

**RESERVATION:
QUALITY AND EQUALITY**

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Reservation evokes two distinctly different responses. Its proponents extol it and invest it with the aura of a panacea. Opponents, on the other hand, see it as the source of evil. To them, it is reservation which dilutes standards and discounts quality. These two views, on the face of it, appear irreconcilable. Yet on one point and obviously without design they converge. That is on the relationship between quality and equality. Critics of reservation have no difficulty in resolving the equation. In their eyes reservation must necessarily imply loss of equality. At best it may promote some equity but in the process quality will suffer and unjustifiable so. Strangely the supporters of reservation also do not meet the issue head on. They tend to be defensive. Their response to the quality-equality nexus tends to take one of the following forms:

Quality is a notion employed by the ruling elites to deny equality of opportunity.

Quality/merit, etc., are subjective and cannot be assessed with any degree of precision.

Standards of assessment are laid down by the elites essentially to suit them.

In a democratic society the pursuit of excellence should not enjoy an exalted status, certainly not at the cost of equality.

Obviously there is some truth in each of these contentions. But what is interesting is that the protagonists and critics of reservation employ a dichotomous framework for analyzing the quality-equality question. Both appear to regard them as discrete, perhaps even antagonistic. It is time to ask ourselves whether quality and equality are necessarily dichotomous?

We may begin with the truism, that the ultimate purpose of reservation is to render it unnecessary. It is an instrument whose objective is to enable the marginalised and the deprived sections of society to compete on equal terms with those born to economic, social and educational advantage. Essentially it is an instrument for levelling up. Its success is to be measured by how soon it makes itself redundant.

Reservation does not require elaborate justification. The visible inequalities in our society compel the adoption of policies which will lead to what is in today's parlance called a level playing

field. One has to be utterly insensitive indeed to deprivation to question the basic rationale for some form of protective discrimination.

Those said important questions remain. Do merit and reservation run counter to each other? Does it imply sacrificing merit and excellence and, if so, is it possible to strike a fair balance between the two? The major source of error in our analysis seems to be that in our anxiety to urge reservation we are prone to deny the very existence of excellence or quality. Paradoxically though, reservation can have no rationale unless there is a conception of merit and excellence. To state yet another truism the case for reservation rests upon the fact that in our inegalitarian society there are many who cannot enter the competitive race without being given a positive handicap. The merit versus reservation question is often treated with confusion because of a related factor. That is how merit should be assessed.

There is not much doubt that the yardstick for evaluating merit and excellence is heavily influenced by what the elite regards as appropriate. Certainly our society affords a plenitude of examples which bear this out and so will other societies. However, the

conception of merit is never constant and is far from being immutable. As the composition of the elite alters, in particular as it broadens, the yardstick is bound to change too. There cannot exist a conception of merit which remains unaffected by developments taking place in the economy, polity and society. While any ruling conception of excellence can be questioned the need for the standard itself is beyond dispute. To deny it would be to deny the basis of progress. No human society has progressed by treating grain and chaff alike. At the same time there should be awareness that merit is assessed in a socially meaningful way and equally importantly that dominant groups do not succeed in making a monopoly of it by restricting entry. Equality of opportunity therefore is the key issue. In societies riven by every kind of inequality, equality entails an obligation to discriminate positively in favour of certain groups. Otherwise, there would result "equal treatment of unequal cases" which is hardly justifiable. In India the Brahmanical value system - not always identical only with the Brahmin caste-dominated our thinking in the past and largely determined our approach to excellence. But this is becoming, perhaps more slowly than we would wish a thing of the past. Still largely unequal (most societies are) our society has nonetheless experienced a broadening of the

elite. So has it experienced changes in the criteria for assessing excellence.

Instead of being defensive and apologetic (sometimes illogically so) it would be healthy to commence the case for reservation on a different note. Let us examine the potential reservation has for adversely affecting merit. The most obvious is that reservation places restrictions on entry into what may be called markets. Entry barriers mean that choice is made from a universe smaller than what is potentially available. Superficially this is comparable to the times when the ruling elites monopolized opportunity and prevented large sections of society from entering certain fields (markets). But this represents only a part of the truth. The restrictions which accompany reservations do have an ethical basis, at the very least a human and social one, unlike the earlier ones. Without these restrictions equality of opportunity will remain an ever-receding mirage. Secondly, in protective discrimination what is sought to be done is to reduce everyone's performance to a common denominator. Achievement is judged in relation to initial advantage or handicap. We may add that dissimilar from the meritocratic entry barriers the present restrictions claim justification

from the potential they have for creating a more just social order in the future.

This is very different from arguing that excellence as an aim is not required or that criteria of evaluating it are not available. Such an argument carries with it grave dangers even for the intended beneficiaries of reservation. Once the very legitimacy of excellence is questioned it becomes easy to ignore the meritorious among the beneficiary groups. Benefits may then flow not to the most talented and the most deserving. There is a second and no less important reason for concern. If more and more are not brought within reach of the ambition of excellence this society will perpetuate existing divisions and add more. Those with access to opportunity will naturally gravitate towards lucrative high-ranking jobs in the private sector, at any rate this sense equity can hardly blossom in an environment antithetical to progress. Equity and justice through reservation can become a reality only when there is a simultaneous drive towards quality.

Apart from balancing the claims of equity with those of quality the fifty per cent limit is sustained by empirical evidence. In higher education the General Merit category is no longer the

monopoly of a few selected castes. Its composition is steadily changing. Certainly this is my own experience as a post-graduate teacher for over twenty years. I do not know if this phenomenon has been studied with respect to the caste composition of the General Merit category in admissions to engineering and medical colleges. But I would venture to think that similar changes would be in evidence there as well. This is not to suggest that a major social upheaval has occurred but it does indicate that important changes are in process.

The next issue of concern relates to the criteria for determining backwardness. This is specially problematic in the case of the Other Backward Classes. In passing it may be pointed out that this phrase OBCs is sanctified by the language of Art. 15(4) of the Constitution of India which is an enabling provision for reservation in education. Curiously this clause was not originally part of the Constitution. It was added through the first amendment in 1951 because the Madras High Court and the Supreme Court struck down a G.O. of the then Government of Madras which contemplated rotation and reservation of seats in medical colleges on the basis of caste. The Court held that this had no Constitutional sanction and as a result the first amendment introduced Clause 4 in Article 15.

Equally curiously Art. 16(4) which is an enabling provision for employment in service under the State for those who are not adequately represented was in the Constitution as originally adopted.

To return to the criteria of backwardness, from time to time the economic criterion is urged. Predictably this is articulated by the socially forward castes. Their argument rests upon the undeniable fact that poverty is not confined to the designated OBCs (Incidentally Art. 15(4) employs the expression "socially and educationally backward classes") . This assertion is not wholly flawed. But it misses a vital point. Castes which, by virtue of historical advantage, have a tradition of education must recognize in this a built-in favorable factor. Even among economically equally poor people being first generation in education is definite negative handicap whose importance can hardly be underestimated. At the same time, this handicap should necessarily be qualified by adding to it the economic dimension. The concept of "creamy layer" shows the way. Those who are handicapped by a backward social and educational background but are compensated by relative economic well-being should enjoy lesser entitlement to protective discrimination than others who suffer from socio-educational as well as economic deprivation. This is the only way in which the

genuinely under-privileged can receive the assistance they deserve. And it should be remembered that the benefit available is not unlimited. The thrust of policy should be towards these sections. It is the welfare of the most marginalised that should be the cornerstone of all development. This does not materialize for one important reason. It is difficult to envisage a situation where a group of people would willingly forego benefits such as reservation which they have enjoyed for a considerable (perhaps inconsiderable) period of time. Reservation becomes a vested interest. To overcome this policy-makers have to develop a longer time perspective and the courage to abjure populism. No caste can expect to enjoy reservation for all time. In fact, this expectation is nurtured by gross expediency on the part of most political parties, and the voice of dissent, when heard, is muted. In part it is sustained perhaps by something more fundamental. It may emanate from a faulty perception of what reservation can achieve. To imagine that this policy is capable of lifting every group to the highest level attainable is to indulge in fantasy. Its purpose is essentially to ensure equality of opportunity. It is the fault of all the parties concerned, policy makers and the intellectuals alike, not to draw attention to this fact. Expressed differently reservation can improve access, it should therefore be regarded as an instrument and not an end.

As a predictable consequence of this unwillingness to meet the problem squarely we now witness political parties viewing with each other to be 'true' spokesmen of the underprivileged. The route chosen is the easiest available, namely, raising the quantum of reservation. Karnataka and Tamil Nadu have accomplished this with disturbing ease. This auction has to stop. It will but only when the underprivileged raise their voice against these farcical efforts only ostensibly and apparently geared towards their uplift and welfare. In actual fact they will serve to keep them for ever uncompetitive and dependent on state largesse.

The growth of vested interests in maintaining reservations as they exist today is seen most manifestly in the force with which caste groups insist on being classified backward - a phenomenon which I characterized once as the 'advance to backwardness'. There is no more concrete proof of the degree to which reservations are politicized than the ferocity with which the backward tag is sought and clung to.

At the empirical level this is illustrated by the furore with which the report of the Karnataka Backward Classes Commission II

(the Venkataswami Commission) was greeted in 1986. That report categorized the two numerically largest castes in the state, the Lingayats and the Vokkaligas, as 'forward'. The Bangalore - Mysore highway was blocked forcing the Government to reject the report. Government capitulated to the extent of issuing a fresh G.O. which extended the benefit of reservations practically to all castes barring the Brahmins and Vaisyas. What is remarkable is that the Lingayats had been kept out of the backward category since 1977 but they bounced back literally and otherwise, in 1986. It must be an epochal event when by official decree a caste was recognized as having regressed.

In turn this episode needs to be compared with the reception of the report of KBCC I, popularly the Havanur Commission. KBCC I, recommended the OBC status for Vokkaligas but not Lingayats. There were strong criticisms but nothing comparable to the storm after KBCC II. And it was not only because the latter declassified both the Lingayats and Vokkaligas while KBCC I confined itself to Vokkaligas. It is logical to ask why Havanur succeeded and Venkataswami failed. There are two important reasons. The first is the difference in the images projected by Devaraj Urs who was the Chief Minister during KBCC I and Ramakrishna Hegde, Chief

Minister when KBCC II functioned and reported. Devaraj Urs made the backward class cause his own and was identified with it. He did cause new configurations to emerge in Karnataka politics although they did not survive, at any rate in full blown form, his exit from politics followed by his untimely demise. Devaraj Urs showed keen political acumen in his handling of the domination of the dominant castes. Hegde, on the other hand, did not project such an image. This was a serious problem for KBCC II. Added to this was the fact that Havanur himself was perceived as an opponent of the dominance of the Lingayat - Vokkaliga axis and equally a staunch champion of the OBC interests.

It is interesting that for a short while after the Havanur report was published and a G.O. issued based upon it (with several modifications) there was an attempt to form a Brahmin - Lingayat - Bhunt front. Predictably this alliance of the 'beleaguered forward groups' did not last long.

The latest in the series is KBCC III, a one-man Commission consisting of Chinnappa Reddy, a retired judge of the Supreme Court. This commission too recommended that the two dominant castes, Lingayat and Vokkaliga, should be delisted from the

beneficiaries of reservations. In addition the Reddy Commission also expressed itself strongly in favour of eliminating the 'creamy layer' from among the designated beneficiary groups. Earlier a reference was made to this concept. It was argued that this offer an effective method of blending the requirements of a positive handicap for educational backwardness with a dilution for relative economic forwardness. Yet there is powerful resistance to the adoption and implementation of the creamy layer. Even Kerala has found itself in a tricky political situation over this issue. And that is despite a Supreme Court directive.

To get back to Karnataka, the G.O. following Chinnappa Reddy has hardly done justice to the Commission's major recommendations. The principal inference from these empirical evidences is that a policy of reservation can succeed only when it commands the support of at least one dominant caste but that of course makes a near mockery of protective discrimination. It is arguable that this phenomenon is one of the major conundrums of reservation.

It also needs to be stated that the disputed areas in reservation are mainly in the OBC category. KBCC I advanced the argument

that the constitutional provisions, especially Art 15 (4) should be read as implying that the "socially and educationally backward classes of citizens" should be comparable to the Scheduled Castes and Scheduled Tribes with respect to backwardness. The Commission rested its case on the ground that when all three are used in the same context they must *ipso facto* be comparable. It is another matter that KBCC I did not carry its own argument to its logical end.

The OBC category consists of a large number of castes using this term in the Jati model. The large numbers involved coupled with the presence of dominant castes has resulted in the abnormally high degree to which this question has become politicised. In the process two significant matters are lost sight of. When G.Os are issued it is common to find the OBCs divided into sub-groups. Ever so often it is the case that the grouping is so made that there is competition among unequally situated castes. If Group B comprises one dominant or relatively forward caste and ten more backward groups it should be obvious that the reservation extended to this groups would largely be monopolised by the former. Unfortunately this aspect, I call this the 'mechanics of reservation', is often buried under the avalanche of discussions on the importance of reservations.

The second facet not often analysed with the required rigour concerns what may be called the 'absorptive capacity' of a caste, its ability to utilise reservations. A caste which is unable to produce matriculates in sufficient numbers can hardly be expected to 'digest' a high quantum of reservations in professional education. Again there are instances of such unutilisable reservations being offered.

Although the central controversies are within the OBCs we notice today difference arising within the Scheduled Castes. Andhra Pradesh is presently experiencing severe tensions between the Mala (Right hand) and Madiga (Left hand) SC groups. There are some signs of a similar discontent among the right and left hand groups of SCs in Karnataka also.

Disturbing as this may seem it illustrates a feature fundamental in development. Expression of discontent is a sign of awareness and if the left hand groups articulate their grievances it is capable of being seen as a positive change. The outcome, naturally, will depend upon how this charge is utilised.

In part the cauldron that reservation has become is because of the caste-based foundations of the policy. So far it has been assumed that protective discrimination must deliver benefits to groups and that these groups are identified as castes. This identification has historical roots which I do not feel adequately equipped to deal with. However, it is of interest that in the Mysore State long before independence one of the first demands for reservations was voiced by the Brahmins. Theirs was one-point charter, namely, that the Mysore Civil Service examination should be restricted only to Mysoreans. The undisguised premise upon which this was based was that the Brahmins from Madras had access to better, higher quality education and the Mysorean Brahmins (we are speaking of a time when Brahmin domination of the Civil Service was taken for granted) were therefore at a disadvantage. Empirically it was a fact that Madras Brahmins dominated the scene possibly aided by the fact that several Dewans from Rangacharlu (1881) downwards were from the Madras Presidency. There is a graphic account of a Mysore Brahmin Civil Servant, one of distinguished repute, Navaratna Rama Rao pleading his cause for promotion before the then Dewan V P Madhawa Rao, also a Brahmin but of the Madras genre. It is recounted with evocative literary skill in Rama Rao's memoirs in Kannada titled *Kelavu Nenapugalu*.

This is cited here only to urge the point that it is not always the case that a feeling of discrimination originates only from a caste basis.

One other development in old Mysore merits recall. The non-Brahmins, led by the Lingayats and Vokkaligas, urged that the over-representation of Brahmins in the administration should be corrected. As a result of their pressure the Miller Committee was appointed. It recommended reservation for non-Brahmins treating this composite of many castes as one group. The Brahmins protested and the non-Brahmins countered this by pointing out that it was the Brahmins who had taken the lead in seeking reservation.

Related to this is one further feature of interest. To begin with the non-Brahmins appeared to function as a more or less unified entity. Their principal target was the preponderance of the numerically small Brahmin caste in service under the State. (Not generally well-known is the fact that even by the main criterion adopted by the Miller Committee, literacy in English). But the Muslims and the Depressed Classes as they were then called had misgivings about being part of a large non-Brahmin conclave. They

want along presumably because the Depressed Classes, in particular, were not strong enough to stand on their own. Differences among the non-Brahmins surfaced quite predictably as the different castes within the group began to get differentiated in terms of education and employment. And of course the aggrieved feeling has always been connected with the ability to voice discontent and the State's political configuration. Even at present while both Lingayats and Vokkaligas pursue the backward tag they basically not allies.

In theory it should be possible to arrive at an index of backwardness which takes into account social and economic deprivation. Caste, in terms of hierarchical status, could be one component of the index but the purpose would be to capture all debilitating factors at an individual level. Indeed such a course was urged long ago by M N Srinivas. Whether backwardness can be freed from the grip of caste in the prevailing ethos is a moot point since the backward label is an important political tool.

Perhaps nothing illustrates this better than the fact, briefly adverted to earlier, that the analysis of reservation continues to be couched within the same framework as a decade or two ago. The

effects of economic liberalization, the discussion of the role of the state, increasing salary differentials between state sector employment and that of the private sector, - these are of material consequence. Yet we are a long way from housing them in our approach to protective discrimination.

All in all it is vital in the merging context that the deprived do not lose out on access to those instruments which will lift them out of their present state. Such a process will hardly be helped if reservation continues to be merely a political weapon.