

# Reservation Policy and Mandal Commission

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## *Introduction*

This paper has been written as a response to the Anti-Mandal II agitation provoked by the recent decision of the central government to extend 27 per cent reservation in institutions of higher learning. The issue has once again become one of the most burning issues bringing out the medicos, students of professional institutions, youth and the various sections of the people out in the street. The problems of caste, classes, divide and rule, merit and efficiency in jobs and the vote-bank politics has also been brought to the forefront. The decision of the government has now been challenged in the Supreme Court which has asked it to explain the rationality behind the move to implement 27 per cent reservation and the modalities it proposed to follow in implementing the quota. The main objective of the paper is to go into some of the controversial issues of the Mandal Commission so as to examine critically the relevance of implementing the recommendations of the Backward Classes Commission made nearly a quarter of century ago in a drastically changed socio-economic and political scenario.

The paper is being presented in two parts: firstly, it examines the issue of reservation on the basis of analysis of the Mandal Report. Secondly, it views it critically the present politico-administrative and social context.

The source for the paper is basically primary data, i.e., the Mandal Report and other government reports and documents. To obtain the current perceptive on the issue, newspaper reports, editorials, articles, etc. have been examined. This has been supplemented by information obtained through informal interaction with various segment of the population especially the youth from both reserved and unreserved

categories randomly chosen. Secondary sources like books etc. too have been examined.

The limitations of the paper being that firstly the issue of reservation in its various aspects, i.e., political, administrative social, legal is very extensive which cannot be undertaken in a paper like this. Also, its dimensions needs more empirical studies as it is a live problem based on actual/factual situation. In this paper, some of the important aspects in its various dimensions have been attempted in its limited scope.

### *The Backward Commissions in India: A Brief Overview*

In the post-independence era, at the central level, the First Backward Classes Commission, also known as Kaka Kalelkar Commission was set up in 1953 which submitted its report in 1955. It listed 2399 castes or communities as backward and 837 of these as most backward.

Regarding making reservation in all government services and local bodies for backward classes it recommended 25 per cent reservation for class I, 33.1/3 per cent for class II and for class III and IV it recommended 40 per cent. It also recommended reservation of 70 per cent seats in all technical and professional institutions for qualified students of backward classes (the word qualified be noted). For the socio-economic upliftment of the backward classes it made wide-ranging and comprehensive recommendations. It also recommended treating all women as a class as backward.

The report of the first commission was not accepted by the government on the various grounds. The government considered it necessary that some positive and workable criteria should be devised for the specification of socially and educationally backward classes and to undertake further investigations so that the deficiencies are made good and also that the Planning Commission had already formulated the development programmes for the removal of backwardness. (para 1.9)<sup>2</sup> The government was of the view that it was better to apply economic tests than to go by caste. During the final discussion in Parliament on the Report of the Backward Classes Commission in 1965, the government's stand was that caste criteria of backwardness would be dangerous in many ways—administratively unworkable, contrary to the first principles of social justice, unfair to other poor, perpetuate caste consciousness and it would be injurious even to the recipients by creating vested interest

and developing a sense of helplessness.<sup>3</sup> What different perceptive the then Government had then?

However, again, after twenty four years, the Central Government thought of appointing the Second Backward Commission in fulfillment of the requirement of Article 340 of the Constitution so as to take necessary steps for the advancement of the socially and educational backward classes of citizens.

The Second Commission for Backward Classes popularly known as 'The Mandal Commission' submitted its report in 1980. However, it was only in 1990 that Shri V.P. Singh's government, basing itself on the recommendations of the Mandal Commission, went ahead to implement 27 per cent reservations to the Other Backward Classes (OBCs) in civil services. This led to widespread protests, self-immolation, damage to private and public property and a spate of writ petitions in the Courts. The constitution of the Special Bench of nine judges of Supreme Court became necessary to finally settle the legal position relating to the reservations. Broadly fourteen aspects relating to the issue were heard in the Supreme Court. By 6:3 decisions the constitutionality, validity and enforceability of the government's order was upheld subject to certain conditionality and pre-requisites.

Some of the main aspects of the report on which the analysis is done in this paper is given below:

#### *Criteria for Social and Education Backwardness*

The Mandal Commission evolved the following eleven criteria for determining social and educational backwardness grouped under three broad heads i.e., social, education and economic. (Para 11.23)<sup>4</sup> These are:

##### A. Social

- (i) Caste/classes considered as socially backward by others.
- ii) Castes/class which mainly depend on manual labour for their livelihood.
- (iii) Castes/classes where at least 25 per cent females and 10 per cent males above the state average get married at an age below 17 years in rural areas and at least 10 per cent female and 5 per cent males do so in urban areas.
- (iv) Castes/classes where participation of females in work is at least 25 per cent above state average.

### B. Educational

(i) Castes/class where the number of children in the age group of 5-15 years who never attended school is at least 25 per cent above the state average.

(ii) Castes/classes where the rate of students drop out in the age group of 5-15 years is at least 25 per cent above the state average.

(iii) Castes/classes amongst whom the proportion of matriculates is at least 25 per cent below the state average.

### C. Economic

(i) Castes/classes where the average value of family assets is at least 25 per cent below the State average.

(ii) Castes/classes where the number of families living in Kuccha house is at least 25 per cent above the state average.

(iii) Castes/classes where the source of drinking water is beyond half a kilometre or more that 50 per cent of the households.

(iv) Castes/classes where the number of households having taken consumption loans at least 25 per cent above the state average.

The report states (para 11.24)<sup>5</sup> that as the above three groups are not of equal importance for their purpose, separate weightage are given to 'indicators' in each group. All the social indicators were given a weightage of 3 point each; educational indicators a weightage of 2 points each; and economic indicators a weightage of one point each. From the values given to each indicator, the total score adds up to 22. All these 11 indicators were applied to all the caste covered by the survey for a particular state. As a result of this application, all castes which had a score of 50 per cent (i.e., 11 points) or above were listed as socially and educationally backward and were treated as advanced. (para 11.25)<sup>6</sup> The report further states that the set of eleven indicators being caste based could not be applied to non-Hindu communities. A separate set of 3 criteria was evolved for the identification of non-Hindu backward communities.<sup>7</sup>

The data and information were collected by the Commission on the basis of field survey and also by interaction of the members of the Commission while it toured the country. This tour was completed only in 94 days of which 13 days were spent in Bihar, B.P. Mandal's home state and 11 days in Madhya Pradesh, i.e., 24 days out of 94 were spent in these two states. The Commission had toured 22 states and union territories. The survey covered only 2 villages and one urban block per district. A total of 405 out of 407 districts were covered.

Estimated population of the OBCs as worked out by the Mandal Commission was based on the enumeration of population culled out from the census records of 1931 and then grouping them into broad caste-clusters and religious groups. These collectivities were subsequently aggregated under five major heads: (i) S.C./S.T., (ii) Non-Hindu communities, religious groups etc., (iii) forward Hindu castes and communities, iv) backward Hindu castes and communities, v) backward non-Hindu castes and communities. (para 12.19)<sup>8</sup>

The population of the Hindu OBCs could be derived by subtracting from the total population, the population of SC/ST and that of forward Hindu castes and communities and it worked out to 52 per cent. Since the approach could not be adopted in respect of non-Hindu OBCs, the Commission assessed that roughly the proportion of OBCs among the non-Hindus was of the same order as amongst the Hindus, population of non-Hindu OBCs was also taken as 52 per cent of the actual proportion of their population of 16 per cent or 8.40 per cent. Thus the total population of Hindu and non-Hindu OBCs added up to nearly 52 per cent (para 12.21).<sup>9</sup> The Commission listed 3743 castes under the category of OBCs.

#### *Main Recommendations of the Commission*

Besides recommending reservation of 27 per cent for OBCs in government services, it recommended that these should be extended to technical and professional institutions, both at the centre and the states. It recommended for special educational facilities designed at upgrading the cultural environment of the students should be created in a phased manner in selected areas containing high concentration of OBCs. Separate coaching facilities should be provided in technical and professional institutions to OBC students to enable them to catch up with students from open quota.

Besides these, special programmes for upgrading the skills of village artisans should be prepared and subsidised loans from financial institutions granted to them for setting up small scale industries. To promote the participation of OBCs in the industrial and business life of the country, a separate network of financial and technical institutions should be created by all state governments. Progressive land reforms should be implemented and welfare programmes especially for OBCs should be financed by the central government in the same manner and to the same extent as in the case of SCs and STs.

## A CRITIQUE

*The Caste Factor*

When commissions and committees are set up, they have to function in a very impartial and unbiased manner. Colour, caste, creed or region should as far as possible be kept away in any field of scientific and rational investigations. The first Backward Classes Commission had also used caste as a basis of backwardness. Of the eleven members, three of its members were opposed to the view of linking caste with backwardness. The Chairman, Kaka Kalelkar, too had expressed his view that it would have been better if the criteria of backwardness would be on some other principle other than caste. He said that the remedies suggested on the basis of caste would be worse than the evil of backwardness itself. However, Mandal Commission's approach had altogether been different. How far the Mandal Commission had been biased in this respect, this paper brings out some of this aspect.

The Commission headed by B.P. Mandal had pre-conceived criteria for identification, i.e., caste. This is very clear in the very beginning of the report wherein it is stated that caste is the genesis of social backwardness in the Indian society. With pre-conceived criteria, B.P. Mandal conducted the work of the Commission.

In this context it is pertinent to quote from the Supreme Court Mandal Commission Case, 1992 (Indra Sawhney vs. Union of India), 'The Constitution prohibits discrimination on grounds of religion, race, caste, sex, descent, place of birth, residence or any of them...None of these grounds is the sole or the dominant or the indispensable criterion to identify backwardness which qualified for reservation. But each of them, in conjunction with factors such as poverty, illiteracy, demeaning occupation, malnutrition, physical and intellectual deformity and like disadvantage, a relevant criterion to identify socially and educationally backward classes of citizens for whom reservation is intended.' [per Thommen, J para 323 (2)]<sup>10</sup> The apex court made it clear that caste alone cannot be taken into consideration for the purpose of identification. Caste will have to be considered along with other criteria as the test of backwardness.<sup>11</sup>

The biased position of the Commission with regard to the upper caste is also very clear from its following statement that the chief merit of reservation is not that it will introduce egalitarianism amongst

OBCs when the rest of the Indian society is seized by all sorts of inequalities. But reservation will certainly erode the hold of higher castes on the services and enable OBCs in general to have a sense of participation in running the affairs of their country. (para 13.7)<sup>12</sup> Certainly, this does not fall within the terms of reference of the Commission which the courts could examine.

All criteria listed out by Mandal have caste predominance. The Commission admits (para 11.24)<sup>13</sup> that the above three groups i.e. social, economic and education were not of equal importance for 'our' purpose. Hence separate weightage was given to indicators in each group. Of the three broad indicators, the social indicator carried the maximum weightage of three points each and is the most subjective. The educational and the economic indicator have been allotted only two and one point respectively.

The Mandal Commission in its report has painstakingly quoted extensively from the past ancient times to emphasise the wrongs done to the Shudras, so as to justify reservations and other measures for positive discrimination. Caste atrocities have been committed and are still being committed no doubt. But to justify reservation to correct historical wrongs is no justification. It is a sort of compensation package for the present generations of the so called downtrodden and oppressed classes for the wrongs committed by the forefathers of the upper castes decades and centuries ago. This conveys that the reservations provided, is to take revenge. Atonement of sins of the forefathers here is not the question, but the uplift of the depressed and downtrodden. This should be the spirit for providing positive discrimination and the basis of affirmative action.

### *The Methodology*

One of the important reasons that the recommendation of the first Backward Classes Commission was not accepted was that it had failed on the methodology front. But was the bases on which the criteria worked out by the Mandal scientific and objective? Was the classification proper? In fact there are many lacunae in this respect. Critical analysis of some aspects of this has been done here.

### *Survey*

As regarding the survey, the Commission admits that it may be emphasised that the survey has no pretensions to being a piece of academic research. It has been conducted by the administrative

machinery of the government and used as a rough and ready tool for evolving a set of simple criteria for identifying social and educational backwardness. (para 11.27)<sup>14</sup> The words of the Commission, specially rough and ready tool for evolving a set of simple criteria for identifying social and educational backwardness, shows the importance of the Commission placed on the indicators on which rests the bases for giving 27 per cent reservations which the present government is out to implement.

The Commission further admits that throughout the survey our approach has been conditioned by practical considerations, realities of field conditions, constraints of resources and trained manpower and paucity of time. All these factors obviously militate against the requirements of a technically sophisticated and academically satisfying operation. (para 11.27)<sup>15</sup> The Commission itself admits the weakness of carrying out such an important survey which has put the nation into turmoil.

The Commission could not get the required data it intended to collect due to various factors it has mentioned above. Even the data collected from the government sources was inadequate. The Commission states (para 9.30)<sup>16</sup> that no state government could furnish figures regarding the level of literacy and education amongst the OBCs. Educational backwardness was one of the three broad indicators used as a criterion for measuring social and educational backwardness by the Commission.

The problem faced by the Mandal Commission with regard to the data base still persists. The shortcoming has been pointed out consistently in the reports of the National Commission for Backward Classes which was constituted as per directions of the Supreme Court. (W.P. Civil, 930 of 1990) the report pertaining to year 2003-04 states that comprehensive socio-economic surveys including collection of population data, educational data and data pertaining to representation in the state and central government services, public sector undertakings, financial institutions etc. in respect of each caste/sub-caste/community/sub-community needs to be undertaken by each state & UT administration...The Commission states that so far none of the states have been able to furnish adequate and useful data in respect of castes/communities contained in respect of the OBCs.<sup>17</sup>

The National Commission is of the considered view that the population and other socio-economic data has a basic and essential requirement for ascertaining the relative socio-economic status of backward classes and evolving appropriate welfare and development



strategies for them. It suggested collection of caste-wise/community-wise population to be undertaken at the time of decennial census operation.<sup>18</sup> The Supreme Court too, in the case of Mandal Commission, had observed that for the identification of backward classes, survey of the total population and not mere some sections should be done.

The Planning Commission document 'Vision India 2020' states that census data regarding the size and other details regarding individual castes/classes/communities is not available. The 'derived population' formula of the Mandal Commission puts it at 52 per cent of the country's population. However, due to various reasons this estimate does not appear to be realistic.<sup>20</sup> Without a sound data base how public policy are framed and implemented shows the lack of a scientific and rational approach as well as the apathetic attitude of the government.

The position relating to the Mandal criteria is not clear in the judgments. Jeevan Reddy, J at one place said, 'the relevance of criteria evolved by Mandal Commission has not been questioned by any of the counsel before us. (AIR 1993 S.C. 477 at 557) Pandian, J, said that the counsel had taken 'potshots' at the Mandal Report. (AIR 1993 S.C. 613) It seems that apart from the caste factor, aspects relating to the substance of the criteria had not been raised by the counsel, nor considered by the court.<sup>21</sup>

S.R. Maheshwari points out the fact that though the Mandal Commission bears the nomenclature of 'Backward Classes Commission', its report does not define the term 'class' and assumes quite innocently, that class means caste.<sup>21</sup>

### *The Creamy Layer*

One of the most controversial issues in the reservation policy has been the question of creamy layer. Reservations have helped a section of the reserved classes/castes and have led to the emergence of a creamy layer which are the benefits cornering all again and again. This layer has thus prevented the benefits of positive discrimination to filter down to the really needy among the reserved classes.

Since the implementation of socio-economic plans from 1950-51, there has been qualitative improvement in the socio-economic life of the people as the government data on the development indicators would prove. Take the example of a few development indicators, say educational backwardness; it was one of the three

main indicators for determining backwardness. Has there been no change on the educational front? The literacy rate in 1947 was only 5.35 per cent (male 9.53 and female 0.60 per cent).<sup>23</sup> In 1951 it was 16.67 per cent and according to 2001 census it rose to 65.38 per cent (75.85 per cent male and 54.16 per cent female). The per capita income at current prices as per plans documents of the government states it to be Rs. 239 in 1951-52 and it has risen to Rs.18,825 during the year 2002-2003.<sup>24</sup> There has been a vast improvement in many other socio-economic indicators since the Mandal Commission submitted its report.

If advancements have taken place, then, have not the reserved and deprived sections benefitted a bit? Does it mean that all the measures adopted under our Five Years Plans have been a total failure and that the lot of socially and economically deprived sections are still miserable or getting worse for which crores of rupees have been spent? This is not the reality. Though we have not been able to achieve all the targets but we have made much headway in many aspects of social and economic aspects of life. The OBCs have not remained immune to the ongoing process of development.

Then how is it that the list of OBCs is getting longer and longer? The National Commission for Backward Classes recommended the inclusion of 682 classes/communities in the list of OBCs during the period 1993 to 2003. An analysis of the reports of the National Commission for Backward Classes brings out the fact that the number of classes included in the list of OBCs is increasing with more and more additions whereas there has been no exclusion of any classes from the list of OBCs. At this rate, if the race goes on, there would be no forward or upper caste left.

The creamy layer among the reserved categories has become strong politically, economically as well as socially and is now in a position to dictate. How strong they are is evident from the fact that the Oversight Committee constituted to draw up the roadmap for reservation will not address the contentious issue of whether the creamy layer should be excluded from the ambit of quota. Veerappa Moily, Chairperson of the Committee stated that the Committee has been given 'no such instructions' by the government.<sup>25</sup>

There are OBCs, SCs/STs reserved category employees who enjoy high social and economic status. They however continue to enjoy the relaxation in marks, age concession, and number of chances to appear for competitions. Much of the social tension and outcry is about excluding the creamy layers from the ambit of positive

discrimination. This lacuna needs to be rectified so that social justice is done, which is the real motive behind providing for reservations. However, from the various recent newspaper reports it seems that the government is in no mood to do so.

### *Reservation and Efficiency*

Article 335 of the Indian Constitution clearly states that the claims of the members of SCs/STs shall be taken into consideration consistently with the maintenance of efficiency of administration. The framers of the Indian Constitution were very clear that efficiency has to be consistently taken care of.

The Mandal Commission itself admits that apprehensions regarding drop in the quality of government services owing to large scale induction of SC/ST/OBC candidates against reserved posts may be justified only up to a point...Chances are that owing to their social and cultural handicaps, they may be generally a shade less competent. (para 13.6)<sup>26</sup> In this context it may be pertinent to mention the words of Kaka Kalelker when he states, 'I am definitely against reservation in government services for any community for the simple reason that the services are not meant for the servants but they are meant for the service of society as a whole...'<sup>27</sup> Hence, it is necessary that merit should not be compromised for any reasons whatsoever, for all those who are recruited to the services, whether they belong to the reserved or unreserved category. In actual situations this is not always so.

Then, there have been exemptions granted regarding reservations for certain categories of services, i.e., in defense services, services like scientific and technical post, in the Department of Space, Atomic Energy and Electronic etc. In this age of specialisation and competition no service is unimportant. There are inter-sectoral/organisational and inter-personnel linkages. The output of one organisation is the input of the other. Each employee in an organisation is as important as the other one. The inefficiency of one does affect the overall working of the other.

In the context of modern times, in this age of liberalisation, competition and globalisation, efficiency has assumed great significance, hence merit should not be compromised for any reason for admission to educational institutions or services whether it is in the public or private sector. The policy should be to try to induct and retain the best brains in the country and to see to it that there is

no brain drain. We are considered as the best brains in the world. By compromising on merit and thus creating mediocrity, reputation of our professionals in the global markets would be at stake.

### *Politics and Public Policy*

Among the many others, politicians are the most important in public policy making. Without political will nothing will materialise. Restructuring for human development is likely only with a workable political strategy. If resources are poorly distributed the causes are generally political....Restructuring can, therefore take place if political pressure, are successfully mobilised in its favour. Policies which benefit one section of the society at the cost of other section, will not be tolerated in a democratic country.

In India, parliamentary democracy has in the past and now also, playing havoc. Indian society already stands fragmented on the bases of caste, creed, colour, region and language. Politics of populism, manipulation, politics of vote-bank and 'note bank' is the order of the day.

The political class stands united in support of the reservations. No political party has the guts to oppose the policy for fear of losing the vote bank. It is alleged that V.P. Singh came out with the Mandal issue to score over his deputy Shri Devi Lal.

### *Social Implications*

While India is formally committed to the abolition of caste system, the reservation system perpetuates it, which is a bane. Today, instead of caste being on the decline in our society, it is tending to become part of India's psyche even in metropolitan cities.<sup>28</sup> We seem to be in the grip of caste and class mania which have great social and psychological implications.

Should India regress while the world progresses? The signs of degradation and regress are already there when one sees the clamour of various classes and castes to be listed under the reserved category, be it SC/ST/OBCs. The National Commission for Backward Classes since its inception in 1993 to 2003 received 1205 requests for inclusion in the OBC list, of which it processed 1133 and recommended 682 for inclusion. What a nation are we when we try to proclaim louder and louder that I am more backward than you are! The UN Human Development Report 2004 has also stated in this respect that in India, the intention was to end reservations, once

affected groups caught up. That has not happened. Instead, the preference has become self-perpetuating... Following a strategy of 'we are more backward than you are', people try to get classified as members of preferred castes to be eligible for preference....<sup>29</sup>

The report further states that such widespread gaming of the system has increased the rancour, bordering on animosity of the "forward castes and classes towards the backward one". Several confrontations have resulted in destruction of property and loss of life, raising the question of whether the polarization is worth the preference...<sup>30</sup> P. Radhakrishnan had rightly remarked in this context that though India is now committed to formal equality, its society is still permeated by century's old and historically accumulated inequalities. As long as the values (read prejudices) of the society remain what they are, this conflict will continue.<sup>31</sup> What is needed is the attitudinal change of the Indian mind set for which there are no short cut methods.

#### *Affirmative Action and Administration*

Affirmative action, a term which originated in the United States, refers to a range of programmes directed towards targeted groups to redress their inequality. Broadly, it takes two forms: policies to alter the composition of the labour force and/or policies to increase representativeness of public committees, political parties and educational institutions.<sup>32</sup>

Reservation policy is an affirmative action undertaken by the government in the context of social justice. People are the real wealth of the nation. Development is thus about expanding the choices people have to lead lives that they value and is thus about much more than economic growth, which is only a means—if a very important one—of enlarging peoples' choices. Fundamental to enlarging these choices is building human capabilities—the range of things that people can do or be in life.<sup>33</sup> Human Development is about much more than the rise or fall of national incomes. It is about creating an environment in which people can develop to their full potential and lead productive creative lives in accordance with their needs and interests.<sup>34</sup> It is in this context that the Indian constitutional provisions and administrative measures for affirmative action have to be viewed.

At the time of framing of the Indian Constitution, the founding fathers were aware of the inequitable forces in the socio-economic

system and political organisation and created imbalances in the Indian society. For achieving social, economic and political justice and equality of status and opportunity, the Indian Constitution provided for social, economic, educational, cultural, political and service safeguards and protective measures i.e., social articles, 17, 23, 24, 25 (b); economic: i.e., articles 244, 275 (1), Educational and cultural safeguards i.e., articles 15 (4), 29 (1), 350 A; political safeguards, 164 (1), 330, 332, 334, 243-D, 234-T, 371, 371 (B, C, F, G, H), service safeguards 16 (4), 164 (A), 335, 338. Besides these there are also a number of protective and anti-exploitative measures. Special planning exercises i.e., the tribal-sub plan and the Special Component Plan for the SCs are being undertaken for which nine and eleven per cent of the plan funds respectively have been separately earmarked.

If the provisions as given in the constitution had been implemented in true letter and spirit, the state of development would have been such that would not have necessitated the need for reservations. But it is an acknowledged fact that we are good policy and law makers as well as breakers. The implementing aspect is the weakest link in the Indian administration

### MAIN FINDINGS OF THE STUDY

#### *About the Commission's Report*

1. The commission did not function in an impartial manner as was expected from a constitutionally provided for National Commission under Article 340.
2. The governments' failure to appoint an unbiased/impartial person for a constitutionally constituted commission.
3. The biased attitude of the commission brought out in its methodology and determining of criteria for backward classes.
4. Was biased towards the upper castes.
5. No rational approach for basing or fixing 27 per cent reservations.
6. Wrongly stating that OBC constitute the bulk of the population. (p. iv of the report)
7. The survey not proper.
8. Data base weak and in this respect. (7.8) Admission of failure by the Commission itself.

The commission admits many limitations in the over all context.

LIMITATIONS: LACUNAE ON ADMINISTRATIVE FRONT

1. The decision to implement reservations in educational institutions w.e.f. June 2007 has not yet taken care of the implementation aspect. The ground work has not been done, costs are yet to be worked out, space has to be created and faculty has to be appointed. (Findings based on various newspaper reports etc.)

2. The National Commission for Backward Classes constituted in 1993 as per directions of the S.C. 1992 Mandal Case judgment and is entrusted with the massive task of examining the request for inclusion/over inclusion/under inclusion of backward classes from the list of backward classes. Also, it has been entrusted with the task to revise the list of backward classes with a view to exclude from the list such classes who have ceased to be backward. From the analysis of its report it has been found that the commission is facing structural as well as functional problems to highlight some quoted, 'in carrying out such tasks, the government and the commission will feel utterly handicapped in the absence of generation of relevant data/information regarding castes/communities. The commission expresses its inability to generate the required data/information on its own due to non availability of information from the State/UT governments, lack of adequate staff and other infrastructure.

3. Drastic increase in the list of OBCs since the inception of the commission. Clamour for inclusion is on the rise. During the course of ten years the commission examined 1133 case out of which it recommended the case of 682 for inclusion which is binding on the government.

4. On the political front the politicians stand united. More of the vote bank game than real concern for the upliftment of the backward classes.

5. Reservation issue comes up again and again specially in time of elections. Most political parties are out to placate various castes and communities for their vote.

6. Weakening of the judicial verdict by way of constitutional amendments. Even the judicial verdicts are reversed by amending the constitution e.g. reservations in promotions which was disallowed in Indra Sahney 1992 case by inserting Clause 4A to Article 16 by way of 77 amendments. This tendency is on the rise leading to confrontations between the judiciary and the legislature on many other issues too.

7. Social conflict is on the rise. Heightened frustrations and helplessness among the youth will not only create caste/class conflicts, but also lead to other social problems.

8. Creating shrinking job phobia among both the reserved and unreserved categories. Among the reserved category, apprehensions due to the inclusion of more castes/communities in the reserved category, hence making it tougher for them. Among the unreserved category the shrinking percentage of jobs left to them after applying quota.

9. Leading more to negative organisational conflicts, e.g. the All India Medical Institute case, pro-quota body seeking removal of AIIMS Director for his anti reservation stand. Also confrontation between Director AIIMS and Health Minister (*The Tribune*, June 18 and 19)

10. By diluting quality by increasing quantity as the base level is weak, the reputations of the professionals would be at stake.

For the solution of Mandal muddle, apart from the suggestions that have been incorporated in the analysis part, some more suggestions are also being made. The list is however, not exhaustive.

- (i) The whole issue of reservation needs a total review. Constitution of an Oversight Committee is not sufficient. The need for an impartial commission is felt.
- (ii) Increasing the quantity, i.e., increasing the seats in the educational institutions would definitely lead to dilution in quality without putting in the required infrastructure. A holistic vision and action is needed to achieve a balance between quantity, quality and equity in the Indian education system.
- (iii) Improving the quality of human resource should begin at the elementary and primary level and not so at the belated stage. Provide for strong roots first, the shoots will take care of themselves. This is essential in the context of extending reservations in institutions of higher learning where the existing reserved seats are not filled as per data also available with the government what use then of increasing the reservations?
- (iv) The socio-economic planning specially decentralised planning needs strengthening. Rural area development wherein the majority of Indian population live, has to be given utmost priority,
- (v) The implementation aspect of Public Administration which has failed to deliver the goods has to be taken care of. For



this a multi-pronged approach is needed to build up administrative capabilities.

- (vi) Political elite and leaders have a great responsibility. Total re-orientation in true leadership concepts is needed. The nation and the people before self and the party, have to be the rule rather than the exception.
- (vii) The dependency syndrome is alarming. The people are unwilling to help themselves and look upto the government to do everything for them. Swami Vivekananda had rightly remarked that all the wealth of the world cannot help one little Indian village if the people are not taught to help themselves. Work culture has to be created. Right type of education in this respect is needed.

In the end, I would say that the individual is the means as well as the end of development. One has to begin with the individual. Neither caste nor class but the individual needs to be unit for development and also for dispensing social justice. Affirmative action yes, reservations no. The job of ending discrimination in this country is not over. As said by Bill Clinton we too should have a simple slogan regarding affirmative action: 'Mend it, but don't end it.'<sup>35</sup>

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