

Dalit threat to Gujarat conversion law

OUR CORRESPONDENT

Ahmedabad, April 15: Fulfilling one of its election promises, the Narendra Modi government has passed the controversial Gujarat Freedom of Religion Bill 2003 that was ratified recently by Governor S.S. Bhandari.

Ideally, the ruling BJP should be happy that Bhandari, who took nearly two weeks to study the Bill and kept the party guessing about its fate, has signed the Bill without recommending a single change.

But that is hardly the mood in the BJP camp. The reason: a Dalit organisation is threatening mass conversion as a mark of protest.

The state government, which had hurriedly passed the Bill that sought a ban on forced conversions, now faces the real challenge with the Dalits threatening to embrace Buddhism.

They claim that conversion is their fundamental right.

The Bahujan Sangarsh Manch, an organisation that has been fighting for the rights of Dalits, had described the Bill as a "conspiracy to perpetuate their oppression".

The convener of the Manch, Valjibhai Patel, the most vocal opponent of the anti-conversion law, intends to provoke the government to take action against them by organising the mass conversion.

The provisions of this law are stricter than those of the anti-conversion Act passed in Tamil Nadu.

The Tamil Nadu law requires just the person conducting the ceremony to inform district officials about the conversion.

But in Gujarat, anyone willing to convert is required to seek prior permission from the district collector who

will decide whether permission can be granted.

The Dalits, bent on defiance, plan to send thousands of telegrams to the chief minister and district officials to inform them about their intention to convert. "We will not seek their permission to embrace Buddhism. We will just inform them. We will tell them that they are free to take whatever action they want to take," Patel said.

A Christian delegation from the state and the National Commission for Minorities had also objected to the provision that made it mandatory for conversions to be approved by the district collector.

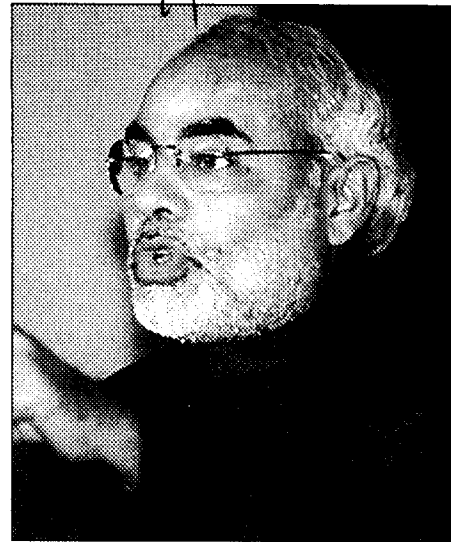
The Manch, a voluntary organisation, has decided to challenge the law in the high court once the rules are framed and published in the state gazette. The government is in the process of framing the rules.

"We are just waiting for the rules to be framed. Once the process is over, we will work out our strategy to challenge the law by whatever means we can," Patel said, asserting that conversion was a fundamental right.

The Dalit leader said the proposed mass conversion would not be a "political stunt" but a well thought-out strategy to get rid of the "oppressive Hindu caste system".

He said the Hindu religion had deprived the Dalits of their basic rights and now, by making anti-conversion laws, the government wants to ensure that they do not get out of the oppressive and hierarchical caste system.

Dalits constitute 7.5 per cent of Gujarat's population. The state, according to the National Crime Record Bureau, ranks third in terms of atrocities committed against backward classes.



Narendra Modi

Cabinet amends lists of OBCs

Statesman News Service

NEW DELHI, Dec. 2. — The Union Cabinet today amended the central lists of OBCs or other backward classes in Andhra Pradesh, Bihar, Punjab, Sikkim, Tamil Nadu and Uttar Pradesh. Among the OBCs included are Gajula, Katika and Patreyi castes in AP, Saikalgars in Bihar, Kumars and Prajapatis in Punjab, Dasas and Palujikas in Tamil Nadu and Mali and Pathals in UP. The reserved castes will get directly recruited in the civil services and get assistance from the National Backward Classes Finance and Development Corporation if they want to learn certain skills.

As part of India's plans to adhere to the Kyoto Protocol that aims to reduce the emission of greenhouse gases and cut down global warming, the Union Cabinet also approved the setting up of a National Clean Develop-

ment Mechanism Authority.

A CDM allows a developed country to take up greenhouse gas reduction in a developing country where the cost of emission reduction is lower. The national CDM authority will confirm that the project activity assists the host country in achieving the development necessary. It will evaluate projects as per guidelines and maintain a register of CDM projects and their certified emission reduction potential.

The secretary, environment, will head the authority, which should attract environment-friendly investment from developed countries, make existing projects energy-efficient and bring in new and environmentally safe technologies.

The Cabinet also approved the proposal to have a municipal council at Silvassa, in Dadra and Nagar Haveli. The council will have a term of five years and will be headed by a president.

THE STATESMAN

3 DEC 2003

Pappapatti: constitutional issues

By Mani Shankar Aiyar

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NOWARDS are too strong to condemn the outrage in Pappapatti. It is for the Tamil Nadu Government to proceed against the offending parties under the Central Act relating to the prevention of atrocities against the Scheduled Castes. At the same time, it is important that the system of reservation for Dalits in elected local bodies envisaged in Parts IX and IXA of the Constitution (the 73rd and 74th amendments) not be discredited. For Pappapatti is largely the consequence of the absence of any real powers to village panchayats. So little constructive work gets done and there is, therefore, fertile ground left for caste conflict to overtake the real purposes of Panchayati Raj; but it is also partly the consequence of the failure of the Tamil Nadu legislation on Panchayati Raj to accurately reflect the very precise provisions of the Constitution in respect of reservation for the Scheduled Castes and the Scheduled Tribes.

The root of the problem lies in applying to local body elections the same procedure as is adopted for SC-ST reservation in elections to the State Assemblies and the Lok Sabha. In regard to State Assemblies and Parliament, the proportion of the Scheduled Castes and the Scheduled Tribes in the population of the State as a whole is taken as the basis for reserving the same proportion of seats in the legislature, be it in the States or at the Centre. The same procedure has been adopted for SC-ST reservation in elections to the

three-tier rural panchayats (village, union, district) and the three levels of the nagarpalikas (town panchayats, municipalities, corporations).

The constitutional stipulation is different. Article 243 D (1) says explicitly, in regard to the panchayats at all three levels, that "seats shall be reserved for SC-ST in every panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total

would not get a large number of reserved seats in a panchayat area where the proportion of Dalits is small, whereas, in the arbitrary system of reservation provided for in the State legislation, such anomalies will occur.

Moreover, with regard to rotating such reserved seats, Article 243 D (1), cited above, goes on to say that "such seats may be allotted by rotation to different constituencies in a pan-

(such as chairperson). However, in the 73rd and 74th amendments enacted by Parliament, reservation and rotations were introduced for posts. The methodology and procedure was left to the wisdom of the State Legislatures, subject to the proviso that the number of reserved posts of chairperson "shall bear, as nearly as possible, the same proportion to the total number of such panchayats at each level" as the SC-ST population "in the State bears to the total population of the State." [Article 243D (4)] Clearly, it would make sense to effect reservation for posts in areas of SC-ST concentration, as is the practice for SC-ST reservation in the Lok Sabha and the Assembly constituencies, as also spread rotations over several elections to give SC-ST chairpersons the opportunity of learning on the job and consolidating their prospects of re-election even after the post is rotated out.

Tragically, reservation and rotation of posts in Panchayati Raj has become something of a political football. Further complications have been caused by arbitrary or, at any rate, lottery-like decisions on which posts to reserve for SC-ST women (and women's reservation in general). The need now is to base SC-ST reservation for seats and posts on the pattern indicated in the Constitution and then determine in an objective, fair, transparent and generally acceptable manner the method of reserving and rotating seats and posts. This might best be done by a statutory body, not the State Government.

The need now is to base reservation for the Scheduled Castes and the Scheduled Tribes on seats and posts in Panchayati Raj institutions on the pattern indicated in the Constitution.

Thus, reserved seats are not to be rotated *between* panchayats but *within* the same panchayat. In this manner, the number of reserved seats in any given panchayat (village, union or district) will remain the same and in proportion to the SC-ST population in that panchayat area, thus precluding the possibility of SC-ST seats being reserved where there is no or relatively little SC/ST population or disproportionately effecting reservation and thus stoking social tensions.

In Rajiv Gandhi's schema (the 64th and 65th amendments) there was no provision for reservation of posts in local bodies; in accordance with the Supreme Court's directives at the time, reservation was confined to seats and did not extend to posts

number of seats to be filled by direct election as the population of the Scheduled Castes in that panchayat area or of the Scheduled Tribes in that panchayat area." (emphasis added) To abstract from the legalese, this means that if there is no ST population — as in my parliamentary constituency — there would be no reservation for the STs, either initially or by rotation, in any panchayat at any level anywhere in the constituency. But if, as is in fact the case, there is a large SC population, then, depending upon how predominant it is in a particular panchayat area, the number of reserved SC seats would be proportionately higher than in an area with a smaller proportion of SCs on its voters' list. Therefore, in terms of the constitutional provisions, we

Now, Rajasthan Muslims demand reservation

STATESMAN NEWS SERVICE

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19/10

JAIPUR, Oct. 18. — It's better late than never for Rajasthan Muslims. With the poll-fever mounting in the state, they too have jumped into the demand-for-reservation handwagon and how!

Muslim organisations have mounted pressure for their inclusion in the Other Backward Classes (OBCs) category and stipulation of four per cent reservation for Muslims in the OBC quota.

Muslims constitute 11 per cent of total population of Rajasthan and are the deciding factor in at least 28 Assembly seats. Given such a scenario, the community is fully aware of its importance in the close fight between the Congress and BJP this time, and threaten to upset all political equations if ignored. Muslim organisations want political parties to include their demand in the election manifestos, so that whoever comes to power after elections, will have to implement it.

In fact, given the manner in which the community has positioned itself, it may be difficult for political parties to give them a go-by this time, even if it irks the OBCs. The Rajasthan Muslim Forum is holding a rally here tomorrow to demonstrate the the uni-

ty among the community and chalk out the future strategy. The rally has the support of all principal Muslim organisations and Imams of Masjids. The state president of Jammet-e-Islami, Mr Mohammad Salim Engineer said: "As it is the case in Kerala, Tamil Nadu and Karnataka, we demand reservation in proportion to our population in the state." Mr Engineer alleged Muslims have been used by all political parties as mere vote-banks and nothing has been done for their social uplift. "We will vote only for the party that supports our demand," he declared.

The latest move of Muslims has given a cause of concern to the Congress. The Indian Union Muslim League state unit has even called upon Muslims to throw out the Gehlot government for "failing to protect the minority community in Rajasthan". The Muslim League alleges there have been at least 300 communal riots in the state over the past five years and the Gehlot government failed to take action against the guilty.

The Muslim League plans to field its own candidates in the Assembly elections and extend support to the Bahujan Samaj Party candidates to help ensure the defeat of the Congress.

THE STATESMAN

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Cont'd
Pawar

Dalit killing leaves central Bihar tense

Statesman News Service

PATNA, Oct. 7. — Several parts of central Bihar remained tense following reports of a Dalit being allegedly killed by upper caste people for offering puja to Durga at Bahera in Kaimur district on Saturday.

The upper caste men allegedly lynched Ramlal Ram and beat up several Dalit men, women, and children when they defied the "ban imposed on the entry of Dalits at places of worship in the village" and entered the a puja pandal to offer prayer.

The Kaimur SP, Mr GS Gangwar, said police have filed FIRs against 17 persons for killing Ram and assaulting other Dalits. Additional forces have been deployed in Bahera and several adjoining villages in central Bihar to prevent any untoward incident. The area is tense and "retaliatory violence cannot be ruled out", police said.

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According to a few residents of Bahera, upper caste people are a majority in the village and there has been a "long-standing ban" on Dalits asking them not to enter the Shiva temple in the village. But a group of people irrespective of their castes organised a Durga Puja in the village. Even Dalits paid subscription for the pandal and took part in its construction.

A few upper caste people, however, got angry seeing Ramlal, his son Keshav, and other Dalits approaching the pandal to offer prayers. The Dalits reportedly pleaded with the men that they had paid subscription for the pandal and had even made the pandal. But upper caste men took to beating Ramlal and other Dalits. It is reported that several Dalit homes were

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ransacked and women and children assaulted. Ramlal who was hit on the head died on the spot. The district administration has paid Rs 10,000 to the dependents of the deceased.

Goerge salvo at Rabri

NDA leaders, including Samata Party chief Mr George Fernandes and railway minister Mr Nitish Kumar, today attacked the Bihar government saying the Centre's efforts for economic development of the state was being thwarted due to non cooperation of the Rabri Devi government. The Centre is making all efforts to strengthen Bihar's infrastructure by approving numerous projects in the field of railway, power, road, and health, but lack of cooperation on the state government's part is acting as an hindrance, Mr Fernandes said at a meeting in Patna.

Castes cast quota shadow over Rajasthan polls

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Statesman News Service

JAIPUR, Sept. 4. — No matter if they fail in addressing basic public issues, the top priority of political parties in Rajasthan seems to be to keep the caste equations in their favour for winning the Assembly polls.

The state Cabinet had on Wednesday provided minority status to the Jain community. Numerically, Jains comprise just 1.28 per cent of the state's population, but the number can make a difference in electoral terms. The prosperous Jain community may not gain much from the status, but Congress hopes to get votes in return for the move. And thus the politics of pleasing caste groups — which started in this election year with the Gehlot government recommending 14 per cent reservation for upper castes — made the ruling party make another attempt at seizing

the BJP's traditional vote bank.

The BJP termed the decision for minority status for the Jains a political one. But the BJP itself has left no stone unturned to keep caste equations in its favour. They first agreed with the Congress's government's recommendation for reservation to upper castes with the announcement of a national commission for economically backward sections among the upper castes. But when the party found this announcement may not be sufficient to deliver the goods, the Prime Minister, on BJP's behalf, announced his will to introduce a legislation for the reservation if all parties agreed.

Considering the importance of caste equations, all through the Parivartan Yatra, state BJP chief Ms Vasundhara Raje made desperate attempts at keeping all castes together. She presented herself as the daughter of the Rajputs, daughter-in-law of the Jats and mother-in-law

of the Gujjars in public meetings. Likewise, smaller parties, including Indian National Lok Dal, Rashtriya Lok Dal, Bahujan Samaj Party and Janata Dal, also hope to make their presence felt with the support of Jats and backward castes in their teams.

But caste groups on their part are keeping all parties guessing. While groups representing Rajputs and Brahmans are asking for inclusion in the OBCs list, Gujjars have demanded their inclusion in the list of Scheduled Castes. The Social Justice Front is demanding bifurcation of the OBC quota and inclusion of upper castes in it, along with Jats.

Mammoth rallies have become a ploy of these caste groups to show off their strength and underscore their importance to the political parties. Rajputs staged a massive rally here recently, while Brahmans, Gujjars and Social Justice Front were waiting for their turns.

THE STATESMAN

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Kurmis demand tribal status

Statesman News Service

NEW DELHI, Aug. 31. — The Kurmis of Jharkhand have demanded that they be included as tribes in the Constitution.

The Members of Parliament from Jharkhand have submitted a memorandum to the Deputy Prime Minister Mr LK Advani. The MPs have demanded in the memorandum that the Kurmis should be reentered as Totemic Kurmi Tribe.

The argument advanced in favour of their demand is that the first list of tribes in India was prepared during the British raj on the basis of a report by Mr HH Risley after a survey in the then Bengal Province.

The criteria used for identifying the tribes was anthropometric measurement and an ethnographic survey. The survey was published under the title Tribes of Bengal in 1891.

In 1913, when Bihar and Orissa was one state, the government issued a notification (No. 550) in which Kurmis, along with Mundas, Kharias, Oraon, Santhals and some other ethnic groups, were declared tribes.

The memorandum further suggests that in 1984, the Bihar government codified the classification of tribes on the basis of the 1891 notification for the purposes of giving compensation to those people whose lands were acquired by the government for various projects.

The MPs said that it was quite possible that in the 1950 gazette notification, the Totemic Kurmi Tribe was left out of the list of the Scheduled Tribes as mentioned in the Constitution of India. Hence, the need to include the Kurmis also as a tribe.

THE STATESMAN

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RESERVATION AND ECONOMIC CRITERIA

BY SETTING UP a Group of Ministers (GoM) to study the possibilities of a Constitution Amendment Bill to provide for job reservation to the forward castes on economic grounds, the Union Government has set the ball rolling for yet another controversy on the concept of quotas. The decision to refer the issue to a GoM came after the Prime Minister, Atal Bihari Vajpayee, committed himself to a constitutional amendment at a public meeting in Rajasthan. The Prime Minister's commitment came in response to a resolution orchestrated by the Rajasthan Chief Minister, Ashok Gehlot, recommending statutory changes to reserve 14 per cent of Government jobs for the poor among the forward castes. Mr. Gehlot's shrewd move put immense pressure on the Bharatiya Janata Party's Rajasthan unit, even triggering an internal revolt. A campaign on the same issue by the Social Justice Front has been in full swing for some time; it gained strength after Jats were included in the list of Other Backward Classes a couple of years ago.

In a State where the forward castes continue to play a significant role in determining election outcomes, Mr. Gehlot's move set the terms of the discourse. With elections to the State Assembly due before November 2003, the BJP's chief vote-getter could not have possibly stayed out of the promise-making game. The high level of unemployment is a general problem, but it is particularly severe among people belonging to the forward castes. The proportion of educated unemployed should, after all, be higher among the forward castes than among castes kept out of the education system over the years. Political parties across the spectrum can hardly afford to gloss over this reality in a context where the Government continues to be seen as the provider of jobs. Add to this the sense of power that

comes with Government jobs in most parts of India and one can understand the desperation in the quest for such opportunities.

A constitutional amendment, however, is not as simple as it is made out to be. A proposal to include the poor among the forward castes in the reservation bracket was made by the Congress party in the context of implementing the Mandal Commission's recommendation. The Narasimha Rao Government's proposal to reserve 10 per cent of Government jobs for the poor among the forward castes was struck down as unconstitutional by the Supreme Court in 1992 in *Indira Sawhney vs. Union of India*. Article 15 (4) of the Constitution, inserted by the Constitution (First Amendment) Act, 1951, is very specific. The Scheduled Castes and the Scheduled Tribes aside, it sanctions special provisions "for the advancement of any socially and educationally backward classes." Article 16 (4) sanctions reservation in Government jobs for "any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State." Article 340 relates to the appointment of a Commission to investigate the conditions of backward classes. What is established by a series of Supreme Court judgments is that only social and educational circumstances can be taken as determinants of backwardness. The proposal now is to amend the Constitution, but amendments are subject to judicial review and need to avoid falling foul of the 'basic structure' doctrine propounded and refined by the Supreme Court. These contentious issues will come up when the GoM begins to discuss the idea initiated by Mr. Gehlot and endorsed by Mr. Vajpayee. A consensus among political parties might turn out to be a necessary but insufficient condition for making reservation for the poor among the forward castes a feasible proposition.

BAN QUOTAS

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The only positive note of the cabinet decision to appoint a group of ministers to study reservations for the economically backward among upper castes is that a rash decision has been averted. Apart from this welcome act of prevarication, there is nothing heartening in the return of caste-based reservations to the political agenda. Admittedly, state assembly elections have become extremely competitive and neither the Congress nor the Bharatiya Janata Party are shy of bringing out a new bag of tricks with which to attract voters. However, it is a dismal commentary on the state of the nation that the hoary issue of reservations is still regarded as electorally appealing. That the upper castes, "who are disproportionately important to the BJP", have long nursed a grievance at being left out of the quota race is obvious. Their predicament even merits a measure of sympathy. But appreciating a difficult predicament doesn't necessarily justify what is potentially as retrograde a measure as the initial rash of reservations for those who are deemed to be of lesser ritual standing. At a time when India looks to becoming more efficient and competitive, there is absolutely no justification for distorting the labour market. In the guise of correcting historical wrongs, India has imposed upon itself another set of historic blunders. Affirmative action, to put it bluntly, is a drag that the country can no longer afford. It is time its frontiers were rolled back and not extended through a highly dubious bipartisan consensus.

What is particularly galling is the fact that any extension of reservations for the upper castes is certain to bring back caste jostling into public life. It is not the BJP that is alone at fault for succumbing to populist pressures. The Congress was hardly mindful of the country's future when it advocated the extension of caste quotas to the private sector during its Shimla conclave earlier this year. Desperate for re-election, the Madhya Pradesh chief minister, Mr Digvijay Singh, has even proposed extending reservations beyond the 50 per cent limit imposed by the Supreme Court. These are abhorrent short-cuts that defy common sense. If electoral success also depends on good governance, why are politicians unmindful of the damage caused by reservations to government efficiency? More to the point, why is the electorate so enamoured of further quotas when it knows only too well that the bloated public sector can't take any additional burden? Maybe it is all symbolic because the number of jobs on offer through caste quotas is rapidly shrinking. In which case, the GoM should explore ways of making tokenism less damaging.

GoM to examine quota proposal

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Statesman News Service

NEW DELHI, Aug. 11. — The government today decided to set up a Group of Ministers to examine the proposal for reservation of jobs for the economically backward among the upper castes.

The parliamentary affairs minister, Mrs Sushma Swaraj, told reporters today that the Cabinet had approved the proposal to set up the GoM in this regard.

Earlier, the Prime Minister, Mr Atal Behari Vajpayee, had announced that the Centre was ready to introduce a Bill in Parliament to reserve jobs for the economically backward people from the upper castes if the Bill could be assured support by the Opposition.

The GoM to be headed by the Deputy Prime Minister, Mr LK Advani, will have as its members, the finance minister, Mr Jaswant Singh, the law minister, Mr Arun Jaitley, the railway minister, Mr Nitish Kumar, and the social justice minister, Mr Satyanarain Jatiya.

SC notice to Karnataka

NEW DELHI, Aug. 11. — The Supreme Court (coram: Khare CJ, Sinha, J) today issued notices to the Karnataka government and the state Public Service Commission on the reservation policy followed in the state.

Some 85 per cent of vacancies there are reserved for the socially and economically backward classes and women. The notices were issued on a petition filed by one Mr Gururaj Rayakar and some other candidates. — SNS

Since reservation matters require a constitutional amendment, all political parties will be consulted for their views by the GoM, Mrs Swaraj said. The GoM has been asked to submit its report at the earliest, she added.

Further action on this matter, however, will be initiated only after the GoM submits its report, she said.

PM seeks Opposition support on quota for the poor

9-11-03
Sunny Sebastian

By Sunny Sebastian

JAIPUR, AUG. 10. The Prime Minister, Atal Bihari Vajpayee, today sought the Opposition's support to carry out amendments to the Constitution to make provisions for reservation to the poor among the unreserved categories. A Bill to this effect could be brought in on the first day of the next Parliament session if the other parties, especially the Congress, agreed, he said.

At a public meeting to mark the conclusion of the "parivartan yatra" led by the Rajasthan BJP president, Vasundhara Raje Scindia, here, the Prime Minister said there was need for making a separate arrangement for those who were poor but not so poor as those who were poor but not so

poor. Mr. Vajpayee, who was visiting the city after over four years, used the opportunity to bring in the theme of "parivartan" (change) and said that winds of change had started blowing across the State.

Mr. Vajpayee devoted a considerable part of his 20-minute speech to the reservation issue. Though the BJP national executive at its meeting held here in June had in principle accepted the demand for reservation to the economically backward among the forwards in the presence of the Deputy Prime Minister, L.K. Advani, it was for the first time that Mr. Vajpayee had come out with a categorical "yes" to the theme.

"It should be a level-playing ground for

all," he said pointing out that the nation had a set policy on reservation and any change in that needed a constitutional amendment. "The debate on reservation to the poor is strong in Rajasthan. We agree with their demand," he said. However, he pointed out that it was going to be a "difficult job". "We should join together on this."

As the NDA with all the constituent parties does not have two-thirds majority in Parliament, the support of the Congress was required in this regard. "All the political parties should come out with their viewpoints on the issue," he said, promising a Bill if they all agreed.

But the promise came with a rider. The Bill would be brought in only if he had clear assurances from other parties.

"We should be convinced of their support." He suggested that all the parties cooperate on the issue and settle it before the coming elections.

Commenting on the impasse in Parliament, Mr. Vajpayee said the issues concerning Parliament could be settled within the House itself. As for the public issues, they (the Opposition) could be taken to the people in the next elections.

Speech disrupted

Activists of the Social Justice Front (SJF) managed to evade the watchful eyes of the BJP workers and the Rajasthan police and almost disrupted Mr. Vajpayee's speech for

the first five minutes — as they had promised earlier.

However, they did that against another promise of theirs. The leaders of the SJF, including Devi Singh Bhati, who was taken into preventive custody on Saturday had gone on record that they would make their presence felt if only the address of the Prime Minister did not carry any assurance on their demands on reservation to the poor among the backwards. They did not wait for Mr. Vajpayee to say that.

Mr. Vajpayee acknowledged their presence saying: "*unko jo kehna tha wo kah diya aur hame jitna samjhana woh samajh liya*" (what they wanted to say they have said; what I had to understand I understood).

Even as the Prime Minister started speaking after Ms. Scindia, finished her address, a group sporting white banners demanding reservation surfaced. Such groups located in other corners of the ground too started shouting slogans distracting the media focus from Mr. Vajpayee.

The police resorted to a mild lathi-charge and took into custody a few dozen youths. The Superintendent of Police (South), Sanjay Agarwal, said cases have been registered against 11 persons in this regard.

Once the public meeting was over, Mr. Bhati's supporters got more belligerent shouting slogans and pulling down welcome arches.

HC sees 'merit' in SC/ST quota

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Tirthankar Mitra in Kolkata

July 10. — In a judgment that could have a major impact, the Division Bench of Chief Justice Mr AK Mathur and Mr Justice AK Banerjee of Calcutta High Court held on Wednesday that reserved category candidates such as those belonging to Scheduled Castes, Scheduled Tribes and Other Backward Castes (OBCs) who have been selected on their merit as primary schoolteachers shall not be considered as having obtained their positions as part of the reserved quota but shall be treated as selected from the general category.

The SC, ST and OBC category candidates who have not been selected on merit shall be selected for filling up the quota for reserved categories. By this order the Division Bench upheld the order of Mr Justice Barin Ghosh of this court passed in a writ petition filed by Mr Bhaktipada Kaiti, an OBC candidate in the primary teachers' recruitment examination organised by the Burdwan District Primary School Council in 2000.

Mr Kaiti had filed a petition accusing the council of violating the reservation

policy for OBC candidates while recruiting them as primary schoolteachers.

Mr Justice Ghosh had directed the Burdwan council to follow the state government's 100-point roster for reservation of OBC candidates while recruiting teachers in primary schools. The council, which had appealed against the order, was directed by the Division Bench to

prepare a panel of reserved candidates according to the vacancies from among the candidates who appeared in the 2000 examination.

Candidates otherwise selected on merit shall not be included in the panel.

The council was directed to prepare the panel within six weeks. The Bench also outlined the steps to be taken by the council for the appointment of those reserved candidates. Large number of OBC candidates who appeared in the 2000

examination and became unsuccessful are likely to be appointed as primary schoolteachers following the court order.

Mr Pratik Dhar and Mrs Sutapa Dhar Chatterjee appeared for the petitioner. Mr Debasis Kar Gupta appeared for the state government. Mr Debaprasad Mukherjee appeared for the council.

MP CM plays OBC card in run-up to polls

Move to hike quota is aimed at nullifying BJP's Uma Bharti

By Suchandana Gupta
TIMES NEWS NETWORK

Bhopal: Madhya Pradesh chief minister Digvijay Singh has reportedly decided to increase the OBC job reservation quota in the state from 14 per cent to 27 per cent. If implemented, the decision will push up the jobs under reservation in MP to 63 per cent—much above the limit of 50 per cent set by the supreme court.

With this move, Mr Singh has foiled any chance that Uma Bharti, the BJP's chief ministerial candidate, may have had of using her OBC status to consolidate her votebank here and cramped her chances of springing a surprise ahead of the elections due in November.

For the BJP, meanwhile, it's déjà vu all over again as Mr Singh has merely followed the reservation techniques of his Congress counterpart in Rajasthan, Ashok Gehlot. Mr Gehlot had earlier put the BJP in a spot by recommending reservations for upper castes in Rajasthan.

In Madhya Pradesh—where the other backward classes constitute more than half the population—the existing ratio stands at 16 per cent for scheduled castes, 20 per cent for scheduled tribes and 14 per cent for OBCs. The proposed 13 per cent hike in OBC job reservations would mean that the job quota in the state would now exceed the apex court's ceiling.

The decision was taken at a cabinet meeting chaired by the chief minister. According to sources, the decision was to be kept confidential till the state government had completed all formalities. A caveat was also to be filed at the Jabalpur high court before the decision was announced so as to pre-empt a court stay order.

Senior bureaucrats have confirmed the reservation issue was discussed at the state cabinet meeting and that the process is underway to implement the decision. Last month, at the state Congress congregation in Panchmarhi, Mr Singh had argued that if Tamil Nadu and Orissa could implement reservations exceeding the SC's upper limit, so could Madhya Pradesh.

This is not the first time that Mr Singh has tried to enforce a 27 per cent job reservation for OBCs. Five years ago, the state assembly had amended the state SC/ST, OBC reservation bill to give OBCs a 27 per cent reservation. But former President K.R. Narayanan had returned the bill reminding them of the limit set by the SC. The government returned the bill and presidential assent is still awaited.

But this time round, the CM is apparently not waiting for the presidential assent. The state bureaucracy is already working to issue the new reservation notification.

One step backward?



• Digvijay wants to raise quotas for OBCs from 14 per cent to 27 per cent

• With this, the number of reserved jobs in Madhya Pradesh will go up to 63 per cent

• A similar attempt was made 5 years ago. That bill is still awaiting the presidential nod

27 JUN 2003

Diluting Mandal

By S. S. Gill

9. Copies of
Pamphlet
42-10
21/6

IT WAS in December 1980 that members of the Mandal Commission, and I as its Secretary, trooped into the office of Zail Singh, then Home Minister, and presented our report to him. As we came out of the secretariat, B. P. Mandal, our chairman, told me, "I know how much labour has gone into the writing of this report. But let me tell you that today we have performed its immersion (*visarjan*) ceremony". And truly, for the next 10 years, the report lay in the Home Ministry's dusty vaults.

Then all of a sudden, V. P. Singh, as Prime Minister, opened the lid in 1990, and the Mandal Commission report became the single-most heated topic of controversy and discussion. There was total confusion in the national political arena and Mr. Singh was accused of indulging in the worst form of opportunism. No major political party supported the move. In fact, the BJP saw it as a serious threat to its 'upper' caste constituency, and L. K. Advani, now Deputy Prime Minister, marched towards Ayodhya in his chariot to uphold 'dharma'.

Those were days of high tension and emotions. The polity was in turmoil. Old power equations were dissolving and new ones emerging. The logic of numbers suddenly brought OBC leaders into prominence and every political party turned a votary of Mandal. Never before had the Indian political scene undergone the sort of sea change it did during the decade following the implementation of the Mandal report.

On the face of it, the radical change in the political landscape of the country marks the setting right of ancient historical wrongs. Or does it? In fact, to some extent, the Mandal Commission report was 'demandalised' during the very process of its implementation. Of the dozen or so recommendations, only one pertaining to reservation was picked up, as it had the highest visibility and attracted immediate attention. More far-reaching recommendations regarding structural changes in the land-tenurial system, and institutional reforms for the educational and economic uplift of the OBCs were not

even noticed. The attention thus got focussed on the fruits rather than the roots and branches of the tree of affirmative action.

Whereas the objective of the Mandal Commission report was the creation of a more egalitarian society, this selective and populist approach introduced an element of inequality among the OBCs themselves. If equal

The move to extend reservation to the poor among the forward castes not only goes against the basic concept of affirmative action, it also violates the spirit of the Constitution.

attention had been paid to strengthening the roots and branches of the tree of social justice and the base of the deprived sections of the society strengthened by undertaking structural reforms, it would have resulted in fortifying them from within instead of perennially making them dependent on the crutch of reservation.

And who were the main beneficiaries of this provision? Only the better off among the OBCs — the so-called creamy layer — who already had access to good educational facilities and could outperform their lesser privileged peers at competitive examinations within the reserved quota. This deepened the divide among the OBCs, as those who were already at the top of their community cornered the plum jobs and those at the bottom were left further behind.

At a deeper level, mandalisation was supposed to empower the deprived by giving them access to political power. This has happened in a limited way, as evidenced by the manner in which every political party is wooing the OBCs by promising them all sorts of concessions. But even this process of empowerment is seriously flawed. Most of the positions of power have been cornered only by a couple of backward castes, and the really deprived communities have been left high and dry. Moreover, instead of identifying themselves with their impoverished

communities, the OBC leaders who have risen to the top have adopted the lifestyle and value system of the 'upper' castes against whom they had agitated all along. One would have expected these leaders to introduce a new political culture of austerity and self-denial, and adopt a lifestyle which projects them as role-models for the deprived members of their

own community. But just the reverse has happened. The dispossessed have the highest stake in democracy, as it is their only hope. But instead of strengthening the Panchayati Raj institutions at the grassroots, the OBC and Dalit leaders are propagating a feudal culture and exclusivist tendencies. Their entire crusade was against the divisive caste system, and they should have tried to build inter-community bridges to eliminate caste hierarchies. But they have created vested interests in narrow caste loyalties to serve personal ends.

It was also hoped that both the Dalits and the OBCs, being victims of the same caste system, would join hands and form a powerful alliance to secure political power and wield it to improve the lot of their historically disadvantaged castes. But the pursuit of narrower personal ends has produced just the opposite result. There exists a lot of antagonism and ill will between these two sections.

But the latest episode in the 'demandalisation' drama is being enacted now with the farcical proposals to reserve seats for the economically weaker sections among the 'upper' castes. Whereas the Rajasthan Chief Minister wants reservation for the poor among the forward castes, the BJP has upstaged him by not only proposing to constitute a national commission for this purpose, but also by promising to extend them to Mus-

lims. This move not only goes against the basic concept of affirmative action, it also violates the spirit of the Constitution.

Reservation for the Scheduled Castes, the Scheduled Tribes and the OBCs has been made under Article 15 (4) of the Constitution which empowers the state to make any "special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes". Now, social backwardness is a structural disability linked to one's caste, and does not vary from generation to generation. Even a rich Dalit suffers from social stigma. But economic backwardness within the same family may vary from time to time. There are any number of rags-to-riches and riches-to-rags stories. Unlike social and educational backwardness, there is no criterion to determine economic backwardness, which is, in any case, a relative term. More importantly, the Constitution does not provide for reservation of jobs for the economically backward. After all, billions of rupees under the Five Year Plans are spent every year for the eradication of poverty and the benefits accrue to all the poor people, including those among the 'upper' castes. Of course, Article 16 (4) empowers the State to make job reservation for "any backward class citizens... not adequately represented in the services under the state". But is it anyone's case that the forward castes as a whole are not adequately represented in the services?

But such are the compulsions of blind pursuit of power sans principles that politicians pay scant attention to facts, law or the Constitution, or the social implications of their tactics, if it serves their immediate goal. Look at the latest Government ploy of adding new castes to the Central OBC lists of eight States. As the percentage of people living below poverty line has halved since the implementation of the Mandal report, it should have led to the progressive exclusion of the beneficiary castes from the OBC list. But, defying all logic, the Government has repeatedly enlarged this list, mostly on the eve of elections.

24 JUN 2003

1978 **CASTE AWAY** 2/16

If quotas have to be there, pick the poor

THE Attorney General's opinion that the Constitution would need to be amended for extending reservations to economically backward classes should put at rest pre-election political activity — although perhaps not political rhetoric — that had threatened to become frenetic following the Congress's rash promise in Rajasthan. Apart from the political class's obvious reluctance to undertake anything as complicated as a constitutional amendment with general elections virtually round the corner, there's also the issue of judicial scrutiny. As Mr Soli Sorabjee pointed out the Supreme Court judgment in the Indira Sawhney (Mandal) case and two petitions challenging Tamil Nadu's decision to reserve 50 per cent-plus government jobs, would be of central relevance in deciding both whether and how the scope of reservations should increase. Neither the BJP nor the Congress would want to risk adverse judicial findings when campaigning only requires lofty promises be made. Both parties would also be reluctant to use the AG's opinion to start a real debate now. But perhaps, the next government can. Even then, it would be too much to expect that the real hard questions will be asked — whether reservations have worked and whether we need any more of them. Slightly softer but almost as important is interrogating the selection premise of affirmative action.

Politicians can pay homage to quotas but still ask whether the caste and ethnology based classification system should be swapped for economic criteria. Dirt poor Tamil or Bihari Brahmins are not better off, except in medieval minds, than their upwardly mobile OBC cousins. To give all Jats, many socially and economically powerful, reservation is a travesty. If affirmative action, for education as well as government jobs, is based on material indices, disadvantaged of all castes, all religions and all political persuasions can be included. So, the genuinely needy among today's SC/STs and OBCs would still make the cut. But the grandson of a lower caste IAS who has received the best education India can offer, won't be allowed a grossly unfair advantage. Of course, there would be many implementation problems. The Constitution would have to be amended in this case, too, replacing social with economic backwardness as the criterion. Knowing this, parties like the SP, BSP and RJD, whose emergence and prominence depend on current caste policies, would create parliamentary bedlam. Which is why it would have to be a determined BJP-Congress effort. And both would have to be in it for the long haul. There would be some very concrete benefits for them eventually. Caste champions hog political space that can be used by the national parties. Why, for example, in UP, India's most politically crucial state, should the BJP and the Congress be in thrall of caste-based parties? That would be a useful question to keep in mind if the two decide to take on the Mayawatis and the Mulayams and the Laloos.

9-Caste by P. V. N.
There's a third best option, albeit a poor third. That the most obvious cases of misguided and/or politically dictated altruism be removed from the reservation list in favour of economically backward groups. Hopefully, the victors of the next elections would come to power with at least that much political courage.

Kamal Hassan decides to change title of *Sandiyar*

Statesman News Service

CHENNAI, June 20. — Bowing to pressure from a Dalit outfit, which threatened to disrupt the shooting of his latest film, *Sandiyar* (dada), actor Kamal Hassan, who called on Miss Jayalalitha, today announced his decision to change the title of his high-budget controversial film. The actor's meeting with the Tamil Nadu chief minister comes in the wake of her statements to media recently that police could not afford to provide security to an entire film unit, that too for an indefinite period. The chief minister had blamed him for choosing a "controversial subject" for his film and creating trouble for himself.

The commencement of the shooting of *Sandiyar* was put off following protests from the Puthiya Tamizhagam, a Dalit rights organisation led by Dr K Krishnasamy. The group said the film was bound to depict plenty of violence if the publicity brochures are anything to go by. The new title for the film would be decided in a couple of days, the noted actor told reporters here after meeting Miss Jayalalitha.

Kamal Hassan clarified that his film was not aimed at hurting anybody's sentiments and added that a certain section had only objected to the film's title.

He denied reports that he proposed to shift the shooting venue from Tamil Nadu to Andhra Pradesh following the threats from Puthiya Taizhagam.

The actor expressed confidence that his film would be a box office success, in whatever title it was released.

Asked about the controversy over police

in Theni district, where he had planned to commence shooting, had denied his unit protection, Kamal Hassan replied evasively that since he had decided to change the movie's title there would be no problem for the shooting and there would be no need for police protection.

"My film will run even if it is named *Sakala Kalavallavan Part II*," he said. Incidentally, *Sakala Kalavallavan*, starring Kamal and Ambika and released several years ago, had been a major box office hit.

Refusing to divulge the nature of his 40-minute discussion with Miss Jayalalitha, Kamal Hassan said he informed her of his decision to change the film's title.

The chief minister apparently expressed appreciation at this news. Miss Jayalalitha had told reporters recently that the interests of the Tamil people at large were more important to the state government.

When scribes pointed out that the Dalit outfit's protests would curb artistic expression and freedom, Miss Jayalalitha had shot back, "We are not concerned about that. Our primary concern is the safety of the people of Tamil Nadu."

Dr Krishnasamy had opposed the film's shooting saying it would spark violence in the southern districts, a hotbed of caste unrest, besides instigating the youth to take to violence.

Photographs in publicity brochures of the film showed menacing looking men wielding the "*veecharuval* (killer sickle)", and this did not bode well for peace and harmony in the state, Dr Krishnasamy contended.



Kamal Hassan: Name game

Congress, Dalits and elections

By Gail Omvedt

J. Corbin & P. ... #10-10

A DALIT international conference at Vancouver, a Congress conclave of Chief Ministers in Srinagar: have they anything in common? Unfortunately, the answer seems to be no. After the Srinagar conclave finished without a mention of the Bhopal Declaration, the two seem to be light-years away rather than a few thousand miles.

Over a year and a half ago, the Madhya Pradesh Chief Minister, Digvijay Singh, organised a special conference at Bhopal in January 2002 to adopt a new "Dalit Agenda for the 21st Century", the first significant governmental response to the new Dalit consciousness emerging after Durban. And the Bhopal Declaration, a Dalit-drafted document adopted by the 250 delegates and nearly ten times that many Madhya Pradesh participants, and accepted without change by the Chief Minister, was a significant step forward in many respects. Not only did it include the principle of land ownership for every Dalit family, but in putting forward the theme of "diversity" — the right of every Dalit to a fair share in resources, power and wealth — it began the process of assuring "affirmative action" in non-governmental fields, what Dalits are calling "reservation in the private sector." As a first step, the Madhya Pradesh Government has begun awarding 30 per cent of all its contracts to Dalit (that is, Scheduled Caste and Scheduled Tribe) contractors, and is taking up other innovative measures such as providing scholarships for Ph.D. study in the United States. Land is also being given in many areas, often over caste-Hindu protests.

However, while the then President, K. R. Narayanan, praised the programme, the Congress high command remained silent. So did the Srinagar conclave. It vociferously proclaimed its secularism, condemning what are seen as policies of "soft Hindutva" while simultaneously denying that these existed. (This itself had an anti-Digvijay Singh tone since the press publicity to his anti-cow slaughter and other measures has as-

sured that the policy is identified with him). It praised the Rajasthan Chief Minister, Ashok Gehlot, for his bold arrest of the VHP leader, Praveen Togadia. It sought to relieve fears about liberalisation policies among the poor by promising to ensure employment opportunities. It promised reservation "for the poor among the upper castes". And, it rat-

who represent castes that have emerged as almost the direct enemies of Dalits and with the mockery of an extension of reservation to the "poor" among upper castes.

Without any real programmes identified as anti-caste, a secular policy is empty. Few Dalits and anti-caste radicals would be happy with a programme opposing cow slaughter,

while giving Dalits only partial access to power. Any "understanding" with the BJP can be justified at most on a short-term, tactical basis, not as part of a long-term programmatic strategy. The problem with the BSP so far has been that it lacks a political programme aside from that of empowerment, so that it fails to stand for much to the general public of India. It has become too much identified with opportunistic alliances, in spite of the real appeal that Ms. Mayawati has as a daring and assertive woman — and not only a Dalit — political leader.

At the same time there is clearly a need to bring pressure even on those parties — the Left, the Congress — which have in the past been identified with the poor and Dalit masses of India. The Congress has been a broadly left-of-centre political party, while the BJP may be evolving into a broadly right-of-centre one. In this sense, it would be Congress and the Left parties that would be a "natural" ally for Dalits and their political forces — if pressure can be exerted on these parties to transform their policies. But this is possible only by a clear threat of withdrawal of support. The option for Dalits and other anti-caste radicals in the upcoming elections, then, seem clear: support those parties which support their cause. At present, this means supporting the Congress in Madhya Pradesh, and opposing it elsewhere so long as there is a general refusal to adopt the Bhopal Declaration policies.

As for the Congress, its history is as the party that fought for independence, the party of Gandhi and Nehru. But part of this has included a forward caste domination in the leadership, an unwillingness to admit the horrors of caste hierarchy and atrocities while upholding an oversimplified class-oriented statist leftism, and an identification with Brahmanic Hindu symbolism. Unless this part of the heritage is overcome and Congress becomes also the party of Ambedkar and Phule, it will never succeed in winning back its hold among the Dalits of the country.

Without any real programmes identified as anti-caste, a secular policy is empty.

ified alliances with other parties, most notably with the Samajwadi Party and with Ajit Singh in Uttar Pradesh in an effort to check the power of Mayawati and the BJP.

It is not surprising, then, that Dalits should conclude that the Congress, as a political party, has nothing new to offer them. This has already been the opinion of the most militant and conscious section among them — those who support parties such as the BSP, those influenced by Dr. Ambedkar's life-long struggle with Gandhi and his Congress. Young educated Dalits now will say, "Congress is the most dangerous enemy," and when asked about BJP, "Oh, we can handle them!" The Congress, in this view, has been dangerous because it looks seductively progressive without in reality being so; its reforms have only resulted from an effort to check Ambedkar. As the party of Gandhi the Congress, they argue, has always sought simply to hold Dalits in a Brahman-dominated Hinduism, and as the party of Nehru, it took a mechanical-leftist perspective avoiding caste — while all the time doing nothing in real terms. This has led to educated and conscious Dalits being relatively undisturbed about Ms. Mayawati's understanding with the BJP in Uttar Pradesh and elsewhere.

Unfortunately, these characteristics seemed to have been reiterated in the Srinagar conclave. The look towards alliance is made concrete in the context of leaders such as Mulayam Singh Yadav and Ajit Singh

because its overtones of brahmanic orthodoxy affect not only Muslims but Dalits who have been identified with this in the past and even today. Yet the positive steps taken by the Madhya Pradesh Government to empower low castes far outweigh the posturing of Mr. Digvijay Singh as a "sanatani Hindu". What is disturbing about Congress policy is its failure to recognise the significance of real, material measures for empowerment. Promising employment is empty because it fails to specify how the economy can grow to provide employment, while reservation for the forward caste poor is a mockery because these poor never face the issues of caste discrimination and humiliation that equally poor, and bright boys and girls from Dalits and OBCs face. The Congress, as a whole, has totally failed to address the issue of caste discrimination in any new and significant form.

So what should Dalits and their sympathisers do? A political policy of anti-Congressism alone is empty; for one thing, whether or not the Congress is the "most dangerous" enemy, a strategy connected with a long-term programme of social transformation is needed. The BSP and the BJP are "natural" allies in a purely opportunistic sense, since the social groups they easily appeal to stand at opposite ends of the caste hierarchy. However, the danger is that an alliance (or understanding) with the BJP threatens to turn parties like the BSP into simply followers, increasing Hindutva power nationally

12 JUN 2003

THE HINDO

9. 10. 10

Reservation for all?

By Rajeev Dhavan

Any 'class' designated for uplift through reservation must suffer both 'disadvantage' and 'discrimination'.

13/6 110-10

THE PURSUIT of equality has been hijacked by politics to become the pursuit of votes. India's reservation policy was designed to make 'unequals' equal — not to open the door to every demand for preference by all or any community. In the past few weeks, the Rajastan Government has been seeking support for 14 per cent economic reservation for the 'upper' castes. The BJP supports quota for the 'poor' in addition to the reservation for the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes. In Delhi, seven more castes have been added to the OBC list. The Congress has hinted at reservation in the private sector. The Prime Minister, Atal Behari Vajpayee, has promised an "expert commission" on the "economically backward" not covered by the existing reservation. Others have offered reservation for poor Muslims. The Delhi University has opened up 5 per cent reservation for the talented in sports, music, drama and the like. This "backward-forward" dance led a perplexed ILO to make the understatement that India's affirmative action system is "very complex". The Pandora's box is to be reopened. Is India's polity being "mandalised" in the name of social justice or vandalised by party politics?

India's reservation policies of affirmative action are partly ex-colonial and partly for social justice. Colonial reservation was directed towards dividing the spoils among all the communities (communal reservation). This was abandoned on June 16, 1949, when the Constitution-framers opted for a common electoral roll. The "social justice" reservation policy sought to bring the "real disadvantaged" into the mainstream — for education, jobs and electoral representation (backward class reservation).

Communal and social justice reservations are fundamentally different. In 1951, the Supreme Court made it authoritatively clear that communal reservation was simply not on. But, who are the backward classes? Justice Krishna Iyer pointed to the "super-classification" in the Constitution which made the SCs and the STs the real target of affirmative action — with the OBCs as lesser fa-

voured. Jawaharlal Nehru and Indira Gandhi ensured that the Central Services showed preference only to the SCs and the STs — until the bubble burst with the Mandal controversy of 1990-92 which flooded in the OBCs (already omni-present in various States). Now, 10 years later, it has led politicians to convert 'reservation' into patronage, and put anyone and everyone in the OBC list. In return, the Mandal phenomenon changed the politics of the north to destabilise the politics of India.

Not against reservation, whilst arguing for the Ezhavas in the Mandal case (1992), I supported creating opportunities for the 'disadvantaged' and to enable them to share state power. But reservation has become excessive. There is 80 per cent reservation for many posts and services. That is why I argued for a cap of 18-22 per cent on reservation for the SCs and the STs in the Sabharwal case (1995) and denying extra or accelerated seniority outside the reservation process in the Ajit Singh case (1999). Parliament amended the Constitution by the 77th Amendment (1995), the 81st Amendment (2000) and 85th Amendment (2001) to strengthen the SC and the ST reservation in promotional posts at all levels. These matters are before the Supreme Court. Even the Constitution has been forced to become a toy to yield to political pressure.

The present controversies do not concern the SCs and the STs but pertain to the OBCs. The Constitution itself uses the word "backward classes" for Government jobs in Article 16(4); and for the "socially and educationally backward classes" for all other avenues, benefits and opportunities in Article 15(4). Thus, job reservation can be on a wider basis — although both forms of affirmative action have tended to follow the same classifications. Can the OBCs include anyone and everyone? The political answer to identify the beneficiaries of affirmative action seems conveniently wider

than the constitutional dispensation.

After 1951, it was clear that the OBCs could not include 'communal' representation. In 1963, Justice Gajendragadkar produced a hopelessly eclectic criterion which was an open invitation for politics to plunder the reservation policy. In 1964, Justice Subha Rao advised purely economic criteria. In the 1970s and 1980s, the Supreme Court treated the OBCs as roughly being like the SCs and the STs — but less so. In the same period, in various cases from Uttar Pradesh, Kashmir and other States, the Supreme Court denied reservation to purely rural categories or generally "backward regions" — unless they were properly vetted by commissions for determining their backwardness.

The Mandal case provided a kind of watershed. Silencing critics who said that "caste" could not be a basis for reservation, the emphasis in the majority judgment (6:3) was that "social backwardness" was complex and could include caste. But when dealing with pure economic categories, there is a throwaway passage in Justice Jeevan Reddy's majority judgment which says: "Indeed, there may be some groups or classes in whose case, caste may not be relevant at all. For example, agricultural labourers, rickshaw pullers/drivers, street hawkers, etc., may well qualify for being designated as backward classes". We are but a short distance away from reservation on the basis of economic criteria for any class of poor. So, reservation for all?

Somewhere in all this, the constitutional purpose of 'reservation' has got dangerously lost. The twin basis for India's affirmative action is both 'disadvantage' and 'discrimination'. Many people and communities may suffer a disadvantage. This could include 50 per cent of India's one billion people, of which some 350 million or so live below the poverty line. But, the SCs and the STs were included for reservation because they also suffered endemic discrimination

that manifests itself as atrocity, rape and purposive deprivation in ways that are horrible. We need to remind ourselves of the stories of Dalits in Tamil Nadu being forced to eat faeces in 2001-02. That is why Justice Krishna Iyer spoke of the SCs and the STs as part of the 'super-classification' and the main beneficiaries of reservation policies. But, the flip side of this 'super-classification' cannot be a 'free-for-all' to cover all those presently favoured by the parties in power. The OBCs were those who were similarly 'disadvantaged' and 'discriminated' against as the SCs and the STs. As the Mandal judgment rightly points out, there were discriminated castes among Muslims who were also OBCs like their Hindu counterparts. But, neither the Constitution nor the courts have permitted a random increase of OBCs on the basis of income or occupation. Further, reservation beyond 50 per cent is impermissible. Soon, any class which is politically described as OBC will benefit from the patronage of reservation without reference to the social justice aims of the Constitution.

The test for defining an OBC cannot simply be what an expert commission decrees as OBC. The Mandal decision did not permit every smoke-screen device to create OBCs. The economic criterion cannot be income alone. Half of India would be included. Nor can it be only occupation. There is no limit to such inclusions. Any 'class' designated for uplift through reservation must suffer both 'disadvantage' and 'discrimination'. Many 'upper' castes may suffer 'disadvantage', but unlike Dalits they do not suffer 'discrimination' and atrocities because of their caste.

Today's politics of reservation follows the quest for electoral victory, not social justice. An already divided nation on many fronts will be cleaved and pared into competing groups on an unparalleled scale that will make the Mandal controversy seem like a wisp of smoke.

India's affirmative action was designed for the SCs and the STs and those similarly situated — not for those with political connections. If this goes further, India would be well advised to limit its reservations to the SCs and the STs.

LAW AND SOCIETY

Violence unabated in Jalandhar

^{10-1 8/6 J. Carter & P. Min}
JALANDHAR, JUNE 7. Violence continued unabated for the third successive day here today with more areas being brought under curfew. Mobs damaged at least 10 buses, while police registered cases against 14 persons, including the Punjab BJP vice-president, Vijay Sampla, even as the on-going clashes between Jat Sikhs and Dalits assumed political overtones.

While a clash took place this morning in curfew-bound Talhan village and mobs smashed window panes of about 10 buses in Deep Nagar and Paragpur area, the main political opponents Shiromani Akali Dal (SAD) and the BJP sought a

judicial probe into the caste clashes, accusing the Chief Minister, Amarinder Singh of "failing to maintain law and order."

Authorities clamped curfew in areas of Buta Mandi, Bhargo Camp, Abadpura, Siddharth Nagar, Ravi Dass Nagar, Jyoti Chowk and Nakodar Chowk in the wake of overnight violence in several places in the city, police said.

Besides Mr. Sampla, police have booked the district BSP chief, Pawan Tinu, the Dalit Action Committee president, Channu Ram, committee member, Lahori Ram and 10 others on charges of rioting and attempt to murder. — PTI

Quotable quotas

Competitive reservations, that's what the coming elections will be about it appears

GEHLOT'S genie is leading us on a merry dance. Having decided that a pitch for a 14 per cent job quota for the economically backward among the upper castes would be the best way to fend off all criticism about his indifferent record of governance, the Rajasthan chief minister has provided an electoral road map for other political entities in search of silver bullet solutions. Not only has the ever-excitable BJP president, Venkaiah Naidu, responded to Ashok Gehlot's challenge by promising a commission to reserve jobs for the poor among upper castes and Muslims, the Union Cabinet has just been convinced about the need to expand the list of Other Backward Castes in order to bring more communities under the Mandal umbrella.

We would, of course, have had no quarrel with this show of social concern were it not for the fact that it is so obviously and cynically crafted with an eye on elections. For instance, as political commentators have pointed out, the second largest number of additions to the OBC list is with respect to Delhi, which is going to the polls by the end of this year. In any case, with the general election to follow the year after, the ruling coalition is clearly focused on expanding its vote bank through reservations. Some may argue that there is nothing wrong with this, that in a democracy electoral promises must reflect the social aspira-

tions of diverse communities. But, hold on, is this genuine democratic articulation or just lip service to an ideal? Given the Supreme Court-directed ceiling of 50 per cent reservations, this is about slicing the existing pie into ever finer slivers. We may then end up handing over notional reservation to more and more communities even as its impact in terms of bringing about a decisive transformation in these communities get less and less obvious. There's the other danger of the criteria governing such entitlements being made irrelevant, which would ultimately result in undermining the very concept of reservations. All we will be left with then are "quotable quotas", reservations that can be waved about on campaign platforms like a flag.

It will be difficult to reverse this reservation trend, seeing the surge of political energy accompanying it. Certainly an editorial like this one is not going to make a great difference. We can only hope that, sooner or later, voters will see through these quick fix games and punish parties who seek to mislead them by making a mockery of important policy measures. Maybe they have already begun this process. Remember how Rajnath Singh, the chief minister of Uttar Pradesh, came up with reservations for a new category — the most backward castes among the OBCs and scheduled castes — and got an electoral wallop for his pains?

RSS objects to having quota for Muslims

TIMES NEWS NETWORK

New Delhi: The Rashtriya Swayamsevak Sangh (RSS) has reservations about Bharatiya Janata Party (BJP) president Venkaiah Naidu's advocacy of reservation for Muslims. Mr Naidu made the announcement at a recent BJP rally in Rampur.

RSS spokesperson Ram Madhav pointed out on Friday that the economically and socially backward Muslims are already included in the list of Other Backward Classes (OBCs). Further, he stressed that after long debates in the constituent assembly, it was decided that only Scheduled Castes (SCs) and Scheduled Tribes be granted reservation.

Mr Madhav said it was earlier opined that separate Muslim electorates created by the British had led to Partition.

He said that there was need for a national debate on the subject before rushing into more reservations, which could prove to be divisive in nature. "In fact," he said, "we feel there is need to take a fresh look at the entire reservation process. There are still many sections, such as the SCs, who are not benefiting as much as they should from reservations."

9 Castes 4000

Clarify stand on quota, says Congress

HP-11 7/6

By Our Special Correspondent

NEW DELHI, JUNE 6. The Congress today called for a comprehensive and balanced perspective to deal with reservation issues. "We can do without the knee-jerk and piecemeal manner in which the issue has been treated by the Central Government," the party spokesman, Anand Sharma, said.

Calling on the Centre to clarify its stand on the issue, he said it was time for the Centre to commit itself on the constitutional amendment needed to reserve jobs for the poor among the forward castes.

The senior Congress leader, Anil Shastri, said the Cabinet had confused the issue by bringing in

religion. The Congress was for including different minorities among the beneficiaries of the reservation policy. "If the economic criteria can be used for upper castes, then it should be used to benefit the poor amongst the different minority groups."

The Congress also objected to the BJP president, M. Venkaiah Naidu's call for compulsory military training and conscription for the country's youth. "We are not a regimented society, and even NCC is not compulsory," Mr. Sharma said adding that Mr. Naidu's statement reflected the Sangh Parivar's thinking. "It is also wrong to raise such a issue at a time when the Prime Minister is talking of peace and of reopening the peace process with the Pakistan."

Caste clash erupts in Jalandhar, 2 dead

GAJINDER SINGH

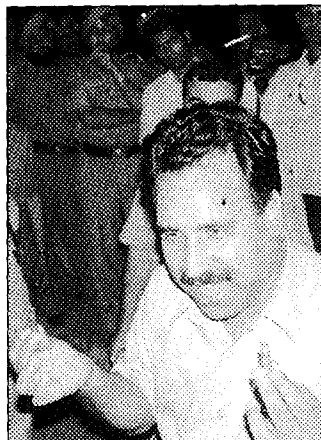
Chandigarh, June 6: Sectarian violence spilled on to the streets of Jalandhar for the first time since Independence after Jats clashed with Dalits in Talhan village on the outskirts of the city late last evening over a dispute at a religious function.

Violence and arson spread to the Buta Mandi area in the heart of the city today, leading to the death of at least two persons. Over 20 people have been injured in police firing and lathicharge. The condition of four of them is stated to be critical.

"The situation is tense in the city but under control. Curfew has been clamped. Apart from sporadic incidents, the situation is under control," senior superintendent of police Virender Kumar said.

Jalandhar mayor Surinder Mahey said efforts were being made to check the spread of violence to other districts. "One person died yesterday, another succumbed to injuries in hospital today," he added.

The trouble began when Dalit youths entered a fair organised by the Jat community in Talhan village. "They gathered near the women's enclosure and allegedly began teasing Jat girls. This prompted the authorities to announce on the loudspeaker that the group was not welcome and should move away from the enclosure. Refusal to do so ended



Mahey shows bullets to police officials after the violence. (PTI)

in a clash between the Dalits and Jats," a police officer said.

Later, local Dalit leaders went to Buta Mandi and delivered fiery speeches vowing revenge, which resulted in arson and clamping of indefinite curfew, he added.

The mob torched two trucks in the area while two buses were set ablaze in the Maksoda locality.

Punjab has witnessed sectarian violence for ages but, till yesterday, it had remained confined to villages and small pockets. A social boycott of Dalits by Jats for allegedly disregarding a gurdwara in Talhan had sparked tension for the past few months. The village is Dalit-dominated

but the Jats enjoy control over the gurdwara.

"It was mostly over the control of a gurdwara. The situation was so tense in the village that the Dalits had even sought the intervention of the National Commission for Scheduled Castes and Scheduled Tribes on the matter. What has happened was expected as the government never took notice about it nor were any precautions taken. After all, the government is Jat-dominated," Talhan resident Cheeku Singh said.

The government deployed the CRPF in Buta Mandi, also a Dalit-dominated area, early today after residents took to the streets, brandishing swords and lathis to protest the killings.

They torched four vehicles and ransacked as many houses belonging to the upper castes.

A district official said violence spread in the morning following demands to deploy the CRPF and suspend the police officers responsible for yesterday's firing.

"The locals had been demanding that Punjab police personnel be removed from their area. They have alleged that the policemen dragged innocents out from their homes and mercilessly beat them," the official said.

Punjab chief minister Amarinder Singh today ordered a magisterial inquiry into the violence in Talhan.

Adding castes ✓

Reservations as a tool to win elections

Political parties have forgotten that elections must be fought on policies and programmes; they find gimmicks both less bother and more rewarding. Hence the mindless recasting of the caste system, to add more backward castes they have crafted and discovering another criterion, economic backwardness. Mandal or kamandal is the only choice on offer. Vision, national interest, development work, performance are strange words to be avoided. The easy way is to break up society into caste or religious divides, give sops to the captive vote banks and sit back and reap the dividends — here is the modus operandi for elections. Rajasthan is in the run-up to Assembly elections, so Congress Chief Minister Ashok Gehlot decides that the way to make inroads into Brahmin and Rajput votebanks, traditional BJP supporters, is to give reservations to economically weaker sections within these upper castes. What will be the criteria for economically weak is not stated. Not ready to be outmanoeuvred the BJP-led NDA government is planning to increase the list of Other backward castes (OBC) in practically all states. OBCs are generally either Congress vote banks or those of regional parties. Therefore by adding more OBC castes to the reservation quotas the BJP hope to counter Congress and help NDA allies. The Centre is also looking beyond the state elections to the Lok Sabha polls next year.

Thanks to the Mandal commission more than 70 per cent seats and jobs are already reserved. If this percentage continues to rise it may soon reach saturation point, the aim of reservations will then be nullified. Those oppressed for hundreds of years should be allowed a push — which was the original aim of the country's founding fathers when they suggested reservations. But after more than 50 years and the mockery to which the concept has been reduced, the whole system needs an overhaul. Even after half a century of reservations for the Scheduled castes and tribes, the lot of these groups is no better. They continue to be treated with disdain by the upper castes. Even those who have made good by sheer hard work are looked down upon as someone who 'got in on a quota'. Only a change in attitudes will help and this is not even thought of. Can we begin here?

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GOVT MULLS LARGER OBC LIST

Caste net on election eve

J. Carver & Co.

Statesman News Service

NEW DELHI, June 3. — With a firm eye on the coming Assembly polls in Delhi and Rajasthan, the Centre is keen on expanding the list of Other Backward Castes (OBCs) in these states and five others, including West Bengal.

The issue, likely to be discussed at the next Cabinet meeting, is being viewed as an immediate riposte to Rajasthan chief minister Mr Ashok Gehlot's recent decision on quotas for the economically weaker upper caste sections.

Mr Gehlot's decision has strengthened the Congress' position among Brahmin and Rajput voters in Rajasthan who traditionally vote BJP. Now if the Centre widens the list of OBCs in Rajasthan and Delhi it could lead to the BJP reversing the electoral advantage in its favour.

New castes are also to be included in the OBC lists in other states such as Andhra Pradesh, Haryana, Karnataka and Orissa. Again, electoral considerations seem to have been kept uppermost in mind. The

Congress expects to do better in Andhra, Orissa and Haryana — particularly the first two — in the Lok Sabha polls. More reservations here could help shore up key NDA allies. Reservations could also help in securing inroads in Karnataka, now under Congress rule.

In Andhra Pradesh, the caste included in the list is the influential Turupa-Kapu of Srikakulam and Vishakhapatnam. In Delhi, the Julaha-Ansaris (excluding the scheduled castes among them), Idrisis, Nadafs and Mansoors are being included.

In Karnataka, some sections of the Gouda or Gowda caste will join while in Rajasthan, the Silawats, including Sompuras and Murthikals, will gain OBC status. In West Bengal, the Nashishukhs and Sherhabidyas join the list.

Two other major issues are likely to come up before the Cabinet. They are the winding up of the Pyrites, Phosphates & Chemicals Ltd and ONGC's purchase of a 25 per cent stake in the Greater Nile Oil Project.

Cong asks PCCs to firm up base, page 4

CASTES THAT BENEFIT

WEST BENGAL: Nashishukh and Sherhabidya

RAJASTHAN: Silawat, excluding the Sompura

DELHI: Julaha-Ansara, excluding the SCs, Idrisi, Nadaf and Mansoor

ANDHRA PRADESH: Turupa-Kapu of Srikakulam and Vishakhapatnam

KARNATAKA: Gouda/Gowda

Justifying affirmative action

By Neera Chandhoke

Reservation is a poor substitute for social justice. But expanding reservation is not about social justice; it is about the games that politicians play when they want to outmanoeuvre their opponents and thereby garner votes.

9. Caste & Reservation

DEMOCRACY HAS proved attractive to scholars and political practitioners for a number of reasons. The main reason is that it is only democracy that allots an equal moral standing to each individual. Inequalities of wealth, status, gender or caste, are seen as morally irrelevant when it comes to citizenship.

However, right-thinking democrats also recognise that since the constituency of democracy is unequally structured, some exceptions have to be made to the rule of formal equality. For instance, people who have been denied their rightful due in history have to be treated with special care and consideration. The point is that exceptions to the rule of equality have to be carefully and consistently defended on normative grounds. This is essential simply because the rest of society has to be convinced that such exceptions are needed in order to fulfil the pre-suppositions of democracy itself, that is equality. Or that every rule that treats a particular group with special care has to be legitimised in the public realm both through reasoned arguments and on moral grounds.

This was the precise case when it came to affirmative action policies for the Dalit community. It was recognised by the first generation leadership in independent India that Dalits are doubly disadvantaged, because in and through history they have been discriminated against both on the grounds of class and caste. Affirmative action policies were accordingly designed to give Dalits their rightful due. Meant initially to be a short-term venture, affirmative action policies have become an enduring feature of our polity for one very good reason: reservation for Dalits has fetched mixed results.

Twenty-seven years ago, I. P. Desai presented the findings of his research on the practice of untouchability in rural Gujarat. In public arenas that were governed by law such as schools and post offices, he told us, untouchability was least practised. Only one school in 59 villages had separate seating arrangements for Dalit children, and only 4 per cent of the post offices practised

discrimination in their transactions with Dalits.

When it came to the private sphere of social transactions, however, matters were different. In 90 per cent of the villages that he surveyed, Desai found that Dalits were not allowed to enter the houses of caste Hindus. Barbers, shopkeepers, and potters kept their distance from Dalits who were continued to be thought of as polluting. They were prohibited from entering temples frequented by caste Hindus. In 10 per cent of the villages that were surveyed, Dalits were not allowed direct access to common water sources. They were dependent on caste Hindus for access to water. Other villages had created separate wells from where the Dalits could draw water. Though discrimination could be found in seating arrangements in the public arena of village panchayats, it was really in the private sphere that untouchability continued to be practised seriously. The world of Dalits has advanced in the sphere of public transactions that are governed by law; but not in the sphere of private relationships — friendship, intimacy, dining together, visiting each other — which lie outside the ambit of the law.

One would have thought that matters would be different today. After all, the last two-and-a-half decades have witnessed the Dalit movement and Dalit parties moving to the centre-stage of Indian politics. The caste question was fore-grounded in public consciousness through the Mandalisation of politics in the 1990s. The Chief Minister of Uttar Pradesh, the largest State in the country, is a Dalit, and the previous President of India was a Dalit. Widely respected Dalit intellectuals have aggressively fought out the caste issue in political and intellectual circles. The Dalit movement has raised, and continues to raise, vexing issues of caste dis-

crimination publicly. Activists have brought those who violate provisions that are meant to ensure the wellbeing of the Dalit community to court, as well as to the Scheduled Castes Commission. A Dalit university has been set up in the country. Prominent Indian literary figures writing in English invariably have a Dalit protagonist as the linchpin of their story. No election can be fought without reference to the caste issue. And Dalit politics has finally generated a politically correct vocabulary in at least the public domain.

Have the Dalits finally come into their own as equal citizens of India? Perhaps yes, and this despite all odds. A more troubling question follows: have the Dalits finally come into their own as agents who possess equal moral standing in the public as well as in the private sphere?

The response to this question is mixed but on the whole pessimistic. For, even today research tells us that despite affirmative action policies in the public sphere, the attitude of caste Hindus has not changed. Whereas all of the Dalit respondents in one recent study were eager to do away with caste stigmatising identity, they felt deeply that they continued to be discriminated against. And while 80.5 per cent of the Dalits expected that their relationship with caste Hindus would be based on equality, the latter did not respond in terms of inviting Dalits to their homes, dining with them or entering into other social relationships. Sixty-six per cent of the respondents reported that they continued to feel humiliated and discriminated against.

This by itself is reason enough for affirmative action policies to continue as far as the Dalit community is concerned. Perhaps the gains of the public will filter into the private realm. There are, of course, ways in which the agenda of affirmative ac-

tion can be reworked in the light of experience. For instance, we need to turn our attention to intra-Dalit inequalities.

It is time the benefits of affirmative action policies trickled down from those who have already benefited to those who have not benefited at all. These are matters that need to be sorted out, but on the whole a fairly strong normative case can be made for continuing affirmative action for Dalits. And such justification is needed for, if there is one fact of Indian politics that breeds resentment in society it is that of reservation. Our public discourse of restitution for historical wrongs has to constantly legitimise Dalit reservation through careful reasoning and moral persuasion.

But justification becomes difficult when it comes to the kind of politics that is practised by our leadership. Look at for instance the decision of the Rajasthan Government to allot reservation to the economically backward among the forward castes. Certainly, the materially deprived have to be looked after, but this can be done through other means, through distributing to the needy a social minimum for instance.

Why resort to reservation when other ways of dealing with poverty can be conceptualised — land redistribution, income generating schemes, free education and health? But that would require the taking of hard decisions, whereas reservation in a rapidly privatising educational system and a shrinking government sector proves a soft option. Reservation is actually a poor substitute for social justice. But then, expanding reservation is not about social justice; it is about the games that politicians play when they want to outmanoeuvre their opponents and thereby garner votes.

Affirmative action in other words has no longer anything to do with giving people what is due to them, or giving to them what has been denied to them by history and by politics. The politics of affirmative action in the Rajasthan case can neither be defended on normative grounds nor on common sense. Reservations arguably are going to become even more contentious than they are today.

Should we extend reservations to the upper castes?

Yes, there are poor people among the upper castes too *(11/12/16)* **No, quotas do not help social integration or improve lives**



Pramod Mahajan
Gen. Secretary, BJP

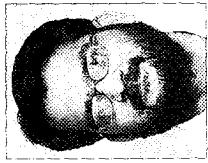
More reservations! People get agitated at the mention of extending reservations to the economically backward among the forward castes. But let's consider the situation rationally. The Indian Constitution created 13 per cent reservation for SCs and 12 per cent for STs. In 1989, with the implementation of the Mandal Commission recommendations, reservations were extended to backward classes by almost 25 per cent. These were a necessity, but there remained a set of economically backward people who did not fit into either the SC/ST or the OBC category. That's why the reservations must be extended to the backward amongst the forward castes.

This new lot will increase reservations by only 10 per cent. It will cover some forward castes such as Jats, Marathas, Brahmins, Lingayats and Vokkalas. More importantly, eight crore Muslims will also be covered. Of course the government must first identify the economically backward classes not covered by the existing reservations. Besides, the Parlia-

claim the same benefits as the OBCs? After all, economic backwardness affects people across caste lines.

The Indian constitution granted reservations for a period of 15 years, to people entering the Lok Sabha and the Vidhan Sabha. But reservations for the socially backward had no time bar. These reservations should, then, be eliminated only when poverty is eliminated.

As told to Rashme Sehgal



Mahesh Daga
Asst. Editor, TOI

whether it is for or against quotas. We all have short memories, but take your mind back to 1990 — when

You can't have it both ways. Once and for all, the party of the righteous must choose — and so must the poor old Congress — whether it is for or against quotas. We all have short memories, but take your mind back to 1990 — when

VP Singh unleashed his Mandal mantra. Who do you think was at the head of the anti-Mandal mayhem? It was the too-holy-by-half BJP, with the Congress a shameful second. And what was the basis of its opposition? Simple. Quotas for the backward classes would implore the Indian polity from within. "Yadav, Kurmi, Koeri... Is there an Indian out there?" It would penalise individual merit and 'institutionalise' mediocrity. "Would you rather your daughter was operated upon by a 'quota' surgeon?" "There was no end to the 'sins' of Mandal. Think of it, even Advani/i got into his Toyota Ram Rath only to heal the 'rift' caused in Hindu society by quotas.

Has anything changed since to warrant a U-turn? Not really. If anything, we now know that Mandal was hardly the great secular upheaval it was made out to be. At best, it caused the growth of regional caste-based fiefs which promoted the interests of the already well-off, or what cowbelt sociologists call the 'rising' middle castes. It neither helped social integration nor improved the lives of the truly dispossessed.

So why does the BJP want quotas? Because today it's at the end of both its wits and a forgettable five-year tenure

in office. Having repeatedly encashed the Hindutva hundi, it has nothing left to go on. There's Modi and his 'miracle' of course, but no one knows whether such savage laboratory experiments can be repeated in the wider world. Here then is the party's ultimate tribute to the Mandal messiah: A 14 per cent quota for the upper caste poor. In defeat, VP had proclaimed that time will prove him right. It has.

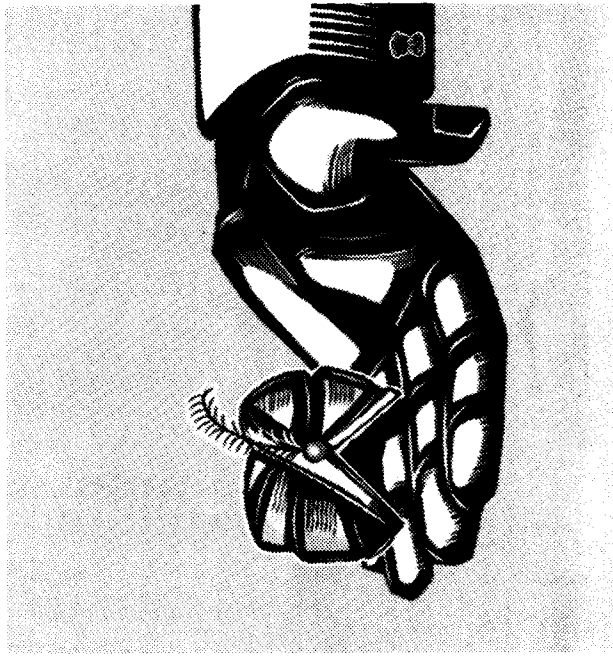
The case for Mandal was based on a lot of history. The 'upper Shudras' — all 3,743 'castes' in BP Mandal's 1980 report — had faced documented discrimination in the past. No one can argue that the poor among the upper castes have suffered likewise.

To be sure, every democracy that is committed to equity and justice needs some form of affirmative action. But affirmative action has never been based, anywhere in the world, on economic status alone. From race to caste, it has always required something more as its justification. In other words, not just poverty but poverty that is the result of other inherent and inherited disabilities.

The case is yet to be made that this fundamental link should be done away with in India. Even if the cry of *Garibi Hatao*, unlike caste, no longer fetches votes.

SUNDAY DEBATE

Deepak Hanchandani



Gehlot rejects PM's assurance on quota

TIMES NEWS NETWORK & PTI

Jaipur: In an attempt to wrest the political initiative back from the BJP, Rajasthan chief minister Ashok Gehlot on Tuesday rejected the Prime Minister's assurance of setting up a commission to work out modalities of job reservations for upper castes. He demanded a constitutional amendment to expedite the matter.

The Centre "must initiate a constitutional amendment to give effect to the principle of reservation based on economic criteria for all sections of society not covered by reservation so far", Mr Gehlot said in a letter to Mr Vajpayee, the contents of which were released to the press here.

Referring to the 1991 office memorandum of the Narasimha Rao government, which provided for 10 per cent reservation for economically backward sections not covered by any existing schemes of reservation but which was turned down by the supreme court, Mr Gehlot said by bring-

Reservation reservations



- Centre must amend constitution to provide for principle of reservation, says Rajasthan CM
- Gehlot's

declaration an attempt to fool the community in election year, says Rajasthan Brahmin Mahasabha

- Demands that socially and economically backward Brahmins should be included in OBC category
- Mahasabha says it will support only that party which backs its demand

ing about the necessary constitutional amendment, reservation on an economic basis could be granted.

The CM's remarks came even as the Rajasthan Brahmin Mahasabha, which is spearheading the movement for reservation for poor Brahmins under the other backward class category, on Tuesday rejected the state government's decision to grant quota for upper castes.

The Rajasthan government's declaration was nothing but an attempt to 'fool' the Brahmin community and was aimed at gaining political mileage during the election year, Mahasabha president Hastimal Saraswat said in a statement here. "Our demand is to include socially and economically backward Brahmins in the OBC category, which the state government itself can do," he said. The Mahasabha would submit another memorandum to the chief minister hoping that 'good sense' would prevail, the statement added.

Panel soon on quota for poor among forward castes: PM

By Neena Vyas

NEW DELHI, MAY 26. The Prime Minister, Atal Behari Vajpayee, has promised his party chief, M. Venkaiah Naidu, that a commission to study and recommend reservation for the economically backward classes currently not covered by reservation will be set up soon.

Back from Jaipur where the BJP adopted a resolution on this issue, Mr. Naidu briefed the Prime Minister on this today and requested that the Government consider the suggestion to set up such a commission. Later he told the press that Mr. Vajpayee had promised a Cabinet decision on this very soon.

Mr. Naidu pointed out that the party itself had adopted a resolution favouring reservation for the economically weak among the forward castes at its national executive committee meeting in 1985 in Bhopal. "Right from the Jana Sangh (the earlier political avatar of the BJP) days the party has been committed to this," he said.

However, he did not accept a suggestion that the BJP was rushing into this as a reaction to the announcement by the Rajasthan Chief Minister, Ashok Gehlot, favouring 14 per cent reservation for the poor among the forward castes and asking the Centre to consider this.

While it is now more than obvious that both the Congress and the BJP are busy scoring political points with an eye on the Rajasthan Assembly elections later this year, it is also clear that the BJP was caught off-guard on this issue which surfaced when the BJP State chief, Vasundhara Raje, met with persistent protests from the Social Justice Front (SJF), a group advocating reservation for the forward communities.

How seriously the BJP views this development in Rajasthan can be gauged from the fact that some of the SJF activists were taken by the party general

secretary, Pramod Mahajan, to meet the Deputy Prime Minister, L.K. Advani, today. The fact is that the BJP which has considerable support among the forward communities has been stumped by the Congress move and cannot afford to be seen not doing anything about this.

In response to questions, Mr. Naidu admitted that a constitutional amendment was needed to reopen the reservation issue. When the new commission was set up it would consider reservation for the poor among the forward castes but the existing reservation for the Scheduled Castes and the Scheduled Tribes and the backward classes would not be disturbed. "This cannot be an issue limited to Rajasthan, it is an issue which concerns the entire country and some sort of political consensus would have to be reached."

To a question he also made it clear that his party was not in favour of reopening the "creamy layer" issue for the SCs/STs and backward classes. (Parliament had overturned a Supreme Court judgment suggesting that reservation for SCs/STs and BCs should be restricted to the poor and needy among them, keeping out the rich and powerful among them.)

If the issue is taken up it would also mean getting round the maximum limit of 50 per cent for all reservation imposed by the Supreme Court and accepted by the Government and all political parties.

Mr. Naidu was asked why the BJP did not withdraw support to the V.P. Singh Government on the reservation issue, why it had not insisted on reservation for the poor among the forward castes at the time when the Mandal Commission recommendations for the backward castes were implemented, and had instead withdrawn support on the Ayodhya issue. His answer was: the "choice was ours".

THE HINDO

9 7 MAY 2003

2 MAY 2003

AFTER GEHLOT, BJP EYES UPPER CASTES

Quotas for poor en route to polls

Statesman News Service

JAIPUR, May 25. — Taking the cue from the Gehlot-government's recent recommendation on quotas for the economically backward among the upper castes, the BJP today called for a commission for the poor so that they may also reap the benefits of reservation. This panel would decide the extent and criteria for such reservations.

Today's resolution at the meeting of the BJP leadership — attended by Mr Venkaiiah Naidu and Mr LK Advani among others — said the party is of the opinion that "a quota should be provided for the economically backward classes" without diluting existing provisions for SCs, STs and OBCs.

Those not covered by current reservation categories include the poor who "need special treatment", the resolution said: "We can call these sections the 'Economically Backward Classes or EBCs'. They should also be brought under some kind of reservation." Since such a provision of reservation for the economically backward will require Constitutional Amendment, the party feels it is first necessary to define what constitutes the EBC to determine the optimum quota. A consensus among all national political parties is also imperative. For this, the BJP has

requested the Centre to appoint a commission which will examine the scope and extent for such reservation.

Mr Pramod Mahajan told reporters later in the day that the government's nod is expected in a couple of weeks. He refuted the suggestion that the move is a ploy to offset the gains of the Congress government with its recommendation for reservation for the upper castes in an election year. "We have favoured reservations for the economically poor along with that for SCs, STs and OBCs since the Jan Saugh days."

Terming his party's decision "historical", Mr Mahajan downplayed the Gehlot government recommendation as "an election stunt". "Gehlot lacks the political will to improve the condition of the poor, for then he would have first convinced his party and then made the recommendation. Moreover, the Congress spokesman has not said anything on the as yet," Mr Mahajan said.

The meeting also outlined the party's strategy for the coming elections in five states. The BJP has decided to go it alone in Rajasthan, Delhi, Madhya Pradesh and Chhattisgarh. Organisational polls will be completed by September in those states which are not going to polls. Mr Advani also said at a briefing that security and development concerns will be the main campaign issues.

THE STATESMAN

26 MAY 2003

*The copy is
in the hands of P. V. Rao*

RESERVATION IN RAJASTHAN

*29/5
11-10*

IN RECOMMENDING 14 per cent reservation for the poor among the upper castes in the State, the Rajasthan Government might have taken a politically calculated decision in what is an election year, but the implementation of the proposal will not be possible without the clearing of several legal and practical hurdles. According to the resolution of the State Cabinet, the 14 per cent quota would be in addition to the existing total reservation of 49 per cent for Backward Classes, Scheduled Castes and Scheduled Tribes. As reservation in excess of 50 per cent is violative of the ceiling laid down by the Supreme Court in the Mandal case, the State Government has forwarded the proposal to the Centre. Clearly, the reservation decision is aimed at preventing the BJP from obtaining political mileage from the agitations organised by the upper castes for reservation based on economic criteria. Already, the Constitutional protection for 69 per cent reservation in Tamil Nadu is pending before the apex court. Without tinkering with the existing reservation quota, it would be impossible to immediately provide for reservation for the poor of the upper castes. And, of course, any such tinkering would renew the social tensions that came to the fore in the days of the pro and anti-Mandal agitations. Thus, the Chief Minister, Ashok Gehlot, decided to ensure that the 14 per cent quota did not cut into the existing 49 per cent reservation, observing that there should not now be any "heartburning" for others over this move.

The reason why reservation in Rajasthan is turning out to be a socially contentious and politically sensitive issue is the recent accommodation of Jats in the Other Backward Classes category. As the Jats, who are relatively better off both economically and socially, were brought into the OBC category, other castes in

the same grouping, more backward than the Jats, feared they would lose out in the race. Also, Rajputs, Brahmins and Vaishyas felt they too deserved reservation like the Jats. While the upper castes started to ask for reservation against economic criteria, those in the lower-end of the OBC category wanted a separate reservation for the "most backward" within the grouping. Not surprisingly, the Social Justice Front, which mooted changes in the reservation system, had supporters from different political parties including the Congress and the BJP. In fact, politicians of different hues attended rallies held by Rajputs and Brahmins demanding reservation for the poor among the upper castes. Indeed, Mr. Gehlot referred to the number of poor people among the Vaishyas as a justification for the quota based on economic criteria.

Whatever the merits of the demand, reservation on economic criteria would run into several practical difficulties. First, there is the problem of enumeration of the beneficiaries. Economic class, unlike social caste, is a porous grouping in continual flux. Moreover, false income certificates are easier to obtain than bogus caste certificates. Additional criteria would have to be formulated to prevent misuse of the reservation for the poor. Even the Supreme Court order to eliminate the creamy layer (comprising the economically well-off among the castes benefiting from reservation) is yet to find acceptance partly because of the difficulties of identifying the creamy layer. But, there is no denying that economic inequality, even without the additional injustice of social discrimination, is debilitating and needs correctives from the state. However, the solution lies in adopting a comprehensive approach to eliminating socio-economic inequalities and not in addressing specific concerns of particular caste groupings.

24 MAY 2003

Quota for votes *HR 6 2/15*

WHETHER IT is reservations for women in legislatures or for the poor among the upper castes, as proposed in Rajasthan, the concept of affirmative action has become a sign of cynicism and a stagnant polity. What began half a century ago as a much-needed measure for the genuinely deprived communities has now become either a belligerent flaunting of sectarian agendas or an uninhibited political game. Unlike the communities which had suffered for centuries, the demands for reservations for the new groups have appeared when they have already overcome much of their earlier disadvantages. In fact, it is their enhanced social and political power, which the scheduled castes and scheduled tribes did not have at the time of Independence, which has enabled the champions of the new quotas to make their claim in so strident a manner.

In the case of the demand now being voiced in Rajasthan, it is clear that the politics of vote banks is at its root. While some people associated with the BJP may have started it, the alacrity with which the Ashok Gehlot govern-

ment has accepted it shows that no party is immune to the machinations of the various pressure groups when elections are due in a few months' time. In caving in to these demands for fresh reservations, the government has demonstrated its unwillingness even to explain the absurdity of such measures at a time when the downsizing of various departments are routinely advocated. Besides, it has long been clear that quotas fail in any significant way to advance the status of the beneficiaries as a whole. Instead, a privileged group or a 'creamy layer' makes its appearance which evinces little concern for those who are left behind.

The cynicism behind the Rajasthan government's move is all the more apparent since the demand for the reservations has taken the percentage of quotas in the state beyond the 50 per cent limit set by the judiciary. Only a constitutional amendment can enable the state government to provide the jobs to the new groups. But no such step is in the offing. In effect, therefore, the Gehlot government is not really interested in ameliorating the conditions of the poor among the upper castes, but only in passing the buck.

23 MAY 2013

Rajasthan offers job reservation for upper castes

9. Caste & Bania

Gehlot checkmates BJP on poll eve

TIMES NEWS NETWORK

Jaipur/New Delhi: The Rajasthan cabinet on Wednesday decided to provide 14 per cent job reservation to the upper castes on the basis of their economic background and ask the Centre to make appropriate constitutional amendments.



A. Gehlot

The cabinet decided that upper castes like Bramhins, Rajputs, Vaishyas and others should be given reservations without disturbing the quota—49 per cent—currently enjoyed by STs, SCs and OBCs. The cabinet recommended that the upper castes should be provided with 14 per cent reservation over and above this 49 per cent.

This move by the Ashok Gehlot government follows recent agitations by Brahmins and Rajputs.

With assembly elections in the state due at the end of the year, the state government's decision could not have come at a worse time for the BJP. Senior BJP leaders in New Delhi stressed that Mr Gehlot would not be able to implement his decision unless the Vajpayee government took the initiative in parliament to amend the constitution to permit reservation in excess of the 50 per cent ceiling.

At present only Tamil Nadu has reservations above that ceiling.

Till the constitutional amendment takes place, the issue will help the Congress, even as the recently-formed Social Justice Forum—one of whose leading lights is BJP MLA Devi Singh Bhati, and which has been making precisely this demand—continues to disturb BJP chief ministerial candidate Vasundhara Raje's Parivartan Yatra. She

had already set up a committee under Lalit Chaturvedi to examine the forum's demand.

BJP sources said an emergency meeting of state leaders would be held in Jaipur on May 24 to discuss the party's response to the Rajasthan government's googly. This will then dominate discussion at the central office-bearers' meeting already scheduled for May 25 in the city.

On Wednesday, state BJP leader Ramdas Aggarwal tried to put up a brave face on the matter. "The state government's commitment," he said, "has no value unless the Congress' central leadership supports it. Otherwise, these communities don't benefit from this decision."

But BJP sources added that backing Mr Gehlot's decision could prove to be a "double-edged sword". One, they admit, Mr Gehlot's belonging to the OBC community of Malis had helped the Congress consolidate the 30 per cent-odd OBC vote in Rajasthan. Simultaneously, with Wednesday's announcement, the Congress could make a bigger dent in the close-to-40 per cent upper caste Brahmin-Rajput-Bania vote, of which a larger chunk has traditionally been with the BJP.

So, if the BJP backs Mr Gehlot, the Congress chief minister can still claim more credit.

On the other hand, the BJP has yet to assess what support for a decision to benefit the upper castes will do to its own desire to get a larger share of the OBC vote, which now includes the powerful Jats.

In the last Lok Sabha polls, the BJP, by making a demand for reservation for the Jats, had damaged the Congress and won 16 of the 25 seats in Rajasthan against its earlier total of five. For Mr Gehlot, this is pay back time.

22 MAY 2003

THE TIMES OF INDIA

Mayawati introduces quota in Judiciary

Press Trust of India

LUCKNOW, May 7. — The Mayawati government in Uttar Pradesh has introduced reservation in judiciary with the appointment of presiding officers in the labour courts and industrial tribunals under the new quota. "The vacant posts in the labour courts and industrial tribunals would be filled up by the candidates of Scheduled Castes, Scheduled Tribes and OBC nominees within two weeks as the government has extended reservation up to 50 per cent (in that sector of judiciary)," Mr Dharam Pal, minister of state for labour, said today.

The facility has been extended through a government order issued last month by amending the rules of 1996, he said.

Mr Pal said 21 per cent of the posts would be reserved for

Dalits, 27 for OBCs and two for STs. He said there were nine vacancies in labour courts and industrial tribunals and they would be filled up under the new reservation formula.

Retired judges and members of higher judicial services and state judicial services are eligible for appointment as presiding officers in these courts. The minister hoped that through this arrangement, the oppressed and the downtrodden would have better access to these courts.

The Congress criticised the move as a "gimmick" and said the government should have consulted all parties as the issue of reservation in judiciary was a sensitive one. UPCC spokesman Mr Akhilesh Pratap Singh said: "Miss Mayawati is more interested in showing that her party is sticking to its agenda and is not sincere about providing

reservation."

The chief minister had written to the Prime Minister last week demanding extension of reservation in private sector and judiciary and said that her government was consulting the law department in this regard.

Mr Pal said the proposal for reservation in the judiciary was mooted during Mr Rajnath Singh's tenure as chief minister. But the proposal could not be implemented but could not be given a final shape because the model code of conduct had come into effect with the announcement of the Assembly elections. The minister, who is from the BJP, termed the move as a "major achievement" of the government.

Earlier, the Mayawati government had come under attack from the BJP for trying to introduce reservation in sports hostels.

Govt defers Women's Bill on OBC backlash

Our Political Bureau
NEW DELHI 6 MAY

THE OBC insurrection on Tuesday forced the government to backpedal on the women's reservation Bill. The backtracking followed threats of open rebellion by NDA's OBC leaders such as Nitish Kumar, Sharad Yadav, as well as other constituents like the Shiv Sena, DMK and INLD.

With active support of a section of the Opposition, led by the two Yadavs — Mulayam Singh and Laloo Prasad — who vowed that they'd go to any length to block the legislation, the government had to beat a hasty retreat in the Lok Sabha on Tuesday.

The outcome is seen as a personal setback for parliamentary affairs minister Sushma Swaraj, who incurred the wrath of the NDA constituents for springing

the legislation on them without even the basic courtesy consultation. Ms Swaraj, of course, denied the charge. "There's no question of ignoring any allies. I had spoken to Samata leaders George Fernandes and Nitish Kumar, and JD (U) chief Sharad Yadav on Tuesday morning."

Mr Kumar and Mr Yadav said they had some reservations that they'd like to express during the discussion on the Bill. But all of them were ready for a discussion," she said, adding that "in any case the Bill, in its current form, was part of the NDA's national agenda for governance".

Shaken by the day's events, Ms Swaraj conceded defeat. "There is no chance of the Bill being taken up for discussion and voted upon in the 13th Lok Sabha," she told newsmen on Tuesday evening. With the existing Bill — which seeks to reserve 33% seats in the

make it incumbent upon political parties to earmark 33% seats for women found a merit. BJP chief whip V.K. Malhotra wondered if it were possible to increase the strength of the House by a third so as to facilitate reservation of 33% seats for women. This will mean, he said, that a third of the Lok Sabha's present strength will have to be double-member seats.

Privately, most leaders concede that in view of the intransigence displayed by a section of the NDA, as well as the Opposition, the present Bill is good as dead, leaving the parties with no option but to look for other ways to empower women.

The issue was raised as soon as the House assembled for the day, with angry members of the SP, RJD, Shiv Sena, Samata Party and JD (U) demanding suspension of the Question Hour to en-

able members to express their views on the Bill. The Speaker agreed. It was Congress deputy leader Shivraj Patil's utterances that brought the SP and the RJD members to the well of the House. "We're always for protecting the interests of the weaker sections of the society," he said, amidst repeated interruptions from the SP-RJD flock. "If we concede to their demand, the secular character of our Constitution will be lost and it'll become casteist."

No sooner had he uttered these words than Mr Mulayam Singh Yadav rose in protest, gestulating wildly towards the Congress benches. This was the signal for his party colleagues, who rushed to the well again, with the RJD members in tow. Three women MPs from the Congress, Santosh Chowdhury, Margaret Alva and Girija Vyas, followed them there.



Bill-ET Doux : RJD president Laloo Prasad Yadav and Rajya Sabha MP Shabana Azmi outside Parliament House on Tuesday. — AP

Lok Sabha and state legislatures for women — being put in cold storage and the government indicating that it will not take any more steps to hammer out a consensus, it's now up to Speaker

Manohar Joshi to work out a consensus. At a meeting of parliamentarians convened by Mr Joshi, two more proposals were mooted. While the Election Commission's suggestion to

Mayawati wants more power for Dalits

STATESMAN NEWS SERVICE

NEW DELHI, May 3. — Miss Mayawati, today demanded proportionate representation to Dalits in ministries at the Centre and states as a price for her support to the proposed NDA Bill that seeks to limit the size of ministries to 10 per cent of the strength of the House.

The UP chief minister said she had already instructed the BSP leader in the Lok Sabha, Mr Rashid Alvi, to support the two Central bills — on anti-defection law and limiting the size of the ministry — but demanded proportionate representation to Dalits in the council of ministers.

But for this qualified support to these proposals, Ms Mayawati today appeared more confident than on earlier occasions and backed the saffron agenda, including a Bill to ban conversions and a national ban on cow slaughter. She was addressing journalists on the occasion of completion of one year of BSP-BJP rule in UP. She seemed to be lenient to the Trishul but tough on the sword and promised to take action against Samajwadi leaders if they organised any public display of swords as the SP general secretary, Mr Amar Singh, did in the capital recently. Swords used by Sikhs as religious symbols were different

Maya Madam

LUCKNOW, May 3. — Shooting of a film based on the life of Ms Mayawati, *Maya Madam*, will start in the next few days and is expected to be completed within 90 days. The film will also espouse the Dalit cause and women empowerment, its producer Harish Kumar said here today. Bollywood artistes have been roped in to act in the film, which would be "commercial" in nature with a budget of Rs 25 crore. He refused to reveal the heroine's identity. The role of BSP supremo Mr Kanshiram will be played by leading TV actor Alok Nath. — PTI

from the swords used by SP leaders, she clarified.

She asserted that she held the same view as Mr LK Advani, who reportedly admonished the VHP for the "Trishul Diksha programme". She also said that she was "not foolish" like the Rajasthan chief minister, Mr Ashok Gehlot, to make an issue of this and "make the VHP leaders heroes".

A confident Miss Mayawati today brushed aside a query on whether the BJP was a Manuvadi party. The party had changed after coming into close contact with the BSP, she said.

UP is likely to introduce quota in private sector

TIMES NEWS NETWORK

9/5 J. Conin & P. Mishra

Lucknow: Chief minister Mayawati on Saturday announced that her government would soon formulate a job reservation policy for the private sector in Uttar Pradesh.

"The issue is top on my list of priorities," Ms Mayawati said on the completion of one year in office. She said the matter had already been referred to the law department and advocate-general S.C. Mishra to study the legal aspect.

Though she refused to go into details, she dropped enough hint about giving facilities to industries willing to abide by the job reservation policy. The chief minister, however, refused to believe that it would be counterproductive for the already tardy industrial growth in the state.

"This is not correct," she argued and told newsmen that they should not be swayed by any pre-conceived notions. "Talent is everywhere, and as a government, we need to ensure equal opportunities to all without any caste discrimination," she said.

"I have already written a letter to this effect to Prime Minister Atal Bihari Vajpayee and requested him to make a Central policy for job reservation to SC/STs in the private sector and in the judiciary as well." This was in addition to her demand for reservation to SC/STs in the Rajya Sabha and the state councils, and also for increasing the number of reserved constituencies in proportion to their population, which has gone up manifold under the ongoing delimitation process initiated by the Election Commission.



Chief minister Mayawati addresses a press conference in New Delhi on Saturday on the occasion of the completion of one year of her government in Uttar Pradesh

Ms Mayawati looked back with satisfaction on her one year in office. "The situation was pretty bad on the law and order and financial fronts when I took over on May 3, 2002. The challenge, she admitted, was an acid test of her ability, especially in a government being run by the BSP and the BJP, poles apart in their ideologies.

But despite such odds, she proudly claimed that the government did a good job. While tax recovery of Rs 12,575 crore was an all-time high in post-independent UP, there was a record drop of 97 per cent in all types of crimes in the last one year. Not only this, the government was able to cut down the government's expenditure by Rs 600 crore,

she claimed.

She attributed her government's success to the common minimum programme with emphasis on development and improvement in the law and order situation. And for a change, she was kind to her ally, the BJP, whose support she cherished as valuable for delivering the goods.

However, to the criticism for squandering public money on the Swabhiman Diwas and Dr Ambedkar Jayanti by her government, she said it only showed political bankruptcy. There was no question of diluting the BSP's stand on this count, which she said, was committed to the uplift of the oppressed sections of society.

21 MAY 2003

THE TIMES OF INDIA

AFTER GEHLOT, BJP EYES UPPER CASTES

Quotas for poor en route to polls

Statesman News Service

JAIPUR, May 25. — Taking the cue from the Gehlot-government's recent recommendation on quotas for the economically backward among the upper castes, the BJP today called for a commission for the poor so that they may also reap the benefits of reservation. This panel would decide the extent and criteria for such reservations.

Today's resolution at the meeting of the BJP leadership — attended by Mr Venkaiah Naidu and Mr LK Advani among others — said the party is of the opinion that "a quota should be provided for the economically backward classes" without diluting existing provisions for SCs, STs and OBCs.

Those not covered by current reservation categories include the poor who "need special treatment", the resolution said: "We can call these sections the 'Economically Backward Classes or EBCs'. They should also be brought under some kind of reservation." Since such a provision of reservation for the economically backward will require Constitutional Amendment, the party feels it is first necessary to define what constitutes the EBC to determine the optimum quota. A consensus among all national political parties is also imperative. For this, the BJP has

requested the Centre to appoint a commission which will examine the scope and extent for such reservation.

Mr Pramod Mahajan told reporters later in the day that the government's nod is expected in a couple of weeks. He refuted the suggestion that the move is a ploy to offset the gains of the Congress government with its recommendation for reservation for the upper castes in an election year. "We have favoured reservations for the economically poor along with that for SCs, STs and OBCs since the Jan Sangh days."

Terming his party's decision "historical", Mr Mahajan downplayed the Gehlot government recommendation as "an election stunt". "Gehlot lacks the political will to improve the condition of the poor, for then he would have first convinced his party and then made the recommendation. Moreover, the Congress spokesman has not said anything on the as yet," Mr Mahajan said.

The meeting also outlined the party's strategy for the coming elections in five states. The BJP has decided to go it alone in Rajasthan, Delhi, Madhya Pradesh and Chhattisgarh. Organisational polls will be completed by September in those states which are not going to polls. Mr Advani also said at a briefing that security and development concerns will be the main campaign issues.

26 MAY 2005

THREE PRONGED

199 G. D. 9 Belina J. P. H. 14
Religious extremism, like political extremism, borders on the bizarre, but such is its zeal that it stops at nothing. The leader of the Vishwa Hindu Parishad, Mr Praveen Togadia, is a good example of this generalization. After the pogrom of Muslims in Gujarat, he threatened to replicate it in other states. On Sunday, in Rajasthan he carried out another kind of experiment. He carried out a *trishul diksha* ceremony in Ajmer despite a government ban on the distribution of tridents. Mr Togadia defied a prohibitory order by leading a procession of 3000 Bajrang Dal activists. He was subsequently arrested under the Arms Act but not before he had distributed trishuls to over 600 members of the Bajrang Dal. While his arrest is to be welcomed, the fact that he was not stopped from doing what he had set out to do suggests a certain weakness on the part of the state administration. Mr Togadia was deliberately trying to provoke the administration and to spark off a confrontation. A confrontation with Mr Togadia and his cohorts would provide them with an excuse to precipitate violence. The state administration decided not to take any risks. With assembly elections looming large, the Congress government in Rajasthan cannot afford to ignore Hindu opinion. This is Mr Togadia's politics of blackmail.

Mr Togadia's defiance of the law shows that he considers himself either to be above the law or beyond the pale of civil society. This point needs to be underlined for those who claim Mr Togadia to be a participant in the practice of democratic politics. Mr Togadia's religious credentials are equally dubious. Nowhere in the traditions and the rituals of Hinduism is there anything like trishul diksha, Mr Togadia's new-fangled celebration of violence. The whole exercise is aimed at building up greater militancy among the faithful so that they are in a position to strike terror among the minorities. Mr Togadia has no other agenda. He has no respect either for the Constitution or for the traditions of the religion that he claims to uphold. Mr Atal Bihari Vajpayee, the prime minister, has spoken more than once against religious and political extremism. But in most parts of north India, extremism is a threat that emerges from the wider political formation to which Mr Vajpayee pledges allegiance. Beyond words, Mr Vajpayee has taken no steps to quell this kind of extremism. This has indirectly encouraged men like Mr Togadia. A few days as the state's guest in judicial custody is no guarantee that he will be reformed when he is set free. Fanatics seldom, if ever, change their spots.

15 APR 2003

Caste cry at Cong's tame-Togadia rally

SUDHANSU MISHRA

Ajmer, April 20: The Congress today sought to capitalise on the arrest of Praveen Togadia by launching its election campaign at a massive rally this evening in the city, outside which the VHP leader was taken into custody exactly a week ago.

The mood of the speakers was upbeat at Patel Maidan, less than half-a-km from Ajmer Central jail where Togadia has been kept in judicial custody, but the spirit took a blow as a group of Gujjars punctuated proceedings by shouting for a status revision.

About 30,000 people drawn from the rural areas of the four districts of Ajmer division backed the point speaker after speaker made about people needing relief, employment, water and electricity in the drought-hit state rather than tridents.

But over a hundred aggressive youths in the front rows struck a discordant note by frequently interrupting speakers to demand Scheduled Tribe status for the Gujjars community, which is at present an OBC.

The youths suddenly brandished banners and placards and started shouting slogans when state party president Girija Vyas

took the mike. The group aggressively moved towards the dais as all appeals by leaders failed to pacify them.

Vyas handed over the mike to Rama Pilot, MLA and wife of late Rajesh Pilot, a Gujjars leader, hoping her appeal would help restore peace, but in vain.

Labour minister Govind Singh Gujjars, who comes from Ajmer district, went up to the demonstrators, but he, too, was sent back.

The ruckus subsided only when Seva Dal volunteers and police allowed their representative on the dais to convey the demand personally to chief minis-

ter Ashok Gehlot.

But they continued to heckle the speakers, including AICC general secretary in charge of Rajasthan Ambika Soni, who tried to calm them by assuring that the government had agreed to look into their demand.

The commotion climaxed when Gehlot came to speak last. Peace was finally restored when the police forcibly took away the most vocal demonstrators.

The main target of the speakers — among them general secretary Ghulam Nabi Azad, former Lok Sabha Speaker Balram Jakhhar, AICC joint secretary V.K. Hari Prasad, three former

chief ministers, Cabinet ministers and the state Youth Congress chief — was Togadia and the VHP and the BJP's "communal and divisive" policies.

Soni hoped Togadia would return to Gujarat after his release instead of trying to vitiate the communal harmony in the state. Gehlot iterated that law would take its course if anybody tried to break the law.

"Gujarat would not be allowed to be repeated in Rajasthan," he declared.

They also targeted the Centre for its "failure" to provide adequate assistance to drought-hit Rajasthan. Azad called it politi-

cal discrimination.

Azad, Soni, Gehlot and Vyas asserted that party president Sonia Gandhi had presided the Centre to release whatever assistance had come from Delhi.

The leaders urged the people to support the Congress in the Assembly elections in view of its positive attitude, fulfilment of promises and overall development of the state.

The chief minister came down heavily on the BJP leaders for trying to block Central assistance for drought relief fearing that it would enhance his government's popularity.

APR 20 2003

16 APR 2003

Dalit threat to Gujarat conversion law

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tbrace Buddhism.

They claim that conversion is their
fundamental right.

The Bahujan Sangarsh Manch, an
organisation that has been fighting for
the rights of Dalits, had described the
Bill as a "conspiracy to perpetuate
their oppression".

The convener of the Manch, Valji-
hai Patel, the most vocal opponent of
the anti-conversion law, intends to pro-
voke the government to take action
against them by organising the mass
conversion.

The provisions of this law are
stricter than those of the anti-conver-
sion Act passed in Tamil Nadu.

The Tamil Nadu law requires just
the person conducting the ceremony to
inform district officials about the con-
version.

But in Gujarat anyone willing to
convert is required to seek prior per-
mission from the district collector who

will decide whether permission can be
granted.

The Dalits, bent on defiance, plan to
send thousands of telegrams to the
chief minister and district officials to
inform them about their intention to
convert. "We will not seek their per-
mission to embrace Buddhism. We will
just inform them. We will tell them that
they are free to take whatever action
they want to take," Patel said.

A Christian delegation from the
state and the National Commission for
Minorities had also objected to the pro-
vision that made it mandatory for con-
versions to be approved by the district
collector.

The Manch, a voluntary organisa-
tion, has decided to challenge the law
in the high court once the rules are
framed and published in the state
gazette. The government is in the
process of framing the rules.

"We are just waiting for the rules to
be framed. Once the process is over, we
will work out our strategy to challenge
the law by whatever means we can,"
Patel said, asserting that conversion
was a fundamental right.

The Dalit leader said the proposed
mass conversion would not be a "polit-
ical stunt" but a well thought-out strat-
egy to get rid of the "oppressive Hindu
caste system".

He said the Hindu religion had de-
prived the Dalits of their basic rights
and now, by making anti-conversion
laws, the government wants to ensure
that they do not get out of the oppres-
sive and hierarchical caste system.

Dalits constitute 7.5 per cent of
Gujarat's population. The state, ac-
cording to the National Crime Record
Bureau, ranks third in terms of atroc-
ities committed against backward
classes.



Narendra Modi

On Ambedkar Day, Shinde flaunts Dalit link

NEWS & AGENCIES
MUMBAI/CHANDIGARH,
APRIL 14

THE first Dalit Chief Minister Sushilkumar Shinde of Maharashtra today led the state in paying homage to Dr B.R. Ambedkar on the occasion of his 112th birth anniversary celebrations here. Shinde visited the historic *deekshabhoomi*, where Ambedkar embraced Buddhism in 1957, and paid floral tributes.

Speaking on the occasion, the Chief Minister said his elevation to the coveted post was possible due to the vision of Ambedkar who did everything to uplift the Dalits and downtrodden of the society. "I am excited to pay a visit to *deekshabhoomi* today on the occasion of his birth anniversary," he said, adding, "I will not lag behind in extending support to the memorial."

In Chandigarh, as many as



President A. P. J. Abdul Kalam and Congress president Sonia Gandhi at Parliament where Ambedkar's portrait was unveiled on his 112th birth anniversary on Monday. PTI

100 people, mostly scavengers, the Dalits, at a ceremony in embraced Buddhism and 10 Balmiki Ashram. Fifteen people converted to Christianity, 10 of them converted to Christianity. A Buddhist monk gave *deekshita* to

unity. The converts also

Naidu leaves in huff

HYDERABAD: Andhra Pradesh Chief Minister N. Chandrababu Naidu was forced to leave a function, organised to celebrate the 112th birth anniversary of Dr B. R. Ambedkar on Monday, in a huff, amid sloganeering by Dalit activists.

The agitating activists were protesting against the appointment of a junior IAS officer as the state's Chief Secretary, depriving a senior Dalit IAS officer of the chance. —PTI

All India Confederation of SC and ST Organisations national chairman Udit Raj alleged: "Serrites of atrocities have been committed on Dalits in Haryana. This has compelled us to resort to conversions. Discrimination on caste basis is so rampant in the country that it justifies that Dalits quit the religion."

In Mhow, MP, the NDA Government drew flak from Ambedkar followers for "rejecting" a proposal to rename the leader's birthplace, Mhow, after him. At a gathering of Ambedkar supporters, a resolution, moved by state Minorities Commission member Indresh Gajbiye, was passed condemning the Union Government for "rejecting" the proposal to rename the birthplace after Ambedkar.

pledged to worship buffalo instead of the cow at the ceremony which started with worshipping of a buffalo.

Addressing the gathering

Dalit issue raises no concern

The brisk business conducted in both Houses last week left one wondering whether the members were indeed involved in the proceedings. In the Lok Sabha, there was no business left to transact in the last two working days — 12 and 13 March — after the discussion on the Budget ended with the finance minister's reply.

The slot was filled by including discussions on drought and atrocities on Dalits. And the discussion on drought was no better than what the House had witnessed in the previous winter session.

Participants such as Mr HD Deve Gowda, former Prime Minister and a farmer himself, questioned the

Centre's failure to tackle the situation.

It's a sad commentary on our Parliamentarians that only a few members from upper castes spoke on atrocities on Dalits, most of the speakers were Dalits themselves.

If upper caste members were shy of participating in the discussion, floor leaders of major parties such as the BJP, Congress and CPI-M should have fielded colleagues from upper castes to speak on the subject. But this did not happen.

Mayawati tapes reverberated in

the House on the all four working days. The Opposition, particularly the Samajwadi Party, raised the issue. But the House could not take it up because the Opposition and the government failed to agree on the mode of the discussion.

The Opposition wanted the debate under Rule 184 or 193, but the government was for a calling-attention motion that would lead to a short-duration discussion.

A private member resolution urging the Centre to pass legislation banning cow slaughter was shot

down by a determined Opposition. Led by Mr Shivraj Patil (Congress), Opposition members argued that banning cow slaughter was a state subject and the Centre had no right to pass legislation on it.

When parliamentary affairs minister Mrs Sushma Swaraj said it was a mere resolution and not a Bill, Mr Patil shot back saying the resolution spoke of passing a legislation. The resolution was finally withdrawn.

In the Rajya Sabha, the much-awaited discussion on the CVC Bill did not take place, though the Bill was listed for discussion and passage. The House may take up the Bill after the Budget session resumes on 7 April.

week in PARLIAMENT

17 MAR 2003

Fighting Barista Brahminism?

WHEN members of the Vishwa Hindu Parishad assembled in New Delhi last week they complained that they were treated with scorn. They said English-speaking secularists made fun of them. They said they were ridiculed by the 'Macaulayist' media.

The VHP-Bajrang Dal has, over the last decade, added a new enemy to their list of evil influences on Hindu rashtra. Not just the Muslim and the Christian, but also the 'English speaking' 'western educated' class, exemplified in the persona of the 'secularist'. The secularist is not recognised merely by his stance on the Babri masjid or the Shah Bano case or on terrorism. Instead, a secularist is anyone who listens to western music, eats in Italian restaurants or does not sport a tilak and dhoti. A secularist is an upper caste individual employed in a corporate job or the private sector. As Pravin Togadia never tires of saying, "Our enemies are the Three Ms: Muslims, Macaulayists and Marxists." Togadia hates secularists but loves the fact that they exist because without them he would lose his "son of the soil" appeal. "Please argue with me," he pleads.

Yet Togadia's critique conceals the increasing class and caste anger of the VHP. The VHP's new definition of 'Brahminism' is anyone who is urban, educated and drinks cappuccino at Barista. As a VHP worker said, "Today we may riot against Muslims, tomorrow we will fight against Brahmin dogs if the need arises."

When the VHP was first formed in the sixties as a loose organisation to feed into the programmes of the RSS and strengthen Hindu feelings among the diaspora, among its founders were Brahmins like K.M. Munshi and Ramaprasad Mookerjee. Subsequently during the Ramjanmabhoomi movement, caste differences were suppressed in the overall mission of creating a Hindu monolith. But over the last decade, the VHP has become transformed from an organisation of traders,



The VHP and the rise and rise of 'Shudra Hindutva'

■ SAGARIKA GHOSE

petty industrialists and provincial bureaucrats to a grouping whose cadres are made up predominantly of Other Backward Castes (OBCs). As Manjari Katju writes in the recently published *Vishwa Hindu Parishad and Indian Politics*, "with change in social composition, the VHP's language of mobilisation changed, from mild socio-religious criticism to a vitriolic attack on the entire social and political ideology of the state".

As part of the deliberate campaign of 'social engineering' and bringing lower castes back to the Hindu fold, the VHP-BD is as much a party of Shudras as it is of Brahmins, for whom strident oratory is in fact a deliberate drama enacted to gain votes and

per-caste, anti-English and anti-metropolitan. In the VHP's terms, even BJP members like Jaswant Singh or Arun Jaitley or Arun Shourie or even Vajpayee himself are all the 'secularist' enemy.

Today certain VHP workers claim a self-image akin to the revolutionaries of the French revolution, who guillotined the elite on the street. "Why do you accuse us of being violent? Didn't the French kill their rajas and ranis?" Some VHP members say that their hero is Parashuram, slayer of upper castes. They speak of the need to fight the "new Brahmins", who must be "fought because of their monopoly on English-language education, employment and access to international careers". While the

more anti-Muslim than Brahmins precisely because their professions place them in direct competition. A Muslim artisan's or a Muslim tailor's main competitor is not the Hindu Brahmin or the Hindu Kshtriya but the Hindu OBC.

Many OBC fortunes have been made by membership in the VHP or Bajrang Dal. The BJP's trishul distribution campaigns in Rajasthan are taking place among OBCs, apart from Dalits and Advaitas, with the promise to hand them Kshtriya status and an avenue for upward mobility. Membership in the VHP thus provides a higher caste status in the Hindu hierarchy. Also, OBC youth who fail their school-leaving examinations or suffer academically because of the lack of English, can often find employment in the VHP. There are many instances of ABVP activists or Reddy businessmen not only becoming affluent through membership of the VHP but also acquiring liquor contracts, real estate and licences to set up private colleges.

The Congress has failed to understand OBC aspirations. The OBC parties led by Laloo Prasad Yadav and Mulayam Singh Yadav are in mutual competition with the VHP, but one only has to cast one's eye at the chic Diggy Raja to the Scindia scion, to trendies like Aiyar, Soni, Alva and Nath, to realise that the leadership of the Congress is still suvarna and paternalistic. The restless new cadres powering their way into the VHP and the BJP cannot be won over by pointing them towards Kabir's pluralism or the excellent bhajans of Mirabai. What they are looking for is a counter-identity that provides social status, seats in Parliament but, most importantly, the jobs and privileges of the English-speaking class. They may not ever get these jobs, but the VHP provides, at least, a place in the social sun. Togadia who grew up in an Ahmedabad chawl may never get to play tennis at the Delhi Gymkhana but being in the VHP has guaranteed him a place in a television studio.

The VHP was once obsessed with bridging caste divides. Now it increasingly sees itself as anti-upper caste and anti-English educated

social recognition.

Take a spot poll. Earlier generations of the VHP leadership may have been Kayastha like Giriraj Kishore or Bania like Ashok Singhal. But new generations are all OBCs or Shudras. Pravin Togadia? Patel, sometimes classed as 'Backwards'. Narendra Modi? OBC. Uma Bharti? OBC. Vinay Katiyar of the Bajrang Dal? OBC. Acharya Dharmendra? OBC. Sadhvi Rithambhara? OBC. Kalyan Singh? OBC. The VHP is thus, today, a movement that has been described by a Dalit historian as a movement of 'Shudra Hindutva'. VHP Hindutva was once obsessed with the aim of bridging caste divides in the creation of the Hindu vote. But now it increasingly sees itself as anti up-

RSS may be made of genteel Brahmin patriarchs, the Shudra Hindutva of the VHP is a violent protest movement against all elitism, a social revolution aimed to snatch power from the speakers of angrezi and the wearers of bell bottoms. "Shudra Hindutva" is not only fiercely competitive with Muslims but also enraged at being left out of the new economy.

In the anti-Muslim riots in north India in the eighties, Kurmis, Jats and other OBCs formed the main fighting force. The VHP cadres in Gujarat are predominantly OBC. It was the OBCs in the Gujarat Bajrang Dal, not Brahmins or Banias, who were the frontrunners of the attacks against Muslims. OBCs are seen to be

HD-10

EBBING MORAL AUTHORITY

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BY CHOOSING TO drift on a course of soft options, the Kerala Government virtually set the stage for the violent culmination of the agitation organised by the Adivasi Gothra Maha Sabha at the Muthanga range of the Wayanad Wildlife Sanctuary. Lacking the political will to act against the settlers and restore the land alienated from the Adivasis, the State found itself devoid of the moral authority to evict the activists of the Sabha who had occupied forestland and declared self-rule on January 3. Having failed to keep the promise to distribute forest areas to the tribals by December 2002, the A.K. Antony Government was torn between sympathy for the displaced tribals and the need to uphold the rule of law. Nothing was done for 45 days. Not surprisingly, the administration, which took a lenient view of the situation created by the agitation, was unprepared for the hostage-taking by the activists that led to the violent confrontation with forest guards and police personnel and ended in the death of a tribal and a constable.

The Muthanga violence has pushed to the background the original issue of restoration of Adivasi land under the Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Act of 1975. While willing to recognise Adivasi claims, the Government is not inclined to move against the settlers who cheated the tribals of their ancestral land and raised plantations. The Kerala Chief Minister, A.K. Antony, by way of ending a protest by the Sabha activists outside the Secretariat in October 2001, had promised five acres of land to each tribal family. The Government would rather violate conservation laws than take on the powerful hill settlers. In the case of the Wayanad tribals, the State Government's proposal to resettle them in forest areas came in conflict with the Centre's Forest Protection Act. The Union Ministry for Forests and Environment wanted the State to evict the tribals from the sanctuary. Indeed, Mr. Antony, had to write to the Union

Minister, T.R. Baalu, that force would be used only as a last resort to evict the tribals. Eco-activists and political parties were also ranged against the agitation, as there were reports of encroachers killing animals. Ironically, the Sabha activists, fighting for the rights of tribals, found themselves at the opposite end of progressive politics.

Reports that followed the police action spoke of infiltration of the Sabha by extremists of all sorts. Geethanandan, charged with conspiracy in the agitation, is a former naxalite. A tribal activist was found in possession of a passport issued in Tamil Nadu, a pointer to the involvement of outsiders in the agitation. Although the Government insists that land distribution for Adivasis would continue, the manner in which the agitation was conducted, and the way it ended would make it difficult for another assertion of tribal rights.

More than the Government's handling of the situation, the issues thrown up by the agitation revolve around the question of assertion of rights of tribals who are one of the most vulnerable sections in the development process. Even as the debate on prioritising ecological concerns over development interests rages on, tribals are not only seen as an obstacle to development, but also as a threat to the ecosystem. Bypassed by the development process, tribals seem to have no place in forest settlements either. Whether it is the construction of dams or protection of sanctuaries, tribals are at the receiving end. Rehabilitation is never easy, even if the Government identifies the required land and extends the necessary funds. In this context, the suggestion that settlement of tribals in forests be integrated into an overall framework for forest protection merits serious consideration. Besides, the services of tribals could profitably be utilised in the promotion of eco-tourism. The Muthanga violence would hopefully spur the Governments at the Centre and in the States into action on these lines.

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THE HINDU

Court peon to first Dalit CM in Mumbai

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C. S. S.
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ANAND SOONDAS 19/1

Mumbai, Jan. 18: After being a minister under six chief ministers in his 30 years in politics, it was Sushil Kumar Shinde's moment of reckoning. The man who had worked as a peon in a sessions court in dusty Solapur, was today sworn in as Maharashtra's 22nd chief minister.

In what is a watershed not just for Shinde, the Congress also scored a major political point by installing Maharashtra's first Dalit chief minister.

But Shinde, as those close to him would testify later, took the oath of office in his typically quiet, dignified manner, showing no hurry to announce the names of Congress members who will eventually be included in his Cabinet.

The chief minister, who earlier said the names of Congress leaders to be included in his Cabinet will be decided after "extensive" talks with senior leaders and the high command, had 15 others sworn in as ministers today.

Nationalist Congress Party leader Chhagan Bhujbal retained his post as deputy chief minister, while his party colleagues Vijaysinh Mohite Patil, Padamsinh Patil and Madhukar Pichad were taken in as Cabinet ministers. Dashrath Bhande of the Bharipa Bahujan Mahasangh and Harshavardhan Patil, an Independent, also got Cabinet berths, signalling the chief minister's eagerness to placate Independents whose support is crucial to the Democratic Front coalition.

The nine legislators sworn in as ministers of state are Sulekha Kumbhare (RPI-Gavai), Dada Jadhavrao (JD-S), Dharmarao Baba Atram (Gon-

dwana Gantantra Party), Ramdas Bodkhe (Bharipa Bahujan Mahasangh), and Independents Sanjay Deshmukh, Shivaji Kardile, Ajit Ghorpade, Vinayakrao Jadhav and Digambar Bagal.

Shinde, who replaced Vilasrao Deshmukh as head of the faction ridden party — with state Congress chief Govindrao Adik openly rebelling against the former chief minister — is aware of the tough brief he has from the Congress high command. The 61-year-old veteran Congress member has to tackle infighting in the Congress and also has the Herculean task of broadening the party's base at a time when the Shiv Sena and the BJP have already taken huge strides on that front.

Shinde, who included arch rival Mohite Patil in the Cabinet a day after "resolving our differences", is already working on a plan to check rebellion in the Congress and the NCP.

The new chief minister, who has presented nine consecutive budgets, will have to use all his financial acumen to pull Maharashtra out of the Rs 75,000-crore debt burden it is buried under. The Assembly elections, which are barely 18 months away, will also occupy a lot of his time.

But Shinde, who has held various portfolios — sports, health, industry, finance, urban development, transport, youth and social welfare — is unfazed. Soon after being elected Congress legislature party leader, Shinde said: "My first priority is to try and sort out the state's financial problems. I have 18 months in hand. I know people are saying time is short, but things can happen when one wants to make them happen."



GUEST COLUMN | Udit Raj

Ambedkar versus Moditva

Katiyar's attempt to co-opt Babasaheb into the Hindutva bandwagon is based on lies. Mayawati is party to this crime, and must pay for it

THE IDEOLOGY of the Sangh parivar is a bundle of thoughts that are so elastic that they can fit into all circumstances. The common thread in this intellectual opportunism is that its protagonists are totally bereft of any moral bindings. Vinay Katiyar, the BJP's Uttar Pradesh chief and Barjrang Dal stormtrooper, said while unleashing his Moditva type of campaign from Varanasi this week that Dr B.R. Ambedkar was against the Muslims. He also said that the ideas of Ambedkar were akin to those of Keshav Hegdegar, the RSS ideologue for whom Adolf Hitler was the role model.

In the past, the BJP and its hydra-headed fronts have never dared to coopt Ambedkar's ideology. They have mustered the courage to do so now only because they have entered into a shaky alliance with the BSP. Katiyar is of the opinion that his party would continue the caravan, where they left it in the hate-filled fields of Gujarat. It's visible. He has crossed all limits when it comes to transparent lies, slander, conspiracy and shame.

The BJP, under his leadership, has started a campaign against the Muslims citing so called cultural nationalism. Ambedkar was never against the Muslims; instead, he was emphatically against 'Manuvaditva' and what goes by the current xenophobia of Moditva.

Katiyar is correct in saying that Ambedkar was never in favour of the Partition of India. Ambedkar wrote in the book, *Thought on Pakistan*, that he was against Partition and even if it took place, Muslims and Hindus should go to their respective countries because of the fact that if Muslims stayed back, they would be treated like the fifth *varna* or devils (*mleکش*) by the upper caste Hindu caste society. He believed that the Muslims would have no future in a Brahmanical social order.

This is exactly what is happening in contemporary India. Ambedkar never said that Muslims were terrorists and they should be deprived of their voting rights. This is a lie manufactured by Katiyar,



FOLLOWING BABASAHEB: Ambedkar had burnt the *Manu Smriti* and adopted Buddhism with lakhs of his followers

who has claimed from the figment of his warped imagination that Ambedkar wanted the liberation of Ayodhya, Kashi and Mathura. Next they will claim that Babasaheb wanted a Hindu Rashtra.

Ambedkar held the view — as per the Constitution — that on all such questions, status quo should be maintained, as of 1947, at all costs.

Indian Muslims have been time and again asked to prove their loyalty to the nation by these sectarian anti-socials, despite the fact they not only rejected Pakistan, but have been as patriotic as you or me. Not one Muslim from India crossed over to Afghanistan to fight with the Taliban.

Sociologists have time and again proved that the majority of Indian Muslims are different in content and character; their *Indianness* in a secular democracy makes them different from Muslims in other Islamic theocracies. They too have fundamentalists in their midst, but the majority is deeply syncretic, patriotic, multicultural, plural and secular, with deep faith in India and its future.

Let's not fudge the truth. Indian Muslims are as patriotic as you and me. They have fought for the country's freedom, sacrificed their sons in the wars, worked for the

progress of the nation in every field — from business and politics, to arts, academics and sports. Why should the 150 million Muslims of India prove their patriotism to the likes of Katiyar, an extremist rabble rouser?

Katiyar's ancestors in his party did not even fight in the freedom movement; instead, they allied with the British, as the documented pleadings of Savarkar to the British clearly proves. Besides, they don't believe in equality, modernity or progress. All they believe in is communal carnages and hate campaigns, to score electoral victories. And the action-replay of lies and falsities.

Why is Katiyar silent about Ambedkar's categorical statement that Hinduism was not a religion but a conspiracy to subjugate the oppressed and dalits? Is he not aware that Ambedkar burnt the *Manu Smriti*, the Sangh parivar's holy book? Didn't Ambedkar reject Brahminical oppression and adopt Buddhism with lakhs of Dalits?

Indian Muslims have always stood with Ambedkar. When the Congress pitted a Dalit against him, the Muslim League helped him by asking Jogender Nath Mandal to resign from Nowakholi in his favour. Ambedkar was given the opportunity to get elected. Ambedkar,

in his famous *Mission*, wrote that the upper castes (Brahmans, Kshatriyas and Vaishyas), were basically outsiders. He said that the untouchables, including the minorities, were the original inhabitants of this country. He vowed to hand over power to these 'aborigines'. This was his dream — of a new, egalitarian, secular India.

Ambedkar fought an incessant battle against the ideas which are now being propagated by the Hindutva parivar. When he finally realised that the Brahmanical social order was not going to change or improve, he quit Hinduism along with lakhs of people in 1956 and adopted Buddhism.

Look at the parallel. When thousands of Dalits wanted to adopt Buddhism in Delhi on November 24 last year, who tried to unsuccessfully block, crush and smash their spirit — the VHP, patronised by the Vajpayee-Advani regime.

The BJP has dared to malign Babasaheb Ambedkar because Mayawati is its new comrade; she campaigned for it in Gujarat, despite the genocide. The Sangh has taken for granted her and the fact that she will allow Ambedkar to be used against the Muslims to stick to power. This is a dangerous game because the BJP knows that the BSP is built on the edifice of

Ambedkar's philosophy. This will create serious conflict.

All progressive, liberal, tolerant, peaceful Indians, including Dalits and Muslims, must teach a lesson to the BSP and Mayawati for this dangerous sellout. The BJP's final gameplan is to pitch Dalits versus Muslims in a bloody battle. But in UP, the Gujarat card will fail. This is because the Dalits and Muslims will not fall for Moditva's blood-bath.

Lord Gautam Buddha was repulsed by the prevailing socio-political order of his time. He renounced his family and material life and vowed to eradicate the philosophy of the Brahmanical social order. Similarly, Babasaheb Ambedkar, with his relentless efforts — leading mass agitations for entry of Dalits into temples and sharing the waters of public ponds, etc — liberated the Dalits from the mental slavery of Hindutva. He wanted to get dignity for the oppressed, but he was opposed tooth and nail by the Manuwadis, like the Katiyars, Togadias and Giriraj Kishores of contemporary India.

Ambedkar had to suffer discrimination despite his high qualification, stature and ability. He was thrown out of his rented house. He was employed in the state of Shivaji Gaekwad, but his peon used to fling files on his table from a 'safe' distance — why? So that there is no physical, *polluting* contact with an 'untouchable'.

Had a personality like Dr B.R. Ambedkar been alive in these dark times of Manuwadi rule in India, in all probability he would have been killed. We have a large number of examples from our subaltern history: Sant Ravidas, Brihadrath, Charwak, several Buddhist monks and unrecorded reformers and rebels — they were all eliminated. Their only crime was that they stood against Manuwad, perhaps the most intolerant philosophy in the world, as expressed in the words and deeds of Narendra Modi and his vanguard.

Katiyar has tried to equate Ambedkar with Hegdegar. Can anything be more shameful than this? Mayawati is party to this crime. Her followers should ask her: who has created the ground for the BJP to murder the philosophy of Babasaheb Ambedkar? It is she, who, despite the Gujarat genocide, and despite her election promise *not* to go with the BJP, allied with the BJP for power.

Now she will have to pay the price for the desecration of Babasaheb's memory by her Hindutva comrades.

The writer is Chairman, All India Confederation of SC/ST Organizations