

II Backward Commission Report (Mandal Commission)

Recommendations

13.1 It may appear that the upliftment of Other Backward Classes is part of the larger national problem of the removal of mass poverty. This is only partially correct. The deprivation of OBCs is very special case of the larger national issue: here the basic question is that of social and educational backwardness and poverty is only a direct consequence of these two crippling caste-based handicaps. As these handicaps are embedded in our social structure, their removal will require far-reaching structural changes. No less important will be changes in the perception of the problems of OBCs by the ruling classes of the country.

Reservations

13.2 One such change in the attitude of the ruling elite pertains to the provision of reservation in Governments services and educational institutions for the candidates of Other Backward Classes. It is generally argued that looking to the large population of OBCs (52%), recruitment of a few thousand OBCs every year against reserved vacancies is not going to produce any perceptible impact on their general condition. On the other hand, the induction of a large proportion of employees against reserved vacancies will considerably impair the quality and efficiency of the Government services. It is also stated that the benefits of such reservations will be skimmed off by those sections of OBCs which are already well off and the really backward sections will be left high and dry. Another argument advanced against this approach is that the policy of large scale reservations will cause great heart-burning to those meritorious candidates whose entry into the services will be barred as a result thereof.

13.3 All the above arguments are based on fairly sound reasoning. But these are also the arguments advanced by the ruling elite which is keen on preserving its privileges. Therefore, like all such reasoning, it is based on partisan approach. By the same token, while illuminating some immediate areas of concern it tends to ignore much larger issues of national importance.

13.4 It is not at all our contention that by offering a few thousand jobs to OBC candidates we shall be able to make 52 per cent of the India population as forward. But we must recognise that an essential part of the battle against social backwardness is to be fought in the minds of the backward people. In India, Government service has always been looked upon as a symbol of prestige and power. By increasing the representation of OBCs in Government services, we give them an immediate feeling of participation in the governance of this country. When a backward class candidate becomes a Collector or a Superintendent of Police, the material benefits accruing from his position are limited to the members of his family only. But the psychological spin off of this phenomenon is tremendous; the entire community of that backward class candidate feels socially

elevated. Even when no tangible benefits flow to the community at large, the feeling that now it has its “own man” in the “corridors of power” acts as moral booster.

13.5 In a democratic set-up every individual and community has legitimate right and aspiration to participate in ruling this country. Any situation which results in a near-denial of this right to nearly 52 per cent of the country’s population needs to be urgently rectified.

13.6 Apprehensions regarding drop in the quality of Government services owing to large scale induction of S.C./S.T. and O.B.C. candidates against reserved posts may be justified only upto a point. But is it possible to maintain that all candidates selected on merit turn out to be honest efficient, hard-working and dedicated? At present, top echelons of all the Government services are manned predominantly by open competition candidates and if the performance of our bureaucracy is any indication, it has not exactly covered itself with glory. Of course, this does not imply that candidates selected against reserved posts will do better. Changes are that owing to their social and cultural handicaps they may be generally a shade less competent. But, on the other hand, they will have the great advantage of possessing first hand knowledge of the sufferings and problems of the backward sections of society. This is not a small asset for field workers and policy-makers even at the highest level.

13.7 It is no doubt true that the major benefits of reservation and other welfare measures for Other Backward Classes will be concerned by the more advanced sections of the backward communities. But is not this a universal phenomenon? All reformist remedies have to contend with a slow recovery along the hierarchical gradient; there are no quantum jumps in social reform. Moreover, human nature being what is, a “new class” ultimately does emerge even in classless societies. The chief merit of reservation is not that it will introduce egalitarianism amongst O.B.Cs. 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 O.B.Cs. in general to have a sense of participation in running the affairs of their country.

13.8 It is certainly true that reservation for O.B.Cs. will cause a lot of heart-burning to others. But should the mere fact of this heart burning be allowed to operate as a moral veto against social reform. A lot of heart burning was caused to the British when they left India. It burns the hearts of all whites when the black protest against apartheid in South Africa. When the higher castes constituting less than 20 per cent of the country’s population subjected the rest to all manner of social injustice, it must have caused a lot of heart burning to the lower castes. But now that the lower castes are asking for a modest share of the national cake of power and prestige, a chorus of alarm is being raised on the plea that this will cause heart burning to the ruling elite. Of all the spacious arguments advanced against reservation for backward classes, there is none which beats this one about ‘heart burning’ in sheer sophistry.

13.9 In fact, the Hindu society has always operated a very rigorous scheme of reservation, which was internalised through caste system. Eklabya lost his thumb and

Shambuk his neck for their breach of caste rules of reservation. The present furor against reservations for O.B.Cs. is not aimed at the principle itself, but against the new class of beneficiaries, as they are now clamouring for a share of the opportunities which were all along monopolised by the higher castes.

Quantum and Scheme of Reservations

13.10 Scheduled Castes and Scheduled Tribes constitute 22.5 per cent of the country's population. Accordingly, a pro-rata reservation of 22.5 per cent has been made for them in all services and public sector undertakings under the Central Government. In the States also, reservation for S.Cs and S.Ts is directly proportional to their population in each State.

13.11 As stated in the last Chapter (para 15.22) the population of O.B.Cs., both Hindu and non-Hindu, is around 52 per cent of the total population of India. Accordingly, 52 per cent of all posts under the Central Government should be reserved for them. But this provision may go against the law laid down in a number of Supreme Court judgments wherein it has been held that the total quantum of reservation under Articles 15(4) and 16(4) of the Constitution should be below 50 per cent. In view of this, the proposed reservation for O.B.Cs would have to be pegged at a figure which, when added to 22.5 per cent for S.Cs and S.Ts., remains below 50 per cent. In view of this legal constraint, the Commission is obliged to recommend a reservation of 27 per cent only, even though their population is almost twice this figure.

13.12 States which have already introduced reservation of O.B.Cs exceeding 27 per cent will remain unaffected by this recommendation.

13.13 With the above general recommendation regarding the quantum of reservation, the Commission proposes the following overall scheme of reservation for O.B.Cs.

1. Candidates belonging to O.B.Cs recruitment on the basis of merit in an open competition should not be adjusted against their reservation quota of 27 per cent.
2. The above reservation should also be made applicable in promotion quota at all levels.
3. Reserved quota remaining unfilled should be carried forward for a period of three years and dereserved thereafter.
4. Relaxation in the upper age limit for direct recruitment should be extended to the candidates of O.B.Cs in the same manner as done in the case of S.Cs and S.Ts.
5. A roster system for each category of posts should be adopted by the concerned authorities in the same manner as presently done in respect of S.C. and S.T. candidates.

13.14 The above scheme of reservation in its toto should also be made applicable to all recruitments to public sector undertakings both under the Central and State Governments, as also to nationalised banks.

13.15 All private sector undertakings which have received financial assistance from the Government in one form or the other should also be obliged to recruit personnel on the aforesaid basis.

13.16 All universities and affiliated colleges should also be covered by the above scheme of reservation.

13.17 To give proper effort to those recommendations, it is imperative that adequate statutory provisions are made by the Government to amend the existing enactments, rules, procedures, etc. to the extent they are not in consonance with the same.

Educational Concessions

13.18 Our educational system is elitist in character; results in a high degree of wastage and is least suited to the requirements of an over-populated and developing country. It is a legacy of the British rule which was severely criticised during the independence struggle and yet, it has not undergone any structural changes. Though it is least suited to the needs of backward classes, yet they are forced to run the rat-race with others as no options are available to them. As 'educational reform' was not within the terms of reference of this Commission, we are also forced to tread the beaten track and suggest only the palliative measure within the existing framework. –

13.19 Various State Governments are giving a number of educational concessions to Other Backward Class students (Chapter IX, paras 9.30 - 9.33) like exemption of tuition fees, free supply of books and clothes, mid-day meals, special hostel facilities, stipends, etc. These concessions are all right as far as they go. But they do not go far enough. What is required is, perhaps, not so much the provision of additional fund as the framing of integrated schemes for creating the proper environment and incentives for serious and purposeful studies.

13.20 It is well known that most backward class children are irregular and indifferent students and their drop-out rate is very high. There are two main reasons for this. First, these children are brought up in a climate of extreme social and cultural deprivation and consequently, a proper motivation for schooling is generally lacking. Secondly, most of these children come from very poor homes and their parents are forced to press them into doing small chores from a very young age.

13.21 Upgrading the cultural environment is a very slow process. Transferring these children to an artificially upgraded environment is beyond the present resources of the country. In view of this, it is recommended that this problem may be tackled on a limited and selective basis on two fronts.

13.22 First, an intensive and time bound programme for adult education should be launched in selected pockets with high concentration of O.B.C. population. This is a basic motivational approach, as only properly motivated parents will take serious interest in educating their children. Secondly, residential schools should be set up in these areas for backward class students to provide a climate specially conducive to serious studies. All facilities in these schools including board and lodging, will have to be provided free of cost to attract students from poor and backward homes. Separate Government Hostels for O.B.C. students with the above facilities will be another step in the right direction.

13.23 A beginning on both these fronts will have to be made on a limited scale and selective basis. But the scope of these activities should be expanded as fast as the resources permit. Adult education programme and residential schools started on a selective basis will operate as growing points of consciousness for the entire community and their multiplier effect is bound to be substantial. Where a several States have extended a number of ad hoc concessions to backward class students, few serious attempts have been made to integrate these facilities into a comprehensive scheme for a qualitative upgradation of educational environment available to OBC students.

13.24 After all, education is the best catalyst of change and educating the backward classes is the surest way to improve their self-image and raise their social status. As O.B.Cs cannot afford the high wastage rates of our educational system, it is very important that their education is highly biased in favour of vocational training. After all, reservation in services will absorb only a very small percentage of the educated backward classes and the rest should be suitably equipped with vocational skills to enable them to get a return on having invested several years in education.

13.25 It is also obvious that even if all the above facilities are given to O.B.C. students, they will not be able to compete on an equal footing with others in securing admission to technical and professional institutions. In view of this it is recommended that seats should be reserved for O.B.C. students in all scientific, technical and professional institutions run by the Central as well as State Governments. This reservation will fall under Article 15(4) of the Constitution and the quantum of reservation should be the same as in the Government services i.e., 27 per cent. Those States which have already reserved more than 27 per cent seats for O.B.C. students will remain unaffected by this recommendation.

13.26 While implementing the provision for reservation it should also be ensured that the candidates who are admitted against the reserved quota are enabled to derive full benefit of higher studies. It has been generally noticed that these O.B.C. students coming from an impoverished cultural background, are not able to keep abreast with other students, it is, therefore, very essential that special coaching facilities are arranged for all such students in our technical and professional institutions. The concerned authorities should clearly appreciate that their job is not finished once candidates against reserved quota have been admitted to various institutions. In fact, the real task starts only after that. Unless adequate follow-up action is taken to give special coaching assistance to

these students, not only these young people will feel frustrated and humiliated but the country will also be landed with ill-equipped and sub-standard engineers, doctors and other professionals.

Financial Assistance

13.27 Vocational communities following hereditary occupations have suffered heavily as result of industrialisation. Mechanical production and introduction of synthetic materials has robbed the village potter, oil crusher, blacksmith, carpenter, etc. of their traditional means of livelihood and the pauperisation of these classes is a well known phenomenon in the country-side.

13.28 It has, therefore, become very necessary that suitable institutional finance and technical assistance is made available to such members of village vocational communities who want to set up small scale industries on their own. Similar assistance should also be provided to those promising O.B.C. candidates who have obtained special vocational training.

13.29 Of course, most State Governments have created various financial and technical agencies for the promotion of small and medium scale industries. But it is well known that only the more influential members of the community are able to derive benefits from these agencies. In view of this, it is very essential that separate financial institutions for, providing financial and technical assistance are established for the backward classes. Some State Governments like Karnataka and Andhra Pradesh have already set up separate financial corporations, etc. for O.B.Cs.

13.30 Co-operative Societies of occupation groups will also help a lot. But due care should be taken that all the office-bearers and members of such societies belong to the concerned hereditary occupational groups and outsiders are not allowed to exploit them by infiltrating into such co-operatives.

13.31 The share of O.B.Cs in the industrial and business life of the country is negligible and this party explains their extremely low income levels. As a part of its overall strategy to uplift the backward classes, it is imperative that all State Governments are suitably advised and encouraged to create a separate network of financial and technical institutions to foster business and industrial enterprise among O.B.Cs.

Structural Changes

13.32 Reservations in Government employment and educational institutions, as also all possible financial assistance will remain mere palliatives unless the problem of backwardness is tackled its root Bulk of the small landholders, tenants, agricultural labour, impoverished village artisans, unskilled workers, etc. belong to Scheduled Castes, Scheduled Tribes and Other Backward Classes. "Apart from social traditions, the dominance by the top peasantry is exercised through recourse to informal bondage which arises mainly through money-lending, leasing out of small bits of land and providing

house-sites and dwelling space to poor peasantry. As most of the functionaries of Government are drawn from the top peasantry, the class and caste linkage between the functionaries of Government and the top peasantry remain firm. This also tilts the socio-political balance in favour of the top peasantry and helps it in having its dominance over others.”

13.33 The net outcome of the above situation is that notwithstanding their numerical preponderance, backward class continue to remain in mental and material bondage of the higher castes and rich peasantry. Consequently, despite constituting nearly 3/4th of the country's population, Scheduled Castes, Scheduled Tribes and Other Backward Classes have been able to acquire a very limited political clout, even though adult franchise was introduced more than three decades back. Though their literal monopoly of means of production the higher castes are able to manipulate and coerce the backward classes into acting against their own interests. In view of this, until the struggle hold of the existing production relations is broken through radical land reforms, the subject dependence of under-privileged classes on the dominant higher castes will continue indefinitely. In fact, there is already a sizable volume of legislation on the statute books to abolish zamindari, place ceilings on landholdings and distribute land to the landless. But in actual practice its implementation has been halting, half-hearted and superficial. The States like Karnataka, Kerala and West Bengal which have gone about the job more earnestly have not only succeeded in materially helping the Backward Classes, but also reaped rich political dividends in the bargain.

13.34 It is the Commission's firm conviction that a radical transformation of the existing production relations is the most important single step that can be taken for the welfare and upliftment of all backward classes. Even, if this is not possible in the industrial sector for various reasons, in the agricultural sector a change of this nature is both feasible and overdue.

13.35 The Commission, therefore, strongly recommends that all the State Governments should be directed to enact and implement progressive land legislation so as to effect basic structural changes in the existing production relations in the countryside.

13.36 At present, surplus land is being allotted to S.Cs. and S.Ts. A part of the surplus land becoming available in future as a result of the operation of land ceiling laws etc. should also be allotted to the O.B .C landless labour.

Miscellaneous

13.37 (1) Certain sections of some occupational communities like Fishermen, Banjaras, Bansforas, Khatwes, etc. still suffer from the stigma of untouchability in some parts of the country. They have been listed as O.B.Cs by the Commission, but their inclusion in the lists of Scheduled Castes/Scheduled Tribes may be considered by the Government.

(2) Backward Classes Development Corporations should be set up both at the Central and State levels to implement various socio-educational and economic measures for their advancement.

(3) A separate Ministry/Department for O.B.Cs at the Centre and the States should be created to safeguard their interests.

(4) With a view to giving better representation to certain very backward sections of O.B.Cs like the Gaddis in Himachal Pradesh, Neo-Buddhists in Maharashtra, Fishermen in the Coastal areas, Gujars in J. and K., it is recommended that areas of their concentration may be carved out into separate constituencies at the time of delimitation.

Central Assistance

13.38 At present, no Central Assistance is available to any State Government for implementing any welfare measures for Other Backward Classes. The 18 States and Union Territories which have undertaken such measures have to provide funds from their own resources. During the Commission's tours practically every State Government pointed out that unless the Centre is prepared to liberally finance all special schemes for the upliftment of O.B.Cs, it will be beyond the available resources of the States to undertake any worthwhile programme for the benefit of Other Backward Classes.

13.39 The Commission fully shares the views of the State Government in this matter and strongly recommends that all development programmes specially designed for Other Backward Classes should be financed by the Central Government in the same manner and to the same extent as done in the case of Scheduled Castes and Scheduled Tribes.

13.40 Regarding the period of operation of the Commission's recommendations, the entire scheme should be reviewed after twenty years. We have advisedly suggested this span of one generation, as the raising of social consciousness is a generational process. Any review at a shorter interval would be rather arbitrary and will not give a fair indication of the impact of our recommendations on the prevailing status and life-styles of O.B.Cs.