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The Relevance of Caste in Contemporary India: Reexamining the Affirmative Action Debate

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Claremont McKenna College

**The Relevence of Caste in Contemporary India: Reexamining the
Affirmative Action Debate**

SUBMITTED TO
Professor William Ascher

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for
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Table of Contents

Acknowledgements.....	1
Chapter 1:	
Introduction.....	3
Chapter 2: Identity and State Building in Post-independence India.....	10
I. <i>Definitions.....</i>	11
II. <i>OBC: Category or Identity?.....</i>	15
III. <i>Reconciling Primordialism and Constructivism.....</i>	26
Chapter 3: The North-South Comparison.....	28
I. <i>Sanskritization.....</i>	29
II. <i>Ethnicization.....</i>	34
III. <i>Enabling circumstances.....</i>	36
IV. <i>Distinctions.....</i>	43
Chapter 4: Politicization of Caste and Implications for Affirmative Action.....	47
I. <i>Politicization as a distortion.....</i>	47
II. <i>Mechanisms that explain the distortion.....</i>	49
III. <i>Evidence of a distorted mandate.....</i>	53
Chapter 5: Dominant Castes and Claims to Reservations.....	61
I. <i>OBCs Represented with Data.....</i>	63
II. <i>The Jats of Haryana: A Case Study.....</i>	71
III. <i>Evaluation.....</i>	77
Chapter 6: Policy Recommendations.....	81
I. <i>The Karnataka Comparison.....</i>	84
II. <i>Shifting Priorities.....</i>	88
Bibliography.....	90

Acknowledgments

Several experiences and observations have inspired this thesis. An especially vivid one, that I failed to fully appreciate at the time, took place in a small village in Rajasthan that I visited in 2014, as part of a team with an education focused NGO named IIMPACT. I was part of conducting a three day training workshop for more than 20 teachers of the organization's local learning centers. After noting a recurring pattern of all the teachers collectively refusing to drink the tea served to them, my supervisor addressed the matter by asking the group the reason for the wastage. As a sheltered, urban, seventeen year old, I remained blissfully unaware of this refusal--and its vast implications--and was dumbstruck by their sheepish responses. Their justifications were especially shocking to me, because I had never observed such discrimination so closely, and because my history lessons had assured me that Gandhi had put an end to it. Furthermore, that these biases were held by teachers responsible for educating and destroying regressive values in future generations, forced me to confront the debilitating persistence of prejudice. It is such beliefs that affirmative action has the Herculean task of dismantling. "The *chai wala* is a *Harijan*. We cannot touch the cups" one teacher responded quietly from the corner.

This thesis has provided me with the fulfilling opportunity to deconstruct my long-held beliefs and analyze the roots of internalized biases from a more factual basis that considers the relevant historical context. For this possibility, I would like to express my gratitude towards the Claremont

McKenna departments of International Relations and Economics, for making it a mandatory exercise, and for equipping me with the analytical skills and theoretical bases to seek objective conclusions and solutions. More specifically, I would like to thank Professor William (Bill) Ascher who undertook the challenging task of guiding and orienting me whenever I lost myself in the exploration of fascinating, yet irrelevant, rabbit holes along my journey. His suggestions and notes rang in my ears at trying times and reassured me of my end goal when I most needed them. I am grateful to Professor Aseema Sinha, who exposed me to the vast body of research and prominent ongoing debates in the literature on South Asia. Professor Mark Schneider and Professor Sumita Pahwa were also instrumental in my understanding of theories on ethnic politics and the dynamics of Indian politics.

I am eternally grateful to my peers and family, who have helped shape my own viewpoints by exposing me to diverse perspectives and provided me opportunities to grasp rich experiential lessons. Without the lively debates I have shared with my grandfather, to whom this thesis is dedicated, I would not have found the motivation to substantiate and inform my arguments with research. In him I find a worthy opposition to my beliefs; willing to respectfully engage, understand, and accept diverse views in order to evolve his own.

Chapter 1: Introduction

Affirmative Action in India is one of the oldest cases of positive discrimination in the world. The struggle with positive discrimination has always been in the tension between the primordial and constructivist worldviews of different castes, religions, and ethnic groupings. With the caste system as the basis for ritual, social and economic gradation since the inception of the Vedic Hinduism, the crafters of the new democratic, secular, and independent India wanted to seek reparations for those who were previously tainted as “outcasts”. These “outcasts” were mostly defined as those below the lowest caste, the “Shudras”, and later expanded to encompass the Shudras and ostensibly economically weaker groups as well.

These outcasts comprised of groups known today as Scheduled Castes and Scheduled Tribes. Scheduled Castes are considered socio-economically lower than the Shudras on the Varna scale and were known as “Dalits” or “Untouchables”. The Scheduled Tribes were “tribals” who were considered indigenous natives outside Hinduism, when it was created during the Vedic period around 1500 BCE. This included the descendants of the ancient Naga tribe, adivasis of Jharkhand, or island inhabitants in the Andaman and Nicobar Islands for example. Twenty three per cent of all government opportunities and positions in public higher educational institutions were reserved for the Scheduled Castes and Tribes (15 per cent of which were for Scheduled Castes and 7.5-8 per cent for Scheduled Tribes) as per the Constitution in 1950, enacted

three years after independence from the British Empire. With the subsequent practice of the Scheduled Caste and Scheduled Tribe focused “reservations”, there remained certain sections of the population that were still disadvantaged. The Scheduled Caste and Scheduled Tribe reservations primarily targeted caste distinctions based on the “outcasts” identified from the Varna system, and the consequent inequality in professional opportunities for these groups. However, inequality in educational opportunities remained, and thus so did literacy levels, based on different financial statuses, gender, and social standings beyond the theoretical Hindu caste system. The First Backward Classes Commission of 1953 identified backwardness along socioeconomic and gender lines, but identified eligible members on the basis of caste. Although the Nehru government did not approve this commission as Constitutional change, it was revised and expanded with the Mandal Commission of 1980.

The crux of the caste system lies in the established distinctions in ritual purity and pollution. The lowest castes are born the most polluted, whereas the twice-born upper castes are born the purest. The lowest castes, for centuries, have been hounded by social stigmas that harden and define the caste lines that exist within the system. Association with the lowest castes implied pollution of the self, and so lower castes were prohibited from temples, and professions occupied by upper castes. Because “Castes historically tended to be occupationally specific and confined to particular regions or even villages”, lines of occupation in a given locale were determined at birth on the basis of ascriptive

ethnic identities and passed down hereditarily¹. This meant that lower castes were relegated to perform the most demeaning and menial occupations for centuries².

While related, the caste system found in practice is separate from the broader varna hierarchy. Each individual is born into a *jati*, which is assigned to a varna, and “It is the *jatis* rather than the better-known *varnas* that form the nuts and bolts of the caste system”³. In the literature on affirmative action and the politics of the lower castes, and in this thesis, Brahmins, Kshatriyas, and Vaishyas are referred to as forward castes, upper castes or “twice born”. In reference to lower castes, “Shudras” on the varna scale roughly translate to Other Backward Classes (OBCs), “Dalits” are referred to as Scheduled Castes (SCs) or Untouchables, and “adivasis” or “tribals” are referred to as Scheduled Tribes (STs). While it is common practice to use caste and sub-caste interchangeably in the literature, this thesis will use caste to refer to varna classifications and sub-castes to reference specific *jatis*.

The Mandal Commission of 1980 identified and set aside a “quota” of 27 per cent for Other Backward Classes (OBCs), which extended reservations to more sub-castes, on the stated basis of socio-economically backward communities. From the population of the time of the Mandal Commission (drafted in the 1980s but only put into effect in the 1990s), OBCs were estimated to make up 52 per cent of the population (excluding Scheduled Castes and Tribes) and included

¹ Osborne 2001, 662.

² Jaffrelot 2006, 174.

³ Osborne, 662

occupational sub-castes such as those of sweepers, laundrymen, leather smiths, etc. This category includes some Muslim communities, but largely targets Shudra sub-castes. Further, sub-castes considered OBCs in some states are not necessarily classified as OBCs in other states; for example, Jats are OBCs in Himachal Pradesh but not in Haryana.

One section of these originally identified OBCs was slightly above the socioeconomic level of the reserved groups, and informally considered “intermediate” castes. Intermediate castes would have taken the roles of landlords but not landless farmers, or nomadic dairy farmers but not leathersmiths. They were above the lowest OBCs, but below the upper castes, and not socially discriminated against like the masses of OBCs the Mandal Commission originally wanted to target. These intermediate castes came to occupy the “creamy layer” of the OBC category, which had gained financial power with the changes in the practice of the caste system since the dominance of the British Raj.

While the intentions of the affirmative action policy in India were to achieve the larger Constitutional goal of equality, complexities in the consociational designation of sub-castes led to unintended consequences for the nation as a whole. One criticism is that reservations were intended to mitigate caste differences, but have instead aggravated caste identities by conferring them with increased political salience. Today, reservations have become motivation for political mobilization along caste lines: “when an Indian casts his vote, he too

often votes his caste”⁴. Some argue that this has deepened communal divisions in India. The mechanism for these exacerbated divisions lies in the animosity between reserved castes and upper castes, the creamy layer and the most backward classes, religious minorities and Hindu nationalists, i.e. the vocal dominant in power and the appropriated groups of marginalized minorities. India’s burgeoning population, of which the youth make up a majority, adds to the pressure of competition over reserved seats in elite education institutes and public sector jobs. The Supreme Court has set a maximum limit for all reservations at Central and State levels at 50 per cent of offered positions.

Despite these limits, competition has definitely worsened for those in general categories, but also for those qualifying for reservations. Yet, seats in many colleges reserved for OBCs or Scheduled Castes and Tribes are not always occupied. Furthermore, failure to secure acceptance to education institutes or coveted government positions for general category applicants is often explained by blaming the reserved categories for “taking their seats”. This creates a sense of resentment towards backward classes within the forward castes, and casts doubt as to the legitimacy of “merit” in the quota system. Simultaneously, competition among OBCs for government jobs and admission to better universities is compounded by the breadth of the OBC category. Within the OBC group there is financial and regional disparity. With an OBC classification that is too large, the chances of the truly needy OBC members, those not counted as the creamy layer, to benefit from the reservation is limited. The reservation policy,

⁴ Tharoor, 2015.

as it stands today, must refine the OBC eligibility criteria to benefit more precisely those who most need it.

Since the 1980-90 period, when the Mandal Commission was drafted and enacted, the demographic of these competing groups has shifted and changed. As of the National Sample Survey of 1999-2000, 36 per cent of the population self identified as OBCs. This figure increased to 44 per cent in the 2010-11 survey. When taking the Scheduled Castes and Tribes into account as well, 73 per cent of the population will be eligible for reservations. This demographic shift has also been accompanied with structural economic shifts. Agriculture is no longer a lucrative employer, and government jobs offer more competitive pay and benefits (with the provisions revised in the Seventh Pay Commission). The share of the population living in poverty since the 1990s has shrunk from an estimated 37 per cent to 22 per cent in the 2000s. Further, with greater access to education, the number of claimants for non-farm jobs has increased. Data suggests that the number of opportunities being offered by the government are reducing: “15.3 per cent of men aged 22-39 with education level of class 12 or more had a regular salaried job in the government or public sector, this proportion fell to 11.7 per cent by 2011-12”⁵. With decreasing public sector opportunities and increasing private sector employment, reservations for public sector jobs are becoming progressively ineffectual for “upliftment”. What then explains the claims of backwardness and increasing number of sub-castes on State and National OBC lists?

⁵ Desai, 2006.

Constructivist worldviews on caste based and religious distinctions informed the early Indian Constitution drafters and their preferred means of positive discrimination. While constructivism is granted by the literature to be a more progressive alternative than the obsolete primordialist views, both are closely connected--especially so for affirmative action. The question now, seventy years after India's democratization, remains whether perhaps both are outdone by an ideal of assimilation. The answer to this comparison can be vital in judging and drafting policies in an increasingly nationalist India.

Chapter 2: Identity and State Building in Post-independence

India

India, at the time of independence, was a diverse nation with various cultures, languages, folk traditions, stories, food, dress, art, lifestyles and people. With the nationalist sentiment used to mobilize a large coalition against the British--these distinctions were diluted as a matter of convenience. Sub-national identities were nested within the peoples' Indian-ness. While this was effective for the functioning of mechanisms such as the "Swadeshi" and "Boycott" movements that defined the independence struggle, along with the symbolic salience of Gandhi's hunger strikes, ancient distinctions along communal lines still survived the independence, modernization, and consequent democratization, of India. Arguably, the most notable distinction was along Hindu-Muslim lines, leading to the division of pre-independence India into modern day Pakistan and India. The Kashmir question too remained pertinent, due to similar debates on state culture and religions role in it, among other geopolitical claims. The division of India and Pakistan also brought to the fore an age-old debate on the relationship between the State and the identity of its citizens.

The role of the State in crafting identities is often looked at by modern scholars as an overreaching national mandate. However, policies that eventually end up prioritising certain identities can be rather difficult to judge a priori, for example, "When the Constitution was framed, it was not as clear as it is today

that caste would remain the basic unit of affirmative action”⁶. Constructivist scholars celebrate the effectiveness of policies in crafting identities--the most common assertion being that the British Census⁷ was responsible for designing caste as it is practiced today⁸, and affirmative action for renewing it⁹. These outcomes are especially ironic, considering that the original intentions behind reservations for the framers of the Constitution was to dilute distinctions and do away with caste based discrimination¹⁰. Although primordial and constructivist thought are considered in opposition, analysis of the logic of affirmative action for OBCs in India can reveal that both depend on the limitations posed by the other.

I. Definitions

The premises upon which any claims about identity lie are defined in their conception of individual attributes. For ethnic identity, these attributes are differentiated to various degrees as hereditary or externally adopted. The natural implications of these attributes are their fixed nature or ability to be transformed. Various theories capture these distinctions, and extrapolate the workings of the individual in interaction with group and national identity or identities. The two schools of thought that bound the spectrum are Primordialism and Constructivism.

⁶ De Zwart 2000, 244.

⁷ More detail in Chapter 3: “A Natural Experiment”

⁸ Bhagat 2001, 4353.

⁹ Jaffrelot 2006, 174.

¹⁰ Rao, Menon, Kashyap, and Iyengar 1968, 185.

In order to understand the unfortunate open-endedness of the category of “Other Backward Classes”, one needs to understand how Primordialist and Constructivist interpretations have maintained the vagueness of such categories. Primordialist views are encapsulated in the belief that ethnicity is bound by attributes only transferred to ingroups members via descent¹¹. Ethnic identities are fixed and immutable for Primordialists. Furthermore, primordial conceptions view interests of an individual as representative of those of the group, thus creating homogeneous blocs of ethnic interests. Ethnic grouping is perceived as irrational, and interethnic hostility as a definite outcome due to “some unaccountable import attributable to the very tie itself”¹² within the ingroup. Horowitz rightly notes that “Primordialism has become the straw man of ethnic studies”¹³, and has been viewed as antiquated, chauvinistic, and almost the equivalent of fundamentalist thought. While these criticisms may be valid, Primordialism does perform the role of providing a starting point from which to view ethnic identities and their political implications. The canon raises pertinent questions at the heart of governance of multi-ethnic societies, albeit pessimistically, and looks to State structure for solutions. Primordialist encasing of caste groups has crafted the implication that these groups have competitive, homogeneous, and observable demands. Unlike the Scheduled Castes and

¹¹ Horowitz 2004, 73.

¹² Geertz 1963, 109.

¹³ Horowitz 2004, 72.

Tribes, the OBCs were not a singular caste group, but a classification of eligible sub-castes¹⁴, that too one that was routinely revised and contested.

Constructivism views ethnic identities as multifaceted categories that can be created and mutated by their political, economic, geographic, and social contexts. According to Constructivism, the boundaries of ethnicity are actively policed for stable identities or expanded for threatened ones, with rational, competing, heterogenous group interests¹⁵. Ethnic categories can become more or less salient to out or ingroup individuals, elites, institutions, and societies, and have been theorized “as interests motivated by "the pragmatics of calculated choice and opportunism" (Tambiah 1996: 21, also see Barth 1969), noting their tendency to expand (assimilate) and contract (differentiate) to "fill the political space available for [their] expression" (Horowitz 1975:137)”¹⁶. Ethnicity, through a Constructivist lens, is burdened by social meanings and motivations about what it means to identify. The four most well-known variants of Constructivism are theories suggesting modernization for identity creation, institutions for salience, rent seeking for ethnic identification, and political entrepreneurship for reconstruction, as the causal link between the existing and outcome “ethnic demographics”¹⁷. The *constructivist dilemma*¹⁸ lies in the endogeneity of identity shift in the outcome change¹⁹, which critics argue makes

¹⁴ De Zwart 2000, 235.

¹⁵ Barth 1998, 10.

¹⁶ Reddy 2005, 555.

¹⁷ Chandra 2001, 8

¹⁸ Bayar 2009, 1640.

¹⁹ Chandra 2001, 8.

Constructivism less parsimonious of a conception for ethnic studies than Primordialism²⁰. Caste, most scholars agree, is less of a primordialist ancient fact and more of a constructed social identity in India. Affirmative Action, most obviously the Mandal list of the 1980s, is the instrument that the State used in making the OBC category salient, and identifying as OBC an incentive²¹. The *constructivist dilemma* here lies in the relationship between affirmative action and OBC identification salience. With greater affirmative action offered to OBCs, incentives to identify as OBC also heighten. However, as more groups identify as OBCs, through the mechanism of identity shift, more groups will demand affirmative action. Consequently, identity shift as a result of heightened salience is endogenous to the calculations of institutional incentives.

From a constructivist viewpoint, the effectiveness of affirmative action as a means to reduce caste significance and discrimination seems equally likely as unlikely. During the post-independence era, however, it was viewed by many as a catalyst to the modernization mechanism by which India would divest itself of caste distinctions. Caste based affirmative action works on a combination of primordial beliefs. First, that a group can be identified from a whole, i.e. members of particular castes or sub-caste can be identified distinctly from members of others. Second, this group is homogeneously worse off than others, either materially or historically discriminated against. Third, those who benefit from the affirmative action will represent their group's interests, for example, a

²⁰ Bayar 2009, 1640.

²¹ De Zwart 2000, 245.

legislative member of a particular caste will prioritise the interests of their caste. While the foundation of affirmative action is laid on primordialism, the expected outcomes are largely constructivist. First, caste identities can be mitigated. Second, provisions from preferential treatment can combat and change stereotypes. Third, these identity shifts can be brought about by an institution of the State, in coordination with modernization mechanisms.

The applicability of primordial and constructivist explanations may be debatable but the outcome is definitive. Castes and sub-castes as “forms of stratification where upward mobility is denied”²² are still in existence in India today. Despite the explicit consensus on the ills of the caste system, and the expressed desires for its demise, the framers of India’s Constitution failed to achieve their proposed goal of mitigating the divisions of ancient India. The next section aims to dismantle the conundrum that is “caste identity”, and the foundations of its sustained significance. Studying the origins of the Other Backward Classes as a reserved group, especially in contrast to the origins of the Scheduled Castes and Tribes, can be illuminating in this endeavour.

II. OBC: Category or Identity?

The first form of positive discrimination was introduced by the British in 1892, when the administration set up separate schools for students from “Depressed Classes”²³. Further, they also instated scholarships (1944), and

²² Parkin 2013, 77.

²³ Jaffrelot 2006, 174.

positions in the civil service (1934, and then raised in 1946)²⁴. “Backward Class” was first officially used in Mysore (present day Karnataka) in 1918, when the provincial government appointed a commission to investigate Brahmin over representation in the administration. By 1921, the province implemented positive discrimination in administrative recruitment, based on a Backward Class defined as all castes that were not Brahmin²⁵. Several other states began to use this classification in the South and West by the mid-1920s, namely Maharashtra and Madras (present day Tamil Nadu, parts of Andhra Pradesh, Kerala and Karnataka). The definition of “backward” was refined in these states and in addition to Brahmins, also excluded “Prabhus, Marwaris, Parsis, Banias, and Christians”²⁶.

In the Southern provinces, representation for lower castes in politics was supported in the form of reserved seats in central and provincial legislative councils as early as 1929²⁷. In the North, the evolution of lower-caste representation only took flight after the freedom movement and the democratization of Indian politics, around 1947. Many of India’s leaders held rather idealistic expectations of affirmative action at the time of the Constitution’s drafting. Ram Manohar Lohia, a Congress leader, argued vehemently for the role of the “Government [in] allocat[ing] jobs to the lower castes, and in particular those jobs traditionally the preserve of the upper castes.

²⁴ Ibid.

²⁵ Irschick 1969, 218.

²⁶ Dirks 2011, 282.

²⁷ Ibid.

Reservations are necessary because the lower castes cannot compete on their own, perhaps for generations”²⁸. He prioritized the need for lower-caste reservations in positions of leadership over education, and demanded quotas in administrative and elected positions²⁹. The logic of using affirmative action to reduce the significance of the same distinctions upon which affirmative action is granted seems circular today. However, from Lohia’s perspective, attaining political and symbolic empowerment was preferred over remaining marginalized--even if discrimination and implicit biases would still permeate the system.

A prominent Dalit or “Untouchable” leader, Bhim Rao Ambedkar, who served as the Chair of the Constitutional Drafting Committee, believed that the only way caste could be diminished was if lower castes, specifically Scheduled Castes, rejected Hinduism completely. B.R. Ambedkar urged the British government to allow for separate electorates for Untouchables in 1930--as had been granted to Muslims (since 1909)³⁰. This demand was hugely contested and resisted by most of the Indian National Congress party members--who conceived of a unified India under the umbrella of the Congress--under Nehru and other upper caste elite progressives.

Unlike Lohia, Ambedkar believed that educational and professional reservations were necessary for socio-economic upliftment, and drafted several provisions in the Constitution to achieve this end. He wanted lower castes to be

²⁸Lohia 1964, 134.

²⁹Jaffrelot 2000, 89.

³⁰Dirks 2011, 268.

treated like a religious minority. Under the Constitution, Sikhs, Muslims, Christians, and Anglo-Indians are not only afforded proportional representation in Central and State levels, but also allowed to practice their religions freely with support from the State under the Fundamental Right to *Freedom of Religion*³¹. With the Communal Award of 1932, certain minorities were to be provided separate electorates. Ambedkar was in favor of such a mechanism for lower castes, on the grounds that “he did not trust the majority to elect minority representatives who would genuinely represent minority interests”³². Gandhi, on the other hand, only grudgingly approved of separate electorates even for religious minorities. He believed that reservations were deeply divisive and not the appropriate means to achieve equality among the castes. He argued fervently that social change would have to lead the political reforms. Gandhi performed a hunger strike in response to the Communal Award of 1932³³, forcing Ambedkar to concede to a joint electorate for lower castes. Ambedkar’s belief, while in support of affirmative action, was far more consociational. He did not want the lower castes to be assimilated into the Hindu majority, but wanted a distinctly represented minority. Further along this vein, he wanted lower castes to occupy separate villages completely, and believed a Settlement Commission should be established for this purpose³⁴.

³¹ Rao, Menon, Kashyap, and Iyengar 1968, 753.

³²Dirks 2011, 270.

³³Dirks 2011, 282.

³⁴ Rao, Menon, Kashyap, and Iyengar 1968, 749.

Several Congress members supported Gandhi, scholars claim largely because of the upper caste-elite composition of the party at the time, and because of its large Hindu electoral base³⁵. Congress' progressive elites believed in a Socialist sovereign state that would allow for equality under democratic institutions, free and universal education, mitigation of discrimination: "the nationalist elite did not promise a classless society, but they did offer the promise of a casteless society"³⁶. From the 1920s to the time of independence in 1947, the Congress elite was disproportionately upper caste³⁷, but this leadership profile began to erode by the 1950s³⁸. Congress originally created 'vote banks' by co-opting lower-caste leaders in local *talukas* or Congress committees in the 1930s³⁹. The vast Congress network allowed for vast representation at the regional levels, but still created the sense of a glass ceiling at the National level, which lower-caste Congress members began to resent. Local leaders rose to State level politics under the Congress, and beat smaller lower-caste opposition parties,

In India's first Parliamentary elections in 1951-2, three opposition parties sought support from the lower castes--the Peasants' and Workers' Party in Bombay, the Dravida Kazhagam(DK) in Madras, and the Scheduled Caste Federation-

³⁵Dirks 2011, 269.

³⁶Weiner and Kohli 2001, 195.

³⁷Weiner and Kohli 2001, 196.

³⁸Ibid.

³⁹Weiner and Kohli 2001, 197.

-but Congress defeated all three by a strategy of incorporating elites from their would-be supporters⁴⁰

Some leaders were also of the opinion that “[reserved representation] is harmful in so far as it tends to perpetuate the distinction based on birth”⁴¹. K.T. Shah observed, and foreshadowed, that “the continuance of separate electorates had led to the evolution of political parties on religious lines rather than economic or social ideals”⁴².

Upon independence, Scheduled Castes and Scheduled Tribes were granted reservations, based on the long history of debates and precedent established. Furthermore, these sub-castes were readily identified based on their primordial encoding via the Census. However, it was not until 1953⁴³ that Backward Classes were brought to the fore of the reservation debate with the first national Backward Classes Commission, also referred to as the Kalelkar Commission after its Chairman Kakasaheb Kalelkar. The original criteria for the “Socially and Economically Backward Classes” was to be occupation, income, and education based, but not caste⁴⁴. However, the commission’s report is prefaced with an acknowledgement of caste and the “evils that have kept Indian humanity down”⁴⁵. The reasons caste was chosen as the unit for classification of the ostensibly secular backwardness that the commission set out to identify can

⁴⁰ Ibid.

⁴¹ Ghurye 1969, 290.

⁴² Rao, Menon, Kashyap, and Iyengar 1968, 753.

⁴³ De Zwart 2000, 240.

⁴⁴ Kalelkar, 1955.

⁴⁵ Ibid.

be explained partially by “administrative convenience”⁴⁶, however, as stated by Kalelkar himself, there were also external factors outside the commission’s control for the choice.

One problem the commission faced during its research was that representatives of castes that had once assumed high-caste names in order to be upgraded in the Census, “now did not hesitate to give us their original caste names lest they should lose the State help” Government of India 1956:44).⁴⁷

Furthermore, Kalelkar himself was left expressing defeat after the publication of the report, noting that representatives of castes and sub-castes approached the commission themselves, requesting caste groupings. He was “definitely against reservations in government services”⁴⁸ because of several of the commission's findings, that fastened his fears that “dominant castes from within the backward classes to corner most benefits”⁴⁹. With the commission’s inability to create any other viable classification, the first list of OBCs was constructed of 2,399 sub-castes⁵⁰ which accounted for 32-40 per cent of the nations population at the time⁵¹. The commission report was rejected by Nehru’s “resolutely modernist”⁵²

⁴⁶ De Zwart 2000, 240.

⁴⁷ Ibid.

⁴⁸ Kalelkar, 1955.

⁴⁹ De Zwart 2000, 242.

⁵⁰ Jaffrelot 2000, 88.

⁵¹ De Zwart 2000, 242.

⁵² Jaffrelot 2006, 178.

socialist government, and the issue of the ‘Socially and Economically Backward Classes’ was not picked up again until nearly two decades later.

Between the 1960s and 1970s, a national backlash against OBC reservations mimicking the rejection of the First Backward Classes Commission report took place at the regional levels. The reasons provided for the repealing of various state level affirmative action provisions for OBCs were the same as the ones stated by Nehru’s Home Minister G. B. Pant for rejecting the Kalelkar report at the national level: “an unconstitutional definition of OBC”⁵³ that stressed caste distinctions, and that quotas were essentially measures that disadvantaged those deserving positions based on merit⁵⁴. In the South, several states such as Andhra Pradesh (previously Madras) and Kerala had to redesign reservation policies in order to lower the quota thresholds. However, by the 1970s, the high courts of southern states began defending the quotas, and reservations not only stabilized, but also began to increase by the mid 1980s. In the North however, this backlash continued till the 1980s. While several policy, economic, historic, and geographic variables explain the difference in these outcomes⁵⁵, politically, Congress dominance in the North perpetuated the ethos of Pant’s original criticisms unlike in the South’s more diverse political sphere⁵⁶. Furthermore, it also created a political vacuum for an oppositional platform in favor of OBC reservations.

⁵³ Jaffrelot 2006, 180.

⁵⁴ Ibid.

⁵⁵ The explanation for these separate trajectories is looked into in more detail in Chapter 3.

⁵⁶ Jaffrelot 2006, 180.

By 1978, a Second Backward Classes Commission was appointed on the national level, referred to as the Mandal Commission after the lower-caste chairman B. P. Mandal. Unlike the Kalelkar Commission, however, Mandal was supported by a government in favor of OBC reservations--the Janata Party. The Janata Party was one that formed to occupy the oppositional vacuum created by Congress' historical stance on reservations. Bred on a more extreme socialist foundation that believed Nehru's brand of socialism was inadequate and poisoned with upper caste biases⁵⁷, the Janata Party elite was mentored by Lohia's worldview of affirmative action as an instrument for empowerment⁵⁸. The Janata Party was a coalition comprised of several lower-caste parties, each representing the interests of different and intersectional factions such as farmers, peasants, socialists, OBCs and some intermediate castes, each of who believed that "three decades of Congress rule in post-Independence India [were] essentially elitist and urban oriented"⁵⁹. By 1980, the Mandal Commission had released a report, and like the Kalelkar Commission it had identified backwardness in terms of castes-- 3,743 eligible sub-castes specifically. The report subscribed explicitly to the role of caste in the traditional social structure, and rebuked Congress' proposition that modernization would dilute its significance. Yet, some members of the commission did express that, like with the Kalelkar Commission, they had not set out to classify backwardness in terms of caste but had been demanded to by OBC representatives, noting that "We did

⁵⁷ Lohia 1964.

⁵⁸ Limaye 1997, 314.

⁵⁹ Singh 1997, 325.

not seek caste [...] caste pursued us”⁶⁰. The report recommended 27 per cent of public sector positions to be filled by OBCs, a category which made up 52 per cent of the population at the time. The report acknowledged the discrepancy in the proportionality of 27 per cent reservation for 52 per cent of the population, and explained that the reservations were more symbolic than an actual means to socio-economic equalization, “the issue was not primarily to improve the socioeconomic condition of a disenfranchised population, but to make it gain new confidence in its relationship to power, even to mobilize it politically”⁶¹. However, by 1980 Indira Gandhi’s Congress government had already taken power, and shelved the report along with its recommendations, thereby “depriv[ing] herself of OBC support, [and giving] up this trump card to her opponents⁶²” once again in Congress history.

A decade later, the Janata Dal came to power and under the leadership of V. P. Singh it brought back to the table the Mandal Commission’s report. The Janata Dal was comprised of parties representing both peasant politics as well as affirmative action politics, yet it prioritised the affirmative action politics in order to gain a stronghold with the OBCs who had been recently mobilized by the interactions between the Congress and Janata Party⁶³. V. P. Singh announced in 1990 the Janata Dal’s decision to enact the Mandal Commission’s recommendations. Within the party, the proponents of peasant politics (largely

⁶⁰ Gil 1991, 34.

⁶¹ Jaffrelot 2006, 183.

⁶² Jaffrelot 2006, 184.

⁶³ Jaffrelot 2006, 183.

made up of Jats⁶⁴) were not pleased to have been left out of the reserved castes, and even resigned from their positions, the most notably, Devi Lal who was the government's Deputy Prime Minister⁶⁵. This announcement was also met with much protest from upper caste students, with infamous cases of self immolation. This reaction in turn, provoked a countermobilization organized by the Janata Dal and fostered support across OBC sub-castes⁶⁶.

The Mandal Commission, thus, enshrined the sub-castes within the OBC category with a political identity, "This abstract administrative category, "the OBCs," thus acquired political substance not from the inside, but under the influence of external opposition, by being faced with the Other, the upper castes"⁶⁷. However, after the Mandal was passed, competition among OBCs was created--most notably the castes that had the largest contingencies, there was "rivalry between major castes such as the Yadavs, the Kurmis, and the Lodhis"⁶⁸. Because the category was a synecdoche for several diverse sub-castes, and there were more eligible sub-castes than reserved, the mobilization during the Mandal period was short lived.

The most recent reservation for OBCs was passed in 2006, by which OBCs are now eligible for a 27 per cent quota in higher educational institutions⁶⁹. This decision was also met with "determined and vociferous

⁶⁴ More detail in Chapter 5: Dominant Castes and Claims to Reservations

⁶⁵ Jaffrelot 2000, 97.

⁶⁶ Jaffrelot 2000, 97.

⁶⁷ Jaffrelot 2006, 185.

⁶⁸ Jaffrelot 2000, 103.

⁶⁹ Deshpande 2006, 2438.

resistance” like the previous Mandal recommendations⁷⁰. Once again, reservations were being used to pursue goals for which they were specifically unfit. Higher education presupposes and discriminates on the basis of some level of previous academic achievements. Previous academic achievement or ‘merit’ is ranked on the basis of applicants’ relative performances on a given university’s entrance exam. It does not, however, take into consideration that the performance on the exam is a function of variables such as economic, and social resources. Given the heterogeneity within the OBCs, and “the fact that some communities have, through effective political mobilisation, been able to corner a disproportionate share of state resources”⁷¹, reservations in higher education disproportionately benefit those who are in a position to claim them, a phenomenon that eerily rings true to Kalelkar’s predictions.

III. Reconciling Primordialism and Constructivism

Because of the historical basis to caste and sub-caste categories, the Scheduled Caste and Scheduled Tribe categories have not experienced the same trajectory as the OBC category. The OBC category, because of its vague classification, has led to greater political significance of caste, greater demands for OBC identification, and greater competition over restricted resources (quotas in this case)⁷². The broad definition of OBCs has divided groups based on sub-caste categories. Rather than the OBCs as a whole seeking revisions in resource

⁷⁰ Ibid.

⁷¹ Somanathan 2006, 2438.

⁷² More detail in Chapter 4: “How Reservations Fare Today”

distributions, it is sub-caste identities (that pre-existed the OBC category) that are seeking revisions for their specific ingroup, or coalitions of certain groups. Thus, primordial groupings such as castes were pre-existing identities made more salient with the constructivist instrument of the reservation and quota system. It follows that groups with the most resources, either material or more intangible, will benefit the most from their collective demands than those who cannot bear the costs of effectively organizing--even if all identify as OBC.

The failure of affirmative action in creating a singular OBC identity, like the British administration created for caste, is not a complete rebuttal of constructivism, but a caveat on the applicability of the theory. Institutional treatment instruments, such as the Census⁷³ or reservations, are effective in prioritising certain identities; however, the consequent incentives for identification will revert to pre-existing or hardened systems of stratification. Thus, “Colonial administration and law at the turn of the century did not create caste, then, but accentuated it, much as affirmative action accentuates it today”⁷⁴.

⁷³ More information in Chapter 3: A Natural Experiment.

⁷⁴ De Zwart 2000, 245.

Chapter 3: The North-South Comparison

Caste distinctions have been, and are still, exploited throughout history and across geography. In India, caste can be observed to have been mobilized in two different ways. The first is noted by the esteemed researcher M.N Srinivas as “sanskritization”, while the other is coined “ethnicization” by Christophe Jaffrelot. Much of South and West India experienced ethnicization and poses a contrasting example to the sanskritization of the northern “Hindi Belt” states. The differences in these mobilizations result largely from historical conditions and circumstances. While both regions are comparable in size, demographics, and the presence of caste identities, the resultant disparate trajectories uncover the distinctions in the characteristics and historical policies of the regions.

These distinct mobilizations had several consequences for the conception of caste, politics, and affirmative action in the two regions. Some scholars argue that the OBC term became much more political in the North because it arrived there later than it did in the South, where it originated⁷⁵. However, this is neither the only distinction between the two cases nor the only explanation. This chapter asserts that in the South, in addition to the fact that the varna order was dismantled earlier than in the North, the lower-caste mobilization rallied around a non-Hindu identity that developed into a natural political identity not burdened by the hierarchy of the varna system. In contrast, in addition to the delay, the lower-caste mobilization in the North was

⁷⁵ Varshney 2012, 241.

incomplete and denied a unifying identity due to dominant-caste co-optation and countermobilization. The identity granted to lower castes in the North, specifically OBCs, was reactive and born in response to such countermobilizations, while being encumbered with political salience. Eventually in the North and in the South, affirmative action was granted on the basis of politicized caste identities⁷⁶, but in the South the “backward classes” were identified from the legacy of the lower-caste identity, whereas in the North they were identified based on the political mobilization by elites, more prone to dominant-caste manipulation⁷⁷. While it is not certain if the North will follow exactly the trajectory of the South, as many have theorized that the Hindu-Muslim divide looms larger, the sanskritized mobilization of the northern lower-castes will determine whether their new political identity will be able to withstand Hindu-nationalist co-optation or be overwhelmed to assimilate: “By implication as well as intention, Hindu nationalism stands for Hindu unity, not for caste consciousness. Lower-caste parties are against Hindu unity”⁷⁸.

I. Sanskritization

The Varna system ranks castes on the basis of ritual purity—as denoted by the practice of traditions associated with holiness. Brahmins shower a certain number of times a day, groom a particular way, follow specific diets, and pray in

⁷⁶ Explored in more detail in Chapter 4: Politicization of Caste and Evaluation of Affirmative Action.

⁷⁷ Explored in more detail in Chapter 5: Defining the ‘Creamy Layer’

⁷⁸ Varshney 2000, 4.

a precise manner. Castes below the top Brahmins traditionally do not follow all the rituals, or as strictly, and decreasingly so down the pyramid. Sanskritization is used to define the trend where lower-caste communities switch their lifestyles to mimic those of the upper castes'. Turning vegetarian, praying or visiting temples more ardently, and the observance of habits traditionally stereotyped as Brahmin are some of the changes that mark the process scholars today note as Sanskritization. As Srinivas aptly points out, “[t]he rules of caste behavior are rules of religion”⁷⁹. Sanskritization is not only the superficial observance of greater ritual purity—it is a motivated attempt to be considered more devout and therefore conforming into the “fold of Hindu civilization”. For those who are traditionally considered outcasts, Sanskritization is a mode of assimilation into the system instead of remaining marginalized, and moreover, “The adoption of vegetarianism, teetotalism, and Sanskritization enables a low caste to rise in status in course of time”⁸⁰.

In the ‘Hindi Belt’ (primarily considered Uttar Pradesh, Madhya Pradesh, Bihar, and Rajasthan), Jaffrelot points to the cases of Yadavs (Shudras) and Chamars (Untouchables). The Yadavs’ origins, like those of several groups in India, are based on unsubstantiated reports. While the group would have been ideal for an ethnicization based mobilization, due to their connection to the Arya Samaj, “the Yadav movement remained imbued with the ethos of

⁷⁹ Srinivas 1952, x.

⁸⁰ Srinivas 1952, 227.

Sanskritization”⁸¹. The first record of the origins of the Yadavs, titled *The Divine Heritage of the Yadavs*, was written by Kithal Krishna Khedekar and his son R.V. Khedekar, and published in 1959. This account illustrates the Yadavs as a ruling dynasty of Aryan origin--thus giving the Yadavs an ethnic identity, but one “embedded in the Sanskritization logic”⁸². Similarly, the Jatav movement claimed descent for Chamars from the ‘Yadu’ race of Kshatriyas. The movement’s notable leaders were Swami Manikchand Jatavaveer and Sunderlal Sagar. With a connection to the Arya Samaj, schools and other institutions set up by them taught the Chamars of Agra about these fictive histories of origin from the Yadu race.⁸³

Another group of Untouchables that mobilized an identity within the notion of Sanskrit hierarchy were the Adi-Hindus. The identity conceptualized the Untouchables as the original inhabitants or the autochthonous people of India. While similar to a tribal or Dravidian notion of identity, in terms of religion the Adi-Hindus still preached within a Hindu *bhakti* framework rather than a pre-Hindu religion. The leader, Achutanand, left the Arya Samaj and started the *bhakti* inspired movement through monastic orders and *sabhas*. This movement tried to improve the standing of Untouchables within the Hindu social order, because it did not reject caste or revoke Hinduism. Instead, the Adi-Hindus tried to engage upper castes and reject only the notion of caste hierarchy. Adi-Hindus achieved moderate to no success, communicating their messages

⁸¹ Jaffrelot 2000b, 763.

⁸² Ibid.

⁸³ Ibid.

with practices such as inter-caste dining ceremonies, that were looked down upon by upper castes⁸⁴.

These lower-caste movements in the North attempted to create distinct identities for themselves, but failed to emancipate their respective marginalized sub-castes from the varna logic. A recurring interruption in the path of these movements was the Arya Samaj's active "repurification" conversion campaigns to end untouchability. Arya Samaj is an organization that was born out of the perceived threat of Muslims and Christians "proselytizing the Hindu race" with the "Hindu fold becoming narrower day by day"⁸⁵. Repurification or *Shuddhi* operates, to this day, on the belief that Hindus are a race and India is a Hindu nation. Any conversion to other religions were, and still are, considered only temporary. Around the turn of the 19th century, with larger numbers of lower-castes converting to either Islam or Christianity due to the marginalization within Hinduism, the Arya Samaj manipulated and intensified its practice of *shuddhi*, so that it "now included social promotion, having nothing to do with religious conversion as understood in a Christian or Islamic sense"⁸⁶. These religions were especially threatening in that the Arya Samaj believed that they were specifically targeting the large masses of lower-castes.

He [the religious leader, Swami Dayanand] explained that crores of people had become Musalmans or were being converted to Christianity and unless the nation was aroused by candid advice

⁸⁴ Ibid.

⁸⁵ Pareek 1973, 123.

⁸⁶ Vandavelde 2011, 38.

and unless the society was purged of evils, there was little doubt that the Hindu race would die⁸⁷.

The Arya Samaj led mass conversions in the name of repurifying the untouchables and Shudras, largely in the late 19th century, “In 1893 the Shuddhi Sabha (Purification Council) was set up as a joint enterprise between Sikhs and Aryas and as the first association for organised reconversion, followed by numerous other councils”⁸⁸. Dayanand, the founder’s, justification for this was that, “A Brahman can become untouchable if he is not clean. On the other hand a Shudra can become touchable if he is clean. He held ‘ it is cleanliness which removes untouchability’ ”⁸⁹. This form of co-optation by organized upper Hindu groups not only prevented and delayed the lower-caste mobilizations, but it also conveniently distorted group narratives so that past upper caste discrimination was not acknowledged and even normalized. In “repurifying” lower castes for the security of the “Hindu race”, sanskritization effectively snatched away, via the mechanism of *shuddhi*, the possibility of a lower-caste identity in the North. It created fluidity in the identities of these sub-castes to make them more responsive to immediate incentives, rather than establishing an identity based on the shared experiences and acknowledgment of marginalization.

⁸⁷ Pareek 1973, 127.

⁸⁸ Vandeveldt 2011, 37.

⁸⁹ Ibid.

II. Ethnicization

Jaffrelot describes ethnicization as the trend in caste mobilization that took place in the Southern states. He asserts that apart from the physical concessions, sub-castes also experienced a shift in the conceptualization of caste. The five parameters to caste mobilization—crafting a strong identity, leadership, institutionalization, communication, and political opportunity—were satisfied in the ethnicization of caste in the South and the West. The concept of caste identity as an ethnic bond was consolidated in European Orientalist ideas,

ethnicization [...] in West and South India was largely due to the impact of the European ideas, as propagated by the missionaries [...] British Orientalism gave purely racial connotations to caste and linguistic groups in the 19th century[...] equated ‘Aryans’ with the upper castes and the Dravidians with the lowest orders of the Indian society⁹⁰

The ethnicization, or substantialization⁹¹, process was founded on an intellection of lower castes as a “pre-Aryan” identity. While one faction, under the leadership of Jotirao Phule (Shudra), subscribed to a racial notion of lower-caste unity for “non-Brahmins at large”, the other faction—under B. R. Ambedkar—believed, and tried to craft a Buddhist-Dalit identity. Phule institutionalized his lower-caste identity in Maharashtra by setting up schools specifically for lower

⁹⁰ Jaffrelot 2000b, 759.

⁹¹ Dirks 2011, Pg. 3.

castes (1853) and by founding the Satyashodak Samaj (1873)⁹², that crystallized into a unified *bahujan samaj* (untouchable movement). Ambedkar on the other hand, focused on specifically Dalits⁹³. He immortalized his historical theories, sociological analyses, and aims for Dalits in his book *The Untouchable: Who Were They and Why They Became Untouchables*, and in the Constitution via his role as the chairman of the Drafting Committee. Both factions of the ethnicization ideology understood the mechanism of Sanskritization as a function of internalizing inferiority in the lower castes--while disabling them from uniting by dividing them--in an artificial social system that compared all others to an arbitrary superior, thus perpetuating its superiority and their inferiority. They strove to create an alternative identity that was not validated by the unjust caste system.

The institutionalization of 'pre-Aryan' and 'Buddhist-Dalit' conceptions of lower-caste identity were communicated widely across the West and South, furthering the ethnicization of caste. In the South, the synthesis of Phule and Ambedkar's ideologies was manifest in the Dravidian-Buddhist 'Self-Respect Movement', led by Ramaswami Naicker, respectfully referred to as Periyar. It established political roots with the formation of the political party Dravidar Kazhagam (DK) in 1944, and mobilized a Christian, Muslim, and lower-caste coalition through its publication *Viduthalai*⁹⁴. Lower-caste representation in legislative assemblies, and the push to replace offensive terms

⁹² Jaffrelot 2000b, 759.

⁹³ Jaffrelot 2000b, 763.

⁹⁴ Jaffrelot 2000b, 761.

with self-claimed names in State records⁹⁵, created a shared sentiment among the pan-Dravidian against Brahmin supremacy in the Madras presidency.

III. Enabling circumstances

Several competing and interacting factors explain the delayed identity formation in the North, as compared to that in the South. While both regions remain politicized today, the interaction of historical patterns of land tenure, the role of the British Census, and relations with the British administration can explain how the ethnicized identity of South India's lower castes was far more politicized, and much earlier than the sanskritized identity of the North's lower castes.

A. Land tenure systems

Jaffrelot notes that the different tax collection approaches in the North and South sowed the cultural seeds for different interactions with the state and authority. In the North, the *zamindari* system was widespread, marked by the collection of taxes by a rent-seeking middleman or middle-men, "As *zamindars*, they formed a rentier class and a large section of them were absentee landlords, living far away from the site of production"⁹⁶. The middleman, or *zamindar*, was a position first instituted during the decline of the Mughal empire. It was a hereditary post, and the descendants of Mughal *zamindars* continued to be the local tax collection authorities under the British empire. With this form of revenue farming, the British recognized the *zamindar* as the landlord, which

⁹⁵ Jaffrelot 2000b, 761.

⁹⁶ Kalaiyaran 2017, 113.

already created a level between those who cultivated the land and those who collected property taxes. Because *zamindari* estates could expand over more than one district, several *zamindars* would lease out their tax collection responsibilities for portions of land to another level of *zamindars*, who each took a portion of the taxes for themselves⁹⁷. As the number of intermediaries would increase, the tax amount a peasant tenant would have to pay would also increase in order to relay the same tax amount to the state. The actual cultivators practically became mere tenants on what was once their own land⁹⁸. This nested hierarchy mirrored the Varna system, and was interrelated in its segregation by caste as well, “landowners invariably belonged to the [...] upper castes, the cultivators to the middle castes and the agricultural workers to the lowest castes, a situation that led to economic disabilities being aggravated by social disadvantages”⁹⁹.

The Mughal empire was not as powerful in the South, and so the *zamindari* system was not as widely practiced¹⁰⁰. When the British began administering the regions, it focused on entering into direct agreements with peasants unbound by the *zamindari* system, who were concentrated “particularly in the south and the west”¹⁰¹. As a consequence, in the South and West, the *raiyyatwari* or *ryotwari* system was prevalent, which was characterized by “no

⁹⁷ Appu 1974, 71.

⁹⁸ Appu 1974, 70.

⁹⁹ Appu 1974, 71.

¹⁰⁰ Jaffrelot 2000b, 757.

¹⁰¹ Appu 1974, 70.

intermediary between the landholders and the government.”¹⁰² Landholders under this system lent out most of their land, in a peasant-proprietor fashion¹⁰³. In the South, unlike the North, it was normal for lower castes to interact with authority. Furthermore, because cultivation was not segregated by castes, it subverted hierarchical ritual structures for occupational egalitarianism

B. Demographics

The Census, a governance tool for the British administration, laid out all the castes and their associated descriptions, at the end of the 19th century. The distinctions drawn in the Census itself, have been a prism with several sides subject to speculation. The historical intentions of Colonial administrators who drew up some of the first national Censuses of India (earliest of which was drafted in 1872) have been interpreted as innocently misguided (N. Peabody¹⁰⁴), as biased to favor Brahmins (D. Gupta¹⁰⁵), or as a means of achieving administrative efficiency and furthering the British policy of ‘Divide and Rule’ (R.B. Bhagat¹⁰⁶). Some argue that this transformed caste from an abstract set of descent-based attributes to real associations that functioned like interest

¹⁰² Ibid.

¹⁰³ Appu 1974, 71.

¹⁰⁴ Peabody 2001, 842. .

¹⁰⁵ “From the earliest moves of the Asiatic Society to the legal codification achieved by Henry Maine, the Brahmanical view was privileged as the correct interpretation of Hindu culture and custom. This is what gave Brahmins a larger than legitimate role in the conception of Indian society” Gupta 2004, viii.

¹⁰⁶ Bhagat 2001, 4352.

groups¹⁰⁷. The notion of ethnic identity as a pressure group was formalized when the British began using caste categories, based on their stereotyping in the Census, to fulfill specific roles within the administration. For example, upper caste ‘Brahmins’ were considered the most educated and intellectual—so they were given higher posts as compared to the ‘Shudras’, who were given menial positions:

The data put together by the Madras government in 1912 showed that, at the higher levels of government service where Indians were employed, Brahmins made up 55 per cent of Deputy Collectors [...] The analysis of caste composition among those employed in 1917 in the Revenue and Judicial departments as tahsildars, deputy tahsildars, English head clerks, sharistadars of district and sub-courts reinforces very much the same conclusion¹⁰⁸

The use of caste-based qualifications as a form of vetting for positions was instituted with reservations or “quotas” in the civil services, legislative assemblies, and educational institutions. This role of sub-castes as pressure groups also evolved in that members would petition for higher rankings as an affirmation of their groups’ social standing,

Each census provided castes with an opportunity to petition the government for getting a higher place in the order of precedence and for being recorded under new, sanskritised, names. Indeed, this

¹⁰⁷ Jaffrelot 2000b, 758.

¹⁰⁸ Ram 1979, 384.

move was in keeping with the logic of sanskritisation since the objective was not to opt out from the system but to rise within it according to its own rules and values.¹⁰⁹

Others claim that before the Census imposed primordialist definitions of discrete ethnic identities centered around the Brahmanical subscription to the Varna system, caste associations formed “‘fuzzy’ communities [that] were indistinct groups with neither internal cohesion nor well known externalities and [...] were communities without overt communication”¹¹⁰. Gupta, notably, denies that “caste itself is a colonial creation,”¹¹¹ but concedes that Colonial interpretation and enumeration of caste significantly altered its function in daily life, and subsequently politics.

A second function of the Census was the revelation of caste demographics in the North and the South. While the North had a higher proportion of upper caste Hindus in the total population, the South had fewer and less clear of a caste gradation: “in Tamil Nadu Brahmins account[ed] for only 3 percent of the population whereas they constitute[d] almost ten percent in Uttar Pradesh (a state where the upper castes altogether represent[ed] one-fifth of society”¹¹². This clear numerical dominance of upper castes in the North allowed for organizations like the Arya Samaj to firstly, exist and be largely supported; secondly, organize and change the narrative of minority communities through

¹⁰⁹ Jaffrelot 1999, 8.

¹¹⁰ Bhagat 2001, 4353.

¹¹¹ Gupta 2004, viii.

¹¹² Jaffrelot 2000a, 89.

practices like mass *shuddhi*; and thirdly, to normalize the inferiority of lower castes. In the South, with only individual cases of Brahmin discrimination, the lower castes had a clear opponent and did not have to face early movement co-optation or future large scale upper-caste countermobilizations.

C. British Administration

British “compensatory discrimination” towards lower-caste coalitions, such as the Justice Party in Madras, has been viewed in light of several plausible explanations. Irschick presents three understandings, that could all function in congruity and to varying degrees. First, the Indian Civil Service (I.C.S) was genuinely trying to exercise a British understanding of social justice and equalize the representation of lower-castes in the social, educational, political, and economic spheres of Madras¹¹³. Second, the I.C.S was especially threatened by the ostensible Brahmin dominance of the government services¹¹⁴. Lastly, it was an intentional form of ‘Divide and Rule’ policy, where the British administration actively nurtured anti-Brahmin movements with statutory representation as a counter to the Brahmin-elite Congress that was actively calling for ‘Home Rule’¹¹⁵. Ram argues that it was only the third¹¹⁶, while Gough asserts it was the first, and that anti-Brahmin groups were merely inspired by the British attempt at “communal representation”¹¹⁷. While all are potential explanations for the British compensatory discrimination, one certain consensus among scholars is

¹¹³ Irschick 1969, 353.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Gough 2008, 144.

that the non-Brahmin movement in Madras had roots in a lower-caste ethnicized identity, and was thus able to capitalize on the political opportunities presented. This in turn created a mutually regenerative relationship between the British administration and the lower castes. The British could pursue their policy of compensatory discrimination for state building, while the lower castes could unite under the Dravidian identity to lobby for common interests¹¹⁸.

With Brahmins as the common enemy for South Indian lower castes and the British administration, a symbiotic dynamic where lower-castes were especially active in lobbying and pressuring the British government for concessions was created¹¹⁹: “the non-Brahmins asked for more seats in the Madras assembly because they were ‘different’”¹²⁰. As early as 1920, the Justice League was able to win Tamil Nadu elections on the basis of the lower-caste mobilized identity: “their leaders requested ‘all non-Brahmins in this presidency to immediately organize, combine and carry on an active propaganda so as to ensure [...] Council of as many non-Brahmins as possible’ ”¹²¹. This was a direct manifestation of a politicized identity for lower castes, based on non-Hindu interpretations of their ethnic origins.

In the North, however, such a relationship was not feasible. Politically, the most prominent parties were largely occupied by upper castes. The independence struggle and the nationalist movement remained entrenched in the

¹¹⁸ Jaffrelot 2000, 762.

¹¹⁹ Jaffrelot 2000b, 758.

¹²⁰ Jaffrelot 2000b, 762.

¹²¹ Ibid.

idea of a united India, and was largely led by upper castes. This strategy was effective in divorcing Indian nationality from British colonialism, but it muted the caste differences and the sub-national identities to create a united front. These movements and political parties were segregated as well, “Most politicians came from the upper castes, and many leaders were trained abroad. Lower down the political hierarchy, an agrarian and "vernacular" elite dominated local and state politics (Weiner 1962), but even the lower-level political leadership tended to come from the upper castes in North India”¹²². Regional parties and successful lower-caste coalitions were largely absent from the political arenas of the northern states, until after independence and the framing of the Constitution.

IV. Distinctions

In the South and parts of the West, regional non-Brahmin movements like those in Tamil Nadu, Assam, and Punjab, etc. led to the formation of parties like the Dravida Kazhagam as early as in 1944¹²³. In contrast, the Hindi Belt’s first few broad based lower-caste parties only took form in the 1950-60s, and could not sustain themselves lastingly or politically, largely due to the “inability to coalesce within caste federations or even caste fronts, as the loose and ephemeral crystallisation of the OBC coalition testified”¹²⁴. Furthermore, lower-castes in the South found it beneficial to change their higher rank in the Census to identify as backward with the intent of qualifying for affirmative action as

¹²² Varshney 2000, 5.

¹²³ Weiner 2001, 195.

¹²⁴ Jaffrelot 1999, 39.

early as in the 1920's¹²⁵. In contrast, sub-castes in the North only began making these claims when the Kalelkar Commission began its task of creating a backward classes list in the 1960s¹²⁶. Today, the effects of the South's stronger mobilization are clearly visible, "Tamil Nadu reserves the largest percentage of civil service positions, with nearly four-fifths of the civil service posts subject to quotas"¹²⁷; and this has created problematic incentives, "so much so that the state has a cottage industry of fake caste certificates for Brahmins seeking to pass themselves off as Dalits, formerly known as untouchables"¹²⁸.

Sanskritization and ethnicization differ from each other at a very fundamental level. Sanskritization mobilized lower castes to internalize their inferiority, whereas ethnicization made them question the very basis of their subscription to such a system. These two mobilizations also differ in their occurrence and consequences. While Sanskritization created a fractured group of intermediate castes, ethnicization created a politically active and resilient non-Brahmin identity. Furthermore, the result of sanskritization was only observed as a trend post-independence, and after the framing of affirmative action in the Constitution, as a temporary response to Mandal and then to the upper caste countermobilization. Ethnicization was in motion as early as in the 1920s, and the arena of pressure groups by that era was already far more evolved. Furthermore, Ethnicization was largely a complete and broad based mobilization, whereas

¹²⁵ De Zwart 2000, 243.

¹²⁶ De Zwart 2000, 242.

¹²⁷ Jaffrelot 2006, 186.

¹²⁸ Tharoor 2015.

Sanskritization was relatively stunted because of organized upper caste co-optation.

The movements were the results of a combination of historical, demographic, and policy interventions. Because of the hierarchical structure of the *Zamindari* system, the upper castes' numerical dominance, representation of more gradations of the varna, and the nationalist integration of lower castes by the Congress, the conditions in the Hindi Belt were not conducive for a lower-caste emancipation. In the South, however, the presence of a more egalitarian *Ryotwari* system, relatively fewer numbers and types of upper castes, and symbiotic anti-Brahmin support in return British compensatory discrimination collectively created a lower-caste identity ready to represent itself without upper caste domination.

Across North, South and West India, caste became a unifier, and caste associations were transformed from an abstract concept of occupational stratification into a tangible means to a material end. Further, the role of authority in defining the stratification—in this case, first by the prevailing land tenure systems, then by the documentation in the Census, and later by the interactions with the British administration—plays a significant role in molding a tradition of approaching through, for example, lobbying via interest groups, the appropriate authority for joint concessions. In the South and West, this preceded OBC affirmative action concessions in the Mandal Commission. In the North, it was in response to them. As a result, today, “students from south India and other

states with a long history of affirmative action and a strong backward caste movement are much better placed to take advantage of this scheme¹²⁹.

¹²⁹ Deshpande and Yadav 2006, 2420.

Chapter 4:

Politicization of Caste and Implications for Affirmative Action

Evidence for a theory can be discerned in several ways. Looking at a particular outcome, the features or characteristics of its occurrence become indicators of its prevalence. These features can be marked as evidence for a particular theory. Thus, in discerning if the practice of affirmative action for OBCs have been distorted from their original intention, the features of the outcome must be separated from the explanations. This chapter examines a key explanation for the divergence of the reservation system from its original intention, the politicization of caste, while trying to gather evidence for the outcome. Specifically, the first section will theorize why the politicization of caste is a distortion of the original intention of affirmative action; the second section will analyze the strategic motivations behind political actors and voters engaging in such politicization; and the third section will identify the evidence for such politicization and implied distortion.

I. Politicization as a distortion

Why is politicization of caste a distortion of the original intention of affirmative action, and not just an extension of its application? To answer this question, first the definition of politicization is important. Caste in India has not declined in everyday significance, however, its manifestation has completely

transformed from what it was originally theorized as in Hindu philosophy, i.e. what it lost in orthodoxy it has evolved in orthopraxy. It has entered and thrived in the political arena, with separate political parties representing one or more castes or caste groups--i.e. ethnic parties. Further, ascriptive voting is a viable strategy of both, voter mobilization for elites, and representation for voters. The mobilization and construction of castes as political identities have created an efficient grouping mechanism without real ideological significance¹³⁰--much like ethnic interest groups.

Such politicization of caste has far reaching consequences on India's political, social, and economic spaces. One consequence is the arbitrary expansion of affirmative action, specifically the distortion of channels for groups to seek it, and the basis for authorities to grant it. Ideally, claims for reservations would be evaluated on legal grounds, with courts as the "keepers of the sluice gates"¹³¹, given the responsibility of determining which groups are eligible to qualify for reservations, in addition to the groups enumerated in the original OBC list, as per the criteria delineated. Alternatively, bureaucratic systems should automatically include groups eligible when they meet the criteria, and graduate those who have surpassed the identified thresholds. However, with the politicization of caste, such channels of appeal are replaced by direct electoral negotiations between political entrepreneurs and voters.

¹³⁰ Jaffrelot 2006, 187.

¹³¹ Galanter 1984, 544.

Further, a fundamental objective for reservations was to reduce caste distinctions by equalizing the backward groups. Using reservations as a “token” for elections creates incentives to divide along ethnic lines, and to claim benefits for ethnic groups. This makes caste more significant in citizens’ psyches. This does not remove caste barriers, but aggravates their everyday salience. Instead of mobilizing along lines of economic and political ideology, voters mobilize along lines of caste¹³², and increasingly religion. This in turn reinforces the role of caste in determining economic and political ideologies. Where caste used to determine occupations and status, it now determines which elite or party is elected. Instead of elite or party ideology representing the voters’ ideology, the elite or party’s caste represents voters’ ethnicity. Thus, democracy’s model of elites or parties representing the interests of the majority is de-legitimized, as the minimum winning coalition is now determined by majority identity. Castes with largest demographics are then ensured to win elections: “a politics of ethnic head counting appears to subvert democratic competition by producing predetermined results based on ethnic demography”¹³³.

II. Mechanisms that explain the distortion

Much has been published about the role and significance of caste in Indian politics. Affirmative action in India, since its inception, has not exclusively reserved educational and occupational opportunities. It has also

¹³² Osborne 2001, 659.

¹³³ Chandra 2007, 52.

embraced an emancipation agenda, by reserving political representation for Scheduled Castes and Tribes, among other minorities. Some may argue this provision in itself is the reason for the politicization of caste, and by extension affirmative action. For OBCs specifically, the first round of reservations was offered only for public service posts. Thus, there appears to be a more complex and evolving interplay that explains such a politicization, stemming from patronage politics, ethnic favoritism, pressure groups, and modes of lobbying.

While there are several obstacles in the efficient functioning of ideal channels for granting reservations, such as jurisdiction or bureaucracy, in low information, resource poor, infrastructure lacking, developing nations like India--the politicization of caste is not one. In fact, the politicization of caste is a motive for elites, and a rational path for voters. It makes instrumentally rational sense to voters and elites to mobilize as castes¹³⁴. This theory lies on the logic of politicians being beholden to their voters for election and reelection in democracies. With a politicized debate topic such as reservations, candidates are able to immediately mobilize specific target groups of their voter base by 1) espousing expansion of reservation for particular castes, 2) promising to avoid withdrawing reservations from particular castes, or similarly 3) avoiding denying claims for reservations. For voters, organizing as a group to demand reservations is seen as the best path to receive them, because 1) separating themselves from outsiders will make them more identifiable for when benefits are to be

¹³⁴ Chandra 2007, 60.

distributed¹³⁵, 2) the denial of demands would be met with a loss of votes for that politician or party from an entire group--not just an individual or family, and 3) the future threat of reservations being withdrawn can be met with the future threat of votes being withheld. In addition to the instrumental rationale for voting, scholars assert that voters “affirm a psychic allegiance” with their caste, party, or preferred incumbent when voting expressively¹³⁶. This expressive rationale was intentionally pursued in the Mandal Commission’s report:

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 elevated¹³⁷

While it could be argued that this is not unique to caste, and that this interaction occurs in any democracy with ideology as well, it is important to inject in this line of thought the distinction between the two. Caste, unlike ideology, is a constructed identity that is superficially encased in primordial fictions of immutable and hereditary characteristics. Ideology, while potentially correlated with hereditary characteristics, is mutable and ideally determined by opinions based on facts, biased by worldviews, and hardened by experiences.

¹³⁵ Chandra 2007, 52.

¹³⁶ Fiorina 1976, 393

¹³⁷ Report of the Backward Classes Commission, p. 57

This distinction renders the politicization of caste especially noxious for the reservation system in India.

Kanchan Chandra's research points out that in an ethnically divided context, like India, both instrumental as well as expressive voting is indeed on the basis of caste¹³⁸. Caste is used as a heuristic in low-information settings to favor co-ethnics for delivering on promises, resulting in a "self-enforcing and reinforcing equilibrium of ethnic favoritism"¹³⁹. Osborne supports the notion of caste as the primary grouping classification, citing efficiency in formation¹⁴⁰. For a pressure group to direct the most benefits from its influence towards ingroup members, it must be able to exclude the outgroup and identify the ingroup. While almost any unifying feature can be used to create such a pressure group, the variable that determines which ones are created is the marginal transaction costs. Most nations have historically observed pressure groups along lines of economic activity due to the relatively low marginal transactions costs associated with organizing individuals who work and engage in business together¹⁴¹. India's caste structure was primed for such pressure group formation due to the low associated marginal transactions costs¹⁴².

These theories are especially applicable for the case of the OBCs, who were wooed by the opposition as a response to the strong upper-caste resistance

¹³⁸ Chandra 2007, 12.

¹³⁹ Chandra 2007, 13.

¹⁴⁰ Osborne 2001, 660.

¹⁴¹ Osborne 2001, 661

¹⁴² Ibid.

to affirmative action measures¹⁴³, “Due to the deadlock situation, OBC populations in northern India became particularly important for opposition parties [...] Their efforts evolved into a strategy that boiled down to using quotas both as a political tool and as a lever for social advancement”¹⁴⁴.

III. Evidence of a distorted mandate

The politicization of caste, and consequently affirmative action, is one explanation for the distortion of reservations’ original mandate. The evidence, or features of the outcome, are varied and related. This section will examine the timing and frequency of reservations being debated and offered, the voting behavior of the OBCs, and a general evaluation of the social welfare impacts of reservation policy to identify the larger public policy significance of such a malfunction in the invocation function. The timing of reservations, and when elites offer them, are crucial in this examination. For affirmative action to be used as an electoral “token” there must be an observed spike in its mention and offers around the time of elections. Jaffrelot notes this trend of increases in reservation debates and importance coinciding with the time of elections¹⁴⁵. Similar claims were made by Mr. Venugopal, the senior counsel who argued in the Mandal case, that “in Tamil Nadu before every election there happens to be

¹⁴³ More detail in Chapter 3.

¹⁴⁴ Jaffrelot 2006, 181.

¹⁴⁵ Jaffrelot 2006, 174.

an addition of one or two castes in the list of backward class to secure vote of a particular caste en bloc”¹⁴⁶.

Secondly, the frequency and channel for the addition or removal of additional castes to the OBC list is another point of examination. While adding castes to the Scheduled Castes or Scheduled Tribes list is tedious (albeit not impossible), Osborne notes that this is not so for the OBCs, “Once a president issues a list for each state, only an act of parliament can change it [...] such safeguards as exist for SCs and STs are absent for the third category of Indians eligible for reservations, the ‘Other Backward Classes’ (OBCs)”¹⁴⁷. Further, Mr. Venugopal added in his argument that the OBC list has seen a progressive increase in the number of castes it deems eligible from 1,373 in 1950, 2,399 in 1955, 3,763 in 1980, to 5,013 as of 2006¹⁴⁸. This increase has taken place in a context where a complete list of all Indian castes does not exist to circumscribe the OBC list. Moreover, he indicated that “to this day not a single caste has been removed from the backward caste list”¹⁴⁹.

Further, the voting behavior of the OBCs, and the appeals to which they respond are essential in this analysis as well. If there exists value in maintaining caste distinctions for those in power, the opposition, and the castes themselves, caste distinctions will continue to exist. This value is hypothesized as being similar to that of a pressure group for ingroup members, and as provocative

¹⁴⁶ The Hindu 2007a

¹⁴⁷ Osborne 2001, 664.

¹⁴⁸ The Hindu 2007a.

¹⁴⁹ Ibid

election rhetoric for political entrepreneurs and opposition. The existence of parties dedicated to serving specific castes, or using caste and sub-caste alliances as party ideology is evidence of this. Ram Manohar Lohia, the father of the “empowerment” agenda¹⁵⁰, fell prey to a monster of his own creation. As part of his empowerment policy, several of his party members in the SSP were OBCs. However, “after the elections, Bindeshwari Prasad Mandal, [...] defected and formed the Shoshit Dal, "the party of the oppressed" with forty lower-caste MLA dissidents from different sides, including the SSP”¹⁵¹. Further evidence of the political employment of caste lies in the electoral alliances between sub-castes and castes traditionally considered opponents. In 2007 the Bahujan Samajwadi Party was the first to win a clear majority in the legislative assembly without a coalition government, since 1993. This was largely due to the fact that no party could attract votes from all the OBCs of Uttar Pradesh, consistent with the treatment of the designation as “an official meta-category in Northern India” rather than a community¹⁵². Mayawati, a Jatav who is the leader of the BSP, achieved this success by mobilizing the traditional voter base of the party, i.e. the Dalits, along with the Brahmins of Uttar Pradesh¹⁵³, lower OBCs and muslims: “In 2007, every sixth Brahmin in UP voted for the BSP”¹⁵⁴. This strategy was coined as a “sandwich coalition”, “because it is a coalition of the top-bottom of

¹⁵⁰ Kumar 1992, 298.

¹⁵¹ Jaffrelot 2000a, 88.

¹⁵² Varshney 2012, 248.

¹⁵³ Sahay 2016.

¹⁵⁴ Varshney 2012, 248.

the society and traps all other social denominations in-between”¹⁵⁵. This particular sandwich coalition mobilized Brahmins and Dalits, the two ends of the varna system, for successful political ends, made especially ironic because Mayawati and the BSP have both actively idolized B.R. Ambedkar and claim to represent the Dalits in-line with his philosophy. Politically, the BSP shifted and tailored its slogans and performance in order to attract the upper caste Hindu votes, with Mayawati deciding to delay her conversion to Buddhism in 2016 to after the 2017 assembly elections. Further, a lower-caste party maintaining a pro-Hindu stance in UP is not as onerous, because of the prevailing sanskritization ethos¹⁵⁶: the fact that “more than 90 percent of Dalits in Uttar Pradesh are willfully continuing as Hindus even in face of oppression at the hands of upper castes and other backward communities”¹⁵⁷, and the belief that “Dalits owe their existence to Manu and Vedic Hinduism”¹⁵⁸. This caste basis to party ideology has developed, and today research also notes the “appropriation of Dalit-Bahujans and Shudras by Hindutva groups [which] is strategic to [parties’] political and nationalist agendas”¹⁵⁹. In a 2016 speech in Delhi, Prime Minister Modi claimed to be a follower of B.R. Ambedkar, and mentioned that “Reservation is [lower castes’] right and nobody can snatch it from them”¹⁶⁰.

¹⁵⁵ Verma 2007, 2040.

¹⁵⁶ Verma 2007, 2043.

¹⁵⁷ Sahay 2016.

¹⁵⁸ Ibid.

¹⁵⁹ Upadhyay 2013, 6.

¹⁶⁰ Sahay 2016.

Moreover, caste members voting along caste lines is evidence of ingroup members finding value in maintaining these distinctions. Kanchan Chandra's research of patronage politics in play at the village and regional levels attests to rational motivations to vote for co-ethnics¹⁶¹. This theory has been challenged by newer models and data that suggest party loyalties as superior motivations¹⁶². Data on ethnic parties and multi-ethnic parties have indicated, however, that patronage politics is still applicable for narrowly defined ethnic parties. It is the “encompassing ethnic parties’ [that] increased non-elite voter autonomy and looked to replace elite-centered winning coalitions with broadly defined ethnic ones”¹⁶³. In the example of the BSP's 2007 sandwich coalition, Mayawati was able to mobilize different groups by offering election slates and candidacies strategically; specifically, “its strategy of giving tickets to 110 OBCs paid rich dividends and a massive +43 percentage points shift of the caste group towards BSP was discernible (jats + 13, yadavs +2, kurmis +6, lodhs +7, other OBCs + 15)”¹⁶⁴. Similarly it offered 61 seats to Muslim candidates, garnering 17 per cent of the Muslim vote, which resulted in 28 of the candidates winning.

The last piece of conclusive evidence lies in the evaluation of the performance of the affirmative action program by analyzing its social welfare consequences. For affirmative action to have been invoked faithfully to its original mandate, the socio-economic and literacy levels among identified

¹⁶¹ Chandra 2007, 12.

¹⁶² Dunning and Nilekani 2013, 52.

¹⁶³ Thachil and Teitelbaum 2015, 1413.

¹⁶⁴ Verma 2007, 2042.

groups should improve, leading to some equalization. Had there been political manipulation of the invocation, a rise in caste-based political groups should be observed--as evidenced in the sections above. V.P. Singh himself acknowledged in his decision to adopt the Mandal recommendations that the number of posts offered was neither proportionate to the number of eligible aspirants, nor were these posts a significant portion of the job market, "the Government jobs account for only one per cent and out of this one per cent if one fourth is given to anyone, it cannot be a course for this economic betterment though it may have some effect"¹⁶⁵. For him it was a political program to breed a base of voters along a political OBC identity that was being protected by the ethnic party: "Of the 204,288 appointments that had been made in the bureaucracy in 1988, 55,158 jobs would have been given to OBCs [...] the bureaucracy was shrinking, with the number of posts declining from 226,781 in 1985 to 204,288 in 1988"¹⁶⁶. Political and psychological empowerment, however, are not equivalent to educational and economic empowerment that are the key mechanisms for the foundation of the equalizing rationale behind affirmative action.

For the social welfare and upliftment objectives of reservations to have been actually met, the reserved seats must be scrutinized on the basis of whether they are being filled at all, and the hurdles in filling them if they not. Seats going unfilled is a negative for both parties involved--the reserved because they are not experiencing the benefits of the affirmative action for which they are eligible, the

¹⁶⁵ Singh, 361.

¹⁶⁶Jaffrelot 2006, 184.

unreserved groups because they now experience a post reservation level of higher competition despite the reserved seats not being occupied by either classification of applicants. Research indicates that there exists a pattern of reserved seats in higher education often going unfilled. This points towards some fault in the mechanisms of either lower-caste applications, or institutions judgments of merit. The latter can be explained as a function of a lower value of lower-caste applicants, and some perceptions of lower value of lower castes, i.e. prejudice. The two are, in fact, interrelated and self-perpetuating. Because lower castes do face and have been facing prejudice for centuries, data now supports the claim that, “Reserving seats to lower-caste applicants might reduce the returns on the investment made in engineering colleges”¹⁶⁷. Furthermore, reports of reserved seats not being filled by reserved category students, or going unfilled, have also become material for politicization in the past¹⁶⁸.

The former can be explained largely due to the stigma in the minds of the lower castes that prevents them from claiming their places in these public spaces that have largely been within the realm of the upper castes. Those at the bottom of the social structure are not affected by stigma as much as those of high or middle social status, as the threat of downward social mobility does not exist for the lowest like it does for the middle or high. Khamis illustrated this rationale with his 2012 research, that quantified such social anxiety for OBCs. On average, OBCs spend eight per cent more on observable consumption than upper

¹⁶⁷ Bertrand, Hanna and Mullainathan 2010, 18

¹⁶⁸ Economic Times, 2014.

caste Hindus¹⁶⁹. Following this logic, Gille hypothesized that rates of applicants from OBC communities would be lower than for lower groups. He found a significant relationship between the land assets of a family and the probability of a student of that particular sub-caste applying for reserved seats, and moreover, “When the jati is dominant in the village, the application rate of households belonging to this jati is lower than when the same jati is not dominant”¹⁷⁰. This is especially surprising, considering that the OBCs who claim backwardness and demand reservations--i.e. are not already on the list of OBC groups, and must debate their case--are usually dominant castes. The occurrence of groups not making use of reserved seats in higher education, yet demanding them from states is evidence that these demands for reservations are not about education at all. While “it is clear that there is something in the gate-keeping mechanism which regulates entry into higher education that makes it discriminate in favor of the "upper" and against the "lower" castes”¹⁷¹, there is also the role of politicization of affirmative action in explaining the incentive to demand state resources--especially so for a heterogeneous coalition like the OBCs.

¹⁶⁹ Khamis, Prakash and Siddique 2012, 364.

¹⁷⁰ Gille 2013, 14.

¹⁷¹ Deshpande 2006, 2439.

Chapter 5: Dominant Castes and Claims to Reservations

Placing the Brahmins as the sole apex of the “Hindu polity” illustrates an incomplete impression of the caste system and its implications. While the Brahmins may be held as superior in spiritual terms, the political and economic roles played by other “dominant castes” have a more significant role in today’s Indian village.

M.N. Srinivas introduced the concept of a more “dominant caste”, and its importance in influencing the rules within which rural life is practiced--in so far as it is not a lower caste. He outlined seven key factors, “numerical superiority, economic status, political power, ritual status, non-traditional education, modern occupation, and physical force”¹⁷², as definitive of a dominant caste--which may be represented by one or more locale specific jatis. In this definition, Srinivas’ categories encapsulate ascriptive, “achievement-oriented”¹⁷³, and situational factors. Ascriptive factors here include ritual status and economic status--as asset or land ownership plays a key role in the subjective position of a caste or subcaste in a given rural setting. Non-traditional or modern education and employment are categorized by T. K. Oomen as “achievement-oriented” attributes. In contemporary India, these achievement-oriented characteristics interact with ascriptive factors--as is evident in the application of affirmative action policies. Situational or circumstantial factors

¹⁷² Oommen 1970, 74.

¹⁷³ Ibid.

include numerical strength (which depends on demography), and physical force. Political power, in the context of rural decision making and representation, is confusing as an attribute as it can be classified as both “a means to an end and the end itself”¹⁷⁴. Srinivas drops political power as a necessary attribute in later works, focusing more precisely on “ownership in land, numerical strength, status in local hierarchy, western education and occupation”¹⁷⁵. Furthermore, the concept of the “dominant caste” is separate from that of “decisive dominance”, which Srinivas defines as the confluence of caste and class at the head of the social hierarchy¹⁷⁶.

On the other end, Dumont’s authoritative work *Homo Hierarchicus* (1970) rejects the modern caste system as an hierarchical social structure. He interpreted India’s ethnic groups, at the time of his publication, as distinct horizontally competing blocks. While many modern scholars want to subscribe to this notion of India becoming more democratic and egalitarian, the research is still mixed. Dumont’s observation of a trend towards decreasing hierarchy is supported with research like Nilekani and Dunning’s 2013 study. They note the declining significance in caste associations, and increasing role of party loyalties. They conclude that these associations are privileged in the contemporary village setting as a substitution for coethnicity in the familiar patronage based electoral model. They “find that these [local] politicians mobilize local support by

¹⁷⁴ Oommen 1970, 75.

¹⁷⁵ Ibid.

¹⁷⁶ Jeffrey 2001, 232.

distributing targeted benefits to voters along party—more than caste—lines”¹⁷⁷, as an expression of a multi-ethnic party’s goals. Mendelsohn’s research in Rajasthan¹⁷⁸ extends this claim to assert that “There appears to have been a parallel decline in an awareness of caste as a religiously sanctioned institution and in traditional councils dominated by a single caste and claiming authority over other villagers” due to shifts in agrarian structure¹⁷⁹.

Both trends seem explanatory in the outcomes perceived in India’s caste landscape today. Looking at the case of the Jats--specifically, claims from a dominant caste for reservations under OBC status--will help bring to the fore the need for a more refined understanding and standardization of OBC eligibility. Using Srinivas’ logic of a dominant caste in asserting its subjective position in the 1950s, and tracing the actions and paths of these dominant castes through Dumont’s logic of the 1970s, this chapter will try and assess the merit behind these claims in a shifting socioeconomic context. Further, using these cases, this chapter will address the larger goal of designing a set of recommendations to refine the OBC eligibility criteria in an increasingly caste-conscious India.

I. OBCs Represented with Data

In order to apply Srinivas’ theory of a dominant caste to particular sub-castes of the OBCs, several macro-level patterns must be consistent with the stated conditions. First, the rural-urban breakdown of OBCs, and subsequent

¹⁷⁷Dunning and Nilekani 2013, 36.

¹⁷⁸Mendelsohn 1993, 805.

¹⁷⁹Jeffrey 2001, 222.

discrepancies must be analyzed in order to confirm that it is truly within the rural realm that dominant castes are active. Secondly, “non-traditional” educational and occupational patterns will be observed, especially in comparison to other marginalized groups. Thirdly, conditions such as political power, ritual status, and numerical strength have already been argued for on a national and/or regional level in previous chapters, but will also be examined on a case specific basis in the following section.

Data from the 2001 Census and the National Sample Survey Organization’s 55th survey (1999-2000) indicates that lower castes still remained at the bottom of the economic classes. Based on consumption (as a proxy for income), education, and employment estimates, Mohanty argues that OBCs are closer in socioeconomic status to SCs and STs than to upper caste Hindus (UCHs) and those of other religions¹⁸⁰. Zacharias and Vakulabharanam use wealth data from the All India Debt and Investments Survey conducted in 1991-2 and 2002-3 to note the relative positions, and find that the median wealth of the urban and rural OBCs was second only to Hindu FCs¹⁸¹ or forward castes-- equivalent to Mohanty’s UCHs. Both studies examine the inequality between different groups and within the same groups, decomposing the data across a rural-urban divide. Mohanty immediately notes the difference in consumption levels and patterns for urban versus rural OBCs. He finds that STs, SCs, and OBCs overwhelmingly reside in rural areas, as opposed to upper caste Hindus

¹⁸⁰ Mohanty 2006, 3780.

¹⁸¹ Zacharias and Vakulabharanam 2011, 1822.

(UCHs) and those of other religions (equivalent to Zacharias and Vakulabharnam's Non-Hindus). Further, he points out that their consumption levels are also below the average, in the urban and rural samples. Urban OBCs specifically, were almost 15 per cent lower than the average, whereas their rural counterparts were "only marginally below average consumption levels"¹⁸². He also notes that while rural OBCs are distinctly consuming more than rural SCs and STs, urban OBCs are almost at the same level of consumption as urban SCs and STs¹⁸³. Zacharias and Vakulabharanam also note this distinction between urban and rural OBCs, in wealth terms:

[T]he OBCs and non-Hindus occupied positions that placed them noticeably above the SC/ST groups, but significantly below the FC in terms of median wealth values. [...] rural OBCs and non-Hindus are quite stratified from the rural SC and ST groups; in fact, they are less stratified from their urban counterparts.¹⁸⁴

This data immediately elucidates the rural-urban locus as the source of within-OBC inequality. It is the OBC sub-castes of rural landscapes that are more likely to be socioeconomically well off relative to other rural lower-caste groups like Scheduled Castes and Scheduled Tribes.

Educational attainment too seems to have shifted for the OBCs.

Deshpande and Ramachandaran's 2013 analysis finds that secondary education

¹⁸²Mohanty 2006, 3778.

¹⁸³Ibid.

¹⁸⁴Zacharias and Vakulabharanam 2011, 1831.

levels for OBCs as compared to non OBCs increased significantly after the adoption of Mandal¹⁸⁵. Although Mandal did not directly reserve educational seats, public sector jobs require a minimum of ten years of education even for the lowest level of positions, thereby indirectly creating incentives for eligible OBCs to complete their education. Mohanty notes from the 2001 data that dropout and literacy rates for rural OBCs were closer to Scheduled Caste and Tribes levels as compared to UCHs. Urban OBCs experienced levels almost in the middle of UCHs and Scheduled Castes, closer to Scheduled Tribes. Basant and Sen's 2018 analysis considers more recent data from the 61st NSSO survey (from 2004-5), and creates various measures for higher education, based on currently enrolled students, or the "current generation flow measure", to judge the 2006 decision to expand OBC reservations to higher education¹⁸⁶. They define a "deficit" as the difference between participation in higher education and the respective share of the social group in the eligible population, so that "if the [eligible] population share is higher than the share in graduates, the group suffers from a "deficit" in participation"¹⁸⁷. Their claims are made with the caveat that the populations of marginalised students eligible for higher education is lesser than those of UCHs, hypothesized to be due to the fact that primary and secondary school access is still lower for marginalized groups than it is for UCHs. Yet, the data suggests that when controlling for eligibility--or within the population of those who have graduated from higher secondary education-- "an eligible candidate, be she/he a

¹⁸⁵ Deshpande and Ramachandaran 2013, 25.

¹⁸⁶ Basant and Sen 2018, 64.

¹⁸⁷ Basant and Sen 2018, 64.

marginalised or a non-marginalised student, has today an equal chance of going to college, and in some cases, the chances are even better for marginalised student”¹⁸⁸. This was supported specifically in the case of the OBCs, who make 9.74 per cent of the eligible populations within the age group of 22-35 years, and 28.61 per cent within the age group of 17-29 years, and make up a 28.2 per cent share among those currently enrolled to graduate¹⁸⁹. Thus, the deficit for OBCs is insignificant.

Modern employment is yet another condition for dominance according to Srinivas. Deshpande and Ramachandran look at employment-unemployment data from the 1999-2000 and 2009-20 National Sample Surveys to observe changes in employment patterns of the OBCs, and compare these to those observed for non-marginalized groups and Scheduled Castes and Tribes¹⁹⁰. Based off of differences in educational attainment, occupational differences were verified along lines of skills. The average years of education were consistent with the level of skill in the job classifications, i.e the average number of years of education for those engaged in white collar jobs was 9.45, blue-collar jobs was 5.07, and agricultural jobs was 3.41¹⁹¹. Over the observed time, the reduction in agricultural employment is matched by an increase in blue and white collar employment across all social and caste groups--a typical structural shift in developing and liberalizing economies. Between 1930s and the 1970s,

¹⁸⁸ Basant and Sen 2018, 64.

¹⁸⁹ Basant and Sen 2018, 65.

¹⁹⁰ Deshpande and Ramachandran 2013, 4.

¹⁹¹ Deshpande and Ramachandran 2013, 15.

the increase in non-marginalized groups employed in the white collar jobs, however, have significantly surpassed the increase of the OBC and Scheduled Castes and Tribes in the same skill level jobs. For OBCs specifically born between the 1950s and the 1970s, the same estimates have steadily moved towards convergence with those for non-marginalized, “The overall picture for the OBCs shows that for cohorts born after 1946-55 the gaps in proportion with white-collar to the Others [all non-marginalized groups], is decreasing or remaining constant”¹⁹². This steady pattern is not observed for cohorts of Scheduled Castes and Tribes, who only move towards convergence in smaller, sporadic time periods. This convergence is in part credited to the 1990 Mandal recommendations being adopted, as those born within these time periods would be eligible for public service position reservations in the 1990s. However, it is also in part credited to shifts in educational attainment, as it is observed in both public and private sector lines¹⁹³.

Comparing the groups along the lines of “regular wage/salaried” (RWS) jobs and casual labor, the data show a sharp increase in RWS employment for those born between 1926 and 1965 for all groups, with a diminishing rate of increase for those born between 1965 and 1985, “indicating that economic growth has not been accompanied with access to formal secure jobs”¹⁹⁴. Employment in casual labor also has increased for all groups, however, the OBCs and the non-marginalized groups experience similar rates of increases in

¹⁹² Deshpande and Ramachandaran 2013, 16.

¹⁹³ Deshpande and Ramachandaran 2013, 20.

¹⁹⁴ Deshpande and Ramachandaran 2013, 18.

casual labor-- which are significantly lower rates than those experienced by Scheduled Castes and Tribes. In other words, the proportion of Scheduled Castes and Tribes employed in casual labor is increasing relative to OBCs and non-marginalized groups over consecutive years¹⁹⁵.

While OBCs as whole are still disadvantaged in comparison to Upper Caste Hindus and other non-Hindus, they are better off than their Scheduled Caste and Tribe counterparts in terms of consumption, wealth, education, and employment. Further, OBCs have shown steady increases in educational attainment--in primary and higher education--at rates surpassing those of Scheduled Castes and Tribes. Employment too, has shown a shift from agriculture to blue- and (some) white-collar jobs. Given these general trends in the socioeconomic, educational, and occupational status of OBCs relative to non-marginalized and Scheduled groups, on a macro level it is clear that the group as a whole seems upwardly mobile. Yet, around election season, newspapers in India will be littered with stories of downwardly mobile groups demanding reservations under the OBC quotas. These demands are often, eventually, met as well. Some discrepancies from the data relayed above may point towards an explanation of such inconsistencies. Although mean and median levels of wealth, consumption, and access to education are higher for all urban groups than for their rural counterparts, the rural OBCs are closer to urban OBCs' levels of wealth and consumption. Rural OBCs specifically, are much better off than Scheduled Caste and Tribe members of their locale in these regards. Further,

¹⁹⁵ Deshpande and Ramachandaran 2013, 19.

access to education and literacy levels in rural regions is veritably crippled when compared to those in urban regions. Several factors play into this estimation, such as the availability and quality of teachers, coverage of schools and private alternatives, prevalence of cultural norms, infrastructure and basic facilities, geography of the region, and local economy, among others¹⁹⁶. Lastly, declining agricultural employment--which is mostly a rural activity--has led to increases in rural non-farm employment that makes up a significant part of household incomes across Indian villages¹⁹⁷. Castes previously engaged in agriculture have tended to adopt these alternatives, as this switch requires significant investments that migrant caste groups or landless laborers do not often possess¹⁹⁸. Such non-farm employment can either be more or less caste heterogeneous--this depends on several external variables--and has impacts on the position of a dominant caste and the direction of their socioeconomic mobility. A pattern “of a gradual reduction in the share of non-agricultural employment and earnings for disadvantaged groups” is consistently observed in several villages, such as with the “high-ranked thakurs” in western Uttar Pradesh and villages in Punjab¹⁹⁹. With a majority of marginalized groups occupying rural areas, this is especially important to lay the groundwork for the resuscitation or decline of dominant castes. The next subsection will look closely at the case of a dominant caste demanding OBC status, and evaluate the basis and merit of their claims.

¹⁹⁶ Govinda and Bandyopadhyay 2008.

¹⁹⁷ Lanjouw and Shariff 2004, 4445.

¹⁹⁸ Lanjouw and Shariff 2004, 4431.

¹⁹⁹ Lanjouw and Shariff 2004, 4432.

II. The Jats of Haryana: A Case Study

The Jats of Haryana pose an ideal example of Srinivas' dominant caste, seeking reservations on the basis of perceptions of backwardness. In early 2016, the Jats of Haryana led a mass agitation demanding reservations in government jobs and higher education under the OBC status. The agitation was marked with unrest in Haryana, where members of the community set vehicles, public buildings, and houses on fire; damaged roads, highways, and train tracks; blocked water supply to Gurgaon; and robbed an arsenal, leading to the death of 15 people²⁰⁰. This unrest was the third of its kind at the hands of the Jats, a dominant caste in much of Haryana, Uttar Pradesh, Rajasthan, Punjab, Bihar and other northern states. The first agitation was in demand of OBC status in the central list of the OBCs, controlled by the National Commission of Backward Classes (NCBC), made by the Jats of Haryana, Uttar Pradesh, and Madhya Pradesh in 1997. The NCBC rejected this claim, yet the Vajpayee led National Democratic Alliance (NDA) government granted inclusion in the central OBC list for Jats in Rajasthan. Soon after, Congress' representative for the 2004 Haryana State Legislative Assembly elections--Bhupinder Singh Hooda--successfully ran for candidacy on a platform that promised quotas for Jats, but did not deliver on this promise immediately.

The second set of protests were executed in 2012, and addressed shortly before the 2014 elections by the Congress led United Progressive Alliance (UPA) government that declared that Jats from Haryana, Gujarat, Delhi,

²⁰⁰ Chatterji 2016.

Uttarakhand, Uttar Pradesh, Himachal Pradesh, Rajasthan, Madhya Pradesh, and Bihar would be included in the central OBC list. The NCBC responded to these demands and declarations by instating a survey to review the condition of the Jats in the respective states. The survey results concluded that the Jats in these states were comparable to upper castes. Nevertheless, in anticipation of the 2014 Haryana Assembly elections, Congress' state representative, Hooda, was able to validate the Jats as a "Special Backward Class" (SBC) offering them ten per cent reservation vis-à-vis an executive order. By March of 2015, including the Jats in the central-level OBC list was rejected by the Supreme Court, and by July of the same year the state-level executive order by the Congress led Assembly was challenged and stayed by the Punjab and Haryana High Courts.

With the third and most recent agitation in 2016, the Jats of Haryana demanded reservations only under the state OBC list. In response to the unrest, the Bharatiya Janata Party (BJP) led Haryana government offered a renewal of the SBC status for Jats and five other sub-castes, with the ten per cent quotas in public jobs and higher education. This was achieved by the Haryana government, withdrawing the original executive order that was petitioned by the High Courts. By withdrawing this original precedent, the petition was "rendered infructuous". The Haryana Legislative Assembly then passed a bill called the Haryana Backward Classes (Reservation in Services and Admission in Educational Institutions) Bill to this effect, and submitted it the Centre requesting that it be

included in the Ninth Schedule of the Constitution²⁰¹. The Ninth Schedule allows “umbrella protection” or “fictional immunity”, i.e partial immunity from judicial review and complete immunity from further challenges to all laws placed under it. The Parliament reserves the power to discriminate between laws that should be placed under the Ninth Schedule, as long as they are violating neither a fundamental right nor the “basic structure” doctrine. The basic structure doctrine was advocated in a landmark case, and postulates that while the Parliament can amend the Constitution, it cannot mutate the basic structure of the three organs of government, the bicameral features, electoral and federal formats, or the separation of powers, etc²⁰².

The story of the Jats, however, does not begin with agitations on the railway tracks. The Jats are a typical example of a dominant caste. In 1860s western Uttar Pradesh, Jats existed as intermediates between the upper castes and Shudras--yet experienced much of the stigma of being lower caste, “though the Jats were not considered Shudras [...] the Brahmins never lost an opportunity to humiliate them”²⁰³. Upper castes not only treated them like Shudras but also labelled them as such, despite a growing consciousness of their intermediate identity within the Jat sub-caste. Anxieties about the nature of their caste, and subjectivity in the varna system made the Jats especially vulnerable to the Sanskritization already prevalent in the North. The Arya Samaj, the only Hindu organization to sanction conversions, led mass conversions for Jats beginning in

²⁰¹ Prakash 2016.

²⁰² Prakash 2016.

²⁰³ Datta 1997, 101.

1880s and continuing until 1912²⁰⁴. The Jats found a leader in Swami Dayanand, and practiced the precepts of the Samaj, albeit an appropriated version as interpreted through the “selective reading of Arya Samaj texts”²⁰⁵. Over time, non-Arya Samajist Jats were overpowered, and a new Sanskritized Jat identity was forged--one rooted in a “distinct, strong, masculine, homogeneous community” that opposed the Brahmins²⁰⁶. They came to claim the status of a Kshatriya, the warrior caste, on the varna, as dispersed in narratives of Dayanand presenting the Jats with the sacred thread traditionally worn by Kshatriyas²⁰⁷. Thus, “Jat identity was formed through the creation of imagined pasts; through myths of kingship, kinship, warrior origin [...] defined itself primarily as a force in opposition to the British, Muslims and upper and lower-caste Hindus”²⁰⁸. Haryana as a state was created in 1966 from a part of Punjab, due to linguistic differences between people of the region and the rest of Punjab²⁰⁹. It is estimated that Jats constitute roughly an estimated 25 per cent of the state’s electorate²¹⁰ and make up 29 per cent of its population²¹¹. The formation of Haryana gave the Jats numerical supremacy in the state²¹². The Jats transformed materially from tenant farmers into a dominant land owning caste largely as a result of the

²⁰⁴ Datta 1997, 99.

²⁰⁵ Datta 1997, 102.

²⁰⁶ Datta 1997, 108.

²⁰⁷ Datta 1997, 110.

²⁰⁸ Datta 1997, 118.

²⁰⁹ The Punjab Reorganisation Act, 1966.

²¹⁰ Dabas 2014.

²¹¹ Bose 2016.

²¹² Ramakumar 2017, 25.

tenancy laws under the Zamindari Abolition and Land Reforms of 1952²¹³. With the Green Revolution beginning in the 1960s, new peasant proprietors such as the Jats gained disproportionately. The mechanization of farms, especially those in Punjab, and later Haryana, led to greater agricultural productivity and yields, which in turn made the farming Jats of the region wealthier, “strengthen[ing] the economic and spatial dominance of Jats [...] and promot[ing] class differentiation within this caste”²¹⁴.

This rise in wealth was supplemented with the policies of Jat politicians such as Charan Singh. By the 1970s, when OBC political parties formed an alliance under the Janata Party--the Jats formed the base of the peasant supporters for the popular leader Charan Singh. Charan Singh left the Congress to create the Bharatiya Kranti Dal, a party of a mostly Jat voter base with the mandate of representing “rural India” and protecting it from the hegemonic power of the overreaching upper caste elites of urban India. Yet, his party represented largely “middle and rich peasants across Uttar Pradesh”²¹⁵, and he was for the most part, “indifferent to the condition of the landless laborers”²¹⁶. Scholars acknowledge that “The proponents of "kisan politics" came primarily from the rank peasant-proprietors who tried to mobilize "the peasants" --as if that were a social category without internal differentiation--to promote their own

²¹³ Ibid.

²¹⁴ Jeffrey 2001, 227.

²¹⁵ Craig 2001, 227.

²¹⁶ Jaffrelot 2000, 92.

interest and maintain lower castes under their influence”²¹⁷. Singh famously passed several policies to favor his base of rich peasant proprietors, such as the increase of subsidies directed towards agriculture, and the reduction of taxation on agricultural inputs, etc. when he was a cabinet minister in the late 1970s²¹⁸.

A dominant peasant based identity was also fostered with the organization of Jat farmers on the village level, specifically in western Uttar Pradesh and other regions of the Hindi Belt, into collectives such as the Bharatiya Kisan Union (BKU) in the 1980s²¹⁹. Rural non-farm sources of income and employment have gained momentum in many parts of North India since then, however, the caste heterogeneity of the group that can best exploit these new opportunities is a function of preexisting social institutions²²⁰. In the case of villages in much of north India, Jats have been able to actively exert their dominance via traditional socio-political forums known as *khap panchayats*. *Khaps* refer to clan settlements, implying the number of villages in which the Jats are present in a particular locale. A *khap panchayat* is the traditional governing body for all of the Jats in a specific *khap*. With forces such as the Green Revolution, increasing non-farm employment, and political emancipation, “These traditional social institutions, which gave an early boost to agrarianism and the growth of organizations like the BKU, did not wither away with

²¹⁷Jaffrelot 2000, 87.

²¹⁸Jeffrey 2001, 227.

²¹⁹Ramakumar 2017, 22.

²²⁰Ramakumar 2017, 23.

urbanization”²²¹. These *khaps* also played crucial mobilization and organization roles in the most recent protests of 2016²²².

Today, Jat dominance is threatened by the declining size of agricultural landholdings²²³, and the progress of other village communities into modern education and non-farm employment: “The Jats, [...] haven’t really made the transition from being a predominantly rural-based community tethered to the village or the local khap [...] have remained inward-looking, while not progressing much beyond peasant-sepoy, constable, small-town lawyer, [...] There aren’t too many software professionals, management executives, doctors or engineers, leave alone start-up entrepreneurs”²²⁴. While other rural groups have begun to engage in processing and non-farming activities, the Jats have failed to diversify. Furthermore, the value of their agricultural outputs has declined further with land ownership becoming increasingly irrelevant. Despite their overall dominance today, “in their imaginings of themselves, ethnic groups [Jats] tend to accentuate the primordial and the historically unchanging”²²⁵ to base their claims of backwardness.

III. Evaluation

The Jats are not alone in this trajectory. The Patels of Gujarat agitated on the basis of similar claims in 2015, and the Marathas of Maharashtra

²²¹ Ibid.

²²² Dhawan 2016.

²²³ Jeffrey 2001, 222.

²²⁴ Damodaran 2016.

²²⁵ Reddy 2005, 555.

replicated this format in 2016. In each case, the group comprises the respective state's majority population (more than 20 per cent, the Marathas form more than 30 per cent), is well represented politically, is economically intermediate, dominate agricultural resources, and occupy rural regions²²⁶. These groups each suffer from a deficit in educational and employment levels relative to castes of their economic status, and have not been able to cope with the socio-economic changes that are perceived to threaten their downward mobility: "The Marathas not only resent the rise of the OBCs and the Dalits in the educational system because of reservations, they also cannot compete with upper castes because of their under-representation in the English-medium colleges [...] The Patels are similarly affected, despite their increasing presence in expensive private universities"²²⁷.

Perhaps such claims for affirmative action do have some legitimate basis. The Jats, Patels, and Marathas lack modern education and occupational skills. Affirmative action could encourage inclusion in non-traditional skill building to diversify their incomes. Data on OBCs above confirms the demand-pull effect that affirmative action creates. However, this conclusion of the Jat case is laid on faulty assumptions about, first, the criteria for OBC classification, and, second, the costs of extending it to a dominant caste. The OBC criteria, although routinely weakened, still determine eligibility on a socio-economic basis. While the Jats were once marginalized, they enjoy material, political,

²²⁶ Jaffrelot and Kalaiyarasan 2017.

²²⁷ Jaffrelot and Kalaiyarasan 2018.

ideological, reputational, and numerical power today. Their political importance and strength is exhibited in the way that their riots could in fact instill fear in several governments, and eventually in the extent of the measures that the Haryana government was willing to take in order to ensure their reservation. They are in a position to take advantage of the new opportunities. The cost of including a caste capable of competing without affirmative action is that they will compete, and monopolize, even more successfully with affirmative action. This denies some of the reserved spots from those truly incapable of competing, like the lower groups of the OBC category.

While Mendelsohn and Dumont's school of thought describes an India where the strict varna hierarchy has dissipated to make way for "a universe of impenetrable blocks, self sufficient, essentially identical and in competition with one another"²²⁸, they largely overlook the internal heterogeneity within these blocks of convenience. Yet, the subjective position of the higher castes has transformed from that of Srinivas' "decisive[ly] dominan[t]" to one approaching convergence with the creamy layer of the intermediate castes. Socioeconomic forces have reshaped relative dominance in the Indian village. Today, caste and historical marginalization, while still largely representative of the extremes, do little to indicate "backwardness" of intermediate castes. This conclusion, however, does not discredit affirmative action completely. In fact, ascriptive affirmative action can be credited in the formation of an OBC elite and the increased participation of lower castes in politics. This conclusion does,

²²⁸ Dumont, 1972. P. 269.

however, orient the reader to seek a reform of the existing policy, hopefully, along lines that do not disproportionately benefit those who are able to make their demands the most vocally.

Chapter 6: Policy Recommendations

With the capture of an inappropriately high proportion of reserved seats in higher education and public sector positions by the creamy layer of the OBCs, the MBCs or “Most Backward Classes” are not as upwardly mobile or competitive. Furthermore, with the vague and inconsistent criteria of OBC, the counter mobilization of intermediate castes via sanskritization in the North, and the political exploitation of caste classifications into pressure groups, these intermediate castes find it relatively easy to appropriate the OBC category to include their historical backwardness or current socioeconomic decline. With more than 70 per cent of the population eligible for reservations that are capped at 50 per cent by the Supreme Court, the expansion of OBC reservations will render them ineffective and potentially harmful. Expanding the list of OBCs will enable and encourage greater competition over a very limited public good. Within the context of low literacy in a patronage democracy, those most able to compete will corner off the greatest portion of the reservations. In order to ensure that affirmative action provisions reach those that most need it, developing a more focused criteria and enforceable mechanism must be the State’s prerogative.

Affirmative action deals with the politics of identity--the very core of a nation’s multifaceted people. It takes into consideration historical animosities and resentment, in a context of shifting inter-group relations. While it can not mitigate all identity based differences or force groups to live in so-called

harmony, good policy design does have the power to minimize frivolous costs and maximize social benefits. The policy as it stands today may not be the most sophisticated or efficient; however, it does crudely acknowledge obvious inequalities. The use of caste as a heuristic for disadvantage is better than not addressing it at all, and can be useful as a starting point. However, in reforming reservation policies in India to become more targeted, the distortive cases that delegitimize its original intentions must be analysed and compared. Major patterns and similarities point to loopholes in current policy that must be addressed. With the OBC category, the similarities of the distortive cases lies in their threatened socioeconomic standing, professional and educational disenfranchisement, and perceptions of self-proclaimed backwardness that remain inconsistent with larger macro level analyses.

These perceptions of backwardness can be explained by intra-group class differentiation. Within specific dominant sub-castes, like the Jats, a few remain that have achieved great success and been able to cope with increasing non-farm or urban competition, who have now created an upper class within the sub-caste. In educational and professional terms, dominant sub-castes exhibit heterogeneity, with the wealthiest fracturing a disproportionately larger portion of the sub-caste's total income:

The highest quintile (20 per cent of the caste group) gets 48 per cent of the total income of the Marathas with a mean per capita income of Rs 86,750. The lowest quintile of the Marathas earns ten times less (Rs 7,198) and the quintile just above, only Rs

16,285. Which means that the 40 per cent poorest get less than 13 per cent of the total income of the caste — and are lagging behind the Scheduled Caste elite.²²⁹

Similarly, the Gini coefficient of the Patels of Gujarat has risen from 0.49 to 0.57 from 2004-5 to 2011-12²³⁰. This class differentiation within sub-castes has been shown to present the perfect condition for inter-caste cornering of resources, for example, with the case of the Malis and Kunbis²³¹. Further, reservations in public sector positions result in meager employment shifts, with private sector employment progressively increasing. Reservations do not pose a solution for large portions of the state's population. Yet, these groups remain politically homogeneous. Thus, caste-based reservations are not a solution for demands from a legitimate rationale of poverty. They are rather, a convenient way for upper classes of broad caste groups, like the creamy layer of the OBCs, to funnel state resources in exchange for electoral support. This mechanism is made more efficient with the overlapping of the upper classes of the caste groups and the benefiting political elite. This modified form of lobbying, on the basis of ascriptive characteristics and in exchange for power over state resources, is costly for the Indian government. Anne Krueger posed a conservative estimate of rent-seeking to cost roughly 7.4 per cent of India's national income²³².

²²⁹ Jaffrelot and Kalaiyarasan 2017.

²³⁰ Ibid.

²³¹ Ibid.

²³² Krueger 1974, 295.

Mohammad and Whalley replicated her study with more inclusive criteria and approximated the costs to be closer to 30-45 per cent²³³.

I. The Karnataka Comparison

Karnataka is a state that has seen extraordinary success in uplifting the socioeconomic conditions of the OBCs, “According to the Indian Human Development Survey, in 2011-12, the annual per capita mean income of the OBCs represented 89 per cent of that of the dominant castes — Lingayats and Vokkaligas — in Karnataka”²³⁴. This has been achieved due to the state’s targeted approach on poverty alleviation measures, which have disproportionately benefited the most backward of the OBCs over the dominant, such as food distribution and cash transfer programs. It has also been achieved with the careful use of reservation policies. Where Gujarat OBCs are offered 15 per cent reservations in jobs, Karnataka only offered 12 per cent. Instead, Karnataka has focused on expanding reservations in education over those in jobs, “the percentage of graduates among the Karnataka OBCs is slightly above that of the dominant castes, 4.8 per cent against 4.6 per cent. Gujarat OBCs lag behind, with only 2.1 per cent of the state OBCs reaching the graduation level, almost five times less than the dominant castes”²³⁵. An increase in education focused reservations without an increase in job reservations is a strategy that proved more effective in uplifting the most marginalized in Karnataka. Building on a

²³³ Mohammad and Whalley 1984, 400.

²³⁴ Jaffrelot and Kalaiyaraman 2018.

²³⁵ Ibid.

proportionately higher focus on educational positive discrimination, reservation policy can exercise further precision by using the creamy-layer category as an intermediate buffer category between OBCs and the general category. The framework within which OBC reservations must operate to become more precise is an acknowledgment of degrees of separation between the most backward, the creamy layer, and then the general category. While the NCBC has already identified a creamy layer, the category has--for the most part--not been invoked in reservation policy. Currently, seats in higher education only discriminate between OBC and general category (apart from the Scheduled Castes and Tribes). In the admissions process, a simple revision could require institutions to prioritize the most backward castes to fill reserved seats first, and if seats remain unfilled (as is already the trend)²³⁶ they should be filled by those of the creamy layer castes instead of being opened directly to the general category²³⁷.

However, such subdivision can only have limited success, as it does not adequately address the problematic incentive to identify as backward. If this subdivision is to be continued, there could be infinitesimal categories of backwardness: as many categories as there as castes and then further divided into sub-castes, *khaps*, villages, and families, each of which still have internal inequality by some measure. These subdivisions could function essentially like an income test, and still not dissuade groups to misrepresent their status to benefit from state resources. In addressing this incentive, the process of

²³⁶ More detail in Chapter 4

²³⁷ Deshpande and Yadav 2006, 2420.

identification must be broken down into its two components, the first is the criteria of backwardness and the second is the process of reporting it.

The Supreme Court of India, the final keeper of the “sluice gates”, warned that “The gates would be opened only to permit entry of the most distressed” in response to the case of Patels seeking OBC status, and has acknowledged the flaws in “the identification of a group as backward solely on the basis of caste”²³⁸. A natural response could be to redesign affirmative action policy from the basis of caste to the basis of class; however, this logic is fairly reductive of the true complexities of present inequities. Proponents of class-based OBC reservations fail to acknowledge that using only economic standing as the criterion for discrimination within a broad category is burdened with a set of challenges comparable to those of using only caste. First, it does not address the question of reparations for historical atrocities, and discrimination that cannot be valued in economic terms. Secondly, it has the ability to perpetuate and “reinforce beliefs about the inferiority of the subaltern group”²³⁹, especially for anomalous cases in a changed socioeconomic setting.

Thus, the criteria must be one that considers several factors that define backwardness, weighting each to create a diverse ranking order between economic and social marginalization. In this respect, a debate on the essence of backwardness, historical and contemporary, as well as the State’s priorities must begin. At this point in India’s history of affirmative action, the policymakers are

²³⁸ Tharoor 2015.

²³⁹ Darity, Deshpande and Weisskopf 2011, 264.

faced with a bifurcation in its path. It can choose to either recognize and represent identities, or create an overarching national one that supersedes them. The relationship between identity and the nation must be debated, with an acknowledgment of the past majority-minority relations. If the latter is prioritized, a process of assimilation, similar to the one currently observed most notably in France, would follow. With the expansion of Hindu nationalist sentiment, and the dilution of minority identities as anti-national, this process is already in motion today.

If the State prioritizes the former, it must respect several separate narratives within the national. Apart from income (some argue wealth is a better indicator²⁴⁰) and caste, parameters such as gender, asset, religious, regional, and (guardians') occupational disparities must be acknowledged. This is necessary to begin a process where castes respect identities, including their own, while consciously acknowledging the changed social context within which they are now applicable to an hierarchy. To achieve this, the Census must be replaced as an authority with a less hierarchical understanding of caste today. This could be in the form of a reaffirmation of the intentions of affirmative action, and a nation wide evaluation of the Census' changed relevance today. With the coordination of state and central level governments, the individual priorities of states can be framed within the larger national context.

Once an inclusive and multifaceted eligibility criteria is crafted, the power of determination of eligibility must be retained--either by State or by universities.

²⁴⁰ Darrity, Deshpande and Weisskopf 2011, 264.

This necessitates the weight for each parameter to remain private, distinct for each university, or both. This will replace the current practice of applicants self-reporting caste-based eligibility based off of public state and national lists and providing certification for proof, with the practice of solely reporting caste as one of several other parameters. With the self-reporting of eligibility, the salience of caste is handed down to each new generation of applicants, with individuals like Sneha Sekhsaria, 25, of Calcutta, who reported, “When I was filling out my college application forms, there was this box for caste [...] I had to ask my dad what our caste was, and he had to think about it for 15 minutes before telling me that we were in the general category”²⁴¹. Instead of reserving discrete seats for each, the intersectionality and interaction of the parameters must be sewn together into a function that determines the weighted backwardness of a candidate, which will in turn inform their subjective merit for admission.

II. Shifting Priorities

Shifting priorities from personal short term gains to social long term benefits requires a reformation in the understanding of the State and its relationship with its citizens. Perhaps a legacy of India’s socialist leaning roots, the view of the State as a provider of jobs and resources hinders dominant castes from seeking private sector involvement and employment alternatives. Furthermore, it enables political rent seeking with elites providing public

²⁴¹ Harris 2012.

resources, that should be non-rivalrous and non-excludable, in exchange for votes to only specific groups.

While adding several parameters and creating a more diverse eligibility criteria will not put an end to resentment from those who are not granted admission, it will dilute the caste based resentment. In the longer run, removing the salience and consequent manipulation of caste identities must begin much earlier--in primary and secondary schools. Reserving seats in higher education and jobs does not address the stark reality that is the inequality of education access at the primary school levels. While some private schools in urban areas have accommodated lower-caste students with their general classes, education remains highly segregated with most lower-caste children studying in public schools of much lower quality--insofar as access permits them. Another interpretation of the same statement is the acknowledgement of backwardness. Histories of backward communities and the meaning of a lower-caste identity must be taught and respected as part of the school curriculum to prevent resentment and appropriation, and in place foster an acknowledgment of society's past wrongs.

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