

The Challenge of Positive Discrimination in India

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Abstract

The paper discusses the programme of positive discrimination (PD) in India, which is confined largely to the state and does not extend to the private sector, as do affirmative action programmes in the US and elsewhere. PD policies and programmes emerged in India in the early 20th century, and were given a constitutional basis in 1950. The paper discusses the principles underlying these programmes and policies, and some of the debates around them. It then looks at the achievements, both political and economic, and highlights their limited nature. Given these outcomes, however limited, programmes of positive discrimination cannot be considered redundant, even six decades after their inception, as many had hoped they would be. The paper ends by reviewing some of the challenges the programme faces today.

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The Challenge of Positive Discrimination in India

By Judith Heyer¹ and Niraja Gopal Jayal²

1. Introduction

This paper looks at the positive discrimination (PD) programme that emerged in India, starting in the early decades of the 20th century, and was subsequently given a constitutional basis in 1950. The paper reflects on the (rather limited) achievements which have resulted from it. The introductory section of the paper provides a historical background with some comparative references. This is followed, in Section 2, by a discussion of the concept of group disadvantage, a brief account of India's PD policies since 1950 in Section 3, and finally, in Section 4, a summary of policies and programmes in place today. Sections 5 and 6 discuss political and economic outcomes respectively, and the paper concludes, in Section 7, with some remarks on challenges faced by the programme today.

There are at least three aspects of the Indian experience of 'positive discrimination'³ that are distinctive and significant. Firstly, positive discrimination (PD) in India predates affirmative action in the United States by several decades: claims for 'reservations' or quotas in education and employment were first made in the late 19th century, and the earliest quotas date back to the 1920s in Mysore and also in the Madras and Bombay Presidencies. Secondly, there is an important difference between the American policy of preferential treatment and the Indian policy which relies primarily on reservations through quotas. Thirdly, Indian policies of PD are primarily located in the educational, political and administrative domains, and have not yet been legislated for the corporate sector (as in Malaysia) or for civil society organisations.

¹ I have benefited from discussions of these issues with Frances Stewart and others at CRISE, and with other members of the workshop on "Affirmative Action: The Malaysian Experience in International Perspective" held in Singapore, October 22-23, 2007. I have also benefited from discussions of these and related issues with Dalit and other friends and colleagues in India. This includes Aseem Prakash to whom I am also grateful for help with access to data.

² I would like to thank Judith Heyer for a skilled merging of two somewhat dissimilar papers, and Frances Stewart for her incisive comments on an earlier draft.

³ In India, the term affirmative action is rarely used because of its association with American policies which are rather differently designed.

PD in India is directed at members of the Scheduled Castes (SCs), the Scheduled Tribes (STs), and more recently members of the 'other backward classes' (OBCs), with the possibility of including Muslims also being mooted. SCs, comprising 16% of the population in 2001, are the ex-untouchables, those at the very bottom of the caste hierarchy.⁴ STs, 8% of the population in 2001, are members of 'tribal groups' spread across 16 states in concentrations varying from less than 1% to almost 95%.⁵ OBCs have been estimated at another roughly 36% of the population,⁶ and Muslims 13%.⁷ 'Forward castes' is the term used for the other major group in the population.

The following table of expenditure distributions gives an indication of the position of these groups in the socio-economic hierarchy. The National Commission for Enterprises in the Unorganised Sector (NCEUS) has introduced the categories of 'marginal poor' and 'vulnerable', both of which are above the official poverty line. The table shows SCs/STs heavily under-represented at the top, and heavily over-represented at the bottom, of the hierarchy. It also shows the relative disadvantage of OBCs and Muslims as compared with 'Other', mainly Forward castes.

⁴ SC is the term used both for castes and for members of castes that were considered 'untouchable' which have been given legal status as Scheduled Castes in India. SC is the official name for formerly untouchable castes, used in the constitution, the legal system, official statistics, policies and programmes, etc. The term 'Dalit', meaning the downtrodden and broken people, is a term of political choice, used by many but not all SCs. It is sometimes used in a broader sense to include non-SCs as well. SCs are also referred to as Untouchables/Ex-Untouchables. Untouchability has been illegal since 1955 but is still very much present in practice.

⁵ ST is the official term for 'tribal' populations, groups which used to be considered to be outside mainstream society in India. They are also referred to as Adivasis. They are sometimes included in the term 'Dalit' too. In much of this paper the focus is on SCs rather than STs.

⁶ The backward castes – now more familiarly known as the OBCs or Other Backward Classes – are a set of intermediate castes, between the 'twice-born' upper castes and the Dalits or SCs. The variation within the broad category of the OBCs is great, many of these caste groups being extremely poor and disadvantaged while others have become fairly prosperous, as a result of land reform and political power. Since the last census to use the category of caste was the 1931 Census, there is little reliable estimation of the number of OBCs. Two official documents are currently invoked as sources on this issue – one is the Report of the Backward Classes Commission 1978 (better known as the Mandal Commission), while the second is the 55th Round of the National Sample Survey (2001) The Mandal Commission estimated that 52% of India's population belonged to the backward castes. The NSS estimate was approximately 35%.

⁷ NSS 2004-5 (2007) estimate.

Table 1: Percentages of Major Social Groups by Expenditure Category 2004/5

	STs/SCs	All OBCs except Muslims	All Muslims except SC/ST	Other	All
High >4PL*	1.0	2.4	2.2	11.0	4.0
Middle 2 - 4PL	11.1	17.8	13.3	34.2	19.2
Vulnerable 1.25 - 2PL	33.0	39.2	34.8	35.2	36.0
Marginal Poor 1 - 1.25PL	22.4	20.4	22.3	11.1	19.0
Poor 0.75 – 1PL	21.5	15.1	19.2	6.4	15.3
Extremely Poor <0.75PL	10.9	5.1	8.2	2.1	6.4
All	100.0	100.0	100.0	100.0	100.0
% Total Pop.	27.7	35.9	12.7	23.7	100.0

* PL: the official poverty line in India

Source: NCEUS (2007) based on NSS 2004-5 data

Although STs/SCs are heavily under-represented at the top, a small minority are in the upper reaches of the distribution, partly as a result of PD. One can point to examples of SCs in prominent positions: SC faculty in prestigious higher education institutions, and the first SC Chair of the University Grants Commission (UGC) appointed in 2006; numerous SC MPs; an SC Chief Minister in Uttar Pradesh (UP), intermittently in the 1990s and early 2000s; an SC President of India in the 1990s; and the first SC Chief Justice of India appointed in 2006. There are also a few SCs who have reached significant positions in the private sector. The numbers in the ranks just below the top are increasing too. However, if 25% of the total population has benefited from the growth of the Indian economy in the 1990s and early 2000s, only about half of this proportion of SCs has done so. Moreover many of those at the very top still suffer from untouchability, being socially ostracised, slighted, and continuously reminded of their status, even when they are well-placed from an economic point of view.

The majority of SCs are poorly paid manual labourers living separately from the rest of the population. The majority of these are subject to day-to-day humiliation associated with untouchability practices, and violence and brutality associated with

their enforcement. Untouchability practices include elaborate rules and norms which minimise physical contact. They also include the prohibition of access to public places and public resources. SCs are subject to atrocities by virtue of their very identity as SCs.⁸ Atrocities remained serious enough, and widespread enough, to warrant the introduction of the SC/ST Prevention of Atrocities Act in 1989. The deep injustice here is that untouchability derives from the role of SCs in removing the 'pollution' produced by the society that stigmatises them for playing this role. SCs are the victims of deep-seated prejudices, supporting power and privilege at all levels of society. In this latter respect the position of SCs has much in common with that of disadvantaged groups in societies all over the world.

2. Group Disadvantage

All policies of affirmative action seek to address some form of group disadvantage, usually relating to groups defined in cultural terms (women being a notable exception). Moreover, being grounded in the particularities of ethnic difference and inequality in a society, all strategies of affirmative action are necessarily and strongly context-dependent. The distinctiveness as well as the contradictions of PD policies in India are rooted in the complexity of India's cultural diversity which provides the context of the policies adopted and also helps to explain the imperfections of policy outcomes. The cultural diversity of the Indian nation is a product of criss-crossing and overlapping identities based on region, language, religion, sect, caste and tribe. Take language and religion. There are more than 100 'dominant languages', 96% of India's population speaking 19 of these (excluding English), and six major religions (not including Judaism and Zoroastrianism), and all manner of convergences and divergences between religious and language groups. Co-religionists of different language groups may have less in common with each other than with other members of the same linguistic, but different religious, community. Thus, a Muslim in Kerala may have more in common with a non-Muslim Malayalam-speaker in his own state than with a Muslim in Bihar. It is possible that the two may belong to very different sects and be governed by rather different customary laws. This suggests that social cleavages in India are cross-cutting rather than reinforcing. The social universe of most Indian citizens is composed of multi-layered identities encompassing language, region, caste, and religion, as well as the more 'modern' secular identities of being Indian, female, or urban professional.

⁸ Reports of atrocities against SCs (and STs) still appear frequently in the national press. They are also documented in the Human Rights Watch Report (1999), Reports of the National Commission for SCs and STs (various), and others.

Caste, often seen as the defining characteristic of Indian society, is impossible to enumerate or describe with any degree of accuracy. There are believed to be anywhere between 2000-3000 castes/sub-castes (*jatis*) in India, arranged hierarchically in the fourfold ritual *varna* order, SCs being traditionally excluded from the *varna* hierarchy. The only reliable enumeration we have relates to SCs. The practice of caste – strongly rooted in the Hindu religion – has nevertheless infiltrated into Christianity and Islam as practised in India, with confusing policy effects. Dalit Christians and Dalit Muslims have not hitherto been entitled to quotas, on the assumption that once they have left the Hindu fold they are no longer victims of discrimination. However, Backward Caste Muslims are entitled to quotas because the OBC quota makes no distinction on the basis of religion!

Again, STs practise a variety of religions – from Hinduism to Islam, Christianity and folk religions – and belong to many different language groups. The overlapping and complex nature of social cleavages in India clearly poses a challenge for a policy design based on a singular criterion of difference.

Further, there is frequently an overlap between cultural and material inequalities; between, on the one hand, inherited symbolic or cultural disadvantages of caste or religious identity and, on the other hand, economic disadvantage. Traditional and historical forms of social inequality thus co-exist with, and are reinforced by, inequalities arising in the sphere of economic activity.

Both public policy and civil society have neglected adequately to recognise the fact that the cultural and the material are often two faces of the same phenomenon. Whether it is SCs, STs or religious minorities like the Muslims, members of these communities are much more likely than members of other groups to be deprived of basic needs, of development, and of dignity. Questions of rights and basic needs are not divorced from questions of dignity; questions of cultural rights are not divorced from those of social and economic rights. These forms of multiple and mutually compounding disadvantage present challenges both of recognition and of redistribution, and suggest that the groups that need our special attention are those that are doubly disadvantaged, i.e. both culturally and in terms of their human development indicators. Some, e.g. poor Dalit or Muslim women, may be simultaneously disadvantaged in three ways, by gender, class and caste/religion.

3. PD Policies Since 1950

We turn now to a discussion of the strategies of PD provided for in the Indian Constitution of 1950, and in subsequent policy interventions. The chief preoccupation of the founders of the Indian republic was the creation of a society whose citizens shared a strong sense of national identity despite cultural diversity, and, based on this, the creation of an intrinsically diverse and plural nation-state. The institutions of governance were intended to conform to the liberal-individualist conception of equal citizenship, encompassing equal rights for all individual citizens and upholding the principle of equality before the law. The only significant exceptions to this were two forms of group-differentiated citizenship: (a) the recognition of certain categories of rights of which (cultural) communities rather than individuals would be the bearers; and (b) the provisions for compensatory discrimination for historically disadvantaged groups. The constitution thus made different provisions for different types of “difference”, each justified in terms of some criterion of appropriateness.

How these exceptions were justified is important. In the normative argument that underpinned the departure from the principle of equality, the underlying assumption in respect of religious minorities was that the democratic principle of equality is an insufficient guarantee for minorities who will, in the presence of a dominant majority, always be insecure in the enjoyment of their cultural rights. This resulted in guarantees for the freedom of religion, including the freedom to practise and propagate it, as well as providing for separate personal laws for members of minority religious communities, alongside a universally applicable criminal law. In relation to SCs and STs, the normative justification was that equality of opportunity would be effectively denied to these groups as they could not, given their histories of marginalisation, compete on equal terms, and hence required special guarantees to create background conditions of equality. This took the form of constitutional provisions for affirmative action for SCs and STs, in public employment, in the central and state legislatures, and in higher education. In both cases – separate personal laws and policies of compensatory discrimination – these were viewed as interim measures on the path to a society in which greater social equality and processes of secularisation would eventually lead to universalist norms of citizenship becoming firmly entrenched.

It could, of course, be argued that while different types of provision were made for different types of cultural difference, there was a complementary blindness at work in

the constitutional vision. It was widely – and it would appear wrongly – assumed that addressing the cultural was a way of addressing the material and vice versa. Even as official policy was demonstrably sensitive to religion-based discrimination in providing protection for cultural rights, it remained less sensitive to the economic and educational backwardness of minorities. Conversely, the policy attention to the economic and educational backwardness of SCs and STs precluded simultaneous efforts to remove the damaging effects of social prejudice. Legislating against untouchability proved to be an inadequate strategy in this respect, and the lack of teeth for organisations like the National Commission for SCs and STs, which has power to monitor and report but not to enforce, also prevented oppressive social practices from being checked and severely punished. The overlapping nature of cultural and material inequalities was thus insufficiently addressed in policy.

In 1990, the benefits of PD policies were extended to the OBCs, following the acceptance of the Report of the Backward Classes Commission, 1980 (better known as the Mandal Commission Report, after its Chairman, B.P. Mandal). The Mandal Report adopted the criteria of social and educational backwardness to identify a list of castes deserving of PD, and estimated that 52% of India's population belonged to these caste groups (but see above for an alternative estimate much lower than this). In 1990 policy OBCs were awarded a 27% quota in public employment. In 2006 the government announced its intent to extend similar quotas to OBCs in elite institutions of higher education, such as the Indian Institutes of Technology, the Indian Institutes of Management, and the premier medical schools and universities. This encountered massive street-level protest and an appeal to the Supreme Court, which was hearing the case in 2007-8. In an earlier case, the Supreme Court had ruled that quotas could not exceed 49%. Given that quotas for the Scheduled Castes and Scheduled Tribes between them already account for 22% of the total, only the residual figure of 27% remained. This is the reason why, notwithstanding the different estimations of OBC numbers, the proposed quota has remained at 27%.

The Supreme Court had also, in *Indra Sawhney vs. Union of India*, ruled that the “creamy layer” among OBCs should be excluded from the ambit of reservations. The “creamy layer” refers to the upper strata among OBCs, castes that have become prosperous, partly as a result of land reform policies in the 1970s and partly as a result of effectively mobilising political power. Their access to these two resources – political power and land – along with the fact that they are not, like Dalits, victims of

social discrimination or stigmatisation, has provided the basis of arguments that oppose the extension of quotas to OBCs.

4. India's Current PD Programmes and Policies

There is now a whole range of programmes and policies supplementing PD, taking it well beyond the quotas in public institutions. In other words, measures to improve the position of SCs and STs are now seen as encompassing both reservations in government posts, higher education, and political bodies, and more general economic programmes with special provisions for these groups.

4.1 Reservations

Reservations are designed to encourage proportionate representation in the public sector. There is still some way to go to if proportionality is to be achieved despite the fact that it is many decades since reservations first made their appearance in India.

(i) We look first at posts in public administration. Though SCs and STs had already enjoyed quotas in public employment for many decades, it took time to get the overall representation in government posts up to a level commensurate with their weight in the population. Moreover, there is a shortfall in their recruitment to the elite services (the Indian Administrative Service), and smaller percentages rise to the highest levels of the administration. Their concentration in the central government is at the lower levels of the bureaucracy, in what are known as Class III and IV jobs, such as office-boys and janitors, or clerical staff (for SCs see Table 2 below). Most disturbing is the fact that the category of sweepers (janitors) – an occupation traditionally associated with SCs – has an overwhelming preponderance of these groups, suggesting a reproduction of persistent patterns of social dominance in public institutions.

Table 2: Percentages of SCs in Central Government Posts by Category, 1965, 1995, and 2001

Category	I	II	III	IV	All
1965	1.64	2.82	8.88	17.8	13.2
1995	10.1	12.7	16.2	21.3	17.4
2001	11.4	12.8	16.3	17.9	16.4

Sources: NCSCST, 1998b; Planning Commission, 2005.

How the composition of the bureaucracy will change in future remains to be seen, not least because age is an important factor in reaching the top and these groups are entitled to an age relaxation which may make their age of entry somewhat higher than that of others. Unlike in the generalist civil service, there is almost consistently a shortfall in the availability of candidates for government jobs that require specialised or technical qualifications, which only reinforces the claim that there is a significant and mutually compounding overlap between social and economic disadvantage.

One of the key assumptions behind the reservation of government posts was that SCs in government posts would speak up for SCs, that this would mean that there was more sympathetic consideration of SCs, and it would be more likely that SCs would get their due. The record has been disappointing. SCs have not achieved nearly as much power and influence as was hoped for as a result of public sector reservations. This has been both because they have failed to obtain sufficient representation, particularly at higher levels, in the public sector, and because the majority of those who have been appointed have found it difficult to champion the cause of SCs (cf. Galanter, 1991; Mendelsohn and Vicziany, 1998; McMillan, 2005).

(ii) Quotas in public sector Higher Education institutions also date back to the 1920s and 1930s. Scholarships, bursaries, subsidised tuition fees and free hostel accommodation followed later. Uptake has been restricted by lack of qualified applicants. Moreover, quotas have not been applied to private sector institutions. These latter have been the subject of considerable political debate in the 1990s and early 2000s.

Higher education quotas have increased the proportion of SC graduates (cf. Weisskopf, 2004; see also figures presented in Section 6 of this paper). One of the more heartening features of the situation with respect to Higher Education is that the gap between the entry-level scores of SC and other 'general' students has narrowed and that, despite their manifest lack of 'cultural capital' (including command of the English language), the percentage of SC and ST students eventually completing their degrees at the IITs has significantly increased. (Weisskopf, 2004) Higher education quotas have not increased the representation of SCs in the higher reaches of the occupational distribution commensurately, however. Deshpande and Newman (2007), among others in the same issue of the *Economic and Political Weekly*, look at some of the reasons SCs have difficulty translating their qualifications into employment opportunities on a par with others with similar qualifications. The

reasons include lower expectations of SCs with respect to employment opportunities which prevent them from applying for the better opportunities and/or prevent them from presenting themselves well when they do so, and outright discrimination against SCs in the hiring practices of the employers concerned. Higher education quotas have been important both in raising aspirations and in raising incentives to pursue education. There are still major problems in the lower reaches of the educational system however. These make it difficult to get enough SC applicants equipped to take advantage of opportunities in higher education to fill the quotas that exist. (Education is discussed further in Section 6 below.)

(iii) Seats in state and federal legislative bodies were reserved for SCs/STs in constituencies with substantial SC/ST populations under the 1950 Constitution. Representation in Parliament has been consistently a little higher than proportionate for STs, chiefly because of the concentration of STs in those states where they are present in larger numbers, and their ability to get elected in non-reserved constituencies there as well. By contrast, the SC population being more evenly distributed across the country, the number of SCs who get elected on general (i.e. unreserved) seats is usually small (between three and six MPs in a house of 543). (Jayal, 2006) Moreover, in the seats reserved for them, SCs were never in the majority. This meant that the SC candidate that got the most support including from the non-SC population got elected. All major parties put up SC candidates, but the candidates that were elected were not necessarily those that best represented SCs.⁹ Non-SC parties with SC candidates tended to fare better than SC parties too.

The politics of tokenism make it much easier for a Dalit to be the President than to be the Prime Minister of the country. There are no quotas for SCs and STs in the Union Cabinet, and together these groups accounted for an average of only 10% of Cabinet posts in the 1990s.

Despite the quotas for caste and tribal groups in the public sector, it is in the sphere of democratic politics that we witness a real broadening of the social base. Conventionally, reservation in administration was perceived as the chief, if not exclusive, institutional instrument of achieving greater equity (hence the OBC quotas in 1990). But we find that while the bureaucracy has been relatively resistant to change, it is the character of Parliament that has changed more substantively. Many

⁹ McMillan, 2005, concludes that what this amounts to is 'token representation'.

non-elite groups are now part of the political process in a way that formerly they were not.

At the same time, one study of the quality of participation of Dalit MPs in Parliament reveals a rather disheartening picture. Dalit legislators have not been particularly effective on issues like atrocities against these communities, or the effective implementation of the law against untouchability. It is mostly Dalits who participate in debates on Dalit issues, and even those MPs belonging to the Bahujan Samaj Party (the party that claims to most authentically represent the Dalits, and whose leader is the charismatic Mayawati) have not been particularly active in parliamentary debates. The concerns of Dalit MPs have tended to be short-term in nature, mostly confined to questions regarding funds for welfare activities, and unfilled vacancies in government departments and public sector jobs. They have been much less concerned with long-term capability - enhancing policy initiatives such as in health and education, or – most crucially – land reform. Few Dalits have competed for power within the parliamentary party and the legislature. They are less likely to hold party offices or ministerial posts, to talk to ministers or serve on parliamentary committees (Kumar, 2004).

(iv) There has been a much more positive experience of PD policies institutionalised in local governance – from the *panchayat* at the village level to the *zilla parishad*¹⁰ at the district level – by constitutional amendment in 1992. These institutions now have a 33% quota for women at every level, including for the position of chairperson; and quotas for SCs and STs in proportion to their percentage in the local population. Many states have also introduced quotas for OBCs. Over the three rounds of election to the *panchayats* since the quotas were introduced, 1 million women have entered local bodies, in some states exceeding the legislated 33% quota. While women and Dalit men and women have had to struggle hard against every form of patriarchal and caste oppression, ranging from intimidation to violence, to assert their right to lead these local institutions, they have often succeeded in doing so. The *panchayat* office has in some areas become a public space where discrimination can no longer be practised in the way that it is outside. If women *sarpanches/panchayat* presidents have insisted on chairing *panchayat* meetings, despite being told to make the tea or go home, Dalit members have tried to use this forum for a range of issues – from

¹⁰ Panchayats are three-tiered institutions of local governance in rural India. The Zilla Parishad is the highest, district-level, body in this structure.

raising the salaries of sweepers to relocating the ration shop (under the Public Distribution System (PDS) which distributes subsidised foodgrains and other essential commodities) to the Dalit part of the village to refusing to accept tea in separate tumblers. Quota-based representation in the *panchayats* has certainly not transformed the countryside, but it has without question opened up new spaces which have a greater potential to transform the lived experiences of caste and gender than merely electing a Dalit party to power at the state level.

4.2 General Programmes for Economic, Educational and Social Empowerment

General programmes for economic, educational and social empowerment of SCs/STs introduced in the 1970s et seq. supplement the PD programme in India in significant ways. They include measures to increase education and human resource development; measures to increase capital and skills for self-employment; and measures to improve access to housing and basic social services et al. Many are part of anti-poverty and other government programmes, with special provisions for SCs/STs. There are special programmes dedicated to SCs/STs too.

There are general programmes which do not make special provision for SCs/STs.¹¹ These include general improvements in basic health and education that may have a disproportionate effect on SCs/STs who make up a substantial proportion of those not previously provided for. Likewise the 1980s expansion of the PDS, the Mid-day Meals Scheme (MMS) which provides free meals for schoolchildren and other vulnerable groups, and the various Employment Guarantee Schemes (EGS's) for which India is well known.

There are also anti-poverty programmes that provide subsidised credit for small-scale business and for agriculture, in which subsidies are higher for SCs and STs. As much as 92% of the flagship Integrated Rural Development Programme (IRDP) funding went to SCs and STs in the 1980s according to Basu quoted in Chavan (2007). The IRDP and related programmes fell behind in the 1990s and early 2000s, as did the various employment guarantee schemes.¹² This should change with the

¹¹ Stewart et al. (2007) make a strong case for considering such programmes as possible alternatives to affirmative action programmes.

¹² The NSS (2001) report shows the overall percentages of households receiving IRDP and other assistance falling from 1993-4 to 1999-2000 after remaining virtually unchanged from 1987-8 to 1993-4. Likewise under the various employment guarantee schemes the overall percentages of households with at least one member receiving more than 60/365 days of

extension of the National Rural Employment Guarantee (NREG) programme to all districts in the country in 2008-9. There are dedicated special development funds to support SCs engaged in business, agriculture and agriculture-related activities. There are funds to support SCs in Higher Secondary education and above. There are also dedicated SC housing and infrastructure funds that have been channelled into major SC housing developments in the 1980s and the 1990s.¹³

The implementation of programmes of relevance to SCs has fallen far short of what was intended, as the repeated attempts to implement the Special Component Plan show. Under the Special Component Plan, introduced in 1979 (subsequently renamed the Scheduled Castes Sub Plan (SCSP)), both the Centre and the States were supposed to earmark funds in proportion to SC populations. This has represented a rather unsuccessful attempt to address the fact that SCs are not getting their share of general expenditure as well as the fact that particular programmes targeted at SCs are not getting fully implemented.¹⁴ There is still a long way to go.

5. Political Outcomes

Though the Constitution provided for quotas for SCs and STs for a period of 10 years, these have been routinely extended without any parliamentary or broader political debate. Parallel to the general consensus on the continuation of the quotas, there has grown a groundswell of political mobilisation – variously described as “the second democratic upsurge” (Yadav, 2000) or “India’s Silent Revolution” (Jaffrelot, 2003) – of a range of caste groups, from Dalits to OBCs, and MBCs (Most Backward Classes). In the 1990s and early 2000s, political parties emerged claiming to represent these caste groups. These parties succeeded in building up support in the northern states such that the OBCs, who accounted for 5% of MPs in the 1950s, have in the 1990s and early 2000s accounted for close to 25%. This increase is

employment, which was quite substantial in 1987-8 and 1993-4, had fallen dramatically by 1999-2000.

¹³ There are complaints about both the design and the quality of construction of housing provided. There have also been complaints that SC housing in rural areas is virtually unsaleable if SCs want to move. There is no doubt that these schemes have led to improvements in SC housing though.

¹⁴ To quote Viswanathan (2007): “Many states have not allocated funds in proportion to the percentage of Dalits in the population or to a separate budget head for Dalits’ welfare. Most of the States ... do not utilise in full even the small quantum of funds allocated. There have also been complaints of the diversion of funds to other sectors. ... huge sums of money that could have been spent on the socio-economic development of Dalits went unspent or got diverted to benefit other sections of the people.”

largely the contribution of the northern states which have witnessed the rising economic power of these castes through the 1970s and 1980s, and their political assertion in the 1990s. Previously it was the southern states that provided most of the OBC MPs. Now, with the emergence of coalition politics at the national level, some of the parties representing lower caste groups have also become important partners in government-formation at the centre.

The outstanding success story as far as SC political parties are concerned is that of the Bahujan Samaj Party (BSP) in UP – a party headed by Mayawati, an SC woman, who has been the UP Chief Minister on a number of occasions in the 1990s and early 2000s, for relatively brief periods, and is so again currently (2009). Mayawati is an outstanding leader of a successful SC political movement which earlier secured power through coalitions with other political parties, but recently achieved power on its own for the first time by seeking to transcend its support base in the SCs by appealing to the upper-caste Brahmin vote as well. Though some see this as undermining the Dalit cause, others argue that the common caste enemy of the SCs and the upper castes are in fact the OBCs who are the most visible oppressors of Dalits in the rural areas. What Mayawati has chosen to do with this power is to invest in symbolic as much as substantive goods. Mehrotra (2006) shows how little has been achieved on the material front in UP so far. While symbolic recognition is extremely important, especially for groups that have been stigmatised and discriminated against, Mayawati's government can be criticised for providing symbols of social justice like commemorative statues and parks, as much as material improvements in the quality of people's lives. There have been SC political and social movements in other states also, though none nearly as successful as in UP.

Any evaluation of PD policies in India must take into account the impact of political mobilisation for greater representation. There is a mutuality between this and reservations. Some of the leaders of the BSP for example are the products of the quotas, having benefited from reserved seats for their education and quotas in government jobs before entering politics.

What do the patterns of guaranteed representation in the institutions of governance tell us about actual outcomes? Broadly three types of outcomes can be identified, the first of which is outcomes reflected in the material conditions of disadvantaged groups. This is dealt with in Section 6 below. Secondly, there are societal outcomes in terms of, for instance, the vulnerability of low-caste groups to the resentment of both higher castes and even more disadvantaged groups; the fragmentation of civil

society; and the fate and future of the project of universal citizenship, nationhood and nation-building. Thirdly and finally, there are political outcomes, in terms of both patterns of political mobilisation, and state capacity and state discourses.

In terms of societal outcomes, the last few years have seen a fragmentation of Indian society in terms of both religion and caste. While the Hindu nationalism of the rightwing BJP and its affiliate organisations had an alarming consolidationist thrust, caste identities have simultaneously undergone processes of fragmentation and entrenchment. Intra-group differences amongst OBCs have surfaced, provoked by the fear that the quotas would be monopolised by higher-caste OBCs, such as the Yadavs, for example. Further, the recent agitation by the Gujjars in Rajasthan to be ‘downgraded’ to the category of ST shows that the tendency, initiated in colonial times, to involve the state in arbitrating ritual hierarchies has become more pronounced.¹⁵ Likewise, the conflict between Dalits and OBCs – a fact of rural life where OBCs are commonly and proximately the oppressors of Dalits – has found vocal expression, with Dalits proposing collaborations with upper castes against the common enemy, the OBCs. Upper-caste resentment against the policy of reservations has also triggered a new awareness and entrenchment of caste identities.

While political parties engage in processes of identity construction, state policy clearly also has much to do with the energising of identity-based conflict. The predominant orientation to the resolution of conflict has been statist. It is not surprising that the ‘capture’ of the state has become the goal of political mobilisation by disadvantaged groups, because of the popular perception that the state is the repository of valuable social resources, material and political.

The result of this statist orientation has been deleterious in two ways. Firstly, it has come to be assumed that quotas are the only solution to the problems of poor life-chances. Political parties claiming to represent disadvantaged groups have used quotas as an easy option to obtain popular support, though these are a heavy burden on the fiscal resources of states already running in deficit. Secondly, the moral

¹⁵ The Gujjars, conventionally OBCs, are apprehensive about competition from the Jats who have recently become entitled to OBC quotas. The ST Meenas, by contrast, have experienced phenomenal social mobility as a result of their tribal quota. Hence the agitation for Gujjars to be differently labelled, even if it is in ritual terms a “lower” category. In the hearings of the commission instituted to determine the validity of this claim, Gujjars have been coming forward to give testimony about the “backward” practices and customs followed by their community – all towards the end of obtaining more quotas!

conscience of society at large has not been provoked: untouchability continues to be practised, caste prejudice and discrimination have not been eliminated. If anything, caste identities – of advantage as much as of disadvantage – have been entrenched, thus undermining the project of universal citizenship.

A recent study of 11 states shows that, despite being illegal (cf. the Anti-Untouchability Act 1955) and unconstitutional, untouchability continues to be widely practised, in 80 per cent of the 565 villages surveyed, in rural India. (Shah, et al, 2006) The fact that SCs are considered polluting means that in many parts of rural India they are not allowed access to public places like temples and public water sources; separate utensils are kept for them in tea-shops and schools (the well-known two tumbler rules); they are also confined to separate seating areas in tea-shops and schools. Their subordinate status is emphasised in language conventions and in body language too. The SC/ST Prevention of Atrocities Act 1989 has an extensive list of such practices. They take heavy psychological as well as physical and material tolls, undermining dignity and self-esteem. Untouchability practices are enforced in rural areas through ostracism, economic sanctions, violence and brutality, incidents of which are regularly reported in the national press. The fact that it was considered necessary to introduce the Prevention of Atrocities Act as late as 1989 is an indication of the continuing severity of the problem here.

SCs are not subject to such strong overt untouchability practices in urban as in rural areas, but they suffer from less overt forms of social as well as economic discrimination there. Urban SCs are concentrated in ghettos and are very widely recognised for what they are.

6. Economic Outcomes

We now turn to economic outcomes. It is abundantly clear that over half a century of positive discrimination has failed substantively to address the disadvantages that mark the condition of the vast majority of SCs/STs. The persistence of poor human development indicators is clear testimony to the fact that greater opportunities for voice have not led to material improvement. Those at the bottom of the ritual order, or on the margins of society, continue to carry multiple burdens of denial and deprivation. This failure may well be attributed to the entrenched social hierarchies that underwrite the stranglehold of the upper castes and upper classes (and these are sometimes the same) on Indian society. The Indian experience is in marked

contrast to the experience of countries like Northern Ireland and Malaysia, where the position of the deprived group has been significantly improved.

Ownership of land is lower among SCs than in any other social group, and this disparity is echoed in the ownership of other assets as well. SCs also constitute the bulk of the landless agricultural labourers and unskilled workers. Both the incidence of poverty and its intensity are higher among SCs and STs as compared to the national average. On human resource indicators, too, the SCs and STs fall well below the national average – with lower literacy rates (including higher gender disparity), lower enrolment rates, and higher rates of educational deprivation.

6.1 Small But Increasing Middle Class

There is some survey evidence to suggest that the middle class has expanded to include members of lower castes as well as of religious minorities. On the basis of indicators such as level of education, white-collar employment,¹⁶ ownership of brick and cement houses and other assets (Sheth, 2002), and self-identification as middle class, it appears that though the domination of the upper castes in the middle class persists, it has been reduced. While members of the SC, ST and OBC groups have now entered the middle class, the entry of SCs into the middle class occurs to a lesser extent, and a relatively smaller percentage of SCs identify themselves as being middle class. (Sheth, 2002) It has also been argued that the percentage of educated SCs/STs and other lower castes among the unemployed is higher than that of the upper castes (Chalam, 2007).

6.2 Assets

Historically in many parts of India SCs were not allowed to own land. Moreover, in many cases where there were attempts to redistribute land to SCs – none very substantially – SCs acquired some land and subsequently lost it.¹⁷ There has been considerable redistribution of land from large to middle-sized landholders over the decades since 1950. There has been relatively little redistribution to those with very small holdings, and to those with no land at all. SCs still have much lower landholdings than the population as a whole. The NSS Employment and

¹⁶ CSDS data quoted by McMillan (2005) show that there has been an increase in the total numbers of SCs in non-agricultural skilled and professional employment as well as in non-agricultural unskilled employment.

¹⁷ There has been agitation to try to regain some of this land recently, cf. the struggle for 'Panchama lands' in Tamil Nadu.

Unemployment Survey estimates that 75% of SC households, 46% of ST, 56% of OBC, and 53% of 'Other' (non-SC/ST/OBC) owned 0.4 ha (approx.1 acre) of land or less in 1999-2000. The proportions increased between 1987-8 and 1999-2000, among SCs slightly more, among STs slightly less, than among the population as a whole. The NSS also estimates that 1% of SC households, 3% of ST, 4% of OBC, and 6% of 'Other' owned more than 4 ha. in 1999-2000. The proportions decreased between 1987-8 and 1999-2000, the SC at roughly the same rate as that of the population as a whole, the ST at a higher rate than that of the population as a whole. It should be borne in mind that the land owned by SCs is of poorer quality, and a lower proportion is irrigated as well.

SCs also have much lower non-land asset holdings than the population as a whole. This despite all the (relatively small-scale) programmes designed to get assets to SCs. Thus, in 2002, the total value of assets owned per SC household was estimated to be less than half in rural areas, and considerably less than half in urban areas, of the average for the population as a whole.¹⁸ This affects SCs in non-agricultural business as well as in agriculture. Prakash (2007) reporting on a survey of SC businesses in several states in the middle belt of India details the extent of discrimination in the availability of credit and the terms on which credit is available to SCs. He also reports particular problems with access to markets, to inputs, and to labour for SCs. The total numbers of SC businesses declined over the 1990s which was a period in which the total number of businesses owned by all other social groups including STs increased.¹⁹ The amount of public sector credit going to SCs also fell quite dramatically in the 1990s, unlike in the case of non-SCs (Chavan, 2007). Figures such as these support the claim that the declining role of the state has been more damaging to SCs than to other groups in India.

6.3 Occupational Mobility

The structure of the economy has changed very substantially in the second half of the 20th century, which was a period of industrialisation, urbanisation, and growth in the tertiary sector, along with some decline in the relative importance of agriculture. Changes in the relative contributions to GDP were much larger than changes in

¹⁸ The figure for SCs in rural areas was Rs.1.26 lakhs, compared with an average of Rs.2.66 lakhs for the population as a whole. The figure for SCs in urban areas was Rs.1.82 lakhs, compared with an average of Rs.4.17 lakhs for the population as a whole. (NSS, 2006b). One lakh = Rs.100,000/-.

¹⁹ Data from surveys of businesses conducted in 1990 and 1998 by the Centre for the Monitoring of the Indian Economy (Harriss-White and Vadyarthee, 2007).

employment. There was some increase in the proportion of the population working outside agriculture. There was also an increase in urbanisation. These increases were relatively small though. Much of the industrialisation that took place provided rather little additional employment, as was the case in other parts of the world too.

The Population Census figures make it clear that non-agricultural employment growth was not enough to reduce the percentage employed in agriculture very significantly at least up until 1991. The total fell from 70% in 1971 to 65% in 1991. For SCs the proportion fell from 80% to 75%. Up to 1991 the percentage of SC main workers in agriculture remained stubbornly 10 percentage points higher than for the population as a whole.

More striking is the fact that twice as high a proportion of SCs were agricultural labourers than of the whole population, and that this barely changed between 1971 and 1991.²⁰ While the popular conception that SCs were predominantly agricultural labourers may not have been entirely true, it was true for SC women in the main work force, and not very far from the truth for SC men too, at least up until 1991.

NSS figures show what happened from 1993-4 to 2004-5, in rural and urban areas separately. There was some decrease in the percentages in agriculture, a decrease that was largely confined to agricultural labourers. There was a rise in rural non-agricultural self-employment, SC as much as overall, and a rise in the proportion of rural non-agricultural labourers, greater for SCs than for the population as a whole. In 2004-5, SCs were no longer twice as likely to be agricultural labourers (41.1% in 2004-5 compared with 49.3% in 1993-4 according to the NSS). But the majority had moved into poor-quality self-employment and non-agricultural wage labour in the rural areas, most of it not much better than agricultural labour. A relatively small number had moved from rural to urban areas.²¹

Most of the NSS information on urban occupations is not very revealing for our purposes as the different categories each cover wide ranges of income levels. Casual labour, the most homogeneous category, and representing by far the most deprived group in the urban areas according to NSS 2004-5 figures, shows a greater fall among SCs than among the population as a whole. SCs remain nearly twice as

²⁰ In 1991 42.7% SC men, but only 20.8% total men; and 66.5% SC women, but only 44.2% total women, were agricultural labourers (Population Census figures).

²¹ There was an increase in the proportion of the population that was urban, from 25.7% in 1991 to 27.8% in 2001. The SC proportion increased from 18.7% to 20.2%.

likely to be casual labourers as members of the total population nevertheless (22.5% v. 11.7%). SCs continue to be heavily represented in the lower echelons of the urban economy. This did not change much in the 1990s and early 2000s. The fact that SCs are very strongly represented among the poor in urban areas is consistent with this too.²² This is only to a small extent a reflection of the fact that the numbers of SCs in urban areas are growing. Most of it is a reflection of the poverty of those who have been there for some time.

McMillan (2005) uses data from CSDS post-election surveys in 1971 and 1996 that are slightly differently disaggregated to look at occupational mobility. He shows that the odds of an SC working in the non-agricultural sector being in unskilled employment increased between 1971 and 1996, while those of a non-SC/ST decreased very dramatically. Similarly, the odds of an SC working in the agricultural sector being in the lowest category increased very substantially between 1971 and 1996, while those of a non-SC/ST decreased. This suggests a distinct deterioration in the relative position of SCs.

6.4 Education

We now turn to education which is an important factor in the cumulative disadvantage suffered by SCs. It is well documented too.

²² SCs are the only group for which the incidence of poverty is higher in urban than in rural areas: 39.8% of the SC urban population was estimated to be below the poverty line in 2004-5, compared with 25.6% of the population as a whole.

Table 3: Percentages of Populations aged 15+ with Different Levels of Education, 1983 and 1999-2000

		Not Literate	Literate & up to Primary I-V	Middle VI-VIII	Secondary & HS IX-XII	Graduate & above XIII+	Total
Male	All 1983	42.1	28.3	14.6	11.5	3.5	100.0
	All 1999-00	30.9	24.4	18.2	19.8	6.7	100.0
	SC 1983	57.7	25.9	10.0	5.5	0.9	100.0
	SC 1999-00	43.3	25.2	16.0	12.6	2.9	100.0
Female	All 1983	71.5	16.1	6.5	4.6	1.3	100.0
	All 1999-00	56.4	18.0	11.3	11.0	3.3	100.0
	SC 1983	86.5	9.1	2.9	1.2	0.1	100.0
	SC 1999-00	71.3	14.5	8.1	5.3	0.8	100.0
Person	All 1983	56.6	22.3	10.6	8.1	2.4	100.0
	All 1999-00	43.5	21.2	14.8	15.5	5.1	100.0
	SC 1983	71.9	17.6	6.5	3.4	0.5	100.0
	SC 1999-00	56.9	20.0	12.2	9.1	1.9	100.0

Source: NSS (2001b)

Table 3 makes it clear that the SC disadvantage becomes more marked as one moves up the educational ladder, as one would expect. Although SCs have been catching up at all levels of education, they were still more than 15 years behind the rest of the population in terms of achievement at virtually all levels. The exception was SC males at Secondary and Higher Secondary levels.

There is now a sizeable population of SC graduates, albeit a very small proportion of the total population of SCs. Roughly one in 15 graduates are now SC. This is still well below their share in the population. There is a much more substantial population of SCs educated to Secondary and/or Higher Secondary level. Roughly one in 10 with Secondary and/or Higher Secondary education is now an SC, which again is well below their share in the population.

Even SC literacy levels are still far behind those for the population as a whole. More than half (56.9%) of the SC population aged 15 and above was still illiterate in 1999-2000, as opposed to well under half (43.5%) of the population as a whole. The relative disadvantage did not decrease very much between 1983 and 1999-2000. Not only do SCs have less education than non-SCs, they also suffer from poorer quality education than the population as a whole. This is one of the many factors that

makes it difficult for SCs to get employment that is commensurate with their education.²³

6.5 Poverty

Table 4 shows that the percentages of the population below the official poverty line have been falling between 1983 and 1993-4 and 2004-5, both among SCs and among non-SCs.

Table 4: Percentages Below the Poverty Line (BPL), 1983, 1993-4, 2004-5

	Rural			Urban		
	SC	Non-SC/ST	Total	SC	Non-SC/ST	Total
1983	59.0	40.5	46.4	56.1	39.6	42.1
1993-4	48.3	31.4	37.2	49.8	29.4	32.6
2004-5	36.8	22.7	28.3	39.8	22.6	25.6

Source: NSS, 1983, (2001b), (2007).

The share of SCs in the BPL category has increased, however, from 22.1% of the poor in 1983, to 25.9% in 1993-4, and 26.4% in 2004-5. The numbers of poor SCs increased marginally in rural areas, and more substantially in urban areas, between 1983 and 2004-5. The numbers of poor non-SCs/STs decreased in rural areas and increased only marginally in urban areas over the same period. The position of SCs did not improve nearly as much as the position of non-SC/STs in the period from 1983 to 2004-5.

Other indicators show that poverty has not fallen nearly as much as is suggested by these figures though. The relative deprivation of SCs is demonstrated in NFHS 1998-9 health indicators.²⁴ 1998-9 infant mortality rates were estimated at 83.0 per 1000 for SCs and 67.6 for the population as a whole; and child mortality rates 39.5 per 1000 for SCs and 29.3 for the population as a whole. Further, 53.5% of SC children were low weight for age compared with 47.0% of the general population. Total fertility rates are higher for SCs than for others too.

²³ Jeffery et al. (2004), (2005), suggest that education can be positively damaging to SCs, undermining their self-esteem while at the same time not giving them access to better employment. Thorat and Newman (2007) and other articles in the Caste and Economic Discrimination section of that issue of the Economic and Political Weekly show that SCs fail to get employment commensurate with their education at all.

²⁴ 2005-6 NFHS figures are not yet available disaggregated by social group.

6.6 Economic Indicators Overall

Thus, there have been improvements in the economic position of SCs over time, but the improvements have been far from impressive given the time the PD programme has been in place. There is certainly no sign of PD becoming redundant, as had been hoped in the early post-independence era. If this had been a political priority, one would have expected more to have been achieved by now.

Given the political configurations in India, it seems unlikely that it will be possible to introduce the sorts of programmes that would make a real difference, programmes that redistribute land and capital resources, programmes that improve the working conditions of the poor, etc. There is too much resistance to major redistributions of land and capital. There also appears to be strong resistance to measures that would improve the working conditions of the working poor among whom are large numbers of SCs. The National Commission for Enterprises in the Unorganised Sector suggested a range of measures recently that would have made a considerable difference (NCEUS, 2007). There has been no sign to date that the government intends to act on any of these though.

7. The Challenges of Positive Discrimination Today

The present is a testing time for positive discrimination policies in India. Overtly, there are challenges from two sources: first, the OBC quotas announced in 2006 and currently being arbitrated by the Supreme Court; and second, the need for a policy response to the findings of the Sachar Committee Report on the status of Muslims in India. On the latter, while no quotas have been announced yet, there is a widespread assumption, and in certain quarters an expectation, that any such response must take the form of quotas.

Many demands for quotas have been articulated in recent times, all of them politically contentious in varying degrees. These include the following, in addition to the demand for quotas for OBCs and Muslims mentioned above:

- (a) Quotas for economically backward upper castes.
- (b) The Women's Reservation Bill, providing for 33% reservation to women in central and state legislatures, but pending in Parliament for over 10 years, mostly because the largely male parliamentarians perceive it as threatening.

- (c) Quotas in the private sector, proposed by the Congress-led United Progressive Alliance government elected in 2004.
- (d) A diversity policy has also been mooted, in the post-2004 period, for non-governmental organisations, whose funding could be adversely affected if they fail to conform. The challenges will obviously have to be negotiated politically. However, at a more fundamental level, they raise a series of issues about the design of PD policies as also about the assumptions that underlie them.

The first, and most obvious, difficulty is that of finding a convincing way of measuring disadvantage in all its complexity. How can multiple and interlocking inequalities be factored into policy design? It is, on the whole, rare for PD policies to identify groups in terms of their unequal access to political, economic and social resources, as the horizontal inequalities approach recommends (Stewart et al, 2007), and much more common to do so in terms of cultural status. In India, as was mentioned earlier, the conventional policy approach has been to address claims of recognition without any attempt to build redistributive elements explicitly into this strategy.

The Supreme Court's usage of the term 'creamy layer' refers to the problem of how to exclude the privileged from among the groups entitled to quotas such that the more disadvantaged among them gain access to the opportunities so guaranteed.²⁵ It has become obvious that there are relatively advantaged groups even amongst the Dalits, and extremely prosperous ones amongst the OBCs. At the other end of the spectrum, there are Dalit and OBC castes that are extremely poor, heavily discriminated against and unlikely even to make it to the point where they can claim a share of the quotas. There is therefore a concern about the benefits of quotas being confined to dominant groups among SCs and STs, and the fact that these benefits tend to get reproduced inter-generationally. Some studies of reservations policies in admission to the Indian Institutes of Technology have shown that many (sometimes as much as 50%) of the reserved seats for SCs and STs go unfilled. In medical colleges, studies have shown that those SC students who enrol come from a few dominant SC sub-castes and belong to relatively well-off urban SC families and have therefore attended private schools. (Weisskopf, 2004) From a policy perspective, then, the important question is: over how many generations does PD need to work to

²⁵ After its initial introduction of the term 'creamy layer' in connection with the OBCs, the Supreme Court later raised the issue of the exclusion of the 'creamy layer' from the SC and ST reservation quotas as well.

be effective? Should there be a cut-off after two or three generations of SC and ST families have availed of the quotas?

In the context of extension of quotas to OBCs in premier educational institutions, proposals have been made to improve the policy design through an alternative model which simultaneously addresses four dimensions of group disadvantage: caste/community, gender, region, and sector of residence (rural/urban). In addition, individual disadvantages – of parental occupation and the type of school attended – can be incorporated into this weighted index of disadvantage (Deshpande and Yadav, 2006).

Secondly, there is the question of how to include the hitherto excluded. How may criteria be devised such that future claims by presently excluded groups can be arbitrated and, if validated, addressed? The question is not merely one of deciding which additional groups should be entitled to quotas – e.g. Dalit Muslims and Christians – but of determining the general principles that can govern the arbitration of such claims. An argument commonly made to counter the claim of OBCs, for instance, has been that, unlike the SCs, they are not the victims of social discrimination, and have never borne the humiliation of practices of untouchability. In this argument, the principle of discrimination becomes the decisive criterion for the award or denial of quotas.

Thirdly, a new question on the Indian horizon has arisen by comparison with the American experience. Is the Indian obsession with quotas a function of a limited institutional imagination, or are there fundamental reasons why no other policy design has been proposed? We have seen that political mobilisation has emerged as a viable alternative route to community empowerment. However, this is not a route that can be energised by design. The American practice of encouraging diversity by incentivising it by for instance, awarding government contracts to firms that have a good record of recruiting members from racially or ethnically disadvantaged groups, found echoes in The Bhopal Document that is being implemented in the state of Madhya Pradesh in central India. Other government agencies, most recently the Indian Railways, are also experimenting with this model. It is possible that this may officially become the way in which to handle the demand for reservation in the private sector, such that quotas remain confined to public sector institutions and incentives are the instrument for the private sector. In general, the demand for quotas in the private sector is scarcely surprising in the context of an increasingly market-oriented

economy. The children of the erstwhile elites – including the bureaucracy – have, for the last two decades, shown a preference for corporate jobs over government employment. The perception of the decline of the public sector and the opportunities presented by the market have generated a demand for affirmative action in this sphere of the economy as well.

It is worth asking the question whether strategies of PD or affirmative action need a broader context to ensure their effectiveness. Clearly, Indian institutions have not been spontaneously sensitive to cultural diversity, under-representing minorities and over-representing dominant castes. Moreover PD policies have not wrought great changes in six decades or more. However, it could be argued that the problem lies less with the institutions themselves than with the failure of the state to address background inequalities, including those of access to economic and educational resources. Symbolic inequalities have led to the politics of recognition, and this dimension of inequality has indeed been addressed through the political process. Material inequalities, such as those engendered by poverty and unequal access to resources, have not, by contrast, received the policy attention they deserve. Policies of “social justice” (frequently a euphemism for caste-based reservations in Indian political discourse) or PD have been an inadequate substitute, and a poorly implemented and even more poorly monitored one, for a more robust notion of distributive justice which would involve such things as the redistribution of land and capital. This is possibly why, despite the policies of compensatory discrimination and quotas, policy outcomes for these social groups have been so woefully inadequate.

We end by making the point that however critical one might be of the PD programme that has been in place, its dilution, or abandonment, would be a major setback now. It plays a vital role in keeping issues of discrimination in public view, in making it unacceptable in many contexts to denigrate and humiliate SCs, in ensuring a minimum level of inclusiveness for disadvantaged groups. It also plays an important role in contributing to the advance of the position of SCs/STs near the top of the socio-economic hierarchy. For the disadvantaged groups to achieve more they will have to build stronger movements that serve the interests of their groups as a whole, building positions from which they can demand more for the majority than they have been able to hitherto. Whether the gradual strengthening of the Dalit elite will contribute to this is an open question. One cannot take it for granted that they will promote the interests of Dalits lower down the socio-economic hierarchy as well.

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