

# ‘আমরা তো ছোটলোক, তাই ছোট কাজ করি’

J. Carter & Rankin, 8/2/22

ব্রাহ্মণ তথা উচ্চবর্ণের ভূতের হাত থেকে রেহাই নেই। বর্ধমান জেলার বৃন্দবুদ খানার গোবিন্দপুরের প্রবীণদের

মস্তিষ্কেই শুধু নয়—বিশ্ব মানবতার স্বপ্ন-নীড় শান্তিনিকেতন থেকে সামান্য দূরের গ্রামেও জাতের ভূত ভিটেছাড়া হয়নি। সুশীল সমাজ ওই দূরত্বটুকু পেরোনোর আগেই পঙ্গু। নাগরিকতা তেমন ভালই বা মেলল কোথায়!

বীরভূমের পাঁড়ুই খানার অন্তর্গত বেড়গ্রামের উচ্চবর্ণের কাছে বেকারি একটি জ্বলন্ত সমস্যা। প্রান্তিক চাষি সুশীলকুমার ঘোষ মনে করেন, ভবিষ্যতে চাষটাও আর গেরস্থ উচ্চবর্ণের মানুষের হাতে থাকবে না। বাউরি-বাগদি-ডোম-হাঁড়ির অধিকারের লড়াই কাজের সময় এতটাই খাটো করছে যে খরচের মা-বাপ থাকছে না। মজুরি দিতেই সব ফর্সা। বর্গা রেকর্ড, মজুরি বৃদ্ধি ও পঞ্চায়তি ব্যবস্থায় ছোটলোকের বাড়বাড়ন্তকে সুশীলবাবুরা মোটেই সামাজিক ন্যায়, বা মানুষের অধিকার প্রতিষ্ঠার অঙ্গ হিসাবে দেখেন না। তাঁদের কাছে এটা জোরজুলুম।

এই ভাবনার সঙ্গে জড়িয়ে আছে জাত অনুসারে কাজ বা বর্ণাশ্রমের সাবেক চিন্তাও। যে জন্য বলতে পারেন, গ্রামের মানুষ স্বনির্ভর হবে কী করে, “নিজের পায়ে দাঁড়ানোর কথা মঞ্জীরা বলতে পারে নিজেরা ঠুঁটো বলে।” ভদ্রজীবিকা, জাতধর্ম বাঁচানো বৃত্তির সুযোগ কোথায়! বি এ ফার্স্ট ইয়ারের ছাত্র তমালচন্দ্র সাহা, তমালের ভাই বিমান বা দশম শ্রেণির ছাত্র অমিয়কুমার দাসের মতো তরুণরাও জানেন কোন কোন কাজ তাঁদের করা উচিত নয়, কর্তব্য নয়। সেই তালিকায় আছে, ‘গরু চরানো, লেবার খাটা’। তবে হ্যাঁ, তরুণ প্রজন্ম সময়ের ফেরে এ কথা হাড়ে-হাড়ে বুঝেছেন, লেখাপড়া সবাই দিগগজ হবে না। ওই মরীচিকার পিছনে না ছুটে কারিগরি বিদ্যা শেখাটা জরুরি। কেমন তা, এই ধরুন প্রাসার, ইলেকট্রিসিয়ান, লেদার টেকনোলজিস্ট। প্রথম দুটি কাজ গ্রামের সাবেক কাজের তালিকায় নেই। গ্রামের মধ্যে এ সব কাজের সুযোগও নেই। গ্রাম সীমা ভাঙতে হবে। সীমা ভাঙলে আত্মপরিচয়ের বাঁধা ছক পাল্টাতেই বা অসুবিধে কোথায়। আরও আছে, টেকনিক্যাল, সায়েন্স প্রভৃতি শব্দে একটা নতুন কর্তৃত্বও বোঝাচ্ছে। তৃতীয় কাজটির প্রসঙ্গে যদি মুচির কথা মনে পড়েও যায়,

কথায় কথায় উঁচু জাতের মানুষ ‘ছোটলোক’ শব্দটি ব্যবহার করেন, নিচু জাতের মানুষও আত্মপরিচয় জানানোর মধ্যে সেই অপমানকে অভিমানে বদলে নেন। লিখছেন রাঘব বন্দ্যোপাধ্যায়। আজ দ্বিতীয় কিস্তি

‘টেকনোলজিস্ট’ শব্দটি যে সম্মান জাগায়, শিক্ষা-প্রযুক্তি-আধুনিকতা টেনে আনে গাঁয়ের মুচির কাজের সঙ্গে তার কি কোনও তুলনা চলে?

বেড়গ্রামে খাটালি-বাগালি-শ্রমের কাজ করা নিচু জাতের মানুষের প্রতি উচ্চবর্ণের বিদ্বেষের ধোঁয়া যতটুকু দেখতে পেলাম কয়েকটি গ্রাম পেরোলোই দেখব আশুপনও বড় কম নেই। কসবা, পাঁড়ুই খানার এই গ্রামটি আদিবাসীদের। কসবা মানে শ্রমবাহিনী। কথা অনেক, উদ্ধৃতিযোগ্য সাগর টুডুর কথাই, যে নিজেকে ‘খাটনির সাগর’ বলতে ভালবাসে— “আমরা হচ্ছি গে কাজের বেলায় কাজি, ভদ্রলোকেরা খালি বলবে, লে-লে কাজ কর চটপট, দম লেবার টাইম দেয় না, সাঁওতাল মরদদের ছোঁয়া বাঁচিয়ে চলে, বলে সরে দাঁড়া। আদিবাসী মেয়ে, কামিনের বেলায় নাল ঝরে, ছুতোয়-নাতায় তাদের গায়ে হাত দেবে।” সাগর যেন বা বলতে চান, তাঁদের দেখাই হয় দুটো শরীর হিসাবে: কাজের শরীর।

আমরা এই দ্বিতীয় কিস্তিতে যে-দুটি গ্রাম একটু তন্নতন করে দেখব তার একটি দেবগ্রাম (যেখানে বিদ্বেষের চাপা আশুপন স্পষ্ট), অন্যটি মঙ্গলডিহি। দুটিই প্রাচীন বর্ধিষ্ণু গ্রাম। দেবগ্রামের যে কোনও সদগোপ মাঝারি চাষিকে যদি জিজ্ঞেস করা হয় তাঁর যুবক ছেলের কী করেন, তাঁর জবাব হবে এই রকম: “বাবার হোটলে খেইছে বেড়াইছে টিউশানি পড়াইছে।” ওই ছেলের সম্পর্কে আরও দুটো কথা অবশ্য যোগ করা হবে, “বি এ পাশ, চাষের কাজ ভাল জানেনি, লেবার খাটায়।”

প্রায় হাজার জনসংখ্যার এই গ্রামটির পাড়া বিন্যাস জাতধর্ম অনুসারেই, সম্পন্ন গৃহস্থ সদগোপ এবং সাহা-রা। গ্রামের পাঁচটা কথার মধ্যে, পতিতপাবন ঘোষ, অরুণ হাতি বা সম্বাসীচরণ পাল এ কথা যথেষ্টই উল্লেখযোগ্য মনে করেন যে, “শিশির ডোমের ছেলে মাধ্যমিকে স্টার পেইছে।” শুধু তাই নয়, তাঁরা যোগ করতে ভোলেন না, অর্থাভাবে

পড়াশুনো ভাল না হওয়ায় সেই ছেলেই উচ্চমাধ্যমিকে দ্বিতীয় শ্রেণিতে পাশ করল।

অবিশ্বাস্য ঠকলেও এঁরাই এবং এঁদের লেখাপড়া শেখা ছেলেরাও মনে করেন, ডোম-বাগদির সম্ভানরা ঠিক শিক্ষকতার উপযুক্ত নয়। এই স্বন্দের আধখানা যদি হয় ভদ্রজীবিকার (শিক্ষকতা, চাকরি ইত্যাদি) সুযোগ কমে যাওয়া জনিত শঙ্কা ও নিরাপত্তাহীনতা, বাকি আধখানা কিন্তু জাত-ধর্ম বা বর্ণাশ্রিত কর্ম। তাপস পাল এবং হলধর পাল লুকোছাপা না করেই বললেন, “সাবেক ব্যবস্থাই ভাল ছিল, মণ্ডল কমিশন হয়েই সর্বোনাশ।” এই সর্বোনাশের চরিত্র বর্ণনায় তাঁরা যোগ্যতা ও উৎকর্ষের প্রসঙ্গটি সামনে আনলেও একটা বেকারি কথাও বলে

কথা অনেক, উদ্ধৃতিযোগ্য সাগর টুডুর কথাই, যে নিজেকে ‘খাটনির সাগর’ বলতে ভালবাসে— “আমরা হচ্ছি গে কাজের বেলায় কাজি, ভদ্রলোকেরা খালি বলবে, লে-লে কাজ কর চটপট, দম লেবার টাইম দেয় না, সাঁওতাল মরদদের ছোঁয়া বাঁচিয়ে চলে, বলে সরে দাঁড়া। আদিবাসী মেয়ে, কামিনের বেলায় নাল ঝরে, ছুতোয়-নাতায় তাদের গায়ে হাত দেবে।” যেন বলতে চান, তাঁদের দেখাই হয় দুটো শরীর হিসাবে: কাজের শরীর।

ফেলেন, “এস-সি, এস-টি টিচারদের মধ্যে নিরানবই জনই পড়াতে পারে না।”

ক্রমে জড়ো হতে থাকেন আরও যুবক। কথায়-কথায় চাকরির সুযোগ ও অধিকারকে ঘিরে তাঁদের ক্ষোভ দানা বাঁধতে থাকে। কেউ যদি বলেন, “রিজার্ভেশনের বিরুদ্ধে আন্দোলন

করতে হবে” তো অন্য কেউ তোলেন প্রতিযোগিতার প্রশ্ন, “চাকরি লড়ে লিক।” সুদীর্ঘ বঞ্চনার ইতিহাসটি সংস্কারের, সমান অধিকারের বিস্তারের জন্যই যে সংরক্ষণ জরুরি, এ কথা তাঁদের কাছে গ্রাহ্য নয়। তাঁদের বিচারে এ হল ভোটের জন্য “ছোটলোককে তোয়াজ করা।”

## টানা পোড়েন

দরিদ্র দেশে এ রকম সামাজিক ঠানাপোড়েন হয়তো অস্বাভাবিক কিছু নয়, কিন্তু নিচু জাতের শতকরা নিরানবই জন শিক্ষকেরই পড়ানোর যোগ্যতা নেই এ কেমন কথা! “জেনারেল কাস্ট বঞ্চিত হচ্ছে”—শুধু এমন একটা মনোভাব দিয়ে কি এ কথাকে ব্যাখ্যা করা যাবে? নাকি এই বিশ্বাস বদ্ধমূল যে শিক্ষকতার কাজটি আসলে উঁচু জাতের কাজ। কথায়-কথায় উঁচু জাতের মানুষ ‘ছোটলোক’ শব্দটি ব্যবহার করেন, নিচু জাতের মানুষও আত্মপরিচয় জানানোর মধ্যে সেই অপমানকে অভিমানে বদলে নিয়ে বলেন, “আমরা তো ছোটলোক তাই ছোট কাজ করি।”

পাঁড়ুই খানার ইমামপুর গ্রামের হীরা ডোম বললেন, “এই গ্রামে সবাই শেখ, মুসলমান চাষা। এখানে জাতের বিচার নেই। আমার স্বশুরবাড়ি অবিলাশপুর হিন্দু গ্রাম, বামুন-কায়েত সব আছে। সেখানে এখানকার মতো মাথা উঁচু করে ডোম-বাগদি থাকতে পারে না।” হীরা আরও জানিয়েছেন, “যতই পরিচ্ছন্ন থাকুক না কেন নিচু জাতের মানুষ, তবু বামুন-কায়েত ওদের অশুচি ভাবেই।”

উচ্চবর্ণের মনের এই ময়লা দেখা যায় না, সব সময় জানারও উপায় নেই। তা ছাড়া ঘটনা হল, ছোঁয়াছুঁয়ি, ভেদ-ভাও-এর কথাটা ‘শিক্ষিত’ লোক খোলাখুলি বলবেও না। বরং কে বলে তোমায় বন্ধু অস্পৃশ্য...গোছের পদ্য আউড়ে মুখ ঢাকবে। এ কথা জানিয়ে শেখ গোলাম মর্তুজা বললেন, “মঙ্গলডিহি গ্রামে বামুনদের কেউ মারা

গেলেও আমরা যাই কিন্তু মড়া ছুঁতে পারব না, এই নিষেধটা বলারও দরকার হয় না।”

মঙ্গলডিহির প্রবীণ ব্রাহ্মণ দুলালচন্দ্র মুখোপাধ্যায় বেজায় খুশি আমার পদবি জেনে। বললেন, গ্রাম উচ্ছিন্ন যাচ্ছে। কেন? আবার তেতো হাসি, “পঞ্চায়তে মেসাররা সুই অবধি করতে পারে না, সব ছোটলোকের হাতে, লেবার ক্লাশের হাতে, যে ছিল ঠাকুরমন্দিরের ঝাড়ুদার সে হল প্রধান, বুঝুন এখন।” ১৯০ ঘর উঁচু জাতের মধ্যে সফল হওয়া লোকজন ৯০ ঘর। তাঁরা গ্রাম ছেড়ে চলে গেছেন। মাঝি কোঁড়া, বাগদি, মির্খারাই প্রবল এখন শ্যাম-বলরাম-মদনগোপাল, রাস উৎসবের এই হিন্দু গ্রামে। জনা দুলালবাবুদের বেনদার্ত উপলব্ধি। “আমাদের কেবলনি আর খাটবে না।”

সত্যনারায়ণ মুখোপাধ্যায় ও অন্যান্যদের বিচারে সরকার, দল সবাই ছোট জাতের পিছনে দাঁড়ানোর ওদের ভাল হোক বা না হোক গ্রাম শেষ হয়ে গেলে। কথাতাকে বিশদ করতে গিয়ে তাঁরা আধিপত্য ও নেতৃত্বের প্রসঙ্গটিই উত্থাপন করলেন, “ছোট জাতের দিন চলা নিয়ে কথা। আগে সেটাও চলছিল না, এখন চলছে এতেই সন্তুষ্ট। এরাই যদি নেতা হয় তা হলে গ্রামে পাকারাস্তা, বিদ্যুৎ কিসসুটি হবে না। ওদের অত খিদেই নেই।”

প্রতিবাদ অপর্ণা বাগদির, “কাদায় ডুবে থাকি, পাকারাস্তা চাইবনি।” সামন্ত বাগদি বললেন, “শুনুন কথা, বিদ্যুৎ এলে সেচের জল এলে আমরা বেশি কাজ পাবনি?” বুদ্ধদেব বাগদির খেদ, “ডোম-বাউরি-বাগদির ঘরে পাঁচ-ছ ক্লাসের বেশি পড়তে পারছে না অভাবে, তা সেটা কি আমরা চাইছি।” দুটি মঞ্চ আলাদা। বামুন পাড়ার লাইব্রেরিতে বসে যে সব কথা হল, বাগদিপাড়া সেই লাইব্রেরিটি থেকে আট মিনিটের পথ অথচ দূরত্ব যেন শেষহীন।

অচ্ছত কেউ বলবে না, যদিও ছুত-অচ্ছত আছে। তরুণ বুদ্ধদেব বাগদি বললেন, “সামনে দিয়ে গেলে সরে যেতে বলে।” আর এই আপাত অদৃশ্য, অপ্রকট অথচ মর্মে বেঁধা বৈষম্যের কষ্টে বুদ্ধদেব এই ভাবে ছেদ টানেন, “আমরা ছোটলোক, ওরা ভদ্রলোক। আমাদের সঙ্গ কি ভদ্রলোকদের হবে, কোনও দিন হতে পারে না।”

তাঁর এই বিবৃতির মধ্যেও সম্ভবত গোপন রয়ে গেলে ভেদাভেদের প্রতি এক ব্যথিত অনুমোদন।

(চলবে)

29 DEC 2004

ANA... PATRICK

# নির্বাচনী বিধি ভঙ্গের অভিযোগ দলিত বস্তিতে টাকা বিলি লালুপ্রসাদের

সুরত বসু • পটনা

১৯ ডিসেম্বর: লালুপ্রসাদ আছেন লালুপ্রসাদেই। বিহারে ভোটের দিন ঘোষিত হয়ে যাওয়ার পরেও দলিত-বস্তিতে নোটের তাড়া নিয়ে গিয়ে টাকা বিলি করলেন কোনও লুকোছাপা না করেই। এবং 'থোড়াই কেয়ার' ভঙ্গিতে তাঁর পাল্টা মন্তব্য, "এ সব নিয়ে এত হইচই করার কী আছে, তা আমি বুঝতে পারছি না।"

নির্বাচনী বিধি কার্যকর হয়ে যাওয়ার পরেও পটনার অদূরে এক হতদরিদ্র মহল্লায় গিয়ে জনা পনেরো দলিতের হাতে একশো টাকার একটি করে নোট গুঁজে দিয়ে শনিবার রাতে লালুপ্রসাদ বলেছেন, 'এই টাকা দিয়ে মিঠাই কিনে খেও।' এক মহিলার ক্ষেত্রে আরও দরাজ রেলমন্ত্রী। তাঁর হাতে তুলে দিয়েছেন একটি পাঁচশো টাকার নোট। টাকা দেওয়ার পরে দলিতদের 'ঝাড়া এবং ডান্ডা নিয়ে' পটনার মহার্যালিতে আসার নির্দেশও দিয়ে আসতে ভোলেননি আর জে ডি নেতা। শুধু টাকা দেওয়াই নয়, নির্বাচনী বিধিকে বুড়ো আঙুল দেখিয়ে কাল মোতিহারির চকিয়ায় এক জনসভায় রেলের 'গ্রুপ ডি' পদে ১ লক্ষ এবং আরপিএফে ১০ হাজার বেকারকে চাকরি দেওয়ার কথাও নির্দিধায় ঘোষণা করে দিয়েছেন রেলমন্ত্রী।

ভোটের আগে গরিব দলিত বস্তিতে গিয়ে এই ভাবে টাকা বিলি করা নিয়ে আজ বিহারের রাজনীতি উতপ্ত হয়ে উঠেছে। বিজেপি-র সর্বভারতীয় সহ সভাপতি সুশীল মোদি আজ বলেছেন, "নির্বাচনী বিধি লাগু হওয়ার পরেও টাকা বিলি করে ভোট কেনার চেষ্টা করছেন লালুপ্রসাদ। আমরা কাল বিষয়টি নিয়ে নির্বাচন কমিশনের কাছে যাব।" অন্য দিকে, পটনার জেলা শাসক গৌতম গোস্বামী বলেছেন, "আমি দানাপুরের মহকুমা শাসককে

বিষয়টি তদন্ত করতে নির্দেশ দিয়েছি।" যাকে নিয়ে এত বিতর্ক সেই লালুপ্রসাদ অবশ্য টাকা বিলির এই অভিযোগ নিয়ে বিশেষ তাপ-উত্তাপ দেখাননি। স্বভাবসিদ্ধ 'মাছি তাড়ানোর ভঙ্গিতে' এই সব অভিযোগ উড়িয়ে দিয়ে তিনি বলেছেন, "দলিতদের টাকা দিয়েছি

ময়দানে 'কিষণ-মজদুর মহারালা'র প্রচারে নেমে হেলিকপ্টারে এবং তাঁর 'গরিব চেতনা রথ'-এ চড়ে রাজ্যের বিভিন্ন জেলায় ঘুরতে শুরু করেছেন লালুপ্রসাদ যাদব। গতকাল মোতিহারি থেকে ফিরে বিকালে পটনা জেলার বিহটা এলাকায় একটি জনসভা করেছেন লালুপ্রসাদ। এই জনসভার পরে কার্গিল যুদ্ধের শহিদ গনেশ যাদবের একটি মূর্তি উদ্বোধন করার কথা ছিল লালুপ্রসাদের।

কিন্তু নির্বাচনী বিধির কথা মাথায় রেখে এই মূর্তির উদ্বোধন করেননি রেলমন্ত্রী। বিহটা থেকে পটনা ফেরার পথে লালুপ্রসাদ তাঁর 'গরিব চেতনা রথ' থামান দলিত বস্তিতে। গরিব চেতনা রথে বসেই কাঁচা মুলো এবং জল খেয়ে লালুপ্রসাদ শুরু করেন পটনার র্যালির প্রচার। গরিব চেতনা রথে লালুপ্রসাদের পাশে বসে থাকা কেন্দ্রীয় সেচ দফতরের প্রতিমন্ত্রী জয়প্রকাশ নারায়ণ যাদব এবং পটনার সাংসদ রামকৃপাল যাদবের কাছ থেকে এক তাড়া একশো টাকার নোট চেয়ে নেন লালুপ্রসাদ। এই টাকা গরিবদের বিলি করতে থাকেন রেলমন্ত্রী। টাকা দিতে দেখে ছড়োছড়ি পড়ে যায় গরিব বস্তিবাসীদের মধ্যে। এক মহিলাকে লালুপ্রসাদ পাঁচশো টাকার একটি নোটও দিয়ে দেন। টাকা দেওয়ার সময়ে লালুপ্রসাদ বলতে থাকেন, "মিঠাই কিনে খেও। আর র্যালির দিন সবাই ঝাড়া এবং ডান্ডা নিয়ে পটনায় চলে এস।"

এর আগে মোতিহারির চকিয়া এলাকার একটি জনসভায় লালুপ্রসাদ প্রতিশ্রুতি দিয়েছেন, আগামী মাসেই রেলের গ্রুপ ডি পদে ১ লক্ষ এবং রেল রক্ষী বাহিনীতে ১০ হাজার বেকারকে চাকরি দেওয়া হবে। এই সভায় বিহারে কেরোসিনের উপরে লাইসেন্স প্রথা উঠিয়ে দেওয়ার প্রতিশ্রুতিও দিয়ে এসেছেন লালুপ্রসাদ।

## লালুর কীর্তি

পটনার অদূরে একটি দলিত বস্তিতে টাকা বিলিয়েছেন লালু। টাকা দেওয়ার সময়ে বলেছেন, 'মিঠাই খেও'। ডান্ডা এবং ঝাড়া নিয়ে ২৩ ডিসেম্বর পটনায় তাঁর র্যালিতে দলিতদের যোগ দিতেও বলেছেন লালু।



## লালুর কৈফিয়ত

টাকা দিয়েছি তো কী হয়েছে? ঘুষ তো আর নিইনি। রেলমন্ত্রী হওয়ার পরে সবাই মিঠাই খেতে চাইছিল। নির্বাচনী বিধি ভঙ্গের কথা আসছে কেন?

তো কী হয়েছে? আমি তো আর কারও কাছ থেকে ঘুষ নিতে যাইনি?" পরে অবশ্য একটা সামলে নিয়ে তিনি বলেন, "রেলমন্ত্রী হওয়ার পরে সবাই মিঠাই খেতে চেয়েছিল। তাই মিঠাই খেতে টাকা দিয়েছি। এর মধ্যে নির্বাচনী বিধি ভঙ্গের কথা উঠছে কেন?"

আগামী ২৩ ডিসেম্বর পটনার গাঁধী

# No quotas within quota

Our Legal Correspondent

NEW DELHI, Nov. 5. — The Supreme Court (coram, Hegde, Variava, Singh, Sema, Sinha, JJ) today struck down as “unconstitutional” an Andhra Pradesh legislation providing for reservation for different sub-castes within the 15 per cent reservation quota meant for Scheduled Castes.

“Such classification of members of different classes of people based on their respective castes would be violative of the doctrine of reasonableness”, and thus violative of Article 14 of the Constitution, the court observed.

The Supreme Court also held that exclusion of even a part or group of castes from the presidential list (of such classes) can be done only by Parliament under Article 341.

“State legislatures are forbidden from doing that. It is beyond their legislative competence,” the Constitution Bench of the Supreme Court ruled.

The impugned legislation proceeds on the basis that members of a Scheduled Caste are most backward among the backward and are not adequately represented, the court noted, adding “a further

classification by way of micro-classification is not possible”.

“Reservation must be considered from the angle of social objectives having regard to the constitutional scheme and not as a political issue. Thus adequate representation must be given to members of Scheduled Castes as a group and not two or more groups of persons or members of castes,” the Supreme Court said.

For this, a uniform yardstick should be adopted for giving benefits to members of the SCs for the purpose of the Constitution, it said.

“The impugned legislation being contrary to the above constitutional scheme cannot therefore be sustained,” the Supreme Court said.

The impugned law, the Andhra Pradesh Scheduled Castes (Rationalisation of Reservations) Act, 2000, framed by the erstwhile Chandrababu Naidu government, had further sub-divided the Scheduled Castes into four categories and provided for separate quotas for them within the 15 per cent quota reserved for the SCs.

The Act had been challenged by many groups and the High Court had dismissed these writs. The case then came in appeal to the Supreme Court.

6 NOV 2004

THE STATESMAN

# SC annuls AP reservation law

New Delhi  
5 NOVEMBER

**S**HOWING its strong resentment to the politics over caste reservations, the Supreme Court on Friday quashed as unconstitutional an Andhra Pradesh legislation splitting the reservation in government jobs for scheduled castes among four sub-groups of castes within SCs. A five-judge constitution Bench comprising Justice N. Santosh Hegde, Justice S. N. Variava, Justice B.P. Singh, Justice H.K. Sema and Justice S.B. Sinha gave this ruling while setting aside a five-judge Bench verdict of an Andhra Pradesh High Court upholding the constitutional validity of the law.

The government had notified Andhra Pradesh Scheduled Castes (Rationalisation of Reservation) Ordinance on December

9, 1999 categorising the SCs into four groups of castes for the purpose of sub-dividing the 22.5% reservation available to them in government jobs.

Allowing the petitions filed challenging the High Court order, the apex Court said reservation must be considered from a social objective angle, having regard to the constitutional scheme, and not as a political issue.

"Thus, adequate representation must be given to the members of scheduled castes as a group and not to two or more groups of persons or members of castes," it said. The Bench noted that the members of the scheduled castes were most backward amongst backward classes, it was not permissible for the government to further classify them into sub-groups.

The apex court said: "Such classification of the members of different classes of people based on their respective castes would be violative of the doctrine of reasonableness." —PTI



# Extremely masterfully, the

By recommending the inclusion of eight extremely backward

*Dr. Lalit Prasad*

## Win is caste

*Dr. Prasad*

Caste category, Lalu Prasad has once again proved that he is the king of caste politics, writes MANOJ CHAURASIA

**T**HANKS to the Opposition's protests, Lalu Prasad was not conferred the doctorate degree by Patna University early this year. (And for those interested in the details, Lalu allegedly merited the honour because of his "valuable contribution to society by making a name for himself in politics".) However, with the Assembly elections round the corner, Dr Lalu's skills are better employed elsewhere – in feeling the pulse of the voters. The "doctorate of Bihar politics", as the railway minister is known by friends and foes alike, is busy giving the Opposition sleepless nights. And with good reason.

For, within days of the anti-Lalu parties approaching the backward and extremely backward communities (EBC) in the state and camping amidst them to remind them of their "exploitation" at the hands of the RJD government, Lalu, by just one masterstroke, seems to have negated all his opponents' efforts. He has recommended to the Centre the inclusion of eight EBCs in the Scheduled Caste category. The castes are Nomia, Bind, Mallah, Kamar (Lohar, Kammar), Karai, Turha, Rajbhar and Chandrawansi (Kahar, Kankar). The recommendation was, of course, a Bihar Cabinet decision but there are no prizes for guessing who was behind them.

But then, Lalu admirers could well say, it was the Opposition that gave him the idea in the first place! For, a wee bit wiser after losing badly to the RJD-led Secular Alliance in the Lok Sabha poll, both the BJP and the JD-United – the two major NDA constituents – tried to revive the issue of caste politics. The political thinking behind this move was tried



THE KING, CROWN AND ALL: Railway minister Lalu Prasad Yadav at a function in Patna. — PTI

and trusted – getting the caste arithmetic right is crucial to win power in Bihar, and Lalu's caste-bank was showing signs of restlessness. Indeed, Bihar was one of the states where the NDA's "India Shining" polls campaign flopped miserably. Out of a total of 40 LS seats, the NDA could garner only 11. The RJD combine, on the other hand, won as many as 29 seats.

Smarting under this humiliation, the NDA partners conjured up a plan to garner the support of the backward communities to help, or so they hoped, translate their long-cherished dream of dislodging the formidable Lalu, into reality.

The BJP kicked things off with an "Ati Pichhda Pechan Rally" organised in Patna on 31 October. At the rally, NDA leaders came down heavily on the RJD government for "using" EBC voters to suit their interests. Presenting a comparative study of the various castes as represented in the Bihar Assembly,

the leaders said that the EBCs, despite a population of 35 per cent, have only 12 legislators in a House of 243. They should lay claim over at least 85 seats, the BJP leaders urged. Dalits, comprising only 15 per cent of the population, have a (huge) share of 39 seats in the House, they pointed out. Similarly, as many as 114 MLAs hail from the other backward caste or OBC category. And of them, 64 are Yadavs alone. "They should have had a maximum of 27 seats," argued the leaders.

The response was enthusiastic and the state leadership was convinced that if developed, this theme would lead them to power. Then came a BJP national general secretary who supported this game-plan and added: "We should also win over the hearts of Yadavs and Muslims." Certainly, local leaders told him, they are very important, but, er, there's this chap called Lalu Yadav who seems to have their vote pretty much sown up for the past,

um decade or so... (You get the drift.) Yet, they fell in line when the national leader insisted that ALL backward castes be wooed.

Within days, though, they were, to use an expression that other winner against all odds George W Bush has made part of the popular lexicon, shocked and awed. For, backward caste leaders were conspicuous by their absence in top posts after the party organisation revamp effected by LK Advani.

While the BJP has inducted upper caste leaders in five of the six general secretary posts (with one post lying vacant), MA Nagvi has been unceremoniously removed from the post of party spokesman. In a bid to balance caste and religious interests, Team Advani has committed a blunder that will cost the NDA-BJP dearly in the ensuing Assembly polls. "Sushma (Swaraaj) is no answer to Nagvi," asserted a senior leader, adding that the "mysterious absence" of two backward leaders – Uma Bharati and Kalyan Singh – from the party's 31 October rally had already conveyed the wrong message.

The RJD, on the other hand, made Moti-ur-Rehman its national spokesman without removing Shivnand Tiwari, knowing well about Bihar's caste arithmetic. And the came the Cabinet recommendation for MBCs. Rather belatedly, Nitish Kumar put forward a proposal at the National Executive meeting of the JD-U in Ranchi asking for the inclusion of his fellow caste members – Kurmis – in the Scheduled Caste list, but is being seen as too little too late.

Round One, then, to Lalu. And on the evidence of the Opposition's battle-plan, the electoral battle is his for the winning.

By a single move, the RJD chief has upset all the poll calculations of the anti-Lalu parties. But then, Lalu does not want to bank on only the backward castes; he wants to win the sympathy of upper caste voters as well. And this was the reason why he inaugurated the week-long birth anniversary celebrations for Bihar's first chief minister, Sri Krishna Singh, on 30 October, organised under the aegis of Bhunihar-run Vishwa Brahmarshi Mahasangh. "I am not the enemy of any caste," explained Lalu, drawing frenetic applause from Bhunihar youths, who in turn presented a gold crown to the railway minister and pledged their unconditional support to the RJD in the forthcoming polls.

(The author is the Patna-based Correspondent of The Statesman.)

# Eye on pvt sector, govt foists NGO quotas

Our Legal Correspondent

NEW DELHI, Nov. 4. — A small step for the social justice ministry, a giant leap for foisting reservation on the private sector. The ministry has asked all the 2,700 NGOs receiving its funding to "implement" its job quota policy for SCs, STs, OBCs and the disabled.

That, too, in terms of the existing guidelines of the department of personnel and training (DOPT). In concrete terms, this works out to 69 per cent of all jobs, including some 15 per cent for members of the SC, 7.5 per cent for ST, 27 per cent for OBC and three per cent for the disabled, available with any voluntary sector body that avails of this ministry's largesse.

The minister for social justice and empowerment, Ms Meira Kumar, told the 5th Editors' Conference on Social Issues here today, that her ministry has "reviewed" its

MUMBAI/KOZHIKODE, Nov. 4. — A day after Best Bakery case witness Zaheera Sheikh sought police protection from social activist Ms Teesta Setalvad, an accused in the case today claimed Ms Setalvad had "threatened" him while being taken out of the court. It was a day of distress for the NGOs with a prime witness in the sensational ice-cream parlour sex racket case in Kerala taking the Zaheera turn when she retracted her charges against state industries minister Mr PK Kunhalikutty, saying an NGO activist had "forced her to say everything".

Dinesh Rajbhar, the Best Bakery accused, told special judge Mr AM

Another Best slur & ice-cream parlour 'set-up'

Thipsay that Ms Setalvad warned him last evening thus: "Hum tum sab ko dekh lenge (We will get back at you)". The court has taken the complaint on record. Meanwhile, Zaheera Sheikh reached Ahmedabad under police protection and is living in an undisclosed address.

In the Kerala scandal, Rejina, who was arrested and produced in a court here in connection with a suicide case, said outside court premises that she acted at the behest of a social activist "Ajitha". But it was not immediately known if she had also mentioned it in her written statement submitted before the First Class Judicial Magistrate Court-III. — PTI

Although the minister's speech was couched with euphemisms, such as "while the first installment has been released on the existing staff situation, they (the NGOs)

have been asked to see that they take steps to improve this situation of reservation", and "the ministry does not wish to stop any... flow of funds", the message was clear.

Asked how she would ensure that the quota policy was followed if the ministry did not intend to wield its control over the purse-strings, the minister said that all the NGOs would have to sign a bond in which they have to promise to implement the quota policy. And of course, funds would stop if they are found to be doing otherwise. Instead of speaking about reservations, per se, which raises private sector hackles, the ministry, has passed off its move to implement quotas in the voluntary sector as part of its "affirmative action".

Moreover, while still insisting that the quotas would not be made mandatory under the law, the government hopes that linking them with funds would achieve the desired goal.

The Congress has taken competitive populism to new heights

# Quotas for companies

ANDRÉ BÉTEILLE

**B**y creating expectations about reservations in the private sector, the Congress has raised the stakes in competitive populism to new heights. The left parties have not lagged behind in demanding their pound of flesh from the capitalist class. Whatever the similarities may be in the social and political consequences of reservations in the public and private sectors, their legal and constitutional implications are bound to be very different.

Reservations in the private sector will mark a new departure in the making of public policy. All policy-making requires the balancing of conflicting aims and interests, and the policy of reservations is no exception. The policy of caste quotas in employment was devised by the colonial administration, and first applied in peninsular India in the early twenties of the last century. The colonial policy was driven by two different objectives: the political objective of creating a new balance of power and the humanitarian objective of promoting equality and social justice. The nationalist leadership, which at that time took a negative view of caste and communal quotas, was not prepared to credit the colonial administration with any humanitarian objective, and saw the quotas as part of a policy of divide and rule.

Opponents of caste quotas in the colonial period had hoped that they would be scaled down after independence. Instead, they have been scaled up. It cannot be that the British advocated caste quotas only on political grounds and the leaders of independent India advocate it only on humanitarian grounds. Many now feel that political considerations have been uppermost in the extension of caste quotas since the time of the Mandal Commission of 1979-80. But the movement for reservations would not have had such continuing success if it did not strike a chord in the hearts and minds of those who yearn for greater equality and social justice.

**S**imply because it is widely believed that caste quotas reduce inequality, it does not follow that they in fact do so. Inequality has many different faces. It is not easy to determine whether inequality overall has increased or decreased in the last 50 years, leave alone the contributions made by different factors to its increase or decrease. But to say that the social effects of the policy of reservations are diffi-

cult to measure is not to imply that it has had no social effect.

Perhaps the most durable effect of the policy is its contribution to a change in the social composition of the Indian middle class. The colonial administrators who introduced the policy did not see beyond the middle class; they were certainly not trying to create a policy for the revolutionary transformation of Indian society. It is not a very convincing argument that scaling up caste-based reservations further by extending them to private employment will lead to a radical transformation of the social structure.

Despite its undeniable social and political significance, the middle class comprised a relatively

particular have undoubtedly made their contribution. In both absolute and relative terms, there are many more members of the scheduled castes, the scheduled tribes and the other backward classes in the Indian middle class than there were fifty years ago. At the same time this diversification would not have taken place without far-reaching changes in the economy, and it cannot be sustained if it is pursued as an inflexible policy without attention to the demands of the economy.

It may be a good thing for private firms to have managers, technicians, office assistants and others from a wider rather than a narrower range of castes and communities. Some companies may wish to

tion and training of talented individuals from socially disadvantaged communities.

In reviewing the legal and constitutional aspects of preferential policies, it is essential to keep in mind the distinction between mandatory and enabling provisions. Mandatory provisions, like the one relating to the reservation of seats in the Lok Sabha under Article 330 of the Constitution, are those that must be applied. Enabling provisions, like the one under Article 16(4) relating to reservations in employment, are those that may be applied, depending upon conditions and circumstances. Enabling provisions are necessary where preferential policies may be challenged on the ground that they appear inconsistent with other provisions, such as those relating to equality of opportunity.

**T**he Indian policy of reservations has often been compared with the American policy of affirmative action, but the differences are deeper than the similarities. In the United States of America, even when the environment was most favourable to affirmative action, the provisions for it were enabling and not mandatory. The state did not order or instruct the University of California or the University of Michigan to have preferential policies. The universities made their own provisions and then pleaded with the courts to allow the provisions to stand, arguing that they did not violate any basic principle of law. The Indian situation is quite different. Reservations in education and employment operate through orders of the government prescribing numerical quotas, which the US courts would never uphold.

In India, supporters of preferential policies have acquired the habit of thinking only in terms of numerical quotas and mandatory provisions. But the government cannot impose on firms and companies its own preferences regarding the social composition of employees on private contract without violating basic legal and economic principles. On the one hand, the government wants to free the economy from the control of the state so that it can work according to economic, and not bureaucratic, principles. On the other, its initiatives on reservations in the private sector will lead to the control of hiring and firing to an extent not contemplated even in the heyday of the command economy. Hiring and firing can be either regulated by the market or controlled by the state. It is difficult to see how both things can be done at the same time.



**‘ The state can, at best, encourage companies to adopt socially sensitive strategies of recruitment ’**

small section of the Indian population at the time of independence. It has become much larger and much more differentiated in the last fifty years. It is now important not only socially and politically, but also demographically. The middle class grew first with the expansion of the public sector and then with the opening of the market. A large and vibrant middle class, equipped with professional, administrative, managerial, technical and even clerical skills and abilities, is an asset to any society and indispensable to a constitutional democracy. And the more diverse the middle class is in its social composition, the more effectively it is likely to play its political role.

It has to be emphasized that the expansion and diversification of the middle class has come about through the operation of a number of different factors. State actions in general and preferential policies in

change their strategies of recruitment in that direction in their own long-term interest. But it is difficult to see how in a political system that protects private property and the freedom of enterprise the state can dictate to a private company the nature of the social composition of its employees. It can, at best, encourage companies to adopt socially sensitive strategies of recruitment by offering them tax concessions and other incentives. And companies can make their own contribution by creating facilities for the educa-

The author is chancellor,  
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THE TELEGRAPH

12 OCT 2004

# No law on pvt sector job quotas

Sujata Anandan and  
Anand Adhikari  
Mumbai, October 6

PRIME MINISTER Manmohan Singh today clarified that his government had no intention of passing a "hasty" legislation on job reservations in the private sector. He, however, accepted that the weaker sections needed proper representation in the mainstream, and pledged to try and ensure that reservations in the private sector were done voluntarily by corporate bodies.

Kicking off his roadshow in Mumbai ahead of the Assembly polls in Maharashtra on October 13, Singh called upon the private sector to create opportunities for the weaker sections through training and education. He made a passionate ap-

peal to industrialists present at the Taj Ball Room to provide jobs to weaker sections, particularly "first-generation learners", to promote social justice. The UPA government has provided for job reservations in the private sector in its common minimum programme.

Singh also addressed his first press conference in Mumbai after taking over as the Prime Minister. Singh hit out at the NDA in his soft-spoken style, describing it as "an obstinate Opposition, which has still not reconciled itself to staying in the Opposition for five years".

"The NDA, for the past four months, has been indulging in activities that do not become an opposition," he said. "The UPA government is staying on for five years, let there be no doubt about that."

## Industry relieved

Merit in the private sector cannot be compromised. We hope and believe the govt will consult industry before taking a decision

**Sunil Kant Munjal, president, CII**

There should be voluntary action on the part of the private sector in correcting historical wrongs

**Y.K. Modi, president, Ficci**

We stand by recruitment on the basis of merit. We have always opposed compulsory quotas on the private sector

**Mahendra K. Sanghi,  
president, Assocham**

THE HINDUSTAN TIMES 7 OCT 2004



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# BJP objects to 'religion-based' quota

9  
castles  
Sonia

By Our Special Correspondent

**NEW DELHI, SEPT. 30.** The Bharatiya Janata Party has raised strong objection to the Government move to set up a Commission to look into the issue of reservation in education and employment for the socially and educationally backward sections among the linguistic and religious minorities. The Government was trying to do what people such as Jawaharlal Nehru and Govind Vallabh Pant had unambiguously rejected, it claimed.

"Such a move will hurt the process of national integration and unity in the country," the party vice-president and spokesperson, Mukhtar Abbas Naqvi, said today. "The Congress has done this purely for political gains. It has adopted the politics of vote-banks and appeasement [of minorities]," he added.

### 'Dangerous policy'

It is for the very first time that the Government is moving towards religion-based reservation and it would prove disastrous, Mr. Naqvi said. "Such a policy would be foolish

and destructive and create tensions in the country," he said adding that the BJP would oppose it strongly. He said the "backward" sections of the minority communities were already covered by the reservation for the backward classes. An advisory committee of the Nehru Government had "unanimously" rejected the idea of religion-based reservation, he said.

The BJP favoured steps to bring all the economically deprived sections, whether they belonged to the minority or the majority communities, into the national mainstream through the reservation policy, but was opposed to "religion-based" reservations.

### Textbook issue

On the issue of a chapter in praise of Hitler in some textbooks in Gujarat, Mr. Naqvi blamed the Congress saying that the textbook had been reprinted since 1986. However, he had spoken to the Gujarat Chief Minister, Narendra Modi, who had indicated that the chapter would be dropped.

On the matter of a map in some textbooks showing Kash-

mir as part of Pakistan, Mr. Naqvi said that it was a Government-approved map of the physical features of the sub-continent and was "not a political map."

### EC approached

The BJP has approached the Election Commission protesting against the Cabinet decision. Its party leaders who met the Commission today submitted a memorandum saying that the announcement was a "blatant violation of the code of conduct" for the Assembly elections in Maharashtra and Arunachal Pradesh.

They said the "timing of the Cabinet decision" and the announcement by the Minister for Information and Broadcasting, Jaipal Reddy, was a "calculated move by the United Progressive Alliance Government to woo the minorities" during the elections.

The party also brought to the notice of the Commission that the National Advisory Committee headed by Congress president, Sonia Gandhi, had announced measures that could violate the model code of conduct.

# Welfare panel for minority quota

ALOKE TIKKU

**New Delhi, Sept. 29:** The cabinet has in a politically-loaded decision cleared the constitution of a national commission to recommend welfare measures, including reservation for socially and economically backward sections among religious and linguistic minorities.

The commission will lay the ground rules for identifying these sections, outline measures that can be taken for their welfare and recommend constitutional amendments that would be needed to implement its recommendations. The panel is expected to

lead to the introduction of another layer of reservations. Information and broadcasting minister S. Jaipal Reddy refused any comment, saying it would amount to prejudging the commissioner's outcome.

In line with a commitment made in the United Progressive Alliance's common minimum programme, the cabinet decision comes within days of the high court striking down the Andhra Pradesh government's move to introduce reservation for Muslims.

The Centre has taken care to avoid a similar situation by taking one step at a time.

The proposed commission,

approved at a 90-minute meeting chaired by Prime Minister Manmohan Singh, has been tasked to give recommendations on three points within six months.

Reddy said its terms of reference would include suggesting the criteria for identification of socially and economically backward sections among religious and linguistic minorities, recommending welfare measures — this would include reservations in education and government employment — and suggesting necessary constitutional, legal and administrative modalities for implementation.

There is a Supreme Court bar on reservations exceeding 50 per cent. But officials suggested that if the government desired, there could be a way around the ceiling by moving amendments to the Constitution.

But the first task would be to identify the linguistic and religious minorities who, Reddy said, would vary from state to state. The Marathi-speaking people of Andhra Pradesh and Telugu-speaking people of Karnataka would qualify as linguistic minorities, he said by way of an example.

The cabinet also decided to revisit the previous National

Democratic Alliance government's 2002 move to lift a 47-year bar on foreign investment in newspaper and magazine publishing companies.

Reddy said the cabinet has decided to set up a Group of Ministers to take a comprehensive look at the "entire policy paradigm" of the print-media sector in view of the emerging scenario and the decisions taken by the NDA regime.

The GoM decision was taken in view of differences within the cabinet on Reddy's proposal to amend the law to bar foreign newspapers from publishing in India rather than leave it to a 1955 cabinet reso-

lution that could not be legally enforced.

The I&B ministry had proposed changes in the Press and Registration of Books Act to ensure adherence to the cabinet resolution in the light of the publication of the *International Herald Tribune* from India.

The cabinet "took note" of the previous regime's decisions to permit 26 per cent FDI in publications, periodicals and newspapers dealing with news and current affairs; 74 per cent FDI in technical and scientific journals, and disallow syndication of content beyond 7.5 per cent.

## Reddy for risk?

9-10-79  
Not another quota category 5-10-79

The Andhra Pradesh government's move on reservations for Muslims is of a piece with the political adventurism started by VP Singh at the Centre over a decade ago. Though the Andhra Pradesh High Court has quashed the state government order providing five per cent reservations for Muslims in government jobs and educational institutions, a new chapter of affirmative action is being sought to be written. The VHP moved the court against the quota order, contending that Muslims as a community could not be treated as a backward class, as social backwardness could not be assessed in the absence of the caste system. Striking down the order, the High Court has taken note of another aspect of the issue altogether and asked the state government to identify and keep out the creamy layer before going ahead with the Muslim quota. In conformity with the court direction the state government will reconstitute the Backward Classes Commission and refer the matter to it.

Andhra Pradesh is seeking to introduce another category for quota, a category E for Muslims, as categories A, B, C and D already exist for backward classes. Arguably, Muslims in the state are extremely backward and poor, with about 65 per cent of them living below the poverty line and 16 per cent below the double poverty line (with income below Rs 4,500) — a fact the government order cited as reason for the affirmative action. Poverty and backwardness on this scale is not Andhra's lot alone. The point to be noted is the need to keep the creamy layer out, which brings reservation into conflict with social engineering. Post Mandal, UP and Bihar have achieved a fresh basis for vote bank politics, rather than having uplifted backwards. The populist mission of giving a leg-up to the backward cuts into the common pool of opportunities and destabilises society more than it corrects inequality. Minister YSR Reddy is playing with fire.

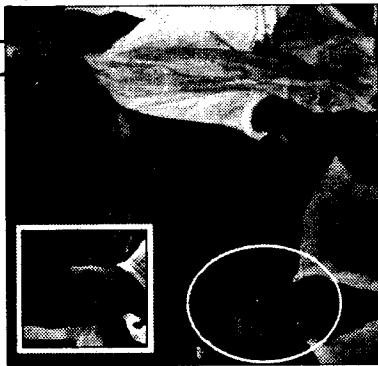
**Jaya Menon**  
in Pappapatti (Madurai)

Sept. 27. — The fields bordering this little hamlet are parched as the South-West monsoon has played truant again. The tea shop in the village square is doing brisk business as the village menfolk are idle with no sowing or harvesting. A bunch of men, sitting on benches inside the shop, share mugs of coffee, liquor and gossip. Chellasamy, a Dalit, sits hunched on the floor, participating little in the conversation of the upper caste Thevars (see *photograph*).

Little has changed in this hamlet in Madurai district in Tamil Nadu. Dalits cannot contest the election to the post of panchayat president of Pappatti, as it is deemed a "sacrilige." In fact, in 2003, the Thevar village priest — forbade the Dalits to do so.

Seventeen elections have passed since 1996 when the Panchayati Raj system came into

## Caste still



Chellasamy, (face in circle) a Dalit, sits on the ground while an upper caste Thevar is perched on a bench. (inset)

Dhanushkodi. — The Statesman force in Tamil Nadu.

But the presidents' chairs in Pappapatti, Keeripatti and Natarmangalam, three reserved panchayats in Madurai district,

## calls the shots here

have been denied to the Dalits again. Reason: The upper caste Thevars question the eligibility of the Dalits. As for the Dalits, depending as they do on the Thevars for their livelihood, they blame it on the gods for bringing misfortune on them whenever they defied the "natural law" and contested.

Take Dhanushkodi for instance. He works as a farm hand on the fields belonging to Chellakannu Thevar. In 2002 November, Chellakannu Thevar forced Dhanushkodi to contest for the post of Pappapatti panchayat president. Not out of any concern for the democratic process being stumped, but because he wanted to ensure the defeat of a Dalit candidate who had dared to defy the upper caste diktat.

While 38-year-old Dhanushko-

cause he defied the divine edict," Kurumaban Easi Thevar, a village elder pointed out.

Irulan Subban's story is perhaps the worst case of oppression and intimidation. In 2002 April, he filed his nomination with the support of the then district collector. Failing to get protection from the AIADMK of which he was a member, Subban came to Chennai to meet the then Tamil Nadu Governor and seek protection for his life on election day. However, Subban never returned to his village. Two years later, Subban is still in hiding in his sister's house at the Chokkarthevanpatti village, fearing the wrath of the Thevars.

Last year, yielding to pressure from the NHRC and the SC/ST Commission, the AIADMK government set up a legislative panel, headed by a Thevar state minister, Mr O Panneerselvam. The panel, predictably, concluded the Thevars had no hand in preventing the Dalits from contesting.

di won with a thumping majority — securing 914 of the 1,500 votes — he quit before taking charge. Soon, lightning struck his one-room quarters. Luckily Dhanushkodi had just stepped out. Shivering from the memory, he asks: "Isn't it a bad sign?" A 65-year-old woman listening to the narration declared: "Of course, it is." Azhagar agreed: "We belong to the lower caste. God does not like us contesting polls." Having said that, he conceded it was impossible to occupy a position of authority so long their livelihood depended on the Thevars.

Six months later, when the State Election Commission, announced elections to fill up the vacancies in the three panchayats, Azhagar decided to run for the post of panchayat president. "Now he is terminally ill with tuberculosis be-

# Dalits demand quota in private sector

By Our Staff Correspondent

NEW DELHI, SEPT. 11. Dalits from across the country have demanded a separate electorate to create a credible and effective leadership among them and eradicate untouchability and discrimination.

Addressing a meeting here on Friday, the former Member of Parliament, H. Hanumanthappa, gave a call to launch a 'Dalit Andolan' from September 24 to create awareness among the people — the Scheduled Castes (SC) and the Scheduled Tribes (ST) in particular — about their rights. The struggle would force the society and the Government to take notice of the problems

and demands of the Dalits and help them secure their rights as equal citizens of the country.

Mr. Hanumanthappa, convenor of the Dalit Andolan, wanted the Government to continue the policy of reservation. It must be extended to the private sector and other economic activities as well. Mr. Hanumanthappa pointed out that the much promised reservation in the private sector was hanging fire. This he said was because of the adamant and belligerent attitude of the corporate sector and the extra cautious handling of the issue by the Government.

## Discrimination alleged

The National Campaign on

Dalit Human Rights (NCDHR) has also strongly advocated the need for a change in the Government's stand on caste discrimination and untouchability.

Speakers at a national consultation on 'Challenging Untouchability and Caste Discrimination — National and International Policies' here on Friday felt that despite the Constitution prohibiting discrimination on the grounds of caste, race, religion and gender, Dalits across the country were being subjected to discrimination and treated as untouchables.

Dalits from 15 States participated in the consultation, where they pointed out that they were still not allowed in-

side temples and prohibited from drawing water from common water sources in villages. Manual scavenging continued and temple prostitution in the garb of Devadasi and Jogini systems was still practiced, despite laws banning them.

had not effectively addressed caste-based discrimination and untouchability.

Among those who spoke were Mohini Giri (Guild of Services), Syeda Hameed (Member, Planning Commission), Prof Vimal Thorat, Director, Indian Institute for Dalit Studies, Henri Tiphange, People's Watch (Tamil Nadu), and Paul Divakar, National Campaign on Dalit Human Rights.

# 'None can stop quota in private sector'

By Our Special Correspondent

**CHENNAI, SEPT. 9.** The Union Minister for Fertilizers, Chemicals, Iron and Steel, Ramvilas Paswan, today said the United Progressive Alliance (UPA) Government was determined to bring in legislation to ensure reservation in the private sector.

Participating in a conference on the policy of preferential participation in development here, he said nobody could stop the Government's move, as it became necessary with diminishing job opportunities in the public sector owing to privatisation.

Private sector units received huge financial assistance from the Government but they were opposing reservation, Mr. Paswan said. Though only a small percentage of jobs was available in the organised private sector, employment opportunity was

denied to the Scheduled Castes (SC), Scheduled Tribes (ST), Backward Classes (BC), Other Backward Classes (OBC) and minorities on the ground of "merit and qualification".

Reservation in the private sector should be implemented as 90 per cent of Dalits in the agricultural sector remained landless. The SC, ST and BC had no place in trade and business, he said.

"I can assure you that the UPA Government and its Common Minimum Programme are committed to bringing in the Bill to extend reservation to the private sector. It may take time but we will see that is passed in Parliament to pave the way for a new era".

## 'Change mindset'

Calling for a change in the people's mindset to end gender bias, Mr. Paswan said the Women's Reservation Bill ensuring an

internal quota for the Dalits, BCs, OBCs and minorities should be passed. He supported the demand for reservation for Christian and Muslim Dalit converts. "We should fight for reservation for the minorities in every State and at the national level too."

The Minister flayed private institutions which denied admission to eligible candidates, who came under the reservation category, apart from poor students belonging to upper castes, only to allot the seats to candidates who could afford, after collecting a huge capitation fee.

## Movement launched

The Pattali Makkal Katchi (PMK) founder, S. Ramadoss, inaugurated the Movement for the Right to Preferential Participation (MRPP). It was not meant for the advantage of any particular section but it would strive for the country's overall socio-

economic development, he said.

Progress would be possible only if an overwhelming majority from the SC, ST, MBC, BC and minorities, who constituted 90 per cent of the population, participated in industry, commerce and domestic production, Dr. Ramadoss said.

The PMK president, G.K. Mani, said the MRPP should spread to other parts of the country. L. Jawahar Nesan, founder, Educated Chamber, said the policy of preferential participation in development should be given the constitutional status. S.G. Sekaran, president, Educated Chamber, Malaysia; and N. Sethuraman, chief of the All-India Moovendar Munnani Kazhagam, supported the MRPP.

The meet adopted a resolution highlighting the importance of providing a constitutional guarantee to the right to preferential participation in development.

# Private quota pulls on PM

**RADHIKARAMASESHAN**

**New Delhi, Sept. 7:** Manmohan Singh's government is torn between interests that want a law on private sector job quota and those suggesting a more moderate line.

Although the Prime Minister spoke only of "affirmative action" in his media conference last Saturday, some "Mandalised" allies of the Congress are seeing the debate on the proposal to introduce private sector reservation as the precursor to a law.

Laloo Prasad Yadav's Rashtriya Janata Dal and the Lok Janshakti Party of Ram Vilas Paswan are not the only proponents of legislation, but a section of the Congress itself, too.

The other view in the government favours exploring different options before enact-

ing a law, such as "trying to correct historical discrimination through education rather than jobs". "It is not realistic to expect industry not to place a premium on merit," explained a source in the Prime Minister's Office.

"Better to equip the Dalits, tribals and OBCs (other backward classes) so that they can compete with others rather than leave them to the mercy of lawmakers," the source added.

Maharashtra had recently passed a law on private sector reservation but industry leaders reportedly threatened to pull out of the state if it was enforced. This has made the Centre wary, sources said.

Singh is stepping with caution. "The opportunities for scheduled castes and tribes, OBCs and similarly placed disadvantaged groups in the pri-

cate sector need) to be endorsed," he had said.

It was mere iteration of the ruling alliance's common minimum programme and stayed within the limits of the Congress' stated position.

"The modalities," the Prime Minister added, "have to be worked out in close consultation with the private sector. We have proposed a GoM (group of ministers) and what is possible without legislation. Our hope is that private industry shows sensitivity to providing opportunities for marginalised groups."

For now, the Centre's concept of "affirmative action" is to get companies to fund Dalits and tribals by offering them scholarships at educational institutions and providing in-house training.

There is scepticism, how-

ever, whether the steps the government has in mind will prompt the private sector into action to help socially disadvantaged groups to the extent it expects.

"OBCs have not benefited particularly from Mandal because the government sector has been shrinking. Industry is part of the milieu in which the rest of society lives. Our experience shows that even for jobs at the lowest level, upper castes are preferred," a source in Laloo Prasad's party said.

The GoM, the source said, has served the immediate purpose of opening up a debate. They hope the discussions will reveal the ground situation "because at some point, private industry will have to make public statistics of caste-wise employment".

# বেসরকারি ক্ষেত্রে দলিতদের সংরক্ষণ নিয়ে উদাসীন বামেরা

দীপেন্দ্র রায়চৌধুরী • নয়াদিল্লি

১ সেপ্টেম্বর: সাংসদদের সংখ্যার হিসাবে রেকর্ড করে থাকতে পারেন, কিন্তু কমিউনিস্টরা এখনও জাত-রাজনীতির অঙ্ক মেলাতে সচেষ্ট হননি। আর হননি বলেই দলিত ও আদিবাসীদের জন্য বেসরকারি ক্ষেত্রে চাকরিতে সংরক্ষণের দাবিতে বিভিন্ন দলের দলিত নেতারা যখন সোচ্চার, কমিউনিস্টরা কিন্তু উদাসীন।

শাসক জেট ইউ পি এ এই দাবি সমর্থন করে সেটাকে ন্যূনতম কর্মসূচির অন্তর্ভুক্ত করার পর বিষয়টি এখন সরকারি স্তরে মন্ত্রীগোষ্ঠীর বিবেচনাধীন। তার অন্যতম সদস্য রামবিলাস পাসোয়ান বিষয়টি নিয়ে আগামী বাজেট অধিবেশনের মধ্যে বিল পেশের দাবি তুলেছেন। কিন্তু দুই কমিউনিস্ট পার্টি বিষয়টি নিয়ে এখনও পর্যন্ত খুব বেশি মাথা ঘামায়নি। সি পি এমের শ্রমিক সংগঠন সিটুও ঠিক করেছে, এই দাবিকে তারা তুলে ধরবে না। সিটুর অন্যতম সম্পাদক রঞ্জিত বসুর বক্তব্য, “এটা খুবই স্পর্শকাতর একটা বিষয়। আদর্শগত ভাবে আমরা শ্রমিকদের ধর্ম-জাত-সম্প্রদায়ের ভিত্তিতে বিভাজিত করার পক্ষে অতীতেও ছিলাম না, এখনও নেই।”

সরকার মন্ত্রীগোষ্ঠী গঠন করার পর দলিত নেতা ইম্পাতমন্ত্রী রামবিলাস পাসোয়ান এখন বিষয়টিকে ত্বরান্বিত করার চেষ্টায় নেমেছেন। কৃষিমন্ত্রী শরদ পওয়ারের নেতৃত্বে ওই মন্ত্রীগোষ্ঠীতে পাসোয়ান ছাড়াও আছেন রেলমন্ত্রী লালু প্রসাদ, অর্থমন্ত্রী পি চিদম্বরম,

শিল্প-বাণিজ্যমন্ত্রী কমল নাথ, সমাজিক ন্যায় বিষয়ক মন্ত্রী মীরা কুমার (প্রয়াত দলিত নেতা জগজীবন রামের কন্যা) ও যোগাযোগ মন্ত্রী দয়ানিধি মারান। এই মন্ত্রীগোষ্ঠীর তরফে শিল্প-বাণিজ্য মহলের সঙ্গে কথা বলার দায়িত্ব দেওয়া হয়েছে চিদম্বরম ও কমল নাথকে। কিন্তু বেসরকারি ক্ষেত্রের বাধায় বিষয়টি এখনও এগোয়নি। এই অবস্থায় পাসোয়ান প্রকাশ্যে বলেছেন, “বাজেট অধিবেশনের শুরুতে রাষ্ট্রপতির ভাষণে যে হেতু এর উল্লেখ ছিল, তাই সরকারের উচিত রাষ্ট্রপতির পরের ভাষণের সময়ে এটিকে অন্তর্ভুক্ত বিল হিসাবে সংসদে আনা।”

দলিত নেতাদের মধ্যে কার্যত এখন বিষয়টি নিয়ে প্রতিদ্বন্দ্বিতা শুরু হয়ে গিয়েছে। এই দাবি প্রথম তুলেছিলেন কেন্দ্রীয় সরকারি কর্মচারীদের এস সি-এস টি ফেডারেশনের নেতা উদিত রাজ। এখন তিনি অল ইন্ডিয়া কনফেডারেশন অফ এস সি এস টি অ্যাসোসিয়েশনস নামের একটি সংগঠনের কর্তা। তৈরি করেছেন একটি রাজনৈতিক দলও।

নভেম্বর মাসে দিল্লিতে এই দাবিতে একটি ‘বিরাট সমাবেশ’ করার প্রস্তুতিতে ব্যস্ত উদিত রাজ বলেছেন, “পাসোয়ান এর কৃতিত্ব দাবি করতে পারেন না। এটা আমার দাবি। বিজেপি জমানায় কেন্দ্রে মন্ত্রী থাকার সময়ে পাসোয়ান এর জন্য কিছুই করেননি।” কথা প্রসঙ্গে তিনি জানান, তিনি কমিউনিস্টদের কাছেও যাবেন সমর্থনের জন্য, যদিও ‘কমিউনিস্টরা সব সময়ে শ্রেণি নিয়েই ব্যস্ত থাকেন’।

“তা না হলে উঁরাই তো এতদিনে ক্ষমতায় চলে আসতেন,” বলেছেন উদিত রাজ।

বস্তুতই অন্য দলগুলি এ বিষয়ে যতটা উৎসাহী, তার ছিটেফোটাও নেই কমিউনিস্টদের মধ্যে। বাম নেতারা সনিয়া গান্ধী বা সরকারের সঙ্গে গত তিন মাসে বহুবার বহু আলোচনা করলেও দলিত-আদিবাসীদের সংরক্ষণের বিষয়টি যে তোলেননি, তা দলীয় সূত্রেই জানা গিয়েছে। সি পি আই এই বিষয়ে সামান্য বেশি আগ্রহ দেখলেও তাঁদের সাংসদ ও এইটাকের সাধারণ সম্পাদক গুরুদাস দাশগুপ্ত বলেছেন, তাঁদের দলে বা ইউনিয়নে বিষয়টি নিয়ে আলোচনা হয়নি। অন্যদিকে সিটু জুলাই মাসে নাসিকে নিজেদের জাতীয় পরিষদের বৈঠকে এ বিষয়ে বিস্তারিত আলোচনা করে শেষে এই সিদ্ধান্তেই পৌঁছেছেন যে ‘আদর্শগত কারণে’ তাঁরা এই দাবির পক্ষে দাঁড়বেন না।

এই পরিপ্রেক্ষিতে বামদেরই একটা অংশের বক্তব্য, বি টি রণদিভে যে ভাবে ‘অনগ্রসর অংশের’ পক্ষে দাঁড়ানোর জন্য সওয়াল করেছিলেন, তা এখনও কমিউনিস্টদের মজ্জায় প্রবেশ করেনি। করলে দলিতদের দাবি তাঁদের চোখ এড়াত না এবং উত্তর ভারতে সংগঠনও বাড়ত বলে মনে করেন ওই অংশ। কারণ, সরকারি ক্ষেত্রে কর্মসংস্থানের সুযোগ কমে যাওয়ার পরিপ্রেক্ষিতেই দলিত-আদিবাসী সমাজের শিক্ষিত অংশের মধ্যে বেসরকারি ক্ষেত্রে কাজের আকাঙ্ক্ষা ক্রমশ বাড়ছে।



# Caste-away

9/20/85  
Quotas in private sector pernicious

It is astonishing that the government hasn't given up on the idea of job reservations for the private sector. That the Common Minimum Programme mentions it, is neither here nor there. Political parties, the Congress is no exception, are past masters at giving quiet burials to promises. Now the social justice ministry wants it to offer an even bigger quota for SC/STs than applicable to Central jobs, 25 per cent to the government's 22 per cent. The method behind this madness is related to the Congress's attempts to muscle in to the politics of caste. In North India; it is caught between the BJP and caste parties. To counter the first, Sonia Gandhi has started an aggressive campaign against sections of BJP iconography: the Veer Savarkar controversy, the Uma Bharati case, the wholesale junking of MM Joshi's HRD policies. Private sector job reservations are part of the second strategy, to woo caste voters away from Mulayam and Mayawati, and ultimately Lalu Prasad, also. But like the first strategy, political dividends from the second are by no means certain. Caste parties like the SP and the BSP are exclusively devoted to sectional politics. Whatever the Congress proposes, they can outbid in the political marketplace. The Congress will not go the distance without alienating constituencies like the middle class and industry. These don't have enough votes. But the first forms opinion and the second, de facto, funds politics. Can the Congress really have long term prospects of power if it gets identified as a major spoiler of these powerful interests?

A proposal for private sector quota, however, must be opposed not on these realpolitik terms but in principle. There's first the issue of commercial and entrepreneurial freedom — a private employer must not be forced to hire anyone. Second, the issue of merit. The private sector in general hires people on criteria that makes no reference to the community the individual "belongs" to. To change this would be pernicious in the extreme and will hugely affect professionalism. Third, the issue of political interference. Currently, politicians try and influence private sector employment only minimally and examples are isolated. With a quota, the practice will become widespread and examples, pervasive. The institution of reservation and the convenient cloak of social justice emboldens politicians to refer "deserving candidates". A big, blue chip employer of outstanding candidates may get a call from, say, one of Rabri Devi's brothers, who are very big on social justice. That thought alone should get industry to fight government determinedly on this issue.

2/1/86

30 AUG 2001

# Reservations about reservation

By Neera Chandhoke

*The manner in which reservation has been conceptualised and implemented by the Indian state is sadly wanting.*

THE PROPOSAL of the United Progressive Alliance's Common Minimum Programme to extend reservation to the private sector has expectedly aroused a great deal of protest. We are witnessing the same production of demeaning stereotypes that marked the anti-Mandal agitation in 1990. Whatever be the validity of the objections, it is essential that the idea is subjected to some prudent reflection. For one, any deviation from the norm of equality, howsoever necessary this deviation may be, needs to be explained and justified publicly. After all, reservation in both the public and private sectors is going to adversely affect the livelihoods of millions of young men and women who have to survive in a highly competitive, impersonal, and harsh market economy. Therefore, people have to be persuaded that measures that benefit only a part of society are good for everyone. This needs some hard work. Perhaps we need to take a cool look at the way reservation has been conceptualised and implemented before it is extended to the private sector. What for instance are the opportunities and the costs attached to reservation? Unfortunately, the issue has come to be embroiled in so much controversy and bitter polemics that a rational discussion becomes impossible. But such a discussion we must have in order to know why the mention of reservation serves to 'create such animosity and hostility? What has gone wrong and where?

But before this exercise we may need to ask a wider question: what is reservation for or what is it meant to achieve? An obvious answer is that those who have been victimised in history have to be compensated through assured educational opportunities and income. The second question that follows is more complex but nevertheless important: is reservation meant only for securing material assets? Is it not meant to secure what Dalits have not had access to for centuries, respect and dignity?

To put it bluntly, is there any connection between reservation and the extension of social respect to the beneficiary, on the one hand, and development of self-respect in the beneficiary, on the other? It is true that most works on protective discrimination conclude that the policies have worked rather well given the anarchic nature of the Indian political system, and given entrenched caste discrimination, even though we can count enough flaws in the implementation of these policies. But stud-

ies also show that though Dalits have managed to secure a place in the public domain, which is regulated by law, matters are more complicated when it comes to the private domain of personal interaction, which continues to be governed by social prejudice. In short, even if those who benefit from reservation are treated with professional courtesy and propriety in the public sphere, are they extended the same respect in the private sphere? Have the Dalits finally come into their own as agents who possess equal standing in society? The general response to this question is mixed but on the whole pessimistic. The question that confronts us is: why has respect not followed, the grant of material opportunities?

First, there is a problem in the way reservation has been conceptualised in India, as compensation for the victims of history. The problem is that this notion not only divides society along the axis of 'we-ism' versus 'they-ism', it leads to patronising attitudes at best and resentment at worst. Either today's generation wonders how long it has to pay for the sins of its ancestors or it accepts reservation as compensation for past harms. These attitudes can hardly lead to the extension of respect to the beneficiaries of reservation; they make only for either condescension or belittlement. And none of this secures respect or proscribes humiliation.

Matters would have been different if reservation had been placed within the conceptual argument of egalitarianism, where every member is seen as an equal stakeholder in the common resources of society by right. Today those who claim compensation approach the Government either as a victim or as a petitioner. And this makes them vulnerable to stigmatising imageries. In an egalitarian world view, however, those who have not been allotted their rightful share would approach the Government as the bearer of rights, as self-confident human beings who demand their share by right. The notion of compensation makes for supplicants, the notion of egalitarianism makes for rights bearers. The implications for self-respect should be more than clear.

Secondly, is it not true that reservation offers minimal sops to those who have been deprived of their

rights? Does compensation mean that the resources of a given society have been equalised? For even if reservation benefits some people, their share of the common resources of a society will necessarily remain far lower than those possessed by the better off in that society. Reservation may make for humanitarianism, which is concerned with helping the worse off in society. But humanitarianism is not concerned with the fact that some sections of society own much more than is their due, this is the concern of only egalitarianism. For egalitarianism is pre-occupied with a just distribution of resources and not with only helping the worse off. In India, however, we remain mired in notions of minimal compensation instead of moving towards a shared vision of egalitarian democracy, which inculcates respect for all as a matter of right.

Thirdly, in India, social justice, which ideally should include land reform, income generation policies, redress of inequality, and securing the well being of the disprivileged, has collapsed into reservation. Reservation has come to substitute for social justice. It is not difficult to figure out why this is so. Reservation has proved a soft option for political elites, who, reluctant to carry out deep-rooted changes in society, would rather opt to enlarge the constituency of jobs and educational institutions. It is not surprising that in all this, wide-ranging remedial measures, which address the source rather than the symptoms of structural domination, and which may actually prove more effective in the long run to guide our society into the path of justice have been downgraded. It is after all relatively easy to essay reservation than change ownership of resources in the country. Moreover, promises of reservation prove especially profitable when it comes to garnering votes.

The problem is that in the process of 'being employed as an electoral ploy, reservation has been de-linked from its normative moorings in visions of egalitarian democracy, and come to be a convenient tool of and for amoral electoral politics. The proposal to extend reservation to the private sector for instance is seen as the product of electoral bargaining with Dalit leaders, and not as the result of a careful and well-thought-out policy

to which the Government is committed. Resultantly the argument for caste reservation in the private sector rests on less rather than more firm philosophical and morally justifiable grounds.

Fourthly, the public discourse of restitution for historical wrongs has inevitably led to competing and spiralling claims of victimhood, invention of new victims claiming reservation, and demands for compensation. Groups now compete over who has been most victimised in history because they aim for reservation. Instead of joining together to battle systemic injustice and moving towards egalitarianism, disprivileged groups have come to confront each other. The position seems to be: 'as long as we get quotas we do not care what happens to you'. This breeds its own results in the form of social hostility even as new groups, even those who belong to higher castes, invent histories of victimisation to lay claim to reservation.

Fifthly, protective discrimination policies focus on inter-group rather than intra-group inequalities. But that even groups that have been historically deprived can be divided along the axis of inequality is obvious. We will have to ask the question: why is inequality between members of a group acceptable when inequality between groups is not acceptable? These are questions that are rarely asked of policies that target entire groups. But these are questions that trouble egalitarians. They also trouble otherwise well meaning members of society who wonder why the child of a Dalit family that has benefited from reservation for two or three generations should claim education or jobs, while the children of poor but upper caste people are left out in the cold.

In sum, the manner in which reservation has been conceptualised and implemented by the Indian state is sadly wanting. Since they are seen by society not as a justified component of egalitarianism but as unjustified rewards, they breed bitterness and antagonism towards the beneficiaries. Because reservation is seen as something 'we' owe 'them', resentment and hostility have been expressed through the perpetuation of demeaning caste stereotypes and stigmatising imagery. For these and other reasons protective discrimination should be taken seriously and applied sparingly. It is only then that reservation will be seen as legitimate and its beneficiaries will be spared humiliation.

# Shinde justifies quota Act

PRESS TRUST OF INDIA

CHENNAI, Aug. 28. — The Maharashtra chief minister, Mr Sushilkumar Shinde, today justified the Maharashtra Act providing for reservation for Dalits and backward classes in the private sector in his state and said if it had not been passed, the wheels of social reforms would have been turned backwards.

Addressing a conference on the "Extension of Reservation Facilities to Private Sector," organised by the Pattali Makkal Katchi, he said through the Act, his

government had prevented Dalits from being marginalised in society.

"The main purpose behind the reservation policy is to give social justice, by empowering backward classes. The policy intends to bring about proportionate equality, as it is a mode of distributing benefits. But among all these important aspects is that, due to this policy, capacity building is generated among the weaker sections," he said.

When the Act was passed, a majority of the industrialists expressed their displeasure over it, he said,

adding they were worried that they could have to sacrifice merit for reservation, which in turn would curtail their freedom and bring down efficiency. "They also felt that their competitiveness would be in jeopardy," he said.

It was unfortunate that the private sector was not enthusiastic about the reservation policy of his government, Mr Shinde said.

The fear of industrialists that foreign companies would not invest in Maharashtra due to the Act "is absolutely unfounded," the chief minister said.

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By the Editor  
AP-10

# Land reforms have not helped Dalits in Andhra Pradesh

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By W. Chandrakanth

**HYDERABAD, AUG. 7.** On July 19, six Dalits consumed pesticide to highlight the official apathy in handing over land allocated for them.

One of them, Hanumantha Rao, died in hospital. The issue made it to the front pages of the local press.

The problem was settled later with the intervention of the Chief Minister, Y.S. Rajasekhara Reddy, who promised a review of the results of the land reforms process.

This has set in motion a debate on the land reforms and the hurdles in implementing them. The issue also assumes significance as it is going to be a priority item in the agenda for talks with the People's War which has gained strength from the protracted land struggles.

## Setting up commission

At a recent meeting with the Left parties, the Chief Minister

said a commission would be set up to look into the distribution of the surplus land to the landless poor — a demand being aired by several Dalit organisations and the Left.

It is a challenging task for the new Congress Government to bring the violators (of land rights), to justice.

Between 1948 and 1970, the abolition of the Estates Act, the Enam Abolition Act and the Telangana Tenancy Act effectively transferred the control of over 349 lakh acres to farmers and tillers.

But only 0.5 per cent of this land has reached the hands of the SCs or the STs. The land reforms movement later could not really make the Dalits possess land despite being issued pattas (title deeds).

## 'Proactive role'

The Left parties demand a proactive role from the officials, which is not forthcoming. As per Government records, it needs to acquire

surplus lands of 95,715 acres (wetland) and 8,67,451 acres of dry land.

The Dalit Bahujan Sramika Union and the Left parties highlighting the apathy of the Government have tabulated thousands of cases.

Deprivation comes in many forms: pattas issued but land not given to the beneficiaries, land illegally alienated from the SCs/STs by using Acts such as 9/77 (Land Transfer Prohibition Act) and the 1/70 Act or by way of fraudulent pattas to ineligible persons or other departments contesting the allocations of the Revenue Department.

The land in occupation of the Dalits and the tribals without title deeds in 14 districts of the State is 24,199 acres. Though deeds had been issued against 4,810 acres, land has not been alienated.

Dalit activists Paul Divakar, Bojja Tarakam and Sirivella Prasad point out that dominant castes have illegally

alienated 4,000 acres from the Dalits. Fictitious deeds have been issued for 653 acres in the Mahabubnagar, Guntur, East Godavari and Chittoor districts.

## Eviction threat

The Forest and Revenue Departments are contesting the alienation of 14,937 acres of land while Dalits are under the threat of eviction from about 20,000 acres.

In addition, 35,000 acres is under illegal occupation.

B. V. Raghavulu of the CPI (M) and S. Sudhakar Reddy of the CPI allege that "the revenue officials are insensitive.

The United Progressive alliance has included the subject in the Common Minimum Programme too.

Non-interference of police must also be ensured in the cases."

The Dalit leaders insist, "It is a matter of livelihood. Unless a sincere effort is made, the benefit will not reach the poor."

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## RESERVATION CONTROVERSY

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THE ANDHRA PRADESH High Court's recent stay of the State Government's order providing five per cent reservation in government jobs and educational institutions affords an opportunity for reflection on the issues at stake. Surveys by the National Sample Survey Organisation (NSSO) have shown that deprivation in jobs, education and consumption is more widespread among an estimated 113 million Muslims than among the rest of the population. In the 1999-2000 survey, the unemployment rate among Muslims was higher than the average for all Indians. Data on literacy tell a similar story. Further, 13 per cent of Christians, 22 per cent of Hindus and 40 per cent of Muslims in urban India fell in the lowest class of consumption expenditure — less than Rs.425 per capita a month. Among Muslims, the higher incidence of deprivation holds for town as well as countryside, men as well as women. This has been brought out by earlier NSSO surveys as well. There is clearly a case for special policies and programmes that address the extreme economic and educational backwardness encountered within the Muslim community, as there is for some other constituents of the Indian population.

Caste has been the operative condition for reservation but this is not the first time that members of a religious community have been given quotas. Muslims are already covered by State Government rules on reservation in Tamil Nadu, Kerala, and Karnataka. In Tamil Nadu, they are entitled to reservation under the 30 per cent category earmarked for 'Other Backward Classes'. In Kerala, 12 per cent of government jobs are currently reserved for Muslims, who account for 22 per cent of the State's population; the benefit is available to those who come from families earning less than Rs.2.50 lakhs annually. The Karnataka experience is more rele-

vant since quotas for Muslims, who form 12 per cent of the State's population, were introduced only in 1994. They have 4 per cent reservation in government and educational institutions; the benefit is available to applicants who come from families that have an annual income below Rs.2 lakhs or hold land below a certain ceiling or do not have a gazetted officer as parent. The reservation rules for Muslims in both Kerala and Karnataka meet the condition of exclusion of the "creamy layer" laid down by the Supreme Court in 1992. The system has worked without triggering much political controversy, although Kerala has in recent years witnessed campaigns by the groups entitled to reservation seeking a greater share of the cake.

However, the order by the Andhra Pradesh Government is defective on more than one count. First, the identification of Muslims as a separate reservation category has not been done on the recommendation of the State Commission for Backward Classes. The apex court had ordered that socially disadvantaged groups entitled to reservation in each State must be identified by such a body in keeping with the spirit of Article 15(4) of the Constitution. Secondly, the Government order makes no explicit distinction between the relatively well off and the deprived among Muslims — thus not heeding the rule about excluding the creamy layer. Finally, since reservation in the State already adds up to 46 per cent, the five per cent quota for Muslims will take the aggregate past the judicially imposed ceiling of 50 per cent. (The Telugu Desam Party's election-eve promise to provide Muslims with 3 per cent reservation has to be seen in this context.) The Y.S. Rajasekhara Reddy Government needs to apply its mind more carefully to, and consult more widely on, this question in fulfilling a pledge the Congress made ahead of the elections.

## NEW RESERVES

There is very little that is fresh and innovative about reservations. In April, Mr Manmohan Singh, then a member of the Congress working committee, had said in the context of the party's vision document on economic growth, that it was time for a "dialogue" with the private sector on how it could enlarge opportunities for the scheduled castes and tribes. Fresh and innovative thinking was necessary. Four months earlier, the former prime minister, Mr Atal Bihari Vajpayee had told the SC and ST members of parliament that they should work towards creating an ambience that would persuade the private sector to accept the quota system. Other leaders, across parties, have brought up the subject whenever there was the need to offer a carrot to a particular vote bank. So when the new United Progressive Alliance government returns to reservations as the only way to enlarge opportunities for the underprivileged in the private sector, it is hardly fresh or innovative. In an unequal society like India's, affirmative action would seem an obvious measure for the correction of imbalances. But for affirmative action to be meaningful, there would have to be absolute clarity in the understanding of the goal and the way to it.

There is always the danger that reservations for particular categories, instead of leading to the erasure of inequality, consolidate those categories in the polity. The system of reservations as it now exists divides Indian society into caste-based groups. If inequality becomes a kind of reverse route to privilege, it breeds other dangers, those of expectation and dependence. It is in the politicians' interest to keep these simmering. Education is one sphere in which reservations are meaningful, but that is so only if it is targeted towards the needy communities and within a time-frame. Job quotas in the public sector have generated much bitterness already, although the need for diverse representation is one argument that the government can make. Merit is hardly the issue in a situation where the conditions are unfavourable for the free and equal development of merit in the first place. But the demand for reservations in the private sector is a peculiar imposition. The private sector has its own ways of discharging its social duty, if only by paying taxes. The government cannot expect it to tailor its requirements to the demands of social equality, that is not something the private sector is in business for. Affirmative action, to be effective, has to be meticulously targeted, carefully monitored and made timebound for different segments. An unchecked extension of the quota system is the sure recipe for a prime mess.

# চাকরি সংরক্ষণ করতে গিয়ে মহারাষ্ট্র সরকার শিল্পমহলের কোপে

প্রশান্ত কুণ্ডু • মুম্বই

১০ জুন: মহারাষ্ট্রে বেসরকারি শিল্পে তফসিলি জাতি, উপজাতি ও অনুল্লত শ্রেণীর চাকরির সংরক্ষণ করতে গিয়ে মুম্বই শিল্পমহলের কোপের মুখে পড়েছে মহারাষ্ট্রের জোট সরকার। বেসরকারি সংস্থায় বাহ্যিক শতাংশ সংরক্ষণের প্রস্তাব কার্যকর করলে এ রাজ্যে আর লগ্নি করবেন না বলে অনেক শিল্পপতি জানিয়ে দিয়েছেন। অন্য দিকে, বিরোধী শিবসেনা অভিযোগ করেছে, নির্বাচনের আগে সংরক্ষণের টোপ দেখিয়ে রাজনৈতিক ফয়দা তোলার চেষ্টা করছে কংগ্রেস-এনসিপি-র জোট সরকার।

বাজাজ অটোর চেয়ারম্যান, বিশিষ্ট শিল্পপতি রাহুল বাজাজ বলেছেন, বিশ্ববাজারে যেখানে তীব্র প্রতিযোগিতা চলছে, সেখানে বেসরকারি সংস্থায় চাকরির সংরক্ষণ করলে তা সংস্থার মেধাভাণ্ডে আঘাত করারই সামিল হবে। মুম্বইয়ের ইন্ডিয়ান মার্চেন্ট চেম্বারের সভাপতি নানিক রুপানির ধারণা, সরকারের এই পদক্ষেপ রাজ্যে শিল্পে বিনিয়োগের প্রব্লে অভিশাপ হয়ে দাঁড়াবে।

বিভিন্ন বণিকসভার কর্তাদের মতে, সরকারের এই সিদ্ধান্ত রাজ্যের পক্ষে বড় বিপদ ডেকে আনতে পারে। এমনিতেই মহারাষ্ট্রে অন্য রাজ্যের তুলনায় বিনিয়োগের পরিমাণ কমে গিয়েছে। ওড়িশা, কর্ণাটক ও অন্ধ্রপ্রদেশের মতো রাজ্যে বিনিয়োগ বেড়ে গেছে। এমন অবস্থায় মহারাষ্ট্র সরকার বেসরকারি সংস্থায় চাকরির ক্ষেত্রে তফসিলি জাতি, উপজাতিদের জন্য বাহ্যিক শতাংশ সংরক্ষণের ব্যাপারটি কার্যকর করলে অনেকেই মহারাষ্ট্র ছেড়ে অন্য রাজ্যে চলে যেতে পারেন বলেও শিল্পপতিদের মত। সংরক্ষণের বন্দোবস্ত করলে তা সরকারি ক্ষেত্রেই সীমাবদ্ধ রাখা উচিত বলে এদের মত।

গত ডিসেম্বরে মহারাষ্ট্রের জোট সরকার নাগপুরে অধিবেশন চলার সময় বিষয়টি তোলে। এবং তা পাশও হয়। মন্ত্রিসভাতেও এ নিয়ে আলোচনা হয়। সরকারের এই পরিকল্পনা গত কাল প্রকাশ্যে আসার পর থেকেই সমালোচনার ঝড় শুরু হয়।

সরকারের প্রস্তাব যে সব বেসরকারি সংস্থা মহারাষ্ট্রে শিল্প স্থাপন করতে গিয়ে সরকারি সাহায্য নিয়েছে অর্থাৎ নানা আর্থিক ছাড় ভোগ করেছে, তাদের ক্ষেত্রে এই সংরক্ষণের নীতি প্রযোজ্য হবে। শিল্পপতিদের বক্তব্য সফ — এরকম শর্ত মেনে কেউ এ রাজ্যে নতুন করে বিনিয়োগ করবে না। এমনিতেই মহারাষ্ট্রে বিক্রয় কর, বিদ্যুতের মাসুল ইত্যাদি বেশ চড়া। ফলে, অনেকেই অন্য রাজ্যে চলে যাওয়ার জন্য তৈরি হচ্ছে।

ঠিক এই সুরে না হলেও রাজনৈতিক সমালোচনা এসেছে একই ধারালো ভাবে। বিধানসভায় বিরোধী দলনেতা শিবসেনার নারায়ণ রানে বলেছেন, জাতপাতের ভিত্তিতে চাকরির সংরক্ষণের বিরোধী তাঁরা। বরং অর্থিকভাবে যারা দুর্বল, তাঁদের জন্য সংরক্ষণ হওয়া দরকার। তবে তা-ও সরকারি ক্ষেত্রেই। তাঁরা প্রাক্তন প্রধানমন্ত্রী বিশ্বনাথপ্রসাদ সিংহের আমলে মণ্ডল কমিশনেরও বিরোধিতা করেছিলেন। শিবসেনার বক্তব্য, আসলে তফসিলি জাতি, উপজাতিদের বেসরকারি সংস্থায় চাকরির সংরক্ষণ করে নির্বাচনে ভোট টানতে চাইছে জোট সরকার। রাজনৈতিক মহলের ধারণা, আগামী সেপ্টেম্বরের গোড়ায় গনপতি উৎসবের আগেই বিধানসভার ভোট সারতে চাইছে কংগ্রেস-এনসিপি জোট সরকার। কারণ, গনপতি উৎসব শুরু হচ্ছে আগামী ১৮ সেপ্টেম্বর। তার পরে ভোট করলে শিবসেনা-বিজেপি হিন্দুত্ব ভাবাবেগ ব্যবহার করার চেষ্টা করতে পারে।

# Industry snubs Maharashtra govt's reservation plan

By Bajju Kalesh & Rajarshri Roy  
TIMES NEWS NETWORK

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**Mumbai:** Big industrial houses like Bajaj Auto and Finolex Cables may end up shifting their factories from Maharashtra if the Democratic Front government goes ahead with its plan to force private sector companies to reserve 52% of jobs for SC/ST and other backward classes in lieu of concessions these companies have availed of from the state.

Chairman of Bajaj Auto, Rahul Bajaj, says his group will review investments if the law is implemented. So will Prakash Chhabria, promoter of the Finolex group and Bajaj's neighbour in Pune. Moreover, about Rs 15,000 crore of investments lined up from large groups like the Tatas, Reliance and Ispat could also be bogged down if the new diktat to reserve 52 per cent of private sector jobs is implemented.

"When foreign competition is staring Indian companies in the face, the current move will further handicap domestic firms," says Bajaj. "The government should find alternate ways to offer jobs to these communities and not cripple the private sector."

Maharashtra has already lost its numero uno position nationally in terms of the share of private sector investments (36%) to Orissa (55%), Karnataka (51%) and Andhra Pradesh (46%) last year and this rule may impact private investment deci-

sions further. Finolex promoter Prakash Chhabria termed the state government's move 'retrograde'.

Finolex has lined up Rs 300 crore in investments in addition to the Rs 7,000 crore already invested, while Bajaj Auto is ramping up its scooter-making capacity in the state. Videcon's chairman V N Dhoot, whose firm has a huge manufacturing facility in Aurangabad, was one of the few who welcomed the government's decision. "We do not have any problems, and will ensure that we employ more people from the backward classes," he said. "I would appeal to my industrialist friends to implement the government's decision."

New investment projects that could take a hit include Reliance's 3,000 MW power plant

for which it has sought land from the government, another 340 MW power project from Ispat Industries in Dolvi, doubling the steel-making capacity of Ispat Industries, and the 1,000 megawatt power project from the Tata group.

Meanwhile, Industries minister Patangrao Kadam has assured that the government will ensure that no industry moves out of the state as a result of the proposed reservations. Kadam said the government is in the process of formulating rules and regulations of the reservations in the private sector. "We will ensure that it would not affect efficiency of the private sector," Kadam said.

## Sena slams quota in pvt sector

TIMES NEWS NETWORK

**Mumbai:** The Shiv Sena has reiterated its opposition to caste-based job reservations—not only in the private sector but also in public sector companies and government offices.

Senior Sena leader Subhash Desai told TNN on Wednesday that "there was nothing new" in his party's opposition to the ruling Democratic Front's move to reserve jobs for backward castes in private companies, which seek concessions from the state government with regard to sales tax, land et al.



# Some reservations

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Maharashtra's proposal for quotas in the private sector is ill-advised 9/2/86

THE Maharashtra government's proposal to introduce reservations in the private sector has elicited predictable responses. A legislation has already been passed by the assembly, making quotas mandatory for backward classes in all organisations that have in any way benefited from state assistance — in other words, practically everywhere. India Inc has reacted with a shudder, reeling off arguments about the sagacity of merit-based inductions and the difficulties in balancing social obligations with the brutal demands of corporate competitiveness. The state government points to the yawning mismatch between the percentage of the population classified as backward and its share in jobs and school enrolments. Yet, while the need for social democracy cannot be overstated, the government's recourse to pursuing this through summary fiat would be ill-advised.

Over the years, in its pursuit of an egalitarian social order, India has tended to deliver social justice through quota, rather than more muscular empowerment. Provision of jobs has been seen to be enough proof of

the state's devotion to social democracy, instead of a lengthier, more complicated agenda to enable vast sections of the disprivileged to make confident bids for employment. That is, quality education and training that would render almost irrelevant the state's paternalistic role in ordering jobs for the backward classes has hardly been given any attention. Thus, to the extent that it would open access to educational institutions, the Maharashtra government's latest intervention is welcome.

That said, affirmative action in employment is important. Companies, especially those in the consumer and service sectors, must know that clients and buyers today are becoming increasingly aware socially. To be socially responsible is part of winning the trust of consumers. But each company, each industry, has its own compulsions, its own negotiating room in balancing merit with rainbow workplaces. The government, however, must play a leading role here. If it provides quality education and vocational training, at least that seeming gap between merit and representation would be erased.

# BJP to roll out caste cannon

**RADHIKARAMASESHAN**

**New Delhi, April 23:** The Samajwadi Party is going for the kill, there is a spring in the Congress' step, the BJP is grappling with "anti-incumbency" and the BSP, true to its grain, is working silently as Uttar Pradesh, the state most crucial to the Delhi race, gets ready for its first round of voting on Monday.

At stake are 32 of the 80 seats, all located in the east that is the state's political nerve centre.

The BJP today said it would carpet-bomb the region with high-profile caste leaders. Kalyan Singh, Narendra Modi, Sanjay Paswan, Jai Narain Nishad, Karia Munda and Kashiram Rana will be among the campaigners. All of them belong to the backward classes.

Spokesperson Mukhtar Abb-

as Naqvi said the idea is to spread the message among the backward classes that the NDA government has started various schemes to initiate them into the mainstream.

The BJP's strategy to focus on "marginalised" sections stems from the perception that getting the caste equation right is what matters, not flogging Hindutva. In Faizabad, of which Ayodhya is a part, BJP nominee Laloo Singh has been projected as "vikas purush" and not as champion of the temple.

In Varanasi, a Brahmin bastion, three-time MP Shankar Prasad Jaiswal is struggling to keep Brahmin votes — a captive bank since the Ayodhya days — from shifting to Rajesh Mishra, a former student leader fielded by the Congress. Jaiswal, once seen as a Hindutva votary, is now re-

duced to a "Bania candidate".

With the flight of the Brahmin vote to the Congress, Varanasi's Muslims too see the party as a better bet than the Samajwadi, the usual favourite.

Other factors bothering the BJP are:

■ An apparent consolidation of the backward caste vote in the Samajwadi's favour

■ Dait allegiance to the BSP

■ Division among Rajputs, who are either with the BJP or the Samajwadi

■ The party is no longer ruling Uttar Pradesh and is, therefore, not in control of the administration unlike as in 1998 and 1999

■ The BJP has been nudged out of the fight in 11 constituencies

■ The "feel good" sentiment is not working on the ground. The Lucknow sari stampede might put off women voters

The Samajwadi is aiming for 40-plus seats and hopes to make maximum gains in the east, a socialist stronghold. "The first phase would be the most critical. Only if we do well on April 26 can we sustain the morale of our cadre," said party activist in Jaunpur Rukhsan Ahmed.

S.R.S. Yadav, the party secretary, said workers were told that more the seats, the greater the chances of "netaji" (Mulayam Singh Yadav) making it to the top job in Delhi. Speculation that the party was ready to do business with the NDA had put off its Muslim voters. But a series of denials has helped the party recover ground.

The Congress is in the fight in 14 seats and Rahul Gandhi's campaign, the party hopes, will give it the badly-needed push to close the gap.

# Fake caste slur on Hindutva's Dalit heart-throb

Manoj Chaurasia in Patna

March 30. — As the entire nation celebrated Ramnavami on Tuesday, watching curiously the twists and turns in the BJP's Ram Temple agenda in its Vision Document (see page 4), few may have known of the forgery charges that, in a sense, lie beneath the "foundation stone" of the proposed Ram Temple at Ayodhya.

For, the "Dalit" who laid the first brick of this foundation stone - at a ceremony organised by the VHP and touted as Hindutva's inclusive answer to caste divisions within Hindu society — on 9 November 1989, is named as an accused in a sensational forgery case lodged with the SC-ST police station in Patna. His name: Mr Kameshwar Chaupal, now a senior BJP leader and currently member of the Bihar Legislative Council.

Police said, Mr Chaupal is a native of Kamraul village in Bihar's Supaul district and belongs to the Khatwe caste listed under the backward castes category, according to the IIIrd Backward Commission (or Mungerilal Commission) of 1971. However, it has now been alleged that Mr Chaupal had acquired benefits by describing himself as a member of the Chaupal caste - mentioned under the Scheduled Caste category in the Constitutional (SC) Order-1950 (Part 3).

Police said Mr Chaupal had contested for the Lok Sabha twice

SFI 2/13 J. Carlos & P. Verma  
from the Rosera (reserved for SC) constituency against Mr Ram Vilas Paswan, and thrice for the Assembly from the Bakhari seat (also reserved) in Begusarai — on the basis of his allegedly fake caste certificate.

Sources said the nomination papers of Mr Chaupal's cousin, Mr Ishwar Dayal Das, were rejected by the returning officer of Araria constituency on "caste grounds". Mr Das, sources disclosed, had filed his papers for Raniganj Assembly seat (reserved) in 1977 also, but the returning officer there at that

## INVESTIGATION

time had also rejected his papers on the ground that it was a reserved seat and he came from a backward caste.

It was against this backdrop that the police registered a case (No 28/99 dated 21 June 1999) of forgery under sections 419, 465, 468, 470, 471 of the Indian Penal Code and 3 (1) (IX), 3 (2), (V), (VI) of the SC/ST (Prevention of Atrocities) Act, 1989 against Mr Chaupal. The FIR was lodged on the instructions of Mr Amitabh Kumar Das, the then SP of SC/ST and Minority Cell (CID), Patna.

Subsequently, the BJP leader moved the Patna High Court through his advocate, Mr Ravi Shankar Prasad, now Union information and broadcasting minister,

to get the FIR quashed. But the court refused to accept his prayer.

The state government, in the meantime, has served a show-cause notice on Mrs Jyotsna Verma, a 1992 batch IAS officer, who is at present on study leave, with regard to the case of Mr Chaupal. It was Mrs Verma who had during her earlier stint as the SDO of Patna Sadar, issued the (Chaupal) caste certificate to this BJP leader.

The Inspector-General of Police (Weaker Sections), Mr RR Verma, refused to say anything when asked by The Statesman about the progress of the case. "I am not authorised to speak on the issue," was his curt reply.

Mr Chaupal, when contacted by The Statesman for his comments, however, accused his political adversaries of "framing a deep-rooted conspiracy against him". "It is ludicrous that the same police which filed a case against me, says in its affidavit filed in court that our forefathers found their names mentioned under the Chaupal caste category, quoting the Caste Survey of 1905," he said and asserted that his adversaries will never succeed in their mission.

With regard to the rejection of nomination papers of his cousin Mr Das, the BJP leader alleged that it was done at the behest of the sitting Araria MP. He added that Mr Das and his family had won the civil suit they had filed in a local court in this regard.

# Tandav Sena to join dance of death

MANOJ CHAURASIA  
STATESMAN NEWS SERVICE

PATNA, March 20. — The dance of death in blood-drenched Bihar seems set to get more frenzied over the coming days as the killing armies of Bihar have added another to their number. On Thursday, Bhumihar youths in Gaya announced the formation of yet another private army — Tandav Sena — to counter the terror the outlawed Maoist Communist Centre has allegedly been perpetrating on upper castes. The move comes close on the heels of a series of killings of upper caste members in the Tekari sub-division of Gaya over the past week.

Investigations by The Statesman revealed that the 25-30 men who form the core of the

Tandav Sena comprise both fresh recruits and those who have broken away from the dreaded Ranvir Sena, the most lethal of the upper caste private armies of Bihar. Its self-styled zonal commander is Chhannu Sharma, alias Badshah. According to an official source, with the arrest last year of Brahmeshwar Singh or "mukhia", the chief of the Ranvir Sena, the outfit entered a period of comparative inactivity and the Tandav Sena aims to fill the vacuum.

"Jai Ma Ranchandi — Maut Ka Tandav" reads the Tandav Sena letterhead on a piece of paper that contains a chilling announcement of its intention to kill 40 Naxalites to avenge the murder of four fellow-Bhumihars at Adai, a village near Tekari, Gaya. This "press release" of sorts, signed by the outfit's self-

styled zonal commander, exhorts youths from the Bhumihar community to put aside pens and lathis and pick up the gun to "stamp out Naxalism from Bihar". The Bhumihar peasantry is in a state of

**EXCLUSIVE**

terror-stricken panic and this can no longer be tolerated, Badshah is quoted as having said. The handwritten note also asks contractors and traders not to pay the levy charged by the MCC in parts of the region under its control.

The Tekari sub-division first came into the limelight after the MCC's Red Squad butchered at least 37 Bhumihars on the night of 12 February 1992. Three other private armies dominated by Bhu-

mihars — Ranvir Sena, Brahmarshi Sena and Swarn Liberation Front (now almost non-existent after the arrest of its self-styled chief Ramadhar Sharma alias Diamond) — were constituted to serve as a "befitting reply" to the terror of ultra-Left outfits and they have been active in bloodletting in the south-central part of the region for over a decade.

The bloody clashes between Ranvir Sena and MCC in particular have resulted in untold massacres including the mass murders at Laxmanpur-Bathe, Senari, Shankar Bigha and Miyapur that left hundreds dead. The formation of the Tandav Sena, it is feared, could aggravate an already volatile situation in south-central Bihar where caste tensions are high on election-eve.

Keeping in view the tension brewing there, Gaya district magistrate Mr Sanjay Singh is learnt to have sought two additional companies of paramilitary forces from the state government. Companies from the BSF and CRPF are already camping in the region, an official source said. Chief Election Commissioner Mr TS Krishnamurthi is scheduled to pay a two-day visit to Bihar on 25 March to review poll preparations. The law and order issue, official sources said, remains the main area of concern as indicated by the announcement of a three-phase Lok Sabha poll for Bihar. The Tandav Sena entering the fray will not lessen those an iota.

**Private armies, public bloodletting: chart on page 7**

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# RESERVATION RACE-I

## Original Purposes Are Not Being Served

By KK PATNAIK

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The genesis of reservation in India could be traced to its complex social structure. Through the policy of divide and rule, British rulers only talked of communal reservation. With the advent of the Indian Constitution, the concept of social justice was ingrained in our system of governance. The intention was to bring the real disadvantaged groups to the mainstream of polity with a view to securing reservation for them in specific areas like education, employment, electoral representation, mainly with the ultimate aim of providing equality. Article 15(4) of the Constitution empowers the states to make special provision for the advancement of any socially and educationally backward classes of citizens or for the scheduled castes and scheduled tribes. The Constitution does not specifically provide for reservation of jobs for the economically backward although Article 16(4) empowers the state to make job reservation for any backward class citizens not adequately represented in the services under the state. The Constitution made the SCs and STs the real target of affirmative action. The OBCs were, in fact, less favoured. This continued till the outburst of Mandal controversy after which much water has flown down the Ganges. The post Mandalisation period has witnessed politicians trying to convert reservation into patronage which, in fact, has influenced the social structure to a great extent.

### Grey areas

Article 243(D) and 243(T) of the Constitution explicitly stipulate that seats at all three levels in both rural and urban bodies shall be reserved for scheduled castes and scheduled tribes. The number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election as the population of scheduled castes in that panchayat/municipal area or the scheduled tribe in that panchayat/municipal area, and such seats shall be allotted by rotation to different wards. The 73rd and 74th constitutional amendments also provide for reservation of not less than one-third of seats for women. Similar provision

with regard to reservation of offices of chairpersons at all tiers exists in both the 73rd and 74th constitutional amendments except that the manner of reservation for the offices has been left to the discretion of states. While one-third compulsory reservation of seats and offices for SC, ST and women in the rural and urban local bodies is a candid provision in the amendment laws, the deliberate exclu-



sion of similar provision for reservation of seats and offices in favour of backward classes leaving the same at the mercy of state legislatures through state governments has been the grey area of these legislations which has been discussed and debated more often.

That seats shall be reserved in proportion to the population of each category sounds reasonably fair on the principle of natural justice. But some state governments appear to have either misconceived or misinterpreted the underlying spirit while framing detailed laws on reservation and rotation of seats and posts for different reserved categories. More complicating and confusing is the situation where states have tried to apply in the local bodies the same procedure of reservation for SC and ST as adopted in the elections to the state assemblies and the Lok Sabha, ie proportion of reserved seats equal to that of the scheduled castes and scheduled tribes to the population of a state as a whole.

### Irrational process

If interpreted literally, it would mean that no reservation would be made in constituencies of local bodies where there is no

SC or ST either at the first count or in the rotational process in any local body at any level and anywhere in the constituency. In constituencies where concentration of either SC or ST is more, the number of reserved seats would be proportionately more than the constituencies with smaller proportion of these reserved groups as per the voter's list. This appears to be a clear negation of the constitutional

spirit. This type of reservation in some states like Tamil Nadu brings to light the misconstrued anomalies. The other shady area is with regard to rotating of reserved seats as visualised under Articles 243(D) and 243(T). Under these provisions the number of reserved seats in any local body has to remain the same in proportion to the SC/ST seats being reserved where there is no or relatively less SC/ST population. Disproportion of reservation of this type has created lot of chaos, confusion and resentment.

The fact that the 73rd and 74th Constitutional Amendments have left the methodology and procedure of reservation and rotation of seats and posts to the wisdom and sagacity of the state legislatures needs rethinking in view of the dirty game of politics being played in subverting the ideals of the concept of reservation in power-sharing. As a result, reservation of posts in areas of high concentration of SC/ST population gives rise to large representation to these categories of people in contrast to the minimal representation in areas having least concentration. Application of rotation principle has driven out many first-timers in subsequent elections at the

cost of non-availability of experience and expertise in local governance. The wisdom of state governments in applying this principle through various methods including draw of lottery, alphabetical sequence etc have only complicated the process often rendering them irrational and arbitrary. With the experience of the last 10 years after the 73rd and 74th constitutional amendments, the most important point driven home is whether there should be reservation of seats and posts of scheduled castes and scheduled tribes on the lines they are reserved for them in the state legislative assemblies and the Lok Sabha on the pattern indicated in the Constitution.

### Some practical cases

The fact that the principle of reservation of SC/ST has proved to be irrational could be substantiated from a few instances taking place in the system of local governance in various parts of the country. Lata Bai of Madhya Pradesh, a scheduled tribe woman, came to work from a far distant place and temporarily settled in a different area, and registered herself as a voter a few days before the panchayat elections. In the draw, the post was reserved for scheduled tribe and she being the only ST in the village, was elected as Sarpanch unopposed. Subsequently, she was removed from the post by a no confidence motion. When fresh elections were held to fill up the vacancy, she was still the only legally eligible candidate although voters did not like to see her again as Sarpanch. One glaring instance of misinterpretation of Constitutional provision could be traced to Bihar. The Bihar government arranged to go for elections to PRIs without making reservations for the post of chairpersons of panchayats, on the ground that reservation of single posts would amount to 100 per cent reservation of the available vacancy. This was peculiarly upheld by the state High Court until the matter was brought to the Apex court on the ground that such action of the state government violated the provisions in Article 243 D(4) of the Constitution, which provides that offices of chairpersons in the panchayats at the village and other levels shall be reserved for the SC, ST and women.

(To be concluded)

The author is a former Director of Panchayati Raj Department, Government of Orissa.

# Income limit for 'creamy layer' raised

By P. Sunderarajan

**NEW DELHI, FEB. 4.** The Centre today decided to more than double the income ceiling for determining the 'creamy layer' among the Other Backward Classes (OBCs) from Rs. 1 lakh to Rs. 2.5 lakhs a year. The decision was taken at a meeting of the Union Cabinet here today.

Announcing the decision, the Government spokesperson said it was in line with the recommendations of the National Commission for Backward Classes (NCBC). The Cabinet also accepted the panel's recommendation that it be entrusted with the task of periodic revision of the income criteria in future too, considering that it had the expertise and experience in matters relating to the OBCs.

The Chairperson of the NCBC, Justice Ram Surat Singh, had submitted the recommendations to the Union Minister for Social Justice and Empowerment, Satyanarayan Jatiya, a

*cases & provisions*

week ago. The panel had been asked in October last year to look into the issue of revising the income criteria following demands from a section of the OBCs to increase it, on the ground that the existing limit of Rs. 1 lakh was too low. In addition, it was asked to evolve a formula for a periodic revision of the income criteria.

The income ceiling for determining the creamy layer among the OBCs follows a Supreme Court judgment in 1992. The apex court had, in its judgment in the Indra Sawhney and others versus Union of India case,

*110-1*

upheld 27 per cent reservation for the OBCs, subject to the exclusion of the socially advanced persons and sections among them, which are popularly called the 'creamy layer.' The court also directed the Centre and the States to specify the basis for applying the relevant and requisite socio-economic criteria to exclude the creamy layer from reservation.

Accordingly, the Department of Personnel and Training, on the recommendations of an expert committee headed by Mr. Justice Ram Nandan Prasad, issued an order on September 8,

*5/2*

1993, stipulating the rules for exclusion of the 'creamy layer.'

The Cabinet also approved the signing of a framework agreement on a free trade area under BIMST-EC (Bangladesh, India, Myanmar, Sri Lanka, Thailand Economic Cooperation). The pact seeks to promote trade and economic cooperation among the member countries of the grouping.

The Cabinet approved the signing of treaties with Thailand and South Korea for mutual legal assistance in the prevention, investigation, and prosecution of criminal activities.

# Caste card with cream

OUR SPECIAL  
CORRESPONDENT

*1-1*  
*5/2* *9 (excl) 3 80th*  
New Delhi, Feb. 4: Racing to beat the poll announcement bell, the Vajpayee government tonight raised an income ceiling that will allow the more affluent among the backward classes to enjoy the benefit of reservation.

The government also increased allowances for students from the Scheduled Tribes. The decisions capped another day of baits that saw finance minister Jaswant Singh announcing sops for small investors, businesses, travel trade and tea gardens. (See Business Telegraph)

The cabinet has approved raising the income limit for determining the creamy layer (socially-advanced) among the OBCs

to Rs 2.5 lakh from Rs 1 lakh.

This will allow children of persons belonging to the OBCs within the income limit benefits of 27 per cent reservation in direct recruitment in civil posts and services, an official spokesman said after a cabinet meeting.

Chaired by the Prime Minister, the cabinet took the decision with two days to go for the dissolution of the Lok Sabha. The Election Commission is expected to announce the poll dates soon after, which will bring the model code of conduct into force and prevent the doling out of any more inducements.

The cabinet has raised the limit to define the creamy layer by approving the recommendations of the National Commission for Backward Classes.

In 1992, the Supreme Court had upheld 27 per cent reservation for the OBCs in civil posts and services under the states subject to the exclusion of the creamy layer. The court had also asked the government to specify the socio-economic criteria to identify the creamy layer.

The cabinet has enhanced post-matric allowances for students from the Scheduled Tribes. The maintenance grant has been raised from the existing range of Rs 90-425 per month to Rs 140-740.

The students' annual study tour grant will be doubled from Rs 500 to Rs 1,000. Allowance for typing and printing thesis will go up from Rs 600 to Rs 1,000 a year. The grant to buy correspondence course books has been raised from Rs 500 to Rs 750 a year.

## Still untouched by reforms

*1971*  
GANDHI CALLED them 'Harijans' or the children of God. Countless social reform movements in the country, ranging from the philosophical to the overtly militant, have literally fought for social equality for nearly a fifth of India that has been stigmatised as 'untouchable' in the traditional Hindu caste order. The Constitution guarantees equality before the law and Article 17 of this hallowed document prohibits untouchability in any form and makes its practice a serious offence. The self-awareness of those who have laboured for millennia under this inhuman system has led them to proudly assert their identity as 'Dalit', or the oppressed, an expression which is today the politically correct and intellectually acceptable stock-in-trade description of this deprived section of our people. And yet, the social apartheid continues practically undisturbed, and we don't turn a hair.

A disturbing news report informs us that a small rally of Dalits tried to enter the famous Shrinath temple in Nathd-

*carried by print*  
wara in Rajasthan to worship just like any other Hindu might want to. They were stopped by caste Hindu bigots of the small town who descended on the group of 'untouchables' in their hundreds. The policemen accompanying the Dalit party simply vanished on seeing the aggressive mob. The shrine is managed by the state government. As such, the authorities have an added responsibility to bear in this fiasco. Nathdwara has a history of this kind. In 1988, the Arya Samaj leader, Swami Agnivesh, had similarly tried to lead a batch of Dalits into the temple. Clearly, the new generation of upper castes is far from changing its ways.

Since Independence, we have had a number of important politicians from the Dalit fold, including a president. There are today Dalit-centric political parties. Our current rulers seek to persuade us that India is 'shining'. Before we go to town on this and fall victim to our own propaganda, let's just ask the nearest Dalit what the score is.

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