grief over the killings and underlining the need for stern and effective measures to nab the criminals, irrespective of their status.

The marathon meeting was attended by all the coalition partners except the CPI(M) which decided to stay away from the committee at the formation stage itself. Those present included the Chief Minister, the RJD president, Mr. Laloo Prasad Yadav and the AICC(I) general secretary, Mrs. Mohsina Kidwai, Mr. Madhavsingh Solanki, Mr. Pratap Bhanu Sharma and the Bahujan Samaj Party's Mr. Mahabati Singh.

Self-protection groups proposed

The meeting came up with positive steps to end the menace of caste killings.

The committee drew up a plan which involves the local populace in protection of villages.

According to the plan, District Magistrates and Superintendents of Police would personally select



Police lathi-charge CPI(ML) activists during the Bihar bandh on Wednesday called in protest against the massacres in Mianpur and Afsar villages. — Photo: Ranjeet Kumar

youth and train them to handle firearms with the aim of forming a chain of protection groups in a cluster of villages to thwart any attempts of violence by either the naxalite outfits or the private armies of feudal forces.

This decision would be limited to sensitive districts prone to violence. The 'Home Guards', who would receive a daily allowance of Rs. 50 would be regulated by police pickets in their respective areas.

The committee also recommended that the Government issue licences to those among the

poor willing to own a gun.

It was also decided to create a rapid action force and strengthen the existing police force.

The Government is expected to recruit 15,000 constables this year. Apart from equipping the police with necessary infrastructure, the stress was also on increasing the confidence of the public in the police force.

The meeting also agreed to hold elections to local bodies, panchayats and municipalities by February next. Mrs. Mohsina Kidwai said it was agreed that the Government would fulfill the for-

malities and remove the bottlenecks by then.

Meanwhile, the Bihar bandh called by the non-CPI(M) Left parties passed off peacefully with stray incidents of violence.

Over 500 people including leaders of six Left parties were taken into custody.

The call was given among others by the CPI, CPI-ML, Forward Bloc, the RSP, the MCPJ and the SUCI. Train movement on the Patna-Gaya line, the Patna-Rajgir section and in Samastipur were affected by the bandh.

22 JUN 2000

Bill on SC, ST backlog vacancies tabled in LS

By Our Special Correspondent

NEW DELHI, MAY 8. The Government introduced in the Lok Sabha today a bill seeking to amend the Constitution in order to get over the ceiling imposed by the Supreme Court on reservation for the Scheduled Castes and the Scheduled Tribes relating to "backlog vacancies".

The Constitution (Ninetieth Amendment) Bill 2000 would make it possible for the Government to treat the backlog for a particular year as a separate category of reserved quota putting it beyond the pale of the 50 per cent cap on SC/ST reservation.

The court ruling that the total reserved quota should not exceed 50 per cent in a year included the backlog.

The decision to amend the Constitution followed a strong demand from various organisations, including political parties, which contended that clubbing the backlog with the existing vacancies adversely affected the SC/ST interests.

They demanded that the status quo ante as it existed before the 1997 Supreme Court ruling be restored.

THE STATESMAN

- 9 MAY 2000

LS passes SC/ST quota amendment bill

NEW DELHI: The Lok Sabha by near unanimity passed a constitutional amendment aimed at nullifying the adverse effects of an offending circular issued by the then government in 1997 with regard to employment of scheduled castes and scheduled tribes.

A total of 418 members voted in favour and only one against the constitution (ninetieth amendment) bill amending article 16, which was put to division under the rules which require all constitutional amendments to be passed by a vote of two-thirds present and voting. The house also rejected by voice vote an amendment moved by G. M. Banatwala (Muslim League).

Before the division, law and justice minister Ram Jethmalani in his intervention and minister of state for personnel Vasundhara Raje assured the house that steps had been taken to undo the effects of all the five offending circu-

lars passed by the then United Front government between January and August 1997 following a supreme court judgment in the Indira Sawhney case.

The ninetieth amendment relates to the circular issued on August 29, 1997, which was issued to put a ceiling of fifty per cent reservation on current as well as backlog vacancies and for discontinuation of the special recruitment drive.

Mr Jethmalani said the government, after reviewing the position in view of protests against all the five circulars, decided to ensure that unfilled vacancies in a year which are reserved for being filled up in that year under article 16(4) or 16(4a) shall be considered a separate class of vacancies to be filled up in any succeeding year.

Mr Jethmalani said reports had been received from different ministries about com-

pliance of the government's decision to undo the effects of the offending circulars, and this was being circulated among members of the drafting committee so that appropriate steps can be taken with regard to other circulars.

All the 38 members who spoke on the amendment in the discussion which lasted six hours and forty minutes and went on till 11.30 p m last night supported the amendment. Mr Jethmalani expressed satisfaction that steps had been taken to undo a 'senseless act of demolition giving unsavoury results'.

With regard to the demand that the word 'backlog' be inserted in the amendment, Mr Jethmalani said inserting the word would also make it applicable to other backward classes for which there was no backlog. In any case, the statement of objects and reasons appended to the bill was part of the legislation and clearly referred to backlogs. (UNI)

THE TIMES OF INDIA

11 MAY 2000

11 MAY 2000

'S.C. ceiling no hurdle to quota'

By Our Special Correspondent

NEW DELHI, MAY 10. The Government today assured the Lok Sabha that it would not allow the Supreme Court's ceiling of 50 per cent on SC/ST job reservation to come in the way of individual States going in for a bigger quota.

The Union Law Minister, Mr. Ram Jethmalani, said the Centre was fully behind Tamil Nadu's policy of 69 per cent reservations, which had been challenged in the Supreme Court, and even if the court gave an adverse judgment the Government would take necessary constitutional measures to get round it.

After his statement, the Lok Sabha passed the Constitution (Ninetyeth Amendment) Bill seeking to exclude the backlog of reserved vacancies from the 50 per cent cap. In a rare show of unanimity, 418 out of the 419 members, who were present, voted for

the Bill which would have the effect of undoing a 1997 Supreme Court ruling that the 50 per cent ceiling should include the backlog. It would restore the pre-1997 practice of treating the backlog as a separate category, without prejudice to the 50 per cent cap.

The Minister of State for Personnel, Ms. Vasundhara Raje, while moving the Bill said it reflected the Government's "commitment" to the welfare of the Scheduled Castes and the Scheduled Tribes. It also redeemed the Prime Minister's promise on the issue.

Mr. Jethmalani, during his intervention, ruffled Opposition feathers more than once and invited the charge of "politicising" a non-political issue: a charge which he himself had hurled at the Opposition when he rose to speak. He clashed repeatedly with the Congress(I) and AIADMK members who objected to some

of his remarks, particularly his comment that those who were "beating their chests" now had done precious little to protect the SC/ST interests when they were in power.

The Congress(I)'s Mr. Mani Shankar Aiyar, among others, said they were not prepared to listen to him any longer to which Mr. Jethmalani retorted that it was a case of "truth" hurting the Opposition.

The Samajwadi Party leader, Mr. Mulayam Singh Yadav, repeatedly interrupted the Minister to protest that neither the Prime Minister nor the Home Minister had condemned the French media's undignified comment on the President, Mr. K. R. Narayanan, calling him an "untouchable". He termed the Government's "silence" as reflecting its "mindset" and that no amount of SC/ST-friendly legislation could make up for it.

THE HINDU

1 May 2000

Cong. demands comprehensive SC/ST Bill

By Our Special Correspondent

NEW DELHI, MAY 10. While it voted for the SC/ST constitutional amendment Bill in the Lok Sabha today, the Congress(I) expressed dissatisfaction at the "utter inadequacy" of the legislation in meeting the requirements of SC/STs.

Demanding that the Government introduce and pass in the current Parliament session itself a "comprehensive" constitutional amendment, the AICC spokesman, Mr. Ajit Jogi, said this was necessary to correct the dilution caused by the five OMs (office memorandums) of 1997 which were against the interests of this section.

Today's amendment removed the distortions created by only one of the five OMs; the other four had not been addressed, he said. All the OMs concern different aspects of reservation in promotions for SC/STs. The OMs had taken away the legitimate rights of SC/STs, Mr. Jogi added.

PTI reports:

Later, Mr. Jogi and Mr. Prithviraj Chavan, also party spokesman, at a press conference, dismissed suggestions that the Congress(I) president, Ms. Sonia Gandhi's grip over the organisation was weakening as attempts were being made by regional leaders to seek independence from Central rule.

"There is no declaration of sovereignty by regional leaders. It is totally wrong and baseless that State units are seeking independence from Central rule," they said when asked about developments in West Bengal, Uttar Pradesh and Maharashtra.

On 'mahajot' (grand alliance) in West Bengal, Mr. Chavan said that when it comes to policy, the AICC alone takes the decisions.

THE HINDU

007 MAY 2000

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'Percentage swings in quota caused backlog'

By Our Special Correspondent

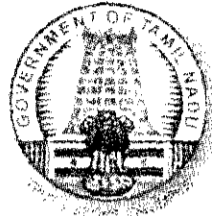
CHENNAI, MAY 11. The veil of ignorance over the main cause for the "under-representation" of certain oppressed and backward communities in the reserved categories in State appointments was lifted today, with the State Government tracing it to the swings in the percentages of reservation for them over several decades.

"In the history of reservation, the fluctuations in the quantum of reservation have been the reason for the fluctuations in representation of the reserved categories in appointments," the White Paper on the "Reservation in

Government Employment for the Adi Dravidars (SC), Scheduled Tribes, Backward Classes, Most Backward Classes and Denotified Communities," has revealed. The White Paper, tabled in the Assembly by the Chief Minister, Mr. M. Karunanidhi, said though the "history of reservation" in Tamil Nadu went back to as early as 1921, in the post-Independence period, the percentages earmarked for SC/STs, BCs, MBCs/ denotified communities underwent changes since 1951.

To set right this tendency, the Government had taken April 1, 1989, as the "basis to reckon the quantum of reservation of appointments," the Paper said. As it was from that date, the "percentages of reservation for each of

Details of backlog vacancies in Government departments and Public Sector Undertakings



| Group | Backward Classes | Most backward Classes Denotified Communities | Scheduled Castes | Scheduled Tribes |
|-------|------------------|--|------------------|------------------|
| A | — | 97 | 168 | 5 |
| B | — | 542 | 1545 | 130 |
| C | — | 2300 | 2537 | 825 |
| D | — | 2324 | 657 | 134 |
| Total | — | 5263 | 4907 | 1094 |

*The provision for carry forward to Backward Classes has been extended only on May 2, 2000.

Group A: Posts with a minimum pay of Rs 10,000 and above.

Group B: Posts with a minimum pay of Rs 5,500, but below Rs 10,000.

Group C: Posts with a minimum pay of Rs 2,610, but below Rs 5,500.

Group D: Posts with pay below Rs 2,610.

Graphic by VARGHESE KALLADA

the categories got stabilised," it said. Mr. Karunanidhi, in his Budget speech, had said that he would come out with a White Paper on reservation.

While the 15 per cent initially reserved for SC/STs in 1951 was raised to 18 per cent in 1971 only, the Paper said the separate one per cent quota for STs came only in 1990. The reservation for BCs in Tamil Nadu, which stood at 25 per cent in 1951, went upto 31 per cent in 1971 and again stepped up to 50 per cent in 1980.

Within the BC quota, a separate reservation for the 'Most Backward Classes/Denotified Communities' was introduced in 1989, besides the "ban on dereservation of the unfilled vacancies in respect of SC/STs," it pointed out. Further, allowing carry-forward of unfilled

vacancies had been extended to the BCs only on May 2, 2000, the Paper noted.

Last year, the Government had appointed two High Level Committees to monitor the "proper filling up of the vacancies" in Government Departments and PSUs, reserved for each of these categories.

Subsequently, a Cabinet Sub-Committee examined the recommendations of both the panels and the State Cabinet took certain major decisions on the complex set of issues, based on the views of the Sub-Committee, the Paper said. Even while conceding that it would be difficult to fill up the "carried forward backlog vacancies" in each post which arose from April 1, 1989, the Government

decided to clear the backlog by making commensurate "entry level appointments" in the Departments concerned "in a phased programme within five years."

Giving the break-up of the backlog of vacancies vis-a-vis Government Departments and PSUs, the White Paper put the total numbers at 5,263 for MBC/DNCs, 4,907 for SCs and 1,094 for STs, under four groups of posts.

To make good the shortfall, the Government today decided "to compute the backlogs by creating equal number of posts in the entry levels," Mr. Karunanidhi said, adding, this was being monitored by the Adi Dravidar-Tribal Welfare and Backward Classes, Most Backward Classes-Minorities Departments.

12 MAY 2000

11 Dalit labourers gunned down in Bihar

STATESMAN NEWS SERVICE

PATNA, May 12. — Eleven people were shot dead and four injured at Balughat in Bihar's Lakhisarai district late last night.

Those gunned down included 10 labourers and a truck driver. The deceased belonged to backward and Dalit communities.

Protracted rivalry between two gangs over sand mining in the Keul river bed was stated to be the reason behind the incident.

The Bihar DGP, Mr KA Jacob, said a group of miscreants armed with sophisticated weapons attacked the labourers on the river bed around 2 a.m. and fired indiscriminately on them.

Police suspect that the assailants belonged to the Janki Singh gang who was locked in a battle with his rival gangs over sand mining contract.

Police have so far identified eight of the deceased. They are: Krishna Majhi, Bhim Singh, Vijay Paswan, Dharmendra Paswan, Mallu Razak, Rambalak Paswan, Gangu Thakur and Basant Mandal.

Four injured have been admitted to the Patna Medical College Hospital.

An FIR has been lodged with the Lakhisarai police station. No one has been arrested so far. "A manhunt is on to nab the culprits", police said.

Local people did not allow police to pick up the bodies till Mr Laloo Prasad Yadav, state ministers and officers reached the spot.

The RJD chief, who was accompanied by the Law Minister, Mr Shakeel Ahmad Khan, the Home Commissioner, Mr UN Panjiar, and the DGP, announced a compensation of Rs 1 lakh, government jobs and pucca houses to dependents of the deceased.

The Chief Minister, Mrs

Rabri Devi, directed the Lakhisarai DM to probe the incident and submit a report at the earliest.

Condemning the killing, the Opposition leader in the Assembly, Mr SK Modi, said it was yet another instance of complete collapse of law and order in Bihar, adds PTI.

In Lok Sabha, the Treasury Benches forced adjournment of the proceedings during zero hour today with members of the Samata Party and the BJP protesting against the killings, reports SNS from New Delhi.

Soon after the commencement of the zero hour the members trooped into the well of the House raising slogans demanding the dismissal of the Rabri government.

Attempts by the Speaker and minister of parliamentary affairs to quieten them failed as the members continued to raise slogans, forcing the Speaker to adjourn the House till 2 p.m.

THE STATESMAN

13 MAY 2000

Nod for bills to annul SC ruling on quota, devolution

By Our Special Correspondent

NEW DELHI, MAY 16. Parliament today put its seal of approval on two separate Constitution amendment bills seeking to nullify the Supreme Court judgment fixing 50 per cent ceiling in filling up backlog of vacancies for Scheduled Castes and Tribes and to devolve 29 per cent central taxes to States.

The Rajya Sabha endorsed both the bills which were approved by the Lok Sabha last week. The bills would now be referred to the President, Mr. K.R. Narayanan, for his assent.

Approval of Rajya Sabha to the quota bill was unanimous but not before a bitter clash between members of the AIADMK and DMK on whether the credit for 69 per cent reservation in Tamil Nadu should go to AIADMK government under the leadership of Ms. J. Jayalalitha or the DMK government led by Mr. M. Karunanidhi.

As the clash between the members of the two parties threatened to take an ugly turn the Deputy Chairman, Mrs. Najma Heptullah, adjourned the House for half-an-hour. Calm returned only after the floor leaders sorted out the issue at a meeting in the chambers of Deputy Chairperson.

The AIADMK while welcoming the decision to

nullify the Supreme Court judgment with regard to filling up of backlog of vacancies registered its protest on the Bill on the ground that it will weaken the case pending in the apex court on states exceeding 50 per cent ceiling of reservation.

Mr. Margabandhu (AIADMK) argued that the Tamil Nadu Government led by Ms. Jayalalitha had got a bill approved in the Assembly to legalise 69 per cent reservation in the state of Tamil Nadu and prevailed on the union government to put it in Ninth Schedule taking away the jurisdiction of courts on the subject. The issue is currently pending in the Supreme Court.

The Constitution amendment bill on devolution of 29 per cent central taxes to states as per the recommendations of the Tenth Finance Commission was approved unanimously. In his reply the Finance Minister, Mr. Yashwant Sinha, paid rich compliments to the Leader of the Opposition, Dr. Manmohan Singh and senior Congress leader, Mr. Pranab Mukherjee for their speeches on the Bill.

In his reply the Finance Minister said the government would convene that an all-party meeting for evolving a national consensus to check fiscal deficit after presentation of eleventh finance commission report in June end.

17 MAY 2000

98 b Reservations in promotions 22/5

Making a mockery of merit

THE Constitution Ninetieth Amendment Bill (adding Clause 4B to Article 16) had an easy passage during the last session of Parliament. Justifiably — because it fulfilled a felt need to fill a backlog of vacancies in posts reserved for Scheduled Castes and Scheduled Tribes which could not be filled by direct recruitment for want of candidates belonging to these classes. But the Constitution Eighty-eighth Amendment Bill 1999 (still pending) ought never to have been introduced: it provides for a lowering of qualifying marks and of standards of evaluation for reservation for Scheduled Castes and Schedule Tribes even in matters of promotion, at all levels. This would necessarily put a premium on sloth and inefficiency in the higher echelons of administration and make a mockery of merit in all government services, which is the linchpin of all good governance.

The framers of the Constitution had emphasised this when enacting Article 335. The Article provides that in making appointments in Union and State services and posts the claim of members of the Scheduled Castes and Scheduled Tribes shall be taken into consideration "consistently with the maintenance of efficiency of administration".

When explaining the effect and purport of Article 335, way back in 1962 and, again in 1967, successive Constitution Benches of the Supreme Court said that efficiency of administration was "a matter of paramount importance."

When in November 1992, nine Justices of the Supreme Court held — in *Indra Sawhney vs. UOI* — that equality of opportunity in employment under Article 16 applied only at the initial stage of recruitment in government services, and not in promotions, the response of Parliament (in its constituent wisdom) was to insert clause 4A in Article 16 — by the Constitution (Seventy-Seventh Amendment) Act 1995, with effect from June 17, 1995. This clause enabled

the state (i.e. the Union and state legislatures) to make any provisions for reservations in favour of Scheduled Castes and Scheduled Tribes even in matters of promotion. This was, perhaps, understandable, especially since this was not to be across the board in all posts and all services, but to be applied only to such class or classes of posts in the services "which in the opinion of the state are not adequately represented in the services under the state", that is, not in fact adequately represented, though initially intended to be.

The amended provision — Article 16 (4A) — was read by a Constitution Bench of five Justices of the Supreme Court, in September 1999 in *Ajit Singh's (II)* case as not empowering



FALI S. NARIMAN

introduced in the Rajya Sabha, the Constitution Eighty-Eighth Amendment Bill. The Bill sought to add a proviso to Article 335:

"Provided that nothing in this article shall prevent (in) making of any provision in favour of the members of the Scheduled Castes and the Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State."

This proposal of the government is destructive of one of the essential safeguards for good governance in our Constitution:

First, because the pro-

of direct recruitment, lesser qualifying marks or lower standards of evaluation could not be countenanced at all at the stage of promotions.

Third, because it nullifies (without even an apparent conscious awareness of doing so) the latest judgment of a Constitution Bench of the Supreme Court in the case of *Ajit Singh II* (of September 1999).

Whilst Parliament, acting in its constituent capacity, is empowered to override decisions of the highest court on an interpretation of the Constitution, this can only be done for good, and substantial reasons and for overriding public interest: the only justification offered (in the statement of objects and reasons) for the dilution of Article 335 (by adding a proviso to it) is that "representations have been received from several quarters including members of Parliament"; which, it is submitted, is totally inadequate to wipe out authoritative pronouncements of the country's apex court on constitutional provisions of great moment (viz. articles 14, 16 and 335).

No expert body and no committee of Parliament, has opined, when balancing the fiercely competing claims of equality, backwardness and good administration, that the warning of the Supreme Court, as to the ill-effects of relaxation in qualifying marks or lowering standards of evaluation for reservation in matters of promotion, should go unheeded; no such body or committee after due consideration has said that the apprehensions expressed were a "mere smokescreen" for perpetuating inequalities of opportunity in matters of employment under the state; nor has any expert body concluded that the views of the Justices need to be reversed in the larger public interest stage in the country's development, the efficiency of government administration at all levels has to be toned up, not wound down.

The writer is an eminent lawyer

This proposal of the government is destructive of one of the essential safeguards for good governance in our Constitution

the state to impair the maintenance of the efficiency of administration in the services, which had been safeguarded by Article 335. The court said that the founding fathers were conscious that a special provision for reservation was necessary to see that the backward classes of citizens were adequately represented in the services; and the primary purpose of Article 16(4) and the newly inserted Article 16(4A) was to give due representation to the reserved classes in certain posts. "However we must bear in mind", (the court went on) "not to ignore the other provisions viz. Article 14, (the equality clause), Article 16 (the non-discrimination in employment clause) and Article 335".

It was in the teeth of this caution that on December 23, 1999, the government

positional undermines the principle that it is the services that run all governments; and good government means efficient governments. The proposal also destroys the delicate balance maintained in the conspectus of constitutional provisions affecting the services viz. Articles 14, 16 and 335, and the philosophy underlying these provisions.

Second, because it attempts to expressly override and set at naught the considered view of a nine-Judge Bench of the Supreme Court in *Indra Sawhney's* case (November 1992), and the later decision of a Bench of two Justices in *Vinod Kumar's* case (October 1996), holding that whilst it may be permissible to prescribe reasonably lesser qualifying marks or lower standards of evaluation for OBCs, SCs and STs — in the matter

INDIAN EXPRESS

22 MAY 2000

RESERVATIONS

Some More Equal Than Others

THE quest for equality has continued through the ages, but it continues to elude mankind. Perhaps we have hankered after it in the wrong places. Populist political sloganeering has abandoned the quest and instead created caste reservations, which it hopes will help to grab power. Instead of unity, reservations breed acrimony, resulting in disunity and ever-increasing demand for higher reservation.

The provision of "equality before the law and equal protection of the law" for every person (Article 14) is a basic feature of the Constitution and Article 15 and 16 are different facets of this. They prohibit discrimination against any citizen on stated grounds, including race and caste (and descent in Article 16). The gamut of articles under the heading "Right to Equality" when read together demonstrate that equality is the rule and special provisions or reservation for any section are the exception.

That these exceptions are meant to be transient, and cannot be a basic feature of the Constitution, follow from their very objective. Special provisions exist for the advancement of socially and educationally backward classes so that the members of these social groups may join the mainstream.

Reservations exist for a backward class that is not adequately represented in the services of the state till they acquire a place therein. When the objective is achieved, there will no longer be any need for special provisions or reservation.

DISCRIMINATION

The provisions of Article 15(4) and 16(4) are different. They relate to different "backward classes" and have different objectives. One talks of special provisions for the advancement of socially and educationally backward classes, while the other of reservation in appointments or posts in favour of any backward class not adequately represented in the services under the state. To mix them up is to go against the constitutional mandate.

Article 15(1) provides the most important facet of "equality before law" (enshrined in Article 14). Sub Article (4) was not in contemplation and did not exist in the Constitution as originally enacted. It came later and does not speak of reservation at all. In the case of socially and educationally backward classes, there is no other question but to improve their lot with respect to social status and education. The special provision spoken of has to be something other than reservation; some constructive and

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By VKS CHAUDHARY

affirmative action to remove the deficiency. For example, special hostels and coaching may be provided for them, in addition to incentives and scholarships; and special schools may be opened in their areas to remove educational backwardness. They may be helped to build houses in localities where other classes live to remove social backwardness and promote mixing.

After all, reservation is reverse discrimination; and therefore prohibited by Article 15(1). It can only result in degeneration of education and



create a personal stake in castes; exactly the opposite of the objective of the provision. Article 15(4) was not meant for negative action depriving deserving persons of their due by reverse discrimination.

The objective of Article 16(4) is to fill the lacuna of particular class in the appointments and posts under the state. As this requires a comparison of the percentage of different classes in the services, reverse discrimination in the form of reservation can rectify it. Reservation is not spoken of in Article 15(4).

The decision of the Mandal Commission Case (*Indra Sawhney vs Union of India, supra*) throws to the winds the ordinary rules of interpretation. By a curious twist of lopsided reasoning, the exception has been elevated to that of a fundamental right. The judgment abrogated the salutary rule that at least half the seats or posts have to be of the general category and open to all.

QUOTA

The previous decision held that the very nature of the provision being an exception, reservations could not exceed 50 per cent. In law, the exercise was required to see that the general quota in which everybody is free to participate is not whittled down. The elevation of what was an exception to that of a fundamental right compelled the court to look from the point of view of the backward class and not the nation.

It forgot that as citizens, members of every class have a right to compete in the general category. Both the tenet of equality, as well as national interest demanded that the 50 per cent rule for general cate-

gory competition, be upheld.

Initially, reservation quotas meant the minimum number of persons of the target category would be recipients of the privilege. In the case of caste based quotas, it meant that a minimum number of persons of that caste would be beneficiaries of quotas.

This meant that in case a person of that caste competed successfully in the general quota, the quota of that caste was automatically reduced, so that incompetent persons of that caste were not appointed. The judgment, instead of upholding this, created two or more competitions for single recruitment. More-over, the pernicious "carry forward rule" meant that in cases of reserved vacancies not filled by those for whom they were reserved, they were to be carried over year after year.

It did not stop here. Though reservation in promotion was held to be *ultra vires*, it declared the unlawful reservation to continue for a period of five years.

The greatest blow to the Constitution is the coining of the word "social justice" and giving it a meaning abhorrent to justice.

The "Preamble" of the Constitution talks about securing for its citizens "justice, social, economic and political" but does not mention "social justice" in the sense it has come to be used today by political groups or parties. The meaning now ascribed is the antithesis of justice. The "Preamble" only describes the areas in which justice is to be secured, which includes the field of social relations.

JUSTICE

The first step towards justice in social relations is to proclaim equality of all citizens, eschewing caste; this is the basis of an egalitarian society. It is painful to see the concept of equality being tarnished by populist slogans like "social justice", as if there can be "unsocial justice", or pandering to caste when it was in the process of being forgotten earlier.

The phrase introduces a confrontation between castes. The American judges say, "Our constitution is colour-blind." Can the Supreme Court not rise to the occasion and say, "Ours is caste blind." Caste was forgotten during the freedom struggle and in the first flush of independence. But it has come back with a bang, thanks to the Mandal report and the judgment.

There can be no greater harm to the body politic than than its being torn up up along the lines of caste divisions. Parties try to build a "political machine", on populist slogans. The Supreme Court ought to have freed itself of this jargon. It had no compulsion to build vote banks by populist drum beating.

THE STATESMAN

12 APR 2000

12 APR 2000

Sonia Gandhi plays Dalit card to strengthen party in Maharashtra

By Smita Gupta

The Times of India News Service

NAGPUR: At Dikshabhoomi here, where Babasaheb Ambedkar converted to Buddhism, there is a festive air despite the scorching heat. Ambedkar devotees throng the area to pay their respects to the man who has become an icon for the Dalits of this country.

But there are also banners outside the gate announcing the arrival of the Congress president to address a rally at the city's Kasturchand Park. On the occasion of Dr Ambedkar's birth anniversary, the Congress is observing Save Constitution Day, focusing on the BJP's attempts to "subvert the constitution" framed by Dr Ambedkar, and take away the rights enshrined in it for the protection of the Dalits and the minorities.

Ms Sonia Gandhi's move to use Dr Ambedkar's birth anniversary to carry her party's ideological battle against the BJP one step further in the city, which also houses the

RSS headquarters, makes for great symbolism. (A few days ago, the Congress and the RPI workers in the city "purified" a statue of Ambedkar after RSS chief K. S. Sudarshan garlanded it.) But it is also clearly an excellent way to boost the Congress organisation in Maharashtra, which is yet to recover from the knock it took when Sharad Pawar split the party last year.

Initially, the NCP—with just one leader at its helm—had found the going easy, particularly as the rich and powerful sugar co-operatives of western Maharashtra were with it. But with the NCP leadership under attack from its own disgruntled MLAs, Friday's rally sought to strike a blow as much against the BJP-Shiv Sena combine as against the NCP to try and redress the balance in the Congress's favour.

Indeed, Congressmen here are keener to stress the differences they have with their erstwhile colleagues, now in Pawar's Nationalist Congress Party, even though they share power in the state.

Former MPCC chief Ranjit Deshmukh—who was axed after he failed to get R.D. Pradhan, a Sonia loyalist elected to the Rajya Sabha in 1999—and who is being credited with the mobilisation for the rally, says: "The NCP can't talk about saving the constitution, with P.A. Sangma himself co-opted onto the NDA's review committee."

Scoring points against the NCP seems important, and current MPCC chief Govindrao Adik announces that the NCP-controlled Amravati zilla parishad has just en masse crossed over to the Congress. He proudly displays former Maharashtra assembly deputy speaker and NCP leader Sharad Tasare—who made a "homecoming" on Thursday. Mr Tasare himself ascribes his change of heart to a desire to return to the "mainstream".

These defections have aroused the ire of the NCP, with its leaders Praful Patel accusing the Congress of violating gentlemen's agreement not to poach on each other's parties.

THE TIMES OF INDIA

15 APR 2000

Ranvir-Naxal
clash leaves
60 hurt in
Bihar jail

STATESMAN NEWS SERVICE

PATNA, April 17. — Arrested Naxalites of the CPI-M (People's War) and members of the banned Ranvir Sena clashed in a jail in Jehanabad, central Bihar today, leaving 60 prisoners injured.

Four prisoners — said to be "serious" — were admitted to Patna Medical College Hospital. Fourteen were taken to Jehanabad sadar hospital. They were out of danger, said the district magistrate. The rest were given first aid in the jail.

Police fired in the air and lathicharged the prisoners to disperse them. Bihar director general of police, Mr KA Jacob, said. Central paramilitary forces were deployed inside the prison.

Ultra-left outfits like the People's War and Maoist Communist Centre have been fighting bloody battles with the private army of Bhumihar landlords in several

THE STATESMAN

18 APR 2006

① Promotion norms for SC/STs to be relaxed: PM

STATESMAN NEWS SERVICE

NEW DELHI, April 17. — The Prime Minister today said the government would place a constitutional amendment to relax the qualifications required by Scheduled Castes and Tribes for promotions, during the ongoing budget session of Parliament.

He announced this at a "Dalit Sangam" rally organised by the Scheduled Caste morcha of the BJP, here today.

Mr Atal Behari Vajpayee said the decision to reduce the qualification level was reached after consultations with legal experts who suggested an amendment be tabled on the subject before Parliament.

Speaking at the Red Fort grounds, Mr Vajpayee said the Centre was committed to tack-

ling the huge backlog of reserved jobs for Scheduled Castes and Tribes and other backward castes.

The Supreme Court had directed that the limit of 50 per cent for reservations should not be raised. "We also decided to present a constitutional amendment to take care of this matter," the PM said. Defending the move for setting up the Constitution review panel, he said the proposed review should not be a matter of contention, with the panel consisting of eminent legal luminaries, political scientists and public personalities.

Till now reviews have been done in pieces, and it is rightly so, since the Constitution has to adapt to the changing environment, said Mr Vajpayee.

He stated that unlike some amendments in the past, the present review was not intended to curtail the basic rights or freedom of the citizen, instead it would attempt to expand it.

He criticised those who termed the review as an "insult" to the memory of its chief architect, Dr B R Ambedkar. "The BJP always had a lot of respect for Dr Ambedkar," he said, adding, "the Constitution for us is not a *imanusmriti*, but a *ibhimsmriti*", said Mr Vajpayee.

He urged the Congress not to drag the Constitution into the arena of political mud-slinging.

However, he warned that though Dalits were given more legal recourse and power in the eyes of the government, they would not earn 'respect' unless there were inherent societal

reforms.

Commenting on the mode of violence adopted by certain sections of Dalits to bring about 'equality', the PM said that such transitions brought through violent means are usually 'unstable'. "We want to bring a permanent change," he asserted.

The Union Home Minister, Mr L K Advani, said it was ironic that the Congress had supported the vote of thanks to the President which also included a proposal for review of the Constitution.

"Once it was known that P A Sangma is a member of the review panel, the Congress suddenly changed its course and started to term the review as an 'insult' to Dr Ambedkar", said Mr Advani.

THE STATESMAN

Apr 17 2003

Vajpayee promises to liberalise promotion avenues for Dalits

By Our Staff Reporter

NEW DELHI, APRIL 17. In a move aimed at wooing the Scheduled Castes, and Scheduled Tribes, the Prime Minister, Mr. Atal Behari Vajpayee, today announced that the NDA-led Government would bring forward legislation in the current session of Parliament to amend the Constitution to expedite the process of promotions for this category which had faced neglect for the past 50 years.

"The rules and regulations governing promotions for the SCs and STs would be further liberalised paving the way for quick and just promotions in Government jobs and merit would not be the only consideration. We should not forget that we are dealing with that section of society which has faced criminal neglect over the past five decades and now things have to be set right," Mr. Vajpayee declared at a poorly-attended 'Dalit Rally' held at the historic Red Fort grounds today.

Mr. Vajpayee said the Government had already taken legal opinion and a legislation to amend the Constitution would be introduced in Parliament soon to widen the scope of promotional avenues.

Targets Cong.(I)

In his 13-minute speech, which targeted the Congress(I) for all the woes facing the nation, Mr. Vajpayee said a Constitution Amendment Bill had already been placed in Parliament to clear the backlog in Government jobs pertaining to Dalits, SCs and STs. He blamed



The Prime Minister, Mr. A.B. Vajpayee, addressing a Dalit rally in New Delhi on Monday. — Photo: S. Arneja

both the Congress(I) and the United Front Governments for having failed to do anything about the backlog and were now shedding crocodile tears.

The Prime Minister said even 50 years after independence, the Dalits and Adivasis had not got their rightful place in society. They still face the evil of untouchability and discrimination.

Lashing out at the Congress(I) for indulging in abusive language and stooping low on the Constitution review issue, Mr. Vajpayee said, "Even the architect of the Indian Constitution, Dr. B.R. Ambedkar, was not averse to a review of the Constitution if it was done for the betterment of citizens and the poor." Assuring that the BJP would protect the rights of the Dalits, Mr. Vajpayee said a national memorial would be constructed in Maharashtra in the

memory of Dr. Bhim Rao Ambedkar.

Earlier, the Union Home Minister, Mr. L.K. Advani, said the aim of the Congress(I) was to mislead the Dalits and Adivasis. Saying the Congress(I) had not opposed the President's address which had talked about review of Constitution, Mr. Advani said the announcement about inclusion of former Speaker, Mr. P.A. Sangma, in the review commission was the reason for the present posture of the party. The BJP national president, Mr. Kushabhau Thakre, also spoke on the occasion.

Poor show

If the intention of the rally, organised by the party's National Scheduled Caste Morcha under the presidentship of Mr. Ram Nath Kovind, was to woo the Dalits and prove that the party had a

substantial following among them, the idea seemed to have boomeranged, leaving a number of red faces in the BJP camp.

The crowd at the "all-India show", braving the scorching afternoon heat, was not only non-responsive but also restless.

The organisational skills, motivational levels and the willingness to participate were on the lower side. While national leaders, including the Chief Ministers of the BJP-ruled States, failed to ensure that their loyalists filled up the venue, the local leadership was equally to blame.

Unlike the BJP rallies of the past, there were no traffic jams, no assembly of colourful combinations from various States and hardly any chaos. It was all a smooth affair and the small crowd dispersed within minutes of the Prime Minister leaving the venue.

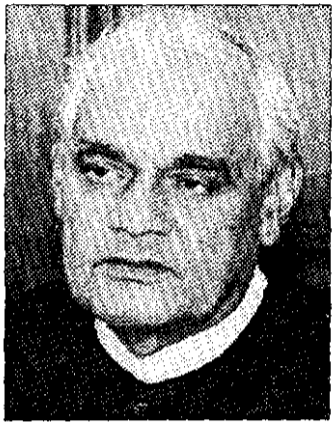
PM assures Bills to appease Dalits

EXPRESS NEWS SERVICE
NEW DELHI, APRIL 18

IN a bid to counter the Congress allegations regarding the Bharatiya Janata Party (BJP) being an anti-Dalit party, Prime Minister Atal Behari Vajpayee has promised two legislations to clear the backlog of quota for Scheduled Castes and Scheduled Tribes (SC/ST) in government jobs and another one for promotions for government servants.

"Government has obtained legal advice and a necessary legislation to this effect will be introduced in the on-going Budget Session," he announced at a Dalit rally organised by the BJP today.

Vajpayee accused the United Front Government of refusing to clear the backlog of SC/ST



Atal Behari Vajpayee

quota in government jobs by citing the 50 per cent ceiling on quota.

Regarding the Supreme Court guidelines on promotions of SC/ST government servants, Vajpayee said, "There

has to be some relaxation in qualification for promotions because we should not forget that we are dealing with a class which has borne the brunt of neglect and injustice over the ages".

He said a Constitution amendment Bill had already been introduced in the Parliament to clear the backlog.

Responding to Congress's charges that Constitution review was aimed at depriving Dalits of their rights, Vajpayee said, "Congress had introduced some amendments during Emergency that curtailed people's civic rights. Through the review instead of curtailing fundamental rights we want to strengthen them".

Stating that the Statute review move should not have been mired in controversy, he re-

minded the Congress that the Constitution had been amended 79 times, 90 per cent of the amendments were carried out during the tenures of Jawaharlal Nehru, Indira Gandhi and Rajiv Gandhi.

Referring to Sonia Gandhi's speech at Nagpur, Vajpayee said Congress leaders illogical arguments and undignified language, "all in the name of Dr Ambedkar", were the result of their frustration as they were not in power.

Dr Ambedkar himself was of the view that the Constitution was not the final word and that was the reason it had an inherent provision for amendments, Vajpayee said.

He also announced setting up of a national memorial in honour of Dr Ambedkar in Maharashtra.

INDIAN EXPRESS.

19 APR 2001

Jury: Stop atrocities on Dalits

STATESMAN NEWS SERVICE

CHENNAI, April 19. — A seven-member jury hearing Dalits' rights abuse cases today appealed to the Centre to ensure that state governments prevent atrocities on Dalits and punish the oppressors.

At the national public hearing of 28 cases here, retired judges, advocates and human rights activists said the government should fully implement the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995.

The jury also prompted the Centre to ask states to abolish the practice of untouchability as per Article 17.

Several cases of untouchability, caste violence, mass killings, social boycott, manual scavenging and exploitation of women through the Devadasi system were heard during these two days.

Recounting agonising stories of human rights violations against Dalits in 10 states — Bihar, Punjab, Rajasthan, Gujarat, UP, Maharashtra, Karnataka, Tamil Nadu, Andhra Pradesh and Kerala — former Bombay High Court judge Mr H Suresh said 250 million Dalits lived a life of "indignity", treated worse than

animals. He said authorities have failed to protect them.

Mr Suresh told reporters about Gujarat's first Dalit woman sarpanch, who faced false corruption charges in 1999. Her claims of innocence were ignored, and she was dismissed. Police stood watching as her husband was attacked. The FIR was registered only five days later.

Mrs Rani Jethmalani said though manual scavenging has been abolished by a statute in 1993, 7.9 lakh Dalits are still forced to do the dirty work. "A case in Andhra Pradesh highlights how one woman in Ananthapur district is made to clean 400 toilets in a day.

Former Andhra Pradesh High Court judge and a member of the Constitution review panel, Mr K Punnaiah, said an upper caste man in Guntur district was killed by his family members because he was in love with a Dalit woman. Even 18 months after the murder, no charge-sheet had been filed.

A former vice-chancellor Mrs Vasanthi Devi recalled how Karnataka police and revenue officials had not looked into the killing of seven Dalits in Kambalapalli. "The Dalit witnesses who came before us (the jury) are all living in terror and they do not want to go back to their village fearing a backlash," she said.

THE STATESMAN

20 APR 2000

No bail in SC, ST atrocities case: HC

PRESS TRUST OF INDIA
JAIPUR, APRIL 22

IN a significant judgment, the Rajasthan High Court has ruled that an accused cannot be granted anticipatory bail if facts stated in the first information report (FIR) make a case of atrocities on Scheduled Castes and Scheduled Tribes against him.

A full bench comprising Justice P P Navlekar, Justice Gyan Sudha Mishra and Justice A K Parihar, held on Friday that Section 18 of the Prevention of Atrocities on Scheduled Castes (SCs) and Scheduled Tribes (STs)

Act bars anticipatory bail of an accused.

Therefore, if the facts stated in the First Information Report make a case of atrocities on SC and ST people, the application for anticipatory bail of an accused cannot be accepted by court, the full bench ruled.

The matter related to one Virendra, whose anticipatory bail application was rejected by a lower court but a single bench of the High Court ordered interim stay on his arrest after calling for the case diary, following which the complainant Bhanwari Devi filed an appeal in the court.

INDIAN EXPRESS

23 APR 2011

MISREADING FIGARO

Narayanan above caste, not beneath

WOULD it have been better for *Figaro* to say "oppressed" rather than "untouchable", since that is the term that we now admit while designating those who lay — still lie — beyond the pale of caste humanity? Sensible officials at the Indian mission in Paris pointed out that the term was used to commend our political culture for progress. In any case, "untouchable" cannot have any pejorative connotations for a culture that does not know the phenomenon, it is simply a way of objectively designating a certain reality. *Le Figaro* was not saying that the President of India should be treated as an untouchable or that due respect should not be shown to him. Quite the contrary. From the French point of view — and *Figaro* is a right-wing paper — overcoming traditional social obstacles calls for admiration. In fact, *Figaro* was applauding the fact that KR Narayanan was in Rashtrapati Bhavan. It was because we wanted to showcase our social progress that we made him President. So why should we take offence?

A question remains: is the President of India untouchable or oppressed, as you will, or not? In other words, does the occupation of the highest office, automatically erase status and memory? We are hypersensitive when foreigners seem to point out the millenary injustices we try to grow out of, but we never examine the worth of all these symbolic gestures in terms of their real impact on culture and society. Dalits continue to get massacred in Bihar, they continue to fight over well water in Karnataka. According to a former Bombay High Court judge, 250 million Dalits continue to live a life of "indignity", and have not been able to extricate themselves from their basic condition as defined by caste society. It is not *Figaro* which is saying this, but our own human rights activists. Social transformation come about through mass movements undertaken by those directly affected. If the condition of women in our society has improved substantially, it is not because Indira Gandhi was Prime Minister. Adhering to a classic Marxist line which normally holds good in such cases, we would say that levels of consciousness had been raised and margins of social manoeuvre enlarged by objective changes at the social, political and economic levels. Symbolic gestures only convey that the ruling class acknowledges the importance of the issue.

THE STATESMAN

24 APR 2000

OBC leaders urge Govt to hike Mandal quota

Uma Bharti warns of a civil war 'if downtrodden are not given their due'

HT Correspondent
New Delhi, April 28

TOP OBC leaders from different political parties today agreed to work together for giving greater share to the backward classes in the Government, services, judiciary and business.

At a convention organised by the PMK, the southern ally of the NDA, these leaders also expressed concern over the impact of the second generation reforms on the poor, particularly those who were considered socially and economically backward.

The leaders included Lok Sabha Speaker G M C Balayogi, Union Ministers Ram Vilas Paswan and Sharad Yadav, Samajwadi Party chief Mulayam Singh Yadav, Congress Working Committee member Rajesh Pilot, MDMK leader Vaiko, former Union Minister Uma Bharati and PMK founder S Ramadoss.

BJP leader Uma Bharti said, "there will be a civil war between poor and rich in the country in next few years if care

is not taken of the downtrodden." She said she quit the Government to fight freely against forces opposed to the poor.

Prime Minister A B Vajpayee could not participate in the convention due to his indisposition.

Mr Balayogi inaugurated the convention, which was held under the auspices of the PMK.

Samajwadi Party leader Mulayam Singh Yadav said the reservation quota for the OBCs should be doubled from the present 27 per cent as more and more castes were being added to the list.

Communications Minister and JD(U) leader Ramvilas Paswan called for elimination of discrimination on the basis of caste, gender and religion and ensuring equal economic and political rights to all. He regretted that Dalits had been ill-treated by the OBCs.

Civil Aviation Minister Sharad Yadav said he would hold a similar convention so that struggle for social justice was fought across the country.

CWC member Rajesh Pilot mooted a proposal for starting

an institute to prepare students from backward classes for the civil services.

Minister of State for Petroleum and Natural Gas Santosh Gangwar said, "it is unfortunate that even after 50 years of independence the country has failed to provide social justice to all."

MDMK leader Vaiko sought a constitutional amendment to give a free hand to the States to finalise the reservation percentage according to their own needs.

PMK founder chief S Ramadoss said his party, which took initiative to hold the conference, would work towards ensuring that the OBCs did not suffer on account of the economic reforms.

"We will welcome all to join this movement."

Union Ministers N T Shanmugham and E Ponnusamy, both from the PMK, and MGR ADMK leader S Thiruvukkarasu also addressed the convention.

The convention demanded implementation of at least the major recommendations of the Mandal Commission in the larger interest of the country.

All-India forum to protect OBC rights

By Our Special Correspondent

NEW DELHI, APRIL 28. A conference on social justice organised by the Pattali Makkal Katchi (PMK) has decided to form an 'All-India OBC Forum' to safeguard the interests of Other Backward Classes (OBCs). A resolution adopted at the end of the day-long conference appointed the PMK chief, Dr. Ramadoss, as president of the new outfit. Mr. Rajesh Pilot (Congress-I), Union Ministers, Mr. Nitish Kumar, and Mr. Ramvilas Paswan and Mr. Mulayam Singh Yadav (Samajwadi Party) and Ms. Uma Bharati are some of the members of the Forum.

The Forum will meet every month and work for the betterment of OBCs. Among other resolutions, the conference sought the implementation of the Mandal

Commission in toto and said the implementation of the remaining recommendations of the Mandal report would go a long way in ushering in genuine social justice.

In his message to the delegates, the Prime Minister, Mr. Atal Behari Vajpayee, said social justice for all sections of society, especially those who have been victims of discrimination and denial, is top-most on the agenda of the National Democratic Alliance (NDA). Mr. Vajpayee's message said true social change and rapid economic development will be possible only when social justice is ensured for every citizen. "Some effective measures have already been taken by our Government and other necessary steps will be taken to fulfill this goal."

'SC/ST statutes to be left untouched'

STATESMAN NEWS SERVICE

NEW DELHI, April 29. — The Union law minister, Mr Ram Jethmalani, today asserted that the Constitution review commission has "no intention to interfere with whatever is there for the backward classes and those articles concerning Scheduled Castes and Scheduled Tribes will remain untouched".

Speaking at the inaugural session of the two-day seminar, 'The Constitution Review: Major Concerns', Mr Jethmalani said: "Now that we realise after 51 years of its existence that the original purpose of the Constitution has not been arrived at, it is time to get down to introspection."

He said allegations that the government was trying to deface the Constitution are baseless. Since it's the BJP that has initiated the step, the public is being misled that the work of Dr BR Ambedkar is

being interfered with. But, the truth is that Dr Ambedkar's work was interfered with the first amendment of the Constitution, Mr Jethmalani said.

"The conclusion of the present exercise may be zero but it is essential to review the document, especially with lots of goals remaining unachieved," Mr Jethmalani said. "Or we may just arrive at a consensus that it's not the Constitution but the people who matter."

Referring to the Sarkaria Commission report which calls for the review of the Constitution from time to time, Mr Jethmalani said the recommendations are sensible but haven't been implemented.

Refuting charges that the government formed the review commission to suit its requirements and interests, the minister said that with eminent personalities such as the editor-in-chief of **The Statesman**, Mr CR Irani, and the attorney-

general, Mr Soli Sorabjee, and others on the panel one can always expect a positive outcome.

Speaking of Mr Irani, Mr Jethmalani said: "There is hardly a day when he does not criticise the government on its policies. To have an honest critic of the government like him shows that the Centre means business."

Speaking of Mr Sorabjee, the minister said that though his appointment was through the government, he was a constitutional authority. "Besides, one can trust Soli as he never hesitates to criticise a government move which he feels should not be there."

He said the government wasn't embarking on an exercise to change the basic feature of the constitutional document. "The commission would try to look into the remaining loose nuts and bolts in the document and perhaps try to tighten it" to make the system run

smoothly.

On the areas which the 11-member commission has identified to review the document, Mr Jethmalani said the commission would try to review Centre-state relations, including Article 356, to enlarge the Fundamental Rights and improve the rights of minorities and weaker sections, strengthen Panchayati Raj and enforce the Directive principles of State policy to achieve the Constitution's preambulatory objectives.

The commission will also try to look into the aspects of legal control of fiscal and monetary policies and will try to explore ways to make public audit mechanisms more efficient, Mr Jethmalani said.

Stating the commission would also entertain suggestions from outside, Mr Jethmalani appealed to the intellects of the society to come up with ideas. Ideas not guided by prejudice would be entertained more.

THE STATESMAN

30 APR 2000

Seven Dalits burnt alive in Karnataka

■ CM orders judicial inquiry into ghastly carnage at Kolar

UNITED NEWS OF INDIA
BANGALORE, MARCH 12

In a ghastly incident, seven Dalits, including three women, were burnt alive after a caste Hindu was fatally stabbed due to previous enmity at Kambalapalli in Kolar district of Karnataka late last night.

Chief Minister S M Krishna and Home Minister Mallikarjuna Kharge, who rushed to the scene of carnage, ordered a judicial inquiry by a high court judge into the incident and announced a compensation of Rs one lakh each to the families of the deceased.

Giving details of the incident, director general of police T Srinivasulu, who visited the village along with the Home Minister, said a group of dalits had fatally attacked Krishna Reddy with lethal weapons around 1900 hrs last night.

Krishna Reddy's relatives and

supporters, in retaliation, attacked a Harijan colony in the village and set fire to two huts, where some of the Dalits, who had assaulted Reddy, were hiding. Six people, who were in a hut, were charred to death while two others, who were in another hut, sustained burns. One of them succumbed to the burns on the way to hospital.

Srinivasulu said additional forces had been deployed in the town and 18 people had been taken into custody.

After returning from the troubled village, Kharge told media-persons that a sitting or retired high court judge would inquire into the incident. The government was ready to rehabilitate the Harijans if they wanted to move to a different place. It would also extend financial assistance to them, he added.

Unconfirmed reports said Krishna Reddy was one of the accused in the murder of a dalit last

year. The victim was the brother of one Sriramappa, who was among those burnt alive.

The Chief Minister, who returned from New Delhi this morning, cancelled all his programmes in his home district Mandya and neighbouring Mysore and rushed to the village. He consoled the families of the victims and assured them that the guilty would be booked.

A manhunt has been ordered for the killers even as crowds thronged the scene of the ghastly carnage.

Meanwhile, former prime minister and Janata Dal (Secular) president H D Deve Gowda condemned the "inhuman and dastardly" incident and demanded a suitable inquiry into it.

Those who were burnt alive had been identified as Narasimhappa, Sriramappa, Shankarappa, Anjanappa, Saraswathamma, Eswaramma and Papamma.

INDIAN EXPRESS
13 MAR 2000

The violence within

ATROCITIES ON Dalits are not considered "a spectacle" anymore in a country where its rural interiors continue to hold on to the rigid remnants of feudalism. Central Bihar, for instance, has witnessed an endless series of bloody massacres of Dalits in villages which are still trapped in the medieval power equations of a backward caste society. That the upper castes still call the shots in rural India is a fact, despite the recent Dalit assertion in power-politics and the general sloganeering in support of social justice. What is however surprising is that a mini-massacre of Dalits has been enacted in Karnataka on Sunday, a State where caste tension has been relatively subdued, and where violence has not always been used as the first and final option to resolve a local conflict.

What occurred at village Kambalapalli, just about 100 kilometres from the State capital, is a tragic happening, the seeds of which can be traced to the existential paradox prevailing in the area. This is an old conflict translated into direct violence — the murder of an upper caste man and a counter massacre, where seven Dalits were locked inside their houses and burnt alive. Certainly, when it comes to upper caste retaliation, the violence unleashed is so extremely brutal and symbolic that its origin can only be traced in the history of caste and class domination in feudal India.

The bitter truth is that upper caste violence is becoming more grotesque because Dalits are not ready to forsake the social spaces they have gained in contemporary India. There has been a slow social churning for collective dignity and gone are the days when the 'untouchable' would take everything lying down, as a divine fatedness of the *varna vyavastha*. They are seeking new rights, changing their social destinies, resisting the entrenched structures of tradition. Herein lies the reason for this organised atrocity, as the last and desperate 'message' of the 'master' in a rapidly changing master-slave equation. The political class should comprehend the deeper undercurrents of conflict and change behind the "caste tension" in rural Karnataka. It is hoped that the murderers will not get away from the process of legal justice. But the truth is that unless "social justice" becomes a grassroots reality, this simmering tension will remain, ready to erupt into violence anytime, anywhere.

THE HINDUSTAN TIMES

14 MAR 2000

Casteism in cyber age

Social reforms must keep pace with information revolution

REPORTS of the bloody caste feud in Kambalpally village near Kolar in Karnataka should come as an eye-opener to the smug upper and middle India savouring notions about the nation's advance into a new millennium. They should come as a rude awakening to a less rosy reality for more than one reason. The story in all its grisly detail — about the alleged gang murder of a villager being avenged with an arsonist outrage that has claimed eight lives — is, in the first place, a barbaric medieval intrusion into some futuristic fantasies of current fashion. What should shock as much as the time, however, is the venue. It is not far away from Bangalore, the proudly cosmopolitan capital of an IT-savvy Karnataka, that the horrendous incidents have taken place. And, reportedly involved in the gory vendetta are members of a community from neighbouring Andhra Pradesh being led, by almost all accounts, into a brave, new cyberworld. The context of the casteist crimes should serve to bring out the complexities and contradictions of a process of modernisation that has begun to be taken for granted. The riots should be a sobering reminder of the need for social reforms even where an information revolution would seem to have been initiated. For reforms of the kind that cannot be completed with employment and educational reservations alone.

Indeed, for reforms of the kind that the politics of reservations would only seem to have made more necessary. From the inadequate indications available thus far, the clashes culminating in the massacre would appear very much part of a pattern of Mandalite creation. What the alleged politics of 'social justice' has un-

leashed, particularly in the countryside, is not a revolt of the downtrodden and the doubly oppressed so much as a caste war not contemplated five decades ago — the one between the 'other backward classes' and the Dalits. This has happened before and in many parts of the country. In the Uttar Pradesh of Mulayam Singh Yadav and Manuvad-baiting Mayawati, the conflict has been carried to the stage of a power struggle. In Tamil Nadu, the sanguinary strife in the southern districts has continued to mock at the tall claims made on behalf of the 'Dravidian' social reform movement. Kambalpally is a reminder, too, of the need for steps, studiously avoided so far by contenders for power, to do something about this problem.

All this is not, of course, to say that the violence does not illustrate a law-and-order problem as well. It illustrates, in fact, yet another contradiction of an unbalanced kind of development. Of the inaccessible remoteness of the village India and its vast millions from any official protection. The contrast between the commando-surrounded security of our VIPs or VVIPs and the utter helplessness of the Dalits and the disadvantaged in our Kambalpallys should be too stark and striking to need elaboration. Chief Minister S. M. Krishna has done well to order a judicial inquiry into the tragedy and hopefully means his promise of stern action against the culprits. Too often in the past have such incidents led to a decades-long chain of casteist violence defying all attempts at breaking it. Purely administrative action, however, won't suffice. The problem calls for farsighted political initiatives.

INDIAN EXPRESS

14 MAR 2000

More in OBCs list, new VRS for PSUs

By P. Sunderarajan

NEW DELHI, MARCH 16. The Union Cabinet tonight approved a proposal to carry out certain additions and amendments to the Central list of OBCs (Other Backward Classes) as recommended by the National Commission for Backward Classes.

Another major decision was approval to a revised voluntary retirement scheme for the employees of the Public Sector enterprises, with a view to bringing about uniformity and to make the scheme more attractive.

The Cabinet also decided on the minimum support price for wheat and other crops of the 1999-2000 rabi season, which are due for harvest. While the price for wheat has been fixed at Rs. 575 per quintal, that for barley has been fixed at Rs. 430 per quintal, grams at Rs. 1,015 per quintal, rapeseed/ mustard and safflower at Rs. 1,100 per quintal. Last year, the MSPs for the crops were: wheat - Rs. 550, barley - Rs. 385, grams - Rs. 895, rapeseed/ mustard Rs. 1,000 and safflower - Rs. 990.

The Union Minister and spokesperson for the Cabinet, Mr. Pramod Mahajan, announcing the decisions, said the additions and amendments to the Central OBC list covered al-

most every other State, from Andhra Pradesh, Karnataka, Kerala, and Pondicherry to Uttar Pradesh, Bihar, Haryana, Rajasthan, Madhya Pradesh, Maharashtra, Gujarat, Delhi, Himachal Pradesh, Orissa, West Bengal, Tripura, and Sikkim.

In the case of Karnataka, Uppina Kolaga Vokkaliga, Rama Kshatriya, Ramaraja Kshatriya, Koteyar, Kotegara, Kotegar, Kotekar, Servgara (of south Kanara), and Serugara of north Kanara have been included, while for Andhra Pradesh, Yellau/ Yellapondulu, Salivahana, Bukka Aavar, Vannia, Vanniar, and Vannikula Kshatriya have been added. For Kerala, the list has been expanded to include Nadar belonging to Christian religious denominations other than the SIUC. In the case of Pondicherry, Thattar, Por Kollar, Thatchar, Kollar, Karumar and Karuvan have been added.

In the case of the North, for Uttar Pradesh, the list would now include Tanwar, Singhariya, Mukeri, Rankia, Mokrani, Sain (nai), Hela, Lalbegi, Sheikh Sarvari (pirai), Pirahi, Bot, Kuthalia Bora, Kalal, Kalwar, Kalar, Dohar, Kaesar, Thathera, Tamrakar, and Kalikar; for Rajasthan, it would include Wazir, Saini, Bagwan, Rayee/ Rayeen, Kunjra, Sunar,

Soni, Kasai, and Gaddi; for Bihar, it would include Nagar (except Maithili brahmins and immigrant Nagars from other States, who are brahmins and banyas); and for Madhya Pradesh, it would include Chippa-Sindhi-Khatra, Bhisti-Abbasi, Qassab-Qureshi, Julaha-Ansari, Momin-Ansari, Multani Luhar, Nat, Niyargarf, Niargar-Multani, Niyara, Gaddi, Sodhi, Sodi, Sundi and Sondhi.

As regards the revised VRS for PSU employees, he said the PSUs would now be broadly divided into three categories — those which are financially sound, those which are either marginally profit-making or loss-making, and those which are sick and financially unviable.

For the first category, the units would be allowed to offer their own VRS as they were in a position to meet the expenditures involved, while for the terminally sick units, they would be permitted to adopt the VRS of the Department of Heavy Industries with some specific stipulations.

For the PSUs that were registering marginal profits or losses, the VRS would be on the lines of the VRS implemented by the Gujarat Government for its textile industry.

TURNING POINT

A MERE THREE hours out of cybercity Bangalore and one is in Kambalahalli, the back of beyond. The glitzy, First World wannabe metropolis gives way to a gives way to a starkly poor village, where communities fight over water, everyone is moored by their caste tags, talk of development evokes a cynical grunt, and Dalits are routinely bullied.

Indeed, as long as the Dalits kow-towed to the dominant Reddy Vokkaligas, "peace" reigned. Stray assertions were fiercely put down, and the occasional deaths never made it to the news.

Kambalapalli, as all of Kolar district, is in corrigibly casteist. Feudal equations prevail. Invisible lines are drawn. Only the Dalits can sense them, and they dare not cross them. Those who do, die. Locals estimate that in the last two years, 75 Dalits have been killed in skirmishes with Reddys in the district.

But last Saturday, Dalits created history when they killed Krishna Reddy, a waterman. For the first time, a Reddy had been slain by Dalits.

The previous day, Krishna had beaten Anjanappa, a Dalit, with a stick. Anjanappa did the unthinkable. Next evening, he thrust a knife into Krishna, killing him on the spot.

Anjanappa escaped but retaliation was swift. A furious Reddy mob surrounded two houses,

where three other Dalits, friends of Anjanappa who did not take part in the killing, lived. They set the houses afire. All five inmates of the first house died, and two of the five in the second.

Among the seven Dalits killed was schoolteacher Anjanappa (different from the Anjanappa who stabbed Krishna Reddy.) This did not happen perchance. Local Dalits assert the Reddy Vokkaligas resent educated Dalits, and use any opportunity to humiliate or neutralise them.

Though the district administration and state government made all the right noises after the incident, a visit to the Battalahalli hospital makes it clear that there is not much care for the three who survived the fire. One with terrible burns moans in agony. A Dalit youth angrily points out the shallowness of the government's offer, saying, "Could they not have provided a nurse to look after him? This was the least they could have done."

Trouble had been brewing for the last two years over an attempt to start a unit of the Dalit Sangharsh Samiti (DSS). The move to open DSS units was clearly seen as a threat by the Reddys, who responded with

LAST WEEK'S MASSACRE OF DALITS COULD HERALD A CASTE WAR IN KARNATAKA, REPORTS KS DAKSHINA MURTHY

across the district. Thus, given their traditionally uneasy relationship, tension between the two communities had quickly reached flashpoint.

The Reddys had virulently opposed the formation of a unit in Battalahalli, five km from

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Kambalahalli, and a local DSS convenor, Shivanna, had become their target.

Two years ago, the Reddys mistook Shivanna to be in a police jeep approaching Battalahalli. They attacked the jeep, killing three policemen. One Reddy

youngster was killed in the return fire. This incident, after many twists and turns, culminated in last week's massacre.

Venkataramana, an associate of Shivanna, was another target. His crops were damaged and his 30 sheep stolen. Venkataramana did the most natural thing — he went to the police. But he had crossed an invisible line. The Reddys killed him for such temerity. Waterman Krishna Reddy was among the suspects.

Politicians exploited the hostility. When Krishna Reddy had beaten Anjanappa, a local politician who had

unsuccessfully contested the recent gram panchayat elections, was said to have instigated the Dalits to file a police complaint. When the Dalits went to do so, the

opposing group applied political pressure of its own, and the complaint was not registered.

Angered by this, Anjanappa killed Krishna Reddy.

Observes Shivshankar Magadi, Dalit activist and brother of rebel poet Siddalingaiah: "The MP here is a Dalit, three senior police officers are Dalits, but protection to Dalits is zero."

This situation prevails despite more Dalit getting educated.

Many are frustrated at the absence of job opportunities. A first-generation educated Dalit, Lakshmana Raju, who works for a local newspaper, says he wonders why he got educated: "It would have been better if we had been illiterate. Some Reddy landlord would have employed and looked after us. Now that we are educated, they don't want to touch us and we don't have any other avenue for employment."

Kambalapalli is hardly a kilometre from the Rayalaseema region of Andhra Pradesh, a hotbed of Naxalite activity. The People's War Group has approached Dalits on the Karnataka side with a view to spreading their organisation. The DSS has so far resisted their overtures.

But with the anger generated by the latest incident, the feeling here is that the situation is now conducive for the entry of Naxalites. The DSS is hopelessly divided. In Kolar district, two factions (one led by Shivanna and the other by Muniswamy) vie for control along with the Bahujan Samaj Party.

This is a turning point, asserts H Ramakrishna, a local publisher. For the first time, a Dalit dared kill a Reddy, and also for the first time, the Reddys retaliated so brutally. With political consciousness increasing and more Dalits becoming educated, the Reddys will be forced on the defensive. But not before much blood-letting.

The purpose of reservation — I

By Gail Omvedt

TEN YEARS have passed since widespread rioting and the horrible spectacle of misled upper caste youth incited to burn themselves to death marked opposition to Mr. V. P. Singh's effort to implement the Mandal Commission report. Twenty years have gone by since that report, submitted to Parliament, revealed the ongoing upper caste domination of Government services. And fifty years since the Constitution of India declared guarantees of reservation for the communities now named "Scheduled Castes and Scheduled Tribes" and included clauses opening the way for reservation for those described as "other socially and educationally backward classes". It is perhaps time to assess how far India has come in this respect.

Any discussion of the whole issue of reservation should keep in mind that an analysis of what reservation has achieved requires a clear realisation of what its purpose is — or should be. For not only has implementation of the reservation agenda been halting, partial and distorted, but the whole history of the struggle for reservation has also been a debate about its very meaning and purpose.

From the point of view of the elites of the dominant parties — the Congress, now the BJP — reservation has had the limited purpose of "uplifting" those sections of society euphemistically described as the "weaker sections". The imagery is one of patronage; even when such terms as "empowerment" are incorporated, the theme is that oppressed groups are to be given a share of power. It is assumed that this process has very little relationship with any other analysis or critique of the whole nature of the public sector itself. The public sector may be seen as corrupt, bloated, overpaid and badly in need of reform; on the other hand those sections of society who are now admitted to have been discriminated against in the past are to be incorporated into it. These are two separate processes; if anything there is a negative relationship — incorporation is seen as having nothing to do with reform or with the quality of governance. If anything, the process of providing reservation is thought to be at the cost of "merit"

and "efficiency", perhaps a necessary cost but a cost. This provides a logic for limiting reservation, preferably only to the Scheduled Castes and Scheduled Tribes; if political pressures make it necessary to include the "OBCs" then — since uplift of the poor and the marginalised is assumed to be the purpose of reservation — the economically better off among them are to be excluded, under the name of skimming off the cream. In this way, the damage to "merit" and "efficiency" that is supposed to be done through reservation is to be limited, while the goals of "uplift" can still, it is claimed, be achieved.

This whole logic goes counter to what

Not only has implementation of the reservation agenda been halting, partial and distorted, but the whole history of the struggle for reservation has also been a debate about its very meaning and purpose.

ites except "Brahmans, Patris and Shenavis". This broad-scale reservation policy was aimed not simply at providing a form of social mobility for non-Brahmans, it was designed as a blow at the concentration of administrative power in the hands of uppercaste communities. Again, administration was seen as a major link in chains of exploitation and dominance; the aim was not simply to "uplift" the poor but to restructure the relations between ruler and ruled in society.

In the early Twentieth Century, when the non-Brahman movement in Tamil Nadu was spearheading the first systematic effort at reservation in the Madras Presidency, it was described as "communal representation". Through the term "communal" has taken on negative connotations, the meaning is fairly clear: those who governed should be representative of the broad masses they governed. And in India, caste was the primary principle that divided the population.

With Periyar's Self-Respect movement, the demand was also linked with proposals to reduce the pay of Government employees and with efforts to broaden and universalise primary education. For quite naturally, if all sections of the population received education and training, there would be no question of any reservation in merit and efficiency through policies of compensatory discrimination; upper caste claims to represent efficiency were linked with a narrow and top-heavy education system.

All of these processes, of course, awoke tremendous resistance and began a long period of debate and struggle. In the end, reservation was not simply granted reluctantly, but granted in a way that seemed almost designed to sabotage its purpose. "Scheduled Castes" and "Scheduled Tribes" were to be let in; but there was an effort to ignore as far as possible the claims of the "other socially and educationally backward classes." The idea of reducing the pay of any Government employee has long been dropped, and primary education has been sacrificed at the altar of a top-heavy, industry-centered elitist model of development.

lowed the extraction of untold wealth to serve development in England (Phule was, for instance, scathingly critical of efforts to halt moneylending here while providing erotes of rupees in interest to British "moneylenders" for instance for huge loans for irrigation systems); it also maximised the opportunities for exploitation by the "black bureaucrats". Indeed, colonial rule was a collaboration between what he called the "indolent and luxury-loving white Government servants" and the "cunning Aya-Bhar black Government servants", one that allowed both sections to draw unequalled pay and pensions and provided the intimate linkage between money-eating lower level em-

ployees and village-level "Bhats" who cheated on the basis of religion.

This indictment of British-Brahman rule was linked to suggestions for change. These included universal compulsory primary education, with schools staffed by teachers from the "Shudra and Ah-Shudra peasants" who would link the teaching of reading and writing with agricultural and technological upgrading. It also included demands for reduction of pay of Government employees, as well as proposals for agricultural development and forms of irrigation that would deliver water in measured amounts to the land of the farmers themselves. Finally, Phule urged that something like a reservation system, not simply to give an opportunity for hitherto deprived sections to advance, but even more, to break the hold that the exploiting communities were maintaining over public services.

The first actual implementation of a reservations system came in 1902 when the ruler of Kolhapur state and descendant of Shivaji, Shahu Chhatrapati, issued a Government order that from then on posts in his administration should be filled with candidates from any communi-

the anti-caste movement saw from the beginning as the purpose of reservation.

For Phule, Ambedkar, Periyar, Shahu Maharaj and others, reservation was not simply designed as a kind of helping hand for the oppressed; but as a part of a broad and visionary attack on a system of exploitation. Rather than being a goal to be weighted against "merit" and "efficiency" and thus limited; it was seen as a step in the direction of restructuring the process of governance itself. What the elite has seen as two separate processes — reforming the public sector, and incorporating the oppressed communities into it — has been viewed as interwoven aspects of overall political and economic transformation.

Phule, for example, was one of the first to describe the whole state machinery of British colonialism as the major force for exploitation in the country. Long before contemporary critics of the "licence-permit raj", he characterised the administration as bloated, overpaid, corrupt and not even efficient in what it set out to do. The colonial model of "governance" which justified itself in the name of having brought "law and order" not only al-

The purpose of reservation — II

By Gail Omvedt

THE WAVE of rioting at the time of the Mandal Commission showed that the goal of reservation had not simply been unfulfilled, but totally distorted. It revealed, among other things, the degree to which educated upper caste youth had gotten into the habit of considering the Government administration not as "public service" but as a source of employment — with lucrative salaries and pensions, not to mention ample scope for bribe taking.

Bribery — a major theme of Phule's polemical 19th century writings — has not apparently changed very much. There are undoubtedly many honest officials, but they are fighting a system that gives them very little scope, one which binds together politicians and bureaucrats in a nexus of corruption. International surveys of corruption in Government show India at the bottom of the list; losses in "transmission and distribution" of the State electricity boards; the necessity of giving "weight" in order to get projects approved or papers moved through desks in administrative offices, all remain flagrant. In this context, the idea that reservation somehow has an adverse effect on "merit" and "efficiency" looks somewhat laughable. Since the mass education which all the anti-caste radicals so fervently sought has also remained a distant dream, this has rendered the masses of tillage people more dependent on the literate officials and activists.

How much do the upper castes dominate in Government service? The Mandal Commission report itself made interesting revelations. According to its statistics, the "forward castes" estimated at 25.5 per cent of the population made up 78.34 per cent of employees of Central Ministries and Departments; the Scheduled Castes and Scheduled Tribes together were 16.83 per cent and the Backward Castes were 4.83 per cent. In Class I, these figures were 90.23 per cent for the "forward castes," 7.18 per cent for the "Scheduled" communities and 2.59 per cent for "other backward". Clearly, reservation had provided some scope for Dalits and Adivasis, but the "other backward" communities, 52 per cent of the total Indian population, were hopelessly behind.

Of course, this was twenty years ago. Has the situation changed? There is almost

no way of knowing. In contrast to advanced countries, where disciplines such as sociology focus on issues of ethnicity and class, at the degree of inter-marriage among various social groups, there have been no surveys of Government employment, no effort to link caste and economic status at the top levels of the social order. American sociologists such as C. Wright Mills and William Domhoff devoted efforts to study the "power elite" and the "ruling class"; in contrast, this has been a subject about which Indian sociology has kept an embarrassed silence. With continued resistance to taking up the issues of caste in the census operations, there is simply no

information available. Thus all the debates today about whether caste remains an important category of behaviour are taking place in an informational vacuum. It would perhaps not be so fantastic, then, to assume that the situation revealed by the Mandal Commission continues. The lack of information and the resistance to procuring information are itself revealing.

Most of all, the insertion of an economic exclusion clause was the primary way in which elite resistance to the major goals of reservation sought to deprive it of its efficacy. For many years, opponents of reservation had argued that caste was irrelevant, that while admittedly the "untouchables" and "tribals" might require some compensation, the large sections classified as "backward castes", that is the ex-Shudras, in fact contained wealthy and affluent sections. Rich farmers, rich cowherders, rich barbers, and rich washermen — all of these, it was argued, were the biggest enemies of Dalits. The opposition to reservation clothed itself in marxist dress, saying that reservation should be based if anything on "economic backwardness" — that is to say, on "class" as an economic category. This had even been the major theme of the Left for many years, with West Bengal being one of the laggards

The costs to the nation of inserting the "creamy layer" exclusion clause have been considerable... It has certainly stalled implementation of the Mandal Commission recommendations.

But, in giving its assent to the Government order for implementation of the Mandal Commission report, the Supreme Court in 1992 not only limited overall reservation to 50 per cent (thereby in effect reserving 50 per cent for the "forward castes"), but also inserted an economic exclusion clause under the name of "creamy layer". The term itself was a clever innovation, implying that by "skimming off the cream" a rather healthier glass of milk could be made available. The term

in any kind of State-level compensatory discrimination policy. The phrase "socially and educationally backward classes" referring to the ex-Shudra sections, seemed to provide an opening — although throughout the British period terms like "Depressed Classes" and "Backward Classes" had invariably been used to refer to jatis. Backed up by this seemingly interested support of a mechanical marxism, the Indian elite grabbed on to the notion that the "affluent OBCs" should be excluded from the benefits of reservations.

What is wrong, it may be asked, with this? First, there is no country in the world outside of India that has accepted the notion that Government employment is a logical or legitimate way of dealing with the problems of poverty! The whole concept is somewhat fantastic; removing poverty requires broad-level economic policies, including those for growth and those directed at mass education and mass access to resources including land and forest wealth. Taking a few of the poor out of poverty by providing Government employment for them is a mockery. The principle of "compensatory discrimination" is meant to be applicable to "ethnic" (or non class) social groups or communities which have been, for various historical reasons, systematically excluded from wealth and positions of power in society. This does not apply to the processes of simple class stratification.

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Thus the reservation system was instituted not so much on the basis of the Commission as on that of the decades-old elite resistance to restructuring public employment. It serves several purposes. It allows the elite to maintain the facade of a generous patron of Dalits and Adivasis while continuing to deprive them of mass-level education and access to resource. It provides a process to absorb some of their brightest members into a system still based more on extortion and corruption than true public service. Finally, it continues to block a true representation of the majority of the nation's population, a representation which the founders and leaders of the anti-caste movement had always seen as part of a full-scale political and social-economic transformation.

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(Continued)

Reservation doesn't affect the judiciary's independence

THE 27 POSTS of additional district judges in Bihar, reserved for Scheduled Castes/Scheduled Tribes (SCs/STs) and Other Backward Castes (OBCs), have remained vacant for over a decade because, as two of the five judges of the Supreme Court observed recently, of antagonistic and belligerent approaches adopted by the state government and the Patna High Court.

This the Supreme Court judges observed in their recent majority decision (3:2) striking down as invalid the Bihar Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes and Other Backward Classes) Act, 1991. It appears that in 1991 the Bihar government approached the High Court to approve reservation for the posts of subordinate judges, as well as district judges, as the existing rules of 1951 and 1955 did not provide for the same. After it failed to persuade the High Court to agree, the government passed the impugned legislation.

The majority judgement has held that the Bihar legislature is incompetent to pass any law dealing with recruitment to the subordinate judiciary, without first getting the assent of the High Court under Article 233 and 234 of the Constitution. These twin provisions provide for appointment to the post of district judges by the governor in consultation with the High Court.

All the five judges held that the judicial service is part of state services. But still the majority judgement holds that as far as appointments to the judicial service is concerned, the governor cannot draw any sustenance independently from Art 309 (framing of rules for service conditions of government employee), nor can he by a legislative Act or through an independent provision under Article 16(4). In other words, he cannot totally bypass the High Court.

It softened the below by observing that if the High Court felt that reservation was necessary, it could resort to Article 16(4). But with respect, Article 16(4) empowers only the state to initiate any provision for reservation — the High Court itself cannot do so. I feel the majority was unduly panicky in assuming that the executive's power to enact legislation on reservation without the High Court exercising the veto power could run riot with the judiciary.

The minority, however, called this apprehension as unfounded and thought the measure of reservation was no danger to the independence of judiciary.

Frankly, I see no catastrophe even if the state government, in spite of the opposition from the High Court, goes ahead with its proposed reservation policy. That is because the government's decision is subject to judicial review and if the High Court finds a constitutional infirmity in the said proposals, it can always quash the same. But the initial administrative and political policy decisions are the preserve of the executive and the legislature. I agree with the minority that the majority judgement has inadvertently blunted the principle of separation of powers, a basic feature of our Constitution.

The minority, speaking through Justice RP Sethi, has held that no doubt Art 309 is subject to the other provisions of the Constitution, but explained that this only meant that if any such rule violates the constitutional provision of Articles 14, 15 and 16, it will be void but that this does not debar the legislature to make provi-

rules governing the service conditions in the judicial service can be made by the governor only in the manner as prescribed in Article 234 of the Constitution, the minority was not willing to accept that the rules enacted under Art 234 of the Constitution is as high as that of an Act adopted by the legislature.

Though accepting that in case of conflict between the rules made under Art 309 and the rules specifically framed under Art 234, the later would prevail, the minority did not accept that in so far as an Act of Legislature was concerned, it could not be made applicable to reservation in the judicial service because of the apparent conflict with existing rules made in 1951 under Article 234. The court pointed out that notwithstanding the reservation policy, the High Court has not been deprived of making selection of best available candidates, and that the powers of the High Court in the matter of appointment have not been curtailed. It also noted that appointments even on the basis of the reservation policy can be made only of such persons who are found eligible and recommended by the High Court. Thus, the indepen-

dence of judiciary has not been in any way taken away by the Bihar legislature's exercise of its powers. The minority highlighted that the Act was not challenged on the ground of being violative of fundamental rights, or contrary to other provisions of the Constitution.

It is a matter of some concern that the political consensus which led even to the unanimous passing of the Constitution (Seventy Seventh) Amendment Act, 1995, thereby providing for reservation in matters of promotion (nullifying the earlier decision of the Supreme Court), should have left untouched the Patna High Court as evidenced by its persistent opposition to reservations in the subordinate judiciary. This is particularly worrying as most High Courts have had reservation policy upto the level of additional district judges for decades.

The judiciary needs to maintain a fine balance so that it does not remain unaware of the winds of change blowing through the society — yet at the same time should be cautious to see that it is not blown away by every change.

GUEST COLUMN



JUSTICE RAJINDAR SACHAR

The judiciary needs to maintain a fine balance so that it does not remain unaware of the winds of change blowing through the society

sions for matters which are not in the covered field. Accepting the importance of isolating the judiciary from executive interference, the minority nevertheless emphasised that the judiciary has to become an arm of socio-economic revolution and play an active role calculated to bring social justice within the reach of the common man.

The minority reminded the sceptics that it cannot be denied that the reservation policy has been accepted to be a part of Indian parliamentary democracy as a safeguarding measures to protect the interest of the SCs/STs. The agony of the minority judges can be gauged from their observation, "Good or bad, the reservation being the part of the Constitution, the High Court should not have adopted an adamant attitude of totally refusing to concede to the request of the State Government.... The hostility between two wings of the State have not, in any way, strengthened the democratic set-up nor has it benefited any section of the society or institution."

While recognising that the judicial service has been given special treatment under the Constitution, and that

Ranvir Sena massacre still haunts Bihar village

Fearing retaliatory attacks from bhumihars, 200 dalit families are yet to return to Senari

BY SOROOR AHMED

Patna, March 26: A year after the massacre of 34 bhumihars at Senari by the ultra-left Maoist Communist Centre on March 18, 1999, it still seems like a ghost village. Neither has a marriage been solemnised here ever since 34 bhumihars were killed in retaliation of repeated massacres of dalits by the outlawed Ranvir Sena and nor have the 200 non-bhumihar families returned to this Jehanabad district village.

Though the non-bhumihar population — all backward dalits — were not directly involved in the carnage, they fled their homes, leaving behind almost everything, minutes after the massacre fearing retaliatory attacks from the bhumihars of the surrounding area. And even a year later angel fears to tread in their hutments.

The bhumihar tola (locality) of the village is in the centre and can easily be distinguished. The houses are much bigger and fortified. Yet what they lack is population. Senari has been reduced to the village of old and women. The number of able-bodied bhumihar males can be counted on the fingers as almost all of them between the age group of 18 and 45 were slain on that fateful day.

Only those bhumihar men, who were not present in the village that night, managed to survive. The agricultural fields has been left unattended. Many of the families have no manpower to till them. Even the farm labourers who have fled are yet to return. The village has become intolerable for about a dozen bhumihar families who have left it for good.

According to the villagers, in the last one year not a single girl has been married although about a dozen of them are of marriageable age. One of them complained that notwithstanding such a tragic carnage, none of the youths have volunteered to marry girl from Senari.

However, the Asian Age was informed that one boy had promised to marry a village girl but that too after getting a job. In the last one year, only two

Senari men have got married. However, their marriages were not solemnised in the village. They got married in famous Vishnuapad temple in Gaya, which is some 50 km from the village. The locals showed no interest in the March 18 Shaheed Diwas which was organised by the activists of Rashtravadi Kisan Maha Sangh, considered an offshoot of the Ranvir Sena, the private army of bhumihar farmers. Some of the villagers even blamed the Sena for the last year's grisly killings.

Incidentally, dissident Congress leader Ram Jatan Sinha and Jehanabad MP Arun Kumar attended the meeting.

Mr Sinha is one of the working presidents of the state Congress and is strongly opposed to the party's ties with the ruling RJD in Bihar.

However, Samata MP Arun Kumar had to face a hostile crowd as the people charged that he had not deigned to visit the village after the massacre. Several Congress leaders belonging to the bhumihar caste were beaten back by the angry youths of Senari and neighbouring villages immediately after the massacre. While Mr Sinha could not manage to enter the village a year ago, Mr Kumar, who also is a bhumihar, never tried to even reach the vicinity of Senari.

A Jehanabad-watcher told The Asian Age that the condition of

the people of Senari is more pathetic than Bara or other areas where bhumihars have been targeted. He attributes this to the lack of coordination and dissension within the bhumihar rank and file. While a section of bhumihars blame the Ranvir Sena for the senseless killings of dalits at Shankarbigta and Narayanpur, which forced this retaliation, the other section calls for more aggressive stand.

Senari can be reached after a seven-hour drive from Patna, though the distance is less than 140 km. The grant of Rs 10 crores sanctioned for the construction of roads in the Naxal-infested villages of the region has failed to make the journey smoother.

SPOTLIGHT

Constitution bill to annul SC ruling on quotas

By Our Special Correspondent

NEW DELHI, MARCH 29. The Government has decided to bring in a bill to amend the Constitution to nullify a Supreme Court judgment on limiting the percentage of backlog vacancies and discontinuation of special recruitment drives in government jobs for Scheduled Caste/Tribe candidates.

The SC had put these restrictions on recruitment of SC/ST candidates while delivering the judgment on implementation of the Mandal Commission report in 1993 but put a five year embargo on implementation of the guidelines.

There has been a spate of protests from SC/ST organisations and political parties and representations galore for nullification of the judgment through an amendment to Article 16 of the Constitution.

Only last week the Congress(I) president, Ms. Sonia Gandhi, had written to the Prime Minister, Mr. Atal Behari Vajpayee, reminding him of his promise to redress the grievances of SC/STs arising out of the SC verdict.

As a follow-up to the judgment, the Department of Personnel and Training, during the Narasimha

Govt. hikes D.A.

By Our Special Correspondent

NEW DELHI, MARCH 29. The Union Cabinet today decided on a one per cent increase in the dearness allowance and dearness relief for Central Government employees and pensioners respectively with retrospective effect from January 1. Now the rate is 37 per cent. A spokesperson said the additional implications because of the increase in D.A. were estimated at Rs. 296.32 crores and dearness relief Rs. 102.5 crores per annum. For the financial year 2000-2001, the impact on the exchequer would be more, at Rs. 345.71 crores on account of extra D.A. and Rs. 119.58 crores on account of extra dearness allowance.

Rao government, through an office memorandum dated August 29, 1997, had applied a 50 per cent limit to current as well as backlog vacancies and discontinuation of the special recruitment drives for SC/ST candidates.

The proposal approved by the Cabinet today for amending Article 16 of the Constitution would enable the state to consider backlog vacancies as a separate class to be filled in any succeeding year or years and such class of vacancies shall not be considered together with the current vacancies of the year in which they are being filled for determining the ceiling of 50 per cent reservation on total number of vacancies that year.

Sooner than later the Government will have to take a view on another demand by SC/ST organisations and political parties for continuation of reservation in promotions. The apex court in the Mandal judgment had disapproved the concept of reservation in promotions.

Other Cabinet decisions: Page 13

Removal of 50 per cent cap on SC/ST job quota approved

HT Correspondent
New Delhi, March 29

THE GOVERNMENT intends to amend the Constitution to undo the 50 per cent cap on reservation of jobs for SC/ST candidates set by the Supreme Court. This is to provide for the exclusion of backlog vacancies from the current slots, even as the combined recruitment goes beyond the 50 per cent limit.

A proposal to this effect was okayed by the Union Cabinet this morning. The Cabinet also approved the enactment of the Registration (Amendment) Bill-2000 paving the way for changes in the Registration Act, 1908, Transfer of Property Act, 1882 and the Indian Stamp Act, 1899.

Based on the recommendations of the Sept 14, 1998 Conference of State Chief Ministers and Finance Ministers, the proposed enactment will curb illegal transfer of proper-

ty and plug loss of revenue to States and Union Territories.

A spokesperson said the Constitution amendment Bill for SC/STs would help the State consider backlog vacancies in such reserved categories as a separate class of vacancies to be filled in any succeeding year or years. "All such vacancies will be excluded from the current vacancies of the year to determine the 50 per cent ceiling on SC/STs quotas," she added.

In real terms, the proposed statutory change will undo the 50 per cent limit slapped by the Supreme Court while treating the backlog and current vacancies as a single entity. The proposed amendment will invalidate the after-effects of the controversial DoPT Office Memorandum (OM) of Aug 29, 1997, following the Apex Court's judgment in the Indira Sawhney versus the Union of India case.

As per the reservation policy

existing prior to Aug 29, 1998, vacancies reserved for the SC/STs, which could not be filled up through direct recruitment because of non-availability of candidates of these groups were treated as "backlog vacancies."

The backlog quotas were filled up either through routine recruitment of subsequent years or by holding special drives and the number of such backlog vacancies was in addition to 50 per cent reservations in respect of the current year slots for all categories (SC, ST and OBC) taken together.

The spokesperson recalled that the Government had undertaken special recruitment drives for filling up of the backlog slots from 1990 to 1996. The same had to be stopped following DoPT's Aug 29, 1997, OM. The spokesperson, however, said the statutory changes will not in any way effect the existing reservation policy.

THE HINDUSTAN TIMES

30 MAR 2000

CASTE PARLIAMENT

Representing Jobs Will Empower People

THE government has decided to set up a commission to review the Constitution while maintaining the basic structure of parliamentary democracy. One of the problems of the present Constitution is that MPs and MLAs are not accountable to the people whom they are supposed to represent. Once elected they are supposed to work for the interests of all their constituents. Thus, in a situation of conflict between two groups of the constituents, they are entirely free to act according to their own personal interests. None of the constituents have the right to ask any questions. One possible solution to this problem may come from reviving Ambedkar's proposal of separate constituencies — not based on caste but on current occupation. Such constituencies will make our parliamentarians accountable to their constituents whose occupation-specific interests will be represented.

There was a lively debate between Gandhi and Ambedkar on how the electoral constituencies were to be delimited. Ambedkar wanted the Dalits to form a separate constituency. Gandhi was opposed. Ultimately an agreement was reached in which reservations were provided for Dalits in territorial constituencies.

CASTE BONDAGE

It should be clear that "caste" refers to one's hereditary profession. They are invariably named after an occupation. Those who lived by trading came to be known as *baniyas* and those who lived by stitching shoes as *mochi*. The nomenclature would have presented no difficulty if free movement between different occupations was socially acceptable. A *mochi* would become a *baniya* if he started a *kirana* shop. And a *brahmin* would become a *mehtar* if he accept the job of sweeping the roads. Problems arose only because the system degenerated and forced the paternal occupation upon the offspring.

Gandhi opposed this wrong birth-based concept of caste. This was the basis of his opposition to Ambedkar's demand for separate electoral constituencies for Dalits. "Separate electorates to the untouchable will ensure them bondage in perpetuity," he wrote. Gandhi was right. Classification of people according to their hereditary occupations would force each not to veer out their inherited roles. It would reinforce their social condition into backwardness.

By BHARAT JHUNJHUNWALA

But Ambedkar opposed territorial constituencies in which the Dalits and the upper castes would vote together because those elected, even if they were hereditary Dalits, would not be accountable primarily to the Dalits. In *Mr Gandhi and the Emancipation of the Untouchable* he wrote that only such an untouchable would get elected in a joint electorate who agreed to become a tool in the hands of the upper castes. Ambedkar too

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was right. Fifty years down the road we find that effective representation of the interests of the lowest of the Dalits is still not taking place through these joint electorates. Questions important for their welfare such as land reforms, speedy justice and right to work are never placed on the main menu of the nation. Dalit representatives have been entirely co-opted by the elite and only form a creamy layer.

Gandhi was right in opposing separate constituencies because it involved hereditary occupation-fixation. Ambedkar was right in demanding separate constituencies because only then would elected representatives be accountable to Dalits.

The solution to this logjam, therefore, would involve two features: mobility of occupations as demanded by Gandhi; and separate accountability to Dalits as demanded by Ambedkar. These both can indeed be secured if we should redefine "caste" not as the hereditary — but as current occupation.

Let us say we make separate constituencies for the landless labourers, industrial workers, traders, teachers, doctors, etc. A *chamar* who takes to the occupation of trading would now be classified as a trader and would vote along with a trader who is born a *pandit*. And a *pundit* who takes to the job of sweeper votes with the sweepers.

CLASSIFICATION

Such a classification meets the requirements of both Gandhi and Ambedkar. "Caste" is now not determined by hereditary occupation. An untouchable will not face "bondage in perpetuity" as Gandhi had feared. At the same time those who got elected from the constituency of sweepers would not become a "tool in the hands of the upper castes" as feared by Ambedkar. They would be accountable to the sweepers alone.

There is a need, therefore, to revive Ambedkar's suggestion for separate constituencies with two modifications: that there be separate constituencies for all occupations, not just the depressed ones; and the constituency be determined on the basis of current — not

hereditary occupation. In view of the different numbers in different occupations, teachers across the country might form one single constituency while the landless may form one in every revenue division.

This would, it seems, be largely acceptable to the Ambedkarites. He was opposed to hereditary fixation of occupation. In *Gandhi and Gandhism* he wrote: "The hereditary system may be good or may not be good. Why make it compulsory? In Europe it is left to the choice of an individual most of whom do follow the profession of their ancestors and some don't." He goes on to endorse a quality-based determination of caste: "The *varna* system of the *Bhagvat Gita* has at least two merits. It does not say that it is based on birth. Indeed, it makes a special point that each man's *varna* is fixed according to his innate qualities. Under the old orthodox interpretation, caste connoted hereditary occupation but *varna* did not." Ambedkar had no difficulty with quality-based determination of caste. This can easily be stretched to current occupation based constituencies for it is the quality of a person that will determine his occupation.

The difficulty lies with Gandhi. In *Young India* of 6 October 1921 he wrote: "Varnashrama is in my opinion inherent in human nature ... It attaches to birth. Not to abide by Varna is to disregard the law of heredity ... The four divisions, Brahmin, Kshatriya, Vaisya, Sudra, define a man's calling." It is the *Sanatani* who will have to understand that hereditary occupation may be a strong input to the determination of one's current occupation or *jati* but it is not the final word.

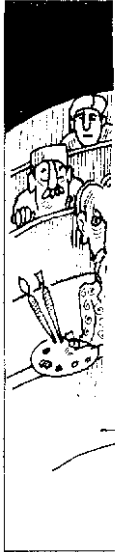
DISEMPOWERED

The sweeper's son may indeed have the quality to become a teacher. A person must be free to choose the occupation that suits his temperament and claim the rights and privileges of that occupation.

We already have sanctified such associations for select occupations. The Bar Council of India represents the interests of the lawyers and the Indian Medical Council that of the doctors. This formula could be extended to all occupations. Let every citizen be a part of some occupational association and be represented in the Parliament through his occupation. The representatives elected by the sweepers will then be duty bound to protect the interests of the sweepers. They will not be able to escape such accountability under the claim of rep-

resenting the interests of all the people of their territorial constituency.

The constitutional commission should dwell upon the question of accountability of elected representatives. It will not do to make cosmetic changes such as providing a mandatory five-year term of the Lok Sabha. The fundamental problem of our democracy is that the people have been disempowered in the name of abolition of caste. The degenerate caste system should indeed have been abolished, and we thank our constitutional fathers for having taken that bold step. But territorially elected representatives are not accountable to any of their constituents, but only to themselves. The people's interests are strongest where their livelihood or their occupation is involved. Therefore, let us consider occupation-based constituencies.



The question of valid representation

By Gopal Guru

THE QUESTION of valid representation of social groups particularly Dalits, tribals and women in various spheres of life has been historically the most contentious one, going back to the controversy between Ambedkar and Gandhi during the Round Table conference in London. Both these leaders were locked in a controversy on the issue of who represented the 70 million Dalit masses in the country. Of course, Ambedkar was forced to prove his claim through it looked a natural case. Now, the question of representation is asked on a regular basis rather forcefully by certain groups.

For example, certain Dalit scholars from the north took issue with Ms. Gail Omvedt that her representation of Dalit issues was not valid as it lacked objectivity. Interestingly, Ms. Omvedt herself had raised the question: how authentic is the representation of the dam-affected tribals by the leaders of the Narmada Bachao Andolan. In fact, one of the leading tribal intellectual activists, Mr. Wajum Sonwane, has been questioning representation of tribals by urban-based upper caste leaders. This resentment is articulated in his celebrated poem, "Stage", which says: "We have never reached the stage, neither were we invited to occupy the stage; but our stage was occupied by those who kept telling us our own miseries and pains. Our miseries remained ours; they never became theirs."

Even in the realm of electoral politics, the Dalits argue that they just make a rhetorical appearance in the election manifestoes of political parties but never get real representation in terms of access to material, social and cultural resources. This issue has now acquired dangerous proportions with Dalits protesting violently against those who claim to speak for them. For example, some Dalit youth allegedly belonging to the Dalit Sangarshla Samiti (DSS) tried to protest against a local group, REDS, which mobilised about 25,000 Dalits for the celebration of this millennium as the Ambedkar Yuga in Tumkur in Karnataka last month. The DSS argued that the REDS were socially and geographically

outsiders and cannot represent the Dalits. In the case of women, the objections about their representation reached such a level, that men are not allowed in meetings of women, and even if they are, they are only allowed to observe, not speak. The argument is that the very presence of men in a gathering of women is intimidating for the latter.

This raises two fundamental questions. First, are the objections of the Dalits, tribals and women justifiable? Whose claims of representation are authentic and valid? Do they become automatically valid because someone is born in a particular social situation or do the

specifiers towards representation, though initially desirable, are essentially problematic for two reasons. First, they do not provide sufficient conditions for the transformative politics of Dalits as they tend to foreclose the possibility of Dalits acquiring a morally universal leadership to speak in a universal language of emancipation. Second, these culturally-specific claims of representation assume that the Dalit claims for representation are automatically valid and authentic. Is it the case? The Indian experience of claims of Dalit representation goes against all such arguments. In other words, it cannot be argued that

Dalits will refuse to be led by those, both Dalits and non-Dalits, who refuse to see the complete truth.

someone's being born in a particular caste or sex or region or religion makes her or his claim automatically valid and authentic. If that were the case, the common Dalits would not have rejected their own leadership in the post-Ambedkar period. In such a situation, it is important to understand the validity question in terms of the ability and commitment of claimants to get to the truth, piercing through different and often intersecting layers of social reality that surrounds the common Dalits. The leadership claims must also be aimed at deriving a meaning from this truth. Second, the representational claims should have certain moral stamina and stature that require a claimant to uphold the dignity of those who are being led. For example, the representational claim should not involve patronising or condescending tendencies which seek to humiliate the led. Such claims, loaded with the language of patronage, tend to deny the led the capacity to think and act with authenticity in universal terms.

If one deploys these criteria to the caste-based leadership, then its claims appear feeble. This was clear in the case of the DSS protest against the REDS in Tumkur. These Dalits protested against the REDS on the ground that the latter were from outside and were not real Da-

lits. However, the truth behind this opposition was that the REDS tried to help the common Dalit develop the capacity and skill to deal with the Government machinery without mediators. This, in effect, was bound to annoy the Dalit powerbrokers who were stripped of the "mediating" role between the state and the Dalits. One could see a twofold meaning in such a truth. One, it exposed an undesirable nexus between the state and the Dalit mediators who have a vested interest in perpetuating the servitude of the Dalits. Two, it also exposed the inability of the state to offer more decent opportunities that would not force the Dalits to resort to "mediation".

Similarly, Dalits who are working with non-Dalits on the environment issue cannot claim to be authentic representatives of the Dalits as they are guilty of seeing only the half-truths of the social reality. Thus, the Dalit act of uprooting the plantation done by certain environmental groups both from India and abroad, particularly from Japan, in the Kamal Nagar area in Bidar district of Karnataka would be seen by these groups as the complete truth. The meaning that these NGOs would draw from this half-truth is that the Dalits lack environmental consciousness. But what is the complete truth for the NGOs may just be a half-truth for the Dalits as it does not explain why they uprooted the trees. The complete truth for the Dalits is their displacement from this Government land which has been under their cultivation. The Dalits can also draw a positive meaning out of this truth -- if they are provided with an alternative land they can also see environment protection as a priority. Those like Mr. N. C. Saxena and Mr. P. Sainath, who see this complete truth and treat redistribution of land as a pre-condition for developing environmental consciousness, can certainly be authentic leaders of Dalits even if they and many others belong to a non-Dalit social background. Hence, Dalits will refuse to be led by those, both Dalits and non-Dalits, who refuse to see the complete truth.

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Caste as vested interest

By Walter Fernandes

FIVE EVENTS in the last few months point to the same conclusion, that maintenance of the caste system is a vested interest of the dominant classes and that conversion is often a search for freedom from it. The first event is the threat of 200 Dalit families at Hind in Haryana to become Christians. The second is a covering letter to the president of the NCCI accompanying a scurrilous pamphlet. The third is the threat of 3600 high caste *Goanikars* in a Goan village to revert to Hinduism if Dalits are admitted to the parish councils and the fourth, the attack on a group of students near Bangalore. The fifth is the uproar created by the Pope's call to conversion.

The Dalits in Hind, oppressed for ages, wanted freedom. They were aware that those who have been converted to Christianity over a century ago continue to be discriminated against in their new religion. But they saw their Christian counterparts having a better subjective self-image and greater will to fight injustice. So they were ready to take the risk. However, the dominant caste leaders of the village coerced them into abandoning the idea and stated that if they changed their mind and became Christians, they would be forced to leave the village. According to a news item, some VHP workers visited Hind to "counsel" them not to become Christians. But they failed to "counsel" the village leaders to accept the principle of equality.

It is in this context that one has to understand the covering letter to Dr. K. Raja-retnam, president, National Christian Council of India. It comes with a scurrilous pamphlet in which Christians are declared a danger to the nation. After stating that (Mother) Teresa and Staines should have been expelled and all missionary activity banned long ago, the writer adds that people oppose conversion because "the total rejection by the converted villagers of one's family heritage, traditions, village festivals, dead disposal, family marriage etc. is horrible and intolerable in any country." That is the crux of the problem. The high castes need the Dalits to beat the drum at marriages and funerals, to dispose of the dead and to perform other "impure" functions. These functions

also symbolise their subjugation and are essential to maintain an unequal system. So their conversion is a threat to those whose riches and power depend on their poverty.

That brings us to the Goan *Goanikars*. The colonialists got the collaboration of the local dominant classes in their economic enterprise. The Portuguese christianised the Brahmins and Sardos (who claim to be Rajputs). The British coopted some Brahmins into their administration, the princes into the "self-ruling" States and others into the army. But they main-

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tained the unjust social system. In Goa the Brahmins and *Goanikars* who were controlling the temples continued to control the churches and their lands. But three decades ago parish councils were formed with possible representation for every group. The *Goanikars* were not ready to share power. Because in some parishes an effort is being made to admit Dalit Christians to the parish councils, they are threatening to revert to Hinduism to maintain themselves in power. My message to them is "Good bye. Please become Hindus if to you religion is a vested interest and a mode of maintaining yourselves in power at the cost of the poor."

The same message comes from the beating up of 26 boys and girls, students of St. Joseph's Evening College, Bangalore, on the night of November 5. This mixed group of Hindus, Muslims and Christians had gone to a village near Anekal for a social work camp. As they were sitting for dinner about 40 alleged VHP activists entered the house in which they were lodged and beat them up mercilessly. Some of them had to be hospitalised. The reason given is that they were trying to convert the Dalits of the village to Christianity. The message is clear. Dalits cannot be allowed any exposure to social change. The fact that many were Hindus and Muslims

is of little relevance. Conversion had to be used as a pretext.

That is the context of the uproar against the Pope's call to conversion and "new evangelisation" of Asia. Some have misunderstood this recent Christian terminology with which they are not familiar. So their concern is understandable. To Christians today conversion is essentially of the heart. "New evangelisation" is primarily in the social field. Those who do not know this terminology can easily misunderstand it since it goes together with the statement that the first millennium

speaks of the "many painful questions posed by the suffering, violence, discrimination and poverty to which the majority of Asian peoples are subjected". The call to conversion and "new evangelisation" is made in this context. In recent decades most Christians have come to use "new evangelisation" to mean fight against social injustice and inequalities. They believe that Jesus died that we may have new life. They view this injustice as social death. Baptism is not the end of their struggle.

That is why there have been several martyrs of this cause in our own country. For example, Sr. Sumita Mary was murdered near Indore in 1995 and Fr. A. T. Thomas near Hazaribagh in 1997. Both of them were fighting for the freedom of bonded labourers. That was a threat to those with a vested interest in their poverty. The Deep Darshan High School at Ahirwa in Gujarat was attacked by alleged Sangh Parivar activists on Christmas day 1998. As the report of the Independent Commission that inquired into the attacks on Christians in Gujarat states, the reason for it is not conversion. Most of its students are tribals, only 10 per cent of them Christians. The real crime of the management is that they teach the students the forest laws and what they are to do when the police arrest their parents. So this education is a threat to the vested interests. They use religious conversion as a bogey to prevent the tribals from being exposed to this secular education.

These are the vested interests behind the uproar against the call to conversion and a new evangelisation. Those orchestrating it have read the document and know the context. But they take it out of context in order to create an opinion against any move that can lead to equality. Caste has to be maintained and the poor have to be suppressed in order to maintain a minority in power. Any move against it has to be condemned. But those with commitment to human equality will respond positively to the call to conversion of heart and a new evangelisation that involves struggling for justice to those who are treated as sub-humans.

(The writer is Director, North Eastern Social Research Centre, Guwahati.)

Castes in the list

P. S. KRISHNAN on new inclusions

THE GENERAL attitude of India's elite towards the Backward Classes (BC) is one of negativism compounded by ignorance. The latest exhibition of this occurred when the Union Cabinet took the decision to include 132 castes, sub-castes and communities in the list of BCs, in all cases in accordance with the long-pending advice of the National Commission for Backward Classes (NCBC), which are statutorily and judicially binding on the government. An impression is sought to be given by almost all commentators including academicians and media personalities that the new backward classes have been "discovered" and a new flood unleashed thereby. Virtually all the comments, articles and editorials I have seen have woven their stories only around the case of Jats. They had no knowledge of or interest in the remaining 131.

Let me come to the 131 castes and examine whether the allegations and insinuations, based on incomplete facts, are true or not. Of the 131, as many as 77 have been included as sub-castes of castes which already existed in the Central List of Backward Classes and the new castes number only 54. I hope all intellectuals will take note of in their future comments that these 77 obviously do not represent new "discoveries". These 77 synonyms relate to 38 artisan and artisanal castes (including fisher castes), 13 rendering "lowly" services (like hair-cutting, clothes-washing), 12 non-agricultural and 9 agricultural labour castes, two mendicant castes, two peasant castes and one Vimukia Jati/nomadic/semi-nomadic caste.

The remaining 54 cases also do not justify the alarming noises made in the media. They belong to the indisputably backward caste categories of artisan/artisanal workers (16), non-agricultural labour (15), "lowly" service renderers (7), agricultural labour (4), peasants (3), husbandmen (2), Vimukia Jati/nomadic/semi-nomadic communities (5), mendicants (1) and erstwhile "Devadasi" (1). All the lists of BCs recommended by different commissions and issued by different governments during the whole of this century beginning with 1921 show that all these caste categories stand out as having been virtually uniformly included in all of them

except the peasant category, most of which too are found included, with a few exceptions.

Most of these 54 are not really new in the sense that they were not known earlier as BCs. Eleven of them were in the State Lists before 1990, but not in the Mandal List, while 12 were in the Mandal List but not in the State

Lists and therefore these 23 could not be included in the first-phase Central List or "common" list of BCs. Five of the 12 were subsequently included in the State Lists. Castes included neither in the Mandal List nor in the State Lists were only 31 and out of them five were subsequently included in the State Lists.

Nine of these 31 are on a different footing, as they pertain to Tripura, Rajasthan, Orissa and Chandigarh which had no State List till after the Supreme Court upheld the Centre's decision in 1990 to accord recognition to BCs and provide them 27 per cent reservation, though the Constitutional

mandate existed in 1950 itself, but which was flouted in one of the most daring cases of hijacking of the Constitution, with our vociferous intellectuals willfully ignoring and thus abetting it. Further, these 31 include three castes of Andhra Pradesh which were earlier included by the State government in

the State List in 1986 on the basis of the Murahidhara Rao Commission (1982), but illegally dropped and cast out into 13 years of wilderness through what was struck down by the High Court was not their inclusion but only the increase made then in the percentage of reservation.

Thus, the really new castes included come to only 18, seven artisan/artisanal — three of Goa (Kumbhar, Teli, Shimpi), two of Haryana (Rangrez, Gramini), and one each of Kerala (Kallian Mooppan) and UP (Sangtarash); four of lowly services — one of Haryana (Jaiswar), three of Kerala (Veetuvu Navithan, Kongu Navithan, Navaithan, Mukhari/Moovari); three labour — one

each of AP (Lodh/Lodha), Gujarat (Mali) and Haryana (agricultural labour of Bhar/Rajbhar); two Karnataka (Nairy, Koyava); one animal-rearing of Punjab (Rahbari); and one ex-Devadasi of Kerala (Saraswat Non-

Brahmini). I hope anyone can see that the tantrums thrown around in the media were totally unjustified.

These are not castes which suddenly became backward or were "discovered" in 1999. No fair-minded person with any knowledge

of Indian society can have any reasonable doubt that these were socially backward long before 1999, through the many centuries during which they have been undergoing exploitation, deprivations and humiliation, as concomitants of the all-pervasive caste system. They had and have as much right to be included in the list of BCs as those already included ab initio. The questions that the intellectual class or individuals ought to have asked and has woefully failed to ask are the following:

(1) When advice had been rendered long back on different dates between June 30, 1997 and August 27, 1998, why did it take so long for government's clearance? What about their children who have meanwhile become overaged? (2) Was there any avoidable delay on NCBC's part in the last six years? (3) Why could not these be included in 1993 itself?

I hope our intellectual elite who almost entirely belong to the upper castes and dominate every sphere of political, economic, social and academic life have interest enough in the vast majority of Indians who constitute the BCs, SCs and STs to ask these questions. I shall answer them later when enough media space becomes available to me for this and many other related issues vital to India's survival.

But, at this stage I should put across three points. First, the Supreme Court has, in the Mandal judgment, provided the legal option for anyone who seriously believes any inclusion to be wrong to challenge it in the Supreme Court. Secondly, in the last three years, castes/synonyms rejected by NCBC's advice numbering 381 are more than the 369 castes/synonyms advised to be included. This and its significance need to be pondered over. Thirdly, disparaging remarks thoughtlessly made about BCs, SCs and STs who constitute 3/4th of our population and the virtual totality of our "physically labouring" classes, implying that they are "meritless", are "incompetent" and that anything done for them is undeserved etc. are not only factually unjustified but also dangerous to the stability of Indian society.

(The writer is member-secretary of the National Commission for Backward Classes)



Disparaging remarks thoughtlessly made about BCs, SCs and STs are not only factually unjustified but also dangerous to the stability of society

New caste equations likely in Bihar polls

Mammen Matthew
Patna, January 22

CASTE DRIVEN political realignments are far from settled in Bihar, a state that has faced nine elections in the past eleven years. The Assembly election this year is likely to throw up newer equations.

The success of the Janata Dal experiment between 1989 and 1995 as well as that of the BJP in 1999 had the effect of pitch forking new caste equations centerstage while marginalising others even as they created new ruling elites among the successful combines. While the 1990 JD backward formation spearheaded by the Rajputs managed to politically empower the Yadava and the Luv-Kush castes, the party's failure to prove equality among its lead castes led to splits, creating Samata and JD-U.

The reasons for the split in the social justice base of the JD mainly revolved around the lack of opportunities at political empowerment. A parallel development was the emergence of the opportunistic BPP in 1994 to articulate ambitions of the Rajput caste, which despite being entrenched within the ruling combine, had been rendered faceless. However, if the rebellion begun by the BPP was quickly isolated due to its own actions and lack of support among politically dispossessed castes, the creation of the Samata Party could be successful only after 1996 when it presented an intermediary anti-Laloo core, which could also represent choiceless and equally marginalised forwards.

The Samata Party was comprehensively beaten in the 1995 Assembly elections when its vote base, the Kurmis, assessed it as potentially weak and chose to stand largely with Laloo. On the

other hand, if the JD could register a sweep of 170 seats in 1995, it was mainly because of the confusion among the caste opposition. The BJP had won 39 seats, the Samata 7, the CPI-ML 6. The Congress alone had won 25 and the JMM, in co-ordination with Laloo had won 19. The eclipse of the STs, as represented by the JMM, came when it broke ranks in 1998.

The significant point since 1989 has been the changing socio-political profile of lead castes. From select forward caste leadership in 1989 of the Congress to Yadavs till 1995, the bulk of the backwards who formed the majority had found no voice. The forward castes had exercised power till 1989 with 20 per cent vote share. The Yadavs, with 15 per cent, had led the state on their behalf for the fact that visible leadership from among Dalits or socially alive castes could not make it to the top rungs. The BJP experience since 1992 had also demonstrated that a fully forward driven core could hardly activate majority support. Thus, when Mr Ram Vilas shifted stance after the Samata had brought in the intermediary vote bank, the BJP finally succeeded in duplicating the Congress support base since Independence minus Muslims to maintain power.

However, the situation in the year 2000 has caught the social bases in a flux mainly because the choice still remains between Laloo and the BJP. If the JD-U were to lead the formation with Ram Vilas Paswan as the potential leader, the split of Dalit-Muslim votes between the RJD, the NDA and the Left could be engineered to drift to the middle segment. It further underscores the point that politically ignored support castes are never stable partners.

Dalit drop-outs more in Kerala schools

STATESMAN NEWS SERVICE

THIRUVANANTHAPURAM, Jan. 25. — A recent study establishes that the dropout percentage of Dalit students from schools are more in the high-literacy state of Kerala, in comparison to those of less literate north Indian states.

Seventy-three per cent of the school-going children reach till the 10th standard in Kerala, but the percentage of SC/ST students among them is just between 45 to 55.

The study by researchers of the Kochin-based Centre for Socio-economic and Environmental Studies show that Dalit students in Bihar, Rajasthan, UP, Himachal and North-eastern states perform better than their counterparts in Kerala.

The research undertaken by Dr KK George and Dr N Ajitkumar assume a great deal of importance because of the ongoing debate over the economic reservation for deprived classes in government employment and the recently enforced creamy layer norm.

The study shows that the average of SC/ST students to reach 10th standard is much lower than that of the state average, inexplicable in the state where the major share of the budget had consistently gone for aided school education.

There had been a great deal of work by missionaries, interest groups and other NGOs.

Only 50 per cent among those who reach the 10th standard pass out, going by the SSLC results over the past four decades. Here also, the Dalits' share is very low.

The commercialisation of schools, elite control of better schools catering to the richer segments, the government's inability to effectively intervene in hundreds of state-run schools without minimum facilities and the organised struggles of the teaching community which is concerned only with their causes are seen to be the reasons behind this trend.

The study points out that from the huge fund made available for the education sector, 95 per cent is used for paying the teaching staff and less than 5 per cent is spent on capital investments.

The state, the study advises, has to revert to the pre-1975 situation when the sector of school education was considered as a priority area, not in commercial terms, but in terms of long-term investment in human resources development.

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