

A Crusade for Social Justice

**P.S. Krishnan:
Bending Governance
towards the Deprived**

Conversations with P.S. Krishnan
Dr. V. Vasanthi Devi
Former Vice-Chancellor of
Manonmaniam Sundaranar University, Tamil Nadu

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by Dr. V. Vasanthi Devi

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Publisher's Note

P.S. Krishnan is a retired IAS officer widely known for his long-standing involvement in social justice activism. His vast experience in social and socio-administrative activism makes him a goldmine of information on a variety of subjects that make the news today in India. This book is an attempt to bring his unique experiences and his beliefs to the attention of interested readers, especially those with a passion for activism for Social Justice and political leaders and administrators who are sensitive to Social Justice.

The former Vice Chancellor of Manonmaniam Sundaranar University Vasanthi Devi is to be thanked for planting in us the idea to come out with this book. We had asked her a few years ago to write a brief article on P.S. Krishnan, which was to serve as a foreword for another book of P.S. Krishnan we published in Tamil titled '*Sathi Olippukkana Chennai Piragadanam*' (Chennai Declaration on Caste Eradication), which was released to the public on 9th January 2017. She told us that a brief article wouldn't do P.S. Krishnan justice. So instead we asked her to help us publish a book that would allow the ideas and experiences of P.S. Krishnan to be set out lucidly for interested readers. She agreed to take up this task and decided to pose 50 questions to P.S. Krishnan, thus enabling him to talk about his life's mission and his experiences in his own words.

Social justice is the heart and soul of democracy. However, the very concept of social justice is under attack today in India, with multinational corporations becoming extremely powerful actors and with people belonging to disenfranchised communities struggling to claim the rights provided to them by the Constitution. We therefore live in a time when there is a need to mobilize and fight the forces that threaten India's long-standing commitment to social justice. We hope that this book and the thoughts of P.S. Krishnan will serve as an inspiration for everyone who wishes to bring about a more just and inclusive India.

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About the 'Social Science Collective'

Our initiative is part of a shared history of radical socio-political practice. A group of young graduates came together to start a publishing venture in Madras during the early 1970s with a commitment to stand by and address the activists and organizers of democratic movements in the state of Tamil Nadu. Over the years, this initiative assumed different names - 'Paattalikal Veliyeetu' (Workers' Publications), 'Chennai Book House,' 'South Asian Books' and later as 'South Vision' – but retained its unflinching commitment to act in support of the struggles of the oppressed. Publishing activities in the early 1990s, especially in the case of regional languages stood at cross roads facing expansion as well as rise in the prices, which made books costlier. One way to offset its impact was to innovate to make progressive literature accessible to all sections of the people, which we did, through Peoples' Publishing Price mechanism. The Social Science Collective was formed to sustain such people centered innovations in making progressive literature accessible to the people.

The Social Science Collective will also initiate and support activities involving translation, editing and publications of various kinds cutting across disciplines and forms. The Collective would constantly engage itself in all such spheres of activities to empower the oppressed sections of society, while striving to act as resource base to those involved in people' struggles, in all their chosen ways. We wish to carry forward the formative vision of this venture from the 1970s with changing times while remaining partisan to the cause of the oppressed classes in all our activities. This website www.socialsciencecollective.org is a humble effort in this direction. We invite all those who share our concerns to help, support and participate in making our effort evolve as a Collective in reality.

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Introduction

P.S. Krishnan: Bending Governance Towards the Deprived

“Undue partiality to depressed classes, strident advocacy of inter-caste marriages, uses his knowledge of Sanskrit to debunk religion, trusts the words of the villagers rather than village officers, acts in a manner that helps subversive elements”

- A worthy superior's remarks in Krishnan's Confidential Report (CR) early in his career:

Some are born with an obsession; some develop one early in life and then the obsession possesses them and drives them all their lives. The cause and the crusader often become indistinguishable, the triumphs and also setbacks of the cause mark the milestones in the crusader's life. This book is both a salutation to the crusader and a re-affirmation of the cause.

P.S.Krishnan is an outstanding champion of the oppressed and exploited sections of Indian society. Throughout his life, from his student days in his native Kerala and later as a member of the Indian Administrative Service (IAS) in the Andhra Pradesh cadre of 1956 (initially Hyderabad cadre prior to linguistic reorganisation of States in 1956) and then in various positions, including as Secretary to the Govt of India, and later during his post-retirement phase, he has been passionately and with single minded devotion, working for the advancement and empowerment of the Scheduled Castes (SC), Scheduled Tribes (ST) and Socially and Educationally Backward Classes (SEdBC), including religious minorities among them.

He sought to mould governance and public administration into a pro-active instrument of reaching out to the deprived communities. In this quest, he has

often met with antagonism, hostility and persecution from powerful sections, which he faced cheerfully and undauntedly. He has been pulled up by higher authorities, more than once, for his totally unconventional ways of governance and for upsetting the apple cart. P.S.Krishnan's life and work are "the rarest of the rare" among Indian bureaucrats. This is the story of the obsession for social justice that took possession of P.S.Krishnan, the great bureaucrat-reformer-activist, and drove him all his life.

Krishnan's crusading work was carried out in a land of many oppressions that India was in his young days and still largely and essentially is. Born in the "uppermost caste" (so-called, as he terms it), he launched a veritable war against the caste system, which he calls "the civilisational fault-line of India". His vision derives, Krishnan says, from a unique ideology, rather a blend of many ideologies, of Ambedkar, Gandhi, Narayana Guru, Vivekananda, Periyar, and Marx. Infused with this blend and armed with his encyclopedic knowledge of India's thousands of castes and their regional variations, he evolves his strategies, based on unassailable constitutional and legal premises, crafting them in intricate details.

As a young officer in Andhra Pradesh, he pioneered as early as in 1957, the practice of officially camping in Scheduled Caste basties, tribal villages and hamlets of labouring Backward Classes, thereby infusing confidence and self esteem in them, but infuriating the incredulous upper-caste-classes and giving a cue to the echelons of governance. He pioneered massive drives for the distribution of agricultural lands and house sites to the landless and homeless, which are milestones in the governance of Andhra Pradesh.

In various capacities from Collector up to Secretary, Govt. of India, he conceived and implemented various pioneering initiatives for the deprived classes like the Special Component Plan for Scheduled Castes (SCP) in 1978 and the Special Central Assistance to the States' SCPs and Central Assistance to States for their SC Development Corporations and many other schemes.

His was the heart, brain and hand behind a number of constitutional and legislative enactments like the Constitution (65th) Amendment Act, 1990 vesting constitutional status in the National Commission for SCs and STs, legislation providing SC status to Dalit Buddhists, the SC and ST (Prevention of Atrocities) Act 1989 (and later the SC and ST (Prevention of Atrocities) Amendment Act, 2015), the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 (and later, its amended version, the Prohibition of Employment as Manual Scavengers and their

Rehabilitation Act, 2013). As Secretary, Ministry of Welfare in 1990, he persuaded the Govt. to accord long-denied recognition for the Socially and Educationally Backward Classes (SEdBCs) at the national level and provide reservation for them, and laid the base for its successful defence in the Supreme Court.

After retirement in 1990, he was a Member of the National Commission for SCs and STs in 1991-92 and Member of the Expert Committee on Backward Classes in 1993 and Member-Secretary, National Commission for Backward Classes, 1993-2000. In that capacity, he operationalised Reservation for SEdBCs, prepared Central (Common) Lists of SEdBCs, ensuring that genuinely backward communities left out were brought into the Central List and communities not socially backward were scrupulously kept out.

In 2006, the Government of India took his help as Advisor to guide the defence of its legislation providing reservation for SCs, STs and SEdBCs in admission to educational institutions in the Supreme Court, resulting in the upholding of its Constitutional validity in 2008. The Government of Andhra Pradesh took his help as Advisor in 2007 to identify the Socially and Educationally Backward Classes of Muslims and on the basis of his encyclopaedic analysis, the Govt enacted legislation providing 4% reservation for them, and to guide its defence in the High Court and later in the Supreme Court.

He is closely associated with a number of NGOs working for the rights of SCs, STs, SEdBCs, including Muslim and other Minority BCs. He has been the Chairman and member of many Working Groups and Steering Committees of the Planning Commission and Government Committees on these communities.

He is the author of many books, documents, papers on the subject of Social Justice, some published and others in the pipeline. Presently in his mid-80s, he is, in association with younger colleagues and social workers, feverishly working on pushing with Governments the his Road-Map of comprehensive legislative and programmatic/schematic measures required for the holistic advancement of SCs, STs and SEdBCs, especially the Most and Extremely Backward castes of the SEdBCs, to enable them to reach the level of Equality with Socially Advanced Castes, particularly on securing National and State legislations for Special Component Plan for Scheduled Castes (SCP) and Tribal sub-Plan (TsP) and SC and ST Development Authorities; securing full implementation of the SC and ST (Prevention of Atrocities) Act; and categorisation and socio-economic advancement of the SEdBCs, and travelling all over the country for this cause.

The book has a rather unusual form; it is not an autobiography or reminiscences in the traditional format. It is a long interview of Krishnan by me, the questions merely providing the cue for Krishnan to delve into his monumental work and flesh out the teeming data stored in his amazing memory. It is a themes-based and issues-based account of Krishnan's life-journey, work and ideas, brought out through my questions on specific issues. Arising from this format, the book does not follow chapterisation based on chronological sequencing as is usual in biographies/autobiographies, but is arranged on the basis of thematic continuity and unity. Originally, these Questions were framed by me in a different context, viz., to elicit more information than I already had about him in order to enable me to write an introduction to a book of Mr Krishnan (translated in Tamil by Thiru T. Neethirajan) which was released on 9.1.2017 at Chennai under the title 'Jaati Ozhippukkaana Chennai Prakatanam' ('Chennai Declaration for Caste Eradication'). I requested him to answer each question in as full a detail as possible unconstrained by considerations of length. This grew into the present full-length book.

The book is an invaluable compendium for all those who believe in justice, human rights, the vision of the Indian constitution and material and social progress of all Indians. It does not stop with laying down the ideal, but shows how to take on the structure of a caste-class society and the Governments that safeguard the unjust structure, all be it, working from within the system. Students and teachers of issues of deprivation, exclusion and policies for inclusion would specially benefit from it. The book must be a prescribed text for trainees of India's civil and other services, including the judicial service.

Dr V. Vasanthi Devi

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Tamil Nadu

Conversations with P.S. Krishnan

V. Vasanthi Devi

Early Influences

1. *You have been a tireless and peerless crusader in the cause of the most wretched, the most marginalised sections, those denied basic human dignity for centuries in the caste society in India. You were born in a family belonging to a socially most advanced caste, but totally identified yourself with those at the bottom of caste society. How did you develop such a passionate dedication? What were the early influences in your life that shaped your perspectives and the mission you set for yourself? You were born in Kerala and had your schooling there. Kerala has had a unique blend of social reform movements, left radicalism and a heritage of enlightened royalty. Did Kerala set you on the path?*

1.1 Social Justice (SJ) centering around Dalits/Scheduled Castes (SCs), Socially and Educationally Backward Classes (SEdBCs / BCs) and Adivasis/Scheduled Tribes (STs), leading to Social Equality, has been the golden thread that links my life from end to end, from my pre-teenage till now, including the period of my service in the IAS from early 1956 to 1990-end. The question how I came to the path of Social Justice and espouse it passionately has been asked to me by others also. In fact, friends have been asking me to write my autobiography. Soon after my recovery from serious illness from September 2015 to March 2016, Sri K. Madhava Rao (the third direct recruit Dalit officer of the A.P. Cadre, who retired as Chief Secretary) frantically rang up to me, reminded me of his long-standing plea to me to write my autobiography and urged me not to lose any more time in doing so, describing my life and work as “the rarest of the rare”. He and some other friends have been expressing the view that my early life, the ways in which, during the period of my service from 1956 to 1990 and after my retirement, I secured certain results

important to Dalits and other deprived classes, issues in respect of which my efforts could not secure final results and which, therefore, remain to be pursued, the trials and tribulations and persecutions that I have encountered in this journey and how I faced them, will be of help and guidance to younger generations in Government as well as in other professions, social work and other fields.

But, I have been hesitant about an individual-based autobiography in the usual format. The questions you, with your experience as one of the seniormost educationists of the country, and with your insights into Social Justice, have framed now, structuring them around important and relevant issues and themes and events, have provided me a way out of my dilemma, to recount facts pertaining to the issues, events and themes and, in that context and in the right perspective, situate the individual, his work and life.

My birth did not bring me face to face with “Untouchability”. But, the knowledge of the existence of “Untouchability” came to me like an electric shock from a statement of Dr Ambedkar in 1942 or 1943 (when I was 10 or 11 years old) in the *Times of India*. The statement said that one out of every seven Indians is an “Untouchable”. I could not quite understand the meaning of this statement.

1.2 In those days, I used to visit the Shri Padmanabhaswamy Temple in Thiruvananthapuram every morning along with my father. After the round of worship at the main temple and the subsidiary temples was over, there would be a long walk along the corridors within the temple premises. During such walks, I used to discuss various public issues with my father. Those were tumultuous times marked by the national independence movement, the social reform and social revolution movements, the socialist and communist movements and I was interested in issues connected with these movements. The morning after Dr Ambedkar’s statement appeared, I asked my father: “Who is Dr Ambedkar and why does he say that one out of every seven Indians is an ‘Untouchable’?, and How can anyone be an ‘Untouchable?’” My father explained to me the phenomenon of “Untouchability” in Indian society. I am grateful to him for giving me an undistorted picture. After hearing from him the inhuman indignities imposed on the castes treated as “Untouchables”, I asked him if it is not unjust. Without hesitation, he said it is unjust. This and the atmosphere and environment in which this conversation took place decided my position against “Untouchability”.

1.3 Dr. Ambedkar’s statement and my father’s explanation were the first clear influences that set me on the path against “Untouchability”, and later against

the caste system as a whole. I had the good fortune to have among my early playmates and friends, boys of different communities including boys *who* belonged to castes treated as “Untouchable” or converts to Christianity from those castes, who continued to be treated in the same way. I remember the names of Karunakaran and Fernandes, though I had no contact with them after 1941. When I heard my father’s explanation of Dr Ambedkar’s statement, my mind went back to those early friends and I could not see any logic by which they could be treated as “Untouchable” or as any different from the rest. I also remember a lady, whose legs were paralysed, to whose hut near our home I would go on some evenings after my school and would recite Malayalam poems with her. I did not know her caste, but she must have been either a Dalit or of a non-Dalit “lower” caste. All these memories came to me and made it impossible for me to accept “Untouchability” or caste-based discriminations in society.

1.4 During that period, I was a regular reader of the *Kerala Kaumudi*, a Malayalam daily, which was the first newspaper in Travancore established by a person belonging to a community which was then just emerging from subjection to “Untouchability” by its own efforts. This person was K. Sukumaran, a distinguished intellectual leader of the Ezhava community. On the editorial page of *Kerala Kaumudi* every day, there would be a saying of Narayanaguru. Some of the sayings which I still remember are:

“Oru Jaati, Oru Matham, Oru Daivam Manushyanu”
[One Caste, One Religion, One God for Man]

“Matam Ethaayaalum Manushyan Nannaayaal Mathi”
[Whatever be the Religion, What is Needed is Man Should be Good]

Narayanaguru’s sayings and what I knew then of his life constituted another early influence in shaping my attitude to society and social issues.

1.5 Another early influence was Swami Vivekananda, whose writings and sayings I read in those days. He severely criticised “Untouchability”. With particular reference to Malabar, which was earlier part of the sprawling Madras Presidency and which, after the States Re-organisation of 1956, is now the northern part of Kerala, he in a lecture at Madras in 1897 [Swami Vivekananda, 1897, “The Future of India”, in *Complete Works of Swami Vivekananda*, Vol. 3: *Lectures from Colombo to Almora*], said as follows:

“The Mohammedan conquest of India came as a salvation to the down-trodden, to the poor. That is why one-fifth of our people have become Mohammedans. It was not the sword that did it all. It would be the

height of madness to think it was all the work of sword and fire. And one fifth... one-half... of your Madras people will become Christians if you do not take care. Was there ever a sillier thing before in the world than what I saw in Malabar country? The poor Pariah is not allowed to pass through the same street as the high-caste man, but if he changes his name to a hodge-podge English name, it is all right; or to a Mohammedan name, it is all right. What inference would you draw except that these Malabaris are all lunatics, their homes so many lunatic asylums, and that they are to be treated with derision by every race in India until they mend their manners and know better. Shame upon them that such wicked and diabolical customs are allowed; their own children are allowed to die of starvation, but as soon as they take up some other religion they are well fed. There ought to be no more fight between the castes.”

1.6 That was also a period when boys and girls belonging to “Untouchable” and other “low” castes began to come to school. There was an interesting social background to this. The earliest strike of agricultural labourers in Thiruvananthapuram area was in 1905-06, under the leadership of the first well-known leader of the Pulaya community, namely, Sri Ayyankali, who belonged to Vengannur, near Thiruvananthapuram. The Pulaya community is the largest Dalit / SC community of Kerala. In Malabar, they are known as Cheruman or Cheramaan. They constitute a major component of converts to Islam and Christianity in Kerala. Sri Ayyankali was over 10 years younger than Sree Narayanaguru. There is an apocryphal story that when Ayyankali first met Narayanaguru, the latter asked him his name. He replied: “Ayyan, son of Kali”. Narayanaguru then said, “hereafter your name shall be “Ayyankali”, which was more impressive. Sree Narayanaguru had the practice of naming new-born children of “low” castes with impressive names. It was one of his simple methods to build up the morale and self-confidence of people of these communities who suffered from low esteem and low self-esteem. In those days, names of pedestrian type, announcing the lowliness of the caste were common among the men and women of “low” castes. Sree Narayanaguru changed this.

1.7 The Pulaya and other Dalit people were the victims of agrestic slavery and serfdom. Ownership of land by them was prohibited by formal law and the caste system. Though slavery has been abolished, their servitude continues in the form of agricultural wage-labourhood. The bulk of the Dalits continue to be agricultural labourers in Kerala as in the rest of the country. Yet, Ayyankali’s historical strike was not for higher wages for agricultural

labourers. It was for the implementation of the royal orders passed earlier in Travancore by the Maharaja, permitting children of “Untouchable” communities to be admitted to Government schools. But this was not being properly implemented on account of upper caste resistance. The Ayyankali-led agricultural labour strike was for securing actual admission of children of “Untouchable” communities in schools in compliance with the already existing royal orders. Royal orders have been replaced in democratic India by legislations. The hiatus between royal orders and the actual implementation continue to this day between legislations and policies and their actual implementation, especially when they relate to Dalits, Adivasis and other deprived classes. The result of this movement was experienced in my school days. I had a few classmates belonging to these communities at school and college. This was another point of contact with them which made it impossible for me to reconcile myself to the idea of “Untouchability” and caste-based discriminations.

1.8 Another event that influenced me was the Temple Entry Proclamation (*Kshetra Pravesana Vilambaram*) issued by the then Maharaja Chithira Thirunal Balarama Varma in 1936, abolishing the ban on “low” caste people or *avarnas* from entering Hindu temples in the Princely State of Travancore. There is an interesting social background to this also. In 1933, there was a Conference of the Ezhava community under the leadership of Shri K. Sukumaran. The subject of the Conference was: “*This religion is an insult to our self-respect, to which religion should we convert*”. This Conference and its subject sent shivers down the spines of the royalty and its advisors. The Temple Entry Proclamation was an enlightened response to the feelings expressed at the Conference. This proclamation removed the ban on people of Avarna communities or “low” castes from entering public temples in the Princely State of Travancore. This proclamation was lauded by both Mahatma Gandhi and Dr. Ambedkar. The substance of the Proclamation was written on a wooden plank in a number of languages, placed prominently at the entrance of temples. The actual wording was: “Entry restricted to those who are Hindus by birth or profession”. Though it was negatively worded, its positive meaning was that any person who is Hindu by birth or by belief was free to enter the public temples.

1.9 These early experiences not only set me on the path against “Untouchability” and the caste system, but also made me read and study more about and observe more of social phenomena. I also started putting my beliefs into practice. One instance was to invite my friends of different communities, including the Dalit community, for meals in my house. My father had no

difficulty with this. I am grateful to my mother for overcoming her traditional inhibitions, on account of her love and affection for me and, in response to my request and persuasion, serving food for these friends of mine along with me in the dining room attached to the kitchen.

1.10 The opposition to “Untouchability” soon became opposition to the caste system as a whole. One event that marked this progression was a visit to the Padmanabhaswamy Temple in Thiruvananthapuram along with a friend a few years older than I was. The priest did not put the *prasadam* of the temple into his hands, as he did with me and many others. Instead, he threw it on the ground for him to pick it up. This was because he was not wearing the qualifying sacred thread. When I noticed this discrimination, I stopped receiving the *prasadam* from the priest.

1.11 Soon I aligned myself with the exhortation of Sree Narayanaguru, “*Don’t Mention Caste, Don’t Ask Caste, Don’t Think of Caste*”. As a personal act of conviction and commitment, I seceded myself from the Caste System. I take Caste into account only in the social context for the purpose of Social Justice and ultimately elimination of Caste by destroying its base as a structural iron-frame of exploitation and deprivation of the masses and of elite monopoly. I made it a point to take every opportunity to break every irrational rule and interdict of Caste. To all queries and enquiries made by various persons on different occasions about my caste, my reply has consistently been “I have no caste, I have become caste-free”. This sometimes resulted in interesting situations of which I shall relate two instances.

1.12 In 1980, Giani Zail Singh became Union Home Minister in the post-Janata Government of Indira Gandhi. At that time, I was Joint Secretary, Ministry of Home Affairs, in charge of SC and BC Development and Welfare from 1978 when the Janata Party was in power. Noticing the consistency and seriousness with which I was pursuing issues of SCs, Giani Zail Singh was intrigued and began to ask other officers of the Ministry what “my caste” was. Each of them replied him that they knew me over such and such number of years and to their knowledge my position always was that I have no caste. Sri S. Varadan, at that time Additional Secretary told the Minister that he knew me for the previous 30 years and my position was consistently that I was casteless. A few months later, at the sidelines of a meeting, Shri Giani ji told me about his previous enquiries and the replies he got from other officers and informed me that he had found out that I belonged to such and such “high caste”. He asked me, in view of this, what was the need for me to conceal my caste. The implication of this query was that it is only persons born in “lower”

castes who need to conceal their caste and not persons who are born in “high castes”. I told him that mine was not an act of concealment of Caste but denial of Caste and that my denial of caste and opposition to caste is not directed against any particular caste, but against the entire Caste System. Giani ji finally summed up his feelings by saying that “God has given you the Buddhi to serve the deprived and the poor”. Giani ji was a rare BC person who had risen to a high political position as a State Chief Minister and Union Home Minister and in the Congress Party on his own strength, and finally President of India. He belonged to an artisan caste of SEBCs. Others knew him as a person typical of the political culture of our country. I knew him as a person with sincere feelings towards Dalits.

1.13 Another instance pertains to the University Grants Commission (UGC). In a discussion in the early 1980s with the UGC Chairperson, at that time Mrs Madhuri Shah, and its all-powerful Secretary Mr Malhotra, I wanted the UGC to compel the universities to follow the rules of reservation in admissions as well as postings and withhold release of funds for salaries to any University that fails to do so, until it complies with the UGC’s direction in this regard. When the Secretary pleaded that the law does not provide powers to UGC to do so, I pointed out specific provisions in the UGC Act which, correctly interpreted, do empower the UGC to enforce the rules of reservation. The next day the discussions continued and, before I reached, the Secretary remarked before the other officers who had assembled, “Mr Krishnan is very intelligent, though a Dalit”, implying that intelligence and Dalits are mutually contradictory. Certain officers who knew me raised their voice and told him, “He is not a Dalit”. Then, without batting an eyelid, the Secretary said, “That is why he is very intelligent!”

1.14 These incidents bring out the peculiar curiosity in our society to know about caste identities of individuals, the difficulty the people have in reconciling with the idea of a person of non-Dalit origin firmly standing for and working for the legitimate Dalit rights and also pre-conceptions and prejudices about the relationship between caste and personal qualities like intelligence.

1.15 My ideas and ideals took shape in the land of my origin, Kerala, and my years in Andhra Pradesh in positions of authority gave me the opportunity to act on that basis and to translate ideas into practice to the fullest extent within my powers and scope.

Synthesis of Ideologies for Social Justice

2. *I find you amazingly non-sectarian. I have heard you say that an ideology that blends Marx, Ambedkar, Gandhi, Periyar and Narayana Guru is what is needed. Can you elaborate?*

2.1 My ideology which blends Dr Babasaheb Ambedkar, Narayanaguru, Mahatma Gandhi and Marx etc was the product of my mature years and studies. I found that a lot of energy was being spent on the differences between Dr Babasaheb Ambedkar and Mahatma Gandhi. It is true that there were differences between them in their understanding of “Untouchability” and its ramifications, causal factors underlying this ugly phenomenon and its persistence, and remedial measures. Gandhi ji’s views on these issues were narrower than Dr Ambedkar’s. Better known are their political differences. Their differences came to a head at the Second Round Table Conference held in September-October 1931. The Round Table Conferences were the mechanism evolved by the British Government to consult Indian representatives about the shape and form that the new political system, which was under consideration of the British Government, should take. Gandhi ji laid claim to be, in himself, the representative of all Indians including the victims of “Untouchability”. Dr Ambedkar denied Gandhi ji the capacity to represent the “Untouchable” castes. It is well-known that Dr Ambedkar strenuously pleaded for a separate political dispensation for the people of the “Untouchable” castes as part of the new political system that the British Government was contemplating to introduce in India. He upbraided the British Government for not having done enough to provide relief for the “Untouchables” and to enable them to exercise their rights and called upon the British Government not to compound their failure by leaving the fate of the “Untouchables” to the tender mercies of the upper castes in the new political system under contemplation. He asked for separate electorates for

the “Untouchable” castes. This was conceded by the British Government under the then Prime Minister Ramsay MacDonald on 16 August 1932, under the name of the “Communal Award”, triggering Mahatma Gandhi’s fast against it in the Yeravda prison of Pune where he was jailed on his return from the Round-Table Conference. An alternative to the Communal Award worked out by all leaders who converged on Yeravda, including Dr Ambedkar himself, with the objective of saving Mahatma Gandhi’s life, and the consequent Yeravda Pact or Poona Pact, are well-known. This marked a coming together of Dr Ambedkar and Mahatma Gandhi as can be seen from the observation of Dr Ambedkar at the meeting of the Hindus’ Conference in Bombay on 25th September 1932 to ratify and support the Pact and action arising from it.

2.2 Political reservation, reservation in employment, eradication of “Untouchability” as a national mission, earmarking a portion of the education budget for programmes for the educational development and advancement of Dalits were important parts of the Pact, though the Pact is remembered by most people for the agreement on political reservation in it. This moment of glory of coming together of the leader representing the movement for Independence for India and the leader representing Social Equality and liberation of people of “Untouchable” castes did not last long. It soon came to an end, causing a lot of bitterness.

2.3 Again there was a coming together at the stage of the Constituent Assembly and the drafting of the Constitution. The differences between the Ambedkar approach and the Gandhi approach to “Untouchability” and the ways of its eradication have been settled in the Constitution in favour of the Ambedkar approach. What remains is to honestly and sincerely implement the Constitutional provisions, carefully and lovingly woven by Dr Ambedkar into the Constitution with the cooperation of other leaders of that time. The process of the honest and sincere implementation of the totality of the Constitutional provisions for the SCs, ST and SEBCs in all their ramifications is yet to start.

2.4 At this stage, dwelling on the differences between Dr Ambedkar and Gandhiji, which is a thing of the past and which has been settled in the Constitution, distracts from the main task of securing the honest, sincere and holistic implementation of the Constitution. At this stage, the ideological contributions of all those who had positive positions in favour of the SCs and their co-sufferers, viz., the STs and, though not to the same extent, the SEBCs, should be synthesised into a powerful instrument to secure

fulfilment of the main task and to further the struggle to secure Social Equality through comprehensive Social Justice measures as envisaged by the Constitution. I have explained this elaborately in my Paper titled “Synthesising the Gandhi-Ambedkar-Narayanaguru-Marx Visions for Dalit Liberation” “(published in my book ‘Social Exclusion and Justice in India’, Routledge, 2018 - an abridged version of it was published in Social Change, Volume 41, Number 1, March 2011). In that Paper I have also elaborately dealt with the differences between Dr Ambedkar and Mahatma Gandhi on various issues. Along with them, I have also written about Narayanaguru and his philosophy and his approach as part of this synthesis. Marx is useful in analysing and understanding antagonistic contradictions between the Dalits and certain communities of non-Dalits, particularly the land-owning and land-controlling non-Dalit castes. Marxism-based analysis also helps us to distinguish non-antagonistic contradictions between Dalits and certain non-Dalit castes like fisherfolk, stone-cutters and other non-land-owning and non-land-controlling castes of SEdBCs. It is possible to overcome the non-antagonistic contradictions between Dalits and such non-land-owning, non-land-controlling castes of SEdBCs because there is no economic conflict or conflict of economic interests between them. It is possible to bring about a social alliance among them and, thereby, help create a larger mobilisation which is essential to facilitate the better and quicker fulfilment of the main Constitutional task before us.

2.5 Along with Dr Ambedkar is a line of leaders who were themselves born in communities victimised through “Untouchability”, like Narayanaguru, Sant Ravidas, etc. Behind Gandhi ji is a line of leaders from Socially Advanced communities like Swami Vivekananda, Swami Shraddhananda, etc. Foremost among this latter line should be mentioned the names of Basaveswara (1134-1196) of Karnataka and Srimanta Sankaradeva (1449-1569) of Assam. There is a third line of leaders from the SEdBCs who also made significant contributions to these movements. Foremost among them are Mahatma Jotirao Phule and Savitribai Phule of Maharashtra and Periyar EV Ramasamy of Tamil Nadu.

2.6 These leaders are resources which in combination can be very effective against those who want to maintain the status-quo. Disqualifying any of them because they did not measure up to the standard of Dr Ambedkar will deprive the Social Justice movement of its full valuable resources. Bhakti saints of ancient Tamil Nadu in the South, medieval Maharashtra, and in the North Shri Guru Nanak himself are also valuable resources in this grand social *Mahagatbandhan* (grand alliance) against “Untouchability” and caste-system and against the practice and institutions of social inequality.

Dreams and Plans

3. *What were your dreams and plans, when you cleared the Civil Services examination and joined the Service as a trainee? Did you feel your fellow trainees shared your vision of justice to the oppressed? The bureaucracy in India has been considered the greatest impediment in effecting changes in the unjust social order. Your views?*

3.1 I entered the IAS with a complete ideology based on Social Equality, uncompromisingly opposed to “Untouchability” and the Caste System. I appeared for the IAS in 1955 without much seriousness. When I got the call for interview in the UPSC scheduled for 24 January 1956, I was not elated, but deeply disturbed. I expressed my deep anxiety to one of my close friends who was with me at that time, Sri B. Sukumar, that my journey to the interview should not become the start of the funeral procession of my ideals – the very possibility of such a danger made me breakdown, one of the few occasions in my life when I broke down. I joined the IAS Training School at Delhi in the time-haloed building called Metcalfe House on 2nd May 1956.

3.2 From the very beginning, I viewed everything, every programme and every legislation from the point of view of what is there or not there in it for the Dalits/Scheduled Castes (SCs), Adivasis/Scheduled Tribes (STs) and the Socially and Educationally Backward Classes (SEdBCs). I also took the approach of implementing every programme with care to ensure that the SCs, STs and SEdBCs got their due share out of it. In the second month of our training, we were taken to a village for study. The village selected was Haiderpur, hamlet of Badli in Alipur Block near Delhi. We visited the village every day for a month. From the second day of our visit, I detached myself from the rest and visited the SC basti of Haiderpur. I recall one of the SC persons of the hamlet, namely, Shri Ishwar Dass, who held his infant child in his hand. The child had scabs all over the body. I consulted the doctor of the Training School and took medicines for the child. The month-long visit

helped me to understand the conditions of SCs in the vicinity of Delhi. They were as miserable as in the rest of the country.

3.3 We were also taken to the Sonapat Community Development (CD) Block. At that time it was part of the State of Punjab. It became part of Haryana after the State was re-organised linguistically in 1966, by which the new State of Haryana was created, a portion of the then Punjab was transferred to Himachal Pradesh and the remaining Punjabi-speaking parts were retained in the re-organised State of Punjab. The Block Development Officer (BDO) waxed eloquent about the nascent Community Development activities and their benefits for the people. After he spoke for some time, I put a simple question to him: What is being done for the Harijans? – the term “Harijan” was in vogue at that time for SCs/Dalits. The BDO sputtered to a stop and there was silence. Apparently, the SCs had not figured in the thoughts and plans of the Government authorities. During our visit to the Sonapat Block, we went to some villages including a village called Tharu. We went to the Dalit basti of Tharu. In the presence of the BDO, the residents of the basti were full of praise for the Community Development programme. I could see through the mask and stayed behind in order to talk to them separately, without the presence of any officer or other influencing or interfering elements, after the rest of the batch left. Now the tone of the Dalits changed. They spelt out their woes in a shrill and emotion-charged voice and went to the extent of saying, “Shoot us to death, rather than keep us in this condition”.

3.4 Many years later, in 1980, when I was Joint Secretary in the Ministry of Home Affairs in charge of SC and BC Development and Welfare, I again visited Tharu. This time the atmosphere was different. The Dalits had employment in the non-traditional sector of construction in the nearby town of Sonapat. Their overall condition had improved and I noticed how easy and simple it is to enable the SCs to transit from their state of desperation to a state of hope and optimism.

3.5 IAS officers are allotted to the cadres of different States while still under training. IAS, the Indian Police Service (IPS), and the Indian Forest Service (IFS) are All-India services unlike the Central services like the IA&AS, IRS, etc., which are also recruited through the same Civil Services Exams as the IAS and IPS conducted by the UPSC. Accordingly, while undergoing training in the Metcalfe House, I was allotted to the state of Hyderabad. With the rank I had I could have got almost any State of my choice. The application form for the IAS examination contained a column for the applicant to mention his/her

first, second and third choices of States. These choices would be kept in view subject to the rank of the officer in the select list of the UPSC. I wrote “any State” in that column. I deliberately did not make any choice on the principle that every State of the country is equally dear to me. At the interview, my non-choice was one of the questions asked by the Interview Board. I was one of the four officers of my batch to be allotted to the Hyderabad State. But by the time I arrived in Hyderabad, it had been trifurcated and we, the four allottees of the Hyderabad State, were re-allotted to the three States to which the different parts of the Hyderabad State were transferred, viz., Bombay, of which Marathwada, or the Marathi-speaking districts of the Hyderabad State became part, Karnataka then Mysore, to which the Kannada-speaking districts were transferred; and Andhra Pradesh, which was formed by the merger of Telengana, i.e., the Telugu-speaking districts of the Hyderabad State and the Telugu-speaking Andhra State, which had been formed in 1953 by carving out the Telugu-speaking districts of the Madras Presidency.

3.6 One of my batchmates, who belonged to the Bombay State and had been allotted to the Hyderabad State, requested me not to apply for the Bombay State, which now included the Marathwada area of the erstwhile Hyderabad State, so that he could get that State. I told him I would make no choice. Another batchmate, who was a native of Karnataka, was allotted to the Karnataka State, which included Hyderabad-Karnataka (Bellary, Bidar, Gulbarga - now renamed as Kalaburgi, Raichur). A third batchmate who belonged to Andhra was automatically allotted to the State of Andhra Pradesh. I was the odd man out there and I was allotted to the largest of the three parts of the erstwhile Hyderabad State, namely, Andhra Pradesh, which included Telengana.

3.7 After one year of training in Metcalfe House, we were sent to the States of our allocation where we had nearly 1 ½ years of field level training at different levels of the State. I had the first leg of my training in the Medak district (very recently trifurcated into three smaller districts) of the old Hyderabad State and the second leg of my training in the Anantapur district of Andhra area. Prior to this, there was no experience of district-level training for IAS officers in the Hyderabad districts. The Hyderabad Civil Services (HCS) officers, who were recruited in the erstwhile Hyderabad State, used to be trained in the adjoining provinces, viz., Bombay, Madras and Central Provinces. The absence of precedent provided me some greater flexibility in understanding administration as it affected the people at the bottom and social groups at the bottom. I remember, for example, going to a village called Nizampet in Medak

District along with the District Survey Officer Mr. Rashid. A large number of Madiga community people (Madigas are the most numerous caste of the SCs of Telengana and one of the two largest castes of SCs of Andhra Pradesh, and are the same as the Arundhatiyar of Tamil Nadu).

3.8 The Madiga people brought to the notice of the District Survey Officer that a contiguous land totalling 200 acres in extent that they were cultivating was not reflected in the newly prepared survey records. The Hyderabad State had enacted a more far-reaching land reform legislation than most States of India had. This was in a way a response to the strong Communist movement in Telengana. The legislation provided for a Record of Rights (RoR). It is in this Record of Rights that the Madiga lands failed to be reflected. I stored this information for future use, which came about in 1959-60 when I was posted as Assistant Settlement Officer as a punishment posting for “fraternising” with the Dalits and other deprived classes.

3.9 One or two officers of my batch shared my vision of Justice to the oppressed. One of them was the late Sri T. Balakrishnan who was allotted to Andhra and then to Andhra Pradesh after the formation of the latter larger State by the merger of Andhra State and the Telengana districts of Hyderabad State. After the first few years of service, he was abroad for a long time. There were two or three others who appreciated my views. One was Shri Arun Sen, a Pravasi Bengali (i.e, Bengali settled outside Bengal) who belonged to Nagpur, and was allotted to the West Bengal cadre. Another was Dr Bhupinder Singh, originally of Punjab but who was born and brought up in Madras, where his father was in business. Dr B.D. Sharma of my batch did not show any particular inclination in this direction during our training. Later, when he was posted as Collector of the Bastar district in his cadre State of Madhya Pradesh (now Bastar is part of the Chattisgarh State, which was carved out of Madhya Pradesh in 2000), he came face to face with the oppression of the tribals, who formed the vast majority of the population of the district, by non-tribals who were posted there in different projects. From that point onwards, he became an ardent champion of the rights of the STs throughout his life. After a full life of dedicated service to the tribal cause, he passed away in 2015. Dr Bhupinder Singh, who was allotted to Orissa, had a similar awakening to the plight of the tribals through his posting in tribal majority districts and tribal-related posts in his cadre State of Orissa. His life too has been totally dedicated to the tribal cause.

3.10 The bureaucracy in India cannot be an impediment to radical social change if the political set-up, particularly the ruling political set-up, is sincere in wanting radical social change and termination of the unjust social order. Members of bureaucracy belong to the lower middle class and the upper middle class. The lower middle class is most preponderant among the IAS officers from the South and the middle-middle and upper-middle class among the IAS officers from the North. Most of them share the attitude of their class and more persistently the attitude of their birth-caste. Yet there have been glorious exceptions like those I have mentioned of my batch and also Shri S. R. Sankaran of the subsequent 1957 batch, who too was allotted to Andhra Pradesh.

3.11 By a strange coincidence, Mr. Sankaran occupied the same room in Metcalfe House which I had occupied in my time, viz., Room No. 22. I first heard of him from Mr. Mohammed Ali, who was one of the room-bearers in Metcalfe House, where one room-bearer each was attached to four IAS probationers. The room-bearer attached to me was Mr. Mohammed Ali. He was a dignified person of few words. This was my first experience of a person being appointed to serve me personally and I felt a special responsibility towards him. I used to send him a remittance every month to meet the expenses of his children's education. He used to write to me personally and in one of his letters he wrote to me about Mr Sankaran and said that he was "a good person" like me. I shall tell more about Mr Sankaran and our association later.

3.12 Meanwhile I feel that the change in the character of bureaucracy vis-a-vis radical change in the unjust social order can be brought about by the following means:

- i By the political set-up being sincere and focused in this regard.
- ii By an education system which makes students of all ages aware of the injustice in our inherited and still prevalent social order; the harm it directly causes to the victims of this social order, particularly the SCs, STs and SEdBCs and the harm it indirectly does to the country as a whole.
- iii By intensely incorporating this aspect in the training of officers after they are recruited.

But, until this comes about, we cannot accept that the bureaucratic status-quo remains. Each individual selected to the IAS and other higher Services

is mature and capable of thinking and feeling. Each of them has the responsibility to internalise the ideal and attitude of Social Justice irrespective of deficiencies in the political set-up, educational system and training content. Having an ideal and mission in one's life and sincerely and consistently working, in one's professional and public life, towards the achievement of that ideal and fulfilment of that mission imparts meaning to one's life. There must be an alignment between personal ethic and professional ethic with social ethic, Constitutional ethic and humanistic ethic. This will impart harmony to one's personality. I believe that those in the IAS and other higher Services must consider the value of this approach to life and work. This will not only make for individual peace and harmony within oneself but also enhance the prestige of the IAS and other higher Services by becoming socially and ethically relevant in public perception and esteem.

Early challenges

4. *As a young I.A.S. officer posted to the Andhra Pradesh cadre, what were your early efforts to bring a semblance of justice to the SCs, STs and the lower B.C.s? You must have faced enormous challenges and vicious hostility. How did you overcome them? What was the attitude of your superiors, your colleagues and the caste-ridden rural society? Were you able to change the mindset of some of them? Tell us about those early days.*

4.1 My earliest independent charge was as Tahsildar-in-charge of the Rayadurg Taluk (“Tehsil” in North India) of Anantapur district. The last stage of the 16-month-long district-level training of IAS officers is independent posting as Tahsildar-in-charge of a Taluk for two weeks. District-level training for IAS officers in the State of their allotment started after the initial one-year-long training in the IAS Training School in Metcalfe House, Delhi (since shifted to Mussoorie in 1950-60 and renamed as Lal Bahadur Shastri National Academy of Administration). In my case the length of my posting as Tahsildar became nine weeks (from August to early October 1958) because there was delay in the conferment of the powers of a Third Class Magistrate for six months and thereafter conferment of the power of a Second Class Magistrate, as criminal cases are transferred to the file of trainee IAS officers for trial and disposal according to the Criminal Procedure Code. By the time the district-level training was over, the trainee officer is ready to be given the powers of a First Class Magistrate which is needed for a Sub-Collector (Assistant Commissioner in some North Indian and South Indian States). In my case, the delay occurred as the conferment of magisterial powers did not take place during the first leg of my training in the Medak district (originally part of the former Hyderabad State) and happened only after I was transferred to the Anantapur district of the Andhra area for the second leg of my training.

4.2 I made full use of this period of nine weeks to visit almost every village in my Taluk. Since I had the powers of the Tahsildar, I could also give *pattas*

for Government agricultural lands cultivated by Dalits and other landless poor and also for cultivable Government lands not cultivated by anybody, and also *pattas* for house-sites for houses in villages as well as in towns. I had fully equipped myself for this during my training period, by studying and familiarizing myself with the Rules and Government Orders relating to assignment of agricultural lands to SCs, STs and other landless poor and the powers of each level of officers in this regard, and by studying intensively books on the land-revenue systems including Baden-Powell's classic work on land-revenue systems in British India (1892) and Thurston and Rangachari's multi-volume *Castes and Tribes of Southern India* (1909).

4.3 I particularly remember my visit to a village known as Thaticherla in Telugu and Tallakera in Kannada. Rayadurg is on the border of Karnataka. It was earlier part of the Bellary district. Bellary district was originally part of the Madras Presidency and was one of the four Rayalaseema districts. Being a Kannada-majority district, it was transferred to the Mysore State (subsequently renamed as Karnataka) as part of the linguistic Re-Organisation of States on the advice of the States Reorganisation Commission (SRC). But, Rayadurg, being a Telugu-majority Taluk, was detached from Bellary, merged in Anantapur district and retained as part of Andhra Pradesh.

4.4 I spent three continuous days in Thaticherla. I halted in the space in front of the Temple in the Dalit basti and shared their life from the morning routine onwards. I also ate my food – consisting of millets and not rice – in Dalit houses for which I paid them in order that there may be no financial burden on them. I also gave some money from my tour allowance to the staff accompanying me so that they could supplement their meagre DA with the money I gave and so that they did not need to become a burden on the people of the village for their food. There were two major deprived communities in Thaticherla. One was the SC community of Madiga. I remember their spokesperson Madiga Marappa. The other deprived community was that of Boya, an extremely backward caste, which was earlier listed among “Depressed Classes”. I remember their main spokesman Boya Omajjappa. The stay of a Government officer in their midst was a new experience for them and for Administration. All the men and women used to gather before me during those days. I knew that the relations between Madigas and Boyas were somewhat strained. I told them that if they united, I would grant them *pattas* for the Government lands they were cultivating and any vacant Government lands. Cultivation of Government lands was referred to as “Sivai Jama”, i.e., lands without any fixed land-revenue assessment. Assessments are

fixed for lands owned by peasants. “Sivai Jama” cultivation was a source of unaccounted extra income for the village accountants known in Andhra as Karnam, and as Patwari in Telengana (same as Maniyakkaran in Tamil Nadu). The Karnams/Patwaris would record or not record the names of Sivai Jama cultivators at their own sweet will. The Sivai Jama cultivators were thus at the mercy of the Karnam/Patwari. This could be put an end to by giving *pattas* to the Dalit and other landless Sivai Jama cultivators. This is exactly what I did in Thaticherla and in as many other villages as possible. The actual cultivators of each land were identified by the general assemblage of Dalits, Boyas and other landless poor, all of whom were before me, so that I did not have to depend only on the Karnam’s official records often marred by omissions and wrong/false entries of names of occupants of Government land. For vacant lands the most deserving allottees were fairly identified by the same assemblage on the basis of the neediest among themselves. All of them were needy and poor, but they had the capacity to identify the neediest among themselves without any scope for doubts or disputes.

4.5 Later, I was posted in Anantapur in 1959 as Assistant Settlement Officer as punishment for “fraternising with Dalits and other poor people”. At that time Madiga Marappa and Boya Omajjappa somehow got wind of my presence in Anantapur and met me. I was happy to see that the unity between the two largest oppressed communities of the area continued to subsist.

4.6 Another village where I spent three days at a stretch during my period as Tahsildar-in-charge was Rekatla. In that village, on the one hand, there was a large number of Dalit and other poor people, who had constructed their huts on Government lands, but had not been given house-site *pattas*, and, on the other, the rich land-owning people of dominant communities, who occupied a large part of the village site with their haystacks (called “Vamidoddi” in Telugu). One of my tasks was to give house-*pattas* to the former and to initiate action to evict the latter to make space for house-sites for Dalits and other poor. I stayed in the village until after I had heard every person of the Dalit community and other poor people who had representations to make and resolved every problem within my competence.

4.7 On my way back from Rekatla, three Dalit brothers from Chinnakowkuntla, hamlet of Peddakowkuntla signalled me to stop. All the three brothers had the same name, “Ramaiah”, with suffixes indicating their seniority. The eldest was called Pedda (elder) Ramaiah; the youngest was called Chinna (younger) Ramaiah and the one between them was called Nadimi (middle) Ramaiah. Nadimi Ramaiah alone, in the midst of this

“economy” in naming, had the luxury of an alternate name, viz., Katavappa. But, this luxury was of doubtful quality because “Katava” means black hard rock, a characteristic feature of the area. I halted in that hamlet to hear them. They complained to me that they had taken a loan from a rich land-owner of the village called Kesani Narasaiah, who belonged to the local dominant land-owning caste. They had to repay the loan by working without wages on his land. They said that they had worked enough to account for the loan and more, but they were still not being released. I sent for the rich land-owning money-lender and got his version. On returning back to Anantapur, I called a lawyer named Krishna Reddy who was considered to be a communist. I told him, “you call yourself a communist, look at this case and help the victims”, and I explained to him the case of the Ramaiahs. He issued a lawyer’s notice to the land-owning money-lender. The notice showed that on the basis of the number of days that they had worked wageless, they had not only repaid their loan and lawful interest, but there were a surplus, which should be returned to them. The interest was calculated according to the A.P. Agriculturists Debt Relief Act.

4.8 The Ramaiah brothers then came to me complaining that, on receipt of the lawyer’s notice the land-owning money-lender was indulging in violence towards them. The Inspector of the area was fortunately an SC person called Sri Obaiah. I handed over the case to him and he ensured that the three brothers were not subjected to any more violence.

4.9 This was the first case of bonded labour that the administration came across in Andhra Pradesh and perhaps in India. Many years later, when I was in the post of Joint Secretary in the Ministry of Home Affairs, Government of India, in charge of SC and BC Development and Welfare, I happened to go to the Ram Manohar Lohia Hospital (RML) for certain tests. The biochemist there was one Mr. Ramesh. He asked me whether I had worked in Anantapur. When I confirmed it, he told me that he had heard about me from his father, namely, the aforesaid Inspector Sri Obaiah. Later, when his father came to Delhi, Sri Ramesh brought him to me. I found out that Sri Obaiah had retired as Deputy Superintendent of Police, but was not yet getting his pension which had been long overdue. The one thing I could do for him in return for his service of giving protection to the three Bonded Labourers was to talk to the concerned Department and get his pension released without further delay.

4.10 During this period I had two occasions of contact with the senior Congress leader and MLA of Rayadurg, Sri M. Satyararayana. He first met

me with a complaint about a new mosque that was being built by Muslims and the consequent uneasiness among Hindus of that area. I took my bicycle and proceeded to the area. I asked the Muslims what was their plan. They told me that the structure being constructed was temporary and the permanent mosque would be at a different place allotted for the purpose. I put this point to the Hindus who said that they had no objection to the current use of the temporary structure for the prayers of Muslims until the permanent Mosque was constructed at the place allotted for that purpose. By talking to both the groups, it was possible to reach an agreed solution without any mental reservation on either side. Shortly after that, Sri Satyanarayana, MLA again met me. Thinking that he had come to rake up the issue again, I told him with some irritation in my tone that I had resolved the issue of the temporary mosque to the satisfaction of both the religious communities. Sri Satyanarayana hastened to assure me that he had not come to speak about that issue, but to express his appreciation for my practice of camping in SC habitations in the villages. He told me that “his friend Sri Sanjiva Reddy”, the then Chief Minister and strongman of the Andhra Congress and Andhra Pradesh Government would be pleased to know about this. Sri Satyanarayana had the reputation of being an honest and sincere politician. But in his simplicity he had apparently not understood the attitude of “his friend Sanjiva Reddy”, as subsequent events proved.

4.11 In mid-October 1958, I was posted as Assistant Collector, Ongole, then a Division of Guntur district. Ongole was subsequently constituted into a district, merging adjoining/contiguous parts of Nellore district in it, and named as the Prakasam District. This was my first post-training independent charge – the Tahsildar-in-charge posting in Rayadurg being an independent charge which was part of my training. A junior IAS officer is designated as Assistant Collector till he passes the prescribed Departmental tests. When a person passes the Departmental tests, he/she is designated as Sub-Collector and also becomes eligible for the senior scale of pay. I took charge on the 17th of October. When all the papers for taking over and handing over were ready showing me as Assistant Collector, the news came that I had passed the Departmental tests and I took charge as Sub-Collector, Ongole.

4.12 I appeared for the prescribed Departmental Tests during the period I was Assistant Collector under training, as all IAS Officers do. One or two of my memories of the Departmental tests may be of interest. For my Hindi oral, my examiner was one Sri R. Prasad, ICS, a native of Uttar Pradesh. He was an impeccably honest person. He was also very sensitive. On one occasion, the

AG raised a question about the distance travelled as shown in his Travelling Allowance (TA) Bill. In response, he went to the spot, pulled out the milestone and sent it to the AG. Thereafter, he stopped applying for TA and sending his TA Bills for the rest of his tenure in office. After some conversation with me in Hindi, he asked me whether I belonged to Uttar Pradesh, which was the highest complement one could receive from a native of Uttar Pradesh on one's Hindi language skill. For Telugu language, a Telugu teacher was the oral examiner. He asked me how I learned Telugu. I told him how I learned Telugu when I was in Trivandrum and in Kancheepuram (where I was Lecturer in the Pachaiyappa's College in 1954-56) with the help of self-instructors and that I had also read some books in Telugu. On his further questioning, I mentioned to him the names of certain authors whose books I had read, and in particular a new-age novelist named Chalam. Chalam was unconventional. He was the first Telugu novelist who looked at life from the point of women. The protagonists of his novels were strong and independent-minded women. To a further question of the examiner about Chalam's books I had read, I mentioned "Aruna". Aruna is the story of a liberated and unconventional woman. The examiner asked me what I thought of Aruna. I told him that in the present social condition of Andhra Pradesh, the character of Aruna does not seem to be quite realistic. The examiner then asked me whether it could become realistic later on. I gave the opinion that as time passes, women like Aruna may emerge in society. The examiner's face showed his disappointment with this prospect.

4.13 I reached Ongole two days before I was scheduled to take charge. The day before I took charge, i.e., on the 16th October, my predecessor, the late Sri V.P. Rama Rao, a perfect gentleman, whom I never heard raising his voice, took me to the house of Shri K. Purushottam Naidu, also now no more. This was the starting point of a very close and life-long friendship. Sri K. Purushottam Naidu was a direct recruit State Deputy Collector. Later, he was promoted to the IAS. He was at that time Assistant Settlement Officer, Ongole. He came from a lower middle class family of Bellary district, at that time of Rayalaseema and Andhra, and after 1956 part of Karnataka. Along with him, I also met his wife Smt. Komala and their two adopted children. After talking with them for some time, I told Mrs Purushottam Naidu that when she spoke Telugu I could feel how sweet Telugu can be.

4.14 I was fortunate in having as my Collector Mr. M.A. Haleem, originally a Member of the Hyderabad Civil Service, who became a member of the IAS

after the merger of Hyderabad with Andhra State. I shall tell more about him as I proceed.

4.15 It was my belief that truth and facts on any issue are out in the field for anyone who wants to go there and pick them up. Files and papers do not bring the whole truth and sometimes distort them. When one makes enquiries in the village, in the habitation of the people in the presence of the entire population of the village/habitation, nobody will dare to speak untruth about land, ownership, occupancy of land, caste and other such facts. I shall later give two interesting and enlightening illustrations of this relating to Pulamathi and Kotipi villages in the Hindupur Taluk of Anantapur district and Mokshagundam, then in Kurnool district.

4.16 So whenever any issue arose, I would go to the village, talk to the people, get their version and then come to a conclusion. This method always enabled me to get at the truth, especially in relation to Dalits and other deprived classes and their rights. One of the earliest instances during my tenure in Ongole – my visit to Thaticherla, Rekatla etc. being part of my training – was a visit to a village, where some land had been acquired under the Land Acquisition Act for providing house-sites to the Dalits of the village. The land was divided into plots. At that point, Dalits refused to accept the plots. The District Social Welfare Officer proposed to have the land acquisition cancelled. I know how difficult and time-consuming it is to acquire land for a public purpose, especially for a purpose pertaining to Dalits and other deprived people. I did not like the idea of land so laboriously acquired for house-sites for the houseless Dalits being returned to status-quo ante. I went to the village and asked the Dalits why they were refusing to accept the house-sites. They said that the house-sites were facing the Ishanya-konam (i.e., the south-east direction), which they said was inauspicious. I asked them if they would accept the house-sites if they were to face the eastern direction. This was easy as it was not difficult to make the slight alteration to the layout so as to make the plots east-facing. All that was required was a small portion in the two ends a corner of the lay-out to be hived off which could be used for common purpose. With this change, they accepted the house-sites and there was no more question of cancelling the land-acquisition.

4.17 In those days, Budgetary provisions for the deprived classes were very small. I used to rummage the budgetary documents to locate such budgetary provisions so that they could be fully utilised for the benefit of the people. There was a small grant, at the rate of a meagre Rs 500 per house,

from the Government for construction of houses for Nomadic/Vimukta Jati communities. Vimukta Jati communities were earlier known as “Criminal Tribes”. They were so classified during the British time under the Criminal Tribes Act and subjected to harassment. Every member of the community so classified was supposed to be criminal, which was far from the truth. Many of the communities belonging to Vimukta Jati are also Nomadic. One of the communities of this category in my Division was the Yenadi. It passes my understanding how they came to be classified as a “criminal tribe”, because by nature they are meek. The Yenadi of Ongole Division also provided manual-scavenging service. In fact, a good number of the manual-scavengers of the Chennai city belong to this community. At that time they were classified as Depressed Classes. Later, in the 1970s, they were included in the list of Scheduled Tribes (STs). There was a Yenadi colony at the slope of the Hill Bungalow of Ongole, consisting of huts and other temporary and fragile structures. Hill Bungalow was the Guest House in which officers coming to Ongole on tours stayed.

4.18 I went to the Yenadi colony and talked to them about the project. They were eager to have *pucca* houses and willing to contribute their own labour so that the Government grant may go farther. They wanted my help to be granted leave by turns for this purpose. I spoke to the then Municipal Chairman Shri Sitaramaiah. He readily agreed to let them free by turns from Municipal duties by an informal arrangement – they were not formally entitled to leave – so that they could attend to the construction of their houses. On the outskirts of Ongole, there was a quarry. I asked the lessees of the quarries that whenever they took stones from the quarries, one lorry-load should be unloaded at and supplied to the Yenadi colony. By this supplementation, we could construct reasonable houses. Often I used to sit under a tree in the colony, send for files from the office and dispose of them, sitting there and watching the progress of the construction. One of the Yenadis was injured by a stone that fell on his thumb during construction. Though he was treated immediately, he lost the thumb. His name was Indla Venkaiah. I am mentioning about Indla Venkaiah’s lost thumb for a particular reason. About nearly two decades later, I visited this Yenadi colony. At that time, my wife Shantha ji and my daughter Shubha were with me. A new generation had emerged in that colony. My mentioning of Indla Venkaiah’s lost thumb enabled them to connect with the past history of the colony. Fortunately, Indla Venkaiah was alive and he was brought before me.

4.19 Shortly after this, the Third Member of the Board of Revenue of Andhra Pradesh, Shri Anantaraman I.C.S., visited Ongole. The Board of Revenue consisted of 5 Members, 3 of whom at that time were ICS officers and 2 were senior officers of the Hyderabad Civil Service, which had been absorbed into the IAS. This set the stage for the strangest conversation between one of the senior-most officers of Andhra Pradesh – the fourth in rank – and one of the junior-most, viz., myself. Whenever a senior officer or Minister visits, it was customary for the officers of the District / Division to pay a courtesy call on him. Accordingly, I called on Shri Anantaraman at the Hill Bungalow where he stayed. He came out of his room and we met in the balcony. After initial introduction, he asked me whether I belonged to such and such caste.

I told him, “Sir, please do not misunderstand me, I do not mention caste”.

Thereupon, he sarcastically remarked: “The trouble with you young officers is that you think you are always bridegrooms”.

I then told him, “Sir, long before I could have been thought of as a bridegroom, I had conceived such contempt for the caste system that I cannot stoop to mention caste.”

I spat out these words with all the contempt I have for the caste system and for such questions.

4.20 Mr. Anantaraman was shocked and angrily saying “well, well, well, well”, retired into his room. The two witnesses for this unusual encounter were Shri P.S.K. Sastri, District Survey Officer, and Shri Purushotham Naidu, who had become quite close to me by then. They were aghast. Later Shri Purushotham Naidu took Shri Anantaraman for a walk along the hill-side. What happened then is based on what Shri Purushotham Naidu told me. Shri Anantaraman asked him, “Is Krishnan always arrogant?” Mr Purushotham Naidu showed him the *pucca* houses of the Yenadi, which impressed Mr. Anantaraman. Mr Purushotham Naidu then told Mr. Anantaraman that Mr. Krishnan constructed these houses. He was trying to soften the possible impending doom. Mr. Anantaraman left for Nellore to the south of Ongole and after two or three days returned to Ongole on his way back to Hyderabad. Mr Purushotham Naidu advised me to ring up to him and invite him for dinner. I followed his advice. Mr Anantaraman replied that he would not have dinner, but would have milk at my residence. Accordingly, he came to my house and drank a cup of milk. After going back to Hyderabad, he is reported to have told people there that “Krishnan insulted me, and then he

invited me for dinner, so I did not dine in his house and only had milk". This circulated as a joke.

4.21 Our encounter became well-known in the State at that time. A sequel to the encounter was an enquiry against me which was undertaken by Mr Anantaraman. More about this later. Meanwhile, I continued to visit village after village and distribute Government-owned agricultural land to the landless Dalit and other landless poor agricultural labour families and house-sites to the houseless Dalits and other houseless poor. Almost all such non-Dalit poor belonged to Backward Classes, nomadic and vimukta jati castes. I also continued the practice of having my food in Dalit bastis. One of the senior Dalit MLAs of those days, Shri T. Jiyar Das spoke in the State legislature about me and about my camping in Dalit bastis and wanted the Government to advise all IAS officers to follow this example. This was published under the head "Kannu Vippu" (which means "Open Your Eyes") in a Telugu daily called *Andhra Prabha*. The first Member of the Board of Revenue, Mr. K.M. Unnithan, then sent for the MLA and asked him whether he wanted to do harm to me. The MLA said that, far from wishing to do me any harm, he was praising me and holding me up as a model. Mr Unnithan told him that the effect of what he said would be harmful to me. Later during one of my visits to Hyderabad, when I called on Mr Unnithan, he told me about this.

4.22 Mr Unnithan was somewhat unconventional, held Buddhism in high esteem, was considered to be unbending, and, therefore, not made the Chief Secretary though he was the senior-most officer. The next senior-most officer Mr. M.P. Pai was the Chief Secretary at that time. Mr Unnithan was in an equivalent but less prestigious post.

4.23 I got unspent amounts allotted to other districts transferred to my Division through the Head of the Department, viz., Director, Social Welfare, and this enabled me to undertake construction of homes for a second colony of the Yenadi engaged in manual-scavenging. This colony was in Mahatmagandhipuram, hamlet of Bapatla town, headquarters of a Taluk of my Division, Bapatla Taluk. Apart from helping them to construct their house with the Government grant, I spent considerable time in their colony discussing with them their problems and about the issues concerning them.

4.24 It was my practice to issue caste-certificates to all the children of the SCs on the spot in their habitations. In the local setting, there is no question or possibility of any non-SC coming and seeking a false caste-certificate.

When an application for caste-certificate is made, it goes down step by step to the Village Karnam, a village-level officer hereditarily appointed in those days, who has to give his report on the correct caste of the applicant, and whether that caste is in the SC list (or, as the case may be, ST list or BC list). Then the papers are submitted up through the Revenue Inspector and Tahsildar to Sub-Collector/RDO. The process is slow and gives scope for illegal gratification of money to pass hands even for issuing correct caste-certificates. In the procedure I adopted, the application was handed over to me, which I immediately handed over on the spot to the village officer or Karnam. The village officer or Karnam would make out his report on the spot, on which the Revenue Inspector and Tahsildar would give their remarks and the caste-certificate they furnished would be signed by me and handed over to the applying parent of the child. All this was over in a matter of minutes. I encouraged all parents to make their application for caste-certificates of their children as it would be of use to them at different stages of life.

4.25 Nearly three decades later, when I was Principal Secretary in Andhra Pradesh in 1986-87, a gentleman came to my house along with a young boy. He introduced himself as Venkateswarlu, Deputy Commissioner, Excise Department and the boy as his son, an engineering student. He told me that he was a Yenadi of Mahatmagandhipuram and that when I visited Mahatmagandhipuram, he was six years old. He recalled my issuing of caste-certificates to Yenadi children and produced from his bag a framed caste-certificate with my signature which I had issued to him/his parents in 1958-59. He told me that the certificate had helped him all through his life and is now helping his engineering student son. It was a moving and satisfying experience.

4.26 As I mentioned, subsequent to my time, Yenadi, along with Yerukula, Banjara (also known as Sugali), were included in the list of STs for Andhra Pradesh. So, the Yenadi caste-certificate issued in 1958 also helped him and others like him to establish their ST identity.

4.27 The lowest rung of administration is the revenue village, consisting of one or more habitations. According to the system prevalent then – there have been some subsequent changes – there were two village officers in the villages of the Andhra area, following the Madras Presidency pattern, and three village officers in the Telengana area, following the Bombay Presidency pattern. There were three persons assisting them, known as village servants in the Andhra area and Sethsindhis in Telengana area. Ongole being in the

Andhra area, it had two village officers, one was the Village Munsif or Village Headman, whose duties included the collection of land-revenue and other Government dues from the cultivators and prompt remittance of the amounts collected into the Government treasury. He was also the grassroot-level eyes and ears of the district administration in matters which may have a bearing on law and order. The other was the Karnam or the Village Accountant, who was the custodian of revenue records at the village-level and made entries every year of the cultivators of each field and the crops cultivated. These posts were relics of the old feudal system of land-administration and were caste-based. Appointments to these posts were made by the Sub-Collector/Deputy Collector/Revenue Divisional Officer from the hereditarily-entitled family, subject to having passed the qualifying test. The Village Servants / Sethsindhis were appointed from among SCs and SEEdBCs. This hereditary system has since been abolished following a Supreme Court judgment.

4.28 There were two types of wrongs characteristic of a number of village officers. One of them was non-recording or wrong/false-recording of land and house-sites occupied by Dalits and other poor people and the other was misappropriation or temporary misappropriation of land-revenue and other dues collected from cultivators. A number of Karnams used to fudge the records to the disadvantage of Dalits and other landless poor persons cultivating Government lands. The Karnam was almost invariably from the Brahmin community as in the other Deccan States of Bombay / Maharashtra (under the local name of Patwari or Kulkarni) and Mysore / Karnataka (under the local name “Shanbag”). The village headman almost invariably was from the caste of the dominant land-owning community of the area. I recall going field by field in Vetapalem, a village near Chirala, and making additional entries of such Dalit and other poor cultivators of Government land whose names had been omitted. This I did in every village I visited as part of my land assignment campaign. Not making entries or making wrong/false entries by the Karnam not only caused misery to Dalit and other poor people, but it was also a means to extract illegal gratification. Typical of the Village Munsif or village headman was misappropriation or temporary misappropriation of revenue collected from cultivators, which, according to the rule, had to be remitted into the treasury without any loss of time.

4.29 I was severe to those village officers who committed such offences by suspending them, instituting enquiry against them and depending on the findings, punishing them. One such village was Murukondapadu, where the village Karnam named Sri Subramaniam had been suspended before my

time. The Village Karnam of the adjoining village, Kankatapalem, had been placed in additional charge of Murukondapadu. He and the village servant of Kankatapalem accompanied me to Murukondapadu when I visited that village for some work. I noticed that the Thotti (a village servant, customarily of the SC) of Kankatapalem was quite bright. He had the necessary minimal academic qualification for taking the Karnam's examination. His name was Sri Kathi Ananda Rao. At that time, I was exploring ways in which a dent could be made in the old feudal system of appointment of village officers on hereditary basis, which was also caste-based. I wanted to secure this result by appointing a Dalit to the crucial and locally prestigious post of the Karnam of a village. I located one village in my Division in which there was a non-hereditary post of Assistant Karnam, namely, Munipalle, in the Ponnur sub-Taluk of my Division.

4.30 I was in search of a Dalit possessing the minimum prescribed educational qualification so that I could encourage and equip him to take the Karnam's examination and appoint him as Village Karnam. I told Sri Kathi Ananda Rao to take the next examination for Karnam. I asked Sri Paulose, the Revenue Inspector of Bapatla, a Dalit Christian, to help and guide him to take the examination. Sri Ananda Rao did justice to my expectation by clearing the examination in one attempt. Members of the hereditary families rarely succeed in one attempt. I appointed him as Assistant Karnam of village Munipalle in 1959. This was the first instance in Andhra Pradesh, and perhaps in the entire country, of a Dalit being appointed to this post, which was then hereditary except in rare places. From the point of view of the people at the grassroot level, the appointment of a Dalit as Karnam was an extremely significant and landmark event. In their life the most powerful person was the Karnam – the Collector and other officers being too far beyond to matter to them in their day-to-day life. Though this was noticed with antipathy by the elite of the Division and District, it was reported only in one paper, viz., *The Mail* from Madras, which was later closed down. It was reported in *The Mail* because its correspondent was a Dalit Christian.

4.31 As part of my drive for allotment of agricultural lands to Dalits and other landless poor, I spent a lot of time in an area near Chirala affected by the Romperu drain, a drain under construction for channelizing water from the fields after irrigation, so that such water does not seep into the soil of the fields and cause salinity or alkalinity. A large number of Dalit and other poor people had parcelled out the land in the area into small agricultural fields and they were cultivating them. There was a ban on assignment of these lands.

Therefore, I gave them annual permission for cultivation of the fields which were under their occupation. Later, after the drain work was completed and the lands not required for the drain were released, the documents of Annual (Eksala) Permit were useful for them. The documents helped them as evidence of their occupation of the lands and to get regular *pattas*. Among the people, who used to meet me for these lands, I recall Lingam Mariamma; her husband Lingam Rajaratnam, a powerfully built man; Deta George and Dokka Kondaiah. They were Dalit Christians of Chirala-Perala. There was no difference in the way caste society treated Dalits, irrespective of whether they were Hindus or Christians. One of the persons who took general interest in all the poor people who were cultivating Government lands in that area was one Shri Sheikh Mastan. He was a communist, and when I traversed the land, identifying agricultural fields and their occupants, he was with the people and helping them and giving me information.

4.32 In 2010, I revisited Chirala. At that time, Lingam Mariamma etc were no more alive. But I could see her children, their wives and other younger members of their families. I was happy to know that these families had got a piece of agricultural land out of the Romperu area after the ban on assignment of surplus land was lifted.

4.33 During this period, competition for these landless poor Dalits and others came from one Shri Kashi Viswanatham who represented “political sufferers”. “Political sufferers” are those who were supposed to have been the victims of suffering for their participation in the Independence movement. Voluntary participation in the Independence movement was an act of patriotism without expecting anything in return. To seek “compensation” from the Government after Independence seemed to be inappropriate and ironical. There were also complaints that some persons who had no role or significant role in the Independence movement emerged with false certificates of participation in the Independence movement. “Political sufferers” were not agriculturists. It was widely known that many of the “political sufferers”, who were allotted lands, sold them away after allotment. However, since it was the Government’s policy to provide agricultural lands for certified political sufferers and there were orders to this effect, I had to and did accommodate them without hurting the interests of poor people whose need for agricultural land was paramount and continues to this day to be paramount. Yet, Sri Kasi Viswanatham and other leaders of the “political sufferers” and district-level leaders of the ruling party complained against me to the Government at the highest political level that I was unhelpful to

political sufferers. At one time, Shri Kala Venkata Rao, the then Revenue Minister and one of the senior-most political leaders of the State, and Shri Sanjivaiah, the senior-most SC leader and Minister, came on a visit to Ponnur, the headquarters of a sub-Taluk in my Division. They stayed in the Guest House at Ponnur. As was usual, a large number of people visited them with their representations. Among them were the insatiable complainants of the “political sufferers” category. When they crossed their limits, Shri Kala Venkata Rao, who was a stickler for propriety, angrily silenced them and sent them out. Later, he asked me separately about the land issue. I stood my ground on the paramount need for agricultural lands for SCs and other landless poor. I explained to him the long-standing Government’s policy and orders for assignment of land to SCs and STs and other landless poor, and how I was harmonising this long-standing policy and the policy in respect of “political sufferers”. Shri Kala Ventaka Rao seemed satisfied with my clarification and I could see a benign smile on the face of Shri Sanjivaiah. But matters did not end there as I shall show lower down.

4.34 The need for agricultural lands for Dalits continues to be paramount, because except for some rare efforts, especially when some rare socially conscious individuals were Collectors/Deputy Commissioners, there have been no systematic and organised efforts all over India to vest agricultural lands on every rural Dalit family and every other landless poor agricultural labour family. Recently, the then President of India, Shri K. R.Narayanan, appointed a Governors’ Committee to look into the availability of Government lands to be assigned / allotted to rural Dalit families. The Committee was set up with Dr P.C.Alexander as its Chairman. Dr P.C. Alexander was a distinguished retired IAS officer, who was then Governor of Maharashtra and prior to that Governor of Tamil Nadu.

4.35 Dr Alexander had a high reputation. When Smt. Indira Gandhi returned to power in 1980, she invited Dr Alexander, then on a foreign assignment after retirement, to come back as her Private Secretary. I worked closely with Dr Alexander when he was Director- General, Small Scale Industries, Government of India, and I was Director of Industries in Andhra Pradesh in 1973-76. He was appreciative of my work, in particular of my efforts to bring entrepreneurs from SCs, women and other deprived sections under the then newly started Self-Employment Scheme for the educated unemployed. Later, in 1983-84, I had an occasion to discuss with him my research findings about SCs. I pointed out to him that in Kerala, there is recorded evidence that SCs were bought and sold as slaves as late as the 19th

century when slavery in the entire British empire was abolished by the British Parliament. But the momentum of slavery in Kerala continued and spilt even into the 20th century. Dr Alexander was candid and honest to recall that there were a few slave boys in his ancestral home and estate. He mentioned this to his wife in my presence.

4.36 Among other Governors who were Members of the Committee was Dr Suraj Bhan, the Governor of Uttar Pradesh and subsequently Governor of Himachal Pradesh. He was a well-informed leader of the SCs and belonged to Ambala in Haryana. He was the live-wire of the Committee and Dr Alexander provided unbiased leadership. In its Report, the Committee took stock of agricultural lands at the disposal of the Government including lands which are presently uncultivable but could be made cultivable like the vast *usar* (saline and alkaline) lands of Uttar Pradesh and degraded lands in the Chambal valley. The Committee came to the conclusion that there were enough lands to provide a viable piece of agricultural land to every rural SC family in the country. This Report is still gathering dust in the offices. In spite of such an authentic Report, no effort has been mounted by successive Governments to launch a big national movement to assign / allot a viable piece of agricultural land to every rural SC family and, along with them, to every other landless poor agricultural labour family. The latter belong largely to the Most Backward Castes of the SEBCs.

4.37 One of the complaints I received as Sub-Collector, Ongole was from people of the Madiga community of Chinnaganjam, hamlet of Peddaganjam, that they were being prevented by members of the other major SC, viz., Malas, from taking drinking water from the drinking water-well which had been dug in the village by the Social Welfare Department for the SCs. In order to resolve the issue, I went to Chinnaganjam. At that time, Chinnaganjam was in panic because a few children of both the SC communities had got cholera. I immediately sent my vehicle to the nearby town, Chirala, and got a Health Inspector to come to the hamlet and administer preventive inoculations to all the Dalit children and also provide treatment to the affected Dalit children. Thereafter I addressed them and told them, that I had done what they wanted, and now they should do what I wanted. I asked a few representatives of both the Dalit communities to come with me to the well and jointly and along with me draw water from the well. Both of them complied with my request. Then I told them that I was going to have my lunch in the house of a Madiga family and I wanted that Mala representatives should join me, and thereafter I would have my second lunch in the house of a Mala family and I wanted

that the Madiga representatives should join me there. They did so. Thereafter, I addressed them at the public corner of the village and told them that the caste system and caste differences are irrational and harmful and they should eschew them. Some Muslims, who were also sitting nearby, volunteered to say that they did not observe caste differences. I asked them whether the Malas and Madigas could go into their mosque. They replied in the affirmative and invited me and Malas and Madigas to their mosque, to which all of us went. This created a great impression on both the SC communities. This event brings out two facts. One is that the friction between to SC communities can be resolved amicably and harmoniously. They were impressed by the fact that the Muslims of the village took them to their mosque without any reservation. It illustrates the thirst of the SCs for equality of treatment.

4.38 Many years later, I revisited Chinnaganjam in 2010 along with my wife Mrs Shantha Krishnan. The well was no more in existence, but the spot where the well existed was known and was shown to me. The village now has got piped water supply. There was only one old man who could recall the events of 1958-59. I visited the Mala habitation as well as the Madiga habitation, which continued to remain separate. The gap between them remained. The condition of Malas was bad enough, but the condition of Madigas was worse. Originally, both the communities were so severely oppressed that there was little difference between them. But as time passed, one of the two was able to take the benefit of education and reservation in jobs and education better than the other, and a visible gap has arisen between them. This is also what has happened in the case of other States. This is a problem which needs to be resolved, by presenting all the facts before the communities and persuading them to accept an amicable solution which would mean defeat for neither and victory for both. Unfortunately, political parties use this gap to fan mutual hostility among the communities so that each party can get the votes of one of the two communities without doing anything significant for them.

4.39 I would mention two or three other instances of my work as Sub-Collector. One relates to an important annual event known as the Jamabandi. Jamabandi or Annual Revenue Settlement is conducted every year at the headquarters of Sub-Collector/Deputy Collector/Revenue Divisional Officer. The Tahsildars and other Taluk staff and the village officers assemble with the records of each village which are scrutinized and approved, thus settling the land-revenue dues of the year for each village. This event used to stretch over two or three days. The last day was known as Petition Jamabandi. It was devoted to the hearing of grievances of the people of the villages. Any

villager was free to present his grievance and representation to the officer and redressal was ordered on the spot wherever possible and, where on-the-spot redressals were not possible, directions were issued to the Tahsildars and other officers for further action. This part of the Jamabandi, i.e., the Petition Jamabandi, was very important for common people of the village. In my case its significance was less because of my practice of hearing of the problems of Dalits in their own habitations, resolving their grievances on the spot, resolving their major problems, especially those pertaining to agricultural lands, house-sites and caste-certificates, and hearing and resolving the grievances and problems of others also. The news went around that I was conducting Jamabandi almost every day in the Dalit bastis. I was surprised to hear, at a Conference three or four years back at the National Institute for Rural Development (NIRD), Hyderabad, Shri Munivenkatappa, an IAS officer of the 1968 batch (who passed away in 2015), while delivering his introductory speech, informing the audience that I used to conduct Jamabandi in the Dalit habitations as one of the significant landmarks of my life and work.

4.40 My name spread not only in my Division and the District, but also in the rest of the State for my work for the Dalits and other deprived classes, especially the Dalits. It was resented by powerful elements in the District and in the Government, led then by Sri N. Sanjeeva Reddy with Sri Brahmananda Reddy, the then Finance Minister, as his trusted aide, and by certain elements in the higher bureaucracy, including the then Chief Secretary, Sri M.P. Pai. Sri Brahmananda Reddy belonged to the Guntur district in which Ongole was. He belonged to the upland Narasaraopet Division of the district. I came to know that some members of the land-owning classes of Ongole Division, who also doubled up as money-lenders to the Dalits, complained to the Finance Minister, and with his support and through him, to the Chief Minister, that I was encouraging the Dalits not to repay their loans. In fact, as the case of the Ramaiah brothers of Chinnakowkuntla shows, these loans had been more than repaid, but the usurious and illegal interests charged enabled the land-owner-money-lenders to show that the loan-plus-interest was only increasing. These never-never-ending loans were the means by which the land-lord-money-lending class of the dominant caste of the area exercised tight control over the Dalits and other agricultural labourers. The Dalits were fully justified in stopping the repayment of their loans which in fact had already been more than repaid. They knew that the land-lord-money-lenders' accounts were fudged. It is quite possible that my camping in their habitations gave them the moral courage to resist the continuing unjust claims of the

land-lord-cum-money-lenders. Since the Sub-Collector during his visits to villages camped in Dalit habitations and thereby made them virtually the headquarters of the village, others with grievances had to come there to have them redressed. All these added to the prestige and self-confidence of the Dalits, so that they gathered courage to repudiate these fudged claims, though I had not specifically asked them not to repay their loans in so many words. The land-lord-money-lenders made this a prime issue in their complaints to Shri K. Brahmananda Reddy and Shri N. Sanjeeva Reddy. Another complaint communicated to them against me was that I was forcing upper caste people to eat food in the Dalit bastis. In fact I never forced any one to eat anything anywhere. During my visit to Dalit bastis, the local Dalits, as a matter of courtesy, would offer me some food cooked in their houses, which I would take. Eating food and drinking water offered by Dalits in Dalit bastis has a powerful effect, symbolic as well as substantive. It is a breach of “Untouchability” and is a breaking of caste-barriers. On those occasions, the Dalits would offer the same food and water to the village officers and others accompanying me. They could not refuse it when the Sub-Collector himself partook of the food. This was portrayed by them to their leaders as an act of coercion by me. Sri M.T. Raju, a powerful ICS officer of Andhra Pradesh, who was then Revenue Secretary, himself a very large land-owner belonging to a dominant caste who later became Chief Secretary and, after retirement, an MP, during his tour of Nellore district, asked my batchmate Shri V. Narayana Rao: “who is the Sub-Collector of Ongole, I say, who is preaching and fomenting class war?” Shri Narayana Rao told me that he explained to him my work for the Dalits in the proper perspective. But, merely camping in Dalit habitations, solving their problems on the spot, especially regarding agricultural land, house-sites, caste-certificates and creating a situation in which others had to come to Dalit habitations for having their grievances heard and resolved, was viewed as “preaching and fomenting class war”.

4.41 One of the Ministers who understood my work and was sympathetic to me was Sri Anagaani Bhagawanta Rao, who belonged to the Socially and Educationally Backward caste of toddy-tappers, known as Idiga in Andhra Pradesh, who, in terms of traditional occupation, are the counterparts of the Nadar of Tamil Nadu, Ezhava of Kerala and Billava of South Kanara. Unlike these castes of Tamil Nadu, Kerala and the adjoining South Kanara or Dakshina Kannada of Karnataka, a district which adjoins Kerala, Idigas were never treated as “Untouchables” in Andhra Pradesh – in some parts of Andhra Pradesh, the Idiga have assumed the name of “Setty Baliya”, which is felt as more respectable than the traditional name. But the socio-economic

and educational conditions of the Idiga of Andhra Pradesh are now worse than that of Ezhava and Nadar. A very large percentage of them continue to still work as toddy-tappers. My wife and I used to stop and talk to people about their conditions in our recent tours. Among the communities who were poorly clothed, often shirtless (reminding of “*sans-culottes*” of pre-revolution France) were Idiga and Kuruma, the shepherds. We found the shepherds still taking their flock along the roads and we found many Idiga in their sparse traditional attire and with their toddy-tapping equipments, walking on foot and more recently on cycle, going to their traditional work-sites. We found even educated boys among them, matriculates and above. I first met Shri Anagaani Bagawanta Rao, who belonged to Tenali, adjoining my Division, at the Chirala Guest House. He spoke to me very warmly and expressed his feelings towards me and my work by holding my hand for a long time, even when talking to others.

4.42 Sri Anantaraman, with whom I had a strange encounter in the Hill Bungalow of Ongole in 1958, came to Guntur, the headquarters of the district, to hold an enquiry against me. He called me over to the Guntur Guest House. There he showed me a heap of papers and told me that they were all complaints about my “fraternising” with and encouraging the Dalits. I told him that the Dalits are victims of “Untouchability”, which has been abolished by the Constitution, but still prevails in force, and it is the duty of an IAS officer to help them to resolve their problems and I was only doing my duty. Then Mr. Anantaraman said that, “there is no ‘Untouchability’ in our religion”. I told him that, unfortunately, the Manusmriti lays down different punishments depending on the caste of the convicted and the caste of the victim and different rates of interests on the same basis. In my view, it would be a valid defence to say that Manusmriti is not part of the Hindu religion. That was the stand of the two foremost reformers and interpreters of the Hindu religion, viz, Swami Dayanand Saraswati and Swami Vivekananda, and also persons like Swami Shraddhananda. Instead, Shri Anantaraman responded as though Manusmriti was part of religion and burst out in anger: “I have not come here to hear my religion maligned”, and walked away inside. In fact, I was not maligning the Hindu religion, but was only condemning the social discrimination based on the caste system and “Untouchability” codified in the Manusmriti, which is really not a religious scripture. That was the end of the enquiry, but was not the end of the matter. This was the basis of the remark in my Confidential Report that I “used my knowledge of Sanskrit to debunk religion”.

4.43 In the course of the enquiry, Sri Anantaraman also said that there was a complaint that I was a communist. I explained that to imply that an officer can do justice to Dalits and other deprived people, only if he was a communist as alleged by the accusers, was a self-defeating admission on the part of the accusers. I knew that the accusers included not only well-to-do landholders, but also MPs like Shri Ronda Narappa Reddy (many years later a Minister), who belonged to Ongole. He met me on two or three occasions with a Dalit Rajya Sabha MP, Shri V.C. Kesava Rao, accompanying him. The latter was a silent partner and all the talking was by Sri Narappa Reddy. He told me that first they thought I was a Dalit. Later, they found out that I belonged by birth to an upper caste and ascribed my sympathy for Dalits to my ideological leanings, implying that I was a communist. I reminded them that Gandhi ji, whose name they often took, used to visit SC habitations and it was ironical on their part to imply that any person with sympathy to Dalits must be a Communist and to imply that those who follow Gandhi ji cannot be sympathetic to Dalits. The purpose of their last meeting with me was to express their unhappiness that I did not send a report supporting their complaints against the elected President of the Vetapalem Panchayat Samiti who was a communist and the BDO of that Panchayat Samiti. I was scrupulously impartial irrespective of political parties. After detailed investigation and enquiry and local inspections, I did not find any truth in the specific allegations against the President and BDO and sent my report accordingly to the Collector. I explained these facts to Sri Anantaraman.

4.44 The Cabinet of Andhra Pradesh, I understand, discussed the conduct of the Sub-Collector, Ongole, deliberated on how he had become a thorn in the flesh (of the rapacious large land-owing-cum-money-lender class, who belong to the dominant community of the district and the region, except in Narasaraopet area, where another similar community was dominant), and how he should be disposed of. This was perhaps the only instance in which a Sub-Collector and his work were discussed at length by the Cabinet. It was decided to transfer me to an “innocuous” post away from “mischief” which would also express the Government’s displeasure towards me. Sri Anagaani Bhagawanta Rao’s was the lone voice that was raised in the Cabinet in my defence. He observed that, this (i.e., the attack on me and the action contemplated against me) is what happens when an officer works sincerely for the weaker sections.

4.45 From soon after I assumed charge as Sub-Collector, Ongole, the landlord-money-lender class/caste had all along been propagating that I

would not last long. In fact, they had started this propaganda within one or two months of my stay in Ongole. Lingam Mariamma and Lingam Rajaratnam would mournfully chant: “*unneeru, unneeru*” (which means, “they will not allow you to stay”).

4.46 I was not taken by surprise by the reaction of and action by the ruling political leadership. Apart from what I knew generally about its caste-based, caste-dominance-based and rural- land-ownership-based affiliations, I recall two specific instances of the speeches of Sri N. Sanjiva Reddy, one when he was Chief Minister and the other shortly after he resigned from the post of Chief Minister, following High Court strictures in a certain case and moved to the Centre. In the former instance, in a speech in my Division, at Maddipadu, he was expressing his sorrow on the death of Sri Kala Venkata Rao. In the course of his speech he commented that Sri Kala Venkata Rao had been distressed by the fact that SCs were following those who promised to distribute agricultural land to them. The second speech was at a public square in Anantapur, the headquarters of my punishment posting as Assistant Settlement Officer. I stood in the crowd listening to his speech. It was substantially devoted to his services to the State and its people. One example of his services which he mentioned was that, while the Party programme made it inevitable for him as Chief Minister to introduce land-ceiling legislation, he gave sufficient time and scope for those holding surplus land to make adjustments and re-distributions so that their holding size would come within the ceiling limit. In that period, it was widely known that large land-holders divided up their holdings among different members of their families and some even resorted to fictitious divorces. This was at the cost of Dalits and other landless agricultural labourers, who were the intended beneficiaries of surplus lands under the land-ceiling Act.

4.47 Before the axe fell, I continued to go to the villages, Dalit bastis, fishermen’s hamlets and work as before, resolving their problems on the spot. It was on my way to a village known as Thimmasamudram, where I was going on receipt of a petition of the Dalits of the village, that I met Sri S.R. Sankaran, then under District-level training, for the first time. More about this encounter and its sequel later.

4.48 I soon got a letter from the Chief Secretary that it had been decided that I should be posted as Settlement Officer (an “unprestigious post”, equivalent to the District Collector) and in preparation for this, it had been decided by the Government to transfer me as Assistant Settlement Officer (ASO),

Anantapur, revealing a long-term thinking and long-term planning to relegate me to a “sideline” post in which, it was believed, I would have no opportunity for public contacts and public-related work as in “mainstream” posts of Sub-Collector and District Collector. No IAS officer before me and after me has been posted as ASO. ASOs were always posted from among State Deputy Collectors. This posting was obviously intended to “humiliate” me and to express the Government’s displeasure at the way I worked as Sub-Collector “favouring” SCs and other poor people and to “teach me a lesson” with deterrent effect on others. I handed over charge to Shri Katuri Venkateswara Rao, a State Deputy Collector and a good human being. Earlier, when myself and my batchmates were under training, all of us had one month of settlement training in the then Visakhapatnam district (since bifurcated into Visakhapatnam and Vizianagram districts). The centres of our training were Anakapalle and Vizianagram. Shri Venkateswara Rao, who was at that time the ASO of the area, was in charge of our settlement training. So, when he came to take charge, we met as old acquaintances. He knew my background and was sympathetic to me for my “plight” and counselled me, “*Krishnan garu, Swacchamaina-Kulamlo putti, idantaa enduku?*” (“Having been born in a pure caste, why all this?” - referring to my work for the Dalits and other deprived classes). I handed over charge on the 18th November 1959. I lasted exactly one year, one month and one day. It was not possible for the system to bear me for one day longer.

4.49 As ASO, Anantapur in 1959-60 and later as ASO, Kurnool in 1960-61, with the same territorial jurisdiction over the three Rayalaseema districts of Anantapur, Kurnool and Cuddapah, I had to implement the A.P. (Andhra Area) Inam Estates (Abolition and Conversion into Ryotwari) Act, 1956, which is complementary to the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (EAA). The EAA deals with large estates consisting of a number of villages. Inam Estates are Estates, each of which covers an entire village. There is a third category, namely, Minor Inams. Minor Inams are inams of parts of villages, and their abolition and conversion to Ryotwari is the subject of another Act, the Inams Abolition Act, administered by the Sub-Collector/RDO. I had experience of the Inam Abolition Act as Sub-Collector of Ongole. Inams are hereditary grants of land or, in the case of Inam Estates, grant of whole villages on no revenue or concessional revenue basis. These were grants made by rulers of the past to persons in recognition of services rendered such as military service or priestly service.

4.50 Estates, Inam Estates and Inams were grants of land / right to collect land-revenue or grants of land made on the basis of concessional rate of revenue. They had been granted for various reasons. These grants dated from the times of the Hindu rulers and Muslim rulers, and were continued under the British. The grantees were privileged categories of persons like Brahmins and members of military castes, at one end, and, at the other end, members of communities like Devadasis. To the former class, these grants were given for services rendered or services to be rendered in future also. In the case of the latter, grants were given for temple services. Under the post-Independence laws, in the case of grants given to individuals, *patta*, or the certificate of occupation, was to be given to the estate grantee for lands directly cultivated by the grantee. Where the lands were cultivated by the *ryots* (which means cultivating farmers – they were referred to as tenants in the estates), *pattas* for lands were to be given to the cultivating *ryots*. Wherever, within an estate, the estate-holder had given a minor *inam* to one or more families with the condition of rendering personal service to the estate-holder and his family, such condition of personal service was to be terminated and *patta* given to the cultivator. With this one feature of the long-standing feudal system was abolished. The cultivating farmers who were recognised through grant of *pattas* were put in direct relation with the Government, without any intermediary like Zamindar or Inamdar as before, and they were to pay land revenue directly to the Government, as in the case of lands already held under ryotwari tenure. *Patta* was to be given to the Landholder, i.e., the Zamindar or Inamdar only for lands under their personal cultivation. The term personal cultivation came to be interpreted so widely, drawing upon case-law under the old Madras Land Estates Act, 1908 that many lands for which, in my opinion, *pattas* should have been given to *ryots* or actual cultivators, were given to the Landholders, reducing the intended effect of these land-reform measures. Nevertheless, they were a step forward, though a limited step.

4.51 The land-survey system in the estates was not as precise as the land-survey system in the case of Government village lands. Therefore, the first step was to have a proper survey of each of the estates, fix their boundaries correctly, record the fields and the names of the occupants and map them. The next step was to fix the rate of land-revenue for these lands. These are routine exercises which had to be finally approved by the ASO, subject to appeal to or, in certain cases, revision by the Settlement Officer. But, important from the people's point of view was proper recording of occupancy and cultivation of individual fields. Here, there was scope for mischief and corruption at the cost of SCs, SEBCs and other poor cultivators and to the benefit of

the erstwhile estate landlords or other large landholders. The experience of the Madigas whose cultivation of 200 acres of land was not reflected in the survey records, which I came across during my training in Nizampet village of Medak district, came to be of use to me. I gave particular attention to the verification of the recording of the name of the occupants and correction where necessary. On the basis of the survey records prepared by the survey staff, the settlement officers and settlement Tahsildars issued “rough” pattas to the persons shown as cultivators in the records. This gave an opportunity for the ryots to make representations in case there was any error in the rough pattas. The Assistant Settlement Officer held what was referred to as “Rough Patta Objection Hearing” (R.P.O.H), and thereafter, and on the basis of his orders in each case of representation, finalises the pattas. Thereupon final pattas were issued. I gave great important to this part of the process, and in contested and doubtful cases, I undertook field inspections. One impediment was that many of the small ryots were illiterate or semi-literate and could not quite understand what was recorded in rough pattas. I worked out a system to make everyone understand all facts about every land in their villages.

4.52 From my experience, I evolved and perfected a methodology to verify whether the survey record of lands and their cultivators was correct. This methodology consisted of the following steps:

1. Sitting in an open space in the village with the detailed map of the village showing each piece of land by survey numbers and sub-division numbers. The open space thus became the temporary office. Closed space as in an office hall has psychologically a claustrophobic effect on common people. Open space tends to make them feel free.
2. Prior intimation so that all people of the village could gather and participate.
3. The time chosen was usually in the evening so that all the people could complete their day’s agricultural work and other chores and be in a position to assemble.
4. Conducting of proceedings only in the language known to the people and eschewing any language not known to them. This, in the context, meant conducting of proceedings in Telugu and avoidance of English. Even if an educated person tried to show off his superiority and his proximity to the powers-that-be by trying to speak to me in English, I would cut him short, asking him whether he knew Telugu and if so to speak only in Telugu.

Lawyers who appeared in any case had also to do the same. Even where initially in hotly contested cases some people engaged lawyers, when proceedings were conducted in Telugu they found they could explain their case to me better than their lawyers, who concentrated mainly on procedural aspects and often tried to seek adjournments. The result was that even those who initially brought in lawyers dispensed with lawyers on subsequent dates.

5. Choosing a well-known landmark within the boundary of the village in consultation with the people — it could, for example, be a temple; it could be the point where a local rivulet or stream entered the village. Starting from that landmark I would refer to the plot of land adjacent to the landmark, say to the east or to the south or the west or the north, as the case may be, and so on until all plots were covered. The extent of land and the name entered by the staff in the records (referred to as Survey Land Records or SLR) would be read out. I asked them to make a sound of agreement wherever the record was correct and not fail to object if there was any error. There was tremendous and active participation by people in this exercise irrespective of the hour even when the proceedings extended late into the night and sometimes to the early hours of the morning. I recall a number of instances where the entries had been manipulated to the disadvantage of poor cultivators, usually of the BCs or SCs and to the advantage of rich land-owners and influential persons. When proceedings are conducted in the open in the language known to all, it is difficult even for a rich person or an influential person to tell lies, for the lies would be easily exposed and he would become the laughing stock of the village. I had very interesting examples of this in the village of Iragampalle in Penukonda Taluk, Pulamathi and Kotipi of Hindupur Taluk in Anantapur district and a village (the name of which I am not able to readily recall and for which I have to dig deeper into memory) of Alur Taluk in Kurnool district.
- 6 In cases of dispute or doubt I would carry out local onsite inspection with the entire populace of the village accompanying me.

4.53 This methodology helped me and the people to ensure that wrong entries of occupancy (which virtually is ownership) were detected and rectified. It was the refrain of officers working in the Settlement Organisation that people took no interest in settlement proceedings and it was difficult to reach them. My experience was totally different, only because I conducted the proceedings in Telugu, conducted proceedings in the open, gave them

full information in a manner they could grasp, and never allowed matters to be steamrolled through in hurry.

4.54 A few interesting examples of the period 1959-1961 will show the beneficial outcome of conducting land-related, ownership-related, occupancy-related proceedings by associating the entire populace of the village.

4.55 In Pulamathi village in Hindupur Taluk, Anantapur district, poor cultivators including Dalits represented to me that they were not issued rough *pattas* for their lands. It was explained to me by the survey staff that the rough *pattas* were not issued to them on the ground that their lands were in the tank-bed. The lands in the tank-bed really belonged to certain big and influential land-holders of the dominant community of the village and area. The survey staff had recorded the lands of the Dalits and other poor cultivators, which in fact lay outside the tank-bed in the name of the dominant influential land-holders and recorded the name of the Dalit and other poor cultivators as occupants of the lands in the tank-bed. This transposition was a clear case of deliberate mischief. Tank-beds are “*Porombokes*”, i.e., lands required for the public purpose of irrigation. *Porombokes* are not classified as *ryoti* lands. *Pattas* can be given only for *ryoti* lands. The representationists contested the version of the survey staff and claimed that their lands were not in the tank-bed. I undertook a personal inspection of the lands. The lands cultivated by them were shown to me by them in the presence of survey and settlement staff and the people of the village. It was patent that their lands were not in the tank-bed, but were well outside the tank-bed. But the survey staff transferred their lands to the tank-bed. They showed the names of certain big and influential landholders of the dominant community, whose lands were really in the tank-bed, in the place of the names of the poor cultivators. I got the records corrected on the spot and issued orders granting *pattas* to the Dalits and poor cultivators and cancelling the rough *pattas* earlier issued to the influential large cultivators, who could not press their fabricated cases in the presence of the people of the village.

4.56 In Kotipi village there was a dispute regarding a small piece of two acres of land between a family of poor peasants belonging to the Uppara Caste and the richest landholder of the village. The traditional occupation of Uppara caste is digging and gathering sand. In the past, workers of this caste also extracted salt from rocks. Uppara is occupationally as well as etymologically the same as the caste Lonina, a Socially and Educationally Backward class, of

North India. Lonia is from the Sanskrit *lavanam*, which means salt, referring to the extraction of salt from rocks which was also part of the traditional occupation of the Lonia community. Uppara is from Uppu, a word that in Telugu and in all South Indian languages means salt. This is a Socially and Educationally Backward Class. The other claimant was not only the richest landholder of the village but was also the village Munsiff or village headman, commonly referred to in Rayalaseema as “Reddy”. Most of the village headmen in Rayalaseema belonged to the caste, the real name of which is “Kapu”, but in common parlance is “Reddy”. Even in the few rare instances in which people of other communities were village headmen, they were referred to as the “Reddy” of the village. It is part of the common pattern all over India that until the system of hereditary village offices was abolished, the village headmen usually belonged to the community having maximum control of land in the village / area, while the Karnam or Patwari or village accountant would in most parts of the country be a Brahmin or Kayastha or similar caste. There were exceptions — in the course of my peregrinations in the villages I have come across a Boya Karnam and a Muslim Karnam.

4.57 The Survey Land Records (SLR) of Kotipi had the name of the village headman as the occupant. A few questions helped me understand the situation. I asked the village headman a number of questions about the crop cultivated in the current year, in the previous year and the year before that. His replies elicited guffaws of derisive laughter from the simple folk assembled because they knew that what he was saying was blatant untruth. After gathering all evidence that needed to be collected to find the truth, I posted further hearing to the Taluk (same as North Indian Tehsil) headquarters, Penukonda, on a day fixed and intimated in public at the end of session in Kotipi. A large assemblage gathered at Penukonda too. At the outset the village headman said that he was giving up his claim. He was a contrast to the self-confident, almost arrogant self that he presented in the village. He appeared meek, subdued and diffident and his voice was feeble. In fairness, I did not want his apparent physical weakness to be taken advantage of. I asked him whether he was well or whether he would like to be heard on another date. I did not want any disadvantage to his case on account of illness, in case he was ill. Then the village accountant came forward to explain that he was really giving up his claim because, after I left the village, on the previous occasion, the whole village derided and ridiculed him that being a rich man he told so many lies to wrongly appropriate a small piece of land, not belonging to him, from helpless poor people. My enquiries and local inspection showed that the land in question really belonged to the Uppara

brothers, who had got the land by inheritance, and they had been occupying and cultivating it since a long time. Their land was believed by all to be part of the next village which was a ryotwari village but the survey of the Inam Estate village of Kotipi showed that that piece of land belonged to Kotipi and not to the adjacent ryotwari village. Since the Uppara brothers were not known to the cultivators of Kotipi village, this gave the opportunity to the influential village headman in collusion with the survey and settlement staff to get his name entered as occupant of this piece of land. Patta was indisputably due to the Uppara brothers and was given to them.

4.58 Another instance pertains to a village in Alur Taluk in Kurnool district where the main landholders were members of a family of the Brahmin caste and the office of Karnam was hereditarily in that family. I remember the name of the Karnam, Sri Balakrishna Rao. While traversing the lands sitting in the village-square in the open with a map before me, in accordance with my methodology, when I came to a land of 15 acres, and read out its particulars and the name of occupant recorded against it, namely, Balakrishna Rao, the grunts of assent went silent. My initial stipulation was that wherever the entries read out in relation to a particular Survey No./sub-division of land was correct, they should confirm it by giving a sound of assent, and object if there was a mistake. When in this case, all went silent, I asked them why? Was there any mistake in the record? No one opened his/her mouth. When I persisted with my question, one Dudekula Muslim stood up and gathered courage and braced himself to say clearly that the land belonged to the Madigas (Madiga is the most numerous Scheduled Caste of Andhra Pradesh and also Karnataka and, under different local names, one of the largest in Tamil Nadu and Kerala). He explained that this was an *inam* land given to the Madigas of the village by the landholders for personal service that they had to render to the family of the owners of the *inam* Estate. He said that the land was under cultivation by the Madigas since generations and was divided into “metes and bounds” demarcating the holding of each of the Madiga families which would not be the case if the whole land belonged to one person or family. The brave Dudekula Muslim helped to break the ice. The meek Madiga men and women, who had been reduced to the state of meekness by the weight of centuries of unrelieved oppression and humiliation and demoralization, now gathered courage to stand up and claim that the land was theirs. The entire assemblage before me, belonging to different castes and communities, supported the testimony of the Dudekula Muslim and the Madigas.

4.59 The name entered in the record was that of Balakrishna Rao, the village Karnam. I knew who it was, but with pretended innocence asked, who this Balakrishna Rao was, and they pointed out to the man standing behind me, the village accountant. He cowered under the shame of public exposure and admitted that the land did not belong to him, but was indeed the inam land of the Madigas. Under the Act, all conditions of personal service attached to an inam grant were to be terminated and the persons, to whom inam for personal service had been given, were to be recognized as *ryots* or legal occupants of the land. This was done and I could see that the happiness in being able to unearth the truth buried under falsified official records and rendering justice based on truth to the weak and defenceless that surged within me was shared by the entire populace. Even the would-be misappropriators of the land could not say that any injustice was done and readily agreed to the recording of the names of the Madigas in actual occupation of the land.

4.60 One more of the many instances relates to Iragampalle, in Penukonda Taluk of Anantapur District, which I recall was a relatively idyllic village. The cultivators of this village belonged to castes “lower” than the regional dominant caste and they were almost entirely small-holders. There was also the unusual phenomenon of an SC landholder in that village whose name, I recall, was Mala Narasaiah (Mala is the second most numerous Scheduled Caste of Andhra Pradesh, nearly equal to the population of Madigas, taking the pre-bifurcation State as a whole and most numerous in the post-bifurcation Andhra Pradesh). Mala Narasaiah was a respected person in the village and was associated with intra-village consultations and decisions. In an area where “untouchability” was rampant and continues to be widespread, Mala Narasaiah was given the privilege of sitting on the Pyl of caste Hindu houses, though even he could not enter inside like caste Hindus. Even the part-amelioration of the social status of Mala Narasaiah shows the importance of land ownership to the status of Scheduled Castes in village society and shows why it is important to make every rural SC family a landowner, not only as a means of economic liberation and enfranchisement but also as a tool, potent as no other, to eliminate untouchability. In this village the threshing floor used by all cultivators for threshing their harvested corn was entered in the name of the village accountant or Karnam, Venkateswarlu, as though it was a cultivable land actually under cultivation. Lands in public use like the threshing floor of the village should not, under law and by long-established custom and usage and administrative practice, be registered in any individual’s name, but should be registered as a Poramboke

(similar to *gair mazurva khas* of North India) and preserved for equal access and use by all people. My inspection in the presence of the people showed the true and indisputable nature of the land and its customary use. Obviously unable to bear the shame of public exposure, the village accountant fell unconscious or pretended to fall unconscious. After a few moments he got up and fled the scene. Correction of the settlement records on the basis of truth was done immediately.

4.61 Another village I may illustratively mention is Mannesamudram in Penukonda Taluk where the cultivators to whom, after enquiry, I ordered grant of *patta*, were share-croppers who actually cultivated the lands in the village. Share-croppers are known as *Palu* in Telugu. The estate-holders were shaken that *pattas* were ordered to be given to share-croppers. Incredulously, they asked me, “are you going to give *pattas* even to *Palu*-cultivators”. I saw nothing in the Act which prohibited *patta* being given to *Palu*-based cultivators. In fact, the Independence era slogan and principle of “Land to the Tiller” encompasses *pattas* to share-croppers, though this has not been implemented in most parts of India with rare exceptions like West Bengal of the 1970s and my own isolated actions.

4.62 Share-croppers in Andhra, as in the whole of the country, represent the most insecure and lowest level of tenant-cultivators. In Bengal, they are known as Bargadars; in Bihar, they are known as Bataidars. Usually, their names are not even recorded in the revenue records which are annually prepared, known as “Adangal” in Andhra (as in Tamil Nadu) and “Pahani Patrak” in the erstwhile Bombay Presidency and Hyderabad including the Telangana part of Andhra Pradesh (now State of Telangana). They have no occupancy of tenure. Their tenure can be terminated any time at the will of the land-owner. Therefore, they come under the category of “tenants-at-will”. There have been a number of agitations to secure occupancy rights for share-croppers and to increase their share in the crop cultivated. The Pabna riots of the 19th century in the eastern part of Bengal Province – now Bangladesh – were based on the aspirations of tenants-at-will, including Bargadars under the Zamindars. The famous Tebhaga movement in Bengal, led by the Communist Party of India, in the period shortly before Independence, was to reduce the land-owner’s share from one-half to one-third of the harvested crop. One of the important land-reform legislations got enacted by the Left Government in Bengal in the 1970s was an Act to confer permanent occupancy rights on Bargadars. Unlike what happens generally in the case of land-reform Acts, this Act was effectively implemented. One important

aspect of it was to ensure that the names of the actual Bargardars (cultivators) were recorded, in the case of each land, as the names on record till then were those of the non-tilling owners. The methodology of the Operation Barga was to associate the Bargardars in identifying the plot cultivated by each in the presence of the entire village and to bring the names of actual cultivators on record. The Bargardars thus recorded were by law given occupancy rights with permanent tenurial security in respect of the lands cultivated by them.

4.63 While political leadership for such a basic reform had to come from the ruling Party/Coalition, administrative leadership was provided by one of the socially sensitive IAS officers of West Bengal, Shri Debabrata Bandopadhyay of the 1955 batch, a year before mine, whom we commonly addressed as Debu. From the level in which land-tenures were in Bengal, ridden by the Permanent Settlement and Zamindari, imposed by Governor General Cornwallis in 1793, Operation Barga was a significant step forward. It was a continuum from the Pabna riots of the 19th century and the pre-Independence Tebhaga movement, and the first baby step of the post-Independence tenancy reforms.

4.64 The Barga reform provided for permanent occupancy, but not for acquisition of ownership rights by the erstwhile Bargardars. In the period from 1987 to 1989, when, in my capacity as Special Commissioner for SCs and, during part of the period, for STs also, I visited various States, including West Bengal, in connection with issues of SCs and STs, I asked the Minister for Social Welfare, West Bengal Shri Dakua whether the entitlement of Bargardars (of whom 46% were estimated to belong to the SCs and 6% to the STs, unlike the pattern in the rest of the country where share-croppers are typically and mostly from the lower rungs of SEEdBCs) should be limited to occupancy and should it not, in fairness and also for better productivity, be extended to the right to acquire ownership. Shri Dakua got the point and made this improvement by filling up this gap soon after.

4.65 The Operation Barga movement also harks back to the now forgotten Nijai Bol movement of 1946 in the Basti district of Uttar Pradesh, under the leadership of the first Chief Minister of Uttar Pradesh Shri Gobind Ballabh Pant. This movement has been described by Prof. Rajendra Singh (“Peasant Movements in Uttar Pradesh: A Study in the Politics of Land and Land Control in Basti District, 1801-1970”, in MSA Rao (ed.), *Social Movements in India, Vol.1: Peasant and Backward Class Movements*, New Delhi: Manohar

Publications, 1979). My brief account of the Basti land-reform operations is based on Prof. Rajendra Singh's Paper.

4.66 Basti was part of the territory surrendered by the Nawab of Oudh to the East India Company in 1801 and referred to as the Ceded Districts which reminds one of the Ceded Districts of the present Andhra Pradesh which were ceded about the same time by the Nizam of Hyderabad to the East India Company for default of annual subsidy payable to the extortionist Company under Governor-General Wellesley's dispensation. During the pre-Independence colonial period, land in Basti was owned by Maliks or landlords, who consisted primarily of Rajput Rajahs and Thakur zamindars and 'Birta'-holders (grantees), who belonged to the Brahmin caste, and were upgraded by the Fifth Land Settlement Act of 1942 bringing them on par with the original Rajput-Thakur Maliks. Thus these two castes accounting for 14.4% of the district population (Rajputs 3.12% and Brahmins 11.31%) owned 64% of the agricultural land by the turn of the 20th century. The remaining 36% of the lands were owned by other Hindu castes, 62 in number, and Muslims, accounting for 85.6% of the district population. The latter was the result of British agrarian policies in Uttar Pradesh.

4.67 The bulk of the people were Prajas. The Maliks exercised total and exclusive right to sell, purchase and mortgage land. The 62 Hindu castes which secured under-proprietary tenurial rights during British rule are those which are today designated as Socially and Educationally Backward Classes, of whom the numerically largest are Ahir or Yadav and Kurmi, respectively 11.8% and 8.7% of the population. At the bottom are the "Untouchable" castes accounting for nearly 17% of the Hindu population. The largest of them, namely, Chamar, numerically larger than Rajputs and Brahmins, owned a mere 29 acres in the whole district at the turn of the century. The "Untouchables", the present SCs, were virtually serfs and slaves.

4.68 The growth of the Independence movement was accompanied by the politicization of the peasantry, symbolized by the Chauri Chaura revolt near Gorakhpur in 1920, and the No-Rent and No-Tax campaigns of the Congress against the British in 1930. The Congress, converted into a mass organization by Gandhiji, took up issues of the grievances and discontent of the peasantry against the Zamindars and Talukdars of Uttar Pradesh. One significant event in this regard was the report of 1931 of the Special Agrarian Enquiry Committee known as the Pandit Committee headed by Pandit Gobind Ballabh Pant. Prof. Rajendra Singh counts 30 violent peasant rebellions

including 11 major rebellions in the 1930s and 1940s directed against the oppressive agrarian structure of Basti marked by eviction of tenants, extortion of “begar” (forced labour), “malikana” (exactions of Malikis) from them, sexual exploitation of their women-folk through concubinage etc, all of which, existing since long, now became focal points of revolt. These culminated in the Nijai Bol (which means “Declare ownership” of land) movement of 1946. At that time Pandit Gobind Ballabh Pant had become the Chief Minister of Uttar Pradesh. He took up the demands of the peasants and instituted a record-operation on lands in Basti as in other districts of Uttar Pradesh. This was in fact a record-correction operation bringing on record the actual cultivators or tillers in the place of the non-cultivating “owners”. An officer of the rank of District Collector was deputed by the Government to go to each village, inspect each plot in the presence of the peasants to verify the possession of land and record the name of the actual cultivator as the owner of each plot. Crowds of kisans and Malikis followed the officer from plot to plot in each village. The Malikis’ claims were countered by the far more numerous kisans. Several thousand Prajas, both from the Hindu and Muslim communities, were involved in the operation. This movement lasted till 1948. The SC Prajas rallied behind the BC Prajas. With the support of the Congress, *kisans* and *mazdoors* organized meetings in each village. The Nijai Bol movement had major structural consequences. It converted large numbers of lower castes, that is, BC cultivators into owners and laid the foundation for their further upward mobility in the society, in the economy and in the politics of the days to come. The greatest beneficiaries of this were the Yadavs or Ahirs and Kurmis. This was possible because of the unique mobilization of actual cultivators so that the truth was established in daylight and in the open, a process similar to the one that was followed in Operation Barga of West Bengal under Debu’s methodology and my methodology evolved in the late 1950s and early 1960s in Andhra Pradesh.

4.69 But, as Prof. Rajendra Singh has brought out, the movement could not cross the barrier of Untouchability and the barrier of communalism. While the SCs and the Muslims wholeheartedly supported the BC *kisans*, there was no reciprocation. The “untouchables” were discouraged from declaring ownership of plots cultivated by them as actual tillers, as agricultural labourers. Muslim efforts to declare possession and secure ownership of lands tilled by them were checkmated, taking advantage of the mood preceding and following India’s Partition. The Congress which played a radical role from the 1920s till the beginning of the 1950s, began to lose appetite for movements for fully operationalising its pre-independence slogan of “Land to the Tiller”

which, rightly understood, means land to every tiller including agricultural labourers and no land to the non-tiller. The consequences of this petering out of the Nijai Bol movement after a certain stage in Basti and the similar retrogression in different ways in the rest of Uttar Pradesh and in other States continues to bedevil our society and economy, providing a fertile soil for continuing discontent and seriously hampering the capacity of the nation and the national economy to progress to their full potential.

4.70 In Bihar, Bataidari is still in force unhampered. There have been demands from Bataidars, who mostly belong to the More Backward castes of the SEdBCs, for reforms giving them occupancy rights. In his first full term as Chief Minister, Shri Nitish Kumar commissioned Shri D. Bandopadhyay for a report on Bataidari reforms. His Report is gathering dust to this day.

4.71 The reforms under the Nijai Bol movement, Operation Barga and my own humble contribution as Assistant Settlement Officer, illustrated by Mannesamudram belong to the same genre of land-reforms in one of its aspects. This reform is also in the lineage of the goal of “Land to the Tiller”, laid down by the Congress during the Independence movement. This category of reforms and another wide category of reforms endowing a viable extent of agricultural land on every rural landless SC family (for whom it is most important as a means of social and economic liberation), and along with them also every rural landless agricultural labour ST family and others (mostly belonging to the lower and lowest tiers of the SEdBCs) are yet to be undertaken comprehensively all over India. The default and delay in their regard is intimately connected with and a basic cause of the social and economic weakness of the large majority of the people of India and consequently of the inability of India to achieve optimal all-round progress.

4.72 These corrections and correct recording of land-occupation and cultivation in my area of jurisdiction in Andhra Pradesh would not have been possible without the technique I formulated and making everything known to the people and bringing them into the picture, and without personal inspections on the spot in the presence of all the villagers in cases of doubt or dispute. It used to be the complaint of ASOs that villagers would not come and take interest in this process, but my experience was entirely different. In every village I examined each case of land against which no name was shown as cultivator in the survey records, which meant that they were unoccupied. I verified whether such lands were cultivated by the Dalit and other landless agricultural families, and if so, gave them *pattas*. If this had not been done, these lands would have been shown as “Assessed Waste” in the revenue

record. The occupants then often would have to pay illegal gratification of money for being permitted to cultivate the land, and go through the painful and long process of seeking and applying for and getting *pattas*. The best way was to cut the Gordian Knot by giving *pattas* on the spot as part of the settlement operation, which I did accordingly fully exercising the powers which I had.

4.73 There was one particular case which brought about friction between me and a Settlement Officer, who was my direct superior, Sri Parsa Venkateswar Rao and also with the Head of the Department, Sri M. R. Pai. Sri Parsa Venkateswar Rao had the reputation of being an honest and straightforward person, but we had differences about our approach to the need to correct errors affecting the people when they were detected in a village named Rallabanda of Uravakonda sub-Taluk of Anantapur district. I went to that village on receipt of a complaint from the Dalits that Patta had been granted to an influential landlord of the village for a land in which their huts were located. I found that the particular land was a huge black rock (locally called 'Katava') on which the Dalits had constructed their huts / katcha houses. Such a totally rocky land cannot be cultivated. Under the Act, a Ryoti land has to be a cultivable land. *Patta* can be given only for a Ryoti land. The order of *patta* in favour of an influential landlord of the village had already been confirmed by my predecessor. I had no doubt about the bonafides of my predecessor. But, when there is pressure of work, and quantitative targets of work, as laid down by the Departmental head, viz., the Director of Survey Settlement and Land Records, have to be fulfilled, orders tend to be passed in a routine way based on records prepared by the survey and settlement staff. The only simple remedy available was through the exercise of power of revision vested in the Settlement Officer by the Act. I wrote to the Settlement Officer explaining to him the facts of the case clearly and requesting him to revise the ASO's order, i.e., my predecessor's order, in order to save Dalits from illegal dispossession of their katcha house/huts or exposure to extortion to stay there. The Settlement Officer did not agree to exercise his revisionary powers. I again wrote to him pressing and urging him to exercise his revisionary powers. I did this because I always believed that it is the paramount duty of all public functionaries, including officers, to do justice to the people, especially the weak, the poor and the helpless and to that end, every power available with every public functionary, including every officer, should be exercised. This was an article of faith with me and I always acted on that basis.

4.74 Some time later, the Director of Survey, Settlement and Land Records, at that time Shri M. R. Pai, a brilliant and personally honest officer, visited my headquarters. By that time my Headquarters had been shifted to Kurnool since the bulk of the work in Anantapur district had been completed and the field of operation shifted largely to the then Kurnool district, which has since been bifurcated into a smaller Kurnool district and Nandyal district, and a portion of which has been tagged on to the Ongole district, renamed as Prakasam district. It was at that time one of the largest districts of the country, about double the size of Kerala State. During our interaction, Shri Pai asked me what I meant by trying to “coerce” my superior officer to exercise his revisionary powers. I stood my ground and explained the imperatives of justice to the Dalits and other weaker classes. There were two other causes of friction between us. One was my stand regarding the fulfilling of the quantitative targets of work. I found it impossible to fulfil the quantitative targets because I wanted to make sure that in every village the names of cultivators had been correctly recorded before moving on. Every ASO sends his monthly report of the work done to the Settlement Officer and the Director. On one occasion I got a comment from the Director that my work was too slow and was below the target. I wrote back saying that the rights of the Dalits and other poor people were involved, and I had to make sure that they were not abridged by wrong or mischievous recording. Unless every case, especially every case in which representations and complaints had been received, was verified I would not move from that village. This, I explained, was a more weighty consideration than the fulfilment of quantitative targets. Perhaps, I was the only ASO to write back to the Director. This did not endear me to the Director who, along with his personal qualities of brilliance and honesty, had an enlarged ego and a belief in his own infallibility.

4.75 Another practice of mine was to condone delays wherever objection to rough *pattas* were received late (i.e., after the one month’s time-limit fixed for objection). The Act gives the power to the ASO to condone delays in appropriate cases. I considered the ignorance and lack of education of the people, the lag in communication of information to the people from the side of the departmental subordinates of Survey and Settlement as adequate reason for condoning delays. My policy of condoning of delays was also not appreciated by the Director, who showed greater concern about formal fulfilment of targets than for provision of substantive justice.

4.76 Another immediate cause of friction related to a discussion between us on the political chaos affecting the ruling party on account of factionalism.

This was in 1960. In that year the powerful Chief Minister N. Sanjeeva Reddy had to resign on account of court strictures in a case of selective nationalisation of bus-routes. The issue of his succession gave rise to factional cacophony and conflict. At the party meeting to decide on his successor, Shri Sanjeeva Reddy proposed one name after another for unanimous acceptance. All these names proposed by him belonged to his own caste of Reddy. Another leader called Alluri Satyanarayana Raju, who led the non-Reddy castes such as Kamma, then asked Shri Sanjeeva Reddy a pointed question, whether he had no name to propose other than that of a Reddy. Shri Sanjeeva Reddy got irritated and said, "Okay, then you can have Damodaram Sanjeevaiah as Chief Minister". Shri D Sanjeevaiah was the foremost SC leader of the State at that time. He was a person with a number of remarkable qualities, but the weakness of his caste prevented him from getting his due place. Shri Sanjeeva Reddy proposed Shri Sanjeevaiah's name not as a recognition of his qualities but in the spirit of a punishment for those who questioned his inability to look beyond his own caste.

4.77 Shri Sanjeevaiah's tenure as Chief Minister was very disturbed. The upper caste Ministers, especially the Ministers belonging to the dominant castes, more particularly the dominant caste which was in power till then, did not accord him the respect due to a Chief Minister. The files sent by the Ministers for the Chief Minister's order used to be marked "MM", meaning "Mukhya Mantri". One of the Ministers, who was otherwise honest and generous in personal dealings and interactions, but affected by casteist feelings, interpreted "MM" differently. He quipped that the first 'M' stood for "Mala" and the second 'M' stood for a word in Telugu which is abusive and obscene; I, therefore, do not want to repeat it here.

4.78 Referring to this political chaos, Shri M. R. Pai gloated over the prospect of the bureaucracy, particularly the IAS, becoming more powerful and becoming like the French bureaucracy. I placed before him a different possibility. That was the time when the newly independent Congo (earlier the Belgian Congo) was in turmoil. Patrice Lumumba, the elected Prime Minister of the Congo belonged to a minor tribe called Batatela. Leaders of major tribes like the Bakongo, to which the then President Joseph Kasavubu belonged, tended to disregard him. In a province called Katanga, one leader, Moise Tshombe, openly revolted against him. At an encounter he chewed off a finger of Lumumba. The military head, Joseph Mobutu (who later became President), was another focus of recalcitrance. I put across to Sri Pai the possibility of India sinking into a condition similar to that of the Congo. In

support of this, I pointed out the similarity between the sharp division among different tribes of the Congo such as Baluba and Lulua and the Bakango and the sharp caste-based divisions of India from which the bureaucracy was not free. In the midst of this, the forward-looking Patrice Lumumba was a lone tragic figure and his voice for national unity of all tribes was a lone-lorn voice. Lumumba was one of the few matriculate level educated persons which the Belgian ruler Leopold II, who held the country as his personal property, left the Congo with at the time of its Independence. Lumumba had only a few principled loyal supporters like Antoine Gizenga. I did not in fact believe that the Indian situation could deteriorate to the level of the Congo. I referred to the Congo in my discussion with Shri M. R. Pai for two or three reasons. I did not like the smug self-satisfaction with which he painted a rosy picture of the rising power of the bureaucracy in the midst of the self-destructive factional divisions and strifes within political parties. The basis of the political divisions within the ruling party was caste. Bureaucracy is also riven along caste lines and the attitude of its members is typically (not in all instances) unconsciously and instinctively coloured by individual caste-origin. If the political process fails, the bureaucratic process cannot be a substitute for it and cannot improve matters. I drew upon the example of the Congo because it was very much in the news at that time and I was deeply concerned about the misery of the people there, the advantage that powerful countries took of it and the tragedy of Lumumba. The report of his finger being chewed off deeply affected me. India is in a better position than the Congo and India emerged from foreign domination better equipped than the Congo could. Usually, in bureaucracy, superiors do not like contradiction from juniors, however well-reasoned the contradiction be.

4.79 Sri Pai referred to me (as conveyed to me by certain friendly colleagues) in Hyderabad circles as an arrogant officer, the same view as that of Sri Anantaraman earlier. On the other hand, Shri M.A. Haleem, my erstwhile Collector, while later in a post in Andhra Pradesh Secretariat in Hyderabad in 1960, referred to me as “24-Karat Gold” in a personal conversation with someone. Shri M.A. Haleem (now no more) was the best that happened to me in the official hierarchy in the early years of my career in the IAS. Among the officers under whom I worked in that period, he was the one person who fully appreciated and sympathised with my concerns for SCs and other depressed classes, recognising and appreciative of my attitude to the victims of our traditional social order. He once wrote to me an interesting letter in the context of a major fire accident in the SC habitation of a village in my Division named Chimakurthi. In that letter he requested me, the Sub-Collector, to go

to the village and “console” the fire victims. The word “console” in this context is not normal bureaucratese. It could come only from the pen of a good human being that Haleem was, and it could be addressed only to a person like P.S.Krishnan with his sensitivity and social sensitivity. Shri Purushottam Naidu saw this letter and congratulated me that I had been able to transmit my attitude to the Collector. There are one or two interactions which showed how wholesome and positive the relationship between two officers in the hierarchy could be. One instance pertains to a village named Duddukuru. Land had been acquired there to be given as house-sites to the SCs. The District Social Welfare Officer had sent a report to the Collector that the land-owners were objecting to the grant of land to the SCs, and the SCs themselves did not want that land and, therefore, the acquisition may be cancelled and the land allowed to be retained by the pre-acquisition owners. In the normal administrative course that would have been the end of the matter. Mr. Haleem wisely referred the case to me for a report on account of his confidence that I would ensure that no injustice is done to the SCs. I went to the village and to the specific land acquired and got the land-owners and the SCs to that spot with me. On my questioning, the SCs said that they never refused to take that land for their new house-sites and they continued to want that land. The land-owners in this case were Muslims. I asked them why they were objecting to the land-acquisition. They said that the pathway to the proposed housing colony of the SCs would pass through and split their residual lands other than the acquired lands. I pointed out to them the miserable conditions of living of the SCs, reminded them that the Quran speaks of the brotherhood of all human beings and asked them how, in view of that teaching, they could be insensitive to a basic need of their fellow-human beings and object to the land acquisition for their house-sites. My reference to the Quran had its effect. The land-owners apologised for the objection and withdrew their objection. I then proposed an alternate pathway from the road to the proposed SC colony which would not cut through and split the remaining lands of the land-owners, but would be laid along the boundary of their residual lands. The SCs agreed to this and thereupon the land-owners wholeheartedly supported the proposal.

4.80 My further enquiries showed that there were two communities of SCs in that village, the Mala and the Madiga, and their habitations were segregated at the two opposite ends of the village. The land-acquisition was to provide house-sites for one of the two, viz the Madigas, and the land acquired adjoined their present residential area. The other community of the SCs, the Malas, had nothing to do with this site and with this acquisition. When they

were asked, naturally they said they did not want this land for their house-sites. The latter's reply was twisted to make it appear that no SC of the village wanted this land. It further came to light that this manipulation and mischief was authored by the village Karnam. My report was naturally accepted by the Collector and the land was saved for that community of SCs for whom it was meant.

4.81 Another case that was referred to me for report was that of an encroachment of Government agricultural lands in Karamchedu village by one of the richest land-owners of that village, district and the State, belonging to Jagarlamudi family. According to the policy of the Government laid down in GO Ms No. 1142 of 1952, assessed waste lands belonging to Government can be assigned for cultivation only to SCs, STs and other landless poor people. Therefore, notice of eviction had been served on the rich landlord. He wrote to the Government that the encroached Government land adjoined his private lands and claimed patta for it on the ground of "convenient enjoyment". He also justified the encroachment by stating that he would be able to contribute to the Government's "Grow More Food" campaign. After local enquiry and talking to the people concerned, I wrote to the Government that while the landlord claimed the land for "convenient enjoyment", it was necessary for SCs for their bare survival. I also explained that the SC and other landless poor people, if given patta for such lands, will be able to contribute to the "Grow More Food" campaign even better than the non-tilling landlords because the personal dedicated labour of the SC and other poor agricultural labourers will increase production more than the non-tilling landlords can. My report was endorsed by the Collector and reached the Government. Mr Haleem later commented that my report was well-appreciated by Shri K. Subba Rao, a senior officer dealing with the subject in the Revenue Department in the Secretariat.

4.82 Another instance refers to my departure from the Ongole Division. After handing over charge, I drove to Guntur, 73 miles away to take leave of the Collector, Sri Haleem. Sri Purushottam Naidu also went with me. After I returned to Ongole, I came across some facts which contradicted an information which I had given to Sri Haleem in the morning. This was too a delicate a matter to be conveyed on phone. So I drove back in the evening to Guntur, 73 miles away, met Sri Haleem again and corrected the information I had given him in the morning. He was moved and asked me, "You have taken the trouble of coming all the way a second time only to convey this to me?" Sri Haleem was a sober person, not normally given to showing his emotions.

But, this time there were tears in his eyes. He expressed his appreciation for my devotion to truth and justice and expressed the confidence that with more experience I would be able to better protect my flanks.

4.83 It is not as though there were no differences at all between Sri Haleem and me. One issue of difference was about the difficulties faced by people on account of the rising price of rice in the market. Sri Haleem asked, “what can be done?” implying that there was no way the Government could resolve this problem. I strongly expressed my view that the Government should make arrangements to directly supply rice to the poor at a price that the poor could afford. Sri Haleem looked at me incredulously as though I had gone crazy. He pointed out the impracticality of my suggestion in the light of the then existing policies. I stood my ground. This difference did not irritate Sri Haleem personally or change his attitude to me. He was a man free from ego, almost self-effacing, but quietly thorough and efficient. A few years later, the compulsions of democracy forced the Central and State Governments to lay down the policy of procurement of paddy from well-to-do landowners and rice from millers, store it and distribute it among the poor at affordable prices. This change came about in Andhra Pradesh in the 1960s. But at the time when I expressed this view it was unthought of and unthinkable.

4.84 Coming again to Shri Sanjivaiah’s disturbed tenure which I have referred to earlier, the comment of the upper dominant caste Minister regarding the file-marking “MM” brought to my mind a similar instance which I heard from Sri Purushotham Naidu. Before Sri Purushotham Naidu entered the service, he was a Lecturer in a college in Kurnool. At that time, one of the most celebrated modern writers of Telugu, Sri Viswanatha Satyanarayana, visited his college. Among Sri Satyanarayana’s novels is *Veyi Padagalu* (‘A Thousand Hoods’), which has been translated into Hindi by Sri P. V. Narasimha Rao. At that time, a new phenomenon in Telugu literary world was the emergence of Sri Gurram Jashuva, author of many long poems and short epics such as *Gabbilam* (meaning the “Bat”), *Naa Katha* (My Story), etc. *Gabbilam* is a story written in the Sanskrit tradition of

“Sandesha Kaavya”, i.e., a Kaavya in which a message is conveyed by a messenger from someone to another. The most famous example of this genre is Kalidasa’s *Meghadutam*, in which a Yaksha cursed to live on earth for a period as punishment for an act of impropriety, sends a message to his wife through the passing cloud. In *Gabbilam*, the message is conveyed not by a lofty messenger like the cloud in the sky, but by a Bat, a lowly creature.

An Arundhatiya requests the Bat to take advantage of an occasion when the priest is not there and put into the ears of Lord Siva and bring to his notice the Arundhatiya's plight (Arundhatiya is a synonym of the Madiga caste of SCs of Andhra Pradesh to which the Poet Jashuva belonged). Jashuva became a celebrity. He reminded me of the Malayalam poet Mahakavi Kumaran Asan, who was from the then "Untouchable" Ezhava community and who was considered to be one of the eminent trinity of modern poets in Malayalam, consisting of Shri Ulloor Parameswara Iyer, Mahakavi Vallathol and Shri Kumaran Asan himself. Kumaran Asan also had written celebrated long poems like *Duravastha* and *Chandala Bhikshuki*, centred around the issues of caste, "Untouchability" and the harm they do to the people and society. I had written a Paper making a comparative study of these two subaltern poets which was presented before learned audiences. This was also sent to a prominent Paper but they returned it refusing to publish it. The Paper is still with me.

4.85 Jashuva's emergence was not to the liking of traditional society. Sri Purushotham Naidu told me that he heard Sri Viswanatha Satyanarayana in the course of his speech saying,

*"Kaaki Kuugite Kokilam Agunaa,
Kaaki maala Kaaki"*

meaning,

*"If a crow sings, will it become a Koel;
The Crow is a Mala Crow"*

Here, it may be clarified, that the word "Mala" is used as a general term for Scheduled Castes or Dalit castes, apparently because in the coastal Andhra to which Sri Satyanarayana belonged the majority of SCs belonged to the Mala community and Mala was the term more familiar to the non-Dalit general society, though Shri Jashuva himself did not belong to the Mala community, but to the Madiga community.

4.86 There is no doubt about the eminence of either Sri Satyanarayana or Sri Jashuva. I understand that they had also good personal relations. But the shadow of caste and caste-based mental attitude cast their shadow between even such eminent people.

4.87 During the period when I was ASO, I got a letter from Chief Secretary, Sri M.P.Pai to meet him when I went to Hyderabad next. I did so. He told me,

“when we shifted you from Ongole, we thought we will not hear any more about you. But in your post of ASO also we are getting similar reports about you.” He was referring to what was perceived by him and certain officers as “partiality” towards Dalits and other weaker sections and which I considered to be a first step towards justice for them. He communicated to me the adverse remarks in my Confidential Report (CR). They were:

“Undue partiality to the depressed classes, excessive advocacy of inter-caste marriages, uses his knowledge of Sanskrit to debunk religion, prefers to go by the words of the villagers rather than village officers, acts in a manner that helps subversive elements”.

4.88 He asked me why I was camping in Dalit bastis. I asked him whether there is any prohibition against going to or camping in Dalit bastis. He seemed to have sensed a trap in my question and hastily said, “no, no, there is no prohibition”. On this note, we parted. The Chief Secretary had done his duty, conveying to me the adverse remarks in my CR and in a way admonishing me.

4.89 There is a procedure in Government that an officer may make representations against adverse remarks and seek their expunction. I did not care to make any such representation. These were not the usual type of adverse remarks, but remarks bringing out different views about society, the role of administration and the role of individual officers regarding “Depressed Classes” – a categorization that was in vogue in the old Madras Presidency and in Andhra, which included Scheduled Castes and certain extremely weak Backward Classes – and the role of Governments, administrative services and individual officers towards them. I had very clear ideas based on social realities, human and democratic values, basic rights, constitutional mandates, stipulations under different laws, stated national policies, which are different from the biases harboured in the minds of and sometimes blatantly expressed by individuals occupying elective and selective positions of authority in Government. An example of the latter was the way a senior Minister of that time, Sri Peddireddy Thimma Reddy, justified the lynching of a Dalit youngster named Sri Kotesu in 1969 (shortly after Tamil Nadu’s Kilavenmani) in the village of Kanchikacherla in Krishna district, tying him to a cartwheel, with the thoughtless, heartless, but caste-instinctive words: “this is how villagers treat thieves”. He was referring to the allegation that the Dalit youngster had allegedly committed a theft. It did not occur to the senior Minister that there are laws in the country which do not permit villagers – apparently he meant persons belonging to land-owning dominant castes – to

kill a person or even cause a simple hurt to him even if the allegation of theft is true. The Constitution, Laws and State Policy require politicians in power and officers in authority to do everything in their power to help the Depressed Classes and enable them to become free and equal members of society. But, leaders of dominant land-owning upper castes and some seniormost officers considered such performance of duty towards the Depressed Classes to be “subversive”. In reality, it was their attitude and actions that were subversive – subversive of human values, Constitutional mandates, laws, and declared State Policy.

4.90 I believed that the caste system is at the root of the ills and weaknesses of the Indian society and nation and it is necessary to extirpate it. One of the ways of achieving this goal is to strike at the root by breaking the caste-based endogamic restrictions and injunctions on marriages. I advocated not “inter-caste” marriages, but “anti-caste” marriages. I also expressed the view that there should be legislation prohibiting marriages in the same caste. I expounded the concept of “social incest”, in addition to the concept of biological incest. Marriages between persons who are closely related are prohibited by custom under the concept of incest, though customary prohibitions are not carried to the logical end required by the concept of biological incest. Biological incest is discountenanced because it is prone to cause genetic defects. I wanted this concept to be extended to cover social incest, on the ground that marriages within the same caste is harmful to the evolution of a large democratic society and healthy nation without barriers. But, this was negatively viewed by political and administrative leaders from traditional society. The remark about my views or, as they viewed it, “misuse of my knowledge of Sanskrit” apparently harked back to my telling Sri Anantaraman during his enquiry against me about certain discriminatory approaches in Manusmriti. Manusmriti and other Smritis are not religion (Manusmriti is only a social code – in my opinion an anti-social code). Everything written in Sanskrit is not religion, just as everything written in Latin is not part of Christianity. But my pointing out certain facts contained in the Manusmriti, drawing upon my knowledge of Sanskrit, was misinterpreted by persons in authority who knew neither Sanskrit nor religion, but knew only customary rituals and practices, as an act of debunking religion. Regarding the testimony of villagers vs the testimony of village officers, it is a matter established by my knowledge and grassroots experience that a number of village officers used to fudge facts, usually in a manner adverse to the poor and weak classes and individuals. I had found from my democratic instinct and experience that truth in matters pertaining

to land, occupation of land, caste-identity, etc. could be found when enquiry is conducted openly in the presence of the people of the villages. I have given above some instances of this. But, for some seniormost traditional administrators, accustomed to the old ways, the hierarchy was important and the village officer belonged to the hierarchy.

4.91 A friend who had occasion to see my CRs in 1978 told me that there were similar remarks about me in subsequent years also. They were not communicated to me apparently because under the rules only remediable defects or faults need to be communicated. Apparently, my “faults” were considered to be irreparable.

4.92 In 1961, my batch was ready for the senior post of District Collector or Joint Collector or their equivalent. My batchmates were posted as Joint Collectors. I was posted as Sub-Collector Grade-1 of Warangal with the same pay-scale as that of a Jt. Collector. The AG objected to this on technical grounds. Then, the Government posted me as Additional Director, National Employment Services, who was in charge of employment exchanges and some sort of training. This was considered to be a safely innocuous and routine type of post, to which I could be relegated – apparently those deciding postings were uneasy with posting me to the District-level post of Collector or Joint Collector.

4.93 Here I found a practice called spot-selection. If an employer-organisation writes to the Employment Exchange that it wants a certain number of employees with specified qualifications to be sponsored urgently, the Employment Exchange would sponsor candidates who happen to be in the premises. I found this a source of malpractice and evasion of reservation and due share for SCs, STs and SEBCs. I issued orders that even in sponsoring candidates on the basis of spot-selection, the rule of reservation should be maintained. This is an example of loopholes in the implementation of reservation.

4.94 Another similar loophole I found later was in the recruitment of temporary personnel to attend to work during NGO (Non-Gazetted Officers) staff strikes, one of which occurred in 1986-87. At that time I was Principal Secretary. I issued instructions that even in the selection of these temporary personnel, the rule of reservation should be followed, so that in the event of such temporary persons being confirmed, no new gap in reservation is created. A new area of loophole which has arisen in a big way

in recent times is contract appointments. A number of functions are now being attended to through the contract system, even though the functions are of permanent nature. In the past such functions used to be attended to by regular appointees, *inter alia* fulfilling the rule of reservation. In contract appointments, the contractors do not follow the rule of reservation. This is a loophole which still remains to be plugged.

4.95 I stayed in the post of Additional Director, National Employment Services, only for about 2 or 3 months. One interesting experience during this period was when I got a call from a powerful Minister of the time Shri K. Chandramouli. He recommended a certain candidate for a post in my Department for which selection was under process and I was in the selection committee. At the end of the conversation, he peevishly complained to me that I did not ask him the name of the candidate. In fact, I did not want to know the name of the candidate since if I knew it and remembered it that would go against the candidate. However, the Minister insisted on telling me the candidate's name. In the interview committee presided over by the Home Secretary Shri V. Rajeshwar Rao, and with Shri E. V. Ram Reddy, Labour Commissioner and myself as Members, while considering the candidates, the presiding Home Secretary said that the same Minister had spoken to him. The Minister had done his homework thoroughly, for he had also spoken to Shri Ram Reddy, who was a no-nonsense man. We both took the stand that the Minister's candidate should be disqualified as canvassing for a post is prohibited. The Home Secretary, who had a sense of humour, went with us, with a smile and with the remark, "So, out goes the Minister's candidate".

4.96 Soon I got intimation that I had been selected for the post of Under-Secretary in the Government of India. Actually, the Government of Andhra Pradesh wanted me out of the State because of the apprehension that my continued presence in the State, with my attitude of giving primacy to Justice for the SCs, STs and weaker SEEdBCs, may "contaminate" and "infect" younger officers. The Ministry which selected me was the Ministry of Coal, Mines and Fuel. Its Secretary was Shri S. S. Khera, who was a shaven Sikh and, perhaps, a convert to Christianity. He was a person in the grand mould without any caste and other prejudices. The Joint Secretary under whom I was to directly work was Shri Chhedi Lal, who ultimately became the Lt-Governor of Pondicherry (now Puducherry). The Joint Secretary in charge of Establishment was Shri N. N. Kashyap. Of the three, only Shri Chhedilal belonged to an SC. When I met Shri Kashyap, he told me that they had selected me because of the adverse remarks in my CR. He and Shri Chhedi Lal told me that they could see

through those remarks and wanted to give me some period of relief from the “persecution” that I was being subjected to. It was heartening to see that there were senior officers who considered my mission of Justice for the deprived classes to be a plus point and not a negative point. In Andhra Pradesh, I had similar appreciation from Sri M. A. Haleem and Sri P. V. Ratnam, among my seniors, and among my co-evals Sri Purushotham Naidu and Sri S. R. Sankaran. In later batches, a few of the young recruits looked up to my example. It is this “contamination” and the possible spread of “infection” that the political and administrative leadership of the State Government wanted to avoid by packing me off to Delhi in 1961.

Kindred Souls

5. *You have worked closely with the other great bureaucrat – reformer – activist, Sri S.R.Sankaran, the only one with whom you could, perhaps, be compared. Can you talk about the partnership / friendship between the two of you? Is there any one else among bureaucrats, who had shared your vision and with whom you had worked?*

5.1 As mentioned earlier, it was our common room-bearer in the IAS Training School, Shri Mohammed Ali, who in absentia introduced Sri Sankaran to me before I met Sankaran. Sankaran belonged to the batch next to me, i.e., 1957 batch, and stayed in the same Room No. 22 from 1957 to 1958 where I had stayed from 1956 to 1957. We met under interesting circumstances in 1959 toward the closing days of my tenure as Sub-Collector, Ongole. At that time Sri Sankaran was having his district training in the neighbouring Krishna district. Since Krishna district had the least extent of forests, he was sent to Guntur for his forest training, which is part of an I.A.S. recruit's District Training Schedule. I was on my way from Ongole via Guntur to a village called Thimmasamudram on receipt of a representation from the Dalits of that village. As I used to do often, I dropped in at the residence at Guntur of the Assistant Collector-under-training of Guntur district Shri Ramesh Grover. When I looked for and asked for Shri Grover, a small-made person in the sitting room came to me and told me that Shri Grover was away and asked me: "Mr P. S. Krishnan, I presume?", reminding of the accosting of the beleaguered David Livingstone by Stanley – when the latter came to Africa on his mission to search for David Livingstone who had embarked on an exploratory journey to locate the origin of the river Congo and had lost contact with the rest of the world –, and introduced himself as S.R. Sankaran. Though we met each other for the first time, since we knew about each other we interacted like old friends.

5.2 I told Sri Sankaran that I was on a mission to the Thimmasamudram village and invited him to join me. Sri Sankaran jumped at the idea and jumped into my rickety jeep and we went to that village. Later, Sri Sankaran wrote that this was the first instance where he saw a high-level officer's vehicle driving right into a Dalit colony. After completing the work in Thimmasamudram, we returned to Guntur on my way back to Ongole. We talked a lot about my work and my approach to the SCs and other deprived classes. Sri Sankaran was impressed by my approach, the need for priority for, and focus on, Dalits, in particular, and other deprived classes. This was the beginning of our long association in this cause, which lasted till his demise on 7 October 2010. About this encounter and our visit to Thimmasamudram and my introduction of Sri Sankaran to the Dalit focus and vulnerable classes-centred approach, I have written in my article titled "Road Less Travelled" in the Frontline dated Nov. 6-19, 2010, in the aftermath of his demise.

5.3 It was soon after this that I was transferred from Ongole as ASO, referred to earlier. Meanwhile, Sri Sankaran's training was completed and he was posted as Sub-Collector, Nandyal, then part of the sprawling Kurnool district and now a separate district. On my way from Ongole to Anantapur, I halted for a day in Sri Sankaran's residence. The official residence of officers like Collectors, Sub-Collectors, Superintendents of Police etc are usually referred to as "Bungalow" – I avoid the word "Bungalow" as it is of colonial vintage. Like all other residences of Collectors, Sub-Collectors, etc., this was also a sprawling structure within a huge compound. I reached there late in the evening and Sri Sankaran informed me that his Collector Sri Bhootharaja Rao was in Nandyal and was staying in the guest suite of his residence. Shri Bhootharaja Rao, to my knowledge, was the first Deputy Collector of Andhra / Andhra Pradesh belonging to the SCs who had been promoted to the IAS. During the period when I was having my training in Anantapur district in 1957-58, the officialdom was agog with the news of selection by the AP Public Service Commission (APPSC) and appointment by the Government of three direct recruit Deputy Collectors from the Dalit community – Sri Kathi Chandraiah, Sri Leburu Subbaiah and Sri K. Soorya Rao. Sri Kathi Chandraiah and Sri Subbaiah began cautiously, which was inevitable in the existing ambience which was not friendly and welcoming to Dalit officers. Gradually they gained confidence and in due course were promoted to the IAS and retired after a full career. Unfortunately, this was not true of Sri K. Soorya Rao. He got caught up in several controversies about a TA Bill and certain aspects of his private life. He was a brilliant and very intelligent

officer, who could not rise to the level he should have, on account of these controversies and distractions.

5.4 Sri Sankaran told me that Sri Bhootharaja Rao wanted to meet me. I met him in the guest suite along with Sri Sankaran. He had heard about my work in Ongole and wanted to hear from me my first-hand account of the events of my tenure at Ongole. He sympathised with me and condemned my “persecution”, and told me that the Dalits in Ongole considered me to be “God”. He turned to Sri Sankaran and said, “we should also work like Krishnan garu”. Shri Sankaran agreed readily and fully.

5.5 As Sub-Collector, Sri Sankaran took up Dalit issues strongly and firmly in his period in Nandyal. After my stint as ASO, Aanantapur, when I was posted as ASO, Kurnool (with the same jurisdiction with only change of headquarters), Sri Sankaran would stay in my official residence in Kurnool whenever he came to Kurnool for meetings convened by the Collector or Joint Collector, and when I used to go to the eastern Taluks of Kurnool, viz., Giddalar and Markapur, or when I had to go to Cuddapah district, I had to pass through Nandyal and I would halt overnight in Sri Sankaran’s home. His mother, who is now no more, used to refer to the two of us as Rama and Lakshmana – her way of expression of her perception of our close association and similarity of our attitudes to society and to Dalits and other Poor.

5.6 In 1961, as I mentioned earlier, I was sent on deputation to the Central Government. Soon after, Sri Sankaran was also deputed to the Central Government as Under-Secretary, Ministry of Finance. Till his parents and other members of his family arrived, he stayed in my rented flat. At that time, Sri Anantaraman visited Delhi. As usual, visiting officers stayed in the Andhra Pradesh Bhavan. According to protocol, both of us called on him in Andhra Pradesh Bhavan. After some routine talk, he asked Sankaran where he was staying. He replied, “I am with Krishnan”, with extra emphasis to impress on Sri Anantaraman the commonality of our ideals and attitudes.

5.7 After Sri Sankaran’s parents arrived in Delhi, he took a flat on rent near my flat. Our association continued at this time and we used to take long walks together after office from the Secretariat to our residential area. Our association continued through our various postings, and finally when we both were Secretaries of Government of India at the same time – I was Secretary, Ministry of Welfare in charge of SCs, STs, SEDBCs and Minorities and Shri Sankaran was Secretary, Rural Development, which deals with Rural Poverty Alleviation Programmes.

5.8 Another close associate who came to Delhi, on deputation from his cadre State of Orissa, at the same time as I did was Dr Bhupinder Singh, who was posted as Under-Secretary in the Ministry of Finance. While all of us and certain other close friends were in Delhi, Dr. Bhupinder Singh got married in 1962 and I got married to Shantha ji in 1963 on the 7th March. Sankaran's mother then added "Sita" to her list of Rama and Lakshmana.

5.9 Among IAS officers of our time, we were a foursome in the cause of Social Justice – apart from me, Dr. B.D. Sharma and Dr Bhupinder Singh of the 1956 batch and Sri S.R.Sankaran of the 1957 batch. Among officers of the later batches in Andhra Pradesh, there were some who were encouraged by the example of myself and Sri S.R. Sankaran and our survival despite persecution for our alleged "partiality" to Dalits and other vulnerable classes and decided to follow the same path. There were also a few officers, though fewer than in Andhra Pradesh, in other States with similar attitude and approach. The civil service philosophy is to implement the Government's policy without any adherence to any ideology or approach. In those days, it was considered to be a "no-no" for civil servants to take the initiative for resolving the problems of the Dalits and other downtrodden. That is why when I started this approach, it was received by most senior officers and political leaders with disbelief and shock and disapproval. As a result of the prevalent amoral "mores", those who took active interest to deal with the issues relating to Dalits, Adivasis and SEBCs were few. On account of the socio-economic character of the ruling political leaders of different parties, there was risk to public civil servants trying to do their Constitutional and human duties to these deprived classes. The persecution I was subjected to, being the first in the Indian bureaucracy to work in the field on these lines, was a warning to other civil servants, even if they were sympathetic to the Dalit and Adivasi cause, though I took the persecution in my stride, and utilised and availed myself of every opportunity in every post to fulfil the needs, entitlements and rights of the Dalits, Adivasis, SEBCS and other deprived classes and categories.

5.10 Sri S. R. Sankaran later served in various capacities, most of the time in the State of Andhra Pradesh, and has covered himself with glory with his consistent work for the Dalits and Adivasis of the State. He also rendered memorable service for the Adivasis of Tripura when he was Development Commissioner and later Chief Secretary on deputation in the late 1970s and early 1980s. Our association in our common cause continued till his death in 2010. The late Dr B.D. Sharma and Dr Bhupinder Singh have devoted their whole life to the Adivasi cause, initially in their respective cadre States

of Madhya Pradesh (which at that time included Chhattisgarh) and Orissa and, subsequently, at the Centre, covering all States. They are the authors of the Tribal sub-Plan (TsP), as I am the author of the Special Component Plan for Scheduled Castes (SCP). Our association continued till Dr B.D.Sharma's death in 2015 and continues to this day with Dr Bhupinder Singh.

5.11 I believe that IAS officers must not be deterred by the fear of persecution, and must do their duty for the underdog without fear. Persecution must be taken as a mark and recognition of sincere and uncompromising work for the rights of the deprived classes. No harm can be done to them so long as their personal integrity is above board and personal life is clean and clear.

How to sensitise Bureaucracy

6. *Would you suggest specific measures for sensitising the bureaucracy to issues of social justice and empowerment of the powerless, the only way, as you believe, of ushering in true democracy in the country?*

6.1 There is no doubt that full democracy is possible only if the disempowered are empowered and helped to reach Equality with the Socially Advanced Castes (SACs) in all parameters of life, development and welfare – economic, occupational, educational at all levels, health-and-nutrition-related, housing-and-residential-facilities-related, etc. This is the meaning of Social Equality achievable through comprehensive measures of Social Justice, which I have, over the years, listed and furnished to Governments and leaders of different parties, in the form of a Road-Map of Legislative Measures and Programmatic/Schematic Measures.

6.2 The bureaucracy is one of the instruments of achieving this goal. In my view, it is the duty of bureaucrats to give top priority to this. But, it will not be realistic to expect the bureaucracy and bureaucrats as a whole to volunteer for this difficult and risky task. Left to itself, there will only be exceptional individuals.

6.3 The contribution of the bureaucracy as a whole will largely depend on the ruling political leadership and on whether the leaders who matter, particularly the Prime Minister, Chief Ministers, other important Ministers, Presidents and other leaders of the ruling and major opposition parties, are imbued with a sense of patriotism which necessarily means devotion to the genuine rights of SCs, STs and SEBCs and to the principles of Social Equality and Social Justice. This is yet to happen in our country and in any State. One impediment is that, generally political parties are narrowly focused on electoral prospects and electoral winnability. In this calculus, the SCs and STs and the More, Most and Extremely Backward castes of SEBCs have little or very limited significance at present and till now. As awareness grows among

the SCs, STs and SEEdBCs and as they learn to support each other's legitimate rights, political parties, in their pursuit of electoral success, will have to give greater attention to the rights and aspirations of these deprived classes.

6.4 However, without waiting for this political process to unfold itself, efforts should also be made to sensitise civil servants during their training and even earlier, at the formative stage, i.e., even before they become civil servants – when they are students, to place before them the social history of India, the great harm done by the Indian Caste System (ICS), i.e., the Caste-System-with-“Untouchability”, directly to its victims, viz., the Dalits (SC), along with the Adivasis (STs), and also the SEEdBCs over the centuries; and consequently to the Indian society and nation as a whole; data available from different sources, such as the decennial censuses, the NSSO surveys, the National Family Health Surveys (NFHS) should be placed before them, bringing out the wide gap between the Dalits and the Adivasis, on the one hand, and the Socially Advanced Castes (SACs), i.e., the Non-SC, Non-ST, Non-SEEdBC castes, on the other, with the SEEdBCs coming in between, usually closer to the SCs and STs than to the SACs; from this and on the basis of the above socio-historical facts and data, the importance of doing justice for them and its importance to the integration of the society and to national progress needs to be driven home. Not all the students who undergo such a course as part of the curriculum at school/college, in dosages calibrated to suit their age and stage of development, will become members of IAS or IPS or the Indian Forest Service or the Class-I Central services and corresponding State services. Others may enter other important professions like posts in Banks, Universities or even senior personnel in the private sector. At least some of them may carry the lessons of Social Equality and Social Justice into whichever professions they enter.

6.5 But for this, teachers in turn have to be trained, both at the pre-service stage, i.e., when they undergo BEd course and in-service courses. This will be possible only if the political leadership and the academic leadership are serious about this. Since it will take some time for teachers to be prepared in large enough numbers, a useful way will be to associate people working in the field in this area. Retired professors and teachers and retired members of the bureaucracy, who have been sensitive to the cause of Social Justice when they were in service, can also be brought in.

6.6 The political leadership at the Centre and State levels must be pressed to make this a vital part of the educational agenda and the curricula. But

realistically, Governments and political parties may not be very enthusiastic about this at this stage. Social organisations must independently step in. An example is the work of the Institute of Human Rights Education which has prepared a few simple text books in different languages. This has to be expanded and extended. It would be advisable for social organisations engaged in this to keep this effort free from political overtones so as to avoid avoidable obstructions.

6.7 At the same time, individual officers have the personal responsibility and duty to make personally, professionally and socially ethical choice as I have mentioned under Question No. 3.

Crafting the Strategy

7. *I find another dimension of your life's work very interesting. It is your pragmatism, your belief in incrementalism, your readiness to go step by step, your belief that all the great liberating missions in history have only succeeded by taking one step at a time, your abundant patience that helped you chip away the mighty rock of injustice and discrimination with one chisel stroke after another. Did you develop such a strategy after understanding the system in its intricacies? Did your proximity to the power structure in the Indian Administrative Service help you to craft the strategy? Please give a few illustrations of how you strategised your moves to get some of the landmark legislations passed or policy measures taken.*

7.1 It is not quite correct to say that “incrementalism” as such is my approach. I have looked at opportunities available to me at each point of time, kept in view the maximum possibilities available, and tried to push matters to the utmost extent possible in fulfilling the goals of Social Equality and Social Justice. In some situations, at some points of time, the opportunities were less and I had to trim my sails accordingly. When reaching out for the maximum, if I got something less than that, I would accept it and continue efforts for the balance. A few illustrations of my experience may bring out the strategy I developed.

7.2 There are two ways in which desired changes can be brought about. One is the revolutionary path in which the entire regime is swept away and replaced at one stroke. This has happened in some countries. It has its advantages, but it has also got its long-term disadvantages. Historically, revolution has often been brought about or catalysed or led by a small “vanguard”. The masses have not been fully prepared for it though widespread discontent and resentment have provided the critical mass required for the success of a revolution and this has helped the vanguard. So long as those belonging to the small vanguard retain their idealism, it works. But as we have seen from

examples in history, idealism evaporates gradually when the revolutionaries come to power. Another tendency historically observed is that the most advanced class participating in the revolution is satisfied if its goals are met, loses interest in the further progress of the revolution and ditches the other classes left behind.

7.3 Further, revolution is not part of a menu to be adopted at one's option. There must be the required social ambience. This does not exist in India at present. This has affected the longevity and effectiveness of revolutionary movements that have existed or emerged in some parts of the country at some time, like the communist movement in Telangana during 1944-48, the agitations in Punnapra-Vayalar area in Kerala shortly before and after Independence, though each of these secured some results.

7.4 The alternative path is to make use of every opportunity to bring about social changes that will make significant difference to the plight of the Dalits and other deprived classes, but without losing sight of the ultimate goal of Social Equality through comprehensive measures of Social Justice, which include but not only Reservation. In this process, the Constitution of India is of great help. Throughout my life, the Constitution was a shield for me. Nobody could formally, or in law or in departmental enquiries / proceedings, say that what I was doing was wrong or I should desist from it when I showed that what I was doing was what the Constitution has provided for and mandated. Dr Ambedkar with his realistic understanding of society created a democratic structure with appropriate instruments to achieve the goals of root-and-branch Social Change, Social Equality and Social Justice. These instruments have been there from 1950, but the Dalits and other deprived classes were not in a position to use these instruments in the earlier stage because of the absence of a critical mass of educated people among them. As education spread, the capacity of the Dalits and the other deprived classes to utilise these instruments has gradually grown though it is yet to reach optimal level. In the early stages in every village I visited, I used to communicate to the people information about the principles of Equality and Justice and how to achieve them. I used to discuss with them the importance of agricultural land and house-sites and their distribution to all landless and houseless Dalits and other deprived classes. This they could understand and chime with on the basis of their own life-experience. Whenever I completed some programme for them, they would profusely thank me. Immediately I would tell them that they need not thank me, what they got was only what they were entitled to as a matter of right and I was doing only my duty by making it available

to them. When I visited a village, I used to ask for the demographic profile of the village from the people of the village. The people of the upper castes would name a few upper castes and the rest would be disposed of as “chillara” (miscellaneous). Then I would ask the people of the each upper caste and the “chillara” what was their population size. It would emerge that the “chillara” was much more populous. Then I would turn to them and ask them, “Is the majority of the people ‘chillara’, or the small number of upper caste elite ‘chillara’?” All this would be silently and keenly listened to by the Dalits and BCs in the audience.

7.5 An instance was in a village in Rayachoti taluk of Cuddapah, where I went for settlement work in 1960. It was the practice of upper castes to refer to or address or call Dalits in the singular – for example, “Naaraayanappa” or “Naarayanayya”, for upper castes, but “Naarigaadu” for Dalits. When calling “Naarigaadu”, they would shout out “Naarigaa” in a loud voice. One of the lands in that village was claimed by a Reddy person. In support of his claim, he presented a Sale Deed by which one of his forefathers had purchased the land. Reddy is the name of the caste dominant in that village as in most of Rayalaseema and Telangana. While going through the old Sale Deed, I found that the vendee or purchaser was a person named “Gangudu”. I could see that ‘Gangudu’ was an ancestor of the Reddy person claiming the land to be his. Though I knew it, I asked him (with pretended ignorance) why the name was entered as “Gangudu” and not as “Gangappa” as is used for upper castes. The Reddys present said that that is how in the past the Brahmins, who drafted sale deeds, referred to Reddy names. I asked them whether it was proper and whether it was not humiliating. They agreed that it was humiliating and was not proper. Thereupon I asked them whether it was not improper to call and refer to SCs by names like “Naarigaadu”. They could not disagree. Dalits were present and keenly listening to these “educative” exchanges.

7.6 The number of educated members of SCs who are in different positions including the IAS and other All-India services and various professions has increased compared to the past. Some of them have taken to active social work through a number of voluntary organisations of Dalits, Adivasis and SEBCs. They are an important instrument in spreading awareness. This is the path that is available for a sensitive patriotic civil servant. He/she can either make use of it or become a routine career person. I had learned enough about “Untouchability”, the caste-system, Dalit landlessness and Dalit vulnerability and Backward Class disadvantage before I entered the service and I wanted to strike at these deficits from Day One of my service. There are

a number of things that an IAS officer or even an Indian Forest Service officer or an Indian Police Service officer can do on his/her own from the earliest postings.

7.7 When I joined the service, I was fully aware that, in the States, castes whose members owned the major part of the agricultural lands in the State or part of the State had, through the democratic electoral process, secured undemocratic power, which the Constitution did not intend. It was the elites from these castes who led political parties and successive Governments after Independence. In fact, this was one of the reasons that I became uneasy when I was called for interview and when I was selected. I was also aware that the industrial and business investor class had acquired a hold in the Centre, though it was to some extent checked for some time by the public sector policy of those days. With this awareness, I took the following steps:

1. I studied the laws, rules, especially the Board Standing Orders (BSO) and familiarised myself with my powers, which I could directly exercise without anybody else's orders.

Accordingly, I took up

- distribution of agricultural lands to Dalits and other rural landless poor agricultural labourers, house-sites for the Dalits and other houseless;
 - construction of houses for the weakest among them to the limited extent of funds availability;
 - eviction of ineligible encroachers of Government-owned agricultural lands, which should really go to Dalits and other deprived classes for provision of agricultural lands, house-sites and houses for the houseless
 - spreading awareness and instilling confidence in the Dalits and other deprived classes;
 - countering practices of "Untouchability" in every possible way.
2. Identification of matters where I needed to report to a senior officer like the Collector or Settlement Officer or the Government and send reasoned reports and recommendations based on facts gathered by in-depth enquiry and personal inspection. Sometimes, the Government may make references to the Collector, who in turn would seek the report of the Sub-Collector. One such case pertained to Karamchedu, which I

have narrated earlier, the village of some of the richest, who belonged to one of the dominant castes of that region of Andhra Pradesh.

7.8 As I rose in seniority and held positions like District Collector and State-level and national-level posts, I got command over the large machinery of the Government in district, State and Centre, and I could take up many more matters than I could as Sub-Collector. For example as Collector, I used to go to villages with heads of all Departments concerned with development and welfare, such as the Departments of Agriculture, Animal Husbandry, Irrigation, Community Development (the earlier predecessor of Rural Development) and so on. The entire village would gather before us. The people would raise their issues. Priority naturally was for Dalits and other deprived people. Since all Departments were present, their problems could be solved on the spot, except for those which needed to go to the State headquarters.

7.9 In the case of my priority subject of land-distribution, I developed the following methodology:

I got the Tahsildars of each Taluk to list out their villages in the order of the extent of Government lands available in them. I asked them to go to each village in that order and clear all such lands by granting *pattas* to occupants if they were Dalits or other landless poor; evict occupants if they were ineligible being not landless poor and grant these lands on patta to Dalits and other landless poor.

There was a target for every Tahsildar in the monthly meetings of Revenue officers. The targets were fixed by the Tahsildars themselves keeping in view the extent of land, the quantity of work, and the best they could realistically do, and this target was recorded and reviewed in a register from month to month. This was one of the objective bases of the Annual Confidential Reports (ACRs) of each officer.

The Sub-Collectors / RDOs were required to exercise supervision over the progress of the work. This helped to systematically and quickly deal with the largest extents of lands and the largest number of Dalit and other landless poor.

The village-wise time-schedule was communicated to the applicants and they were told to bring to my notice if the team did not come to their villages as

per the time-schedule. This helped to minimize the need for people to mill around offices with petitions, since the administration would go to them.

The same approach was adopted in respect of distribution of house-sites as in the case of distributing agricultural lands.

7.10 A new work in the districts of Khammam and East Godavari, where I worked as Collector, respectively from 1964 to 1967 and from 1967 to 1969, pertained to restoration of tribal lands which had been taken over by non-tribals illegally by various means. This was a sensitive matter because many of the illegal transferees / occupants were powerful members of dominant castes and were leaders of the ruling party and / or held important State-level / district-level positions. Both Khammam and East Godavari had large proportions of tribal areas. I got a good opportunity for this soon after I took charge as Collector, Khammam in 1964. The Chief Minister, at that time Shri Kasu Brahmananda Reddy, introduced the system of entrusting each district to a Minister who did not belong to that district. Sri Thota Ramaswamy was the Minister who had the charge of Khammam. He belonged to a regionally dominant land-owning community of East Godavari district. There was a public meeting at a place called Aswaraopet. At that meeting, one of the local leaders raised the issue of tribal lands which others had illegally taken over. Aswaraopet is an area where tribals are substantial in numbers. The major tribe there is Koya. One important political leader (who later became State Minister, State Chief Minister and Central Minister), with an eye on tribal support, spoke eloquently and forcefully about the cheating of innocent Koya prajalu (i.e., Koya people) that had taken place on a large scale. The District Collector was asked by the Minister in the presence of local political leaders, to take up this issue and do justice for the tribals. I jumped at this with alacrity. I sent out notes to all RDOs and Tahsildars of the district, in which, citing the Minister's order, I laid down the action to be taken to detect tribal lands found in the hands of non-tribals, and asked them to send proposals for their eviction and for restoration of the lands to tribals. The law governing this was the Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959 (APSALTR). According to this law, the powers of eviction and restoration vested in the Agent to the Governor. In both the districts and in certain other districts, the District Collector was concomitantly the Agent to the Governor, i.e., he was the Agent to the Governor in respect of protection of tribals and their rights in the Fifth Schedule Areas. This gave me plenary powers. I also got the Government to post a special RDO, special Tahsildars and Deputy

Tahsildars for my district for this work, explaining the vast extent of land and the quantum of work involved.

7.11 Normally the tendency of the officialdom in such cases is to start with targeting small transgressors of the law, as they are easy to deal with. When this process starts, the well-to-do transgressors of dominant castes and the leaders of these castes raise a hue and cry, shedding crocodile tears for the poor under threat of eviction and get the whole matter stayed. Thereby, in the name of the poor, they avert danger to themselves. I adopted a different strategy. I asked the Special Tahsildars, especially Deputy Tahsildars and RDOs, to identify the powerful individuals who were in occupation of tribal lands and send proposals for their eviction. After due opportunity, I passed statutory orders for their eviction. Among the people whose cases I took up first were of the family members of Shri Vemula Kurmaiah, a very senior Dalit leader of Krishna district, who had been a Minister in the past. Another case was that of a family member of Shri Thotakura Venkatappiah, Vice-Chairman of the Zilla Parishad, who belonged to the dominant non-tribal caste of the district. A third case was of a family member of a senior officer of the Singareni Collieries, Shri Bhaskaracharyulu. The common modus operandi of these and other similar people was to acquire the lands in the names of their children. Since the large landholders, who belonged to the dominant land-owning community of the district, and the family of the SC leader and of other politically powerful people, had no business to take over tribal lands, the proceedings were against such people, and since I conveniently invoked the name of the Minister Shri Thota Ramaswamy, it was not possible for the usual hue and cry to be raised. I adopted the same approach in my next district, East Godavari.

7.12 My experience of tribal laws and aspects of law connected with the APSALTR enabled me to send a proposal to the Government that amendment should be introduced in the Regulation, providing for the presumption that all lands in tribal areas shall be presumed to be tribal lands and if any of these lands is found in the ownership/possession/occupation of any member of a non-tribal community, it shall be presumed that such ownership/possession/occupation had been acquired in contravention of the Regulation, unless the contrary was proved. The burden of proof was thus laid on the non-tribal occupant. By a coincidence, which is not surprising, Sri S.R. Sankaran, who was then Collector, Nellore, also sent a similar proposal at about the same time. Neither of us had consulted each other before we sent our respective proposal. This amendment was then enacted. The operation

of the amendment was stayed by the Chief Minister Sri Marri Channa Reddy. This was a blatant violation of law because the Regulation is a legislation and the Chief Minister is part of the Executive. It is a basic rule that a legislation cannot be stayed by an Executive Order. Two years later, the High Court upheld the amendment. The Government went in appeal to the Supreme Court, though it was patent that the appeal was totally untenable. The Supreme Court also upheld the amendment, but it took another two years. Thus, four valuable years were lost to the STs and opportunity was given to the non-tribal encroachers to hang on to the tribal lands. There was another similar effort at an illegal exercise of executive power by a later Chief Minister in 1987, which I, at that time Principal Secretary, nipped in the bud. I shall refer to this later.

7.13 As I rose to State-level and national-level posts, I could spread my net wider. Thus, when I was Director of Industries in 1973-76, I took up a programme for entrepreneurial development under the newly introduced Self-Employment Scheme (SES) of the Government of India and directed it towards young people of deprived classes and categories. I mounted a drive to identify potential entrepreneurs from among SC, ST, BC, Minorities and women who were not from traditional business, industrial or investing families and whose families had no property, other than their individual houses, identify those among them who had entrepreneurial interest and aptitude, and provide training for them on the basics of small business with the help of the Central Government's Small Industries Extension and Training Institute (SIET) which had its units in almost every State including Andhra Pradesh at Hyderabad. Since I was the State Head of the Department, I could direct a major part of the energies of the entire Department towards this effort.

7.14 During the period when I was in the Industries Department, an event was organised on the initiative of the then Social Welfare Minister Sri Bhattam Sriramamurthi of Visakhapatnam, who came into the Congress from the Socialist stream. He retained his socialist sympathy for Dalits. The event he organised in the year 1975 was a three-day "Harijan Conference" (at that time, the term 'Harijan' was still in vogue and the term "Dalit" was yet to gain popular currency in Andhra Pradesh). Sri Jalagam Vengal Rao of Khammam district was the then Chief Minister. The intellectual part of the Conference was a Seminar. On the request of the Director of Social Welfare, Sri K. Madhava Rao, I accepted the responsibility of Convenor and virtual Chairman of the Seminar. During the preparatory stage of the Conference, we

would meet every day and we drew up a comprehensive set of recommended measures for the advancement of Dalits. This document, of which I have a copy, helped me to systematically undertake Dalit development, welfare and empowerment measures when I went to the Centre a little later. I used the opportunity of the Conference to introduce reformers, particularly Sree Narayanaguru, to Andhra Pradesh, and his photo was exhibited at the Conference along with the photos of reformers who were icons of Dalits and other weaker sections. Smt. Sadalaxmi, one of the two great women leaders of Telangana, born in the early part of the 20th century (the other being Smt. J.Easwari Bai), who presided over the closing function took note of the Seminar proceedings and thanked me for suggesting various measures for the Dalits, which had not occurred to anybody till then.

7.15 In 1977, I again went to the Centre on deputation as Joint Secretary in the post of Development Commissioner of Handicrafts, then in the Ministry of Commerce, and later the Ministry of Industry. Entry into the portals of these Ministries is coveted, because it can lead to coveted international assignments during service as well as later, but not easy. Usually, a person is able to get into the portals of these Ministries only if there is a godfather, usually from one's own family or one's caste. Dr. P. C. Alexander was the Secretary, Commerce at that time and had a hand in my selection because he had seen and appreciated my work for the promotion of self-employment and entrepreneurship in Andhra Pradesh. He said that the same approach is required in the field of Handicrafts, when I met him after I took charge on 17th August 1977.

7.16 This post helped me to come into contact with a larger segment of BCs, viz., the artisans. My wife Shantha ji's interest in and knowledge and experience of artisans and their traditional products of beauty and utility helped me to get deeper insights into these productive sections of BCs. In fact, traditional artisans are the original manufacturing class of India. The forbear of the present manufacturing industrialists were money-lenders, usurers and hundi-operators.

7.17 Unfortunately, this original nucleus of the manufacturing class of India has not been nurtured and helped to grow. They have been denied financial support and institutions to reach to them the benefits of modern technology. After a glorious start, through the initiative of Smt Kamala Devi Chattopadhyaya and subsequently nurtured by Smt Pupul Jayakar, the organisation itself had been neglected and become demoralised. The staff of the Development Commissionerate had not seen any promotion since a long

time, though there were many vacant posts. I filled up all these vacant posts by promotion of eligible persons in the feeder categories. This gave them new life and morale and there was a spurt in the work for artisans, understanding their problems and trying to resolve them. I was in the post only for about one year, from 16. 08. 1977 to 01. 09. 1978.

7.18 During this period, I was Chairman of the Planning Commission's Working Group on Women in Small Industry. It was here that I first introduced the concept of the Special Component Plan (SCP) – for Women. Though the women in the Group, especially the veteran Mrs Vina Majumdar, were enthused by this, the Ministry in charge of women could not progress this to its logical conclusion.

7.19 It was during the close of this period that I came to know of a newly created post of Joint Secretary in the Ministry of Home Affairs to look after SC and BC matters. Prior to that there was only a Director-level post, designated as Director-General. It dealt with the SCs, but not with the SEBCs. The Ministry was looking for a suitable person for this post. There was an urgency following a foot-in-the-mouth type of statement in the Parliament by the then Home Minister, Shri Charan Singh. The Janata Government had come to power in 1977. Land-owning classes of North India formed a major and powerful support base of the Janata Party. Some of these classes belonged to the upper castes and some to the upper segment of the BCs. With the accession of the Janata Party to power, these land-owning classes felt that they had ascended to power and they could oppress the Dalits with impunity. On the one hand, there was (and still is) a contradiction between the land-owning castes and the Dalit castes, because the latter were (and still are) largely landless agricultural labourers in the fields of the former. The Dalits were the only substantial section of people who had voted for Indira Gandhi and, on account of her, for the Congress in the post-emergency 1977 elections. Certain measures taken by her, though they did not go to the root of the problem and situation of the Dalits, made an impression on the Dalits. Indira Gandhi's 20-point programme and her pronouncements were utilised by officers like Sri S. R. Sankaran and myself to push through measures and action for Dalit development. The electoral choice of Dalits in the election in favour of Smt Indira Gandhi became a handle in the hands of their oppressors to mount atrocities on them. The real purpose of these atrocities was to stifle Dalit demands for agricultural land and for slightly better wages than before, though still less than the statutory minimum wages, and resistance to "Untouchability" and humiliation of their

women. The Congress, which was numerically the largest single opposition party, with a solid phalanx of 154 MPs, mostly from the peninsular States, rocked the House with their questions about and protest against the atrocities against Dalits. The Home Minister Shri Charan Singh on one occasion asked in irritation why they were so agitated when the number of SCs murdered was less than 15% (the proportion of SCs in the total population at that time) of all the people murdered in the country. This tactless reply elicited the counter as to whether the Home Minister wanted to fix a target of 15% for murders of Dalits. It became impossible for him thereafter to face the House as Home Minister in charge of SCs and STs. The PM had to take over the charge of the Home Ministry for some time until he could find a full-time person whom he could trust for that post. After a few months, Shri H. M. Patel was made the Home Minister. The senior officers of the Ministry were at their wit's end to cope with the avalanche of questions in the Parliament about atrocities. They were looking for someone who could take over this load. I volunteered for this post. My offer to move over from my Joint Secretary-level post in the Ministry of Commerce /Industry was welcomed with relief. My reputation was known in the Ministry at that time. My Confidential Report (CR) for the past years was also eloquent testimony. I knew about the adverse remarks communicated to me by the Chief Secretary of AP, which I have already referred to earlier. A person who had seen my CR in this period, told me that there were many more such remarks in my CR. Initially the Minister of Industries and the Additional Secretary who was my immediate superior refused to release me and replied in the negative to the Ministry of Home Affairs (MHA) on their request for my transfer to that Ministry. The Additional Secretary shortly afterwards mentioned to me about the temerity of MHA in asking for my service and informed me that the request has been rejected. I told him that the MHA's proposal had been made after they consulted me and that I would like to be sent to that Ministry for the post relating to SCs and BCs. I then went to the Minister, Shri George Fernandes, who was then a live-wire, and requested him to write to the Home Minister again agreeing to release me. Shri Fernandes said that I can do more for SCs and other weaker sections in my post in the Ministry of Industry and that, in the MHA I would become frustrated. I disagreed with him and suggested to him that he should also take a portfolio directly relating to the oppressed classes, in view of his personal background. It was then settled that I would go to the MHA in the newly created post of Joint Secretary. I met the Minister of State in charge of the subject, Shri Dhanik Lal Mandal, who belonged to a Most Backward Caste of Bihar and was close to one of the highest State-level leaders of BCs Shri Karpoori Thakur.

7.20 I also met Shri B. G. Deshmukh, Additional Secretary and Shri TCA Srinivasavaradan, the Secretary of the Ministry, as desired by them. As soon as I entered the latter's room, he mimicked my moustache (then much more luxurious than now) with his hand and greeted me with the word "Kathakali", implying that with my moustache I looked like a Kathakali artiste. I told him about my plans for the SCs. In particular, I told him about my idea of the SCP and my intention to introduce it in order to bring about holistic advancement of the SCs in all sectors of development, apart from close monitoring of crimes of atrocities and "Untouchability". He agreed to give me a free hand in all these matters. I also made clear my idea about the SCP and my intention to introduce it to the Additional Secretary and to the Minister of State. All of them agreed to give me a free hand. In fact, by offering to take on myself the responsibility of dealing with the Parliamentary questions with regard to atrocities, I was in a position to have my terms and conditions the way I wanted. I utilised this position to the fullest extent. It gave me an opportunity to initiate a number of measures of significance for the Dalits, which had the scope for rising potential in future with the growth of awareness among Dalits and of ability to wield these versatile instruments. Most important were the following:

Special Component Plan for Scheduled Castes (SCP)

Brushing aside all time-consuming and counter-productive formalities, I got a draft letter, prepared by me, and issued under the signature of the Additional Secretary, asking the States to prepare SCP for SCs along with their Five-Year, Medium-Term and Annual Plans for the State as a whole. The idea was to give a concrete shape and frame to the concept that the SCs and STs must get, for their advancement, their due share out of the developmental outlays and developmental Plans of the States and the Centre.

For the STs, the approach of the TsP had been adopted two years earlier thanks to the efforts of my batchmates Dr B.D. Sharma (passed away two years back) and Dr Bhupinder Singh, both devoted life-long to the cause of the STs. The TsP was conceived as an area development Plan. This was relevant to the STs because most of the ST population in India lives in compact tribal areas where they form the vast majority of the total population. The idea was that by channelizing funds in due proportion to the tribal areas for area development, the advancement of the STs can be brought about. This was only partly true and there was need for an additional element

to be introduced to make the TsP relevant to ST people. I shall come to this correction and how it was made a little later.

In any case, the area development approach had no relevance to the SCs at all because unlike the STs, SCs do not occupy distinct areas or tracts anywhere in the country. They are present in every non-tribal village and every town. Everywhere, they are a minority, usually of 15 to 20 percent or at the most 25%, rarely more than 25% and only in one District in the whole country a bare majority. But, they are a major part of the agricultural labourers and other rural labourers and of the urban casual and unorganised labourers. The only space they have to call their own is their separate ghetto-like habitations in each village and town. These separate habitations were earlier known as “cheri” in Tamil Nadu and Kerala. Cheri is an old Dravidian word which meant a habitation. It is found as a suffix in many place names in Tamil Nadu and Kerala such as Puducherry, Thalassery, Changanassery, etc. But over time, it was applied to the habitations of Dalits and acquired a pejorative meaning. So the word “cheri” has been replaced by the word “colony” in Tamil Nadu and Kerala. In North India and West India, words like “Waada” or “Basti” or “Vaas” are now used. The change of name did not make any difference to the miserable conditions of life in the SC habitations.

Therefore, I designed the SCP to consist of outlays and schemes that would go directly to

- a. individuals of SCs,
- b. families of SCs,
- c. groups of SCs,
- d. improvement of the living conditions of SC bastis such as housing, provision of drinking water, drains, domestic and colony electrification, laying of pucca internal roads, roads to provide connectivity for the residents of SC bastis to places where they have to go, such as the PHC, the local school, the local market, the nearest bus-stand, the funeral ground (where they have funeral ground – in many villages they still do not have a funeral ground and are barred from using the funeral grounds of non-Dalits), etc.

I called for meetings of States at different places in 1978. The first meeting was held in December 1978 in Mumbai. The officers of the concerned Departments of Maharashtra and Gujarat attended this meeting on my invitation on behalf of the Government of India’s powerful Home Ministry.

The concerned officers were those in charge of SC development and welfare (called by different names in different States), Planning, Finance, Agriculture, Irrigation, especially Minor Irrigation, Rural Development, Urban Development, Housing, etc. The introductory speech was by the Minister of State, Shri Dhanik Lal Mandal, whom I had briefed and who was fully with this policy.

Shri Dhanik Lal Mandal was a sincere follower of the Ram Manohar Lohia ideology and a staunch adherent of Shri Karpoori Thakur. Shri Karpoori Thakur, who also belonged to a Most Backward caste of the SEdBCs, a caste which, in occupational terms, is pan-Indian, was one of the most sincere and honest political leaders I have known. He deserves to be much better remembered by the present and future generations. Shri Dhanik Lal Mandal matched Shri Karpoori Thakur in his sincerity in respect of the deprived classes. We had frank discussions about the strategy and tactics to promote the legitimate rights and interests of the Dalits. (This was the beginning of a long association between us. Later, when he became the Governor of Haryana, on his direction, myself and my wife Shantha were invited for a Conference pertaining to weaker sections. On his invitation, we stayed in the Raj Bhavan as his guests). We also shared our anxiety to bring into the picture the SEdBCs, who were not yet on the radar of the Central Government. Regarding SEdBCs I counselled him not to raise the issue of SEdBCs at that point of time. The Mandal Commission had just started its work. Already it was causing uneasiness among some very senior officers, who belonged to the SACs. In my presence, an Additional Secretary-rank Advisor of the Planning Commission told the Additional Secretary of the Home Ministry that there should be caution about what is done for the SCs in view of the impending demands for SEdBCs which may be made by the Mandal Commission. This, in my view, was “conspiratorial”. I brought this to the notice of Shri Dhanik Lal Mandal and, in view of this, I advised him that his speaking up about the SEdBCs at that time would not only be counter-productive but may also hamper our work for the Dalits who are the most oppressed and for whom we were in a position, at that time, to do some solid and substantive work. I told him that at the opportune stage I would ensure that justice is done for the SEdBCs. Shri Dhanik Lal Mandal agreed with me that the Dalit cause is the first priority and abided by my advice. A little more than a decade later when in 1990 I could help secure due recognition and reservation for the SEdBCs, apart from doing my social and Constitutional duty to them, I am glad that I could also keep my promise to Shri Dhanik Lal Mandal. Shri

Dhanik Lal Mandal also deserves to be remembered by the present and future generations.

Shri Mandal's inaugural speech at the meeting of Western States in Mumbai, which I prepared for him and which was prominently reported in the Times of India, Bombay edition, the next day, gave the SCP the imprimatur of the political authority of the Central Government. Then he handed over to me the conduct of the rest of the proceedings. I explained to the assembled State officers the philosophy and principles of the SCP, its vital link with the national policy and explained to them the mechanics, the nuts and bolts of preparing their SCPs. Some of the officers had doubts which I answered and clarified. For example, right from the beginning I clarified that if any development programme covers all people and SCs happen to be a percentage of all people, it is a no-no to earmark the proportionate part of the outlay for that programme as SCP. It is only what directly and exclusively benefits SC individuals, families, groups and bastis that can be included in the SCP.

The second meeting was held in Bangalore and was for the South Indian States. The third meeting was held exclusively for Uttar Pradesh at Lucknow. All the State Government officers showed interest and some showed even enthusiasm.

There was the practice of holding regional meetings of State Governments covering various important matters of Centre-State interest. These meetings were addressed by the Prime Minister and senior Central Ministers, and the Chief Ministers of each region were participants in these meetings. The meetings were organised by the powerful Ministry of Home Affairs. So myself and my colleague Dr. Bhupinder Singh had the opportunity of putting one paragraph each about the SCP and TsP, briefly explaining their principles and methodologies, the Central Government's interest in them and urging State Chief Ministers to take special interest in the formulation of the SCP and TsP of each State. The Prime Minister, Shri Morarji Desai at that time, conveyed this message to the Chief Ministers and this was a powerful aid for our efforts for the SCP and TsP.

Another mechanism I devised for consolidating the SCP was to hold meetings of SC MPs State-wise and region-wise. In these Conferences held in Delhi, the Home Minister Shri H. M. Patel presided and initiated the Conference in line with the brief I gave him. The Secretary and Additional Secretary were also present. An important item was the SCP. My purpose was to make the MPs aware of the new comprehensive instrumentality of

the SCP and to secure their active support for it. Another item was Central Assistance to States for investment in their SC Development Corporations. Information and clarifications sought by the MPs were provided. Some of the MPs who knew my role asked me in advance what they should say. I told them that they should support the SCP and give their further suggestions based on their experience and the conditions of SCs in their States. One of the important MPs, who played a good constructive role, was Mrs. Maragatham Chandrasekar, who later became a Minister in the Indira Gandhi Government. Another was Shri Yogendra Makwana, whom I met for the first time at the meeting for the MPs of the Western region. He asked me just before the Minister arrived what he should say. I told him, whatever else you say, please fully support the SCP, which he did.

By all these means, the States sent their SCPs as part of the Medium-Term Plan (a term and concept coined by the Janata Government replacing the “Five-Year Plan” used prior to that and in the post-Janata period) and their Annual SCPs for 1979-80. The Planning Commission had no alternative, but to accept them and process them. If this had been left to the usual process, it might have been indefinitely postponed and never happened. Barring one Member of the Planning Commission, Dr J.S. Sethi, a Gandhian socialist, nobody else was seriously interested in the SCs and STs or in “new-fangled” innovations like the SCP. The crucial officer in the Planning Commission, its Secretary, was positively negative. The Planning Commission itself was not in a position to take the initiative to systematically formulate this concept and forcefully promote it with the Central Ministries and Governments. I could secure the acceptance of the SCP only by short-circuiting the normal process, utilizing the leverage I had as a person who could help the Ministry and the Government and who helped them in “dealing with” the Parliament with regard to the issue of Atrocities, after the mess created by Shri Charan Singh’s response in the Parliament on this issue.

Shri Charan Singh was an honest political leader who had been influenced by the Arya Samaj as well as the Ram Manohar Lohia ideology. There were a number of good points about him. For example, he unequivocally discountenanced any move to get the Jat community included in the list of SEBCs. At a very early stage, he moved out of the Congress and forged a socio-political formation called AJGAR, bringing together the Ahir (the earlier name of the Yadav), Jat, Gujar and Rajput castes against the Congress base consisting of Brahmins at the leadership, with Muslims and Dalits as camp followers. Later, AJGAR was expanded into MAJGAR, by adding

Muslims also to this formation. Discontent was growing among the SEdBCs of UP and also the rest of North India because the Congress evaded the task of providing a dispensation for the SEdBCs. Muslim alienation from the Congress took place much later and post-Babri. Dalit alienation gradually picked up because the Dalits found that the Congress governments at the Central as well as State levels took no concrete and substantive action for their progress and for their protection from “Untouchability” and Atrocities. In the late 1980s, when the Janata Government came to power, the Dalits had not yet been alienated from the Congress. But the SEdBCs and Jats were clearly alienated. On account of the Emergency excesses, the Muslims of UP were also temporarily alienated though their long-term alienation took place only post-Babri. Though Shri Charan Singh was the undisputed leader of the AJGAR formation and pleaded for the SEdBCs, he desisted from using his position to secure a place for the Jats as part of the SEdBCs, though he belonged to the Jat community. His position was honest because Jats are not a socially backward caste (except in a part of Rajasthan where they were disadvantaged peasants in the extremely feudal situation there). However, Shri Charan Singh had one blind spot - his lack of sympathy for the Dalits. I traced this to the fact that he belonged to the major land-owning community of Western UP and the adjoining States. This brought members of that community into contradiction and conflict with Dalits, the major agricultural labour caste. The land-owner and agricultural labour dichotomy is one of the most serious socio-economic contradictions in India. UP is no exception. The psyche of even honest political leaders like Shri Charan Singh was rooted in their birth-based position and affiliation in this basic major contradiction.

Every State used to visit the Planning Commission according to the Planning Commission’s schedule for discussing and finalising its Plan and its size. In practice, what mattered was the Annual Plan. Before the meeting in the Planning Commission, I introduced the practice of inviting State Government representatives one day earlier and held an in-depth discussion with them about their SCPs. The first Annual SCP Plans of the State Governments was for the year 1979-80. From that year onwards, every year the SCP was prepared. This made some contribution to the progress of the SCs, but on account of certain problems its full benefit has not yet become available. This is a potentially powerful instrument of comprehensive development and advancement of the SCs. Its power and effectiveness will become more and more evident as certain deficiencies are removed, and Dalit masses become more and more aware of this powerful instrument placed at their disposal. I consider the SCP as one of the most important

contributions of mine in my life and career for the Dalits and to the cause of their comprehensive all-round advancement.

Central Assistance to States for Investment in their SC Finance Development Corporations

Since a long time, there were a few Centrally-Sponsored Schemes (CSSs) for SCs and STs. As Joint-Secretary, I looked after the CSSs for both SCs and STs. The most important was the Post-Matric Scholarship Scheme (PMS) introduced by Dr Ambedkar in 1943. This was one of the triad of important initiatives for the Dalits which Dr Ambedkar introduced in that period, the other two being Reservation for SCs in the posts and services of the State and the Overseas Scholarship Scheme (OSS) for SCs. Dr Ambedkar could secure them because he was Member of the Viceroy's Executive Council. With his understanding of the nature of the socio-economic and political elite of India, who would become dominant after Independence, and the difficulty he anticipated that may have to be faced by the SCs in that situation, he ensured the commencement of these three important initiatives before Independence. It was easier to continue them after Independence and it was difficult for those in political power after Independence to discontinue them. They could also be smoothly and automatically extended to the STs immediately after Independence. What might have happened if Dr Ambedkar had not presented the post-Independence dispensation with this *fait-accompli* can be understood from what happened to the SEBCs, who missed the bus in the period prior to Independence and had to wait for many decades to secure their place. The three schemes of Dr Ambedkar are still continuing and have been largely instrumental in securing some progress for the SCs and STs, though there were attempts in 1982 by the Planning Commission to cripple the PMS. I would relate later how I have got this highly negative move in the Planning Commission nipped in the bud. There was also an ill-conceived attempt to cripple the OSS in the Ministry itself in 1996-97. I shall later relate how this threat was also stalled.

The CSSs, as they existed when I took charge as Joint Secretary in charge of SC and BC Development and Welfare in the Ministry of Home Affairs on the 2nd September 1978, had no economic content. None of them addressed the economic aspect of the life of the SCs. I believe and continue to believe that the economic development of SCs is as important a part for their advancement as their educational development, and that their economic development is a necessary condition for their advancement and their

liberation from economic thralldom. It would give strength to the community as a whole, enable them to utilise other opportunities of development and better resist the imposition of “Untouchability” and “Untouchability”-based discriminations, disabilities and prohibitions.

In some of the States, like Punjab, Karnataka and Andhra Pradesh, there was a Scheduled Castes Finance and Development Corporation (SCDC) set up by the respective State Governments. They helped bring about certain results, but were languishing for want of adequate funds. Many other States did not have such SCDCs.

When I started working for the SCP, simultaneously I also started working for a scheme of Central Contribution to the State Governments for investment by the State Governments as share capital in their respective SCDCs. I did not want the Central Government to directly invest in the State Corporations, as it would have ultimately converted State SCDCs into Central Corporations. Such conversion would go against the federal / quasi-federal principle and in practice deprive the State Governments of their interest in the SCDCs. The interest of the State and Central Governments are convergently necessary for the advancement of Dalits. The only condition I prescribed was that there should be two Directors nominated by the Central Government on the Board of SCDCs for which Central assistance was provided to the State Governments. This condition was readily agreed to and implemented by the State Governments.

The proposal for this scheme went before the Cabinet in 1979. I was waiting outside the Cabinet Meeting Hall and pacing up and down anxiously like a young husband outside the labour room. After the Cabinet Meeting was over, the Minister Sri George Fernandes, whom I had briefed earlier, came out and informed me that the proposal has been cleared. He told me that the Cabinet was going to clear it in a routine way without any discussion. He had stopped them and told them to pause and first understand the significance of that proposal before approving it. He told the Cabinet that this was the most important decision taken by the Janata Government since its inception. He had also suggested to Shri H. M. Patel, the Home Minister in charge of this subject, to take a draft statement from me and issue it to the press the next day. I prepared a draft statement to be given to him if he showed interest. But, there was absolutely no interest shown by Shri Patel. He did not ask for a draft statement.

The amount provided under this proposal for the first year 1978-79 was a token amount. As I recall, it was only 1.5 crores. Before the proposal went to the Cabinet, I had extensive meetings with the Planning Commission and the Ministry of Finance to get their support, necessary for the smooth progress and Cabinet approval of the proposal. In the Planning Commission, the Secretary was considered to be one of the brave warriors against Emergency when he was a Joint Secretary in the important Ministry of Home Affairs. As punishment for his position against Emergency, he was transferred as India's representative in the Asian Development Bank with its Headquarters located in Manila, Philippines. What a punishment! Many officers would welcome such punishment. The Janata Government brought him back and posted him in the Planning Commission. From his reputation, I expected that I would get substantive support from him. But my expectation was belied. I knew that if I had asked for a larger amount, the proposal would be opposed by the Planning Commission. The Ministry of Finance was willing to give a larger amount. The Additional Secretary, Finance, with whom I discussed the proposal and who cleared it, was surprised that I did not ask for a larger amount, say 3 or 5 Crores which he would agree to. I said that I would start in a small way. The real reason was the mood of the Planning Commission, which I knew and the Additional Secretary, Finance did not. I got the amount released immediately at the fag end of the financial year 1978-79. The amounts were transferred to the States on the penultimate day of the financial year. I rang up to the Secretaries of each State and advised them to immediately release the amounts to their respective SCDCs. I also advised the Secretaries of States which had not yet set up SCDCs, to set up their SCDCs urgently and pending that to deposit these amounts, temporarily in some other State Corporation. Thus the entire amount sanctioned was released to the SCDCs in the States where they existed or to some other Corporations as an interim measure until SCDCs were formed in the States where the SCDCs had not been formed. This enabled me to ask for a larger amount in the Plan for 1979-80 and in subsequent years.

The SCDCs are a potentially powerful instrument for the economic development and advancement of Dalits. They have done some good work, but their potential is yet to be fully realised for reasons I have mentioned in the case of the SCP. There are also some functional problems for remedying which recommendations have been made by the National Institute of Rural Development and by the Sub-Group on Perspective Planning on Empowerment of Scheduled Castes in the XII Five-Year Plan under my Chairmanship in its Report dated 1.8.2011.

My success in securing Central Assistance for States for investment in their SCDCs resulted in the following:

- i. SCDCs which existed in some States but were languishing were revived;
- ii. States which did not have SCDCs set up such Corporations;
- iii. My success inspired the State Officers and they developed greater confidence in me and greater willingness to go by my advice – which I always couched in terms appropriate to the respect due for the States and State Government entities in a federal / quasi-federal set up.

The then Chief Secretary of Gujarat, Shri H. C. Capoor, handsomely acknowledged my contribution by saying that I had given good advice and I had also given funds.

Special Central Assistance (SCA) to the State SCPs - the Romance of its Origin

This was the third of the comprehensive developmental instrumentalities for SCs which I initiated in 1978 as soon as I assumed charge as Joint-Secretary, Ministry of Home Affairs.

The SCA was intended to

- a. motivate the States to improve and increase the sizes of their SCPs because the formula I devised for distribution of SCA to State SCPs took into account this factor as one of the criteria – the other criteria being the proportion of the SC population in the State's population; the proportion of the SC population of each State in the all-India SC population; the size of the schemes for the specially vulnerable categories of SCs, viz., the castes of Safai Karmacharis (manual scavengers), Nomadic, Semi-Nomadic and Vimukta Jati castes; and, for later years, the extent of implementation of the SCP in each State.
- b. to help States to fill gaps left on account of lacunae in the State Plans in respect of economic development schemes

One of the basic conditions was that the SCA should be used only for schemes of economic development and not for any other purpose. In particular, I emphasised the provision of group minor irrigation for SC lands.

I almost succeeded in getting it through in 1979 with a proposed initial outlay of Rs 50 Crores for the year. I secured the support of Shri Charan Singh, who had become the Prime Minister, with the help of his Special Assistant, Sri Vijay Karan, I.P.S., who was my long-time friend from my Kurnool days when he was A.S.P, Banganapalli in the Kurnool District. But, as the Charan Singh Government could not even dare to move the Lok Sabha for a vote of confidence, and elections to the Lok Sabha were expected, though not yet announced, the Finance Ministry blocked the proposal. The Finance Ministry's objection was unwarranted, as Election had not yet been announced and the approval of this scheme would not have had any bearing on the impending elections.

I got it through soon after Mrs. Gandhi came to power a second time in 1980. The saga of the SCA to State SCPs has to be told in greater detail. It was secured on 30.3.1980 under extra-ordinary circumstances through extra-ordinary joint efforts of Shri Yogendra Makwana, the Minister of State in the Indira Gandhi Government, and myself, assisted by Shri Lalit Mathur, who was a sincere and sensitive Deputy Secretary/Director with me. Thereafter this is being continued in the Central Budget each year.

Launching of Programme for the Liberation and Rehabilitation of Safai Karmacharis - Commencement of a Programme for the Liberation and Rehabilitation of Safai Karmacharis (Manual Scavengers) as part of the existing Scheme of Machinery for Implementation of the Protection of Civil Rights Act (PCR Act)

Manual scavenging is intensely connected with “Untouchability”. Almost all manual scavengers belong to the SCs and they belong to certain specific castes of the SCs. There are small numbers of STs like Yenadis and certain Muslim BC castes who are the counterparts of Hindu SCs on whom manual-scavenging has been imposed. My analysis was that one important aspect of the fight against “Untouchability” has necessarily to include the liberation of those thrust into manual-scavenging for their livelihood and their rehabilitation in alternative occupations unconnected with Safai and sanitation. The commencement of this programme in the early 1980s enabled

its being subsequently included as an independent Centrally-Sponsored Scheme.

7.21 After my term as Joint Secretary, Ministry of Home Affairs till 1982, and after a stint back in the State and again back in the Centre in 1987 as Special Commissioner for Scheduled Castes / Special Commissioner for Scheduled Castes and Scheduled Tribes in the rank of Secretary to Government of India (from 2.10.1987 to 1.1.1990), I was posted as Secretary in the Ministry of Welfare on 1.1.1990 and took charge on 2.1.1990. The Ministry of Welfare had been created when Shri Arun Nehru was the powerful Minister of State in the Ministry of Home Affairs (MHA) under Shri Rajiv Gandhi's Prime-Ministership from 1984-end to 1989, by hiving off the wings in charge of SCs and STs in the MHA and adding certain subjects from other Ministries to the new Ministry. The Ministry of Welfare thus constituted was in charge of the development and welfare of SCs, STs, SEdBCs, Minorities, Persons-with-Disabilities and Children in specially difficult circumstances. My becoming Secretary gave me command over considerable manpower resources of the Ministry and gave me the facility of reach to all States. As I had been doing this work earlier as Joint Secretary, MHA, and because of my role in the previous decades, I was known in all the States and State officers knew what to expect from me. This post gave me the opportunity to undertake far-reaching / potentially far-reaching legislative and other measures related to Dalits and SEdBCs. Though my previous post was in the rank of the Secretary to Government of India, certain forces were resisting my being posted as Secretary in the Ministry since that post was crucial for policy-making, and the powerful negative forces did not want me to get the policy-making post apparently because they knew what I would do. Since I was due to retire on superannuation on 31.12.1990 and thus I had only 364 days, I applied myself to my agenda at a furious pace. At that time too, as in my other and earlier postings, I had an agenda of action at the outset. The agenda was based on significance and priority from the point of view of the SCs, STs, SEdBCs and other disadvantaged classes and categories. The following are some of the measures based on my agenda which I undertook during this period:

SC Converts to Buddhism - Long Delayed Recognition

After mass conversions to Buddhism, started by Dr. Babasaheb Ambedkar on 14 October 1956 at Diksha Bhoomi, Nagpur, the Government ought to have amended Clause 3 of the Presidential Scheduled Caste Orders issued in terms of Article 341, to cover SC Converts to Buddhism also. As the Clause

stood at that time, “no person” of the listed castes “who professes a religion different from the Hindu and Sikh religion shall be deemed to be a member of a Scheduled Caste”. The simple amendment required was only to add the word “Buddhist” after the word “Sikh”. This would only help preserve the status-quo in respect of SCs as it was before their conversion to Buddhism. This was justified both in terms of fairness to the SC Converts to Buddhism and as a matter of respect for Dr Ambedkar. There were numerous demands from the SCs and their leaders and representatives seeking recognition as SCs for SC converts to Buddhism. There was also a hunger strike by one of the Republican Party leaders, Shri P.N. Rajbhoj. As usual, the Government did not respond promptly or in a reasonable time. There was also a similar demand regarding SC Converts to Christianity.

As Joint Secretary, MHA in 1979-82, I had moved a file in 1980-81 to confer SC status on SC converts to Buddhism and Christianity. This was supported by Shri Yogendra Makwana, Minister of State for Home, and reached the Home Minister Shri Zail Singh. Shri Zail Singh was, to my understanding, inclined to agree to this proposal. But he was scared by the then Home Secretary Shri Syed Muzaffar Hussain Burney that this would be opening the Pandora’s Box and that if this was agreed to, similar demands would also emerge from Muslims. In fact, SC converts to Islam who can now be separately identified as Muslims of SC origin, i.e., Muslims who are known to have converted from SCs or, as they are often referred to, Dalit Muslims do not constitute more than 0.8 to 1.2 percent (according to different estimates) of the total Muslim population. They consist of Muslim castes traditionally linked with “scavenging” such as Halalkhor, Muslim Mehtar and Muslim Lalbegi, whose Hindu counterparts are SC; Nomadic communities like Muslim Jogi and Muslim Nat, whose Hindu counterparts are SC. There is no other section of the Muslim community which could claim recognition as SC for which the criterion is subjection to “Untouchability”. SC converts to Sikhism were already recognised as SCs. In the initial Presidential Order Schedules of SCs, only four castes of Sikhs, viz., Mazhabi, Ravidas or Ramdasi, Kabirpanthi and Sikligar, only in the State of Punjab (which then included Haryana and certain parts of the present Himachal Pradesh) and the Patiala and East Punjab States Union (PEPSU) (subsequently merged partly in Punjab and partly in Haryana), were included. The restriction regarding the Sikhs of SC origin was eliminated following the recommendation of the Kaka Kalelkar Commission (1953-1955) (whose recommendations regarding SEBCs were held up and then rejected in 1961). By this amendment, all members of the castes listed in the Schedules for any State who were Sikhs

were recognised as SCs. Parsis or Zorastrians do not have the problem of “Untouchability” within that community. Jains, who have been recently recognised as a minority at the national level, do not have an “untouchable” segment, most of them being the counterparts of the Hindu upper caste Banias / Vaishyas. Thus, only SC converts to Buddhism, Christianity and Islam were left out. Of the three, claims to be recognised as SCs had been made at that time only by SC Converts to Buddhism and SC Converts to Christianity. Therefore, giving SC status to SC converts to Buddhism and for SC converts to Christianity could not open a Pandora’s Box. However, by mentioning the Dalit Muslim factor, the Home Secretary managed to alarm the Home Minister into not approving the proposal.

As soon as I took over as Secretary, Ministry of Welfare, I told the Minister Shri Ramvilas Paswan on 8. 1. 1990 about the proposal to accord SC status for Dalit Buddhists, then referred to as Neo-Buddhists. The Janata Dal’s Manifesto contained a promise to give SC status to Dalit Buddhists. In timing the proposal, I had also kept in view the fact that Shri V.P. Singh was due to go to Maharashtra for election campaign in the middle of January 1990. While I had no concern with the electoral prospects of any political party, I was aware that political leaders are more amenable in the period before elections, and in the legitimate interests of Dalits, Adivasis and SEEDBCs, I watched for and utilized such opportunities to move forward objectively justified and Constitutionally valid proposals for these deprived classes.

Shri Paswan immediately took it up with Shri V. P. Singh and got his consent for its inclusion in the agenda of the Meeting of the Cabinet Committee on Political Affairs (CCPA) and informed me. I immediately traced out my 10-year old draft Cabinet Note, which I had prepared as Joint-Secretary but had been aborted by the Secretary, and updated it. I did my work sitting in the Conference room of the Ministry under candle light as electricity had failed at that time. The Note was sent on the same night to Shri Paswan and to the Cabinet Secretariat. This item was included in the agenda of the CCPA which was held on 12. 1. 1990.

At the CCPA meeting, there was no dissent. Shri George Fernandes suggested that SC Converts to Christianity may also be covered. I knew, Shri V. P. Singh knew, and other Ministers also knew, that the Janata Dal-led National Front Government was dependent for its majority not only on the Left, but also on the BJP and, therefore, linking Dalit Christians and Dalit Buddhists in the same proposal would result in neither getting recognition as SCs. The CCPA approved the proposal to accord SC status to SCs who are Buddhists. After the

CCPA meeting was over, I dropped in the room of the Additional Secretary, Cabinet Secretariat, Shri T. N. Raghavendra Rao, who stretched towards me my Note for the CCPA. It could not be signed by me before it was sent. I signed it at that time. This shows that no technicality comes in the way when the officialdom knows that the Prime Minister is in favour of the proposal (unless of course the proposal is grossly irregular or illegal – my proposal was completely regular and fair and in keeping with the Constitution).

Any change in the Presidential Scheduled Castes and Scheduled Tribes Orders can be made only by legislation by the Parliament in terms of Articles 341 and 342 respectively. It does not require a special majority as required for a Constitutional Amendment under Article 368. The Bill was passed in the Lok Sabha and then the Rajya Sabha during the ensuing Parliament Session, viz., the Budget Session. Thus, the more than three decades-old injustice to the SC converts to Buddhism and the gross disrespect to Dr. Ambedkar were at last rectified. During the debate there was support for the Bill from all Parties in the house, but, Shri Pramod Mahajan of the BJP, while supporting the Bill, cautioned the Government not to extend recognition as SC to SC converts to Christianity.

Protecting SCs and STs from Atrocities

This Act was passed during the days of the Rajiv Gandhi Government. But that Government had not notified the Act. The Act would come into effect only from the date notified by the Government. In order to speed up the process, I convened a meeting of all State Government representatives under the Chairmanship of Shri Ramvilas Paswan, Minister for Welfare. I wanted the Act to take effect without delay and proposed 30 January 1990 as the date for commencement and requested the State Governments to transfer all the cases to the Special Courts by that time. The Law Secretary was taken aback by the “hurry” and cautioned me not to put my neck in the noose. I responded that if by putting my neck in the noose, SCs and STs would be helped I would willingly do so. All State Governments agreed to the proposal to bring the Act into effect from the 30th January 1990 and the Government of India issued a Notification appointing 30th January 1990 as the date on which the Act would come into effect.

Dr Ambedkar's Birth Centenary - A Turning Point

Normally the Centenary year would start from the day on which 100 years after birth are completed, in this case 14. 4. 1991. But since I knew the Government's longevity was limited, I proposed that the Centenary celebration be started on 14.4.1990, extending up to 14.4.1991. This was agreed to. Normally, such celebrations are the subject of the Ministry of Culture. But, I proposed that in view of Dr Ambedkar's special significance for the Ministry of Welfare and its area of work, the Ministry of Welfare should take over the task of this Centenary celebration. The proposal was appreciated by the Welfare Minister Shri Ramvilas Paswan and the Prime Minister. My idea was that a celebration by the Ministry of Culture would become a routine affair, while the Ministry of Welfare with Shri Ramvilas Paswan as the Minister and myself as Secretary in charge could make it a vibrant event with people's participation and with significance for the future.

In this period, the Government also honoured itself by conferring Bharat Ratna, posthumously, on Dr Ambedkar and unveiled his portrait in the Central Hall of the Parliament. This long-standing demand of Dalits and Dalit representatives was being stalled by the Governments in the previous period on the plea that there was no space on the wall of the Central Hall. When there was political will, space appeared on the wall.

The centenary celebration started with a mass rally in the National Stadium near India Gate, unlike the usual celebrations which are conducted in a Government Hall. This gave the opportunity for the masses from all over the country to assemble and participate. In fact, the masses were invited and encouraged to participate in that rally through wide publicity and more than a lakh of people participated with enthusiasm. They filled the stadium and spilled over into the spaces outside the stadium. The Prime Minister Shri V.P. Singh presided and Shri Ram Vilas Paswan and other Ministers were present. Dignitaries like Shri Yogendra Makwana were among the invitees and seated on the dais. I brought Shri Makwana's presence to the notice of Shri V.P. Singh. Immediately he invited Shri Makwana to speak though the latter belonged to the Congress in the Opposition. The integrating impulse of the memory of Dr Ambedkar dissolved party lines of difference at least temporarily and for the occasion. A National Committee for the Centenary Celebration was formed with more than 100 members drawn from different fields and professions and consisting of persons connected with Dr Ambedkar and his philosophy. As part of the Centenary Celebrations Committee, Shri Paswan and I set

up a number of Working Groups to make recommendations on different subjects pertaining to SCs and STs. I suggested to active members some of the important recommendations they may consider and make. They did so. The recommendations were put together and became a reservoir for action. Inter alia, I partly drew upon it for the *Dalit Manifesto* which I formulated and put in the public domain on 7. 3. 1996 – more about this *Dalit Manifesto* later. The centenary celebrations of Dr Babasaheb Ambedkar helped to bring into focus his personality and his unique contributions to Indian society and policy.

It tremendously boosted the morale of the Dalits and other adherents of Social Justice. It also initiated a trend which engulfed all parties leading them all to shed their previous negative or casual attitudes towards Dr Ambedkar, culminating in the situation of all parties now paying homage to Dr Ambedkar, though they are yet to holistically act on the basis of his philosophy and agenda which have also been incorporated in the Constitution.

Constitutional Status for the National Commission for SCs and STs

This Commission was set up in 1977 by the Morarji Desai Government by an Executive Order, under the Chairmanship of Shri Bhola Paswan Shastri, former Chief Minister of Bihar, one of the political leaders from the Dalits who had a high reputation for personal integrity. From my personal knowledge, I could also say that he was sincere, wise and had a good knowledge of society. There were four other Members, including ex-officio the Commissioner for SC and ST under Article 338, at that time Shri Shishir Kumar, a Socialist. The idea was that this Five-Member body should replace the Special Officer for SCs and STs, commonly referred to as the Commissioner for SCs and STs, under Article 338. The Government also set up a Commission for Minorities by another Executive Order.

The Constitution Amendment Bill conferring constitutional status for both the Commissions was brought to the Parliament – I was Joint Secretary at that time -- but it fell because the requisite double majority did not become available in the Lok Sabha. This was because a number of MPs who did not want Constitutional status to be conferred on the Commission for Minorities, though they were not against that status for the Commission for SCs and STs, absented from the Parliament, and, therefore, the provision that a Constitution amendment to be passed has to be voted by not less than half

of the Members of the House could not be fulfilled – the other condition that a Constitution amendment to be passed needed to be voted by not less than 2/3rd of the Members present and voting was fulfilled since all those present voted in its favour, but it did not add up to half of the strength of the House. The Constitution amendment Bill, therefore, fell. This was a serious embarrassment for the Government, but it took it in its stride. Thereafter, both the Commissioner for SCs and STs under Article 338 and the multi-Member Commission under an Executive Order had a rather uneasy co-existence till 1990.

When I became Secretary, Ministry of Welfare, according to my agenda I took up the matter of conferment of Constitutional status on the National Commission for SCs and STs, prepared the Constitution Amendment Bill, got it approved by the Cabinet Secretary with great difficulty and secured the Cabinet's approval. Soon thereafter, this Constitution Amendment Bill was moved in the Budget Session of 1990. What failed in 1980 at last succeeded in 1990, but its potential is yet to be realised on account of various deficiencies. These deficiencies are remediable, but there has not been any effort to do this to enable the Commission to fulfil its Constitutional task effectively and fully.

Aborted Legislation for Reservation for SCs and STs in the Central Services

One of the initiatives for SCs and STs which did not succeed and which is still waiting for sincere attention is a draft legislation prepared by me for reservation for SCs and STs in the posts and services of the Government. Reservation in the Centre and many States is introduced and operated on the basis of Executive Orders. It was my view that Reservation should be provided a legislative basis in order to strengthen it and its implementation, to improve transparency and to make it more difficult to flout the orders of Reservation. There was a discussion in the Cabinet on the question of whether Reservation should be brought under legislation or should be continued under Executive Order. I explained the need for and advantages of legislation. Another senior and respected officer argued the case for the view that continuance of reservation under Executive Orders is adequate and, therefore, legislation is not necessary. Generally, the officialdom prefers Executive Orders and is averse to legislation. Prime Minister Shri V.P. Singh, after hearing both sides, decided that Reservation should be brought under legislation. I prepared a draft Bill, but the Cabinet Secretary, Shri V. C. Pande, who was a confidante of Shri V. P. Singh from their college days, managed to delay it and ultimately

prevented its consideration by the Cabinet. Shri V.P. Singh was aware of this Cabinet Note and the draft Bill. In my view, he ought to have been able to overrule the Cabinet Secretary's objection and get the Bill moved and passed in the Parliament. This was a lost opportunity. The consequence of this failure haunts us to this day. Legislation for reservation has not been passed to this day despite persistent efforts by myself and certain others. I shall write about this in detail later.

Recognition of the Socially and Educationally Backward Classes

One of the most far-reaching measures of this period was recognition of the Socially and Educationally Backward Classes (SEdBCs) as a socially disadvantaged category requiring the support of Reservation and other Social Justice measures. The Mandal Commission's recommendations had been in the cold-storage from 31.12.1980, when it was submitted to the Government headed by Smt. Indira Gandhi, till 1990. There was hostility to the proposal from the political class as well as, generally, the administrative class. The matter was stalled by convening meetings of Secretaries, State Chief Ministers and Ministers, and of Central Ministers, etc. The file floated between the Secretary, Welfare and the Cabinet Secretary. Each time the Cabinet Secretary would raise one or more queries, usually not comprehensively, and return the file to the Secretary, Welfare. The reply would take a long time. Each query operated as a signal to delay. The signal was followed in the Ministry by delaying their reply each time. "Query-culture" is a colonial and post-colonial instrument of administration in India to delay decisions in general and in particular decisions unwelcome to status-quoists. No one in the political set-up took interest, asked questions and tried to speed up matters and bring the case to a finality. Thus, 10 years passed under the Governments headed by Smt. Indira Gandhi and Shri Rajiv Gandhi. Shri Rajiv Gandhi was also scared by an eminent person writing to him that according Reservation on SEdBCs would open a "Pandora's Box". This was the second time that I came across this phrase being used to scare a Minister / Prime Minister.

After I took over, I went through the file and found all the queries that had been raised in the previous ten years to be irrelevant and replied all of them. I pointed out in my Cabinet Note dated 1.5.1990 that the basic fact is that the Constitution recognised the SEdBCs under Article 340(1) and all that was required was to identify them and the measures required for their advancement including reservation. This was what the Kaka Kalelkar

Commission and the Mandal Commission had done at the National level. There were also State-level Commissions in some States which met with a better fate than the National Commissions.

The Cabinet Secretary tried the usual bureaucratic stalling method of “query –culture”. But I answered each query and sent back the file within 24 hours. At one stage in our private conversation, the Cabinet Secretary told me to help the PM out of his dilemma regarding reservation for SEdBCs. I told him that the PM himself wanted this to be done. He said that the PM had expressed his uneasiness about it and wanted an escape route. I told him that the PM had not told me to desist from this matter. The Cabinet Secretary then gave up his ill-advised effort to torpedo this long-overdue measure. After all the queries were exhausted, the Cabinet Secretary had no alternative but to send the file to the Prime Minister. If at that time there had been a Secretary in charge of the Ministry of Welfare who was willing to go with the Cabinet Secretary the fate of the SEdBCs would have been indefinitely postponed.

Shri V. P. Singh was inclined to accept my recommendation, which was supported by the Minister for Welfare Shri Ramvilas Paswan. He was also convinced, as I could see, of the facts and Constitutional position, as I had explained. He took time to take a decision, probably because he was aware of its serious political consequences for his Government. Shri Paswan and myself reminded him of it from time to time. On the 6th August 1990, he called both of us and said that he had decided to accept our recommendation and provide 27% Reservation for SEdBCs. Later in the night, he called us again for the draft of a speech announcing this decision in the Lok Sabha the next day. I prepared the draft which was approved by Shri Paswan and Shri V. P. Singh.

The next day, the 7th August 1990, was momentous. On that day Shri V. P. Singh read out the speech making the announcement. It was a moving and impressive speech. The only vocal dissent came from Shri Rajiv Gandhi, Leader of the Opposition. He spoke for about 1 ½ hours against the decision to recognise the SEdBCs and to provide 27% Reservation for them.

Shri Paswan and Shri V. P., Singh had also accepted my suggestion that in the first stage only those castes/communities which are common to the Mandal List for each State and the State’s own list shall be included in the Central List of BCs. I devised this method in order to eliminate certain castes in the Mandal List to include which in the Central List of BCs would have been a blunder because they are among the socially most advanced (SACs).

There were also certain castes which were not socially backward but had found place in the list of two or three States, which fortunately did not find place in the Mandal List for those States. The number of such castes in these State Lists was much less than such castes in the Mandal List. My formula excluded such SACs which were in the Mandal list only or in the State List only and thus preserved the integrity of the Central or Common List to this extent. There was also provision in my formula for arrangements to hear any representation from castes/communities thus left out and even caste/communities which were in neither list, seeking inclusion in the Central list of SEdBCs with evidence of social backwardness. This protected the interests of those castes/communities which genuinely were socially backward but could not be included in the first-phase Central list as they were not in both the Mandal List as well as in the State List. At that time, 14 States, accounting for about 75% of the population of the country and a larger proportion of the SEdBCs of the country, had their lists of SEdBCs, prior to the V.P. Singh Government's Mandal Commission-based decision. Of the States which did not have their own list of SEdBCs, the only populous States with considerable BC population were West Bengal, Orissa and Rajasthan.

I furnished material from the officers' gallery to Shri V. P. Singh to effectively reply all criticisms, including extracts from authoritative sources like Marc Gallenter's book *Competing Inequalities: Law and the Backward Classes in India*. I am not going into the disturbances and the turmoil that were fomented and provoked by certain political leaders belonging to the ruling party as well as the Opposition and by partisan journalists, particularly Shri Arun Shourie, who gave an impression to the young people of the Socially Advanced Castes (SACs), i.e., the non-SC, non-ST, non-SEdBC castes (NSCTBCs) that their world was about to collapse. This was not merely an exaggeration, but also a falsehood.

As is usual when decisions are taken to provide deserved assistance to disadvantaged categories of people, there was a spate of Writ Petitions. Shri Soli Sorabjee was Attorney General (AG) at that time. I briefed him thoroughly about the background of the decision. I also ensured that affidavits/counter-affidavits were prepared by me or under my supervision factually and correctly answering the issues raised in the Writ Petitions and elaborating the socio-historical background of Reservation for SEdBCs. This was done and got filed through the AG in the Supreme Court before Shri V.P. Singh's Government fell early in November, 1990. These affidavits/

counter-affidavits helped in the successful defence of the case even after my retirement.

7.22 Soon after this, I retired on superannuation on the 31st December 1990. My retirement from the service did not signal my retirement from work for SCs and STs, and the SE₁BCs for the goal of Social Equality, through the path of comprehensive Social Justice, for them. After a gap, I was appointed as a Member of the National Commission for Scheduled Castes and Scheduled Tribes in 1991. My term got shortened by the discomfiture caused for some persons in political authority by my report on the Atrocity on Dalits (partly Hindu and partly Christian, who belonged to both the major SC castes) of Tsundur in Andhra Pradesh, which was perpetrated on the 6th August 1991. I visited the village on the 11th August 1991. My wife also went with me. Her presence helped to interact directly with SC women and to notice their plight for want of toilets or a covered public space. It also came to notice that Tsundur is one of the villages where the Dalits did not have a funeral ground. My Report and my interaction with the then Chief Minister Shri Janardhan Reddy caused him some discomfiture which seems to have been conveyed to the PM Shri P. V. Narasimha Rao. Shri P. V. Narasimha Rao had general appreciation for my work, but he was a cautious man who would not like “the boat to be rocked”. At the earliest opportunity, I was eased out of the National Commission for SCs and STs in 1992.

7.23 After some time, I was appointed as Member of the Expert Committee on Backward Classes. This Committee was required to recommend criteria for the identification of “Socially Advanced Persons/Sections” (usually referred to as the “Creamy Layer”) of the castes/communities recognised as Socially and Educationally Backward, who are to be excluded from the purview of Reservation and other benefits for SE₁BCs as a condition to be fulfilled before implementation of Reservation for SE₁BCs could commence., in accordance with a direction of the Supreme Court in its landmark Mandal case judgement of 16.11.1992 which upheld the Office Memorandum of the VP Singh Government and 27% Reservation for SE₁BC, and also approved the principle of “commonality” for identification of castes/communities for inclusion in the Central List of SE₁BCs in the first phase. This Committee was set on the 22nd February 1993.

7.24 The Committee gave its Report within the stipulated time of two weeks, which is very unusual for Committees. It was possible to stick to the time-limit because I showed the way to the Committee how to avoid getting

caught in the quagmire of unnecessary details and go quickly and straight to the object, starting with the Supreme Court's Mandal case judgment, so that reservation for SEEdBCs could commence at the earliest. I came to know that the then Cabinet Secretary expressed disappointment that the Expert Committee gave its Report within the time-limit laid down for it, because it was the hope of some people that the Committee would take a long, long time and thus Reservation for SEEdBCs could be postponed as long as possible, if not altogether avoided.

7.25 Thereafter, the Expert Committee was given the task of making recommendations on the categorisation of SEEdBCs in the list on the basis of relative backwardness, which the Supreme Court in its Mandal case judgment held to be Constitutionally permissible, and apportionment of sub-quota out of 27% Reservation among Categories of SEEdBCs. While we were at this work, we were asked to stop it, apparently because of the pressure of castes/communities which would get a larger share at the cost of weaker castes/communities of SEEdBCs if they were not categorised. More about this later.

7.26 Thereafter the Commission was tasked with the work of preparing the "Common List" by comparing the Mandal List for each State and the State List. This was a laborious and time-consuming task which was also completed with my guidance within the time specified, i.e., the end of June 1993. Thus, no further impediment remained for the commencement of implementation of Reservation for SEEdBCs. All that remained was for the Government to take a decision on our recommendations. The Prime Minister Shri P.V. Narasimha Rao convened a meeting of the concerned Ministers and the Expert Committee to discuss the recommendations regarding the "Creamy Layer". It took the shape mainly of a dialogue between him and me because I was thoroughly conversant with every aspect and nuance of the issues and Shri Narasimha Rao had the background to understand the issues. At the end of it he appeared satisfied and soon the Government formulated and issued Orders giving formal approval of the recommendations of the Expert Committee with only one change, and ordered commencement of 27% Reservation for SEEdBCs in direct recruitment to posts and services of the Central Government. Thus, Reservation for SEEdBCs in the Central Government posts and services commenced from 08. 09. 1993. History took a turn never to be reversed. This long-overdue irreversible turn became possible within 10 months of the Supreme Court's Mandal case judgment because the Expert Committee could expeditiously complete the task

entrusted to it and help the Government to fulfil an important condition laid down by the Supreme Court without which reservation for SEEdBCs could not have been commenced.

7.27 After the Expert Committee had furnished its recommendations and while they were under consideration, the Government set up the National Commission for Backward Classes (NCBC) in accordance with another direction of the Supreme Court in the Mandal case judgment, and I was appointed as its Member-Secretary. In this position, I could guide the Commission to adopt procedures which would quickly help the request-making castes which genuinely were socially and educationally backward and keep out castes which were not socially backward. The demand of communities like Patels / Patidars, Marathas, Jats etc. for inclusion in the list of SEEdBCs is not a recent phenomenon as widely mentioned in the media. This phenomenon was there even at that time. In this period, my main task was to ensure that castes/communities which are genuinely socially backward were quickly brought into the list and those castes/communities which were not socially backward were kept out.

7.28 This opportunity was also utilised to make recommendations of importance to the SEEdBCs such as

- a. Vesting in the NCBC powers to monitor the implementation of programmes and schemes undertaken and laws enacted for the benefit of SEEdBCs and to hear and examine grievances of SEEdBCs and make recommendations to the Govt; and
- b. Advising the Government to canvas data for the SEEdBCs as for SCs and STs, so that data regarding SEEdBCs could be obtained through the Census of 2001, which was the first Census of this Millennium.

7.29 Both these await the serious consideration of the Government (since partly addressed by the 123rd Constitution Amendment Bill 2017, which has got positive features and certain major negative features which need correction). The second recommendation was reiterated by me in my personal capacity before the 2011 Census. There were also other voices in favour of BC Census. But, this was stonewalled by the then Home Minister, Thiru Chidambaram, under whose Ministry the Census Commissioner functions, on the plea that canvassing of data regarding SEEdBCs would compromise the integrity of the Census, whatever he meant by the words “compromise” and “integrity of the census”. In my view this is an untenable

plea. Thiru Chidambaram, who now writes extensively on many issues after ceasing to be in Government, may like to explain to the people, particularly to the SEdBCs, how collection of data regarding SEdBCs, who have been included after due process in the Central List of SEdBCs, by opening a column next to the already existing columns for SCs and STs, as advised by me, would “compromise” the “integrity of the Census”. The SEdBCs are entitled to this clarification from him. I must also point out that some leaders and scholars asked for a “caste census” instead of BC census. This apparently gave a handle to Thiru Chidambaram to rule out my practical suggestion and advice for a census of SEdBCs. Thus, by this negation of Thiru Chidambaram, nearly a quarter century after Central level recognition of SEdBCs and two decennial censuses, the SEdBCs are left with no authentic data of their population, distribution of their population, spatially, i.e., State-wise and district-wise, and occupationally, and along a number of other parameters as are available for SCs and STs since the very first post-Independence Census of 1951. Such data are important for better planning of their holistic development. It is important that SEdBCs and those who are working for them to jointly and strongly move for canvassing of data for SEdBCs who have been included in the Central List of SEdBCs in the Census 2021 without any diversion or digression. Meanwhile the Chidambaram dispensation landed the work of Socio-Economic and Caste Census (SECC) on two different Ministries, one for rural areas and the other for urban areas. These Ministries have not had the experience of collection of census data which the Census Commission and its organisation have acquired through the experience of numerous decennial censuses.

7.30 My second and last term in the NCBC came to an end on the 28th February 2000. Thereafter, I did not have any position which I could leverage for important proposals pertaining to SCs, STs and SEdBCs. In this period, I in my personal capacity as well as in association with a number of NGOs working for these classes, moved the Government for a number of initiatives making use of every opportunity. One of the important initiatives which I thus took is the formulation of the *Dalit Manifesto, Incorporating the Rights and Entitlements of Scheduled Castes, Scheduled Tribes and Backward Classes* under the auspices of the National Action Forum for Social Justice (NAFSJ). This was finalized on 7.3.1996 after consultation with Dalit social workers and others working for Dalits, Adivasis and SEdBCs who fully agreed with my formulations. I took a delegation of the Forum to various leaders such as Shri Arjun Singh, then belonging to the Congress (Tiwari), Com Indrajit Gupta of the CPI who referred us to Com D. Raja of his party, Com Sitaram

Yechuri of the CPI(M), Shri Jaipal Reddy of the Congress. Shri Arjun Singh was very responsive and the Manifesto of his Party included a commitment to “implement the Dalit Manifesto formulated by Shri P. S. Krishnan”. The elections that year saw the United Front coming to power with the external support of the Congress. The United Front, a coalition of parties which included the CPI, Congress (Tiwari), Tamil Manila Congress headed by Shri G.K. Moopanar, which also included Thiru Chidambaram, and the CPI(M) supporting it from outside but not joining its Government, formed a Committee for drafting its Common Minimum Programme (CMP) before assuming office. This was a four-Member Committee consisting of Shri Jaipal Reddy, Com. Sitaram Yechury, Com. D. Raja and Thiru Chidambaram. I contacted the first three and reminded them of the *Dalit Manifesto*. All the three were sympathetic. As a result, the United Front Government’s CMP contained the following commitment: “*The United Front government will carefully study the Dalit Manifesto formulated by the National Action Forum for Social Justice and implement its salient recommendations.*”

7.31 Com D. Raja told me that at first they thought of considering the points in the Dalit Manifesto item by item. But as they proceeded, they found everything in the Dalit Manifesto to be important and practicable and, therefore, they adopted the Dalit Manifesto in its entirety as part of the CMP of the UPA Government.

7.32 I am continuing my work for the cause of Social Justice with focus on Dalits, Adivasis and SEdBCs including SEdBCs of Minorities, and with appropriate extra attention to specially / particularly vulnerable castes/tribes like their women and children, manual-scavengers, Nomadic, Semi-Nomadic castes/communities, in my personal capacity and in association with organisations working for them or any of them. During this period there were occasions when the Central Government and the Governments of Andhra Pradesh and Telangana have sought my assistance as Advisor. I accepted the position of Advisor on condition that I shall not be paid any remuneration. This was the same condition which I made earlier when the Secretary and Minister, Ministry of Human Resources Development, Government of India, requested me to be that Ministry’s Advisor, for the purpose of aiding the defence of the Central Educational Institutions (Reservation in Admissions) Act 2006 and the corresponding part of the Constitution (Ninety-third Amendment) 2005 in which that Act is rooted, and my condition was respected by the Ministry – details of this may be seen lower down on my response to item no. 20. My Advisorship of Andhra Pradesh and Telangana

enabled me to present a correct and factual picture of the Muslim society in different parts of India, the patterns of stratification and hierarchy in it and the identity and identification of the SEEdBCs in the Muslim community in the country and in Andhra Pradesh. On the basis of my Report and the statutory Report of the State Commission for Backward Classes, 4% reservation for SEEdBCs of Muslim society was introduced in the State in 2007.

7.33 I am also offering my suggestions and advice to the Central and State Governments on matters of importance for Dalits, Adivasis and SEEdBCs in my personal capacity and also in association with a number of organisations from the vantage point of my unquestioned and unquestionable country-wide knowledge and experience in this field over nearly seven decades, the longest for any living human being. Some of the issues I have taken up in this phase will be briefly referred to lower down.

Caste: India's monumental Failure - How to Exorcise the Demon

8. *As the nation celebrates Ambedkar's 125th birthday, I think, our next questions should turn to your life-long concern for the state of the underdogs of our caste system, one by one. How would you sum up the failure of India to address the monstrous dimensions of the caste system, what you have called "our civilisational fault-line"?*

8.1 Our civilization has its glories. But every civilization, every society has a characteristic flaw or weakness. The Indian Caste System-with-“Untouchability” (ICS) is the fatal flaw of our otherwise great civilization. The ICS has taken shape as a powerful mechanism to enforce deprivation of castes and communities whom we refer to as SCs and STs and, though not to the same extent, SEdBCs also, and to secure monopoly / near-monopoly of advantages for persons belonging to castes other than the SCs, STs and

- SEdBCs. The main features of the ICS have been to lock up labourers as labourers, and Agricultural Labour Castes (ALC) as ALC.
- to Keep SCs down in their place with no/little scope for escape.
- to Keep STs away in remote areas except when drawn out, to supplement labour requirements.
- to keep SC and ST in conditions of segregation and demoralisation and to deprive/minimise opportunities for their economic, educational and social advancement and upward mobility.

8.2 The ICS, of which “Untouchability” is an important aspect in relation to SCs, is largely intact in its essence to this day. Its pernicious effect continues to this day and can be seen in the wide gap between SCs and STs at the bottom and the SACs / NSCTBCs at the top end in every parameter – economic,

educational at every level, housing-and-residential-related and health-and-nutrition-related etc. The SEdBCs come in between these two extremes, closer to the SCs and STs than to the SACs/NSCTBCs. This has not only spelt continuing injustice to the SCs, STs and SEdBCs, but also harm to the Indian society and nation as a whole. Because of it, our human resources are not fully developed. As a consequence, India as a whole has not been able to achieve its full potential for growth. That is why Dr Babasaheb Ambedkar said that “castes are anti-national”. Though the harm caused by the system is so obvious and monstrous, the Indian elite has failed to address the monstrous dimensions of the caste system and it has not tried to annihilate the caste system.

8.3 In my view this is because the leadership of India’s society, Indian institutions and Indian political parties have remained to this day in the hands of persons belonging to castes which have benefitted and continue to benefit from Caste. Some persons belonging to the SCs, STs and the non-land-owning castes of BCs are co-opted in small numbers in the political parties, but their role in their respective parties is demonstrably limited and weak. This is not their fault or essentially on account of deficiencies on their part. I can recall some of them who were really talented persons. But whatever positions they got were on the sufferance of the leadership of their parties.

8.4 I will mention a couple of examples. I have already given earlier herein the example of Shri Damodaram Sanjivaiah. Another Dalit leader of high quality whom I have known is Shri Bhola Paswan Shastri of Bihar. I remember him as a noble and wise person with deep understanding of society and with a reputation for personal integrity. The turmoil in Bihar politics brought him the Chief Minister-ship, but only for a few months, at the head of a non-Congress coalition Government. He too did not get the role appropriate to his character and stature. He was the first Chairman of the Commission for Scheduled Castes and Scheduled Tribes set up by the Morarji Desai Government. At that time I was Joint Secretary in the Ministry of Home Affairs in charge of SCs and BCs. In that capacity, I conceived and initialised the Special Component for Scheduled Castes (SCP). After hearing me about the SCP in a few discussions of interaction between the Commission and me, and in discussion between the Commission assisted by me with Ministries and the Planning Commission, Shri Paswan weightily observed that “SCP hona chahiye” (“SCP is a must”). He was among the first national leaders who understood the significance of the SCP and TsP. His support and the support of the then Minister of State Shri Dhanik Lal Mandal, belonging to

a very weak BC caste, and the support of Shri Yogendra Makwana, initially in the opposition and subsequently as Minister of State for Home Affairs on the return of Smt. Indira Gandhi to power, were very valuable in the early period of the SCP.

8.5 Notwithstanding the presence of talented, experienced and sincere leaders of the SCs and other deprived classes, real leadership of the major national parties and many of the regional parties has been in the hands of persons belonging to the SACs/NSCTBCs and, to a lesser extent, most recently in some States, in the hands of persons belonging to land-owning SEdBCs. Those who did not belong to these categories were and are dependent on the land-owning castes for support and power. There was a clear conflict of interest between the leadership of these political parties and the social classes which needed the help of political processes and of the parties. In such a situation, the havoc caused by the caste system and the need to eliminate it have received scant attention. Unfortunately, most of the leaders of the celebrated category called the “civil society” also belong to the same elite social formations. So too the heads of various institutions including banks and other financial institutions, universities and the media. No wonder the Caste System is alive and kicking. This can change only when the SCs and STs and the non-landowning castes of SEdBCs learn to come together and mobilise democratically and powerfully for their legitimate rights. Such mobilisation may provide the opening to the dismantling of the persistent and pernicious caste system.

Untouchability - Why so Persistent?

9. Let us take them up one by one. First, the abomination of “untouchability”. Though by our constitution, “untouchability” stands abolished, it has not disappeared from any part of India, rural or urban. Can you talk about its dogged persistence? Are the old inhuman forms still persisting or new forms taking shape? How does it work in urban areas? How culpable is the state in its continuation?

9.1 “Untouchability” is the most pernicious aspect of the abominable Caste System. It is directed specifically at the castes which have been classified from 1935 onwards as SCs. One of the underpinnings of our agricultural civilization as it developed and on which a good majority of people are still engaged, is the need for an unfailing supply of agricultural labourers and labourers in related works. The requirement of labour is not uniform throughout the year. Our monsoon is concentrated in certain months. It is during these months that the maximum numbers of agricultural labourers are required and this peak number has to be retained throughout the year. The castes which are forced to supply this labour are what we know now as SCs. How can they be retained throughout the year, from year to year and through the centuries? They had to be isolated and immobilised and deprived of any escape route. Their association with and combination with others of comparable economic conditions had to be made impossible. This is the place of “Untouchability”.

9.2 “Untouchability” ensures that the castes subjected to “Untouchability”, who are required to be the main suppliers of agricultural labour, are kept socially isolated. Those in power in society, in institutions and in organised political parties and “civil society” are from castes which have benefitted and which still benefit from this system.

9.3 “Untouchability” is not merely a bundle of whimsical practices of dos and don’ts of the type which Emmanuel Sekar resisted and flouted in the 1950s

and for which he paid the price with his life, heralding the Ramanathapuram riots in southern Tamil Nadu in the late 1950s. It is a system, highly effective for its Mephistophelian purpose of all-round deprivation and isolation without scope for escape or mobility and even horizontal mobility. No wonder “Untouchability” persists.

9.4 Abolition of an evil by law or by basic law, i.e., the Constitution, is no doubt an important step but it by itself does not destroy the targeted evil. It requires radical alteration of the structure of the traditional economy and society. This requires, for example, that every rural SC family should be endowed with a viable extent of agricultural land and such land should be irrigated and the acquisition of such lands by others should be prohibited and prevented. This is only an example. There are numerous other examples of the legislative and programmatic/schematic measures required to enable people belonging to the castes subjected to “Untouchability” to come out of its grip. The Road-Map of these measures has been circulated by me since long to leaders of all political Parties and some important regional Parties and leaders of Governments formed by these Parties.

9.5 To accomplish this task, or even to seriously attempt it, requires seriousness of purpose on the part of leaders of major political parties and governance. This has not been forthcoming till now for reasons I have mentioned. This stagnancy can be altered when the victims of “Untouchability” learn to mobilise peacefully and powerfully and also combine with other suffering masses. This process is slowly taking shape, but is yet to gather strength and momentum.

9.6 The core of “Untouchability”, viz., keeping down agricultural labourers as agricultural labourers, continues to this day. Other aspects of “Untouchability” like hampering their educational progress, failing to secure normal nutrition-and-health facilities for them etc. continue. In respect of overt practices of dos and don’ts, “Untouchability” in its classical forms continues, though somewhat weakened in certain limited parts of the country on account of the social movements of the last century or a century and a half. At the same time, demographic changes have introduced new forms of overt practices of “Untouchability”. For e.g., the emergence of hotels and tea-shops in villages and small towns has created the notorious two-tumbler system. In urban areas and even in metropolitan areas, “Untouchability” is practised with deftness. I know of instances where SCs are denied rented accommodation in certain urban localities. Only those SCs who secure regular employment at higher levels can get accommodation in Government

colonies. Hotels started by them are denied patronage, often requiring them to close down if at all they venture into this sector.

9.7 When SCs move into towns and cities, they are absorbed in the unorganised labour sectors and in slums. This is also the fate of STs who move into urban areas though in much smaller numbers than SCs, and also of the weaker SEEDBCs including SEEDBCs belonging to the Muslim society.

9.8 The power structure, of which I have described some features, being what it is, the tasks of countering “Untouchability”, neutralising it and eliminating it, both in respect of its economic, educational and other ramifications and in respect of continuing practice of interdicts, have received scant attention. Article 17 abolished “Untouchability” and made the enforcement of any disability arising out of “Untouchability” an offence punishable in accordance with law. This came into effect on the 26th January 1950, the date on which the Constitution came into force. But the law under which the continued practice of “Untouchability” is punished took five more years to come. The introduction of the Untouchability (Offences) Act, 1955 (w.e.f. from 01-06-1955), was accompanied by immediate realisation of the weaknesses of the Act. I have separately brought out the farcical manner in which this Act is being implemented by State Governments and is monitored by the Central Government. It took twenty years more for the passing in 1976 of the Protection of Civil Rights Act, 1955 with stronger, but still inadequate, provisions with effect from 19.11.1976.

9.9 I must point out that the culpability in this continuing neglect is not of the ‘State’ as such, but of those who control the organs of the State, or, in other words, those who head the Governments, both Central and State Governments, and those elected to the legislatures dominated by the powerful classes and those in charge of the judicial system in which the victims of “Untouchability” and the caste system have nil or nominal place.

Total Liberation and Rehabilitation of Manual Scavengers

10. The abomination of Manual Scavenging substantially continues, in spite of legislation to abolish it. It is the state, the municipal administrations across the country and the railways that are the biggest violators of this law. How are the SCs to be liberated from such criminal dehumanisation? Can it be done without offering alternate employment to those involved in it?

10.1 One important reason why manual scavenging came into existence and continues is because our caste system has deadened our human sensitivities. Manual scavenging takes place because manual scavengers are easily and cheaply available. They are easily and cheaply available because they have no other avenues of livelihood and the caste system has made this the traditional occupation of certain communities almost entirely belonging to SCs. According to my calculation, the population of castes which are traditionally linked with manual-scavenging and which are forced to supply manual-scavenging labour is about 10 % of the total SC population. This does not mean that 10% of the SCs are working as manual scavengers. It means that manual scavengers belong to communities which together constitute 10% of the total SC population. Thus, the traditional social and economic systems act in tandem in continuing manual scavenging. Legislation by itself cannot abolish it. The law has to be implemented with seriousness. Simultaneously and parallel to it, systems have to be erected whereby manual scavenging ceases to be necessary. There is technology available to accomplish this. Many other countries have sanitation systems which do not require manual scavenging. Our system is ready to apply technology in complex areas like nuclear power technology, space technology etc. But we have not even seriously thought of technology to secure sanitation without persons having to be degraded to manual scavenging, though the technology required for

this is simple. In the draft legislation titled “Manual Scavengers and Other Sanitation Workers (Total Liberation, Comprehensive Rehabilitation & Humanisation of Working Conditions) Act, 2010”, which I prepared as a Member of the Working Group for Sanitation and Leather Workers of the Ministry of Labour, and which was considered section by section in the meetings of the Working Group and cleared by the Working Group, there were the following provisions for the application of technology:

1. ... Sewerage services shall be humanised and made free from all forms of hazard and squalor by Municipalities,, by undertaking measures which shall includemechanisation required to preclude the need for any person to go down into sewers, drains and manholes like use of equipments for suction and removal of silt and blocks in sewers and drains, maintenance of sewer lines using advanced technology, use of screeners to prevent entry of solid non-degradable matter into sewers and drains.
2. The Government of India shall establish an autonomous National Sanitation Workers Research Organisation to quickly identify the best human practices in the world for getting all forms of sanitation labour work free from hazards and squalor and to accordingly develop appropriate modern technologies for fully mechanising the sewerage, drainage and septic tank cleaning systems which shall incorporate the following aspects:
 - a. Use of preventive maintenance of sewer lines using advanced technology.
 - b. Use of chemical detectors for workplace assessment
 - c. Use of screeners to prevent entry of solid non-degradable matter
 - d. Use of mechanical supports to replace bamboo khapchi
3. Government of India shall set up a National Sanitation Technology Mission to identify and devise these modern practices and technologies and communicate them to the Union Government, State Governments, and local bodies and authorities, public sector undertakings and establishments, private industrial and commercial establishments and to the civil society of sanitation labourers and civil society in general for adoption.

10.2 These provisions have not been included in the Act that emerged from the Government and consequently from the Parliament. This draft Bill prepared by me and approved by the Working Group of the Ministry

of Labour was sent to the Government in 2010. For some time, matters did not move because the Ministry of Social Justice & Empowerment and the Ministry of Labour each wanted the other Ministry to finalise and move the legislation. I then pointed out to the then Minister for Social Justice & Empowerment, Shri Mukul Wasnik, that the castes who supply manual-scavenging labour are in the charge of his Ministry and, therefore, that Ministry should take up the work of finalising legislation and moving it in the Parliament. I am glad that he acted on this suggestion. The “Prohibition of Employment as Manual Scavengers and their Rehabilitation Act”, moved by that Ministry in the Parliament and passed by the Parliament in 2013 is no doubt an advance over the previous “Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993”. But it did not contain this aspect of technology and certain other important issues, which need to be pursued, such as given below.

10.3 Another important aspect is that those who are working as manual scavengers and / or members of their families should be trained for alternative occupations totally unconnected with sanitation services. This should be done not only for existing manual scavengers and their families, but also families belonging to castes from which manual scavengers are traditionally drawn, so that when existing manual scavengers are liberated, others are not substituted and no substitute remains available. In short, manual scavengers should be made unavailable in India. The supply line should be cut. At the same time the victims should be provided alternative employment free from indignity and stigma attached in our society to sanitation work and other such occupations. The present Government is undertaking a large programme of skill development. This programme should concentrate and focus on members of castes which provide manual scavenging labour so that the supply line is completely cut, and Society and Government are forced to think of creating human-compatible systems of sanitation through human-compatible technology and facilities. At present, there is no sense of urgency about this in our political system and civil society.

10.4 My acquaintance and association with manual scavengers and manual scavenging communities date back to my teenage. About 70 and odd years back I noticed a major concentration of manual scavengers in a locality called Chengalchula in Thiruvananthapuram, Kerala. I came to know of the work of a person called Sri Ramakrishna Pillai who belonged to an upper caste and who was the first organiser of manual scavengers in Thiruvananthapuram, in Kerala and in India. By profession he was a tailor, who used to stitch for

Congressmen and participants in the national movement a garment known as “Jubba” (similar to North Indian “Kurta”) which became popular in the political circles at that time and, therefore, he was called “Jubba Ramakrishna Pillai”. Because of his work for manual scavengers, he was also given the title of “Thotti Ramakrishna Pillai”. “Thotti” means scavenger. Decades later, in 2007 or so, I called on Sri Ramakrishna Pillai, now very old, got his bio-data and sent it to the Government of India, formally from the National Commission for Backward Classes, for award of Padma Bhushan. No wonder the remarkable and pioneering work of a simple person in a socially and morally crucial area, did not cut any ice with our system and its custodians, both bureaucratic and political.

10.5 One of my earliest practical associations with manual scavengers and their castes was when I was Sub-Collector, Ongole in 1958-59. I have referred to this already under the Question No. 4 above. As Joint Secretary in the Ministry of Home Affairs from 1978-1982, I introduced the programme of Liberation and Rehabilitation of Manual Scavengers as part of the then existing scheme of “Machinery for the Implementation of the PCR Act”. The logic of it was that the liberation and rehabilitation of manual scavengers is a most essential part of the struggle for the elimination of “Untouchability”. Later it was made into a separate Centrally Sponsored Scheme (CSS) under the name of “Liberation and Rehabilitation of Manual Scavengers”. Now it is known as the “Self-Employment Scheme for Rehabilitation of Manual Scavengers (SRMS)”.

10.6 In 1985, when I was on leave, I had lengthy discussions with the then Chief Minister of Andhra Pradesh Sri N.T. Rama Rao about SCs, STs and SEBCs and specifically about manual scavengers. He took particular interest in my views about the liberation and rehabilitation of manual scavengers and the information I gave him of the possibility of securing World Bank assistance for a comprehensive scheme covering the whole State. He entrusted to me the task of preparing a proposal for elimination of manual scavenging and liberation of manual scavengers to be sent to the World Bank for its assistance. I prepared this scheme and it was christened “Vimukti” by Sri N.T. Rama Rao. Subsequent political developments resulted in this proposal being lost sight of.

10.7 The legislation of 1993, viz., the “Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993” did not have focus on manual scavengers and this was like Hamlet without the Prince of

Denmark. One of the improvements in the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 is that the focus here is on the manual scavengers.

10.8 Creation of alternative livelihood is eminently possible for liberated manual scavengers and members of their families and for members of families which are in the vulnerable category, i.e., families which belong to castes from which manual scavengers are drawn and from which substitute manual scavengers will be drawn when the present manual scavengers are liberated. Apart from skill development for various occupations in which there is scope for employment and / or viable self-employment, straightaway many of them can be absorbed in the milk-supply booths in cities and other urban areas. Milk should be available to all people only from the hands of liberated manual scavengers and from persons belonging to castes traditionally linked with manual scavenging. Where milk booths are established by Government bodies this can be easily done. In the case of milk booths established by private and cooperative organisations, a combination of legislation and persuasion can secure the result. Similarly in the Railways, those employed for supplying tea and water should be from this category. As part of its atonement for its major role in perpetuating manual scavenging, the Railways should get persons for cooking and supplying services in all trains from persons of this category. They should be provided necessary training. In large stations, where there are catering services on contract, the contractors should be required, as part of the terms of contact, to engage persons of this category, with necessary training, for cooking, serving and catering. This is not a matter of reservation. This is part of the elimination of “Untouchability” at its hardest and most poignant level. All these and a number of other measures were specifically provided by me in my draft of the Act so that the responsibilities of each category of employers are spelt out beyond doubt. But these provisions have not found place in the legislation as finalised by the Government. One of the tasks before us is to see that the improved Act as enacted in 2013 is thoroughly implemented and further improvements in this Act are made through legislative amendment at the earliest possible opportunity. I shall discuss these aspects in greater detail in my forthcoming books on SCs and on the Special Component Plan for SCs.

Prevention of Atrocities Act and the Amendment Act

11. Your recent triumph was the passing of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Amendment Act 2015. Can you tell us why such an amending act was needed and in what way it provides teeth to the earlier Act? Can you also tell us about how you tirelessly worked and lobbied with different sections to get the legislation passed? It would be an illustration of the enormous back-room work you have done before each social justice legislation was passed.

11.1 The passing of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015 (POA Amendment Act) is the latest step in the evolution of the jurisprudence of enforcement of the Right to Life of Dalits / Scheduled Castes (SCs) and Adivasis / Scheduled Tribes (STs) – Right to Life includes the right to live with security and dignity. This Act received the President’s assent on 31-12-2015 and came into force on 26-01.2016. It comprehensively amends and strengthens the original Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989 (POA Act), which was a watershed in Dalit and Adivasi protective jurisprudence. The POA Amendment Act seeks to help in the process of the elimination of certain macabre distortions that have besmirched our society. In understanding the Act and utilizing it for the protection of the two most vulnerable social classes of our people, it will be useful to understand the social background and context in which the POA Amendment Act and the original POA Act became necessary. This brings us to the place of atrocities against SCs and STs and “Untouchability” in our social system.

11.2 Atrocities and “Untouchability” have emerged through history as instruments to enforce the design of the Indian Caste System (ICS) in relation particularly to Dalits or Scheduled Castes (SCs) and also Adivasis or

Scheduled Tribes (STs). As I mentioned earlier in answer to question No. 8, among the main functions and effects of the working of the ICS through the centuries to this day have been

- to lock up labourers as labourers, and Agricultural Labour Castes (ALC) as ALC.
- to Keep SCs down in their place with no/little scope for escape.
- to Keep STs away in remote areas except when drawn out, to supplement labour requirements.
- to keep SC and ST in conditions of segregation and demoralisation and to deprive/minimise opportunities for their economic, educational and social advancement and upward mobility.

11.3 SCs, who were subjected to agrestic slavery/serfdom, have emerged through history as, and to this day are, the largest and most intensive forced contributors of agricultural labour as well as other labour, including scavenging, skinning of animal carcasses, death and funeral services, etc. They have been central to the ICS scheme of exploitation, deprivation, humiliation and demoralisation. The coercive mechanism to ensure that the “Untouchable” castes, now classified as SCs, were forced to remain in a state of agrestic and other servitude and were kept in a state of socio-economic incarceration without hope of redemption and escape, consisted, apart from the caste system in its totality, of the instrumentality of “Untouchability” over the centuries, which continues to this day with virulence, and the weapon of Atrocities. The weapon of Atrocities came into prominent use in the modern context when Dalits began to reject the ICS ideology and psychology of subservience and thereby the efficacy of “Untouchability” as a disciplining instrument became partly blunted.

11.4 A Committee which toured British India in the 1920s for Review of the Working of the Government of India Act 1919 noted that many Atrocities were being committed during those days against the “Untouchables” but were going unnoticed and unpunished because no witness would come forward to give evidence – it is interesting to note that the inability of witnesses to come forward on account of caste terror and their vulnerability is a problem being faced to this day as clearly brought out in the Kambalapalli case of Karnataka, which took place in March 2000, in which the main witness who turned “hostile” later said that if he were given protection he could speak the truth

about the massacre, of which the victims were members of his own family. Dr. Ambedkar, as MLC of Bombay, cited some early instances of atrocities against Dalits in Annexure A to the Statement submitted by him to the Indian Statutory Commission (Simon Commission) on behalf of the Bahishkrita Hitakarini Sabha on 29.05.1928, including the rioting and mass assaults on Dalits on 20.03.1927 for asserting their right to drinking water from the public Chowdar tank in Mahad, Kolaba district; and the mass assaults on and burning down of the dwellings of Balai people (SC) in Indore district. It may be recalled that the Simon Commission was boycotted by the Congress. Contrary to the Congress stand, Dr Ambedkar appeared before that Commission and adduced his evidence. This helped in bringing on record irrefutably the enormity of the atrocities being committed against Dalits and enabled Dr Ambedkar, in the teeth of the opposition of the Congress and Gandhi ji, to get a special dispensation from the British Government for the SCs as part of the Constitutional reforms of 1935. Without understanding the significance and purport of Dr Ambedkar's strategy, superficial pseudo-nationalists (I would call them pseudo-nationalists whose nationalism does not include Equality and Dignity for all the people of the nation, especially for those who have been deprived of Equality and Dignity through history till date) have criticized him for appearing before the Simon Commission and for accepting the Membership of the Viceroy's Executive Council. Not only Dalits, but all patriotic Indians should be grateful for what Dr Ambedkar did.

11.5 One of the earliest post-Independence mass atrocity on SCs was the Ramanathapuram riots of 1957 starting with the assassination of the young educated Dalit leader Thiru Emmanuel Sekar for daring to defy the oppressive and intolerable "Untouchability"-based interdicts on SCs. This, however, did not register on the national radar. The national leadership and Parliament sat up and took note of the phenomenon of atrocities after the Kizhavenmani massacre (on Christmas eve of 1968) of 44 SCs mostly Women, Children and Elders in a holocaust of fire in Tamil Nadu, the gruesome lynching of Sri Kotesu in Kanchikacherla in 1969 in Andhra Pradesh and its bizarre justification by one of the then two seniormost Ministers of the State, Sri Peddireddy Thimma Reddy, and a whole crop of gruesome atrocities that sprung in different parts of India in quick succession. Under pressure of Dalit MPs, Government of India started monitoring of Atrocities from 1974, and in the case of STs 1981 onwards with special focus on Murder, Rape, Arson and Grievous Hurt.

11.6 There was a flare-up of atrocities in and from 1977 under circumstances which I have explained elsewhere. It was at this stage that I volunteered and was appointed as Joint Secretary in charge of SC and BC Development and Welfare in the Ministry of Home Affairs, Govt. of India. In that capacity I was closely associated with the task of monitoring atrocities against SCs and STs. I converted the process of mere receipt and transmission of statistical information, additionally into an active pursuit of individual gruesome cases like Bihar's Belchi, Bodh Gaya, Chainpur; Maharashtra's Marathwada (attack on SCs, especially educated SCs against adding the name of Dr Ambedkar to the name of the Marathwada university), Karnataka's Chikkabasavanahalli (connected with SC bonded labourers), Andhra Pradesh tribal area's Indravalli, etc. to their logical conclusion, including getting the State Governments to establish special courts with special judges for specific cases, and securing quick trials and execution of verdicts without delay. This produced a crop of convictions and punishments in a number of cases including death sentence in the Belchi case.

11.7 Atrocities continued with rising ferocity and frequency as basic contradictions, vulnerabilities and causative factors were evaded by the Governments in India at National and State levels for obvious reasons, and treatment was mainly symptomatic and palliative instead of the required radical solutions.

11.8 It was in response to this situation that the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 (POA Act) was enacted. I was the prime mover for securing the enactment of this legislation. At that time I was Special Commissioner for SCs (Constitutional machinery before National Commission for SCs and STs) from 02.10.1987 till 1.1.1990 with the rank of Secretary to Government of India (equivalent to the Chief Secretary of the State).

11.9 As I mentioned earlier, this Act was a watershed in Dalit jurisprudence. It created a formal statutory right for the SCs and STs for effective protection of the law and protection from various forms of violence and crimes against them. This right is no doubt embedded in the Constitution in Article 21 (Right to Life) and Article 46 (Promotion of educational and economic interests of SCs and STs and their protection). But a specific statute with detailed provisions became and continues to be necessary to translate the Constitutional right into actual functioning right. This is what was achieved

by the POA Act in its field. But in the circumstances in which this came into being, certain provisions which I considered necessary and pressed for did not find place in the original Act. An important example is the establishment of special courts in each district exclusively to try cases of atrocities which I had pressed for. This was diluted in the Act by providing for “specification” of an existing court of sessions in each district as a special court under the Act. As these courts, “specified” or designated as special courts, continue to deal also with numerous other cases as usual and as before, the purpose of speedy trial was not achieved. Other important lacunae included omission of murders, mass murders, rapes, social boycott and economic boycott which I had wanted to be included as Atrocities.

11.10 After the POA Act 1989 was passed, I took every opportunity to move for the rectification of these omissions. A major step in this direction was the Dalit Manifesto Incorporating the Rights and Entitlements of Scheduled Castes, Scheduled Tribes and Backward Classes, which I prepared in 1996 under the auspices of the National Action Forum for Social Justice and is included as Appendix-1 in my book *Empowering Dalits for Empowering India: A Road-Map* [Manak Publications, Delhi, 2009]. This Dalit Manifesto, which inter alia contained points of action relating to rectification of the omissions in the POA Act, was accepted in toto by the United Front (UF) Government as part of its Common Minimum Programme (CMP) 1996. But the UF Government could not legislate on this for reasons including the brevity of its tenure. Another important step was the reiteration of these amendments in Chapter 10 of the Report of the National (Retd CJ Venkatachalaiah) Commission for Review of the Working of the Constitution (NCRWC), 2002 read with its Background Note, both drafted by me for the Commission (vide Appendix – X in my book *Empowering Dalits for Empowering India: A Road-Map*).

11.11 The significance of this Act took time to sink in the consciousness and understanding of Dalits and Adivasis and those working for them. But leaders of castes, to which perpetrators of atrocities belong, quickly grasped the significance of this Act and took alarm. In 1990, at a Conference of Chief Ministers presided over by Prime Minister Shri V.P.Singh, one Chief Minister of a North Indian State characterized this Act as draconic and wanted its repeal. That Chief Minister belonged to a Party which at that time was supporting the National Front Government headed by Shri V.P.Singh. Soon after this another important leader of a North Indian Party also attacked this

Act in a public meeting. The present attack on the Act in Maharashtra from certain leaders of the dominant community is not a new phenomenon.

11.12 As the significance of this Act for the protection of Dalits began to be understood by Dalits and other sympathetic social workers, the lacunae mentioned above and certain other lacunae came to the notice of sensitive sections of society based on a quarter century of experience after the Act came into force. At this stage, a National Coalition for the Strengthening of the POA Act and its Implementation was established by the National Dalit Movement for Justice (NDMJ), a wing of the National Campaign for Dalit Human Rights (NCDHR) with me as the Chief Advisor of the Coalition. A draft of comprehensive amendments required in the Act emerged from the elaborate brainstorming sessions of the Coalition at Delhi and other places, which was essentially the same as the Bill I had earlier prepared. Other bodies like the Anti-Untouchability Front of Tamil Nadu also got actively involved. The provisions in the comprehensive amendments to the Act came from three sources:

- i. provisions like establishment of exclusive special courts in each district and inclusion of crimes like murder, mass murder, massacres; rape, mass-rape, gang-rape; social boycott, economic boycott; social blackmail and economic blackmail; which I had proposed in meetings and through my letters in 1988-89 to the Ministry of Welfare and which were also included in the Dalit Manifesto and in the Report of the NCRWC.
- ii. My observations during visits to sites of atrocities like Gohana in Haryana (2005)
- iii. Grassroot experiences of a large number of social organizations and social workers in the field of Dalit and Adivasi rights, especially their right to protection.

11.13 At lengthy sessions with the Convener of the NDMJ and the National Coalition Dr Sirivella Prasad and his colleagues Shri Rahul Singh and Ms Abirami, I drafted and redrafted every section of the amendments. The proposals for comprehensive amendments were furnished to the then Minister for Social Justice & Empowerment Shri Mukul Wasnik by my letter dated 19.11.2009 (anniversary of the date on which the PCR Act 1976 came into force), signed by me as Chief Advisor of the National Coalition and Dr Sirivella Prasad as its Convener.

11.14 Then started the process of consultations and discussions in the Government including consultations with State Governments and concerned Ministries of Government of India. This took longer than necessary though the Minister himself was interested, on account of the serious deficiencies of the system, especially when issues of SCs and STs and other deprived classes are concerned. The Bill thus drafted by the Ministry of Social Justice & Empowerment contained many of the provisions of our draft, but omitted or diluted some others.

11.15 It should have been possible to bring this Bill to the Parliament at its Winter Session 2012. The then Minister had committed himself to do so and he was moving in that direction. But, at that stage he was dropped. This put the clock back by another year. Immediately after the new Minister Kum. Selja took over, I wrote a letter dated 30-10-2012 to her informing that this Bill and the Bill on SCP were ready in her Ministry and urging her to move them in the Winter Session of 2012 as committed by her predecessor. I pointed out to her that enactment of these two legislations would make her tenure start on a glorious note. Kum. Selja was supportive, but pleaded that, “Mr. Krishnan, since you have been in the Government, please understand that I need some time.” Ultimately, she tabled the Bill in the Lok Sabha in December 2013 in its Winter Session, but soon after that and before the Bill could be moved for discussion and passing, that Minister was also dropped and the subject was entrusted as additional charge to the Minister for Railways who was burdened with the preparation of the Vote-on-Account of that heavy Ministry. Despite all the efforts made by me and Dalit organizations, including particularly the NDMJ, now with Dr Ramesh Nathan as its Convener, we could only secure from the Government an Ordinance, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance dated 4.3.2014, just before the Election Commission announced the elections for the 16th Lok Sabha. Some time, I hope, the then Prime Minister Dr Manmohan Singh will place before the people, particularly before Dalits and Adivasis, the circumstances under which it was found necessary to drop Minister after Minister at points of time crucial for this enactment, which consequently was delayed for another two years, apart from the continuing delay caused to the legislation for the SCP and TsP. Dalits and Adivasis and others who believe in Social Justice and in the Constitution of India are entitled to know from him what these circumstances were.

11.16 It has been my practice to meet Ministers in charge of SCs, STs and SEBCs and other related subjects and place before them, verbally as well

as in writing, issues pertaining to these social classes. Accordingly, after the new Government took over, I met the new Minister Shri Thaawar Chand Gehlot and placed before him my Road-Map of legislative and schematic/programmatic measures required for SCs, STs and SEdBCs and, in particular, requested him to move the Bill related to Atrocities along the same lines as the Ordinance at the earliest without dilution or change so that the Bill could move smoothly through the Parliament. He assured me that he would move the Bill accordingly. He gave the same assurance to Dalit organizations who met him separately. He fulfilled his promise by moving the Bill in the Lok Sabha on 17.7.2014. But another year was lost by the Bill being referred to a Standing Committee. Finally the Bill was passed by the Lok Sabha on 04. 08. 2015 and by the Rajya Sabha on 21.12.2015. There were anxious and tense moments both in the Lok Sabha and Rajya Sabha on account of frequent disturbances, interruptions and walk-outs in that period. I telephoned to sympathetic leaders of Opposition parties to help the Bill through. Even after their commitments, there was the danger of the matter falling through in the Rajya Sabha on account of interruptions and protests on other issues. A last-moment red-herring was drawn by an M.P. who raised a point that the pending Bill for the protection of Whistle-blowers should first be taken up before the Atrocities Amendment Bill. I was continuously on phone on that day with different leaders. At last, the Bill was passed in the Rajya Sabha without any discussion. The fact that the Bill was unanimously passed without any discussion, shows that it could have been enacted much earlier and the entire delay after 2009, particularly from 2012, was entirely avoidable. The President gave his assent on 31.12.2015. This brief enumeration of events brings out the problems and obstacles faced in securing legislations and other actions required for the most vulnerable classes of our people, and the amount of efforts required to get them through. This is a matter for our political parties, political leaders and other opinion leaders to ponder over, and work for improving Ease of Enacting Legislations for SCs, STs and SEdBCs, Women, Children, Persons-with-Disabilities and other deprived classes and categories as is being done for improving Ease of Doing Business.

11.17 This Act, the outcome of the devoted labour of Dalit organizations and activists and myself, is another important step forward, though not the full and final step. Compared to the original Act of 1989, it has the following improvements:

1. Expansion of list of Atrocities to bring in crimes omitted in the POA Act 1989

While the original Act contained only 22 crimes as atrocities, the Amendment Act contains 37 crimes as atrocities. **Some of the major offences thus added to the list of Atrocities are:**

1	Social and economic boycott	This crime is widespread. Dr.Ambedkar had pointed it out and its terror to Simon Commission in 1928. I had wanted this to be included in the original Act
2	<p>Greater protection for SC and ST women</p> <p>(a) Dedicating women as a Devadasi or similar practice</p> <p>(b) Certain offences of sexual nature against women</p> <p>(c) Crimes relating to allegations of being witch</p>	<p>Gives additional protection to SC and ST women. This is much stronger and more specific than in the Act of 1989.</p> <p>ST women and also SC women are particularly victims of this.</p>
3	<p>Election-related</p> <p>(a) <i>election-related coercion – in voting as well as candidate nomination/self-nomination</i></p> <p>(b) <i>obstruction of elected member or chairperson of local bodies from performing duties and functions</i></p> <p>(c) <i>post-poll attacks including social or economic boycott</i></p>	<p>Relevant to instances like Melavalavu in Tamil Nadu</p>
4	Making an SC or ST member to do manual scavenging or employs or permits employment of such member for such purpose	This buttresses the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013, the only legislation directly for SC and ST enacted by the UPA Government during its 10-year rule out of the list of 11 legislations advised by me

5	Compels to dispose or carry human or animal carcasses or dig graves	The importance of this is evidenced by the Una and post-Una atrocities in Gujarat in 2016.
6	Promotion of enmity <i>Insult to object, statue, photograph, portrait etc. held sacred or in high esteem or late persons held in high esteem</i>	Targets widespread practice of insult, particularly to statues of Dr Babasaheb Ambedkar.
7	prevention of equal use of common resources like burial or cremation ground, water resources, public convenience, road passage, riding bicycles, motorcycles , mounting horse in wedding processions, wearing footwear or new clothes, equal access to places of worship, equal access to educational and health institutions, shops etc, interfering with freedom of profession, occupation in trade, business, employment etc.	Attack on SC bridegrooms riding on horse-back at the time of weddings, as bridegrooms of other castes do, are common in North India., e.g., Kumher 1992, Kaphalta 1980 and many recent instances. This is more comprehensive and more specific than 3(1) (14)in original Act
8	Punishment for major IPC offences , i.e., crimes with 10 years or more of imprisonment, not specifically listed. The Bill substitutes “on the ground of victim being SC or ST” with “knowing that the victim is an SC or ST”	This should be read with the new presumption clause in the Amendment Act.
9	Punishment for IPC offences listed in the Schedule to the Bill	
10	Greater Protection for STs (a) Denial of forests rights (b) Destruction of crops	Relevant to cases like Vachati, Adivasi village in Tamil Nadu in 1992, where all the fields, crops and wells were destroyed and damaged, women and girls were raped by the raiding Forest, Police and Revenue personnel.

2. Expedition of trials by establishment of Exclusive Special Courts (of Sessions Court level) with exclusive special public prosecutor

- Mandates the State Govt. to establish adequate number of Special Courts and **Exclusive Special Courts** to ensure disposal within two months, instead of original Act provision, despite my advice, of “designating” an existing sessions court as Special Court.
- Lays down day-to-day trial and time-limit of two months for trial and three months for disposal of appeal in High Court.
- Provides for direct cognizance by Exclusive Special Courts and Special Courts dispensing with committal proceedings which cause delay.

3. New Chapter laying down and specifying rights of victims and witnesses

- Duty and responsibility cast on State to protect victims, dependents , witnesses against intimidation, coercion, inducement , violence, threats
- Timely notice of proceedings
- Right to be heard at every proceedings including bail proceedings
- Right to take assistance from NGOs, social workers, advocates
- Court shall provide complete protection, travelling and maintenance expenses, socio-economic rehabilitation, relocation and periodic review of protection offered and provided by State and pass orders
- Video recording of all proceedings
- State should specify scheme to ensure
 - Immediate relief;
 - Food, water, clothing, medical aid, transport, daily allowance;
 - Maintenance expenses;
 - Protection of victims and witnesses;
 - Information of stage of investigation; etc.

4. Enforcement of Duties of Public Servant

Lists out specific duties of public servant.

5. Externment

Scope expanded to enable externment not only from Scheduled Areas and Tribal Areas, as in the original Act, but also from areas identified as Atrocities-prone.

This extends the protection of this provision to SCs also, while the provision in the original Act provides protection only for STs.

6. New Presumption Clause

The new presumption clause, which has been added in the POA Amendment Act to the existing two presumptions in the original POA Act, provides that, if it is proved that the accused had personal knowledge of the victim or family, the court shall presume that the accused knew the caste or tribal identity of the victim, unless the contrary is proved.

This is based on social reality and shuts a loophole by which the accused in many cases falsely claimed ignorance of the fact that the victims were SCs and STs and therefore the crime cannot be termed as one “on the ground of the victim being of the SC or ST”.

11.18 But, some of the important provisions in our draft Amendments have been omitted in the Amendment Act. These are:

- i. Omission of the following most serious and common Atrocities:
 - a. Murders, Mass Murders, Massacres
 - b. Rape, Mass-Rape, Gang-Rape
- ii. Omission of a new Chapter titled “National Monitoring and Enforcement Authority” for creating a non-official body of experienced non-political persons devoted to Social Justice for SCs and STs, for monitoring and enforcement of full implementation of Act, complementary to Governmental systems.

11.19 At an appropriate stage, we must move for another Amendment to bring in these omitted provisions. But the immediate task is to secure the proper implementation of the provisions of the POA Amendment Act. Among these are:

1. Ensuring that every State Government frames and implements a Plan to effectively implement the provisions of the Act which should inter alia

specify the role and responsibility of various departments and officers etc. and also contain schemes

to provide immediate relief;

for the rights and entitlements of victims and witnesses;

for the allotment of agricultural land, house-sites and housing;

for rehabilitation packages; for employment;

for pension;

for compensation;

for strengthening of socio-economic conditions;

for healthcare;

for electrification and other essential facilities like roads, funeral grounds, etc., as detailed in Amendment Rule 15.

2. Ensuring that every State Government constitutes the high-powered Vigilance and Monitoring Committee with the Chief Minister as Chairman and with composition as required by Rule 16.
3. Ensuring that the Vigilance and Monitoring Committee meets in January and July every year to review the implementation of the provisions of the Amendment Act, the scheme for the rights and entitlements of victims and witnesses in accessing justice, relief and rehabilitation and rehabilitation facilities provided to the victims, prosecution of cases under the Amendment Act and review of various reports as prescribed by Rule 16.
4. Ensuring that Exclusive Special Courts are set up in every district
5. Ensuring that Exclusive Special Courts are really exclusive, i.e., they shall not be entrusted with any work other than that of atrocities against SCs and STs.
6. Ensuring that lawyers devoted to Social Justice are appointed as Exclusive Special Public Prosecutors to whom no other work should be entrusted
7. Watching every major case of atrocity and ensuring that the time-limit for investigation and trial and appealing prescribed by the Amendment Act and Amendment Rules are strictly followed
8. to enable one or more Dalit organizations to get impleaded as a necessary party in important cases of atrocities;

9. preparation by Dalit rights organizations of a list of devoted and competent lawyers to be proposed to the Governments for appointment as Special Public Prosecutors in the Exclusive Special Courts
10. Active liaison with Special Public Prosecutors and provision of inputs to them.
11. Spreading by Dalit rights organizations awareness among Dalits and Adivasis about their rights under the Act and Rules and how to exercise them.

11.20 Apart from the protection of law, measures are required to eliminate the vulnerability of SCs and STs. One typical factor of vulnerability of SCs is that they are a minority of the population, but a majority of the landless agricultural and other wage-labourers. Their juxtaposition with the local dominant land-owning caste(s) creates a situation tailor-made for the commission of atrocities. In order to eliminate this vulnerability, it is necessary to get the Central Government to take the initiative, with full central funds, for a massive drive to eliminate the landlessness of SCs, adopting the Task-Force method which I have explained to Government and also put in the public domain, and prevention of acquisition of tribal lands and also of SC lands by others, and to provide irrigation for all their lands to stabilize their ownership and income.

11.21 Democratic pressure on Central and State Governments have to be brought about through peaceful, massive and powerful mobilization of Dalit and Adivasi people and their friends, for achieving these goals.

11.22 One more task I must refer to is about the voices being raised by certain individuals and leaders against the Act demanding its abolition or dilution. As I mentioned earlier, opposition to the Act was raised by a powerful leader, at that time a Chief Minister, in 1990 itself and such voices were raised by certain other leaders subsequently. Recently, mobilizations of dominant SACs in Maharashtra and elsewhere have made such voices louder. There have been such voices in Tamil Nadu also from certain leaders of land-owning SEDBC castes. This demand has to be resisted. The general public has to be educated about the sufferings of the SCs and STs through the centuries of history and decades after Independence to this day on account of which this Act became and continues to be essential and indispensable. They must also be educated that this is part of the measures required for implementing the Constitutional mandate in respect of Dalits and Adivasis,

and the whole society should cooperate in the implementation of this Act and related measures, and elimination of Atrocities and “Untouchability”. It must be pointed out to them that this is not only a matter of the rights of and justice for Dalits and Adivasis, but also essential for healing and repairing our fractured society and strengthening the nation as a whole and its economy. They must also be cautioned that the demand for repeal or dilution of the Act will just not succeed. Mobilisations against the Act will only lead to positive mobilizations of Dalits and Adivasis for the protection and proper implementation of the Act. The mobilizations of SACs and certain land-owning SEdBC castes will thus create a negative situation and atmosphere which is harmful to the integration of society, unification of the nation and optimal progress and development of the economy. A disingenuous plea raised by the SACs is that when prosecution fails the Dalit complainants should be penalized. This ignores the fact that most cases of atrocities fail in courts because of threats against survivors and witnesses, and pressure of leaders of dominant castes on the investigating machinery, inability of the investigating machinery to resist such pressures and sometimes collusion on its part with the offenders and other such causes. The acquittal of the accused in even cases of massacre of Dalits as in Kizhavenmani in Tamil Nadu and more recently six cases of Bihar and in Kambalapalli in Karnataka bear ample evidence of this.

Measures for Empowering SCs

12. What are the priority measures you would propose for empowering SCs?

12.1 The disempowerment of SCs is comprehensive and multi-sectoral. Conversely, measures for their empowerment have also to be comprehensive and multi-sectoral. Most important are measures of economic liberation and educational equalisation at all levels of education. Economic liberation involves their release from bondage to occupations to which they have been tied down over the centuries and to this day. These occupations include agricultural labour, skinning and flaying of animal carcasses, manual scavenging and casual labour in urban unorganised sectors.

12.2 Educational equalisation has to be up to the highest level of education. At the same time, measures pertaining to improving the standard of their health and nutrition and raising the conditions of their residential habitations are also important. In the health and nutrition sector, the health and nutrition of mothers, especially pregnant mothers, are very important so that the SCs are not handicapped from the embryonic stage. The specific measures required to achieve these goals, some of which are legislative and others programmatic/schematic, have been detailed by me in the Road-Map of these measures (see Annexure at the end of this book) which I have furnished to the leaders of the Government, past and present, and leaders of different political parties. My Road-Map covers, along with SCs, STs too, and also covers the SEdBCs.

Need for Unity among Dalits and Resolving Intra-Inequality

13. What are your views on providing sub-quotas for the Dalit castes that have not benefitted from SC reservation, like Arundathiars in Tamil Nadu? It is resisted by the upper among the SCs.

13.1 Typically in each State of India, there are two or three most numerous Dalit castes, which together account for the bulk of the SC population of each State. West Bengal is an exception, in that it has got five populous Dalit castes. These most populous castes, typically two or three per State, together account for the overwhelming majority of the SC population of the country.

13.2 When reservation commenced well before Independence in peninsular provinces / Princely States, and at the all-India level under the Government of India Act 1935 and under the post-Independence Constitution of India, there was not much variation in the conditions of the different Dalit castes. All were more or less equal at the very bottom. As reservation and other Social Justice measures like education progressed, the levels of progress of different Dalit castes began to diverge. The reasons for divergence are varied. When we look at the pattern of regional development in India, we see that coastal States and regions have got certain advantages compared to inland and interior States and regions. Areas where there has been irrigation from reliable sources have also been able to advance better. This is true in respect of all castes and also of SCs.

13.3 To illustrate, in pre-bifurcation Andhra Pradesh, the Mala community of SCs are largely in coastal Andhra Pradesh; while the other major SC community, the Madiga, which is the same as the Arundhatiyar of Tamil Nadu, is mainly concentrated in the interior parts of the State, namely, Telangana and Rayalaseema. This has resulted in lesser capacity of the Madiga community in securing the benefit of reservation. This difference between

the coastal area and the interior is seen even in the dominant communities like Reddy. The Reddy of the well-irrigated Nellore district in coastal Andhra are far ahead of the Reddy of Telangana and Rayalaseema. The former have been able to avail of better economic opportunities which have opened up after Independence. Communities which had exposure outside India, castes whose members entered military service have had relative advantages. Many members of the Mala community of coastal Andhra Pradesh went to and worked in Myanmar. They returned with a higher level of awareness and improved social and other skills. Members of the Mahar community of Maharashtra and members of the Chamar/Jatav community of North India had a place in the armed forces of the British rulers. Those exposed to military life returned with a higher level of awareness and improved social and other skills. Castes tied down to occupations like manual scavenging had greater disadvantages. The Madiga community of Telangana, Andhra Pradesh, Karnataka and, with the name of Arundhatiyar, Tamil Nadu, has been a major source of manual scavenging labour. Similar is the case of the Balmiki group of communities in the Hindi-Punjab region. This is reflected in the relative incapacity of this group of communities to benefit from reservation and other related Social Justice measures, especially education.

13.4 In the case of the Madiga/Arundhatiyar community, they are linked not only with manual scavenging, but also with skinning of animals, in addition to agricultural labour. The Chamar/Jatav community of North India has also been linked with the occupation of skinning of animals, but the disadvantage of being linked with such a stigmatised occupation has been counteracted by the exposure of this community to military service and also the movement among them to liberate themselves from this occupation in many parts of North India. This is also true of the Mahar of Maharashtra.

13.5 This gap has created strains between Dalit castes, especially the major Dalit castes. Solution to the problem has to be found through measures which will not widen the fissures and misunderstanding between them. The relatively most advanced SCs must understand the plight and agony of the Dalit castes left behind. At the same time, the less advanced castes of the SCs should not attribute the responsibility for their disadvantage to the more advanced Dalit castes.

13.6 Political parties have typically tried to take advantage of the fissures between Dalit castes to secure votes. Thus, in Andhra Pradesh, a dominant ruling community which inhabits the same region as the Mala community

supported the Madiga demand for sub-quotas and pocketed their votes for the Party led by that dominant community without doing anything substantive to alter their conditions. The other dominant community which shares the same region as the Madiga community found it convenient to support the Malas in opposing sub-quotas and pocketed their votes for the Party led by the later dominant community without doing anything substantive for bettering their conditions.

13.7 The SCs should not allow this type of politicking to take place at their cost. Leaders of the communities in each State should sit together and establish understanding of each other's positions and work out short-term and long-term solutions. The proper course for political Parties and Constitution-minded and socially sensitive non-Dalits should be to encourage this coming together of Dalit castes and assist them in trying to find a solution which should then be accepted by the ruling parties and Governments. All Dalit castes should sympathise with the most oppressed Dalit castes like Arundhatiyar of Tamil Nadu. My advice to the more advanced Dalit castes is not to oppose the special dispensation provided for Arundhatiyar in Tamil Nadu. They must remember that unity among Dalit castes is extremely important in order to protect and advance the legitimate interests of all Dalit castes. Most of their problems are common and include subjection to agricultural and other wage-labourhood, landlessness, "Untouchability", Atrocities and all-round deprivation. Their only difference is about the sharing of reservation. Considering the larger issues at stake, they should not allow this difference only in one matter to come in the way of their unity. This is a matter for all Dalit castes to ponder over, but those Dalit castes which have relatively made more progress and which have more educated persons among them have a greater responsibility to provide the right lead. It must be remembered that even the relatively more advanced SC castes continue to be extremely backward compared to the SACs and more backward even compared to the SEBCs.

13.8 Before Tamil Nadu, Categorisation of SCs and sub-quotas were introduced in Punjab, Haryana and Andhra Pradesh. The Andhra Pradesh case went to the Supreme Court which struck down categorisation among SCs as unconstitutional. Subsequently, the Government of India appointed a one-man Commission known as the Usha Mehra Commission, which submitted its Report a few years back. It is with the Government. The Government also obtained the then Attorney General's advice. Matters rest there.

13.9 A more detailed account of the measures required to remove the intra-disparities among Dalits and also among Adivasis and discussion of an important Supreme Court judgment in respect of Andhra Pradesh will need more space. But the most important aspect of this matter is that political parties and dominant castes should not fish in the troubled Dalit waters, and Dalit castes should have an understanding that internal fissions and conflicts among them will harm all of them and weaken the movement for Social Justice and Social Equality, and, therefore, the Dalit castes should come together to evolve a Dalit solution for the real problem of differentials that have arisen in the capacity of different Dalit castes to secure the benefit of reservation. The resolving of this problem – which is the only real problem that has created and is creating fissures among Dalits – will help in securing the unity of all Dalit castes in the struggle against all other issues like landlessness, “Untouchability” and Atrocities, denial of education and other opportunities etc. of which all the Dalit castes are victims.

Dalit Literature: A broader definition

14. While speaking at a Discussion on ‘Dalit aesthetics and politics: How the Tamil Dalits reclaimed their identity’, at the Hindu Lit for Life Programme on 17th January, 2016, Thol. Thirumavalavan, leader of Viduthalai Chiruthaigal Katchi, said the definition of Dalit literature could not be confined to literary works dealing only with a particular community, but should include all writings portraying the lives of those from oppressed, disadvantaged communities, particularly to women and Minorities. I do not know whether he meant it only with relation to literature or to the implications of the very word ‘dalit’. Your opinion on the view.

14.1 The word “Dalit” has been used with different meanings in different contexts. “Dalit” has been used most often to refer to the SCs. Sometimes, the same word has been used to cover both SCs and STs. On some other occasions and in some other contexts, the word has been used to cover SCs, STs and SEBCs. To cover all these three, another word used is “Bahujan”. The literal meaning of the word “Dalit” is “the oppressed” or “the suppressed” or “the downtrodden”. Swami Vivekananda used the term “suppressed castes” to refer to the castes subjected to “Untouchability”. Gandhiji referred to this term with approval and averred that indeed they are “suppressed” people, before he coined the term “Harijan” to describe these castes. The term used by Swami Vivekananda was translated into Hindi as “Dalit” by Swami Shraddhananada. Swami Shraddhananada’s sincerity of attitude and service to the “Untouchable” castes was recognised and praised by both Dr Ambedkar and Gandhi ji – one of the instances where the two were in agreement in the midst of their various other differences.

14.2 In what sense one uses the word “Dalit” should be clarified. Most commonly it is used to refer to the SCs, the castes which have been the victims of “Untouchability”. When any person uses this term in a wider sense, that

person should clarify the sense in which he uses the term, so that there is no misunderstanding. Dalit literature is most commonly used to refer to literature dealing with Dalit communities. Among the earliest examples is *Saraswativijayam* in Malayalam written in 1892 by Potheri Kunhambu, who belonged to the SEDBC caste of Ezhava. It is the story of a Dalit boy who was severely manhandled by a Brahmin for chanting sacred Sanskrit hymns and who subsequently progressed through education to become a judge. Another early example is *Maalapalle* (published in 1922) (*Maalapalle* means the habitation of Mala – Mala are one of the two major SC castes of Andhra Pradesh) by Unnava Lakshminarayana (1877-1958), who belonged to an upper caste. Two poignant pieces dealing specifically with manual scavenging and characters belonging to manual scavenger communities are *Thottiyude Makan* (which means “The Son of a Scavenger”) and *Thotti* (which means “The Scavenger”) by Thakazhi Sivasankara Pilla (better known for his novel *Chemmeen*, which has been filmed) and Nagavalli R.S. Kurup respectively, both in 1947 – interestingly “the son of a scavenger” appeared before “the scavenger”. Kumaran Asan’s *Duravastha* and *Chandala Bikshuki* also deal with Dalit communities. Kumaran Asan himself belonged to the Ezhava community. At that period, the Ezhava community was subjected to various forms of “Untouchability”, though not to the same extent as the Dalit communities. If the word “Dalit” is used in a wider sense in any context, that should be clarified by the person who so uses the word and then one can arguably cover portrayal of the lives of other oppressed and disadvantaged communities by the term “Dalit literature”.

14.3 One of the modern auto-biographies is *Upaara (Outsider)* (1980) by Laxman Mane in Marathi. This is about the life of the Kaikadi community. This community is included in the list of SEDBCs of Maharashtra. This is also one of the castes which was stigmatised as a criminal tribe under the Criminal Tribes Act, 1871 during the colonial period. Kaikadi is the same as the Yerukula of Andhra Pradesh who were listed as one of the “Depressed” castes in the past and subsequently included in the list of STs. They are the same as the Koracha of Karnataka which is in the list of SCs of Karnataka and Korava of Tamil Nadu, some sections of which are in the list of STs and some in the list of BCs. Irrespective of their classification in different States, there is absolutely no doubt that Kaikadi is a community at the rock-bottom of society and the literature dealing with their life qualifies to be covered by the term “Dalit literature” with the clarification as suggested above. The celebrated Mahasweta Devi wrote novels centering around the tribal communities of Lodha and Sabar.

14.4 Novels, short stories, poems, biographies and autobiographies dealing with any of the oppressed, suppressed or deprived communities and categories are relevant, whether in terms of the definition of the term “Dalit” they come within the rubric of Dalit literature or not. Coming to autobiographies of leaders of deprived communities – whether they can be called Dalit literature or not, depending on the contextual definition of the extent of coverage of the term “Dalit” – I recall two autobiographies which have remarkable socio-historical value. One of them is the autobiography titled “Ente Jeevitha Samaram” (which means “My Life-Struggle”) of Sri C. Kesavan who belonged to the Ezhava community and suffered “Untouchability” in his personal life. Sri C. Kesavan was one of a trinity of the leaders of the Independence movement in Travancore and rose to become the first Chief Minister of Travancore-Cochin from the Backward Classes. As a boy he defied conventional “Untouchability”-based restrictions by wearing chappals (slippers – cheruppu in Malayalam) and walking along the bazaar of his native Mayyanad. He was beaten up by the shopkeepers and made to walk back home carrying his chappals on his head. There are a number of other instances of forms of “Untouchability” suffered by him and people of his community and there is also a lot of information about, for example, the similarities between the social and family structure of the Ezhava of Kerala and the Nadar of Tamil Nadu who are apparently the same people, separated only by language. I could also see certain socio-familial similarities between the Ezhava and the Luo tribe of Kenya from the autobiography of Oginga Odinga titled “Not Yet Uhuru” (“Uhuru” means freedom in Swahili language prevalent in East and adjoining Central Africa). Oginga Odinga was one of the two followers of the legendary leader of Kenya’s fight for independence, Jomo Kenyatta (which means the “burning spear”). The last US President Barak Obama’s father also belongs to the Luo tribe. All these and a number of other autobiographies of leaders and fighters for freedom and equality, many of them from deprived communities of India and other countries, are of great value as historical and social records. It is immaterial whether all of them are formally considered as part of the Dalit literature or not, depending, as I said, on the contextual definition of the term.

Tribal Rights and their Violations

15. The STs do not suffer from the stigma of “Untouchability”. But, are victims of other forms of marginalisation and exploitation. It has been said that the Indian state, starting from colonial times, is the biggest violator of tribal rights. Do you agree with the perception?

15.1 It is true that typically the STs are not the victims of “Untouchability”. But in some parts of India, outside their fastnesses of the tribal areas, members of the STs have been found to suffer from “Untouchability”. Most STs live in tribal areas where they constitute the majority of the population, unlike the SCs who are a minority of the population everywhere but a majority of the labourers. In this demographic pattern of STs, it is not possible for persons of other communities to physically attack them as has been possible and continues to be possible and happens in the case of SCs. The pattern of deprivation of STs follows a different trajectory consisting of

- Deprivation of their lands
- Intrusion of others into their territories, pushing them back and reducing their demographic majority
- Denial of their rights through legislation of colonial origin regarding forests
- Environmental degradation of their traditional habitations through opening up their forests and territories to commercial exploitation in the colonial times, continued after Independence
- Not providing educational and health infrastructure in their areas, resulting in highest rates of neo-natal, infant, child and under-five and maternal mortalities, stunting etc., along with the SCs.

15.2 Atrocities on them are committed not by members of the dominant community but through the misuse of governmental machinery of the Forest, Police and Revenue Departments as happened in Vachati in Tamil Nadu in 1992. This process of deprivation of the STs is not merely of colonial vintage. It is a process that has started in the pre-colonial times. This process did not start in the colonial period, but gathered tempo during the colonial period with its rampant exploitation of the resources of the country. This process has unfortunately continued even after Independence. Faced by tribal revolts like the Santhal rebellion and the Futuris in the Rampa region of Andhra (then in the Madras Presidency), the British colonial Government enacted Regulations prohibiting transfer of tribal lands to non-tribals. But such Regulations and legislations have not been implemented with sincerity for the obvious reason that after Independence those who encroached upon and occupied tribal lands belonged to dominant communities some of whose members were Chief Ministers and other important Ministers.

15.3 Two clauses introducing new presumptions to strengthen the AP Scheduled Areas Land Transfer Regulation 1959, which were inserted in the Regulation on the suggestions made by me as the District Collector of East Godavari and by my colleague Shri S.R. Sankaran as District Collector of Nellore – made by us separately without prior consultation, but springing from similar concerns – were stayed by the then Chief Minister, Shri Marri Chenna Reddy. It is a travesty of the Constitution for the Executive, of which the Chief Minister is part, to stay a legislation, which a Regulation is, though enacted not by the legislature, but by the Governor under special Constitutional provisions. The High Court and the Supreme Court upheld the validity of the presumptions, but this took four years during which period a lot of damage was done.

15.4 There are other examples of such violation of tribal rights in defiance of the Constitution and specific legislations/regulations in other States also. The blame for this lies, in my opinion, not on the Indian State, as such, as conceived by the Constitution, but on individuals and parties which have formed Governments and ruled India and its constituent States.

15.5 I can give two more examples of such violation of tribal rights – one of them of Andhra Pradesh itself and another of Kerala. In Kerala, at one time the then Sub-Collector of Palakkad Sri Subbiah, a Dalit of Tamil Nadu in Kerala cadre began to enforce the law regarding tribal lands, large extents of which had been illegally and by deceit occupied by an expansive non-tribal

upper caste (in this case belonging to a religious minority). The behaviour of the upper castes vis-à-vis Adivasis and Dalits is the same irrespective of the different religions they profess). On one occasion, women of the encroacher community surrounded him in protest and in the melee his clothes were torn. Referring to this incident, the then Chief Minister explained to the audience with a chuckle that “Sri Subbiah did not study history. As a result women tore away his knickers”. This was spoken in a spirit of humour, which was thoroughly misplaced. The Chief Minister failed to support the young Sub-Collector, appreciate his action against odds on behalf of STs and provide him the backing of the State for continuing his work. Another Chief Minister of the State got the Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Act 1975 diluted by amendment a few years after its enactment, before its implementation commenced. The two Chief Ministers belonged to two different Parties and two different ideologies, but their indifference and casualness in respect of tribal rights, when faced by the resistance of numerically large upper caste communities, was the same.

15.6 The Andhra Pradesh instance, other than the one which I have already referred to, took place in 1987. At that time, I had been transferred from the post of Principal Secretary, Finance & Planning to the post of Principal Secretary, Social Welfare (in charge of SCs, STs and SEdBCs – the Department has subsequently been trifurcated). I had been brought back from Delhi to the State by the Chief Minister, who was impressed by my views against the caste system and related matters. The general belief at that time was that it was his intention to post me as Chief Secretary of the State (which is equivalent to Secretary to Government of India). For some time, he acted along the lines advised by me. Scheduled Castes felt that the Chief Minister was against them. He used to make observations like why the same caste should continue to get the benefit of reservation again and again – he was referring to the Mala community which is the major SC community of his region. Instead he wanted the SEdBCs to be helped. I told him that I would show ways in which concrete help can be given to the SEdBCs and that providing legitimate help to SEdBCs does not require reducing the help that needs to be continued for the SCs. His resentment against the Mala community had its socio-historical origins but was reinforced by the fact that in 1983 and subsequently the SCs had voted against him and his Party. I told him from my experience that no community is permanently opposed to any leader or Party and its response or reaction depends on what a leader and a Party do for them in concrete terms or fail to do. I gave the example, with which he was familiar, of the Dalits of his and adjoining districts, who were voting en masse for the Communist

Party but who in 1971 attracted by Smt. Indira Gandhi's "Garibi Hatao" slogan switched over their support to her and her Party.

15.7 An example of the initiative of concrete action for the SEEdBCs was a suggestion that I gave him that all stone-quarries of the State should be given on lease only to co-operatives or associations of members of the community whose traditional occupation is stone-quarrying and stone-sizing. The name of this community is Vaddar, who are one of the weakest communities of SEEdBCs. They are the same as the Boyan of Tamil Nadu. This community is on the borderline of "Untouchability", so much so that the Maharaja of Mysore intervened with the Government of India and got them included in the Presidential Order listing the SCs. In Travancore also they were included in the list of SCs. I suggested to the Chief Minister that departments like the PWD and Irrigation should buy their requirements of sized stones directly from this stone-cutting community. I pointed out to him that this will increase their income by a few multiples, especially if they are given the common facility of crushers for sizing stones and trucks for transport. The Chief Minister immediately called the press and with me by his side announced a scheme of "Quarry to Dam" (meaning that the entire process of quarrying to its marketing would be placed in the hands of the Vaddar community through their cooperatives or associations). To express this synchronization, my wife Shantha ji who has also been working with this community coined the slogan at a public rally of them: "Quarry, Lorry, Crusher, Creche".

15.8 For another SEEdBC, viz., fisherfolk, I suggested that the entire process from catching fish, through refrigerated storage, refrigerated transport, to retail sale at market centres, should be placed in the hands of fisherfolk, involving their educated youth for the processes of storage, transport and marketing.

15.9 A Dalit organization of Telangana held the Silver Jubilee celebrations of their organization in the premier Ravindra Bharati Hall of Hyderabad in 1987. On my advice, they invited the Chief Minister as the Chief Guest and on my advice the Chief Minister accepted the invitation. Again on my advice, the leaders of the Dalit organization ensured that no slogans were raised against the Chief Minister. The Chief Minister delivered a very fine speech, which was welcomed by the Dalits. From the public platform, he referred to me as a person combining administrative excellence with service to the downtrodden. The success of this meeting alarmed some important persons of the same upper caste community as the Chief Minister. Apparently, they were also scared of what would follow if I became the Chief Secretary, according to what was generally known as the Chief Minister's intention.

Utilizing caste-based proximity, some of them began to whisper to him that I was “too pro-poor” and gradually turned his mind against me.

15.10 At one time there was a showdown between us with regard to balancing in the Budget. He often used to announce large schemes beyond the limits of Budgetary receipts. When this later required cutting down of Budgetary provisions I applied the scissors to such big schemes. He wanted the cut to be implemented through reduction of outlays for social welfare. I took my stand against this. When I tried to explain my stand and its justification, I was interrupted and I asserted that I should be heard without interruption. After that showdown I was transferred as Principal Secretary, Social Welfare, the post in which I had expressed interest when he brought me from Delhi to be Principal Secretary, Finance and Planning. From Finance & Planning to Social Welfare was intended to be and perceived generally as a come-down.

15.11 During the period I was Principal Secretary, Social Welfare, the Chief Minister proposed to leave undisturbed illegal non-tribal occupants of tribal lands, rehabilitating the displaced tribals by allotting them lands outside the tribal area. The main community of illegal occupants of tribal lands belonged to the same caste as that of the Chief Minister. Irrespective of the difference of religion, their behaviour and the behavior of their counterparts professing the Christian religion in Kerala were exactly the same. The Chief Minister wanted to secure all-Party consensus for his idea. For this purpose, he held a meeting with the leaders of different Parties including the CPI, CPI(M), MCP (Marxist Communist Party) and BJP, at a point of time when I was not yet Principal Secretary, Social Welfare. A second and final meeting was scheduled on a later date, by which time I had taken charge as Principal Secretary, Social Welfare. I came to know that the CPI representative, Sri Nageswara Rao who attended the earlier preliminary meeting had expressed his concurrence with the Chief Minister’s suggestion. He belonged to the same caste as the main non-tribal occupants of tribal lands. I mentioned about this issue to Dr C.H. Hanumantha Rao, renowned economist based for long in the Delhi School of Economics, who had come back to Hyderabad after a stint as Member of the Planning Commission. Dr Hanumantha Rao brought his elder brother Sri Ch. Rajeswara Rao, Legislature leader of the CPI, to my house. Dr Hanumantha Rao is one of the honest and humanist persons with sincere sympathy for the deprived classes that I have known. He belongs to an interesting upper caste family of three brothers of whom the eldest, Sri Ch. Rajeswara Rao, was a senior leader of the CPI and the youngest brother Sri Ch. Vidyasagar Rao is a BJP leader, at present the Governor of Maharashtra and in-charge Governor of Tamil Nadu after the end of the tenure of the

last Governor Sri Rosaiah. I explained to Sri Ch. Rajeswara Rao that in view of the Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959 (APSALTR), the proposal of the Chief Minister was downright illegal. Sri Ch. Rajeswara Rao agreed with me. I requested him to attend the next meeting on behalf of his Party and express his stand on the basis of legality. He kept his word. On the day of the meeting I entered the meeting room in which leaders of different Parties had gathered. The Chief Minister was yet to arrive. The CPI(M) was represented by Sri B. Venkateswara Rao, who had been the President of the Panchayat Samithi of Madhira in Khammam district when I was the District Collector of Khammam. He warmly greeted me and reintroduced himself to me since we were meeting after a gap of twenty years. Others present were Sri Ch. Rajeswara Rao on behalf of the CPI, Sri Omkar, leader of the MCP, a splinter group of the CPI(M), and Sri Bangaru Laxman representing the BJP. All of them knew me and my reputation for fair play for the deprived classes. They asked me what stand they should take in the meeting. I explained to them the correct legal position and expressed my opinion that the legal course is to restore the land in tribal areas to the tribals and rehabilitate the non-tribal illegal occupants outside the tribal area. After the Chief Minister came all the Parties took this stand. I mention this instance in some detail to show how laws for the STs and other deprived classes are flouted or sought to be flouted by some persons in the highest positions of authority. The other purpose of this narration is to bring out what I believe to be the role of an IAS officer and officers of other all-India services and other officers of the Civil services of the Union and in States, who have been provided special protection under Article 311 of the Constitution. I believe that such officers are not bound by illegal desires and proposals of their superiors, whether Ministers or Chief Ministers or Prime Ministers, or their own official superiors. They have also got the duty to do everything in their powers to prevent the illegal desires of any of them to be translated into official decisions. That is why they have been given special Constitutional protection. These Services can secure prestige and respect only when they are seen as uncompromising protectors of the Constitutional and legal rights of the deprived classes and categories. This does not absolve the elected political executives of their responsibility to protect and promote the Constitutional and legal rights of these classes. But if one fails the other must stand up.

Tribal Rights Movements

16. Some of the most powerful civil society movements in India, like Narmada Bachao Andolan, have been for tribal rights. How far have they succeeded in their mission?

16.1 Social movements for tribal rights have not yet succeeded in their mission. But they have had some effect. These movements and the presence of some individuals within the Government possessing human and social sensitivities have helped in bringing into existence the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006 (briefly, the Forest Rights Act or FRA) and the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA). Another important achievement is the institution of the Tribal sub-Plan (TsP) in the 1970s. The TsP was the accomplishment of two my colleagues and batchmates, the late Dr Brahma Dev Sharma, who passed away two years back, and Dr Bhupinder Singh, neither of whom was born in ST or other deprived class families.

16.2 The struggle of the movements for tribal rights and the intra-Government moves for protection of and advancement of tribal rights have been an unequal battle. Spreading of awareness among the STs is slower than among the SCs. The emergence of Dr Ambedkar gave a boost to Dalit / SC awareness and movements along with pre-Ambedkar movements associated with Mahatma Phule and Narayanaguru. A gifted potential leader of the STs Shri Jaipal Singh was misdirected and neutralised by the leadership of post-Independence India. The process of the building up of tribal mass awareness and tribal mass mobilisation has been slow, particularly among the major tribes constituting the bulk of the ST population of India such as Gond, Bhil, Santhal, Munda, Oraon, Koya etc. These tribes which constitute the bulk of the tribal population are nowhere in sight among the successful candidates of the various competitive examinations. Yet, this bleak picture is not entirely hopeless. We can see the slow growth of awareness and mobilisation among the major STs of different regions. We live on hope and continue to work on hope.

Forest Rights Act and Lagging Implementation

17. How far has the Forest Rights Act been implemented?

17.1 The Forest Rights Act has been an important step for STs. But its implementation is impeded by the unwillingness of officers of the Forest Departments of the States to part with their previous dominance, and the casualness of the political and civil society leadership of the country. There are exceptional instances where the Act has been implemented better on account of devoted social organisations and workers and where some peaceful mobilisation has been accomplished. But these are exceptions and there is a long way to go and much more efforts are needed to secure the implementation of this Act and the PESA.

17.2 In the exceptional cases in which not only individual forest rights but also community forest rights have been recognised and formalised, the income of the Panchayats and individual families have shot up substantially and visibly. For some time, there was an unscientific argument by some persons of the Forest Department that bamboo which grows in some tribal areas is a tree. Ultimately, the scientific fact that the bamboo is not a tree and, therefore, it is a Minor Forest Produce (MFP) or non-Timber Forest Produce (NTFP) was established. All MFPs/NTFPs are within the jurisdiction of the Panchayats. This has been an important source of augmentation of the wealth of tribal area Panchayats and of individual tribal families in these areas. The spread of cultivation of such high-value forest produce will greatly benefit and help transform the tribal economy. These rare instances show how the wealth, that really belongs to the STs, individually and collectively, was being denied to them and is still, to a large extent, being denied to them. The result has been the drain of the natural wealth of the STs, through contractors and the like, to the black economy outside the tribal area. This drain is no less shocking than the drain of India's wealth by the colonial rulers, brought out in Dadabhai

Naoroji's pathbreaking book "Poverty and Un-British Rule in India" (1901). If all the natural wealth of the tribal areas is retained in the tribal areas through full and proper implementation of the FRA, it will be a great step in the economic empowerment of the vast population of tribes in India's central heartland and also in some peripheral tribal areas as in Tamil Nadu, Kerala and Karnataka. Those working for Social Justice for STs must give a very high priority to securing the full and proper implementation of the FRA and data pertaining to villages where the Act has been properly implemented and the impact of its implementation on the economy of the tribal population in such villages should be brought to the notice of Government in order to impress on the Governments at the Centre and in States the importance of this measure. These data should also be prominently put in the public domain and the issue brought to the centre of public discourse.

17.3 Some people have expressed concern that development may suffer on account of the FRA and recognition of individual and collective tribal rights under that Act. It has been pointed out by persons expressing this concern that a major part of India's mineral wealth is located in tribal areas. Recently, in a speech the Prime Minister Narendra Modi stated that nobody has the right to deprive Adivasis of their lands, that the Government is anxious to protect tribal rights on the land surface, and mining can be done underground without disturbing tribal ownership and cultivation of the surface land. This cue must be taken by those working for tribal rights. Tribal rights and the need of the country's economic development need not be contradictory and can be harmonised. Further, modern economic activity undertaken without disturbing individual and collective tribal rights on the surface land should be so planned that its benefits too go maximally to the STs of the area. For this, the skills required during the construction stage and the production stage of the project should be identified and the young people of the STs should be trained to acquire these skills. This should be provided along with the establishment of high-quality residential schools and colleges and health institutions in that area with due contribution from the project-promoting organisation. The entire process should be transparent and with full tribal participation. The education and skill development should not be only for securing for tribals jobs as labourers but also to equip them for technical, supervisory and managerial positions. By this the projects in tribal areas can get the entire manpower requirement from within the local tribal area without having to bring people from outside as in the past, which resulted in further foci of exploitation and consequent tensions.

Promotion of Tribal Rights in 'Neo-Liberal' Context

18. The Neo-Liberal policies the Indian state has been pursuing have trampled down upon tribal rights, though the brutal violations of their rights had their beginnings much earlier. Do you feel STs can hope for justice and equality within a Neo-Liberal regime, that respects neither Man nor Nature?

18.1 It is necessary to distinguish between State and Government. The basic policies and duties of the Indian State are as laid down in the Constitution. What is in question is the policies adopted by Governments. From 1991 onwards, Governments have adopted and worked on the basis of policies in which the Market is given primacy. There seems to be no realistic possibility of this policy being changed in the near-future.

18.2 At the same time, recognition seems to be dawning and growing in many parts of the world about the consequences of unbridled operations based on market-primacy. It has now begun to be noticed that from the time unbridled market-primacy-based growth was given unrestricted freedom, not only have inequalities widened, but the economy of labour and middle classes has suffered or stagnated. On the other hand, accretions of national wealth have accrued wholly or mainly to the rich who have become super-rich and filthy-rich, indulging in vulgar display of wealth by, for example, building for themselves palatial buildings of the type which even kings and emperors did not have in the past. This phenomenon has created reactions which were noticeable during the recent high-voltage Presidential election campaign in the US. Bernie Sanders was an expression of this reaction though the immediate beneficiary was Donald Trump. This phenomenon is now being felt in a number of European countries, though often in a distorted form. It will have its own logical progression. The end of history did not take

place in 1989 as breezily and superficially concluded by Francis Fukayama in his essay ‘The End of History?’ (1989).

18.3 The rights of the STs and SCs and other deprived classes and their right to Justice and Equality cannot afford to wait till after the macro-policy based on the primacy of the market is changed or corrected with primacy for the rights of welfare of the people at the centre. The struggle for the rights of these deprived classes and the struggle for Social Justice and Social Equality have to be carried out on their own, autonomously irrespective of the regime in power from time to time, irrespective of its macro-economic policy orientation.

Separate Electorate - Its Past and Future

19. (i) *After six decades of the Constitution coming into force, the SCs and STs are still excluded from benefits of development and the gap between them and others, particularly the Forward Castes is widening. Atrocities against them are not abating, in spite of legal protections like the SC and ST (Prevention of Atrocities) Act. Is it because they lack political power to win justice and equality? Do you think Separate Electorate for them as demanded by Babasaheb Ambedkar, that had to be given up by the Poona Pact, would be the answer? Are there grounds to argue that demand for Separate Electorate should be revived today as it is the single meaningful measure for them? How feasible is it to so revive the demand?*

(ii) *One fifth to one fourth of parliament and state legislature members are SC-STs. Why are they ineffective in promoting the cause of their people?*

19.1 The idea of separate electorate was based on the premise that in constituencies reserved for SCs only SC voters would vote to choose from among the contesting SC candidates and thereby only those candidates who have the confidence of SCs would get elected and they would, after election, be sensitive towards the needs and aspirations of SCs. The Macdonald Award announced by the then Prime Minister of Britain, Ramsay Macdonald, on the 17th August 1932 was formally and officially described as “the Communal Decree by His Majesty’s Government”, and is commonly referred to as the “Communal Award”. In it the term used for the SCs was “Depressed Classes” (DCs). The Award provided for “Special Depressed Classes Constituencies” in which the candidates and voters would only be from the DCs. Gandhiji’s fast unto death in protest against this grant of separate electorate for “Untouchables” from 12 September 1932 in the Yeravda prison in Pune, where he was lodged, and the frantic efforts of the entire national leadership which rushed to the Yeravda prison in a bid to find a satisfactory solution and save Gandhiji’s life have been described in detail.

The Yeravda Pact was the outcome of the intense negotiations carried out in the Yeravda prison between the members of the Congress leadership and Dr Ambedkar who went there on their request. One of the points on which there was agreement was to give up separate electorate and instead to have a system of representation for the deprived classes by reservation in a larger number seats than provided in the Macdonald Award. This system was to continue until a date determined by mutual agreement. The Yeravda Pact is remembered for this point only. But, there were other note-worthy points of agreement in the Pact. The Pact was the first time that there was a national agreement that the Depressed Classes should be represented in the public services and local bodies, in other words, reservation in the services under the State and reservation in Panchayats and Municipalities. This facilitated the introduction of reservation for the SCs in the services under the State in 1942-43, when Dr Ambedkar was Member of the Viceroy's Executive Council. This also facilitated reservation in Panchayats and Municipalities which was introduced in 1993 by the 73rd and 74th Amendments of the Constitution. The Pact recognised "Untouchability" as a major national issue and the need for a national campaign to eradicate "Untouchability". The least known provision in the Pact is that, in every Province out of the educational grant, an adequate sum shall be earmarked for providing educational facilities for the Depressed Classes — this was at a time when there was no developmental planning in India. This can be called the seed of the concept of the Special Component Plan for Scheduled Castes (SCP) which I conceived and developed in the late 1970s when I was Joint Secretary, SC and BC Welfare, Ministry of Home Affairs in the context of the much wider sweep of the system of planned development that took shape in independent India.

19.2 Coming to the system of reservation agreed upon in the Yeravda Pact, Dr Ambedkar said that "it conceded the political demand of the Untouchables", and that it did not cancel the Prime Minister's Award, "but only substituted another and a different system of constituent safeguards" and there is no difference between the Poona Pact and the Communal Award. Following the Pact, generous impulses were generated and expressed as seen from the proceedings of the Meeting of the "Hindus' Conference" in Bombay, with Pandit Madan Mohan Malaviya presiding, on the 25th September 1932, i.e., the day after the Pact was signed, to ratify and support the Pact. At that Conference, Dr Ambedkar expressed the hope and trust that "the Hindus on their side would look upon this document as sacrosanct and work in an honourable spirit".

19.3 Unfortunately, the generous impulses generated at that time and expressed in the speeches of Pandit Madan Mohan Malaviya, Tej Bahadur Sapru and Dr Ambedkar at the Conference of the 25th September on the political reservation, elimination of “Untouchability”, education of Dalits etc. were short-lived. Divergences appeared on a number of issues after the short-lived glorious convergence at Yeravda. Specifically with regard to the system of election of DC representatives, differences arose between Congress leaders and Dr Ambedkar regarding its implementation. Clauses (2) and (3) of the Yeravda Pact provided for a primary election, in each reserved constituency, in which the DC voters would form an electoral college and elect a panel of four candidates. This was to be followed by the election of one of the four candidates by a joint electorate, i.e., by all those eligible to vote, both DCs and others. This was to be the system applicable to the provincial as well as central legislatures. Caste Hindu leaders began to look for ways to dilute the terms of the Pact to the disadvantage of the “Untouchables”. Before the Hammond Committee which was appointed to work out the details of the implementation of clauses (2) and (3) of the Yeravda Pact, they not only wanted four to be taken as the minimum, but also wanted that if four candidates were not forthcoming, there could be no primary election and also no election for the reserved seats. They also wanted compulsory distributive vote by each and every voter of the general electorate, who would be required to compulsorily cast his/her vote not only for a candidate of the general seat, but also for a candidate of the reserved seat, so that the votes of the caste Hindus would be polled in favour of a DC candidate who was most favoured by the caste Hindus, who would outnumber the DC voters. Both these views were opposed by Dr Ambedkar. The Hammond Committee accepted Dr Ambedkar’s interpretation that four would be the maximum for the panel and rejected the idea of compulsory distributive vote. The political leaders of the Congress party in charge of the management of elections adopted the practice of putting up candidates in order to defeat independent or independent-minded SC candidates who took a firm, independent and principled stand on SC rights. These acts of breach of faith disappointed Dr Ambedkar and he has given expression to this in his book “What Congress and Gandhi have Done to the Untouchables” (reprinted in Dr Babasaheb Ambedkar, Writings and Speeches, Vol. 9, 1991).

19.4 If the scheme agreed upon in the Yeravda Pact had been implemented and continued sincerely, there would have been better chance of securing in the Parliament and State legislatures the presence of SC members truly representative of the needs and aspirations of the SC people and loyal to

them. Even if the system evolved in the Constitution of India had been sincerely implemented by the political parties, the outcome would have been better. Unfortunately, political parties in the post-Independent India used the electoral process to defeat those SC candidates who take a firm and independent stand in matters affecting SC rights. Thereby parties are able to win certain seats and get “convenient” candidates elected at the very heavy cost of loss of trust of SCs and consequent harm to the cause of integrating society and strengthening the nation. An example of this pernicious practice can be seen from what happened, in the Lok Sabha elections of 2009, to Shri Yogendra Makwana, one of the doughtiest leaders to emerge from among Dalits.

19.5 SCs naturally look back with angst to the aborted idea of the separate electorate. A few years back, Shri K. Hanumanthappa of Karnataka, former MP and former Chairman, National Commission for SCs and STs, convened a meeting to promote the idea of restoration of the separate electorate. Shri Makwana and I were among the participants. Despite advance communication, the press was very lukewarm and sent junior representatives to cover the event. The response was not encouraging. Matters did not proceed further.

19.6 This experience shows that it is not practicable now to revive the separate electorate concept. This will require a Constitutional amendment. It is not realistic to expect any ruling party of the present or the past or the foreseeable future to move a Bill for such an amendment. Nor is it realistic to expect that the prescribed special majority for the passing of such a Constitutional amendment will be forthcoming. It is also not realistic to expect that such an amendment, if at all enacted, will withstand judicial scrutiny, which might hold it to be in conflict with the basic structure of the Constitution.

19.7 What is practicable now is to mount pressure on political parties to put up, in reserved Lok Sabha and State Assembly seats, candidates who will take a firm and undiluted stand in matters pertaining to the rights of SCs and also STs. This will require mobilisation of the masses of SCs and STs and the building up of awareness among them. This process is yet a work in progress. The difficulties in the way of Dalit mobilisation can be seen in the recent mobilisations that have taken place to press for the SC and ST (Prevention of Atrocities) Amendment legislation, legislation for Special Component Plan for Scheduled Castes (SCP) and Tribal sub-Plan (TsP), and most recently the mobilisation after the Una atrocity and its wide publicity through media.

These mobilisations have been able to secure rallies of a few thousands but not exceeding 10,000. This can be compared with the mobilisation of certain upper castes in Gujarat and in Maharashtra, in support of demands like repeal of the SC and ST (POA) Act, which demand is untenable, and inclusion of these powerful and dominant socially advanced castes in the list of SEdBCs. These demands are contrary to social realities and Constitutional provisions. These upper caste mobilisations in different centres of these two States have been able to secure rallies of tens of thousands, even exceeding two lakhs in some places. It shows the difficulty in Dalit mobilisation on account of paucity of resources as well as low level of awareness, and the magnitude of the task before those who believe in the constitutional provisions in respect of SCs and STs. Only when this happens, will the SCs and STs get their due share in political power, which will facilitate better accrual of avenues of development and progress in their favour. In the meanwhile, maximum possible pressure has to be built up in favour of the SC and ST rights to development, Equality with SACs / NSCTBCs in all parameters and protection from atrocities and indignities. There is some leverage available and, if utilised wisely, can secure some results.

19.8 This limited leverage is the result of a number of factors. One is the emergence of an educated middle class, though small in proportion, among the SCs and STs as a result of the policy of reservation and various Social Justice schemes. Another is the fact that SCs constitute a crucial balancing demographic factor in the electorate, and in some States a major, though not majority, factor – but to secure the full benefit of this it is necessary to create full awareness among the SC and ST masses in rural as well as urban areas about the specifics of their rights and entitlements, based on their developmental and other needs, and about how to press these upon vote-seeking candidates and parties. This is an important task before the recently emerged educated middle class and others who believe in Social Justice and deepening of democracy. Another requirement is to prevent internecine splits among different castes of the SCs. The unity of all SCs is a necessary condition. But to secure unity, the problem of differential levels of progress among different castes of SCs and differential levels of capacity to avail of the benefits of reservation and other opportunities and the consequent mutual animosities among them has to be addressed honestly and sincerely by the enlightened representatives and leaders of the different castes of SCs.

19.9 As a result of this approach of Parties, though about 1/4th of the Lok Sabha and of the State Legislative Assemblies consists of SCs and STs, there is

a feeling among Dalits and Adivasis that they are not quite effective. It would not be correct to say that they are ineffective. They have had some effect. Some of them do raise issues pertaining to SCs and STs. Many of them are concerned about SCs and STs. But the position of SC and ST Members of the Lok Sabha and Legislative Assemblies is such that their voice and role within the respective Parliamentary and Legislative Parties are limited. Further, in a number of cases, Members, as they gather experience and grow in the capacity to comprehensively understand and press for measures required for SCs and STs, are discarded in subsequent elections and new candidates are given Party tickets who have to start the learning process afresh. This is in addition to the fact that Parties avoid putting up in reserved seats candidates who will take a firm and undiluted stand in matters pertaining to the rights of SCs and STs. Here I must also clarify that SCs and STs do not constitute 1/4th of the Parliament and State Legislatures, but only of the Lok Sabha and State Assemblies. There is no Reservation in the Rajya Sabha and State Legislative Councils, as a result of which SC and ST presence in the upper Houses is Nil or nominal. The practical remedy is what I have mentioned in para 19.7 and 19.8 above.

Mandal Commission Report - Struggle for Its Implementation

20. Now, passing on to SEdBCs, you were one of the architects of Mandal Commission Report. Can you talk about the whole saga of enacting Mandal Commission recommendations by V.P. Singh govt and your role in it? Can you also talk about the fierce resistance to it and their implications?

20.1 Despite the Constitutional provisions in Articles 340(1) and 15(4), those in power in the Central Government resisted for long all moves to accord recognition to the SEdBCs as a deprived category, though the peninsular States, especially South Indian States under the Provincial / Princely State / State Governments, had accorded them such recognition even before Independence and instituted schemes of Reservation in posts in their services and Reservation in education in their institutions of education, especially higher education, including professional and technical education, under the Provincial / Princely State/ State Governments. Despite the recommendations of the Kaka Kalelkar Commission (1953-1955) and the Mandal Commission (1970-1980 – the order appointing it dated 1.1.1979 was issued under my signature as Joint Secretary in charge of SC and BC Development and Welfare in the Ministry of Home Affairs), the Central Government obstinately shut its eyes and closed its heart to the BCs till 1990.

20.2 The Mandal Commission submitted its report on 31. 12. 1980. After an unconscionable delay of nearly 10 years, the Central Government in August 1990 accepted the Mandal Commission's recommendation to provide 27% reservation of posts for the SEdBCs. It was on the basis of my Note to the Cabinet dated 1st May 1990, in my capacity as Secretary, Ministry of Welfare, that the V.P.Singh Govt. took the momentous and historical decision recognising the SEdBC and providing 27% reservation for them in direct recruitments under the Central Govt. In the preceding ten years after the

Mandal Commission submitted its Report on 31.12.1980, its implementation was being evaded. Various subterfuges were resorted to. Conferences of Ministers, Secretaries, State Chief Ministers punctuated the period in order that reservation for SEdBC at the Centre could be avoided. Various ill-informed objections and queries were raised. The Mandal Report was left for dead. I found its pulse was still beating though feebly when I took charge as Secretary on 2.1.1990, revived it and, on the basis of social and historical facts and realities and Constitutional mandates, refuted the ten-year long objections and queries. On the 6th August 1990, Sri.V.P.Singh had his final discussion with the Minister Shri Ramvilas Paswan and me in two nocturnal sessions and took the decision to introduce reservation for the SEdBCs. I drafted for him the emotional, moving and dignified speech he delivered in the Lok Sabha on 7.8.1990, announcing the Government's decision and on 9.8.1990, in the Rajya Sabha, and provided to him, from the officers' gallery where I was seated, all the inputs to effectively counter the points raised by the Opposition during the debate. The formal order providing 27% reservation for SEdBCs in the services of the State under the Central Government and Central institutions was issued by O.M. No. 36012/31/90-Estt. (SCT) on 13. 08.1990 (O.M. or Office Memorandum is the same as the G.O. or the Government Order in South Indian States).

20.3 My steadfast stand which helped to secure SEdBCs their long overdue recognition and provision of reservation at the national level not only resulted in fierce resistance, but also personal antagonism towards me in some powerful bureaucratic quarters. Sri P. S. Appu, who retired after being Chief Secretary, Bihar and Director-General of the Lal Bahadur Shastri National Academy of Administration (which provides initial training for officers appointed to the IAS and other Services) and had settled down in Bangalore till his death two years back, visited Delhi at that time and told me sympathetically, "Mr Krishnan, you are now the most misunderstood officer in Delhi." "Misunderstanding" was perhaps an under-statement. There was also an attempt to persecute me personally just before my retirement. That did not happen as there was no sustainable ground or basis for it.

20.4 There was a spate of Writ Petitions against the Central Government's Order providing reservation for SEdBCs. In the short period left before the V.P.Singh Government fell, I prepared all the counter-affidavits of the Government against the Writ Petitions and PILs, with the whole-hearted assistance of the Additional Secretary with me Shri Mata Prasad, a sincere Dalit IAS officer of the U.P. cadre, and got them filed in the Supreme Court

through the then Attorney General Sri Soli Sorabjee whom I fully briefed on the rationale of reservation for SEBCs.

20.5 I cannot think of any Prime Minister in the history of independent India other than Shri V.P. Singh who could have taken a positive and conclusive decision on this, even overcoming the biased views of the then Cabinet Secretary who had Shri V.P. Singh's personal confidence and who had been associated with Shri V.P. Singh from their college days. There are not many Ministers of Welfare/Social Justice who could have played the role that Shri Ramvilas Paswan played at that time. Perhaps no other IAS officer could have made the indispensable contribution to the process which I did.

20.6 One important suggestion I made, which was accepted by the Minister and the Prime Minister and was incorporated in the SEBC reservation Order, was that the Central List in the first-phase would include only those castes and communities which were common to the Mandal List for each State and the SEBC List of that State. This helped to exclude certain castes which were patently not socially backward. This helped SEBC reservation to successfully face judicial scrutiny and successfully withstand certain writ objections which specifically challenged the inclusion of those advanced castes in the Mandal List. On the basis of my above suggestion, which had been incorporated in the O.M. of the Government), we were able to point out in the counter-affidavits and the Supreme Court accepted that, while the Government accepted the Mandal Commission's recommendation of 27% reservation for SEBCs, the Central List of SEBCs did not include all the castes in the Mandal Commission's List, but included only those castes in the Mandal List which had also been included in the SEBCs lists of the respective States, many of which had successfully withstood judicial scrutiny from the Supreme Court's judgment of 1968 in the Tamil Nadu case of *Minor Rajendran* onwards.

20.7 After the Supreme Court upheld the Constitutional validity of Central reservation for SEBCs by its landmark judgment on 16.11.1992, I was appointed as a Member of the Expert Committee on BCs which prepared, mainly based on my informed inputs, the Common List or the First-phase Central List and helped the government to fulfil the directions of the Supreme Court so as to enable the Central Government to commence Central reservation for SEBCs in the services which started on the 8th Sept.1993, after fulfilling the Supreme Court's directions. With this, history took a momentous, irreversible turn.

20.8 It took another 14 years before the Government of India gathered courage and willingness to introduce reservation for the SEdBCs in admission to educational institutions. This required the Ninety-third Constitutional Amendment inserting new clause (5) in Article 15. In this context, it may be recalled that the previous clause (4) in Article 15 was inserted in 1951 by the First Constitutional Amendment spurred by the Periyar-led agitation, following the Supreme Court's Champakam Dorairajan case & Venkataramana case judgements, which struck down as Constitutionally invalid the provision of reservation for the SEdBCs under what is known as the Communal G.O. of the Madras Government dating from 1921. Clause (4) was inserted to get over the situation, arising from that judgment, and empowered the State (i.e., both at the Central level and at the level of Constituent States) to take any measures for the advancement of the SEdBCs and for SCs & STs. Thus, the road was laid for all Social Justice measures including reservation in education for these three deprived social classes. There were already clear provisions for the SCs and STs. In their case, the first Constitution Amendment and Clause (4) of Article 15 reinforced those provisions and emphasised the plenitude of the powers and duty of the State to take any and every measure required for them. In the case of the SEdBCs, this amendment for the first time made it clear that the State shall have the powers and duty to take any and every Social Justice measure for the advancement of the SEdBCs.

20.9 The Ninety-third Amendment was to get over the obstacle to reservation for SEdBCs, SCs & STs in the burgeoning private sector of professional education that arose from the Supreme Court's judgement in the *Inamdar* case, 2005. That judgement held that the existing Constitutional provisions do not empower the State to impose reservation in educational institutions in the private sector. Thus, it completely closed the small window for reservation left in para 68 of the earlier Supreme Court judgement in the *T.M.A. Pai* case (2002). The Ninety-third Amendment became possible on account of the steady efforts, at the political level, of the late Sri. Arjun Singh, the then HRD Minister.

20.10 Shri Arjun Singh and the then Secretary, HRD, the late Shri Sudip Banerji, were aware of my role in securing reservation in Central services for the SEdBCs in 1990 and in its defence in the Supreme Court. On their invitation, I accepted the position of Advisor to that Ministry for this work in 2006, on condition that I would not receive any remuneration. I prepared the counter-affidavit of the government to defend the Central Educational

Institutions (Reservation in Admission) Act 2006 enacted subsequent to the Ninety-third Amendment, setting out social, historical and Constitutional facts. I threw my everything into the preparation of this affidavit, often forgetting food and sleep so that the counter-affidavit could be filed by the date fixed by the Supreme Court. I did not want any adjournment to be sought. At the end of my dictation of the counter affidavit at about 9 PM in my room in the MHRD in Shastri Bhavan, I collapsed unconscious in my seat. I was carried to the nearby Ram Manohar Lohia hospital, diagnosed with Transient Ischemic Attack (TIA). I soon revived and was in the saddle in a few days and provided the inputs that enabled the then Solicitor-General the late Shri Vahanvati and the then Addl. Solicitor-General Shri Gopal Subramaniam to demolish the arguments of petitioners' counsels, who were also very competent lawyers. I also provided inputs and guidance to some of the lawyers of State Governments and BC organisations, who too were joined as respondents. The result was the unanimous Supreme Court judgement in 2008 upholding the validity of the Legislation providing reservation for SC, ST and SEBC in the central educational institutions in the case known as the Ashoka Kumar Thakur case. Shri Vahanvati and Shri Gopal Subramaniam at the end of their arguments were kind enough to acknowledge in the court, before the Bench, my role and to state that they were able to argue effectively as they did because of the inputs provided by me. Thus the entire defence was harmoniously orchestrated into a jurisprudential symphony.

20.11 One of the issues raised by the Writ Petitioners to debunk BC reservation in its entirety and its root was the allegation that the SEBC list consisted of powerful and dominant castes who were included in the list on account of their power and pressure. I provided inputs to the team of lawyers how the NCBC had advised the rejection of the applications of powerful dominant non-backward castes like Maratha in Maharashtra, Jats in many States, Khandayat in Orissa, Kayastha in many States, Nair in Kerala, Brahmin of some States etc, resulting in their rejection by the Government. I also secured copies of some of these Advices and our Counsel filed them in the Court.

Mandal Commission Legislation - How Much Has it Delivered and How to Optimise it?

21. How far, do you think, OBCs have benefitted from the landmark measure of Mandal Commission legislation? Recent data show that in central govt employment BCs have got much less than the mandated 27%. At the higher levels of employment, they have managed to get a very small percentage. How was such a flagrant flouting of the quota made possible? How to remedy the situation?

21.1 SEBCs have certainly benefitted from the provision of reservation for them at the Central level in 1990, which became operational from 08.09.1993 after the Supreme Court judgement in the Indra Sawhney vs Union of India case and implementation of the conditions laid down by the Supreme Court, which had to be complied with before reservation for SEBCs could commence. There was a delay of more than four decades, counting from the date of the Constitution, in providing central level reservation for SEBCs. Even then, initially reservation was only in posts and vacancies in the services of the central Government and Central PSUs and Banks. Reservation for them in educational institutions took another 13 years to be introduced and even then only in Government and Aided educational institutions. Two more years elapsed before it could be operationalised after the Supreme Court upheld the Constitutional validity of the Central Educational Institutions (Reservation in Admissions) Act 2006 and that part of the new Clause (5) of Article 15 which related to reservation in Government and Aided educational institutions. Reservation in private educational institutions is yet to be legislated in terms of the Constitution (Ninety-third) Amendment Act 2005 and the new Clause (5) of Article 15 that was inserted through it. Most of the seats in medical, engineering and technological colleges and universities

are in the private sector in peninsular India and this feature is spreading in the rest of the country also. In this major part of educational sector, SEBCs have not benefitted at all as also the SCs and STs in the absence of reservation – in the case of SCs and STs reservation in private institutions existed till the Inamdar judgment.

21.2 The introduction of reservation in private educational institutions has been evaded till now, though I have raised this issue in personal discussions with different Ministers in charge of the Ministry of Human Resources Development (HRD) and in meetings of the National Monitoring Committee for the Educational Development of Scheduled Castes set up by the Ministry of HRD in 2012 and through Reports.

21.3 Coming to reservation in the services under the Central Government and Central Institutions which actually commenced in 1993, I have prepared a Paper in which I have brought out the extent to which reservation for SEBCs has been implemented at different level of employment. It can be seen that the shortfall is essentially in Group-A and Group-B of the services, which are the same as Class-I and Class-II in the States. The full picture is as given in the Table.

**SEdBC Representation in Central Government Departments
as on 1st January 2014
based on information from 62 Ministries / Departments**

1	2	3	4	5	6	7	8
Group	Total posts	BC Actual	%	BC @ 27% Should be	Deficit at 27%	BC at 2/3 rd of 27% i.e, 18% should be	Deficit/ Excess at 18%
A	63423	6752	10.65%	17124	10372	11416	- 4664
B	173332	20337	11.73%	46800	26463	31200	- 10863
A+B	236755	27089	11.44%	63924	36835	42616	- 15527
C (excluding Safai Karmachari)	2450150	506890	20.69%	661541	154651	441027	+ 65863
A+B+C	2686905	533979	19.87	725464	191485	483643	+ 50336
C – Safai Karmacharis only	45373	5528	12.18%	12250	6722	8167	+ 2639
A+B+C minus SK+CSK	2732278	539507	19.75%	737715	198208	491810	+ 47697

Source: Annual Report of Ministry of Personnel, Public Grievances and Pension 2015-16

The following facts emerge from this Table.

- Giving figures of SEdBC representation in all Groups of posts together does not give the full picture.
- One should look at disaggregated figures of SEdBC representation in each Group
- The disaggregated picture shows that SEdBC representation in Groups A and B are the lowest — about 11%.
- Representation in “Group C excluding Safai Karmacharis” (C minus SK) is nearly 20% and in the much smaller “Group C Safai Karmacharis only” is about 12%.
- Before 1993, when implementation of SEdBC Reservation actually started, employees who were in place were those recruited without reserved space for SEdBCs and, therefore, were mostly of the “upper” castes, especially in Group A and B and largely in the earlier Group C which consisted of Assistant and Driver-level staff (the earlier Group D which consisted of Attenders etc. has been abolished a few years back with the ceasure of recruitment at that level and it has been merged in Group C). Those who entered Government service retire approximately after about 30 years on an average. Therefore, one should expect 27% to be fulfilled by about 2023. But, to ensure this, every year and during every period, there should be recruitment of 27% without any shortfall. Since as on 1.1.2014, about 20 years have been completed after the belated commencement of Reservation for SEdBCs, it would be legitimate to expect fulfilment of 2/3rds of 27%, i.e., about 18%.
- Columns (7) and (8) in the Table show the number of SEdBC employees that should be in position in 2014 at 18% and the deficit on that basis. It is clear that the real deficit is in the higher levels, viz., Groups A and B.
- This deficit, as updated to the present, has to be removed at the earliest and further accumulation of deficit in each of the years up to 2023 should be prevented by proper implementation and regular monitoring.
- Monitoring by Governmental machinery at different levels is necessary but not enough. There should be a powerful monitoring institutional set-up at the national level, State level and district level in which there should be authentic and devoted representatives of SEdBCs of different

BC categories as well as others working for justice for SEEdBCs, along with Government representatives.

Representation of SEEdBCs in the monitoring set-up should not be token and should be not less than the presence of Government representatives.

Representatives of SEEdBCs should not be chosen from persons who are connected with political parties. They should be devoted workers for SEEdBCs or experts who are committed to Social Justice (for SEEdBCs, SCs, STs, women).

21.4 The SEEdBCs and their representatives have been expressing their unhappiness about the “Creamy Layer” concept and the exclusion of the “Creamy Layer” (CL) ordered by the Supreme Court. I feel “Creamy Layer” is an inappropriate and pejorative term. The correct term is “Socially Advanced Persons/Sections” (SAP/S) in the identified castes of SEEdBCs. This term has been more frequently used in the Mandal judgment. The SEEdBCs have been seeking the abolition of SAP/S or CL. They feel that this is a primary cause of the shortfall, as many eligible candidates are excluded as SAP/S, and the non-SAP/S candidates are not available in sufficient numbers. This may be true of Groups A and B, but not of “Group C excluding Safai Karmachari” and “Group C Safai Karmachari only”.

21.5 What the Supreme Court has laid down is the law of the land. It can be changed only by another Bench of the Supreme Court composed of judges not less in number than the Mandal Bench which had 9 judges. It will not be easy to get this change. The Supreme Court has been reiterating the CL or SAP/S aspect in subsequent judgments also like the judgment in Nagaraj case (2006).

21.6 The alternative route for changing of the law as laid down by the Supreme Court and as existing is an amendment of the Constitution. This requires special majorities in both Houses of Parliament as laid down by Article 368 of the Constitution, not an ordinary majority. Even in matters where there is no difference, it has been so difficult and time-consuming to secure an amendment of the Constitution. There are specific instances of this which I can furnish to those who want to know. The concept of SAP/S or CL and its abolition is a matter on which there are differences of opinion. The proportion and number of MPs belonging to the SEEdBCs is less now than at any time in the recent past. Even among the BCs the More, Most and

Extremely Backward castes of the SEdBCs may have a different opinion. Therefore, we have to find a route, which is practical and may be less difficult.

21.7 The alternative route I have been suggesting is a Government Order whereby after exhausting all candidates of non-SAP/S or non-CL category in recruitment to any post in any cadre, if any deficit is left, that deficit should go to BCs of SAP/S or CL category instead of going to the so-called “General” category, which really means Socially Advanced Castes or non-SC, non-ST, non-BC castes.

21.8 This can be laid down, implemented and enforced through an Executive Order. Elected and Other representatives of SEdBCs and NGOs working for them and other well-wishers of SEdBCs should strongly and unitedly press the Government of India for passing such an Order.

21.9 Such a recommendation was made by a Standing Committee of the Parliament on my suggestion to certain MPs of that Committee in 2007-08 in the context of the Central Educational Institutions (Reservation in Admission) case [Ashoka Kumar Thakur vs Union of India, (2008) 6 SCC 1]. Though this was placed before the Supreme Court in that case and this point was urged, the judgment did not touch upon this. It was neither accepted nor rejected. So, the field is clear for an Executive Order.

21.10 There is an unfortunate tendency in our country, which is not only against the interests of SEdBCs but also against the national interest, of filing Writ Petitions (WPs)/ Public Interest Litigations (PILs) against any legitimate and Constitutionally valid step taken to promote the interests and fulfil the rights of the SEdBCs, and also SCs and STs and even women. Therefore, one should expect and be prepared for WPs / PILs against an Executive Order as above. The SEdBCs and their elected and other representatives and NGOs and social workers working for them should set up a people’s machinery in all States and at the Central level to take note of any such WP/PIL in any High Court or the Supreme Court, and immediately contest it. There are sufficient number of lawyers of the SEdBCs and also of the SCs and STs and women who can be brought into this set-up.

21.11 As soon as such an Executive Order mentioned above is passed, the first step should be to file a caveat so that no order or stay order is passed by any Court without hearing the SEdBCs and the Government. Thereafter, when a WP / PIL is filed in High Courts, the people’s set-up should move for all WPs/PILs in High Courts to be transferred to the Supreme Court by

filing a petition in the Supreme Court on the ground that the subject does not pertain to any single State, but to the whole country and, therefore, it should be heard and decided only by the Supreme Court, so that confusion is not created by contradictory judgments by different High Courts. This was the method we successfully followed in the Mandal case as well as in the Central Educational Institutions (Reservation in Admission) case.

21.12 There are sufficient strong grounds to argue before the courts that BCs of the SAP/S or CL category have a better claim from all points of view than SACs or NSCTBCs to the deficit posts for which adequate numbers of candidates of the non-SAP/S / non-CL category of BCs are not available leaving a deficit. I am ready to help any organization(s) of or for the SEdbcS in preparing these grounds cogently and persuasively. Even those who feel that the concept of SAP/S or CL and their exclusion should be completely abolished can join in the effort for this alternative route as an interim and quick measure to protect the posts / seats of the SEdbcS.

21.13 There is need for full statistical transparency in Ministry of Personnel's Annual Report in future. Nobel laureate Thomas Picketty, who has specialised in study of Inequalities and worsening Inequalities in recent times, pointed out, when he came to India recently, that there is no adequate statistical transparency in India and very recently the level of transparency has further diminished. This is true of statistics pertaining to SEdbcS, SCs and STs.

21.14 There are different levels in each Group of posts and vacancies. To lump all of them together is to conceal the very low percentage of BCs reducing and tapering down as one proceeds up level by level. For example, the Ministry should be required to furnish in every Annual Report disaggregated figures for each level of Group A, namely, Under Secretary, Deputy Secretary, Director, Joint Secretary, Additional Secretary, Special Secretary and Secretary. Similarly in respect of other Groups also.

21.15 The Ministry should also be required to furnish the deficit, Group by Group and level by level, and action, with all details, particulars and time-schedules, being taken to remove the deficit.

21.16 The Annual Reports should also furnish the number of defaulting Ministries/ Departments and their names, the names of officers responsible for the default and particulars of action taken /being taken against them, and furnish particulars of such action taken in the succeeding Annual Reports. The names of the Ministers of such defaulting Ministries and Departments

should also be furnished in the Annual Reports which will have obvious consequences including public and electoral reactions.

21.17 The Ministry should be asked to furnish, in the Reports, data regarding Public Sector Undertakings (PSUs) and Public Sector Banks (PSBs), universities, and other institutions to which Reservation applies, similarly segregated Group by Group and level by level including in Board of Directors / similar apex bodies in the case of PSUs and PSBs, and Lecturers/ Assistant Professors, Readers / Associate Professors and Professors and Vice-Chancellors in the case of Universities and other appropriate units of disaggregation from bottom to top, level by level in the case of other institutions.

21.18 The Ministry will take the stand that it is concerned only with Reservation in the Central services. Separate Ministries are created only for administrative convenience and not for avoiding a holistic picture of each subject. Therefore, the Ministry of Personnel should assume the role of coordination of all other Ministries concerned with Reservation other than in Central services, or a Ministry/Department of Reservation should be created. This Ministry or Department should be in the portfolio of the Prime Minister as the Ministry of Personnel now is. That Ministry or the Ministry of Personnel should be asked to furnish also the deficit Group by Group, level by level, Ministry / Department-wise and cadre-wise and similar units of disaggregation in other institutions and furnish steps taken / being taken to eliminate the deficit and prevent future accrual of deficits.

21.19 The Ministry should also be required to analyse and furnish data segregated as above cadre by cadre to identify areas of weakness, casualness, indifference, deliberate negativism and to identify persons responsible and furnish particulars of action taken / being taken against such individuals.

21.20 These essential data may not be available in the forthcoming Annual Report for 2016-2017 for the year 2015-16 which will furnish the position as on 1.1.2015. Therefore, soon after the next Annual Report is tabled, a Supplementary Report with all the missing data should be brought out by the Ministry of Personnel in coordination with other Ministries/Departments and autonomous organizations under the Government to which Reservation for SEBCs applies, without waiting for the next Annual Report of 2017-2018.

21.21 During the Budget, only some Ministries are taken up for detailed discussions in the House. Usually, the Ministry of Social Justice and

Empowerment which is in charge of SCs and SEEdBCs and the Ministry of Tribal Affairs are not taken up for such detailed discussions, indicating the sense of distorted priority of all Governments till now. Therefore, the Minister for Parliamentary Affairs and the Prime Minister should be moved to provide for discussion on Reservation for SEEdBCs and for SCs, STs, women, PwDs for detailed discussions in every Budget Session irrespective of whether the respective Ministries are slated for detailed discussions or not. They may also be requested to provide for detailed discussion of comprehensive Social Justice measures, both legislative as well as programmatic / schematic, for the SCs, STs and SEEdBCs every year in the Budget session, irrespective of whether the respective Ministries are slated for detailed discussions or not. Parties should also train their MPs to speak on specific points arising from these Reports, after studying them closely, instead of making rambling and repetitive speeches which may miss the points, or get at least a few MPs elected who are capable of this.

21.22 The position of Reservation in many States is worse than the position in the Centre. SEEdBCs and their authentic and devoted representatives and friends should ask for similar data as mentioned above every year from every State Government. It will be still better, if in addition, the Central Government can also coordinate and furnish disaggregated data as above State by State so that weak areas can be identified and remedial steps taken.

21.23 The Centre should not avoid this by saying that Reservation in States is a State subject. Reservation is a national issue and subject. The country is one. Therefore, it is appropriate that the Centre takes up a coordinating role with regard to Reservation for SEEdBCs, SCs, STs, women and PwDs as it is doing, though not quite effectively and rather mechanically, in respect of the PCR Act and the SC and ST (POA) Act.

21.24 There is no legislation for Reservation for SEEdBCs in Posts and Vacancies under the Central Government and many State Governments. Reservation can be provided by Executive Order or by legislation. Legislation is preferable as it is more transparent and tighter than Executive Orders. Some States including Tamil Nadu, Odisha, Manipur, UP have legislations. Andhra Pradesh has a legislation of July 2007 for the newly introduced sub-quota of 4% for SEEdBCs of Muslims identified by me in my Report of June 2007.

21.25 I have been interacting with all Governments/Coalitions/Parties with regard to their CMPs from the point of view of SCs, STs and SEEdBCs. Thereby, through my advice to Ministers, MPs and leaders concerned about

Social Justice, I could get legislation for Reservation included in the CMP of the UPA Government in 2004, among certain other commitments to SCs, STs and SEEdBCs in its CMP.

21.26 Drafting of legislation for SEEdBCs was struck on the issue of SAP/S or CL and Reservation in Promotion. In view of the Supreme Court's judgment regarding SAP/S or CL and as no decision had been taken about Reservation in Promotion for the SEEdBCs, the Government pleaded inability to provide for these two items in the draft legislation in respect of SEEdBCs and the matter got struck there (the legislation for reservation for SCs and STs fell mid-way for another reason which I have explained elsewhere).

21.27 The prudent and practical course for the SEEdBCs would have been and would now be to ask for reservation on the basis of and to the extent of existing Executive Orders, and after it is passed, get decisions taken by Government on the two or three sticky points and then move for an Amendment Bill to bring them in.

21.28 According to my practical experience of three and half decades in Governments, it is not possible for everything legitimate and everything we justifiably want in a legislation at the first instance. It would be prudent and practical to get the maximum of what one can get at the first instance and move for amendments. This is how I strategized the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 [POA Act] and the POA Act Amendment Act 2015. Many provisions in the Amendment Act of 2015 were provisions which I had wanted in the original Act of 1989. If I had insisted on their inclusion in the Act of 1989, that Act would not have materialized. Because that Act was passed at that time, it became possible to secure the present Amendment Act of 2015, and meanwhile secure some benefit from the Act of 1989 for the protection of SCs and STs.

21.29 Legislation for Reservation is a Must. It is one of the items in the Road-Map furnished to Government after Government, leaders of each Government and of national parties, for bringing about Equality for SCs, STs, and SEEdBCs with SACs/ NSCTBCs in all parameters of life, development and welfare.

21.30 If we are able by our joint effort to get an Executive Order regarding deficit SEEdBC vacancies going to CL / SAP(S) as suggested by me above, we can move to get that point also included in the legislation. If we are not able

to get that Executive Order passed before the legislation, we may after the Act is passed, move for an amendment to include it.

21.31 SEdBCs and their representatives and those who are working for them should take the trouble to secure justice in Reservation for them as a class and also for the different categories among them and also women among them and the disabled among them. This is necessary, both as a matter of justice by spreading the benefit of Reservation widely down to the bottom and in order to preserve the unity of the SEdBCs and prevent mutual antagonisms within and among SEdBCs.

21.32 The method which has evolved in this country is categorization of SEdBCs with sub-quotas for each category within the total percentage of Reservation for SEdBCs as a whole. This practice evolved in the Southern States long back, in one case even before Independence. Kerala has got ab initio the most elaborate scheme of categorization of 8 categories with sub-quotas. Andhra Pradesh had ab initio 4 categories (namely Group A (Nomadic and Vimukta Jati castes), Group B (Occupational castes which are essentially artisan and artisanal castes), Group C (SC Converts to Christianity and their progeny) and Group D (other SEdBCs) and since 2007, on the basis of my Report and Advice, a fifth category, namely, Group E consisting of SEdBC caste-like communities / inter-generationally continuous social groups of Muslims identified by me. In Karnataka, the list of SEdBCs is divided into 5 categories. In Tamil Nadu, SEdBCs are categorized as Backward Classes and Most Backward Classes and, since 2007, Muslim Backward Classes. Maharashtra has also been having a scheme of categorization with sub-quotas.

21.33 The categorization in southern States has helped to spread the benefit of Reservation more widely among SEdBCs, and substantially prevented unequal competition among SEdBCs who are at different levels of backwardness. There is some fine-tuning required in the scheme of categorisation in Karnataka, Andhra Pradesh (now AP and Telangana) and Kerala. The categorization in Tamil Nadu is not complete and has to be made more comprehensive like the other 3 South Indian States. The categorization in Maharashtra also needs to be made similarly comprehensive.

21.34 North Indian States took time to catch up in the matter of categorization of SEdBCs. First in North India was Bihar under the late Shri Karpooori Thakur, who had earned respect for his integrity and who belonged

to one of the Most Backward Classes. Now, some but not all States north of the Vindhyas have introduced categorization and sub-quotas.

21.35 The Centre, which ought to lead by example, is the last of the laggards. Despite numerous advices from me personally by letter, through Reports of Working Groups, which I chaired, and Steering Committees of which I was a Member, and personal discussions with Ministers and leaders of different Parties including the two Parties of Government, the Congress and the BJP, and despite Advice of the NCBC in its Annual Report for 1999 on my initiative and subsequently also, the Centre has not moved in this matter. Very recently, on 2nd October 2017, the Government of India has set up a Commission headed by J (Retd) G. Rohini, former Chief Justice of Delhi High Court, for categorization of SEEdBCs. SEEdBCs, their organisations and their friends need to be in close touch with the process of the working of the Commission so that the outcome is fair, based on objective facts and judicially sustainable.

21.36 Comprehensive categorisation is absolutely essential to prevent unequal competition among SEEdBCs and consequent mutual ill-will within SEEdBCs, which will damage unity among castes of SEEdBCs and in order to secure unanimity not only in protecting and ensuring proper implementation of Reservation for them but also to secure other measures of comprehensive Social Justice which they need for reaching the goal of Equality in all parameters with the SACs/NSCTBCs.

21.37 Unfortunately, there is short-sighted covert resistance to this from the less backward castes, especially landowning castes of BCs. As a result, there is no categorization of SEEdBCs in such an important State as Uttar Pradesh and in the Centre. Even in Tamil Nadu, categorization, limited in scope, was initiated only after the agitation of the Vanniyar

21.38 In all States, the less backward castes of the SEEdBCs should act with farsightedness and generosity and take the initiative for establishing comprehensive categorization in all States and at the Centre, so as to prevent internal competition among unequals. They can easily do this in States where Parties and CMs of SEEdBCs are in power like Bihar, UP (till 2017), Tamil Nadu, Assam (since 2017 the CM is of ST), and they can help to build a united movement to achieve this in other States and in the Centre.

21.39 SEEdBCs, along with SCs and STs, should also strongly and unitedly move for a share for women among them and the disabled among them.

Some States already have provided for 33% sub-quota for women among SCs, STs and each category of SEdBCs and Others with the stipulation that if adequate number of women are not available, the deficit should go to men of their respective class / category. The late Shri N.T. Rama Rao, former CM of Andhra Pradesh, pioneered this formula in respect of women.

21.40 The sub-quota for women may be 50% with the same stipulation, but should at least be 33%. There are persons with disabilities in every class and category. The Centre has provided 3% Reservation for PwDs (recently in 2016-end raised to 4% by the Rights of Persons with Disabilities Act, 2016 after an inordinately long wait). SEdBCs, along with SCs and STs, can move for 4% Reservation for PwDs among them with the same stipulation that if there is not enough number of PwDs, the deficit should go to the men/women of the same class / category. This pattern should be provided in Reservation in posts as well as Reservation in education.

21.41 There is a general tendency to focus only on Reservation in employment. This is important but not enough. Reservation in education is equally important. SEdBCs and their authentic representatives and their friends should ask for and secure similar disaggregated data regarding Reservation in education every year.

21.42 In 2005, following the *Inamdar* judgment of the Supreme Court which held that under the existing Constitutional provisions, the Government does not have the power to require private medical and other professional institutions to provide Reservation, the Parliament with near-unanimity, with only one abstention, enacted the Constitution (Ninety-third) Amendment inserting new Clause (5) in Article 15, empowering (and, on the basis of the correct interpretation, mandating) the State (that is Central Governments as well as State Governments) to lay down Reservation for SC, ST and SEdBC by law in Government educational institutions as well as private educational institutions [it is worth recalling that the first Constitution Amendment 1951, piloted by Prime Minister Nehru and Law Minister Dr Babasaheb Ambedkar, was enacted in response to the powerful movement mounted by Periyar following the Champakam Dorairajan case and Venkataramana case judgments of the Supreme Court. It was that Amendment and Clause (4) of Article 15, by which the State (Central Government as well as State Governments) was empowered to take any measures for the advancement of the SEdBCs and for the SCs and STs].

21.43 Under the new Clause (5), the Central Government enacted the law titled Central Educational Institutions (Reservation in Admission) Act, 2006 stipulating Reservation for SCs, STs and SEdBCs, but only in Government and Aided Institutions. In many States, Reservation for SCs and STs, and in some States Reservation for SEdBCs also, was existing prior to the *Inamdar* judgment.

21.44 The Act of 2006 was drafted carefully so as to ensure Reservation in such a way that the then existing open / general seats (which virtually were all availed of by SACs/NSCTBCs) were not reduced. This was achieved by increasing the number of seats in each institution not only to accommodate the Reservation percentages but additionally to ensure maintenance of the then existing open / general seats. Extra funds were provided by the Government for creating the additional infrastructure required on account of this increase.

21.45 If the increase of funds was limited to accommodate the new 27% Reservation for SEdBCs (SCs and STs already had Reservation in Government and Aided institutions), the extra funds would not have been required. Thus, the additional expenditure was required only to help SAC/NSCTBC students. The term of teachers about to retire was extended.

21.46 Thus, before a single SEdBC candidate for admission could get the benefit of Reservation (stayed by the Supreme Court till April 2008), teachers (virtually all of them of the SACs/NSCTBCs) got the benefit of that Act. Yet, our learned media referred to the additional expenditure incurred as expenditure for SEdBCs!

21.47 This is because our media, both print and visual, have virtually no eyes or ears for the SEdBCs and SC and ST points of view with rare exceptions like the Indian Express, Frontline and Puthiya Thalamurai. On the few occasions when I was invited in 2007 to panel discussions on channels like the CNN-IBN and in my articles published in certain newspapers and periodicals, this irony of dubbing expenditure incurred for helping SACs / NSCTBCs as expenditure incurred for the benefit of SEdBCs was pointed out by me but did not register with the SACs/NSCTBCs and with the media in general which are dominated by the SACs/NSCTBCs.

21.48 Even then, this Act was challenged by WPs/PILs. The then Minister for HRD the late Shri Arjun Singh, who was the political moving spirit behind the Constitutional amendment as well as the Act and the then Secretary the

late Shri Sujit Banerjee, who always was positive about Social Justice, who were both aware of my role with regard to implementation of the Mandal Commission's Report and its successful defence in the Supreme Court, wanted my help as Advisor to the Ministry in preparing the counter- affidavits of the Government and guiding the Government and its lawyers to defend the Act. I drafted the Government's counter-affidavits and furnished essential inputs, of which most officers, political leaders and lawyers are ignorant of, to the then Solicitor General (subsequently Attorney General), the late Shri Ghulam Vahanvati, and the then Additional Solicitor General (subsequently Solicitor General) Shri Gopal Subramaniam — both redoubtable lawyers — and their team. Both of them handsomely acknowledged in the open court, after completion of their respective arguments, that they were able to argue so effectively because of the inputs furnished by me to them. I also furnished inputs to the Special Counsel, Shri K. Parasaran, former Attorney General and one of the greatest legal luminaries of our country, sincerely devoted to Social Justice, and also to counsels for States like Shri Ravi Varma Kumar of Karnataka and also to counsels for SEdBC organizations. As a result, our lawyers were able to completely demolish the arguments of the counsels for the petitioners, who included eminent lawyers like Shri Harish Salve and Shri P.P. Rao and we were able to get a unanimous verdict upholding the validity of the Act from a Constitution Bench of 5 Judges headed by the then Chief Justice Shri K. G. Balakrishnan, on 10 April 2008.

21.49 But, the then UPA Government did not proceed with the legislation for Reservation in private institutions, inspite of my advice in writing and in person to the then UPA Government's Minister for HRD Shri Kapil Sibal, and the Ministry and I parted ways. Nobody in the UPA Government took interest in this aspect of the matter, leaving the private sector colleges and universities free to reap rich harvest year after year of bloated fees and other levies and allowing the SC, ST and SEdBC students to be barred in effect from the private institutions which account for a large proportion of seats and which are continuously expanding, though the 93rd Constitutional Amendment and Clause (5) of Article 15 gave powers to the State to correct this. Thus the Reservation policy in respect of SCs, STs and SEdBCs and also PwDs has indirectly been nullified and the Constitutional provisions mandating Social Justice including Reservation have been virtually abrogated in respect of the bulk of the seats in medical, technological and other professional seats.

21.50 We have to see what the present NDA Government will do to rectify this speedily. I have taken this up personally and as Member of the National Monitoring Committee for Educational Development of SCs, STs and Persons with Disabilities (PwDs), during the UPA regime as well as the present NDA regime, in its three meetings chaired successively by Ministers Shri Kapil Sibal, Shri Pallam Raju and Smt. Smriti Irani.

21.51 All work at the official level has been completed. All that is now required is a political decision to enact the legislation for Reservation in private educational institutions (the main target being medical and other professional colleges and universities).

21.52 This political decision from all indications will come only when SCs, STs and SEdBCs jointly undertake a strong movement requiring the Government not to delay this legislation any more. Social Justice movements must focus on specific issues like this.

Rise of the SEdBCs

22. Would you attribute the rise of the OBCs more to Mandal reforms than to their political mobilisation?

22.1 I would say that the process starts with mobilisation. This in turn influences politics and political parties. The introduction of reservation for SEdBCs based on the Mandal Commission's recommendations was facilitated by political mobilisation. Introduction of reservation in turn helped the SEdBCs to move forward. Reservation for SEdBCs came into existence in peninsular India well before Independence, thanks to the social mobilisation of the SEdBCs in peninsular Provinces and Princely States. The social mobilisation of the SEdBCs in the provinces and princely States on the one hand elicited enlightened response from the rulers of Kolhapur, Mysore, Travancore and Cochin and, on the other hand, led to the formation of the Justice Party Government in the Madras Presidency. One important outcome of this was the introduction of reservation in these provinces and princely States and also in the Bombay Presidency. Mobilisation in North India and the rest of the country was slower. The type of mobilisation of SEdBCs on a substantial scale as happened through movements associated with Mahatma Phule, Narayanaguru and Periyar in the pre-Independence period, did not occur in the trans-Vindhyan or the north-of-the-Vindhya States in the period before Independence and in the early post-Independence period.

22.2 One person who pioneered the idea of reservation for SEdBCs in the North was Dr Ram Manohar Lohia. But the mobilisation of SEdBCs took time. In the North, Bihar was the earliest State where the mobilisation of SEdBCs began to happen. Shri Daroga Prasad Rai, who belonged to the BCs, appointed the Mungerilal Commission in 1971. Reservation for BCs on the basis of that Commission's 7-volume Report was implemented a few years later when Shri Karpoori Thakur, who belonged to one of the Most Backward castes of Bihar, became Chief Minister during the Janata wave of 1977.

22.3 The period before 1977 saw some political mobilisation of the SEBCs in some other parts of North India. Shri Charan Singh was the prime mover at that stage in Uttar Pradesh. One of his strengths in securing the support of SEBCs was that he scrupulously avoided and resisted any move to get his community, the Jat, recognised as or included in the list of SEBCs, as he rightly believed that Jats are not socially backward. The political mobilisation of BCs in UP and Bihar during the late 1960s and 1970s was one of the factors which led to the victory of the Janata Party in the 1977 elections and subsequent State elections in a number of north Indian States.

22.4 It was the formation of the Janata Government that facilitated the establishment of the Mandal Commission in response to the aspirations of the BCs of North India, visibly expressed in the election of 1977. But that Government, on account of various reasons which I do not want to discuss here, fell in 1979 before the Mandal Commission completed its work and furnished its Report on 31.12.1980. A decade later, in the Lok Sabha elections of 1989, the political mobilisation of SEBCs was one of the factors that led to the victory of the National Front and Shri V.P. Singh. The significant contributory role of the SEBCs in this was visible as in the Lok Sabha elections of 1977. This in turn facilitated the implementation of reservation of 27% for SEBCs in the Central services as recommended by the Mandal Commission.

22.5 The short-lived V.P. Singh Government took certain steps to facilitate unbiased processing of the Mandal Commission's Report. One step was to post me as Secretary, Ministry of Welfare, from my previous Secretary-equivalent post of Special Commissioner for Scheduled Castes (and during certain periods for Scheduled Tribes also). This was done despite the negative position taken by the then Cabinet Secretary, who, as mentioned to me by the Minister Shri Ram Vilas Paswan, gave misleading information. Shri Paswan told me that, according to the then Cabinet Secretary I had "too little service". This was misunderstood, as probably intended, by the Minister and the Prime Minister that I was too junior to be Secretary. I showed Shri Paswan how most of the Secretaries at that time were my juniors. What the Cabinet Secretary really meant, but apparently couched in ambiguous and equivocal words, was that the period of service left for me was too short, probably referring to the Rule that an IAS Officer should have a minimum of two years' service ahead of him/her in order to be appointed as Secretary. This was not correct because the two-year rule was not only for the post of Secretary but also for equivalent posts. I was appointed to a Secretary-equivalent post more than three years

before the due date of my retirement. I was senior enough for this level even two years prior to that, when I was in posts of the State Government. Once this position was clarified to the Minister and Prime Minister, they went ahead with posting me as Secretary, Ministry of Welfare on 1.1.1990 and I took charge on 2.1.1990. At that point, though I had only 1 year left before my retirement, because I had a clear agenda based on Constitutional mandates and social realities and facilitated by my long experience in this field, I could pack in that one year far-reaching decisions and events which had been hanging fire since a decade (as in the case of 27% reservation for SEdBCs) and longer (as in the case of SC status for neo-Buddhists and Constitutional status for the Commission for SCs and STs).

22.6 From my knowledge, I can say that my presence as Secretary was crucial for a fair decision regarding SEdBCs and perhaps no one else could have made this contribution from the official side. But my posting as Secretary was not entirely fortuitous. It was a consequence of the coming to power of a Government, which came to power to a significant extent on account of SEdBC support in response to a Manifesto commitment. This in turn was possible because of SEdBC mobilisation in North India in the previous decade. Thus, the SEdBC mobilisation, the arrival in power and administrative positions of persons wanting to make long-elusive justice available to SEdBCs and the Mandal reform are inter-meshed. In this interconnected process, the role of people's mobilisation is crucial and basic. Also important is the presence of the right individuals in political and administrative positions of decision-making authority. This combination and conjunction of popular movements and presence of individuals was crucial because the V.P. Singh Government was short-lived and was destined to be short-lived. Looking at the regimes and the leadership of Governments that followed the fall of the V.P.Singh Government, the SEdBCs would have had to wait for an indefinitely long further period if the bus had been missed during 1990 (as the SEdBCs missed the bus before Independence). The Mandal reforms or policy decisions arising from the Mandal Commission's recommendations in turn gave a fillip to the progress of SEdBCs. Also noteworthy in this connection is that the ascendance of V.P.Singh at that national level also saw the ascendance of Chief Ministers belonging to the SEdBCs in Uttar Pradesh and Bihar.

22.7 I have noticed one difference between the SEdBC mobilisation in the South and in the North. In the peninsular India, especially the Southern States, the progress of SEdBCs started with social mobilisation in the mid-19th

century and early 20th century, basically for social reforms and also for better share in education, governance and administration. Social mobilisation and social reform mobilisation subsequently influenced politics and political parties, laying a better foundation for social and political democratisation. In North India, mobilisation started later and was more political. In either case, mobilisation was a crucial factor in creating the ambience for acceptance of reservation for SEBCs and for the steps leading to it. Reservation in turn is helping the SEBCs to move forward in education as well as in improved presence in administration and governance. Their progress will gather greater momentum if the relatively more advanced of the SEBCs take initiatives, such as categorisation on objective basis, so as to spread the benefit of reservation and other Social Justice measures to the More, Most and Extremely Backward castes of the SEBCs.

“Creamy Layer” Issue and Weaker BCs - Categorisation and other Unfinished Tasks

23. (i) *After more than two decades of Mandal in operation, do you feel changes are needed in its basic approach and its scheme? What are your views on excluding the creamy layer from the benefits of reservation?*

(ii) You have held that the lower BCs must be differentiated from the higher BCs as the former have seen very little economic advancement. Among these are occupational castes like Weavers, Dhobis, Fisher people, Barbers and others. It evidently means that, whatever gains the higher BCs have reaped, have bypassed them. Should they be differentiated through special protections and reservations as in Tamil Nadu (Most Backward Castes, MBCs) and Bihar (ExBCs)? (I am not sure whether there is a separate quota for the lower OBCs in Bihar)

23.1 The reforms represented by Dr Ambedkar and the Mandal Commission were part of the movement for deepening democracy in India and securing all-round Justice for the deprived social classes, leading to the establishment of a regime of Social Equality, i.e., Equality for the SCs, STs and SEBCs and every caste of SCs and SEBCs and every tribe of STs with the SACs/ NSCTBCs in every parameter of development, welfare and life – economic, occupational, educational at every level, health-and-nutrition-related, housing-and-residential facilities-related, etc. This is still a work in progress.

23.2 In respect of SEBCs, reservation has not adequately reached the More, Most and Extremely Backward castes of SEBCs. One of the mechanisms adopted in the peninsular States to more evenly spread the benefits of reservation is Categorisation and sub-quota for each Category of SEBCs within the total SEBC quota. The idea in Categorisation is to group the

different castes of SEdBCs on the basis of relative degrees of backwardness and to apportion the total quantum of reservation to the different Categories, so that there is no competition within the SEdBCs among unequals. One of the important justifications for reservation itself was to preclude competition among unequals. Categorisation of BCs is an application of this principle.

23.3 Travancore and Cochin and, following them, Kerala has the most thoroughgoing Categorisation with 8 Categories with sub-quota of reservation for each Category. Karnataka started with 2 Categories and subsequently expanded it to 5 Categories. Andhra Pradesh started with 4 Categories. This became 5 with the introduction of 4% reservation, based on my Report on “Identification of Socially and Educationally Backward Classes among the Muslim Community of Andhra Pradesh”, 2007 and on the corroborative statutory Report of the State Commission for Backward Classes, for the newly identified SEdBCs of Muslim society, who were constituted into a new separate category. Tamil Nadu introduced 2 categories after the Vanniyar agitation. This has now become 3 categories, by constituting already identified BCs of Muslims into a separate Category with 3.5 percent sub-quota in 2007, shortly after Andhra Pradesh provided 4% sub-quota for the newly identified SEdBCs of Muslim society. In North India, Shri Karpoori Thakur, fighting against heavy odds, introduced a binary system of 2 categories in 1977. The Centre, which has been the slowest in the matter of SEdBCs, and some of the North Indian States are yet to introduce categorisation.

23.4 Categorisation and sub-quota for each Category of SEdBCs within the total BC quota has certainly helped to spread the benefit of reservation better and helped the weaker SEdBCs to get some share in education as well as employment through reservation. But Categorisation patterns in States where Categorisation exists require fine-tuning in order to fully achieve the objective. Such fine-tuning must be done on a purely objective basis and it is not at all difficult to do this provided calculations based on electoral considerations are not allowed to intrude.

23.5 In the Centre and in States where there is no categorisation it has to be introduced and it has to be put on a sound and thorough footing *ab initio*. The mechanics of it is not difficult. But it requires two or three facilitating factors. The first is recognition on the part of the least backward castes of the SEdBCs that failure to meet the aspirations of the More, Most and Extremely Backward SEdBCs castes and giving reasonable space for them through categorisation is creating internecine fissures among the SEdBCs and this

will hamper the progress of SEdBCs as a whole and the process of fuller democratisation of society. They must come forward espousing the cause of the More, Most and Extremely Backward castes of SEdBCs and in favour of categorisation with sub-quotas. Simultaneously, Governments and major ruling and opposition parties must recognise that the main task is to integrate society through establishment of Social Equality by means of comprehensive Social Justice measures including evenly-spread reservation and thereby strengthen the nation and its economy. They should play an active role in bringing about understanding of these issues in the wider society and in introducing a rational and comprehensive scheme of categorisation.

23.6 While introducing categorisation, it must be recognised that the range of variation among SEdBCs is wider than among SCs. At the lowest end, there are castes among SEdBCs whose conditions are close to the conditions of the SCs except that the former do not suffer from the imposition of “Untouchability”. At the other end are castes of SEdBCs whose conditions are just below the SACs/NSCTBCs.

23.7 There are four distinct layers of SEdBCs. The most disadvantaged are the “Extremely Backward Castes”, viz.,

Nomadic castes;

Ex-“Criminal” Tribes, who are the castes which were collectively treated as “Criminal” in the colonial period and who are now called the “Vimukta Jatis”, which means the “liberated castes”, but the only liberation they have experienced being the change in name;

Castes of folk entertainers;

Mendicant castes, i.e., castes which have been rendered so helpless and vulnerable that their traditional means of livelihood is mendicancy in one form or the other;

Other indigent castes; and

Castes which are not included in the SCs only because of Clause (3) of the Presidential Orders, such as the Muslim scavenger castes of Halalkhor; Muslim Mehtar and Muslim Lalbegi, and Christian Mala, Madiga, Devendrakulathor, Pulaya etc.

Less disadvantaged than the Extremely Backward castes are the Most Backward castes. They include

artisan castes like castes of weavers, potters, blacksmiths and other smiths;

artisanal castes like castes of stone-cutters and of fisher-folk;

service-providing castes like castes of hair-cutters and washer-people;

pastoral castes like castes of shepherds and camel-herders.

[Here and elsewhere, reference to occupational castes like castes of weavers refers to occupations with which each caste of this category of castes is traditionally linked and does not mean that all or most members of these castes are engaged in that traditional occupation, but, irrespective of actual occupation of members of each of these castes, the status of the caste is related to the traditional occupation with which it is associated].

Less disadvantaged than them are the “More Backward Castes” such as castes of tenant-cultivators and share-croppers, and above them are land-owning peasant castes.

23.8 To grapple with this width of variation, at least a four-fold categorisation is necessary. Muslim SEBCs and Christian SEBCs can be fitted into this in one of the two ways which have been evolved.

Very recently, on 2nd October 2017, the Government of India has set up a Commission headed by J (Retd) G. Rohini, former Chief Justice of Delhi High Court, for categorization of SEBCs. SEBCs, their organisations and their friends need to be in close touch with the process of the working of the Commission so that the outcome is fair, based on objective facts and judicially sustainable.

23.9 Categorisation of BCs is an important step, but not the only step. Various other measures are necessary, both economic as well as educational. For example, artisan communities should be given control over the sources of their raw materials. They should be provided common infrastructure for productive processes and facilities to directly access the market. An example of this is to lay down that leases for all stone-quarries shall be given only to traditional stone-cutters belonging to certain castes like Vaddar in Telangana and Andhra Pradesh; Boyan in Tamil Nadu and Kerala; Vaddar and Bhoi in Karnataka. (In Karnataka and part of Kerala, they are SC – elsewhere they are SEBCs of the Extremely/Most Backward category).

They should also be provided modern equipments which will free them from extreme labouriousness and hazards, training in their use, and trucks for transport of sized-stones from quarries to construction sites and to sites of other end-product sized-stone. The railways and other public sector users of sized-stones should be required to secure their supplies direct from the producers. This has been attempted to a limited extent in Andhra Pradesh with substantive improvement in the economic conditions and educational status of the castes of such producers. This is an example. My wife Shantha ji who has extensively worked among potters and other artisans has worked out the specificities of measures along the above lines for potter-artisans. It is possible to work out measures appropriate to each of the occupations. I had worked out such measures in respect of certain artisan and artisanal castes in a Note given to Smt. Maneka Gandhi, when she was the Minister for Social Justice & Empowerment in the Vajpayee Government, following certain discussions with her by me and my colleagues of the NCBC. The discussion started with her approach to stop the practice of using snakes by snake-charmers. I requested her to simultaneously take up measures for the effective rehabilitation of existing snake-charmers and members of that community who belong to the SEBCs under her charge in alternative occupations which provide viable and dignified livelihood. The discussion then extended to the measures to be taken up for securing economic viability to SEBC communities depending on various traditional occupations. It was then decided that I would illustratively send her notes in respect of measures which could be undertaken and implemented. After this Note was sent, separately for a few communities, nothing further was done about it. Perhaps, she will consider giving an explanation to the people about what she has done on these proposals and why nothing tangible came out. She owes this to the SEBCs, having been in charge of SEBCs along with SCs.

23.10 The More Backward castes of the SEBCs are prominent among share-croppers like Bataidars in Bihar. Tenancy reforms, providing secure occupancy, and the freedom and facility to purchase the lands of which are they are crop-sharing tenants, are part of important measures for them. This has been touched upon in the Mandal Commission's Report also. But attention has gone only to its recommendation regarding reservation. As I pointed out earlier, a Report on reform to benefit the Bataidars of Bihar along these lines is lying with the Chief Minister of Bihar Shri Nitish Kumar for a number of years. I hope he implements this reform without further delay.

23.11 While strengthening the economies of SEdBCs in their respective traditional sectors of occupation, their younger generation should be provided encouragement and facilities for entry into modern occupations of their choice through educational measures. These measures should include residential schools of high-quality in every district initially, and successively going down to every Block. This is required for SCs and STs also. Weightage must be given to the Extremely Backward and Most Backward castes of the SEdBCs in admissions to these residential schools.

23.12 Another area pertains to health and nutrition. India ranks very low internationally in the various health parameters like neo-natal, infant, child, under-five mortalities, maternal mortality, anaemia, stunting etc. The very low rank of India is because of the total negligence that the SCs, STs and SEdBCs have suffered. In all these parameters, the SCs and STs are at the bottom. The figures for them are worse than in some of the sub-Saharan African countries. The SEdBCs are better than only the SCs and STs. If the SEdBCs, SCs and STs get the attention due to them in the matter of health and nutrition, particularly the health and nutrition of pregnant mothers and children, the picture for India as a whole will dramatically improve, and this will help in optimally drawing out the human resources latent in the deprived and disadvantaged social classes.

BCs among Minorities

24. You are one of the few champions of the cause of BCs among Minorities. You have used all your persuasive powers to prevail upon the Govt. of Andhra Pradesh to legislate quota for Minorities within BC quota. It is, of course, fiercely resisted by Hindu communalists saying our Constitution does not permit reservation on religious lines, however powerfully it is argued that it is not on religious lines, but on caste lines. What is the present legal position on the issue? How do you feel the benefit can be extended to the country as a whole?

24.1 The Andhra Pradesh Government did have the broad impression that there has been lacuna in identifying SEdBCs of Muslims. In fact, Andhra Pradesh remained the only South Indian State in which there was such a lacuna. In Kerala, the position of Muslims as an SEdBC and as a community deserving special consideration has a continuity from pre-Independence times in Travancore and Cochin (USTC), subsequently after independence in the United State of Travancore and Cochin and after States Re-organisation in the Kerala State. Right from the earliest listing of SEdBCs from pre-Independence time, Muslims were recognised as an SEdBC. In the Malabar region, which was part of the composite Madras Presidency / State till 1956, Mappila was recognised as an SEdBC by the Government of Madras. Mappila is the name for Muslims in Malabar. In Tamil Nadu, as part of the Madras Presidency/State, right from the beginning, Labbai, Mappila and Dudekula were included in the list of SEdBCs. Labbai are Tamil speakers and constitute the bulk of the Muslim population of Tamil Nadu. Dudekula are a Telugu caste of the Andhra districts, extending into adjoining Tamil districts. Mappila are the Muslim community of Malabar. This position with certain subsequent additions continued in Tamil Nadu through the recommendations of the Sattanathan (1969-70) and Ambasankar (1985-1989) Commissions. In Mysore the position was similar to that in Travancore and this extended to the larger Karnataka State formed in 1956. The pre-

Independence Miller Committee and all the previous post-Independence BC Commissions of Mysore/Karnataka State have recognised Muslims as an SEdBC, and State Government Orders have followed this. The details are contained in my Report on “Identification of Socially and Educationally Backward Classes among the Muslim Community of Andhra Pradesh” (2007), which with updating is awaiting publication as a book.

24.2 When the separate State of Andhra was formed in 1953 and subsequently Andhra Pradesh in 1956, there was only Dudekula in the list of SEdBCs, which had been inherited from the Madras list. Mehtar (Muslim), a community linked with manual scavenging, was noticed by the Anantaraman Commission in 1970 but omitted on account of the misunderstanding that it was included in the SC list, but was later included in 1972. Qureshi, a community traditionally linked with the occupation of butchering was included in 1986 following the recommendations of the Muralidhara Rao Commission of 1982, but was needlessly and thoughtlessly deleted in the same year. The details are contained in my Report / forthcoming Book on SEdBCs of Muslim community of Andhra Pradesh.

24.3 In 2004, the Andhra Pradesh Government declared the entire Muslim community as BC and provided 5% reservation for them. It was struck down by the High Court of Andhra Pradesh in the *T. Muralidhara Rao* case on two grounds — one of them technical, that the State Government had not consulted the State BC Commission, and the second the substantive ground of exceeding the 50% limit since the 5% reservation for Muslims took the total for SC, ST and BC to 51%.

24.4 In 2005, the State Government, on the basis of the recommendation of the State BC Commission passed an Act declaring the entire Muslim community as Socially and Educationally Backward and provided 5% reservation for them. This was struck down in the Archana Reddy case on the grounds that the nexus of social backwardness in respect of the Muslim community as a whole was not established, that there were deficiencies in the Commission’s procedure and that the 50% limit was exceeded. Two of the concurring judgments also imported the concepts of “suspect legislation”, “compelling governmental need”, “narrow tailoring”, “least restrictive alternative” and “strict scrutiny” evolved by the US Supreme Court in a totally different Constitutional context, without noticing that the Supreme Court had in 2002 categorically ruled out the relevance and applicability of these American concepts to India.

24.5 At that stage, the State Government sought my help in identifying Socially and Educationally Backward Classes of the Muslim community in accordance with the principles arising from the Constitution and its interpretation by the higher judiciary. My help was sought because my reputation for work for securing Justice for SCs, STs and SEBCs, at the State level as well as at the Central level, was well-known. The Principal Secretary to Chief Minister Shri Jannat Hussain and the Principal Secretary, Backward Classes Welfare Shri Amitabh Bhattacharya came to Delhi and discussed this with me. This was followed by a discussion of the Chief Minister with me, also at Delhi. I accepted the request that I may give a Report on the subject as Advisor to the State Government. My only condition was that no remuneration should be paid to me for this work. I was appointed Advisor to Government of Andhra Pradesh, Backward Classes Welfare in 2007 for this purpose with the status of a Cabinet Minister of the State. At that time, I was also busy, as Honorary Advisor, Ministry of Human Resources Development, Government of India with organising the effective defence of the Central Educational Institutions (Reservation in Admissions) Act, 2006 in the Ashoka Kumar Thakur case. I was in a position to start the dictation of my Report on the 10th May 2007, the anniversary of the Upsurge referred to as the Sepoy Mutiny by the British and as the First War of Indian Independence by Indian nationalists – as I mentioned earlier, as far as possible I choose such good days for starting important items of work. I completed my Report in one month because I had all the information and material with me in my head and in my personal library. I furnished my Report to the Government and made a presentation of its salient aspects at a meeting presided over by the Chief Minister and attended by the concerned Ministers and officers and the Advocate General. In that Report, furnished to the State Government on 11.06.2007, I made a comprehensive survey of Muslim society and the pattern of stratification and hierarchy in it in the various regions of India, with a peep into adjoining countries and medieval Spain and Iran, and against that background and on the basis of unquestionable facts, identified 13 socially backward social groups of Muslims of Andhra Pradesh and one residuary group and also identified 10 socially advanced social groups of Muslims and recommended the inclusion of the former in the State BC list as a separate Group E with 4% reservation, which ensured that the 50% limit was not breached and is also justified by the estimated population of the identified BCs, and the specific exclusion of the latter ten from the list. The State Government communicated my Report to the Andhra Pradesh Commission for Backward Classes (APCBC) for its consideration. That Commission put my report on its website transparently, inviting objections

and comments, held public hearings, took into account the materials in my Report, the Sachar Committee Report, Ranganath Misra Commission Report and their own survey data and made its statutory recommendations to the State Government recommending the social groups identified by me, one more group which had come to its notice during its enquiries (I was aware of this community, but it had not been recommended by me because the recent compendium of the Anthropological Survey of India had not noticed it), added certain synonyms on the basis of their enquiry and recommended 4% reservation for them. The State Government issued an Ordinance, followed by Legislation, which was almost unanimously passed by the State Legislature within one month of my Report and in the same week as the APCBC's Report. This shows the ability of the Indian system to produce quick results if there is a clear will. The Ordinance/Legislation was challenged in a series of Writ Petitions in which the case of the State, the APCBC and other Respondents was argued elaborately both on Constitutional grounds as well as factual grounds. The Constitutional position regarding the inapplicability of American concepts of strict scrutiny etc. and the judicial standard of review of a plenary legislation in the Indian Constitutional context, as laid down by a catena of Supreme Court judgments, were pointed out. On the factual side, the fact that nobody had shown any material against the factum of social backwardness of any of the identified social groups and that the identified groups were covered by the Mandal Commission's "Rough and Ready" method for identification of BCs among non-Hindu religious societies, being counterparts of already identified Hindu BCs and / or converts from "untouchable" and other "low" castes, and by the "Fast-Track" method in the NCBC's Guidelines for identification of BCs were pointed out. The Fast-Track method is a method of identifying castes/communities which can be seen patently to be socially backward on the basis of their linkage with traditional occupations which are esteemed as low without need for elaborate enquiry and other evidence unless there is contra-material in any particular case. The defence was elaborately planned out during a series of meetings between the Advocate General with his team of lawyers and myself over a number of days before the arguments started in the High Court and after every day of the High Court proceedings. I was present in the High Court every day of the hearing. The Advocate General argued sincerely and forcefully and his team provided support in the same spirit.

24.6 The High Court of Andhra Pradesh struck down the State Act by a majority judgment of 5 against 2 on 8. 2. 2010 mainly on two grounds:

1. Its finding of defects in the State Commission's procedure.
2. Its conclusion that the Act is religion-specific and will encourage conversions to Islam

24.7 The State Government promptly filed an SLP in the Supreme Court. On my advice, the State Government engaged the then Solicitor General Shri G.E. Vahanwati and former Attorney General Shri K. Parasaran for arguing its Appeal in the Supreme Court. We immediately prepared the SLP of the State Government and it was promptly filed in the Supreme Court. After hearing the State's counsels as well as the respondent Writ Petitioners' counsels the Supreme Court passed an interim order on 25.3.2010 allowing the Act to continue to be implemented except in respect of the residuary group, and posting the matter for further consideration by a Constitution Bench. The Appeal against the High Court order, in which now both the Government of Andhra Pradesh and Government of Telangana are parties, is still pending to be taken up by a Constitution Bench of the Supreme Court.

24.8 Thus, the now identified SEBCs of Muslims of Andhra Pradesh have got the long-denied benefit of reservation in education and employment for the last ten years in succession from 2007. During this period, thousands of SEBC Muslims of Group E have got admission into professional and other higher educational institutions. A few of this category have for the first time got selected to Class-I State services. They include two young women, one each into the Class-I State Civil Service and Class-I State Police Service — most probably a first for Muslim women, whether of the SEBCs or the Advanced Classes – in Andhra Pradesh. This had not happened, to my knowledge, even in the old Hyderabad State under Nizam's rule.

24.9 So far as the country as a whole is concerned, the SEBCs of Muslim society as also other Minority societies like Christian and Sikh have been included in the Central List of SEBCs and the list of SEBCs of most States. This is not a new innovation. Right from the beginning of listing of SEBCs and provision of reservation for them, Muslims or the bulk of the population of Muslims have been identified as SEBCs and included in the list of SEBCs. The list prepared by the aborted Kaka Kalelkar Commission's Report (1955) included a number of castes/communities of Muslims. This was also done by the Mandal Commission. It has always been recognised that castes or caste-like communities are the constituent units of not only Hindu society, but also Muslim, Christian, Sikh and Buddhist societies in India. The only exception is the Zoroastrian or Parsi society. The Jain society is virtually

composed of one caste which is the counterpart of the Hindu Vaishya/Bania. Buddhist society in India mostly consists of SC converts who embraced Buddhism along with and following Dr Babasaheb Ambedkar. There are also a small number of Buddhist communities among the sub-Himalayan people, who are included in the list of STs.

24.10 SC Converts to Buddhism were deprived of recognition of SCs on account of Clause (3) of the Presidential Orders which, as it stood at that time, laid down that no person who professes a religion different from the Hindu or Sikh religion shall be deemed to be a member of the SCs. In fairness, the Government ought to have amended Clause (3) so as to deem SC Converts to Buddhism as SCs. This would also have been a proper homage to Dr Ambedkar. But the Indian elite was yet to learn to respect him. In 1980, as Joint Secretary in charge of SC and BC Welfare, Ministry of Home Affairs, I moved a Note to the Cabinet to remove this inappropriate religion-based bar. The then Minister of State Shri Yogendra Makwana supported this. The then Home Minister Shri Giani Zail Singh was sympathetic, but a misapprehension was created in his mind by the then Secretary. I have dealt with this in detail separately.

24.11 Ten years later when I became Secretary, Ministry of Welfare on 2nd January 1990 (I already had the rank and pay of a Secretary to Government of India as Special Commissioner for SCs, but the usual forces were preventing my becoming Secretary of the Ministry who deals with policy decisions), one of the earliest steps I took was to tell the then Minister for Welfare Shri Ramvilas Paswan about this matter and I suggested to him to take the clearance of the Prime Minister to consider this matter at the Cabinet level. On 8.1.1990 at about 8 PM when I was in a meeting in the office of the TRIFED (Tribal Cooperative Marketing Development Federation), I got a call from Shri Ramvilas Paswan that he had spoken to the Prime Minister as they were coming down the staircase after a meeting and taken his clearance. I immediately moved to the Conference Hall of the Ministry in Shastri Bhavan, brushed up the Cabinet Note which I had prepared in 1980, updated it, working under candle-light as electricity had failed at that time, and sent the Cabinet Note to the Cabinet Secretary. On 12.01.1990, it was considered by the Cabinet Committee on Political Affairs and approved. I timed this, keeping in view the importance of the matter and also the information that I had that Shri V.P. Singh was to go to Maharashtra in mid-January in the context of the elections there. The timeliness of this decision with reference to his scheduled visit to Maharashtra must have been a factor in his mind, apart

from the intrinsic merit of the case. The decision was immediately announced and legislation was passed by Parliament at its subsequent session, viz., the Budget Session of 1990, inserting “Buddhist” along with Hindu and Sikh in Clause (3). Thus, virtually all Buddhists in India are now SCs or STs.

24.12 Coming to Muslim SEBCs, the Mandal Commission included a number of castes/communities of Muslim society, but in no State the Commission included Muslims or members of any particular religion as a whole. Lacunae did exist in respect of States whose own SEBC lists failed to identify and include SEBCs of Muslim society wholly or partly. Where Muslim SEBCs were included in the SEBC list of the State and the Mandal List for that State, such castes/communities were included in the first-phase Central list following the principle of “commonality” which was provided, on my suggestion, in the V.P. Singh Government’s Order of 1990 providing reservation for SEBCs, and which was upheld by the Supreme Court in the Mandal case judgment in 1992. The work of preparing the first-phase Central List of SEBCs was done by the Expert Committee on Backward Classes, essentially following my guidance.

24.13 The Supreme Court judgement in the Mandal case and following it the National Commission for Backward Classes (NCBC) Act, 1993 provided for examination of Requests for Inclusion in the Central list of SEBCs by the NCBC and tendering of Advice to the Central Government for Inclusion or Rejection. During this process, I took particular care to see that all genuinely backward castes/communities, and specifically all genuinely Backward castes/communities of Muslim society, which could not be included in the first-phase Central List because either the State List or the Mandal List or both had failed to identify them, were now, after due enquiry and process, included in the Central List. At present there are about 200 entries of Muslim castes/communities in the Central List.

24.14 The Muslim castes/communities now included in the Central List and in most of the State Lists account for 80 to 85 % of the Muslim population of the country and of each State. In some States, it is even more. For example, in Haryana, the Meo community of Mewat, which is socially and educationally backward, constitutes more than 90% of the Muslim population of the State. The Central List for Kerala excludes Muslim communities which constitute less than 2% of the total Muslim population of that State. Muslim SEBCs have been fully included in the lists of most of the States and the Central List for those States. Lacunae existed in Andhra Pradesh, West Bengal, Orissa

and Assam. Out of these, the lacuna in Andhra Pradesh has been corrected by the Andhra Pradesh Reservation in Favour of Socially and Educationally Backward Classes of Muslims Act, 2007 which included 14 identified castes/communities as a separate “Group E” in the State List of SEdBCs on the basis of my Report and the Report of the Andhra Pradesh State Backward Classes Commission. The Request for their inclusion in the Central List is still under the consideration of the NCBC. The West Bengal Government recently corrected the lacuna in its State List. In my understanding, it is only in Orissa and Assam where there may be the need for further examination.

The problem for SEdBCs of Muslims at present is basically not about inclusion, but about the share of reservation they get. They are not able to get their due share in competition with the less backward land-owning castes of SEdBCs. Most of the Muslim SEdBCs in North India belong to artisan and artisanal castes. There are also service-providing, Nomadic, Semi-Nomadic, mendicant and other indigent and scavenging-related castes among them. In South India, according to my study of all available evidence, converts from castes now classified as SCs are the major component of Muslim society. The inability of SEdBCs of Muslims to compete with the less backward land-owning castes of SEdBCs is a problem that they share with the More, Most and Extremely Backward castes of Hindus. The solution to this problem is Categorisation in the short-term and certain economic and educational measures in the long-term. In respect of categorisation there are two patterns, either of which can be adopted in different States and at the Centre.

24.15 In 1993, the Central Government took a tentative step towards Categorisation by entrusting this task to the Expert Committee on Backward Classes. After completing its work regarding SAPS / CL, when we were engaged in this work, the Government withdrew this task from the Committee apparently on account of pressures from the less backward of the SEdBCs. The NCBC has been repeatedly advising the Government of India to undertake Categorisation of SEdBCs. I have also been impressing this on the Government in my personal capacity and as Member of various bodies connected with SEdBCs like the Planning Commission’s Working Groups and Steering Committees.

24.16 The Central Government took the first concrete step towards categorisation by its two OMs dated 22.12.2011, which provided for a sub-quota of 4.5% for the SEdBCs of Minorities who had already been included in the Central List of SEdBCs on the basis of social and educational

backwardness and not on the basis of religion. This was, however, struck down by the Andhra Pradesh High Court on the 20th May 2012. This situation arose, in my opinion, because of the casualness on the part of the Government of India and its counsel in the High Court in defending the Order. The Appeal of the Central Government, for which I have helped in preparing the Affidavit, is still pending in the Supreme Court.

24.17 Categorisation, on a rational and objective basis, without contamination of electoral calculations, is a must for securing due share of Reservation for SEdBCs of Muslim society and the More, Most and Extremely Backward castes of the SEdBCs of the Hindu, Sikh and Christian society.

24.18 One important point of clarification here is that there has been no inclusion on the basis of religion. Specific castes/communities/caste-like social groups, whether of Hindus, Muslims, Christians, or Sikhs, have been included in lists of SEdBCs, whether by the Central or State Governments, or has been recommended / advised to be included by State Commissions or by the NCBC, because they have been found to be socially and educationally backward, and not because of the religion they profess. In fact, religion is of no relevance in the finding of social backwardness.

Muslim BCs

25. The Sachar Committee Report, NSSO and other reports have clearly shown that Muslims are worse off than SCs in terms of most development indicators like education, health, employment and so on. In the prevailing communal environment in the country, do you see any hope for betterment of the status of Muslims?

25.1 The Sachar Committee brought out the weak position of Muslims in various parameters. The broad picture was that Muslims were only slightly better than the SCs and STs. On the basis of its findings, the Sachar Committee in Chapter 10 of its Report recommended that all castes of Muslims which belong to the “Ajlaf” category and “Arzal” category should be included in the list of SEdBCs. In fact, to a large extent this had already been done even before the Committee’s Report. “Ajlaf” is a category of non-“Untouchable” “low” castes among Muslims. Broadly, they correspond to the “lower” castes of Hindu “Shudras”. There is a small category of Muslims consisting of castes which are subjected to discriminations similar to “Untouchability”-based discriminations suffered by the SCs. They are called “Arzal”, a very derogatory term. The Sachar Committee recommended that the “Arzal” castes should be given facilities similar to those given to SCs. This recommendation is fair and practicable. In fact, in the Report of the Working Group on Empowerment of BCs in the X Plan, 2001, of which I was the Chairman, it was recommended that Nomadic, Semi-Nomadic, Vimukta Jati and Scavenging-linked castes and mendicant and other indigent castes of Muslims, which are the castes which have been customarily classified as “Arzal”, along with similar castes among people of other religions, should be given Open-ended scholarships (which exist for SCs and STs) and they should be fully rehabilitated. These measures for them are fair and doable. I have brought these to the notice of successive governments and leaders, including the present Government and its leaders.

25.2 The non-SEdBCs of Muslims are a minority of about 15-20% of the Muslim population. There are poor individuals and families among them. A fair dispensation (which cannot include Reservation) for such genuinely poor among Muslims along with the genuinely poor among the SACs of Hindus, Christians, Sikhs and other religionists, is necessary and possible.

25.3 The above approach to the issues of identification and development of SEdBCs of Muslims and appropriate dispensation for the SAC Poor among all religions is in harmony with the present Government's catchword "*Sabka Saath, Sabka Vikas*" (All together, Development for All). Fair-minded members of the general society including Muslim society must put their weight behind this approach.

Dalit Landlessness Can be Eliminated: Its Crucial Significance

26. It has been held by all progressive forces for a long time that “land to the tiller”, land distribution to SCs and lower BCs would have a multiplier effect and will catapult them to much higher economic and social status. Is it still desirable and feasible? Is sufficient land available for distribution to the huge number of landless? When agriculture is in deep crisis and farmers in thousands are committing suicide, is it a viable solution or would rapid industrialisation help better? One need not, of course, rule out one for the other.

26.1 The bulk of the population of India is rural-resident, about 68%. The proportion of rural residents among SCs is even higher and among the STs the highest. Even many of the areas technically shown as urban have rural characteristics. The bulk of the population of India depends on agriculture, though the share of agriculture in the GDP has come down. India's transition to a really urban society will take a long time. In rural society, status depends on land-ownership, particularly irrigated land-ownership. Castes which collectively are landless have low status. These castes are mainly the SCs. Along with them are certain landless castes of the SEBCs. Among the landless castes, I have found that individuals who and families which possess some land are accorded a slightly better status by others. In this regard I have already mentioned the example of Shri Mala Narasaiah of Iragampally village in Andhra Pradesh.

26.2 The collective landlessness of SCs is linked with “Untouchability”, all-round “Untouchability”-based discriminations against them and Atrocities committed on them. Endowment of a viable extent of agricultural land on every landless SC family and providing irrigation for their lands, is indispensable for improving, normalising and humanising the status of SCs and for eliminating “Untouchability” and Atrocities. As I have already

mentioned, the Governors' Committee has found that there is enough land in the possession of the Government in order to provide a viable extent of agricultural land to all rural landless SC families.

26.3 The position may not be the same in every village. In some cases, with proper preparation and with the informed consent of the people, some transfer of populations to places where there are large extents of allottable lands, including degraded lands which may be reclaimed, may help. China has a programme to shift populations residing in difficult and inhospitable areas to other areas where there are better facilities and scope as part of its programme of elimination of poverty. As I mentioned earlier, there are other sources like Bhoodan lands. Lands of temples are leased out through auctions. This process enables the village elite belonging to dominant land-owning castes to corner these lands. Instead, these lands can be leased out to SC families and to families of other landless agricultural labour communities mostly of the weaker BCs. Lands can also be purchased for this purpose. It is possible to eliminate Dalit landlessness or at least significantly reduce it. The Findings of the Governors' Committee has been corroborated by the Findings of the Ranga Rao Committee in Andhra Pradesh (now both Andhra Pradesh and Telangana). Kerala is the State with the maximum density of population in India. There is an impression that no land is available in Kerala for distribution to the SCs and other landless agricultural labourers. There is information that in Kerala, there are about 60000 acres of lease-expired plantation lands. They can be and should be taken over by the Government and distributed among the rural families of SCs who have traditionally been subjected to landlessness, rural landless families of STs whose lands have been massively and illegally taken over by others and other families of rural landless agricultural labourers. In my recent visit to Kerala in November 2016, I found that there are more than five lakh acres of lease-expired plantation lands with big corporates like Harrisons and Tatas. This should be taken over and similarly distributed. Proper and determined implementation of Regulations and Laws prohibiting purchase or occupation of tribal lands by non-tribals will help restore considerable extents of lands to the STs and eliminate their landlessness in Kerala as well as in other States. In order to resolve this crucial issue once for all, a massive programme has to be launched with all seriousness by the Central Government with central funds. If the Central Government does not come forward for this immediately, the State Governments should take these up by themselves. I have recommended the Task Force approach, which briefly is as follows:

- Setting up in each Taluk/Tehsil/Mandal a small group of empowered officers like a Tahsildar, a Surveyor, with all functional facilities like a jeep, who should go to each village and provide land for every rural SC family by
 - i. Taking stock of all Government lands, such as assessed wastes/Gair-Mazaruva-Aam (and all other lands except privately-owned lands) and also Bhoodan lands which can be straightaway assigned / allotted to SC families and other landless poor agricultural labour families, village by village.
 - ii. Giving *pattas for Government lands* to SC families and other rural landless poor agricultural labour families who are in occupation of Government lands for cultivation;
 - iii. Evicting ineligible occupants of Government lands and giving *patta* in respect of such lands with possession to SC and ST families and other landless poor agricultural labour families

26.4 I have also recommended that, where publicly owned lands are not adequate, private lands may be purchased for distribution to landless SC families. Land can also be provided to them through land acquisition. I have suggested that for this purpose, a small amendment in the Land Acquisition, Rehabilitation and Resettlement Act, 2013, bringing the removal of the historically inherited landlessness of SCs within the definition of “public purpose”, will be necessary. Along with SCs, all rural ST and other poor landless agriculture labour families should also be provided with a viable extent of agricultural land.

26.5 All the lands of the SCs should also be provided irrigation. For this purpose, it is necessary to undertake a massive national programme of minor irrigation through Tube-wells, Bore-wells, Community Tube-wells, Community Bore-wells, Bandheras, etc.

26.6 These twin programmes of universal land distribution to SCs and STs and universal group minor irrigation for SC and ST lands are solemn commitments made by the President of India in his Address to the Joint Session of the Parliament in 2004, following specific commitments in this regard in the CMP of the UPA Government, included in it on my advice and efforts. “Land to the Tiller” was a commitment of the national movement.

26.7 It is true that agriculture is in crisis. But the solution for this need not hold up the important process of removal of Dalit landlessness. The two issues have to be attended to simultaneously and separately. I have repeatedly pressed this on the leaders of the Government and the ruling Coalitions of the past and present. It is a matter for deep regret that even the President's solemn commitments in the Joint Session of the Parliament have been treated with scant respect by the Government and its leaders till now.

26.8 The Governments of India have had and still have rapid industrialisation on their agenda, but this cannot be a substitute for the vital programme of removal of Dalit landlessness. On account of technological advance, we are facing the phenomenon of jobless growth in which even where industries develop, employment does not increase.

Harmonising Relations between SCs and SEdBCs

27. (i) *In many parts of India today, the OBCs have turned into the main dominant castes and the tormentors of dalits. It is particularly so, in the case of landowning BC castes. In states like Tamil Nadu, the traditional land holding Forward Castes have sold their lands to BCs and moved out to urban areas. When the primary contradiction is between SCs and BCs, how is it to be conceptualised and challenged?*

Class versus Caste - An Erroneous Dichotomy

(ii) *Do you feel SCs and lower BCs can come together in a new alliance against the higher BCs and other castes? When caste is the main identity marker, is it possible to forge an alliance of the poor in a class alignment? Is this class against caste?*

27.1 The primary contradiction in rural India is not between SCs and SEdBCs, but between the local major land-owning caste and the SCs. By the term “major land-owning caste”, I mean the caste to which most of the persons and families owning land belong; in other words, the caste of the persons who own most of the land. Such castes may be Socially Advanced Castes or SEdBC castes. Not all members of such castes may be land-owners. Some of them may even be agricultural labourers. But the land-owners of the major land-owning castes of each local area are able to get the support of even the landless people in their castes on account of the unwholesome and unholy glue of caste.

27.2 There is no contradiction of interests between the SCs and non-land-owning castes of SEdBCs like fisher-folk and artisans. The SCs of each area, being the main providers of agricultural labour and being generally landless, are at the mercy of the major land-owning caste or castes of that local

area. They depend on the latter for wage-labour and for livelihood. In this situation, one important measure required for a fair resolution is to eliminate this dependence of SCs. Endowment of a viable extent of agricultural land on every SC family in every village and providing group minor irrigation for them is an absolute necessity for removing this dependence and giving strength to SCs to stand up peacefully and firmly for their dignity and rights, without fear of loss of livelihood. There are villages where SCs have the potential for this provided they are empowered through land-ownership in this manner.

27.3 Along with SCs, other landless agricultural labour families should also be provided agricultural land as part of the process of total removal of Dalit landlessness. These non-SC landless agricultural labour families mostly belong to the weaker SEBCs who have no basic contradiction of interests vis-à-vis SCs. When their landlessness is also removed as part of the process of elimination of Dalit landlessness, it may create a new bond between the two, across and bridging the age-old chasm between the rural Dalit landless agricultural labourers and rural non-Dalit landless agricultural labourers. The example of Thaticherla/Thallakera which I have given earlier is an indicator of this possibility and potential. Some of the non-SC landless agricultural wage-labour families even belong to the same caste as the major land-owning dominant caste(s) of the village/area/region. Making them also part of this process may help to loosen the irrational anti-social and anti-national caste bond between them and the major land-owning families of their own castes. I do not say that this will completely solve the problem, but it may help solve the problem in a number of villages.

27.4 Simultaneously, the law must be strictly enforced and the protection of law must be firmly made available to SCs. The recent SC and ST (POA) Amendment Act 2015 makes it possible to extern any person likely to commit an offence of Atrocity against the SCs or STs from any area identified as an area where the members of the SCs and STs are likely to be subjected to Atrocity. Earlier such externment was possible only from scheduled areas or tribal areas. The extension of this provision to other identified areas is a powerful instrument to protect Dalits all over the country including hard areas where SCs may continue to be vulnerable even after they are empowered through land and irrigation.

27.5 The persons so externed should be the real powerful mischief-makers who often hide behind a smokescreen and get crimes against Dalits committed by henchmen belonging to their caste and other hirelings. Such

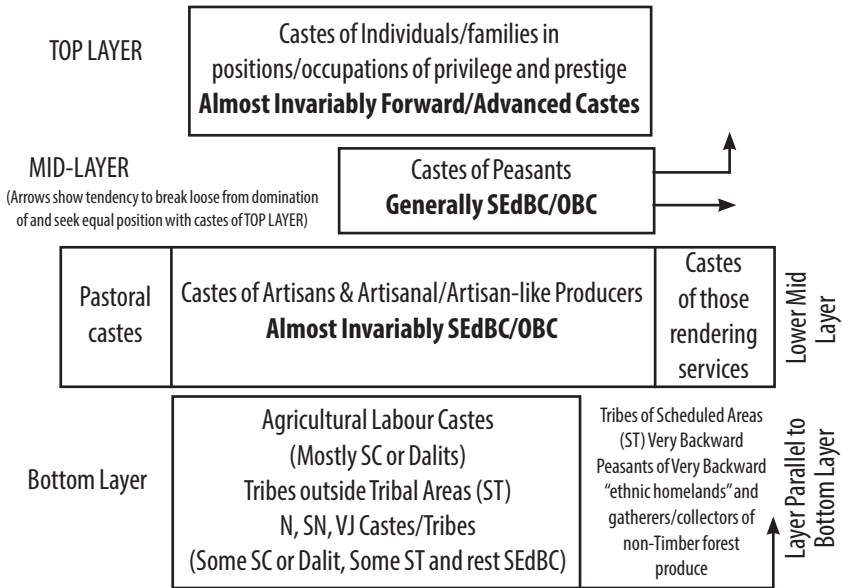
powerful persons may even be local leaders or regional leaders or even national leaders of one or the other political Party – I have seen State-level and national-level leaders, who conduct themselves fairly at the State or national level, but behave like oppressive caste leaders at the level of their native village and district. Those powerful perpetrators of atrocities, who are themselves not leaders, may have influence over the local, regional or national leaders of one or other political Party. Their association with any political Party may not be based on ideology or principle. Their adherence to political Parties may also be flexible and transferable with the shifting of power between political Parties. They go with the Party that comes to power at any point of time and shift their loyalty only to protect their narrow self-interest. The law should be applied to them strictly. Political Parties in power or even main Opposition Parties may, for obvious reasons, not want action to be taken against such individuals. To make them perform action as laid down by the law, countervailing pressures must be brought democratically by the peaceful mobilisation of the suffering masses of Dalits and others who support their just and lawful cause. Providing lands for the landless agricultural labourers belonging even to the castes of such leaders of Dalit torment may help to isolate such caste leaders and the latter may find it difficult to find henchmen and supporters. This will also make it impossible for the leaders of torment to raise the slogan that their caste is under attack and make it impossible for them to mobilise their poorer castemen against Dalits on the basis of that false slogan.

27.6 As I mentioned earlier, there is no mutual contradiction of interests between SCs and the weaker SEBCs, i.e., the landless castes of SEBCs and even between the SCs and the landless families of the land-owning castes. A social alliance between them is possible. But the alliance should not be perceived as against the land-owning SEBC castes or SACs. By the measures like the one I have described above to benefit the landless agricultural labour families of land-owning SEBC castes and SACs, along with the Dalits, it is possible to isolate the individuals and families of those castes who use the caste glue to recruit supporters and henchmen. The alliance is not against those castes but against those individuals and families who use their caste to secure and bind to themselves sections of the landless poor.

27.7 I would like to point out one semantic issue. In my opinion, it is not correct to address this question as one of “caste” against “class”. In our Constitution, the word “class” is used to refer to social classes. For example,

Part XVI of the Constitution is titled “Special Provisions relating to Certain Classes”. This Part contains Articles 330 to 342 which are the Articles that provide for scheduling of SCs and STs, Reservation for SCs and STs, appointment of Commissions to investigate the conditions of SEBCs, establishment of National Commissions for SCs and for STs as Constitutional watchdog bodies. Thus, the SCs, STs and SEBCs are the “classes” referred to in our Constitution. The Supreme Court in the case of *Minor P. Rajendran vs State of Tamil Nadu* in 1968, which marked a turning point in SEBC jurisprudence, understood and noted this fact by observing that “caste is also a class”. The dichotomy between “class” and “caste” arises from mechanically adopting the analysis of societies in post-feudal industrial Europe, which were based on economic classes. In India, economic classes are to a large extent embedded within groups of different castes. I have in my Papers and in an earlier Book “Empowering Dalits for Empowering India: A Road-Map” (Manak Publications, Delhi, 2009) analysed this enmeshing of social classes of castes and economic classes/categories in the following diagramme:

A Diagrammatic Representation of India’s Traditional Socio-Economic Structure



N = Nomadic, SN = Semi-Nomadic, VJ = Vimukta Jatis (formerly Criminal), SEdBC- Socially & Educationally Backward Classes/ OBC-Other Backward Classes

27.8 But at the same time, the different layers of castes do not exactly correspond to economic classes. While, on the one hand, the SCs are typically castes of agricultural labourers and similarly different layers of castes have their characteristics mentioned above, each of them has other economic classes within them. Thus, there is a small educated middle class that has emerged among the SCs on account of State policies, especially after the Constitution. The Socially Advanced Castes include capitalist investors, micro and small entrepreneurs, middle class professionals and aspiring lower middle classes. In this situation, progress towards restructuring society on a just basis requires focus on the Dalits, Adivasis and weaker SEdBCs in order to strengthen them and undertake measures for this purpose in such a manner, to the maximum extent possible, as to bring together those who have no contradiction of economic interests and have some commonalities of interests. This may be the way out of the *Chakravyuha*-like mousetrap which the caste system has created in Indian society and at the same time take note of the reality of social classes composed of castes to which the bulk of the deprived and exploited and disadvantaged belong.

The Left and the Caste and “Untouchability” Question

28. That brings me to the Left Parties and the criticism that they have failed to come to terms with the central Indian social reality of caste. What are your views on the Left handling of caste in India? Do you think the failure of the Left to expand its influence beyond its traditional strongholds could be attributed to its failure in this area? How should the Left have reinterpreted Marxism and applied it to Indian society?

28.1 In the socio-economic conditions of India, the left ought to have become a strong political formation. Socio-economic conditions favoured this. But where the socio-economic conditions are most favourable, the Left parties of India are the weakest. I think there is substance in the criticism that they lost this opportunity because they could not comprehend the crucial Indian social reality of caste-with-“Untouchability” and its oppressive power. The Left interpreted or rather misinterpreted caste as part of superstructure. On the contrary, the caste system-with-“Untouchability” is part of the foundation of the main structure of oppression, facilitating exploitation, oppression and deprivation of Dalit and weaker SEEdBC labouring population mainly in village areas and, to a great extent and with some modification of form, also in urban areas. The Left shied away from recognising this crucial aspect of the caste system as “un-Marxian”. In my view, a valuable lesson provided by the theoretical foundation of Marx was to look at society in terms of different interests, identifying principal contradictions and support the oppressed. Marxian formulation did not take into account Caste because societies with which it was familiar did not have the handicap of Caste. In order to play a useful role in the Indian context, it was necessary for the Left to apply Marx to the realities of Indian conditions. Marx should have been combined with Ambedkar. The Left has also lost sight of the fact that the bulk of the oppressed people are in the unorganised sector, while most of its

attention went to the small proportion of labour in the organised sector. If Marxism had been interpreted and applied in keeping with the reality of the Indian society, the bulk of the Dalit and non-Dalit agricultural labourers and other labourers in the vast rural areas of India would have been with the Left and there would even have been natural leaders from the Dalits and weaker BC communities among the regional and national leaders of the Left. This has not happened.

28.2 Recently, after suffering tremendous losses in the country as a whole and also in its bastion of Bengal, the Left seems to be realising this lacuna and trying to rectify it. How far and consistently it will be able to proceed practically in this path will have to be seen.

28.3 It is axiomatic that Democracy requires at least two political Parties with fairly evenly balanced strength. In a vast country like India, Democracy needs at least three political Parties at the national level with fairly evenly balanced strength. Objective conditions in India are such that the Left can be one of the three and it is desirable that the Left becomes one of the important poles at the national level. But whether and when this happens will depend on how far and how consistently the Left is able to proceed and mobilise along the lines of the new initiative it has undertaken to bring issues of Justice for Dalits, Adivasis and Socially and Educationally Backward Classes to the central stage and not as an incidental.

Capitalism & Dalit Entrepreneurship

29. There is a view among some Dalit intellectuals that capitalism and its latest form of Neo-Liberalism, would lead to their liberation and dalit entrepreneurship must be encouraged. Others, however, feel that capitalism always works to the disadvantage of the already oppressed. Though a few dalits might be able to emerge out of economic deprivation by becoming successful entrepreneurs, the vast mass of dalits would face new forms of oppression. Your views?

29.1 The efforts for Dalit liberation and Equality and Dignity have to be multifaceted. There have to be laws and programmes/schemes for Dalits who are agricultural labourers, Dalits who are poor peasants, Dalits who are artisans and Dalits who are bound to manual scavenging and other undignified occupations and also educated Dalits. It is not as though one of this is a substitute for all the others. This has been brought out in the Report of the Working Group on Development of SCs in the VI Plan, 1980, the first such Working Group Report, of which I was the Chairman.

29.2 For some of the educated SCs, entrepreneurship is possible and must be encouraged. But it is only a small proportion of the Dalit families for whom this path is possible and available. The bulk of them are in rural areas and in small towns with rural characteristics who are agricultural wage labourers and urban casual labourers. This demographic feature will continue into the foreseeable future with slow changes. In this situation, entrepreneurship programme, desirable by itself and suitable for a small section of Dalits, is not a panacea for the vast masses of Dalits.

Common School System vs. Private Schools

30. (i) You have held and so do many others, that education is the most potent means for empowerment and dignity of SCs and STs. However, there seems to be differing perceptions among certain dalit intellectuals on the system of education that would promote the above. Most education activists in the country are unequivocal in their demand for a Common School System, with Neighbourhood Schools, where children of all classes and communities study together, in fully state funded schools, imparting free education, with Mother Tongue / Regional Language as medium of learning. Fee charging private schools and English medium education are considered particularly disadvantageous to children of traditionally oppressed communities. However, some dalit intellectuals seem to think that fee charging private schools would provide quality education and a level playing field to dalit children. They, particularly, insist that **English medium education** is what is needed for dalit empowerment. It is also claimed that all Indian languages are products of a discriminating caste society that bear the imprint of the degradation dalits have suffered and English is a democratic language and dalits should turn to it. Your views on it.

How to Bridge Gap in Education

(ii) What are the **measures** you would propose **to bridge the huge and further widening gap in education** between SCs, STs, Lower BCs and Minorities on the one hand and Forward and other castes on the other?

30.1 There are some basic issues of education relevant to Dalits as well as others which require a larger canvass for discussion. I will limit myself to measures required for securing educational equality for Dalits, within

whatever system of education exists in the country or improved system that may come into existence in future.

30.2 In my view, a major input for school education has to be a network of residential schools of high quality for SCs in every district and, ultimately in every Block. Such residential schools have been existing in Telangana and Andhra Pradesh for the last three decades and are producing good results. I have also seen a very old large residential school for Dalits in Chidambaram, set up by a Dalit socio-religious reformer named Swami Sahajananda. The Group of Ministers on Dalit Affairs, set up in 2005 under the Chairmanship of the then Finance Minister Shri Pranab Mukherjee, the last President of India, considered this along with other issues pertaining to Dalits. I was consulted by interested Ministers of the Committee. As suggested by me that Group of Ministers recommended the establishment of such residential schools for Dalit children in every Block in its Report of 2008. No action has been taken on this recommendation. On the 5th November 2008, the Manifesto Committee of the Congress, presided over by Shri Pranab Mukherjee, in preparation for the Lok Sabha elections 2009, invited me for my advice. Inter alia, I pointed out to the Committee this recommendation of the Group of Ministers (GoM) and underlined the fact that no action has been taken on this and other recommendations and advised that orders should be issued on this and the GOM's other recommendations. I also brought to the notice of the Committee that, of the various Central Ministers who had been addressed by the then Prime Minister Smt. Indira Gandhi in her historic letter dated 12.03.1990, drafted by me, the only addressee still alive and active in politics was Shri Pranab Mukherjee, the Chairman of the Committee and the Chairman of the Group of Ministers and there was expectation that he would ensure that these recommendations, including the recommendations on residential schools, are translated into orders and action is taken by the concerned Ministries. Unless this is done, new promises in Manifestoes or reiteration of earlier promises would not carry credibility among the people. I could see Shri Pranab Mukherjee noting this in his notebook. Yet, the required action has not occurred on this important recommendation. When I say residential schools for Dalits, it does not mean that every child in these schools should be from Dalits, but a large proportion, say, 75% must be from Dalits and the rest 25% from other deprived classes and the SAC Poor. Similar residential schools are also required for STs and SEBCs. I am not here going into the issues of pedagogy, curriculum etc. which are important and require a wider canvas for discussion.

30.3 The medium of instruction and language policy should be shaped according to the wishes of the parents and, after the children reach the stage of capacity to make choices, according to the choice of the students. There is a feeling among Dalits, not only among Dalit intellectuals, that English is an important key for advancement. This preference of theirs is based on what they have observed of the prospects of well-to-do children mostly of the SACs, who get education through the English medium, as compared with the children of Dalits and other “lower” castes who get education through the medium of local language. They see the difference between these two categories of children in the admission process in institutions of higher education in the country and abroad and in the employment process. Their preference based on their own observation must be respected.

30.4 This does not mean belittling of the importance of local languages. A language cannot be condemned as the vehicle of discrimination and degradation. A language is a medium of expression. It is possible to express democratic ideas, thoughts and feelings as well as non-democratic ideas, thoughts and feelings through any language. When a society is democratised, the literature in the language of that society also reflects that democratisation. When in earlier stages, English and other European languages had the imprint of feudal society and feudal hierarchies, literary critics took into account the context in which literary creations came into existence. One can find undemocratic features even in Shakespeare’s acclaimed plays like, for example, the way in which the common people are portrayed in “Julius Caesar” as fickle mobs and the way in which Petruchio domesticates the “haughty” Catherine into an obedient wife in “The Taming of the Shrew”, but Shakespeare was the favourite author of Marx. In the past, Indian languages were used as vehicles of expression of thought, ideas and feelings of the upper castes. But in recent times, the “lower castes” progressively, as they got educated, and egalitarians belonging to SACs, have used the same languages for conveying thoughts, ideas and feelings of revolt and reform. The late Nineteenth century and Twentieth century and the present decades have seen the flowering of Dalit literature in many languages of India. The justification for preferring education in English and through English medium is not because the literature of any language is democratic or undemocratic throughout its history but the superior prospects available to those who have the benefit of education through the English medium.

30.5 School education is one stage, but there are other stages before it and after it. Before the stage of school education, there is the stage of pre-school

education. A valuable network of Anganwadis has been created in the country. Pre-school education is part of its charter. An Anganwadi should be set up in every Dalit hamlet, tribal habitat and every isolated habitation of BCs like the fisher-folk.

30.6 But the scheme does not provide for a suitably trained teacher for the purpose of providing pre-school education. To ensure that Anganwadis fulfil this part of their charter, a teacher trained in Montessori and other modern methods of teaching must be appointed on reasonable terms of salary and service in every Anganwadi. This will also require a massive programme of training young women and men in modern pre-school education methods. These young women and men should be recruited mainly from communities that are at the lowest rungs of education. This is not a matter of reservation policy, but a matter of creating the human and infrastructural facilities for reaching pre-school education to children of these social classes which do not now have the benefit of pre-school education of high-quality.

30.7 After school education is the stage of higher education, where the presence of SCs, STs and SEBCs is the least. Various measures are required to enhance their presence at this level of education. As I have stated earlier, introduction of reservation in admission in the private educational institutions is one such important measure which the Government of India should have taken long back in fulfilment of the mandate of the Constitution (Ninety-third) Amendment 2005 and should take without further delay.

30.8 It is possible, I am sure, to bridge the gross Inequality at every stage of education between Dalits and Adivasis at the bottom and the SACs at the top, and between the SEBCs and the SACs, if there is sincerity on the part of Governments, Political Parties and leaders of society.

Rohit Vemula - Issues and Remedial Measures

31. As I raise these questions, the agonising news of the suicide of a Dalit research student, Rohit Vemula, in Central University, Hyderabad, is shaking the conscience of the country. Dalit students in our most prestigious state funded institutions, facing discrimination, despicable treatment, humiliations, driven to helplessness, depression, to dropping out or taking one's own life as a last resort, is a recurring tragedy. What are your suggestions to turn these so called institutions of excellence to humane, law-abiding, democracy promoting institutions?

31.1 The suicide of Shri Rohith Vemula in the Hyderabad Central University (HCU) was the latest of a series of 9 student suicides (7 of them SCs and STs) in that university. Shri Rohit Vemula was a bright student. He got his admission to Ph.D. programme in open merit without needing the support of Reservation, to which he was eligible as a Scheduled Caste (SC) student. He also nearly topped in the selection of awardees of ICSSR's Junior Research Fellowship (JRF). The Suicide of Rohit Vemula was soon followed by the suicide on 23. 1. 2016 of three girls, belonging to (SEdBCs), of the SVS Yoga Medical College at Kallakurichi in Tamilnadu, on account of being charged extortionist fees and "torture".

31.2 Both these instances of suicides were committed to attract the attention of Governments, political parties and elite society. Both these could have been avoided if the Governments and political parties had done their duty diligently and the elite society had behaved with alertness and human sympathy. The sensitivities of Governments, parties and upper caste society to "Untouchability", discriminations and other forms of inhuman behaviour have been blunted and they usually take these caste and "Untouchability"-based cruelties as normal daily routine. They take note (temporarily) of only suicides. The attempts made by the people in Government to say that the case

of the suicide of Rohit Vemula is not a Dalit issue is so pitiful and ignorant of the conditions in India and the sufferings and humiliations of Dalits and Adivasis and their students.

31.3 The sufferings that Dalits face in universities and other institutions of higher education are but a natural extension of the unnatural phenomenon of “Untouchability” in villages and towns. When Dalits began to enter the portals of higher education in substantial numbers, the same behaviour of “Untouchability” has been extended to them, with adaptations, in these institutions. While measures which have to be taken against “Untouchability” in general are applicable to such expressions of “Untouchability” and discriminations in these institutions also, there are certain specific measures required in the context of these institutions. I list a number of them below:

1. Institution of an independent and powerful grievances redressal machinery in every university and professional educational institution and every other higher educational institution, whether Government or private, for prompt redressal of every complaint of discrimination and harassment, and after quick and due enquiry, redressal of every genuine complaint, and to undertake and enforce systemic changes to prevent “Untouchability”, discriminations, humiliations, looking down, especially upon Dalit and Adivasi students and even the weaker castes of the Socially and Educationally Backward Castes (SEdBCs).

Such machinery could be an Ombudsman/Lokpal like Authority, independent of and not accountable to the Principal/Vice-Chancellor or any Ministry, with powers to issue directions/orders binding on all authorities such as Principals and Vice-Chancellors, including suo-moto corrective orders to any teacher or officer whose conducts towards SC, ST and SEdBC students deviates from the standard. Its directions/orders should not be reversible by the Governments of the States or the Centre.

Persons selected to man these Authorities

- a. should be reputed to be impartial and devoted to Social Justice,
- b. should be apolitical, but
- c. aware of Indian society and the plight of SCs, STs and SEdBCs, over the centuries before Independence and decades after Independence, on account of

- i the Caste-System-with-“Untouchability” and its comprehensive denial of opportunity for upward mobility through education (till reservation was introduced well before Independence, thanks to the Indian Maharajas, in peninsular India and at the Centre, thanks to Dr. B.R. Ambedkar, from 1943, which has been continued under the Constitution but not thoroughly implemented) in the case of SCs;
- ii being pushed to remote areas under vulnerable conditions, in the case of STs; and
- iii social inferiority and denial of educational opportunities due to the Caste System (until the introduction of reservation in the peninsula before Independence and two or three North Indian States well after Independence, and at the Centre during 1990-1992 and 2006-2008) in the case of SEdBCs.

This measure should cover the present case in the Hyderabad Central University (HCU) as well as the past cases, in the HCU as well as other universities and similar institutions, like the AIIMS, Delhi; Rohtak University, Post Graduate Institute of Medical Education and Research (PGIMER), Chandigarh, etc.

The Government needs to take a holistic picture not only of suicides but also of every form of harassment and humiliation being inflicted on SCs, STs and SEdBCs and, accordingly, the above measure should not be confined to suicides, but it should also cover every form of harassment and humiliation being inflicted on SCs, STs and SEdBCs, some of which are not even noticed.

2. Taking this incident as an opportunity to declare an all-out war on “Untouchability”, the Caste-System and all forms of discriminations, particularly against SCs and STs who are the worst victims.
3. In Rohith’s case, due process needs to be diligently pursued, and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act [POA Act] as amended by POA Amendment Act, 2015 needs to be allowed to take its course.

Here I must refer to the distraction created by hair-splitting arguments about whether Rohit Vemula belongs to the SCs or not. Doubt has been raised because his father belonged to the Vaddar community. The way this has been discussed would make it appear that Vaddar are an upper caste community like Brahmin and Thakur and Rohit Vemula became a member

of the top caste because his father was a Vaddar. Many people in India do not know the social status of the Vaddar community. This is one of the most exploited communities of India which exist in all the Peninsular States. They are a community either just above or just below the dividing line of “Untouchability”. The regimes of the Maharaja of Mysore and Travancore perceived them to be below the line of “Untouchability” and in Mysore/Karnataka and in the southern part of Kerala (erstwhile Travancore), they are included in the list of SCs under the Presidential Orders. In Andhra Pradesh, Tamil Nadu, northern Kerala and Maharashtra, they are listed among the BCs. Wherever there is categorization of BCs, Vaddar is in the lowest, i.e., the Most Backward category. Thus in Andhra Pradesh, Vaddar are in Group ‘A’ of SEBCs, which Group consists of “Aboriginal Tribes, Vimuktha Jatis, Nomadic and Semi-Nomadic Tribes, etc.”

Technically, the basis on which a child born of SC and non-SC marriage should be treated, whether SC or not, has been decisively determined by the Supreme Court in Rameshbhai Dabhai Naika vs State of Gujarat (2012). According to the criterion laid down by the SC in this judgment, Rohit Vemula belongs to the SC.

Recently, the one-man enquiry Commission of J (Retd) A.K. Roopanwal, set up by the Ministry of HRD has inter alia come to the conclusion that Rohit Vemula does not belong to the SC, but belongs to the BC. That Commission’s Report has been placed on the Table of the Parliament on the 11th August 2017. I do not now know whether that Commission has gone by the Supreme Court’s above judgment of 2012. I am also not yet aware how the Commission has dealt with the evidence available about his mother being born to SC parents. I do not think that the last word on Rohit Vemula’s and his mother’s caste-identity has been spoken. Even if, ultimately, it is held that he belongs not to the SC, but to the Extremely backward caste of Vaddar, the various measures of rehabilitation of survivors and the various preventive measures against discrimination. I have suggested here hold good and need to be implemented with urgency.

4. The survivors of the present tragedy need to be rehabilitated fully, as suggested below:
 - i. Rohith’s brother is an M.SC (Geology). He may be given immediately a post, appropriate to his qualification, in any Geology or Ground Water-related Department or Public Sector Organisation.

He wants to study further for Ph.D. He may be given permission and financial and other facilities to pursue his desire for Ph.D while in service.

- ii His sister is a 10th class pass. She could be given an Assistant's post in any office in Hyderabad.
- iii Their mother is 10th class fail. She could be provided employment as a cook in the Mid-Day Meal Scheme in Hyderabad or similar job, but not sweeping and other sanitation-related job.

She could also be helped to expand and stabilize her tailoring work.

There are instances in Andhra Pradesh itself of rehabilitation of surviving spouses of officers killed while on duty by directly appointing them to posts like Deputy Collector, according to their qualification, irrespective of their caste. Such cases include upper caste surviving spouses of upper caste officers.

- 5. Similar rehabilitation for the survivors of victims of previous tragedies, most of them Dalits.

In these cases, some relief has been given, but not full rehabilitation.

- 6. A national campaign should be launched led by the Prime Minister and Chief Ministers, calling for an "Acchuti-Mukt Bharat" ("Untouchability-free India), "Atyachar-Mukt Bharat" (Atrocities-free India), "Asamanata-Mukt Bharat" (Inequality-free India) and "Jati-Vyavastha-Mukt Bharat" (Caste-System-free India), like the campaigns for "Swachh Bharat" and "Beti-Bachao Beti- Padhao".

The anti-"Untouchability" campaign part of this needs to be given the highest priority. The PM, CMs and other leaders need to tell the people, particularly the upper castes that the caste system is evil, anti-national and a national shame, and that they should cooperate with the Dalits, Adivasis and SEBCs in creating an egalitarian caste-free society for India's rapid progress. They should be told that, by such cooperation, as the country progresses rapidly, there will be more for everybody, with due shares, and, in addition, there will then be the Social Justice and Social Harmony Dividends which will integrate the Society and Nation.

Human rights education, with anti-caste focus, should be introduced in all educational institutions, including those for teachers training and training for IAS, IPS etc services, and for lower services like Sub-Inspectors of

police. There has been the laudable effort of the Institute of Human Rights Education, headquartered in Madurai, Tamil Nadu, covering a number of States. This Institute should be revived and helped financially and otherwise to expand.

Teachers should be taught to behave like parents towards students and like concerned and solicitous parents towards SC and ST and other students from deprived backgrounds. It will never occur to parent-like teachers to stop their student-children's lifeline by cutting their stipends and banishing them from their rooms, leaving them to sleep in the open in the winter, as happened in the HCU.

7. Enactment of a legislation on elimination of casteist, "Untouchability"-based and discriminatory and biased behaviour towards students of SCs and STs and other vulnerable classes and categories in Universities, colleges and other educational institutions, similar to the Prevention of Sexual Harassment of Women at Workplaces Act

This legislation should contain strong penal provisions and provision for severe punishment for any teacher or officer who breaches the correct standard of behaviour towards students belonging to SCs, STs, SEBCs and other vulnerable classes / groups, and institute an independent enquiry system (could be the Authority referred to at (1) above). Dalit and Adivasi student representatives and teachers and impartial experts concerned with Social Justice and others who are working sincerely for this cause should be consulted while finalizing this Legislation.

8. Moving for Passing the long-delayed legislation for reservation for SCs, STs and SEBCs in admission to private medical and other professional educational institutions in compliance with the Constitution (Ninety-third) Amendment Act, 2005, which inserted clause (5) in Article 15.

If such legislation, containing also a strong frame for fee and other regulations and monitoring, had been passed in time immediately after the 93rd Amendment, either along with the Central Educational Institutions (Reservation in Admission) Act 2006 or as a separate legislation, it could have prevented some of the suicides and harassments in private educational institutions.

9. There is need for strict implementation and enforcement of the UGC Regulations, 2012 for Promotion of Equity in Higher Educational Institutions, not allowing it to remain merely on paper any more. These

Regulations need to be strengthened by converting them into a legislation or incorporating its provisions in the legislation mentioned at (8) above.

10. The legislations which I have suggested at (7) and (9) above are in addition to the SC and ST (Prevention of Atrocities) Amendment Act 2015 which shall continue to be applicable to universities, colleges and other higher educational institutions as for all SCs and STs everywhere in the country. While continuing the protection of the POA Amendment Act 2015 in the campuses, the legislations I have suggested are for additional protection under the special circumstances of the higher educational campuses.
11. In order to enable the SCs and STs to confidently and peacefully resist “Untouchability” and all forms of discriminations against them, they have to be made equals of Socially Advanced Castes (SACs), i.e., the non-SC, non-ST, non-SEdBC castes (NSCTBCs). Towards this end, my Road-Map of legislative and schematic/programmatic measures, which I have given to the past Prime Ministers and leaders and to the present Prime Minister first on 12.7.2013 and 19.7.2013 and then on a number of occasions, needs to be implemented, speedily, comprehensively and holistically.
12. It is necessary to appoint Vice-Chancellors (VCs) in Central Universities and Heads of comparable institutions like IITs and IIMs, from among qualified SCs, ST and SEdBC professors, and among SEdBCs, professors belonging to More, Most and Extremely Backward castes, in due proportion.

Among the Vice-Chancellors appointed in the last 1 ½ years, there is not a single Dalit and may be one or two from STs and SEdBCs.

The usual defence for not appointing VCs of SCs and STs, and also SEdBCs, is that sufficient numbers of qualified candidates are not available among them. A twist is added by adding the word “suitable” to “qualified”. This is not factually true. There is no transparency in deciding the “suitability” of qualified candidates from these three categories. Actually what happens is that prejudice takes possession of the heart and soul of many of the selectors. A special effort to gather a full list of Dalit, Adivasi and SEdBC candidates who have creditably passed qualifying examinations of universities, IITs, IIMs, etc needs to be made. Of them, those who are interested in entering the teaching profession in their alma mater or other professional technological and other institutions of higher education, should be considered for selection by a Selection Board, consisting of selectors from appropriate disciplines, all

of them undoubtedly devoted to fair play and Social Justice. This will bring out a substantial number of candidates of these three social classes as suitable for professorship and Vice-Chancellorship, who had earlier been rejected as “unsuitable”.

If candidates from SCs, STs and SEdBCs, who constitute not less than 75% of India’s population, are, after acquiring the same qualifications as the candidates of the other 25% of the population, found to be “unsuitable”, then what will be the ranking of the talent-level of the country as a whole? The implication behind the present selection process is that, its non-transparency and its finding of “unsuitability” of candidates belonging to social classes who constitute not less than 75% of the population are harmful to India and its optimal progress.

31.4 I have suggested the above slew of measures to the Prime Minister and pointed out that they, if implemented sincerely and effectively, will open a new chapter in the higher education campuses for SC, ST and SEdBCs students and students in general, which unfortunately no Government till now has attempted.

Reservations in Private Sector of Education and Employment

32. (i) Do you think **Reservations** must be extended to the **private sector**? How feasible is it? In the private sector, the other-than- Forward Castes, particularly, SCs, STs and BCs among Muslims (even FC Muslims) have a miniscule representation. If it is not done, in the context of the State withdrawing from most productive sectors and social sectors under policies of Neo-Liberalism, what are the possibilities of these sections getting gainful employment?

(ii) Today no one can speak against Reservations and get away with it. Still, so many decades of Reservation for different communities have not eliminated the gaps in education and employment between Forward and other castes. In fact, today when employment is created only in the private sector, reservation in jobs is becoming meaningless. And when education has become a market commodity, it is priced out of the reach of the disadvantaged sections. Your views.

32.1 It would not be correct to say that Reservation in posts and vacancies in the services of the State, i.e., in the services of the Central and State Governments, Public Sector Undertakings, Public Sector Banks, Central and State Universities and other such entities which come within the definition of State in the Constitution, has become meaningless. Even with some shrinking of the State sector, there is a considerable volume of employment under the State. The Statement in Para 21.3 above shows that in 62 Ministries for which there is information available, there are more than 27 lakh posts. This number will be more if the Reports of and figures for other Ministries become available. The total figure for Groups A + B + C, i.e., excluding “Safai Karmacharis” is more than the total figure for the 69 Ministries a year earlier, i.e., as on 1.1.2013. Shrinkage has been almost entirely in the Safai

Karmachari sub-category of Group C, apparently because of outsourcing of Safai services. The figures in the Statement will further increase when data for PSUs, PSBs and Universities etc become available. Further, apart from these figures for Central Ministries, there is also comparable volume of employment in the services under the State in the State Governments. Every year retirements take place. Every year recruitments to fill vacancies created by retirements continue to take place. Therefore, Reservation in the services of the State continues to be relevant and important. The process of fulfilling reservation better will be helped if it is provided a legislative base. I have consistently held the view that legislation for reservation in the services under the State is a must. I have referred to my aborted effort for securing such a legislation for SCs and STs in 1990 at Para 7.21, item (5). I have also referred to the need for legislation for reservation for SEEDBCs in the services of the State at Para 21.24.

32.3 Here I must add a word about the Safai Karmachari sub-category of Group-C in which the almost entire shrinkage of Government employment has taken place. This has been done in the name of downsizing Government and economy. The Safai services which have been outsourced are of a permanent nature. The appropriateness of outsourcing of such permanent services is questionable. This has not made any difference to the rendering of these permanent services by the same type of people. The result of such downsizing and economy cut is to deprive the lowest category of employees of the benefits of Government service like leave, pension etc. This approach merits a review. Till then, in any case the rule of reservation must be laid down as part of the outsourcing contracts.

32.4 After the aborted effort of 1990, I pursued this after my retirement and this was one of the action points in the “*Dalit Manifesto, Incorporating the Rights and Entitlements of Scheduled Castes, Scheduled Tribes and Backward Classes*” (1996) formulated by me under the auspices of the National Action Forum for Social Justice (NAFSJ) [republished as Appendix I in my Book Empowering Dalits for Empowering India: A Road-Map, Manak Publications, Delhi, 2009]. Though the United Front of 1996 adopted the entire Dalit Manifesto as part of its Common Minimum Programme (CMP), its Government could not implement this and other measures, though the then Minister for Welfare Shri V.S.Ramoowalia was sincere, because that Government was too short-lived and certain other reasons.

32.5 In 2004, as a result of my advice and efforts, legislation for reservation for SCs and STs in the services of the State was included in the CMP of the

UPA Government and this also figured in the Presidential Address to the Joint Session of the Parliament in 2004. Pursuant to this commitment in respect of SCs and STs, the Ministry of Personnel drafted a Bill for reservation for SCs, STs and SEEdBCs. But the Bill was caught in a logjam on account of certain issues pertaining to SEEdBCs which I have explained at Para 21.25. This became a handle to delay legislation for SCs and STs, though in respect of them there was no such issue. Thereafter, the Bill for SCs and STs was separated in 2008. It was got passed without discussions and scope for scrutiny in the Rajya Sabha in 2008 and was scheduled to be brought to the Lok Sabha. But the Bill turned out to be a de-reservation or dis-reservation Bill rather than a reservation Bill. I prepared the amendments required in that Bill to remove these deficiencies and add some teeth to the legislation. This was accepted by SC and ST Ministers and MPs at a meeting, but the Bill incorporating amendments scheduled to be brought to the Lok Sabha in the last session of the 14th Lok Sabha early in 2009 was not moved in the Lok Sabha and the Bill has lapsed. I have sent to leaders of the past and present Governments a draft Bill incorporating the above amendments but so far it has not materialised. It is one of the legislative measures in my Road-Map. This is one of the specific items that has to be pursued by Dalits and Adivasis and the supporters of Social Justice.

32.6 I have also pressed for a legislation for reservation for the SEEdBCs in the services of the State. This is also part of my Road-Map. The legislation for SEEdBCs may need to have some specificities different from the legislation for SCs and STs. The legislation for SEEdBCs has also to be pressed. It will be less difficult if the strategy I have mentioned at Paras 21.27 to 21.32 under Question no. 21 is followed.

Coming to the private sector, I shall first take up the private sector of educational institutions. There is already a legislation for reservation at the entry point of private schools, viz., the **Right of Children to Free & Compulsory Education Act, 2009**. Section 12 of this Act makes it compulsory for every private unaided school to fill at least 25% of the seats in its entry level class with children belonging to weaker sections and disadvantaged groups. The term “child belonging to the disadvantaged group” has been defined very widely in Section 2 (ii) (d) to include not only a child belonging to the SC and ST and the BC but also “such other group having disadvantage owing to social, cultural, economic, geographical, linguistic, gender or such other factor, as may be specified by the appropriate Government, by notification.” Section 2(ii) (e) defines the term “child

belonging to weaker section” as “a child belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate Government, by notification.”

32.7 There is no break-up of the 25% as between SC, ST, BC and other children below the notified income level. If specific percentages are not fixed for the SCs and STs and also BCs, then it will be possible for the proprietors of private unaided schools to fulfil the 25% stipulation without taking in a single child of the SC, ST or BC and give away all or most of these seats to children of families who are able to secure an appropriate certificate of income. This is what is happening in many of the schools which are implementing the 25% stipulation (this is about schools which are implementing this reservation – there are also schools which are yet to implement this part of the RTE Act). In order to ensure due share for SCs, STs and BCs, the RTE Act needs to be amended to provide for specific percentages of reservation for SC, ST and BC students separately in unaided schools to which the 25% quota under RTE applies. The Working Group on Empowerment of SCs in the XII Plan, of which I was the Chairman, in its Report of 1.8.2011 has suggested that the breakup of 25% quota may be as follows:

SC	- 8% ,
ST	- 4% ,
BC	- 10%
Other disadvantaged groups and weaker sections	- 3%

This has also been recommended by the Ministry of HRD’s Task Force on the Educational Development of Scheduled Castes in its Report of 21. 09. 2012.

32.8 This brings me to reservation for SCs, STs and SEdBCs in admission to seats in the private medical, engineering, technical technological and other higher educational institutions. In this category of institutions, there used to be reservation for SCs and STs in a number of States and also for SEdBCs in some States, through arrangements made by those State Governments with the private institutions. But this came to a stop with the Inamdar case judgment of the Supreme Court in 2005, according to which the existing Articles of the Constitution do not empower or permit the State to require private educational institutions to provide reservation. Under Question No. 21, in Paras 21.42 to 21.44, I have briefly described the sequel to this judgment consisting of the Ninety-third Constitution Amendment inserting new

Clause (5) in Article 15, the enactment of the Central Educational Institutions (Reservation in Admissions) Act 2006, its successful defence under my guidance in the Supreme Court and the avoidance by the Government of its responsibility, in pursuance of the real objective of the new Clause (5) of Article 15 (legislation for reservation in respect of Central and Aided educational institutions could have been enacted under the existing Clause (4) of Article 15 and did not need the new Clause (5)), to enact legislation for reservation in admissions to seats in private educational institutions. As I have mentioned under Question No. 21, everything is ready for enacting this Bill except for a decision at the political level of the Government. As I have also mentioned there, this political decision will come only when the SCs, STs and SEEdBCs jointly undertake a strong movement requiring the Government not to delay this legislation, with clear and strong provisions, any more to the disadvantage of SCs, STs and SEEdBCs and to the advantage of the profiteering commercial private institutions – that many of them are commercial has been observed in judgments of the Supreme Court.

32.9 Securing this in the Private sector of Education is one of the tasks for SCs, STs and SEEdBCs and those working for them. This legislation can and should include provisions to reasonably regulate fees and other costs at a non-commercial level and can and should contain a strong machinery for monitoring and enforcement of this and other provisions. I may also mention that some States do have legislation for reservation in admissions to seats in private educational institutions in their States, but such legislations are weak and a system of monitoring and enforcement is either absent or weak.

32.10 This part of reservation in the private sector is a less difficult part because we have the support of a specific provision in the Constitution inserted for this very purpose. If this cannot be achieved, it is unrealistic to expect success in securing reservation in employment in the private sector.

32.11 I now come to the most difficult part of reservation in the private sector, namely, reservation in employment in the private sector. There is no doubt that the present poor presence of SCs, STs and SEEdBCs in employment at supervisory, technical, technological, professional and managerial levels is unnatural and unsustainable and needs to be corrected keeping in view realistically planned sequencing. Shri Atal Behari Vajpayee, the then Prime Minister, at the time of the inauguration of a Convention of All Party SC and ST MPs in 1999 (referred to under Question No. 35 below), responded in answer to a question regarding reservation in employment in the private sector for SCs and STs that consensus should first be built on it. No specific

effort was made by that Government to build such a consensus. In the succeeding UPA Government's CMP of 2004, there was a commitment to take measures for securing representation of SCs and STs in employment in the private sector including reservation. There was a flurry of meetings and conferences following this, to some of which I was also invited. This was initially under the aegis of the then Ministry of Social Justice & Empowerment with Smt. Meira Kumar as the then Minister, but was taken over by the PMO later. The leaders of the private sector made some sympathetic noises and acknowledged that the poor presence of SCs and STs in private sector employment is not on account of any inherent deficiency in them but for want of opportunities. They offered to take "Affirmative Action" such as training for SCs and STs, but stoutly opposed reservation. They used the vague American term "Affirmative Action" as a tool and veil to oppose reservation – that is why I have been pleading that vague terms like "Affirmative Action", not relevant to or required in the context of our Constitution and its explicit provisions for reservation and other Social Justice measures, should not be imported into India.

32.12 Matters have not moved thereafter. The first step is to secure the implementation of the commitment already made for SCs and STs. But, there has to be clarity about certain aspects of the private sector as it covers a wide area consisting of very small shops and establishments run on individual and family basis, at one end, and also large industrial and other business enterprises and corporates, at the other end, and in between there is a wide range of private entities of different sizes and varying employment potential. Apparently, the demand for reservation in employment in the private sector is not in respect of the former type of petty establishments in the private sector. It will help if clarity is secured through a consultative process about the threshold of the private sector above which the proposed reservation in employment should apply. Such clarity regarding the threshold will also help in effective monitoring and enforcement of the reservation rule in the private sector when it comes into existence. It must also be clear that the reservation sought for is not at the level of shop-floor labour force which in any case largely consists of SCs, STs and SEEdBCs but at the supervisory, technical, technological, professional and managerial levels.

32.13 Coming to reservation for SEEdBCs in employment in the private sector, in addition to the issue of clarity required mentioned in respect of SCs and STs, there are certain additional issues which need to be settled. The concept of reservation is to secure space for those social classes whose

representation is inadequate and who cannot secure adequate representation on their own. In the case of SEdBCs, efforts will face less difficulty if those classes of SEdBCs who have on their own already secured adequate representation in the private sector employment are excluded from the demand, and the demand is confined to those other classes of SEdBCs whose representation can be shown to be inadequate. It is also essential to ensure that the efforts of certain SACs to get entry into the lists of SEdBCs are checked and terminated once for all. If they succeed or if Governments succumb to their pressures, it will weaken the cause of reservation for SEdBCs in private sector employment because these SACs are neither socially backward nor inadequately represented in employment in private sector. If these aspects are not taken care of, securing reservation for SEdBCs in the private sector employment will become more difficult and may also affect its defence against judicial challenges.

32.14 I would reiterate that all energies should be concentrated first at this stage on securing reservation in admissions in the private sector educational institutions, where, as I mentioned above, there are certain situational advantages before going to reservation in employment in the private sector.

Agitation of Socially Advanced Castes for Reservation

33. How do you see the recent agitation of Patels demanding reservation in Gujarat?

33.1 Patels or Patidars are one of the Socially Advanced castes which are now demanding reservation. There are similar demands and agitations from Jats of UP, Haryana, Punjab etc.; Marathas in Maharashtra; and Kapus in Andhra Pradesh. There are a number of issues that arise from these demands and agitations.

33.2 These are dominant castes whose members are the major landowners of their respective regions/States. Some of these castes have also leveraged their advantageous position in agriculture to diversify and enter into business, trade, industries and into the services of the State on the basis of their own strength. Successive Commissions have found that they are not socially backward and educationally backward and that they cannot be said to be inadequately represented in the services of the State. Since they are not able to fulfil these objective criteria, especially the basic criterion of “social backwardness”, they are resorting to the exercise of their coercive powers on Governments.

33.3 Hitherto these castes were among the toughest opponents of Reservation for SCs and SEBCs. Having lost that battle, now they are demanding that they be included in the list of SEBCs. For Socially Advanced castes (SACs), to seek to be recognised as Socially Backward is a patent contradiction. A Socially Advanced caste obviously cannot be listed as a Socially Backward caste.

33.4 There are two reasons why this demand has arisen. One is that they find persons from castes which they looked down upon coming up through

Reservation. Though the SACs still continue to be dominant in all spheres, they find the limited progress of Dalits and SEBCs difficult to stomach. They resent the limited progress of Dalits and SEBCs not only in admission to educational institutions and in employment under the State and State institutions, but also the rise of Dalits, Adivasis and SEBCs as well as their women and women of SACs to positions of Presidents and Chairpersons of Panchayats and Municipal bodies through Reservation, following the Seventy-third and Seventy-fourth Constitutional Amendments of 1991, inserting new Chapter IXA in the Constitution. The desire of some of the SACs to be recognised as SEBC and to be included in the list of SEBCs is in one sense evidence of the efficacy of Reservation to a certain extent. Agitators of SACs have posed an alternative demand, namely, that if they cannot be included in the list of SEBCs and provided Reservation, all the existing Reservations for SCs, STs and SEBCs should be abolished. This lets the cat out of the bag and reveals their real intent of preventing further progress of the SCs, STs and SEBCs, pushing them back towards status-quo ante. Revival of the pre-Ambedkar, pre-Mandal situation is the dream of some misguided members and leaders of the SACs.

33.5 The previous Government at the Centre, under pressure of demands and agitations and with an eye on electoral “gains”, just before the elections to the 16th Lok Sabha in 2014, acted in a flurry and included Jats in a number of States in the Central List of SEBCs, overruling the well-reasoned Advice of the NCBC. This is the only case where, from inception till now, the NCBC’s Advice has been disregarded by the Central Government. This was promptly struck down by the Supreme Court by its judgment in the Ram Singh case on the 7th March, 2015.

33.6 Another reason for the rise of these demands is the fragmentation of lands and the present crisis in agriculture and certain industries like the diamond industry of Surat, which have been the economic base of these castes. These economic exigencies by themselves cannot be the criterion for recognition of a caste as socially backward. It is true that there are difficulties in agriculture and cyclical problems in industry, resulting in loss of employment. The solution for these difficulties and problems have to be found through appropriate policies, but the remedy for these difficulties and problems cannot be the unnatural inclusion of these Socially Advanced Castes in the list of SEBCs and provision of Reservation for them.

33.7 At the same time, the problem of the genuinely poor among the SACs must be recognised and an appropriate solution provided for such SAC poor. The basic principle of appropriate solution for them should be that no child or student should be prevented from pursuing education to the best of his or her interest and choice on account of financial constraints. Appropriate solution for this is provision of scholarships, freeships and educational loans, without reducing the outlays required for the educational progress of SCs, STs and SEEdBCs to the level of Equality with the SACs, and not provision of Reservation for the SACs. This is because the constraints on the education of SCs, STs and SEEdBCs arise from social inequality and denials based on the social structure and system, while the problem of the poor among the SACs is not on account of any social structural denial but only on account of purely economic reasons. This appropriate solution is what they should demand and what the Governments should provide. The leaders of SACs have the national and Constitutional responsibility of guiding the youth of SACs and not provoke them into demands or agitations for what is socially not justified and Constitutionally prohibited. They have also the duty to educate the SAC youth about the deprivations suffered by SCs, STs and SEEdBCs on account of the traditional caste system and the rationale for Reservation for them as part of comprehensive Social Justice measures which have to be continued until the SCs, STs and SEEdBCs and every caste of SCs and SEEdBCs and every tribe of STs reach the level of Equality in every parameter with the SACs, and the indispensability of this approach in the overall interests of the country and its optimal progress.

33.8 Political Parties in power should not succumb to such pressures as happened in 2014 at the Centre and in Maharashtra. Political Parties in opposition should desist from overtly or covertly supporting or appearing to support such demands. Both these wrong tendencies are now at play.

33.9 SCs, STs and SEEdBCs should peacefully mobilise and mount countervailing pressure on ruling and opposition Parties to prevent them, out of irrelevant electoral considerations, from succumbing to or promoting such irrational demands.

Political Parties in Relation to SCs, STs and SEdBCs

34. (i) *We see various attempts at social engineering by political parties to bring different caste groups under their umbrella of supporters, the best known being Bahujan Samaj Party's efforts to bring together SCs and Forward Castes in alliance against OBCs. Can you talk about such experiments or proposed experiments attempted in different states? How far have they succeeded? Are these attempts purely for electoral gains or are there long term ones to bring differing castes together?*

(ii) *What kind of caste combination worked for the Grand Alliance in recent Bihar elections? It is said that Nitish Kumar is trying to replicate the experiment in other state elections shortly due. Do you think the strategy would work and if so, in which states?*

(iii) *In the run up to the Bihar elections, Mohan Bhagwat, RSS supremo called for a relook at the policy of Reservations. It was, later, denied or claimed to have been mis-quoted, by every Hindutva organisation. It is sometimes claimed that Bhagwat's statement caused BJP dearly in the elections. What is your view on the issue?*

(iv) *How far have Dalit parties succeeded in promoting Dalit cause? Can you, particularly focus on Maharashtra, UP and Tamil Nadu?*

(v) *BJP, RSS and other Hindutva groups have successfully used SCs and STs to fight their battles against Muslims and Christians. Is it possible to break the alliance and build solidarity between the SC, STs and Minorities. Have efforts been taken in the direction?*

34.1 As in all other matters, while I do not belong to any political party, I try to look at Political Parties from the point of view of Dalits/SCs, Adivasis/STs and the SEdBCs, especially the Weaker castes of SEdBCs or the SEdBCs

other than the land-owning castes (DAWBCs). Looking back from the beginnings of our modern history, the Indian experience has been that those who initiated political movements and set up political Parties belonged to the elite of Socially Advanced Castes (SACs). The castes which perceived the advantage of western education, when it was introduced in India, were people belonging to the SACs, and even among the SACs, those castes which were not agriculture-based. As a result, the earliest castes from which an educated urban professional middle class emerged were upper castes like Brahmins of different regions; Kayasthas of North India, East India and Maharashtra; Khatri of North-West India; and Banias / Vaishyas. Certain socially advanced and dominant agriculture-based castes like Nair of Kerala, Kamma and Reddy of Andhra Pradesh and Vellalar of Tamil Nadu soon followed.

34.2 The earliest political Party of India, the Indian National Congress (INC), was led mainly by persons belonging to the SACs referred to above, leaving aside the founder of the Party, A.O. Hume, who, in the aftermath of the Upsurge of 1857 and subsequent emergence of discontent, conceived the Party as a “safety valve” to provide an outlet for the aspiring sections of India. Apart from upper caste Hindus, the Congress leadership also contained some Parsis who, in the socio-economic context, were aligned with the upper caste Hindus. This is not the occasion to trace the subsequent history of the Congress and its transformation into a national movement for Independence, especially after the emergence of mass leaders like Lokmanya Bal Gangadhar Tilak and the arrival of Mahatma Gandhi, and changes in the composition of its leadership. From the point of view of the DAWBCs, suffice it to say that over time, by the time of Independence and in the early years of the post-Independence period, the leadership of the Congress comprised upper castes and, at the State/regional levels of some States, the land-owning upper castes.

34.3 The leadership of other political Parties which emerged in India in the early part of the twentieth century like the Muslim League and the Hindu Mahasabha was also from upper castes of Muslims and Hindus respectively. The BJP too has been having a leadership almost entirely of upper castes. The leadership of even the Communist and Socialist Parties has been predominantly upper caste. The leadership of movements which were not formal political Parties or part of political Parties like the Revolutionaries of the first quarter of the twentieth century and the RSS was also predominantly upper caste.

34.4 As a result, even today the leadership of major national Parties is from upper castes and upper-middle castes. Dalits, Adivasis and the SEdBCs are

there in small numbers in the leadership structures, but they are not among the main decision-makers in the respective Parties and thus are more like co-optees. An illustration of this can be seen in the attempt to have an elected Working Committee of the Congress (CWC) during Shri P. V. Narasimha Rao's time. Not even one Dalit could get votes enough to become a Member of the CWC. The most popular Congress Dalit leader of the time, Shri G. Ventakataswamy, got the highest number of votes among the Dalit leaders, but he too fell short of the votes required for winning a seat in the CWC.

34.5 Until the elections of 1967, almost all State Governments were formed by the Congress. Even after 1967, many of the States most of the time had elected Congress Governments. But, Dalit, weaker SEdBC and Adivasi leaders could rarely become Chief Ministers of concerned Governments. Even when they became Chief Ministers in rare instances, it was either through nomination by a powerful national leader like Smt. Indira Gandhi as in the case of Shri Jagannath Pahadia in Rajasthan or under short-lived fortuitous circumstances as in the case of Shri Sanjivaiah in Andhra Pradesh.

34.6 When the SEdBCs began to emerge, they found no place in the established leadership of the nearly all-pervasive Congress system and moved towards other Parties including new Parties. Shri Ram Manohar Lohia, a Socialist, and Shri Charan Singh, influenced by the Arya Samaj and Shri Lohia, neither of whom belonged to the upper castes, provided stimulus to the formation of political movements and Parties of the Backward Classes in North India. In Tamil Nadu, the Justice Party and subsequently, with Periyar leaving the Congress on account of the upper caste Brahmin domination of its leadership, the Dravidian Parties provided scope for the SEdBCs. In Kerala, the Communist Party provided political alternative for SEdBCs and Dalits. Almost all these Parties remained regional. Most of the Chief Ministers from SEdBCs were the products of these BC movements and Parties, like Thiru Annadurai and Thiru Karunanidhi of Tamil Nadu, Shri Karpoori Thakur of Bihar and most recently Shri Mulayam Singh of Uttar Pradesh, Shri Lalu Prasad and Shri Nitish Kumar of Bihar, and Com. Achuthanandan and Com. Pinarayi Vijayan in Kerala. Regarding the latter two, it is to be noted that the Communist Party in Kerala, though not a BC Party as such, has taken shape as a Party in which BCs are prominent not only in the cadres but also in the leadership. SEdBC Chief Ministers of the Congress have been rare like Shri R. Sankar of Kerala, Shri Kamaraj of Tamil Nadu, Shri V.P. Naik of Maharashtra, Shri Giani Zail Singh of the Punjab, Shri Madhav Singh Solanki of Gujarat, and more recently Shri Ashok Gehlot of Rajasthan. Most of these regional

Parties which provided room for leadership of other than the upper castes turned into Parties led by and reflecting the interests and aspirations of the less Backward castes of the SEBCs, i.e., castes with a substantial base of land-ownership. They have not been able to give due place to the weaker castes of the SEBCs who form the major part of the SEBCs and to Dalits/SCs and Adivasis / STs.

34.7 Dalits have tried to form political parties of their own. Dr Babasaheb Ambedkar took the first step in this regard by setting up the Scheduled Castes Federation and subsequently the Republican Party. For various reasons, the Republican Party has split into various factions and has not been able to gather steam. In Tamil Nadu recently, the Dalit Panthers Party and Puthiya Tamizhakam have emerged as Dalit Parties under two very able leaders, respectively Thiru Thol Thirumavalavan and Thiru Krishnasamy. But they too have not been able to gather significant strength. Dalits in most of the States to which the above Parties belong continue largely to vote for one or the other major national or regional Party.

34.8 The only Dalit Party which has acquired strength to form a Government on its own and under Dalit leadership is the Bahujan Samaj Party (BSP) of Shri Kanshi Ram and Kum. Mayawati. But this Party has been able to mobilize the entire Dalit population and gather enough strength to get elected to power only in Uttar Pradesh. It has not been able to make any significant impression on Dalits in the other States.

34.9 In view of its relative success, though only in one State, a closer look at the BSP, its ideology and the circumstances that led to its emergence may be educative. The ideology of the BSP envisages a coming together of the Dalits and SEBCs. This is reflected in the term “Bahujan Samaj” itself. Bahujan refers to the large majority of the people, i.e., people other than the upper castes. This is also reflected in the early slogans coined by Shri Kanshi Ram which called for the exclusion of “Tilak” (the religious mark on the forehead), “Tarazu” (the weighing balance) and “Talwar” (the sword), as metaphors for Brahmin, Bania and Rajput or Thakur, the three largest upper castes of North India, including particularly Uttar Pradesh – representing not only these three largest castes but also the upper castes as a whole who include communities like Kayastha, Tyagi, Jat etc. This is also reflected in the name of the non-political organization which Shri Kanshiram formed and from which the BSP arose, namely, the Dalit Shoshit Samaj Sangharsh Samit, or “DS4” as it was referred to. But, in actuality the major part of the SEBCs went with the Samajwadi Party (SP) though the bulk of the SCs have been

with the BSP. Even with the support mainly of the SCs, the BSP could make substantial gains because of the demography of SCs in Uttar Pradesh, where SCs constitute as much as 21% of the total population. Uttar Pradesh has one of the highest percentages of SC population in the country. For the country as a whole, the SC percentage is 16.6. There are only a few States where the SC population is higher than in Uttar Pradesh, viz., Punjab (31.9%), Himachal Pradesh (25.2%), West Bengal (23.5%). Of the SCs of Uttar Pradesh a fair majority (54.39%) belong to a single caste known as Chamar or Jatav, which has also other synonyms and sub-castes.

34.10 An idea of the implications of the SC demographic feature of Uttar Pradesh can be got by comparing it with a State like Andhra Pradesh. The figures given here are for the pre-bifurcation Andhra Pradesh because the Census data of 2011 and 2001 are for the undivided State of Andhra Pradesh and separate Census data for Telangana will be available only in 2021. In Andhra Pradesh, the total SC percentage is 16.4%, which is a little less than the all-India average. About 91% of SC population belongs to two castes, viz., Mala or Adi Andhra and sub-castes and synonyms (43%) and Madiga/Arundhatiyar/Adi Dravida (50% – the community referred to by the term “Adi Dravida” in Andhra Pradesh is quite different from the community referred to as “Adi Dravida” in Tamil Nadu). Thus, the total SC population of Andhra Pradesh is more or less evenly distributed between these two largest castes of SCs. They are also sharply divided on account of the Madiga grievance that they have got less than the proportionate share of the benefits of Reservation. The Madigas, therefore, seek categorization of SCs, which the Mala community resists. This makes it more difficult to bring together the SCs in Andhra Pradesh than in Uttar Pradesh. It is possible to analyse the SC demographic features of different States in this manner. Of all the Southern States, Tamil Nadu SCs have demographic features fairly similar to those of Uttar Pradesh. In Tamil Nadu the SCs constitute 20% which is more than the all-India average and almost equal to that of Uttar Pradesh. There is also one caste, viz., Adi Dravidar/Paraiyan which constitutes about 62.8% of the total SC population of Tamil Nadu. The second-most populous SC caste, viz., Pallar/Devendra Kulathor constitutes about 16.7% and the third largest caste, viz., Arundhatiyar/Chakkiliyan constitutes about 12.6%. The Dalit mobilization similar to that in Uttar Pradesh should be possible in Tamil Nadu if one leader or a collectivity of leadership is able, with foresight and vision, to secure the united support not only the largest caste, but also the other two major castes and the many smaller castes of SCs. This is a challenge before the Dalit leadership of Tamil Nadu.

34.11 The mobilization of SCs in Uttar Pradesh was facilitated by the fact that ameliorative programmes for SCs in Uttar Pradesh have been sparser than in Tamil Nadu and other southern and Peninsular States. The upper caste dominance in society and in the main political Party of Uttar Pradesh till 1989, viz., the Congress left little hope and little scope for expectation for Dalits from the existing socio-political system. The other Parties available in Uttar Pradesh consisted of Parties, such as the Samajwadi Party (meaning “Socialist Party”), which were dominated by major land-owning castes, including the land-owning castes of SEBCs, and the BJP, which was yet to acquire the traction it acquired in the 1990s and which was in any case led by and was identified with the SACs. In spite of the presence of a large Dalit population of agricultural wage-labourers and the presence of a large number of weaker SEBCs including socially and educationally backward castes of Muslims, the Communists and other Left Parties could not make any impression on them, for reasons true of other parts of India too.

34.12 The arrival of Shri Kanshiram, who was a native of the Punjab, and was the founder of the pre-BSP “DS4”, complemented by Kum. Mayawati, who belongs to Uttar Pradesh, and of the BSP, founded by Shri Kanshiram, provided the only avenue of hope for SCs. The situation was ripe for the BSP, and the Dalits enthusiastically flocked to it. In many other States the type of demographic features and the type of socio-political situation that existed in the late 1990s onwards in Uttar Pradesh did not exist. For example, in Southern States, social and political movements had resulted in greater, though not full, democratization of society than in Uttar Pradesh and in most of the North Indian and East Indian societies. This was marked by the elimination or reduction of upper caste domination, especially in Tamil Nadu and Kerala, and greater social and political strength accruing to the SEBCs, particularly the land-owning castes of SEBCs. Dalits continue to be most vulnerable along with Adivasis. But, competing political formations of comparable strength took shape in Southern States, providing some scope for choice for Dalits. Further, on account of the social and political movements in the Southern States, a practice of undertaking ameliorative programmes for SCs became prevalent. There are variations even among these Southern States. For example, ameliorative programmes for SCs and STs in Andhra Pradesh (now Andhra Pradesh and Telangana) – Andhra Pradesh is the only Southern State with a substantial population of STs) – got a fillip because of the role of a few officers committed to Social Justice – a path which I pioneered and Shri S. R. Sankaran joined soon after, which both of us consistently followed throughout (both of us cheerfully facing

persecution from the large land-owning dominant-caste political leadership and some elements in the top bureaucracy), and a path which influenced some other officers who joined the IAS and other Services later. Though these ameliorative programmes did not go to the root of the inherited social distortions, of which the worst victims are SCs, for want of political interest and on account of dominant socio-political interests contrary to the interests of the Dalits and Adivasis and weaker BCs, they enabled political Parties led by upper castes or upper-middle castes, including the upper-middle Backward castes, basically representing the interests of the land-owning castes, to secure the support of a major part of the SC population.

34.13 Thus it has been possible for a strong Party, supported by the Dalits as a whole and led by Dalits, to take shape only in Uttar Pradesh. Here it must be noted that this has not been possible in other States with even larger proportion of SC population than Uttar Pradesh, including in Shri Kanshiram's native Punjab. There is obviously a socio-political vacuum in respect of Dalits and Adivasis and weaker castes of SEBCs including the Backward castes of Muslims in most parts of the country, which is a challenge facing those who believe in the deepening of democracy in keeping with humanist, nationalist and Constitutional goals.

34.14 The Indian demography is such that no Party can come to power even at the State- level based on and with the support of only one caste or one class, making Alliances and Coalitions inevitable. In my view, the BSP could have been more successful in securing the support of the weaker castes of the SEBCs and stabilising Dalit support if it had, during the period it was in power, undertaken a massive and systematic programme and campaign of land-distribution to rural Dalits and other landless agricultural labour families mostly belonging to the SEBCs, particularly the weaker SEBCs, thereby removing the scourge of landlessness, and undertaken various other legislative and programmatic/schematic measures to radically alter the inherited socio-economic structure of the State, in accordance with the Road-Map which I had communicated to Kum. Mayawati (as to many other leaders of different Parties). This would have secured for the BSP large-scale support of the weaker castes of the SEBCs in addition to her Dalit base. Together, the Dalits and the weaker castes of SEBCs would have been a stable social combination without mutual economic contradictions and would have constituted an unbeatable force. During its periods in power, the BSP under Kum. Mayawati did take steps in favour of Dalits and other weaker sections such as putting them in actual possession of lands which had been

earlier granted to them on paper. When I wrote to her about specific instances where people of the Dalits and other weaker sections required relief, she did take concrete action on them, but the holistic approach was missing. In the absence of this approach, the BSP had to fall back on a combination with one or the other major upper castes, in this case the Brahmin, while the SP, along with its Yadav BC base, roped in Muslims and the upper caste Thakur/Rajput.

34.15 The Adivasis/STs have largely been left to devise their own political track. In the early Independence period a charismatic tribal leader emerged from the large tribal tract of Bihar (now Jharkhand), Shri Jaipal Singh, but the prevalent Congress system was able to neutralize him. Leaders like Shibu Soren in the Jharkhand area of Bihar set up the Jharkhand Mukti Morcha, but after some initial success it got weakened. The North-Eastern States other than Assam, Tripura and Manipur are wholly or mostly tribal, and the political leadership in these States has been with leaders of the STs, whether of the Congress or the non-Congress local Parties. In Tripura, the Communist Party has been able to bring together the Tribal and non-Tribal populations, mainly because of the devoted grassroot work among tribals by the late Com. Nripen Chakraborti and has been able to give the State a Chief Minister from the STs, Com. Dashrath Deb. With very limited political space and pushed to the margins of life and economy, substantial sections of tribals have moved to political formations, which do not trust the democratic processes and which believe in armed insurrections, described variously as Naxalites and Maoists.

34.16 Thus, at present there is a political vacuum in the country in so far as Dalits, Adivasis and the bulk of the SEBCs, i.e., the weaker BCs or the non-landownership-based BCs are concerned. At the same time awareness of their rights and awareness of their neglect by the national and regional Parties has been growing among these three. In North India, there is an incipient movement of the Most Backward Classes. With regard to the weaker BCs, this is reflected in the emergence of the Pasmada Muslim movement or the Backward Muslim Movement of North India with its core in Bihar, led by persons like Shri Ali Anwar of Bihar, the late Ashfaq Hussain Ansari of Eastern UP, the late Ibrahim Qureshi of Madhya Pradesh and others.

34.17 The electoral base of the Congress has been gradually shrinking on account of its largely upper caste and upper-middle caste leadership not having been able to actively and holistically represent and promote the interests of the Dalits and Adivasis and weaker BCs. In the past, the Communist and other Left Parties in some parts of India like Kerala, Thanjavur in Tamil Nadu, and in Bengal and in Telengana of the mid and late

1940s reflected and stood for the interests and rights of the Dalits, Adivasis and weaker BCs. But this revolutionary fervour gradually got diluted for various reasons, which I cannot elaborate here, with the result that in no part of India do the Dalits and Adivasis look to the Communist Party as their Party. Even in Kerala, the electoral support of Dalits for the Communist Parties has reduced though the majority of them continue to vote for them. The BJP until recently has not been able to expand much beyond its upper caste electoral base. At the same time, political Parties are faced with the new reality of the increased awareness of their plight and their neglected rights on the part of the DAWBCs, particularly the Dalits. Therefore, each of these Parties has now begun to perceive that without the active support of the DAWBCs, it is not possible for any of them to succeed electorally on a continuing and stable basis. From this has arisen the phenomenon of paying homage to Dr Ambedkar by all Parties and expression of sympathy and support for the Dalits and the rest of the DAWBCs. For the first time, a leader born in the SEBCs and belonging to one of the weaker BCs has become the Prime Minister on his own strength and as the unquestioned foremost leader of his Party. Shri Narendra Modi's speeches in the run-up to the elections of 2014, such as his speech on the occasion of the Centenary Celebration of the historic Kayal Samaram ("Lake Struggle") of the Dalits at Kochi on the 9th February 2014 when he stated inter alia that, he takes it as his destiny to fulfil the rights of Dalits and Backward Classes which have not been fulfilled in the many decades after Independence and that the coming decade will be the decade of the Dalits, Adivasis and Backward Classes and similar speeches elsewhere, were unprecedented for the BJP. These and other speeches of his and his own BC origin have roused new expectations among the DAWBCs. In the 2014 Lok Sabha elections, for the first time in the electoral history of India, the BJP got a large percentage of Dalit votes than the Congress – 24% against 19% – at the national level. The Dalits, Adivasis and SEBCs, especially the weaker castes of SEBCs, are awaiting action on the basis of these speeches of early 2014 and later. The Congress as well as the BJP have their respective SC Department and SC Morcha. These are trying to be more active. The CPI(M) has recently in 2015 set up the Dalit Soshit Mukti Manch (DSMM) (or Forum for Liberation of Dalits from Exploitation) at the national-level with units in States like the Dalit Adhikar Manch (or Dalit Rights Forum) in Haryana. At the national level, this is a first for the Left. Earlier in some States where the Social Justice movement is stronger, there have been formations like the Anti-Untouchability Front of the CPI(M) in Tamil Nadu and the Kula Vivaksha Poraata Samithi (i.e., Organisation to Fight against Caste-based Discriminations) of the CPI(M) and the Dalita

Hakkula Poraata Samithi (Organisation for Struggle for Dalit Rights) of the CPI and Kula Nirmoolanana Poraata Samithi (Organisation for Struggle for Caste Eradication) of the Paura Hakkula Sangham or Civil Liberties Committee associated with the CPI(ML) in Andhra Pradesh.

34.18 It is not for me to judge and pronounce on the sincerity quotient of the different Parties in these moves. Let us look at it positively as a natural evolution of the democratic process as progressively the suppressed and depressed classes begin to move out of darkness. It is welcome that all national Parties are taking note of the Dalits and the Adivasis (though to a lesser extent) and the weaker SEdBCs (though to a still lesser extent). I would only expect and appeal to them to recognize that these classes and categories have grown in awareness to the extent that they will not be carried away only by homages to Dr Ambedkar or mere expressions of sympathy and support. They want, expect and are entitled to concrete action in the shape of comprehensive legislative and programmatic/schematic measures. I have prepared a Road-Map of these measures, on the basis of my lifetime's experience in close association with the masses of the Dalits and other deprived classes, stretching over nearly seven decades and covering all parts of the country, and furnished to the leaders of the Congress, the BJP and the Left Parties and some regional Parties including the BSP. These comprehensive Social Justice measures are designed to bridge the gap between the Dalits and Adivasis at one end and the SACs/NSCTBCs at the top with the SEdBCs coming in between, usually closer to SCs and STs than to SACs, in every parameter of development, welfare and life. Reservation is an important, but not the only, item of these comprehensive measures. All Parties should realize that the Reservation system that has evolved should not be tampered with in any manner. One threat to the existing Reservation system is the tendency of the national and State Governments to yield to pressures of powerful dominant Socially Advanced castes to be recognized as Socially and Educationally Backward Castes and provide them Reservation. Such demand is a blatant and patent contradiction in terms. All Parties should take a common line in preventing this distortion and abuse of the policy of Reservation. They should resist the temptation to dislodge an existing State Government and capture power when they are in the Opposition by supporting such agitations and such demands overtly or surreptitiously. This should be a common national policy binding all Parties just as there is a common policy of all Parties in matters of national security and defence. This does not prevent all Parties or any Party from taking correct action to

provide deserved help to the genuinely poor of the SACs such as scholarships and educational loans, but not Reservation.

34.19 Each Party has got the opportunity to implement the above Social Justice measures, both legislative as well as programmatic/schematic, at the Central level whenever they rule at the national level and in the States in which they rule. I have been appealing to various leaders for action along these lines. On this depends the prospect for India's growth and advancement at an optimal pace and stable governance at the national and regional levels by any Party. The nation needs optimal progress and stable governance. This will be possible only through seriously and sincerely adopting and implementing the Road-Map I have furnished to different Parties and leaders so that the caste-based inequalities, which we have inherited through the centuries, disappear and with that the relevance of Caste and the Caste System ceases to exist and the foundation is laid for the annihilation of Caste and for a society liberated from Caste.

34.20 A word of caution which I would like to mention here is that the Social Justice programme as outlined above should be undertaken wholly or solely for removing the deprivations and inequalities, oppressions and exploitations suffered by the DAWBCs and should not be with any other ulterior motive such as using them for battles against any other social class or group or religious community. Nor should the Social Justice programme be presented in a negative light as antagonistic to any group or class, but only opposed to the inherited system based on birth-based inequality. All political parties should give the confidence to the DAWBCs that their respective Parties consider the achievement of the goals of DAWBC advancement and empowerment as a value in itself and their Parties' engagement with this task is not an electoral tool or means of "using" the DAWBC for other objectives.

34.21 The electoral success of different Parties or in combination of Parties in different States, at different times, is a matter of detail. It will depend on how far they seriously and sincerely work according to the Road-Map of comprehensive Social Justice measures which I have formulated and furnished to them. A long-term strategy based on the Dalits and weaker castes of the SEdBCs and on the Adivasis is yet to take shape which requires far-sighted vision not limited by immediate electoral calculations. But more than the prospects of the different Parties, the future of Indian society and the Indian nation and the Indian democracy is involved. Which of the political Parties will come forward to build a social alliance of Dalits, Adivasis and the weaker castes of SEdBCs and others who believe in an egalitarian society is

a question mark. Such an alliance can be built with less difficulty by a joint leadership perceived as representing these deprived classes and persons of other classes who are known to believe in an egalitarian society, rather than by a leadership based on a single caste or single leader which may tend to repel others.

34.22 On this depends not only the fulfilment of the legitimate interests and aspirations of the Dalits, Adivasis and SEdBCs, especially the weaker castes of SEdBCs, who include the SEdBCs of Minorities, but also the future of the nation and the future of democracy. The way almost all political Parties have been, for one reason or the other, evading the basic task in respect of these deprived classes will erode their confidence in the democratic system and the democratic process. This is a danger which the political Parties, especially major national and regional Parties of the country should prevent and have the duty to prevent and can prevent.

34.23 Indian Democracy needs two or three strong national Parties. The emergence of such a balanced, stable and egalitarian Polity depends on how far the Congress, the BJP and the Left sincerely and holistically address the above issues from the point of view of the Dalits, Adivasis and weaker castes of the SEdBCs; and give them confidence in the sincerity and seriousness of the respective Parties.

Media Neglect of Social Justice

35. How do you see the role of the media in India in bringing justice to the oppressed? Is the oppressed being poorly represented in the national media the main reason for the invisibility of the issues of oppressed sections?

35.1 Subject to exceptions, the media, both print and electronic in general have been oblivious to and insensitive to issues of Social Justice for the SCs, STs and SEdBCs. The omission is greater in the case of what are rather inaccurately being described as the “national media”. It is still greater in the case of “national” media in English. It is maximum in the “national” electronic media in English. I have found that the regional media are somewhat more sensitive than the national media.

35.2 Let me give some examples. On the 5th to 7th December 1999, the Government of India organised a National Convention of all-Party SC and ST MPs “to identify every single issue pertaining to SCs, STs and draw out an action plan”. This followed the then Law Minister Shri Ram Jethmalani’s speech in Parliament in which he frankly admitted the near-total or substantial failure in resolving the problems of SCs and STs in the entire period of our post-Independence Constitutional existence. The Convention was inaugurated by the then Prime Minister Shri Atal Behari Vajpayee. The importance of this is obvious. But most of our media gave scant attention to this Convention and to the PM’s inaugural speech. One of the prominent English newspapers of India with multiple editions from Delhi and a number of other metropolitan cities relegated the news of the inaugural address to a few words in one of the back pages. In the front page was a report titled “Relief for Sri Lankan Lesbians”. This was about four times as long as the report of the PM’s inaugural address at the national convention of SC and ST MPs with a very crucial agenda. One does not grudge the relief for those persecuted for private and personal orientation in any country. But what is painful is the casualness towards a very important national matter pertaining to the most

oppressed part of India's population and the PM's approach to it. Apparently, this prominent newspaper gave first-page prominence to Sri Lanka's lesbians not out of sympathy, but because they must have thought that such news in the front page would help to expand its circulation. If it was genuine sympathy, then the PM's inaugural address to the National convention of SC and STs MPs should have also got first-page prominence.

35.3 Typically, Dalits get media attention when they are subjected to massacre and mass arson. That is the price that the Dalits and Adivasis have to pay to get a little media attention. In recent years some of the editions of the Indian Express – I have noticed the Delhi edition and Hyderabad edition – have become sensitive to Dalit issues. I should also mention the Hindu's Tamil edition and among periodicals the *Frontline*. These exceptions are mainly on account of certain socially sensitive individuals in their editorial staff. Very recently, the wide video circulation of Una atrocity in Gujarat on the 11th July 2016 and following it the unprecedented Dalit mobilisation in their thousands has received some media attention.

35.4 Much of the very limited media attention that comes in the way of SCs, STs and SEBCs is negative, particularly in respect of Reservation. The limited media attention is episodic and there is no continuity. For e.g., after the reporting of massacres and mass arsons in their gory details, what happens to these cases is rarely reflected. The type of consistent pressure that has been justifiably brought about by persistent reporting in the Jessica Lal murder case which helped in getting justice for her is missing in the case of atrocities against SCs and STs. The few reports on Atrocities do not go into deeper issues underlying Atrocities like landlessness of Dalits and the illegal deprivation of Adivasis of their lands. I must mention that recently, the Delhi edition of Indian Express featured a series of articles on the condition of Dalits in a number of villages of Gujarat.

35.5 While discussing issues of educational policy and the recent New Education Policy, there is no effort in the media to look at them from the point of view of the SCs, STs and SEBCs and removal of their educational gap at each stage compared to the SACs. While discussing the stalemate in respect of the draft Memorandum of Procedure for appointment of judges in the higher judiciary, there is little highlighting in the media of the fact that there is not a single SC or ST judge in the Supreme Court; not a single SC or ST Chief Justice in the 24 High Courts and the presence of judges from SEBCs and women is nominal.

35.6 In the media reporting of Reservation, the extreme bias rooted in ignorance of basic facts and unwillingness to learn the basic facts even when placed before them, is glaring. An example of it was the interview of Prof Bhagwati of the Columbia University and another interview, both in New York, by the celebrated media anchor Ms Barkha Dutt, which have been analysed by me in a Paper which I widely circulated and also sent to important persons in the print and electronic media, including Ms Barkha Dutt herself. There is no response from any of them. Their unwillingness to benefit by authentic, objective, unbiased information placed by me before them is chilling.

35.7 The media attitude of insensitivity towards SCs, STs and SEdBCs is a reflection of the deep caste-origin-based bias of the upper castes / upper middle class and metropolitan / large-urban elite of India.

35.8 What I have said about the media is in respect of their insensitivity to basic issues of the oppressed classes and their caste-based bias against them, which are based on the caste-origin of the journalists and anchors. I do recognise and respect the contribution of the media in a number of other matters like the Jessica Lal murder case and the Nirbhaya case, exposure of corruption etc. The challenge before the media, both print and electronic, is to mature into balanced vehicles of information about the oppressed classes with consistency and continuity, and with holistic and comprehensive understanding without caste-based bias.

Lopsided Representation in Judiciary

36. You have, recently, started / renewed your crusade for better representation of non-Forward castes in the Judiciary. Can you talk about the rationale for it?

36.1 There are no two opinions about the importance of judiciary in modern democracy. I am also grateful for some of the important judgments that have emanated from the higher judiciary which have protected some of the rights of the SCs, STs and SEEdBCs. At the same time, there are judgments which have adversely affected the deprived classes apparently on account of the failure of the Executive to place full facts in a proper perspective through the Government counsels. The effect of such failures on the part of the counsels may be mitigated or neutralised by the presence of judges on the Benches who come from different social backgrounds and different social classes. The appointment of judges from among qualified persons belonging to the SCs, STs and SEEdBC – among SEEdBCs, especially the weaker castes of SEEdBCs and the SEEdBCs belonging to Minorities -, women belonging to these social classes and also women belonging to the SACs, will benefit the judiciary in this respect. This has been noticed by the National (Retd CJ Venkatachalaiah) Commission for Review of the Working of the Constitution (NCRWC) in its Report (2002).

36.2 The other limbs of the State, viz., the Legislature and the Executive have had the benefit of democratization through Reservation. This has not happened in the case of the third organ of the State, viz., the Judiciary. The Judiciary has been averse to the introduction of Reservation in the Judiciary. But in my view, it is possible to bring about social balance even without reservation or until it is found possible to introduce formal Reservation. This can be done by the collegiums themselves or by the Government clearly putting this across to the collegiums and following this up by returning proposals of appointment on the ground of social imbalance,

i.e, inadequate numbers and proportion of qualified candidates belonging to SCs, STs, SEdBCs, their women and other women in the lists furnished by the Collegiums. There are adequate numbers of qualified persons in the district-level judiciary and in the Bar belonging to the unrepresented / poorly represented classes and categories to make it possible to fill posts in the higher judiciary in due proportion.

36.3 A long-term solution is to establish an All-India judicial Service which was first recommended by the first Law Commission under the Chairmanship of the renowned jurist Shri M. C. Setalvad, of which another renowned jurist Shri Nani Palkhivala was a Member. After many years, provision was made to authorise the State specifically to create an All-India Judicial Service by the Constitution (Forty-second) Amendment Act 1976. This Amendment Act also went into certain details and specifically laid down that the All-India judicial Service shall not include any post inferior to that of a district judge. Such a Service would naturally contain provisions for reservation as in the case of all other All-India services. I have been pressing for the creation of this All-India service since a long time. But in the last four decades, this Service has not been created. If it had been created immediately after the Forty-second Amendment Act, we would by now have had a substantial reservoir of persons belonging to the absent/near-absent classes and categories available for promotion to the higher judiciary. It is understood that the present Government is at last examining this issue. I hope the Government takes this to its logical end.

36.4 I have been and am continuously raising these issues with successive Law Ministers and other leaders of the Government and Political Parties.

All Parties' Homage to Ambedkar. But, What Next?

37. How do you see the BJP attempting to appropriate Ambedkar? BJP and Hinduthva, as a whole, is largely dominated by Forward Castes, who were mainly responsible for crafting the monstrous system of caste and reaped its immense benefits for hundreds of years. Is it not ironical that they are trying to hail Ambedkar as a Hindu icon?

37.1 It is welcome that Ambedkar has begun to get the recognition that is his due and which was being denied to him for long. In the past, appreciative references to Dr Ambedkar, his work and his teachings, made by persons like me in interactions with the Dalit and non-Dalit public in villages and the Seminars and Conferences, used to be frowned upon and viewed as subversive. At the Government level, the change started in 1990 when certain steps pertaining to Dr Ambedkar were taken. One was the decision to accord him Bharat Ratna posthumously. Another was the decision to celebrate Dr Ambedkar's birth centenary year from the 14th April 1990. Usually such celebrations are in the portfolio of the Ministry of Culture, which attends to them in a routine manner. As Secretary, Ministry of Welfare, I proposed that the celebration of Dr Ambedkar's centenary year should be transferred to the Ministry of Welfare, on account of the intimate connection between Dr Ambedkar and the area of activity of the Ministry of Welfare. This was approved by the then Minister for Welfare Shri Ram Vilas Paswan and by the then Prime Minister Shri V.P. Singh.

37.2 The Ambedkar centenary year was celebrated in an unprecedented way, with the participation of masses through rallies, particularly the inaugural rally which was attended by about a lakh of people, and of intellectuals through seminars. There was also an attempt to introduce policies and programmes based on Dr Ambedkar's ideas of Social Equality and Social Justice.

37.3 Thereafter, Parties which had been lukewarm to Dr Ambedkar began to pay homage to him. With slight modification of a line in Oliver Goldsmith's poem "The Deserted Village", I may say "Those who came to scoff, remained to pray".

37.4 The recognition of Dr Ambedkar is also the result of some growth in the awareness and strength of Dalits. Parties of different ideological leanings find that it will be of electoral advantage to pay homage to Dr Ambedkar. I do not want to question the sincerity behind this. Belated recognition of the truth need not be ridiculed. The best way of utilising this turn is to call upon each Party to walk the talk and tell them that homage to Dr Ambedkar should be followed by legislations and programmes/schemes in accordance with Dr Ambedkar's ideals. I have attempted to do this. I think it will be useful for Dalits, Adivasis and SEEdBCs and their friends to build up pressure on Governments of different Parties which stop with paying tributes to Dr Ambedkar to take specific steps pursuant to their homage to him.

'Honour' killings

38. Honour killings and caste panchayats condemning marriages between dalit boys and dominant caste girls seem to be growing in number. The state, in spite of all the laws, does not intervene. Honour killings results only in cases where the boy is a dalit, but not when the girl is a dalit. And it is not seen in inter-caste marriages between any other two different castes. Can you comment on why it is so?

38.1 The so-called “honour killings” of Dalit boys and non-Dalit girls who choose to marry each other is one of the new forms of atrocities that have emerged with the changes of recent times in society. The Social Justice policies of the last few decades, though not comprehensive, have brought an unprecedented number of young people of Dalit communities into the common stream. As a result, for the first time boys and girls who belong to Dalit and other castes come together as persons and individuals in high schools and universities and offices. It is then a natural evolution for some of them to go beyond caste in choosing life-partners. Marriages between non-Dalit boys and Dalit girls are also frowned upon, but marriages between non-Dalit girls and Dalit boys are considered an abomination instinctively in line with Manu’s classification of the latter category of marriages as “Pratiloma” – even those who do not know the Manusmriti instinctively follow it. The process of mingling of young people of different castes, and marriages in breach of traditional customs of endogamy are at present few, but are bound to become more frequent in future. Even now, almost all marriages take place within the traditional endogamous circles of caste and sub-caste. Where the traditional circles are breached, the partners usually belong to different castes of fairly comparable status. Marriages across the line of “Untouchability” are extremely rare. The so-called “honour-killings” are the paroxysms of the caste system when it is hit where it hurts most. The law can be set in motion by Dalits and others, who want to see the end of the caste system, against these dishonourable “honour” killings, by understanding the SC and ST

(POA) Amendment Act 2015 and learning to utilise it in full. For e.g., the Act and Rules contain a provision requiring the establishment of a Vigilance and Monitoring Committee under the Chairmanship of the Chief Minister, which is required to meet at least twice in a year, in January and July of each year. We must insist on this happening. Society must require this Committee to give focussed attention to the most gruesome atrocities like massacres, mass rapes, mass arsons, etc and the so-called “honour killings”. The Act also requires Exclusive Special Courts to be set up to try the case of atrocities against SCs and STs. This must be specifically pressed for. The task is difficult but not impossible.

38.2 The interest of the society and nation require the destruction of the caste system. One of the modalities for this is to encourage and promote inter-caste marriages or rather, as I prefer to call them, anti-caste marriages, including marriages between Members of the SACs, one the one hand, and members of SCs, STs and SEEdBCs, especially weaker SEEdBCs, on the other. Persons in high positions in society should organise receptions to felicitate young people who choose to embark on such marriages. When I was in Hyderabad, there was an organisation known as “Kula Nirmoolana Sangham” (which means Organisation for the Annihilation of Caste”). Among its promoters were a retired judge of the High Court Sri J. Venkatesam, a retired Member of the State Public Service Commission Sri Veeraswamy and myself. By birth, two of us were of SACs and one of SEEdBCs. We organised felicitations to congratulate young couples belonging to different castes who got married. This helped to boost their morale and to feel accepted by the larger society even when disowned by their immediate families. I also tried to help them to secure employment or self-employment, so that they could become economically self-dependent, utilising the leverage of my position in the government and its Industries Department.

38.3 The Report of the Working Group on the Development of the SCs in the VIth Plan contained a recommendation that there should be Reservation – a small percentage would do – for children of parents one of whom belongs to SCs, and this Reservation should be carved out of the general quota. This Reservation should not be in the name of any caste, but for the “casteless”. Children of inter-caste marriages should not be forced to become members of any one caste, either of the mother or of the father, and should be enabled to become free from caste.

38.4 These anti-caste views of mine, which I have followed in my personal life, and which are in the interests of the nation earned one of the adverse remarks in my CR accusing me of strident advocacy of Inter-caste marriages.

Religions, Societies, Conversions and Reconversions in relation to Dalits, Adivasis and SEdBCs

39. (i) *My last set of questions. While our diversity is celebrated and the need for preserving distinct cultural identities is recognised, a process of homogenisation through sanskritisation is relentlessly grinding. The primordial yearning of the oppressed castes to win the recognition of the upper castes is leading to the aping of the latter by the former. Brahmanical values, practices, rituals are being adopted by lower castes, including dalits with avidity. What do you feel are the consequences of it, particularly for the status of women?*

(ii) *Ambedkar's declaration, "I was born a Hindu; I am not responsible for it. But I shall not die a Hindu" is well known. He ultimately embraced Buddhism, along with a large no. of his followers. Why is this path not followed by even his most dedicated followers? Why do SCs cling to Hinduism as if it were their only salvation?*

(iii) *What is your view on the 'gar vapsi' campaign of RSS and other Hindutva groups? What is the 'gar' the SCs and STs return to, when they were never part of the Hindu fold?*

39.1 This set of questions involves religions, societies, social organizations, conversions and reconversions. I will start with the very important observation of Swami Vivekananda which he made in 1897 in Madras (Chennai). I have mentioned this already under Question No. 1 among the early influences that helped to shape my approach to society. In view of its importance for clarity for the present set of questions, I reproduce it here:

"The Mohammedan conquest of India came as a salvation to the down-trodden, to the poor. That is why one-fifth of our people have

*become Mohammedans. It was not the sword that did it all. It would be the height of madness to think it was all the work of sword and fire. And one fifth... one-half... of your Madras people will become Christians if you do not take care. Was there ever a sillier thing before in the world than what I saw in Malabar country? The poor Pariah is not allowed to pass through the same street as the high-caste man, but if he changes his name to a hodge-podge English name, it is all right; or to a Mohammedan name, it is all right. What inference would you draw except that these Malabaris are all lunatics, their homes so many lunatic asylums, and that they are to be treated with derision by every race in India until they mend their manners and know better. Shame upon them that such wicked and diabolical customs are allowed; their own children are allowed to die of starvation, but as soon as they take up some other religion they are well fed. There ought to be no more fight between the castes.” [Swami Vivekananda, 1897, “The Future of India”, in *Complete Works of Swami Vivekananda, Vol. 3: Lectures from Colombo to Almora*]*

39.2 I have extensively discussed the different theories of conversion in my Report (2007) furnished to Government of Andhra Pradesh on “Identification of Socially and Educationally Backward Classes among the Muslim Community of Andhra Pradesh” (which is being published as a book with updating). There, on the basis of evidence drawn from historiographic, demographic, anthropological and sociological studies etc. and above all Swami Vivekananda’s weighty observations, I have shown that the major factor in conversions in India to Islam and Christianity and earlier to Buddhism and Jainism was the search of “lower” castes for social and human dignity. I have also shown, on the basis of multi-disciplinary evidence pertaining to different parts of the country, that most of the Muslims and Christians of India are converts from castes which are now classified as SCs and SEBCs – more of SEBCs, especially of the artisan, artisanal and service-providing castes in North India; and more of SCs in the South.

39.3 Conversions in India have thus been not so much a religious issue as a social issue. Conversions, when opportunities open up, are one of the strategies resorted to by “humiliated” castes in their search for social and human dignity. But this has not been able to counteract the much weightier effect of socio-economic factors which determined status and dignity under the Caste System. Recently, the Catholic Bishops’ Conference of India (CBCI) has published a 44-page document titled “Policy of Dalit Empowerment in

the Catholic Church in India” in which at long last the continuance of caste discrimination against Dalit Christians has been admitted – it was well-known to Dalit Christians and persons like me since long – and has laid down a course of action for correcting this “great social sin” within a year. It will be highly desirable if the religious leaders of Hindus – though not organized like the Christian/Catholic church – come together and make an unequivocal and unanimous admission of the reality of caste-based discriminations against Dalits, spiritually outlaw it as a social sin, and lay down a time-bound course of correction. This should also come from social leaders. I have shown in my Report that in India’s Islamic society also there is discrimination particularly against the Arzal category which includes Muslim castes from which scavengers are drawn. While conversions have not been able to provide a complete antidote for “Untouchability” and caste-based discriminations, it must be recognized that there have been some palliatives for Dalits in Christian and Muslim societies. For example, schools were opened for Dalits by Christian missionaries dating back to the 19th century. A number of castes which were subjected to “Untouchability” have been able to merge into a larger identity in Muslim society in which they are no more identifiable as former victims of “Untouchability”, and the castes which are still identifiable as continuing victims of “Untouchability” constitute only about 1% of the Muslim population as against SC percentage 16.6% in the whole country.

39.4 Without going into various details here, which I have discussed elsewhere, the present situation is one in which “leaders” of different religions are sensitive to loss of their numbers and seek to prevent such loss by various means.

39.5 Swami Dayananda Saraswati started the “Shuddhi” movement. He wanted all Hindus to shed caste and wanted all of them to have a common surname “Arya”. Many people, especially in the Punjab and Western Uttar Pradesh, followed his lead and adopted that common surname, but when persons of the “Untouchable” castes also began to assume that surname, it was given up by people of the so-called “upper castes. The few persons left now with the surname “Arya” are all of the SCs. Leaders of Hindu religion who are anxious about the preservation of their numbers have a task which is very simple. All that they have to do is to mount a positive campaign to effectively eliminate all forms of “Untouchability” and “Untouchability”-based discriminations and humiliations and other caste-based discriminations and humiliations, and banish from our mental DNA the very idea of inferiority and superiority based on birth, thus eliminating the centuries-old push factor.

39.6 Looking at from the point of view of the SCs, SEdBCs and also STs, what is involved is not a choice between different religious tenets, ontologies, and metaphysics. Religion is mixed up with this because of the religions professed by different social classes. In fact, religion and differences of religion do not make any difference in the behaviour of the dominant social classes and the fate of deprived and vulnerable social classes. As I have pointed out earlier, Adivasis of the tribal areas of Andhra Pradesh and Kerala met with the same treatment at the hands of dominant communities professing two different religions in the two States. Conversely in various Atrocities, SCs and SC Christians suffered the same fate irrespective of the different religions that they profess.

39.7 In my view, religion being a very sensitive issue, it is necessary not to allow religion-based disputations to delay the supreme cause of Social Justice and of establishment of Equality between SCs, STs and SEdBCs, on the one hand, and the SACs, on the other. Suffice it to say that at this stage the Constitution allows freedom for choice and profession of religion and there are laws to prevent conversions through extraneous factors. The Constitution should be strictly followed and the laws allowed to take their own course.

Other Important Events

40. There may be a number of other events stored in your phenomenal memory. How can they be made available to younger and future generations?

It is true that on account of limitations of length, which cannot be ignored, though you gave me a lot of leeway and wanted me not to be constrained by such considerations, I have to leave out a number of details, incidents and events. My mind teems with memories of many other incidents and events, encounters and associations with leaders and with representatives of many social and other organisations and of different political parties and movements, and colleagues and many individuals in diverse fields in the course of my life and work for Social Justice and Social Equality. If readers, after going through the present narrative, feel and give the feedback that a more comprehensive account will be useful, I shall attempt it later in some form or the other, with my remaining schedule of writing authentic and comprehensive books, on Scheduled Castes (SCs), Socially and Educationally Backward Classes, “Untouchability” and Atrocities, Reservation, Equipment for successfully and effectively facing Judicial Challenges etc.

A Final Word

41. Finally, how would you briefly summarise your life-journey and the main factors that helped it?

41.1 My ideals and ideology have been the light that illuminated the path of my journey. This is in the spirit of the Buddhist maxim “Aatha Deepo Bhava” (Be Your Own Light).

41.2 But I have had the benefit of a number of factors external to me. I had liberal parents and liberal siblings. I have earlier mentioned my father P. L. Subramanian’s role and a conversation I had with him, which, combined with the first speech of Dr Ambedkar I have read, set me on the path of Social Justice. I have also mentioned the kindness of my mother Annapoorna or Annamma in serving food for my friends of different communities in the family dining room, in response to my request and persuasion. This was in the early part of my life. Subsequently, I had the good fortune of finding Shantha who has been my life-partner for the last nearly 5 ½ decades. She has been a consistent source of support and comfort. She herself belongs to a liberal family in which all three sisters and most brothers have married outside their birth-based endogamic group. She has shared my ideals and has had her own personal concrete contributions and achievements in the field of Social Justice focused particularly on potters and other traditional artisans and written about them. In fact, I owe her many of the insights I gathered about the artisan castes of SEdBCs.

41.3 My good fortune has continued into the subsequent generations. My daughter Shubha and grand-daughter Tishya are also sensitive to Justice and Social Justice. When Shubha was about six years old in 1973, a neighbour in Hyderabad, who was in the judiciary and subsequently retired as a High Court judge, asked her whether we belonged to such and such caste and without batting an eyelid, she replied: “*Maaku Kulam Ledu, Memu*

Manushyulami” (We have no caste, we are humans). Tishya, all of 14 years of age, is recognised in her class as an exponent of the caste system and its evils and of ideas of Equality and freedom from prejudices.

41.4 Another blessing has been my peer group and friends and associates in my early days as well as in the period after I entered the IAS and after I retired nearly 28 years back - all of them social liberals born in families of different backgrounds, and many of them active in the field of Social Justice in their own ways and fields.

41.5 Can anyone be more fortunate? I could not but try to give of my best back to Society. It would have been unpardonable if, with all my advantages, I had done or attempted less.

Abbreviations

- ALC - Agricultural Labour Castes
- AG - Attorney General
- BSO - Board Standing Orders
- *BCs* - *Backward Classes*
- CSSs - Centrally - Sponsored Schemes
- CCPA - Cabinet Committee on Political Affairs
- CMP - Common Minimum Programme
- CD - Community Development (Block)
- DCs - Depressed Classes
- ICS - Indian Caste System - with - Untouchability
- NFHS - National Family Health Surveys
- NSCTBCs - Non-SC, non-ST, non-SEdBC castes
- NCBC - National Commission for Backward Classes
- NAFSJ - National Action Forum for Social Justice
- NCRWC - National Commission for Review of the Working of the Constitution
- NDMJ - National Dalit Movement for Justice
- NCDHR - National Campaign for Dalit Human Rights
- OSS - Overseas Scholarship Scheme
- *OBCs* - *Other Backward Classes*
- PMS - Post-Matric Scholarship Scheme
- **PCR Act** - **Protection of Civil Rights Act**
- PEPSU - Patiala and East Punjab States Union
- PESA - Panchayats (Extension to Scheduled Areas) Act, 1996
- RoR - Record of Rights

- FRA - Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006
- SC - Scheduled Castes
- ST - Scheduled Tribes
- SCP - Special Component Plan for Scheduled Castes
- SACs - Socially Advanced Castes
- SRC - States Reorganisation Commission
- SLR - Survey Land Records
- SJ - Social Justice
- SES - Self-Employment Scheme
- SECC - Socio-Economic and Caste Census
- SIET - Small Industries Extension and Training Institute
- Sc St Act - Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989
- SEdBCs - Socially and Educationally Backward Classes
- SCFDC - Scheduled Castes Finance and Development Corporation
- SCA - Special Central Assistance
- TsP - Tribal sub-Plan

Bibliography

Social Justice Measures Required to be Undertaken (and sincerely and thoroughly implemented) in order to achieve the Constitutionally mandated goal of Social Equality. i.e., Equality of SCs, STs and SEBCs with Socially Advanced Castes (SACs) in all Parameters of Development, Welfare and Life

A ROAD-MAP

[Furnished to Different Governments and Leaders of Political Parties]

A. LEGISLATIONS REQUIRED FOR BRINGING ABOUT EQUALITY FOR SCHEDULED CASTES AND SCHEDULED TRIBES

I. Legislations Exclusively for SCs and STs

1) National Legislation for Special Component Plan for Scheduled Castes (SCP) and Tribal sub-Plan (TsP) and Scheduled Castes and Scheduled Tribes Development Authorities

The legislation should, among other things, provide for

- Setting apart, as the corpus of the SCP, before the Plan outlay is allocated sector-wise and Ministry/Department-wise, a proportion of the total outlay which is not less than the proportion of the SC population in the total population of the country in the case of the Central Plan and of the respective States in the case of State Plans.
- Planning and allocations for programmes and schemes relevant to SCs and issue of sanctions of funds should be undertaken to the extent of these two corpus outlays solely on the basis of the needs and priorities respectively of SCs in keeping with the overarching goals of their

economic liberation, educational parity at all levels with the Socially Advanced Castes (SACs), equality in all developmental and welfare parameters with the SACs, and social dignity and security, and consisting of schemes, programmes and projects, of which the beneficiaries are only SC individuals, SC families, SC groups and SC habitations and SC institutions, and which will eliminate the gap between SCs and SACs in each and every parameter of development and welfare.

- Entrustment of this corpus and the task of relevant planning and issue of sanctions and close monitoring of implementing Ministries/ Departments/other Agencies to whom funds are sanctioned from the SCP, timely remedial corrections, etc., to dedicated expert bodies, namely, the National SC Development Authority (NSCDA) for the Central Plan, the State SC Development Authorities (SSCDAs) in each State and UT for the State Plan and the District SC Development Authorities (DSCDAs) in each district for implementation, monitoring and, based on wide consultations from the village-level upwards, feedback to NSCDA and SSCDAs to facilitate Plan formulation and, where required, timely corrective measures where required; vesting functional, financial and administrative autonomy in the NSCDA and SSCDAs; and providing all functional facilities that they need and ask for. The full-time Members of the NSCDAs and SSCDs (apart from ex-officio Members) should be persons of relevant expertise and devotion to the task of the development and progress of SCs.
- Similar steps for STs and Tribal sub-Plan (TsP), utilizing in particular the people's structure created under the Panchayats (Extension to Scheduled Areas), Act (PESA) and, on the basis of the needs and priorities of STs, in keeping with the overarching goals mentioned in the case of SCs and SCP and in addition the overarching goal of protection of their distinct cultures and cultural identities and territorial and local autonomy.
- Restoration of the original meaningful name of "Special Component Plan for Scheduled Castes (SCP)" which existed from 1978 to 2006 instead of the downgraded name of Scheduled Castes sub-Plan (SCSP) introduced in 2006 as what SCs need and are entitled to is a Plan and not a sub-Plan.

I have prepared the first draft of a Bill named "**Special Component Plan for Scheduled Castes and Scheduled Castes Development Authorities Bill, 2011**" incorporating the above points with necessary details, which after elaborate deliberations was adopted by the Planning Commission's and

Ministry of Social Justice & Empowerment's 'Sub-Group-I on Perspective Planning for Empowerment of Scheduled Castes during the XII Plan' (Annexure-I of its Report dated 1 August, 2011). The final draft after further consultation was made available to the Planning Commission, the Government of India and leaders of different Parties. Later, I made a combined Bill incorporating the Tribal sub-Plan and Tribal Development Authorities in the above Bill, and was sent to the UPA-II Government.

After a lot of delay the UPA-II Government (Ministry of Social Justice & Empowerment) prepared a draft Bill which contained some positive features but also suffered from dilution of certain important provisions in the draft Bill suggested by me in association with a large number of SC and ST organizations and lacunae which leave scope for distortion in the planning process in future. Finally, the UPA Government let down the SCs and STs in this vital area by the then Prime Minister directing the Minister for Social Justice not to bring the Bill to the Cabinet and to the Parliament, even though the Bill was ready with the Ministry of Social Justice & Empowerment, and dropping the then Minister for Social Justice & Empowerment from the Cabinet at that crucial stage and entrusting that important Ministry with important legislations before it to the additional charge of a Minister of another heavy Ministry who was also burdened with the Budget of that Ministry (Railways).

Meanwhile, on account of the democratic pressure created by the large mobilisation of Dalit activists in Hyderabad, for which they could secure the support of all political parties without exception, the AP Government moved a Bill and the AP legislature enacted the Andhra Pradesh Scheduled Castes Sub-Plan and Tribal Sub-Plan (Planning, Allocation and Utilisation of Resources) Act on December 2, 2012. While the Act is a pioneering one and contains positive aspects, there are some negative aspects in it, apart from dilution of certain important provisions in the Bill suggested by me in association with SC and ST organisations. The Karnataka State has also enacted a Bill titled "The Karnataka Scheduled Castes sub-Plan and Tribal sub-Plan (Planning, Allocations and Utilization of Financial Resources) Bill 2013" on 4 December, 2013 which is broadly similar to the Andhra Pradesh/Telangana legislation.

But, State Acts are no substitutes for a Central Act which is necessary for ensuring basic uniformity in essentials with scope for variations based on State and regional features.

Recently a National Forum for SCP and TsP was set up. This Forum organized a National Workshop at Delhi on 18.08.2016. Participants from different States including UP, Punjab, Delhi, Rajasthan, Orissa, Jharkhand, Maharashtra, Gujarat, Karnataka, Telangana, Andhra Pradesh, Tamil Nadu and Kerala took part in the Workshop. After the Workshop, a 5-Member delegation led by me called on the Union Home Minister. On behalf of the delegation and participants, I handed over to him a copy of the draft Bill prepared by me. I conveyed to him the unanimous desire of the participants in the National Workshop and also of all others working for the SCs and STs that this draft Bill be accepted by the Government and enacted in the Parliament's Winter Session 2016. I reminded him of the statement he had made in Hyderabad in 2013 that the national legislation for SCP and TsP would be enacted when his Party would come to power at the Centre. He remembered his statement and promised his full support for the enactment of the national legislation.

I discussed this further on 23.08.2016 (preceded by a preliminary discussion on 16.08.2016) with the new Minister of State for Social Justice & Empowerment. In the meeting on 23.08.2016, officers from the Ministry of Social Justice & Empowerment and the NITI Aayog were present. Subsequently I also discussed this with the Union Minister for Social Justice & Empowerment on 01.09.2016. I handed over the above draft Bill to both of them.

The State Units of the National Forum Forum for SCP and TSP have also organized State-level Workshops in different States such as Gujarat, Rajasthan, Madhya Pradesh, Punjab, Haryana, Uttar Pradesh, Maharashtra, and requested the respective Chief Ministers to enact the State legislations for SCP and TsP in their respective States. The responses of all the Chief Ministers were positive, but action is yet to be taken by them.

2) Legislation for Reservation for SCs, STs and BCs in Professional, Technological and other Higher Education Institutions in the Private sector, so as to give effect to the real purpose of the Constitution (Ninety-third Amendment) Act 2005 inserting new Clause (5) in Article 15 which was unanimously passed by the Parliament.

The *Inamdar* judgment of the Supreme Court in 2005 held that under the existing Constitutional provisions, the Government has no power to require private educational institutions to provide Reservations. There was an uproar in the Parliament and consequently the Constitution (Ninety Third

Amendment) Act, 2005, inserting new clause (5) in Article 15, was passed with virtual unanimity. This Amendment and the new Clause empowered the State to provide for Reservation by law in all educational institutions, whether Government and Government-Aided or Private (except Minority educational institutions). Pursuant to it, the Government of India enacted the Central Educational Institutions (Reservation in Admissions) Act, 2006 to provide reservation for SCs, STs and Socially and Educationally Backward Classes in professional, technological and other higher educational institutions; this was limited only to the Government and Aided educational institutions and did not cover the un-Aided private educational institutions. Reservation in Government and Aided institutions could have been taken care of under the old Clause (4) of Article 15 and in fact many States and Centre too have provided reservation for SCs and STs, and in some cases also for BCs, in Government and Aided educational institutions by virtue of their powers under Clause (4). The real purpose of Clause(5) was to demolish the walls which excluded SCs, STs and BCs from private educational institutions by enacting legislation for reservation for SCs, STs and SEDBCs in them.

The recommendation to enact law for Reservation in the professional and other higher educational institutions of the private sector has been made by the Group on Perspective Planning for Empowerment of Scheduled Castes during the XII Plan period, of which I was the Chairman, and by the Ministry of HRD's Task Force on Educational Development of Scheduled Castes, of which I was a Member. I have also raised this issue at the successive meetings of the National Monitoring Committee for Education of Scheduled Castes, Scheduled Tribes and Persons-with-Disabilities, presided over by successive the HRD Ministers Shri Kapil Sibal, Shri Pallam Raju and Smt. Smriti Irani. Everything is ready except a policy decision. It should not be evaded further in view of the Constitution (Ninety-third) Amendment.

Without this legislation and its effective implementation, the field of higher education will continue to remain as a "Special Educational Zone" which is barred to the SCs and STs and also to the SEDBCs except for a small upper crust of landowning BCs.

3) Legislation for Reservation for Scheduled Castes and Scheduled Tribes in Posts and Services under the State

Reservation can be provided by legislation or by executive order. The legislative route is always better. The executive order route is less transparent and there is less possibility of accountability. Pressure has been exerted by

those working for SCs and STs including myself to provide a statutory base for reservation in posts and services under the central government.

This was committed in the CMP of the UPA 2004 and solemnly committed in the President's Address to the Joint Session of both Houses in 2004. Yet, certain subterfuges were resorted to which facilitated delay till 2008. Then with only one year left for the 14th Lok Sabha to be dissolved at the end of its five year tenure, a Bill was introduced in the Rajya Sabha and passed without time and scope for scrutiny and discussion. When the Bill was due to go to the Lok Sabha, it was noticed that there were so many exceptions, exemptions and exclusions in the Bill that it was a de-reservation Bill rather than a reservation Bill. SC Ministers and other leaders requested me to suggest the amendments required in the Bill. I prepared a comprehensive list of amendments which were discussed and accepted at a meeting of SC and ST Ministers and MPs in February 2009. They approached Shri Pranab Mukherjee who, I understand, promised that at least important amendments suggested would be incorporated in the Bill to be introduced in the Lok Sabha. This did not happen, apparently on account of the negative attitude of the then Prime Minister Dr. Manmohan Singh and the then Minister of State in charge of the subject Shri Prithviraj Chauhan, and the Bill lapsed.

I have prepared a draft Bill incorporating the provisions in the amendments prepared by me and approved by the meeting of SC and ST Ministers and MPs, thereby removing the dangerous provisions in the earlier Government Bill and providing some teeth like the establishment of Tribunals for Justice in Reservation (Arakshan Nyay Adalats) and penal provisions.

4) Constitutional amendments to effectively and tightly protect the rights of SCs and STs to reservation in promotion

When the Supreme Court in its judgment dated April 27, 2012, invalidated Section 3(7) of the Uttar Pradesh Public Servants (Reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes) Act, 1994 and Rule 8A of the U.P. Government Servants Seniority Rules, 1991, that was inserted by the U.P. Government Servants Seniority (3rd Amendment) Rules, 2007, there was a lot of confusion and misunderstanding that reservation for promotion for SCs and STs has been struck down by the Supreme Court. In fact the Supreme Court in this case has not struck down Reservation in promotion for SCs and STs as such. It has only struck down the UP Act and Rule for want of certain particulars which it, based on certain observations in the Nagaraj case judgment of 2006, felt ought to have been furnished and were missing.

Reservation in promotion was introduced in 1955 and was upheld by the Supreme Court in the *Rangachari* (1962) and Akhil Bharatiya Soshit Karmachari Sangh (1986) cases. But what was considered to be a settled matter was unsettled in the Supreme Court's *Mandal* case (*Indra Sawhney vs Union of India*) judgment (1992) which, in the portion in which it dealt with reservation in promotion, held that Article 16(4) does not empower the State to provide reservation in promotion – this happened even though that case did not pertain to SCs and STs, but to the Socially and Educationally Backward Classes; though in the impugned order there was no provision of reservation in promotion for BCs; though reservation in promotion existed only for SCs and STs; and SCs and STs were not parties before the Supreme Court in that case.

The *Mandal* judgment provided a five year's interval during which reservations already provided in the matter of promotion would continue to operate. It created great anxiety among SCs and STs, their representatives and those who were working for them and there were numerous Conferences and consultations on how to protect reservation in promotions for SCs and STs in some of which I also participated as an invitee and guide. This was also taken up with the Government. After three years, the Executive moved a Constitution Amendment Bill which the Parliament enacted as the Constitution (Seventy-Seventh Amendment Act), 1995 inserting a new Clause (4A) in Article 16 providing for Reservation in promotion for SCs and STs, thus restoring the position that obtained from *Rangachari* onwards till *Mandal*. Subsequently, after the Supreme Court judgments in *Virpal Singh Chauhan* case, *R.K. Sabharwal* case, *Ajit Singh Januja* case, *Ajit Singh (II)* case etc, the Constitution (Eighty-Fifth Amendment) Act, 2001 was enacted to provide for consequential seniority in favour of SCs and STs promoted through Reservation. In between there was the Eight-First Amendment Act, 2000 inserting Clause (4B) to exclude backlog posts being filled up in a year from the ceiling of 50% reservation (ceiling according to the Supreme Court's interpretation of Constitutional provisions in its *Mandal* case judgment). About the same period, the Constitution (Eighty-Second Amendment) Act, 2000 was enacted inserting a new proviso to Article 335 enabling the State to relax qualifying marks in any examination or lowering the standards of evaluation for reservation in promotion for SCs and STs. All these amendments were challenged and were together considered by the Supreme Court in *M. Nagaraj and Ors vs Union of India and Ors*. It is the judgment dated October 19, 2006 by a Constitution Bench in *Nagaraj* case (2006) 8 SCC 212 : AIR 2007 SC 71) that was the basis for the Supreme Court's

judgment dated April 27, 2012 regarding the Uttar Pradesh Public Servants (Reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes) Act, 1994.

The *Nagaraj* judgment while upholding the constitutional validity of the Constitution (Seventy-Seventh Amendment Act), 1995 inserting Clause (4A) in Article 16 inter alia held that

- i) The courts have held that the Right to Equality under Article 16(1) is the fundamental right of every citizen; but clauses (4) and (4A) of Article 16 do not confer a fundamental right on the classes for whom reservation is provided or is sought to be provided.
- ii) Clause (4) of Article 16 is discretionary. SCs and STs, and also BCs, cannot claim reservation as a fundamental right. It is a matter of the State's discretion to provide or not to provide reservation. Similarly clause (4A) of Article 16 is also discretionary and SCs and STs cannot claim reservation in promotion as a fundamental right as it is a matter of State's discretion.
- iii) If the State considers it necessary to provide reservation, including reservation in promotion, it must show by data that the following conditions for exercising the discretion exist:
 - a) Compelling reasons
 - b) Backwardness
 - c) Inadequate representation in the services

The judgment has laid down that the following should also be ensured:

- d) Exclusion of "Creamy layer"
- e) Efficiency of administration required by Article 335 should not be compromised
- f) 50% limit should not be breached
- g) Reservation should not be extended indefinitely

These conditions have been laid down in *Nagaraj* which pertain to constitutional amendments for protecting reservation in promotion for SCs and STs existing since 1955 and upheld in *Rangachari* in 1962 and in the

subsequent judgments till the Mandal judgment in 1992. While upholding the Constitutional validity of these amendments notably the 77th amendment and the Eighty-Fifth, Eighty-First and Eighty-Second amendments, the Nagaraj judgment laid down these six conditions.

The Supreme Court in the UP case has not struck down Reservation in promotion for SCs and STs as such. It has struck down the UP Act and Rule as some conditions laid down in Nagaraj was not met. Article 16 (4A), which permits reservation in promotion for SCs and STs, remains in the Constitution and has not been struck down.

But, there was a general misunderstanding that the Supreme Court in the UP case struck down reservation in promotion. The situation, misunderstood to be arising from the Supreme Court judgment, was raised in the Parliament on 3rd May, 2012 and engaged the serious attention of the Rajya Sabha. MPs of SCs and STs and also other MPs, cutting across Party-lines, expressed deep disappointment with the judgment, anxiety about its possible cascading effect completely destroying reservation in promotion for SCs and STs and their desire that necessary Constitutional Amendment should be enacted to fully protect the purpose of the 77th Amendment, inserting Clause (4A) in Article 16.

Consequently, the UPA-II Government drafted a Constitution amendment Bill titled “The Constitution (One Hundred Seventeenth Amendment) Bill, 2012. It was passed by the Rajya Sabha on 4 September 2012. But that Bill was not introduced in the Lok Sabha. The Government Bill as passed by the Rajya Sabha is inadequate to effectively protect the right of SCs and STs for reservation in promotion. I had prepared a better draft of amendments required and sent to the Government along with justification for proposed amendments.

The observations of the Supreme Court at (i) and (ii) above have to be contested. In my view Clause (4) and (4A) of Article 16 and other similar clauses of Article 15 etc. are also fundamental rights arising from the Constitutional right to Equality. The conditions prescribed by *Nagaraj* at (iii) above are also inappropriate. Some of them arise from confusion between SCs and STs, on the one hand, and SEdBCs, on the other. For example, exclusion of “Creamy Layer” cannot arise in the case of SCs and STs as the application of that concept to the SCs and STs has been expressly precluded by the Supreme Court in its 9-Member Bench judgment in the Mandal case in which the Supreme Court laid down the principle of exclusion of Socially Advanced

Persons/Sections (SAP/S) [“Creamy Layer (CL)”] from castes identified as socially and educationally backward. The criterion “backwardness” does not arise in the case of SCs and STs who have been identified on account of criteria arising from severer and harsher oppression – “Untouchability” in the case of the former and isolation under vulnerable conditions in the case of the latter. “Compelling reason” is a concept arising from American jurisprudence in view of lacunae in it, which do not exist in the Constitution of India. All these irrelevant and inappropriate conditions laid down by *Nagaraj* in the context of SCs and STs have been countered in my draft sent to the Government. If that is passed, it will provide an opportunity to get the irrelevant and inappropriate conditions laid down by *Nagaraj* overruled by a Constitutional Bench or a larger Bench because this Constitution Amendment like any other action taken for promoting justice for SCs and STs will automatically and almost invariably be challenged.

The Bill of 2012 has since lapsed with the end of the term of the 15th Lok Sabha. Now, the Government has the following options:

- i) Move the same Bill as in 2012 now for consideration and passing
- ii) Formulate an improved Bill which will really solve the problem and also counter the negativities in the *Nagaraj* judgment – for this my draft will be useful – and move that improved Constitution (Amendment) Bill in the Parliament for consideration and passing.

5) Legislation for prohibiting purchase or occupation in any form of SC lands by non-SCs

SCs emerged in history as a social class of landless agricultural and related labourers. However, various circumstances enabled them to acquire some limited land – much less than their proportion in the rural population. The little they possess should not be allowed to be grabbed by others which is happening on a substantial scale. This was a problem underlying the recent Dangawas atrocity in Rajasthan in which four SCs were killed by being run over by tractor and partly underlying the long-standing atrocity against SCs in Bhagana, Haryana.

Therefore, a tight legislation is necessary to protect SC ownership of their lands and safeguard the actual possession of their lands.

6) Scheduled Tribes Land Transfer Regulations (STLTRs) / Legislations in States where such regulations / legislations do not exist and

strengthening of existing STLTRs/Legislations and / or National Legislation prohibiting purchase or occupation of ST lands by non-STs.

Unlike the SCs, the STs are not a landless class. They have traditionally been owners / collective owners of lands in their territorial homeland. But, after the commodification of land during the colonial rule, their lands are being grabbed by non-tribals. The pace of this dispossession has increased after Independence. On account of tribal revolts like the Santhal rebellion in Bihar (now Jharkhand) and Rampa Fituris in the tribal tracts of coastal Andhra, certain protective regulations prohibiting transfer of ST lands in tribal areas to non-tribals were enacted. Subsequently in some States legislation to the same effect were enacted. These regulations and legislations now cover 12 States. Such regulations and legislations have to be enacted where they do not exist. Where they exist and where they will be enacted in future, the provisions have to be tightened.

7) Amendment to the Constitution by inserting in the Concurrent List (List 3) of the Seventh Schedule, the following items:

“Protection, Welfare, Development and Empowerment of Scheduled Castes”

“Protection, Welfare, Development and Empowerment of Scheduled Tribes”

It is an anomaly that the Lists in the Seventh Schedule contain items like “bankruptcy and insolvency” (entry no. 9 of List 3), “lunacy and mental deficiency” (entry no. 16 of List 3), “prevention of cruelty to animals” (entry no. 17 of List 3), “protection of wild animals and birds” (entry no. 17B of List 3), “betting and gambling” (entry no. 34 in List 2), e.t.c., but there is no explicit entry pertaining to SCs and STs, though it is implicit in entry no. 97 of List I of the Seventh Schedule read with Article 46 that the protection, welfare and empowerment of SCs and STs is a Concurrent subject. It is better and appropriate that what is implicit is made explicit by amending the Constitution inserting in the Concurrent list (List 3) of the Seventh Schedule the above items.

8) Amendments to the PCR Act, to make the optional provision in Section 15A(2) mandatory

9) Amendments to the existing Bonded Labour System (Abolition) Act 1976

by introducing provisions like transfer to bonded labourers of the assets such as agricultural land, rice mills, quarries etc. in which or in relation to which the bonded labourers are put to work.

Loss of property used for exploitation by bondage will be a severe deterrent in addition to the other punishments prescribed.

10) Amendments to the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 in order to remove the deficiencies and gaps in the Act of 2013

The 2013 Act is a good step forward and an advancement over the Employment of Manual Scavengers & Construction of Dry Latrines (Prohibition) Act 1993, but certain provisions which are necessary and which I had drafted and furnished to the Government have not found place in the Act. While getting the Act, as passed, thoroughly implemented, these deficiencies and gaps have to be removed through amendments.

The amendments should specify tight stipulations to ensure release and rehabilitation of existing manual scavengers and their families and preventive rehabilitation for other members of communities from which manual scavengers are drawn so that there is no danger of the place of released manual scavengers being taken by fresh entrants from the same communities; and restoration of the earlier statutory status of the National Commission for Safai Karmacharis.

- i. Amendments in Legislations not exclusively for SCs and STs, but which need to spell out provisions for SCs and STs to make them more and specifically beneficial for SCs and STs in view of their special vulnerabilities
- ii Right to fair compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Amendments are required in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Second Amendment) Bill 2015, in order to afford protection for the meager lands of SCs and of STs outside Scheduled and Tribal areas as provided in the Act for Scheduled and Tribal areas.

- i Amendments in the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act)

Section 12 of the Act makes it compulsory for every private unaided school to admit at least 25%, at the entry level class, of children belonging to “weaker sections” and “disadvantaged groups”. But even after 6 years of the implementation of the Act, no progress has been made in significantly improving the enrollment of SC and ST children in schools, as has been brought out recently by a report of a survey of out of school children commissioned by the Ministry of HRD, Government of India. The “over-comprehensive” wording of clauses under Section 12 of the Act, read with the loose and non-specific definition of the terms “weaker sections” and “disadvantaged groups” in Section 2(ii) (d) and Section 2(ii) (e), have proved to be detrimental to the interests of SC and ST children who are the most deprived of education and who are the most needy of the benefit intended under RTE Act. “Child belonging to the disadvantaged group” has been defined to include not only child belonging to SC, ST and the BC, but also “such other groups having disadvantage owing to social, cultural, economic, geographical, linguistic, gender or such other factor, as may be specified by the appropriate government by notification”. “Child belonging to weaker section” has been defined as “a child belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate government by notification”. These over-comprehensive and loose definitions enable the private unaided school managements to evade admitting SC, ST and BC children. To remedy this situation, as recommended by the Report, of 1st August 2011, of the Sub-Group-I on Perspective Planning for Empowerment of Scheduled Castes during XII Five Plan (2012-2017), of which I was the Chairman, and the Report, of 21 September 2012, of the Task Force on Educational Development of Scheduled Castes, set up by the Ministry of Human Resources Development, Government of India, of which I was a Member, it is necessary to apportion the 25% reservation specified in Section 12 of the RTE Act as follows:-

8% for SC children,

4% for ST children

10% for BC children

3% for the children of other disadvantaged and weaker sections/groups.

Without such specific quotas for SC, ST and BC children, it would be possible for the schools to fill up the 25% quota for “weaker sections” and “disadvantaged” without admitting a single child belonging to SCs, STs and

BCs. The 10% quota of BCs should be apportioned among different categories of BCs so that the More, Most and Extremely Backward category of BCs would get their due share out of the 4% BC quota.

B. SCHEMES AND PROGRAMMES REQUIRED TO BRING ABOUT EQUALITY FOR SCHEDULED CASTES AND SCHEDULED TRIBES

I. Schemes for Economic Development and Empowerment of SCs and STs

1. a) Land for All Rural Landless SC Families - and along with them, also for all rural landless agricultural labour ST families and all other rural landless and poor agricultural labour families

This will

- fulfill the promise of “Land to the Tiller” of the pre-Independence nationalist movement for Independence,
- Initiate and complete action on the decade-old Governors’ Committee Report which has been put on the backburner.
- Initiate and complete action on the Report of the Group of Ministers on Dalit Affairs (2008) set up in 2005 under the Chairmanship of the then Finance Minister Shri Pranab Mukherjee (hereafter Group of Ministers on Dalit Affairs), which has also been consigned to the backburner.

To complete this long neglected and long-delayed task, essential for striking at the helplessness of SC families, the Task Force method suggested and detailed in the Report (dated 1-8-2011) of the Sub-Group-I (with Shri P. S. Krishnan as Chairman) of the Planning Commission and Ministry of Social Justice & Empowerment’s Working Group on Empowerment of Scheduled Castes during XII Plan (hereafter “Sub-Group-I”) should be adopted.

Briefly the Task Force method involves creation in each Block of a small group of empowered officers like a Tahsildar, a Surveyor and, where necessary, a police officer, with all functional facilities like a jeep, who will go to each village and provide land for every landless SC family by

- i) Giving *patta* to those landless SC families which are in occupation of Government land for cultivation;

- ii) Evicting ineligible occupants of Government land and giving *patta* with possession to landless SC families
- iii) Taking stock of all Government lands which can be straightaway assigned/ allotted to landless SC families (locally called by names like Assessed Wastes, Gair-mazaruva-Aam), Bhoodan lands etc.
- iv) Where publicly owned lands are not adequate, by purchase of private land and land acquisition (for latter, a small amendment in the definition of “public purpose” in Land Acquisition, Rehabilitation and Resettlement Act, 2013 will be required).

This is extremely important for SCs as they have historically emerged as a collectivity of castes prohibited from owning land and, therefore, even now are the largest component of rural landless labour families.

Along with SCs, all rural ST agricultural labour families should also be provided.

b) Irrigation for all Unirrigated but Irrigable Lands of SCs, and along with them also of STs

These two measures along with legislative and other measures for prevention of grabbing of SC lands by others will, at one stroke, enable rural SC families to

- become economically self-sufficient;
- liberate themselves from humiliating wage-labour,
- prevent exposure of their women to labour in others’ fields and compulsion to fall back on child labour to supplement the meagre family income;
- improve nutrition, especially that of pregnant and lactating mothers and children, reduce birth underweight and child malnutrition, sharply reduce neonatal, infant and child mortality and release all their children to go to schools where they should be – in all these parameters the figures for the SCs and STs are worse than those for many sub-Saharan African countries and, therefore, the overall figures for India are shameful.

This will also

- enable them to resist “Untouchability” without fear for the next meal (at present if they cross the line of “Untouchability” or complain against illegal discrimination, they have to face social and economic boycott and sometimes even atrocities including massacres as in Kilvenmani, Tamil Nadu, Bathani Tola and Laxmanpur Bathe, both in Bihar, in all of which all the accused were acquitted, and numerous other instances in different States) and
- the additional production from their lands will remove all doubts and anxieties about adequacy of supplies of subsidized food under the recently enacted National Food Security Act, 2013.

There is sufficient number of successful examples of this transformation in parts of the country, but what is required is a nation-wide comprehensive programme which can be completed in a short period if the political and administrative heads of the Central and State Governments are determined and goal-oriented.

c) Land Banks for SCs and STs

Once education at all levels is made really accessible and affordable for SCs and STs, and once health and medical care is made universally available, accessible and affordable for all SCs and STs, and once economic measures are fully in position to give them adequate economic competence, there would normally be no reason for SC and ST families to sell their lands under distress conditions. However, even after this, and in spite of the legislation proposed for prohibiting purchase or occupation of SC lands by non-SCs and the Scheduled Tribes Land Transfer Regulations / Legislations, existing and proposed [see items (6) and (7) in the List of Legislations at Enclosure-1], there may be situations in which some SCs, and STs, may have inevitably to sell their lands. To provide for such contingencies, a land bank should be established by the Govt. of India in each State for buying such lands from them at the market rate and making such lands available to other SCs and STs so that the total pool of lands with SCs and STs is not depleted.

2. Provision of Viable Assets for SCs in Urban Areas

Most SCs in urban areas being casual labourers and in the unorganised sector, they should all be made owners of viable assets (in many cases, they are hired operators of other people’s assets like rickshaws, auto-rickshaws, etc.)

Eg.: All hired pullers/drivers of rickshaws / auto-rickshaws can at one stroke be made their owners. There are many other instances of such possibilities.

Along with SCs, this can and should be done also for STs who are causal labourers in the unorganised sector in the urban areas though not to the same extent as SCs.

3. Massive skill development programme along with all necessary resource-related, finance-related, management-related and market-related linkages

By this programme, large numbers of SCs can move into modern market-oriented occupations for which there is large demand and need, like plumbing, electrical repairs etc. This should be undertaken to cover all SCs who cannot be provided viable irrigated land or other independent viable assets despite all efforts as at 1 and 2 above.

Along with SCs, STs can and should be provided for by this programme.

4. A massive programme of housing for all SC families and provision of all essential facilities for all SC localities/habitations, rural as well as urban, like safe drinking water supply, electricity, sanitary toilets which does not require to be serviced by “manual scavengers”, drains, sanitation, all-weather internal roads, and all-weather link roads to all places they have to go to, including schools, market places, funeral places (in many villages they do not even have funeral ground where they can bury / cremate their dead in peace), etc. should be undertaken and completed (SCs are typically confined to humanly uninhabitable separate localities, devoid of many essential facilities and amenities, which are often in fact available in the rest of the village).

5. Special Programmes for Specially Vulnerable Groups (SVGs) among SCs and Particularly Vulnerable Tribal Groups (PTGs) among STs

The conditions of SVGs among SCs and PTGs among STs are even worse. It is one of the lacunae of Indian statistics including Census that adequate disaggregated information is not available for them like data for neo-natal, infant and child mortality though some data are available from the census which bring out certain facts about them like their appalling level of literacy within the extremely low SC and ST levels. Special programmes have to be designed for them to remove their special vulnerabilities in addition to the programmes that they need along with all other SCs / STs. SVGs among SCs

include “manual scavengers” and other sanitation workers and their children (there is a lot of child labour, especially girl child labour, in scavenging); Nomadic, Semi-Nomadic and Denotified communities (which had been notified as “Criminal Castes/Tribes” by the pre-independence colonial legislation); communities whose women are customarily subjected to sexual-exploitation, i.e., prostitution (like Devadasis, a euphemistic name meaning maid-servant of God; Jogins, which is another euphemistic name, and means a “female saint”; Basavis, and communities like Banchdas – most such women belong to the SCs and a smaller proportion belong to Most/Extremely Backward castes of BCs); and women and children in general.

PTGs among STS are pre-agricultural/non-agricultural. Some of them are Nomadic / Semi-Nomadic and some others are Denotified Tribes. The Government has issued a list of PTGs among STs.

6. Total Rehabilitation and Resettlement of Manual Scavengers and their Families, and of Members of Communities from which Manual Scavengers are Drawn so that no fresh supply of scavengers is available to replace rehabilitated manual scavengers

A comprehensive scheme has to be devised to rehabilitate and resettle manual scavengers and all members of the communities from which manual scavengers are traditionally drawn in occupations unconnected with “scavenging” and sweeping. The passing of the Prohibition of Employment as Manual Scavengers and their Rehabilitation, 2013 is not enough and the Act, though an improvement over the 1993 Act, is still having many serious gaps and deficits.

Under such a scheme liberated manual scavengers and other members of their communities need to be given training for non-sanitary works like dignified works in plumbing, electrical repair, driving vehicles, etc. by Municipalities and others who employ manual scavengers. Railways have to set aside a certain proportion of contracts for catering to liberated manual scavengers/ members of their communities and/or their associations, allocate vending outlets in railway stations. In towns and cities, a good proportion of milk-booths should be entrusted to them. These are only some examples. A devoted governance and administrative machinery can identify other similar avenues of viable and sustainable rehabilitation and ensure their implementation.

7. Strengthening the Working of National Scheduled Castes Finance and Development Corporation (NSCFDC) and National Scheduled Tribes Finance Development Corporation (NSTFDC) and Promotion of Modern Entrepreneurship among SCs and STs, taking full advantage of the 4% Reservation provided by Ministry of MSME

The programme of assistance and portfolio of NSCFDC/NSTFDC should be expanded – one new part to look after SC and ST entrepreneurs of small and medium industries and business unhampered by family income ceiling limit and the other part to continue to remain geared towards very small entrepreneurs as at present. The quantum of assistance for small and medium entrepreneurs should not be less than that provided under the dispensation of the Ministry of Micro, Small and Enterprises (MSME). This Corporation and other Corporations for SCs and STs at the Central and State levels should gear themselves to be able to support SC and ST entrepreneurs to fully avail themselves of the recently introduced 4% reservation provided for them by the Ministry of MSME in procurements without giving scope for *benami* enterprises. A tripartite arrangement, as recommended by the Sub-Group-I with details, needs to be implemented in order to ensure smooth flow of working capital. Recent studies show that it is only a small fraction of 4% that is actually going to SC and ST entrepreneurs and that the Government and PSUs have not taken the task of fulfilling the 4% reservation seriously. There has to be tighter monitoring and continuous concurrent evaluation and prompt corrective measures in order to ensure that 4% reservation for SC and ST entrepreneurs is actually fulfilled.

For the effective working of the NSCFDC and NSTFDC, and the State Channelising Agencies/State SC Development Corporations, it is necessary to bring together the NSCFDC, NSTFDC, the State Channelising Agencies/the Ministry of Finance, representatives of Banks, RBI, expert institutions like the NIRD and the IIPA, experts and successful and unsuccessful SC entrepreneurs assisted in different States in order to clearly identify their practical difficulties and find effective remedial measures. The NIRD has conducted a study on “Viability and Sustainability of the Scheduled Castes Development Corporations”. This should be utilised.

8. National Safai Karmachari Finance and Development Corporation (NSKFDC)

This Corporation too requires changes in its methodology in order to provide substantive, viable and sustainable support for economic activities by Safai

Karmacharis and members of their families and families of communities from which “manual scavengers” have been traditionally drawn and are still being drawn, in areas unconnected with their caste-bound occupations.

II. Schemes for Educational Development and Empowerment of SCs and STs

The educational schemes for SCs and STs should cover the entire educational chain at all levels. At present support is available above post-Matric, i.e., Plus-Two level onwards. Below that there is a vacuum except for children of those engaged in unclean occupations. There is no support for SC children for pre-school education from Class I to X. Whatever support is provided for one section of SCs does not secure for them high quality education. To fill the gaps, the following measures are necessary:

1. Provide an Anganwadi Centre (AWC) in every habitation of SCs and STs and provide every such AWC with a qualified teacher, trained in Montessori and other such methods. For this purpose, training institutions will have to be opened in large numbers for preparing a few lakhs of pre-school education trained teachers. They should be paid remuneration at rates prevalent in good pre-school institutions so that competent teachers are attracted to the Anganwadi-based institutions.

This should be accompanied with a massive programme to train and prepare an adequate number of teachers for the pre-school/early child education in Anganwadis, substantially admitting teachers from the SCs and STs, who are educationally the most deprived.

2. An open-ended pre-Matric Scholarship Scheme for the SC and ST Children from Class I to X.

3. For the level of education from Class VI to XII, High Quality Residential Schools, one each for SC girls and SC boys and one each for ST girls and ST boys should be started in each of the Blocks of the country – 75% of the seats should be for SC students in SC residential schools and 75% of the seats for ST children in ST residential schools, and the remaining 25% for children of other groups. The number of residential schools should be such as to cover all SC and ST children at this stage of education. This is the recommendation of the Group of Ministers on Dalit Affairs (2008) and the Sub-Group-I (2011), and of the Ministry of HRD’s Task Forces on Educational Development of SCs and STs (2012). Earlier this was recommended by the *Dalit Manifesto* (1996) and other documents which I formulated or I was closely associated with.

This was also recommended by the National Commission for the Review of the Working of the Constitution of India in its Report of 31. 3. 2002.

A successful model exists since about 3½ decades in Andhra Pradesh. There are 288 residential schools for SCs and a similar number for ST children in the pre-bifurcation State. Their results at Class XII are considerably higher than the State average.

This scheme requires increased intake in existing Teachers Training Institutions with due proportion of SC and ST teachers and setting up of new Teachers Training Institutions to train SC and ST teachers. The total numbers should be adequate to serve all the residential schools. The syllabus and the training content have to be upgraded. In the AP model, the teachers are Post-Graduates. This should be the pattern in all residential schools. Therefore, Post-Graduate intake of SCs and STs should also be commensurately stepped up.

4. Strengthening and Removing Road-Blocks in the Post-Matric Scholarship Scheme for SCs and STs

One of the road-blocks in the way of this scheme securing better results is the family income-ceiling for eligibility for non-charging of fees and for scholarship. The ceiling was recently raised to Rs. 2 Lakhs per annum. Before that it was Rs. 1 Lakh per annum.

It has to be remembered that enrolment in higher education in India, at about 20%, is well below the international level and it is the stated policy of the Government of India to step this up to international levels. The Percentage of enrolment of SCs and STs is much less than the Indian standard and the standard of Socially Advanced Castes (SACs), ie., non-SC, non-ST, non-BC castes (NSCTBCs). According to comparative statistics available for 2008, when the All India enrolment rate in higher education was 17%, the ST rate was 7% and SC rate 11% while the OBC rate was 28% and the rate for the SACs/NSCTBCs was 47%. The simplest way of reaching international levels is to raise the SC and ST levels to the SAC level. Quickly and sharply stepping up the percentage of enrolment of SCs and STs in higher education is absolutely essential to achieve the national goal. This is not only necessary from the point of view of the SCs and STs, but also from the point of view of the nation as a whole. India has got a demographic advantage over other countries except sub-Saharan African countries. The proportion of young people of productive age is higher in India than in western and other advanced countries and even China. This demographic advantage can give

us a demographic dividend provided we can step up the quantity and quality of education and skills and the status of health from pre-natal stage onwards of the deprived social classes who are the lowest in these respects and bring them to the level of SACs/NSCTBCs and after such equalisation of SCs and STs with the SACs, take them all forward together and bring all of them to the level of the most advanced countries. If this is done, India's economy will zoom. But the short-sighted elite of India, in their caste-based anxiety to keep the SCs and STs down, are depriving India of this potential demographic dividend. What I have said here is true in respect of all educational and skill development schemes. This is relevant also to economic development schemes and schemes directly connected with neo-natal, infant, child and maternal mortality, malnutrition, stunting etc., because it is a package of all these that can secure optimal demographic dividend for India's economy and for the optimal and sustained growth of our economy.

Therefore, as recommended by the Sub-Group-I,

- 1) No fees of any type should be charged from SC and ST students, irrespective of family income, from primary to post graduate level, by any
 - (a) Government and aided schools
 - (b) Unaided private schools
 - (c) Colleges / Universities / other Institutions of higher and professional education (both Government and aided as well as private unaided)
- 2) The fee charged by private institutions should be paid by the Government directly to the Schools/Institutions in time, thus eliminating the need for payment of fee by the student and its reimbursement subsequently and to avoid giving a handle to those institutions to avoid this social responsibility of theirs to SC and ST students.
- 3) The maximum fee so fixed may not be uniform for all private institutions as the facilities / infrastructure may vary from Institution to Institution and, therefore, there may be different reasonable maxima for different qualitative categories/types of institutions. Such fees should be fully reimbursed by Government to such private institutions; and private institutions should not collect any fees from the SC and ST students. Any additional fees or charges, by whatever name called, that is imposed by

any private management, should be prevented in the case of SC and ST students and penalised.

- 4) All SC and ST students of the following categories should be eligible for scholarships at all levels, irrespective of their annual family income.
 - a) SC and ST girl students
 - b) SC and ST disabled students [*disability as defined in the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995*]
 - c) SC and ST students who are victims or dependent children of SC and ST victim of heinous atrocities like (a) murder (b) rape (c) arson (d) grievous hurt causing loss/ impairment of limb/ organ
 - d) Students who are dependents of SCs and STs deceased in natural disasters/ accidents
 - e) SC and ST students who are children of SC and ST widows or of SC and ST single mothers (example, divorcees)
- 5) In the case of other SC and ST students, the annual family income ceiling for eligibility for scholarships should be raised to Rs. 10.5 lakhs and thereafter periodically and automatically stepped-up by linking it with inflation.
- 6) The scholarships should be revised periodically (at least every two years) by linking it with inflation, as is done with regard to DA of Government employees. This revision should be automatic and should not require approval by Finance Ministry.
- 7) Scholarships should be disbursed at the beginning of each month / quarter / year by payment into a bank account in the joint name of each student and the educational institution. To facilitate this, the Central Government should release funds in advance. The State Governments should also similarly release funds for the non-Plan part of scholarships in advance of each month / quarter / year.

These recommendations have also been made by the Ministry of HRD's Task Forces on Educational Development of SCs and STs.

5. Overseas Scholarship Scheme

Higher education in universities in advanced countries enables students to secure better careers. Indian students are among the most numerous among students from all developing countries to resort to higher education in foreign universities. But, SCs and ST students are too few among them.

The main reason for this is the exorbitant expenditure involved in such education and the weak financial condition of SCs and STs. As the weak financial conditions of the SCs and STs are owing to reasons beyond their control and caused by the working of the centuries-old Caste System-with-“Untouchability”, which has not been fully or even substantially reversed after Independence, it is the duty of the State to step in and enable the SCs and STs to acquire education in foreign institutions in commensurate numbers compared with the number of general category candidates who are able to go to foreign institutions. This is essential because of the obvious career advantage that candidates passing out from foreign institutions have in this country. Making this advantage available to the SCs and STs in due measure is an important aspect of empowerment of SCs and STs of the educated category in the present and future contexts.

As usual this catalytic scheme is hamstrung by various restrictions. At present the number of scholarships is struck at a meagre 30 for SCs and 15 for STs every year. In order to remove road-blocks, the following measures are necessary as recommended by the Sub-Group-I and keeping in view the recommendations of the Working Group on Empowerment of Scheduled Tribes.

- a) There should be no restriction with regard to the field of study for which the scholarship is given
- b) There should be no condition of annual family income ceiling – at present there is a very low and unrealistic ceiling of Rs. 300,000
- c) The minimum marks of eligibility should be reduced from the present 60% to 50%
- d) The amount of scholarships should be revised to cover the entire cost including all fees, costs and expenses.
- e) The number of scholarships should be increased initially to 500 for SCs and 250 for STs and subsequently raised to the level commensurate with the total number of Indian students getting education from abroad as recommended by the Dalit Manifesto.

6. Hostels for SC and ST Girls and Boys

The Central scheme for hostels renamed in 2008 as Babu Jagjivan Ram Chhatravas Yojana (i.e., Babu Jagjivan Ram Hostel scheme) provides financial assistance from the Centre to the States for construction of hostels. Earlier, it was only for girls hostels. Later boys hostels were also provided for. Central funding is 100% for girls hostels and 50% for boys hostels. Central assistance is only for construction and there is no contribution from the Centre for post-Construction efficient management and supervision.

I have recommended long back that a small proportion of Central grants should be provided for supervision, security and administrative support. The Planning Commission could not agree to this. The Sub-Group-I has recommended 1% of the total Central grants for this purpose. The condition of hostels is very deplorable. They need to be upgraded to satisfactory and acceptable levels. There is need to provide funds for upgradation of hostels to the required standards, supervision, security and administrative support for all hostels, but to a greater extent for girls hostels, in the formula for sharing of non-Plan resources and earmark this so that it cannot be diverted. The share of SCs and STs in the non-Plan budget is next to nil at present. Making provision for such schemes which cannot come from the Plan is a constructive measure to build up the non-Plan budget share of the SCs and STs and at the same time to meet their essential needs which cannot be provided from Plan resources – this should also be taken up with the current Finance Commission.

On the Plan side the outlay provided for hostels has to be stepped up so that a net-work of hostels with wide coverage can be started. The hostels should be designed in such a manner that they may in future become the nucleus for the High Quality Residential Schools for SCs and STs from Class VI to Class XI mentioned earlier. Roadblocks that exist in this scheme also should be removed such as restrictions on distance, and rural and urban, etc.

7. Coaching & Allied Scheme

Under the Central scheme of Assistance for Coaching for SCs and STs, coaching is provided for them through State Governments, universities, NGOs, private bodies for competitive examinations of the Central and State Governments, the PSUs, Banks etc. and soft skill development programmes for employment in private sector.

This good scheme is also bedevilled by restrictions like a family income eligibility ceiling of Rs. 2 Lakhs per annum and unrealistically low remuneration for teachers which keep off the best teachers. As a result, this scheme is not able to produce the results that private coaching institutions are able to secure. There is no goal-orientation in the Government scheme and it proceeds in a casual manner.

The institutions run now, the remuneration for the teachers and other facilities should be brought to the level of the best and most successful private coaching institutions. Simultaneously coaching should also be provided through reputed and successful private coaching institutions.

Coaching for SCs and STs should start from Class XI onwards or even earlier. The goal of coaching provided should be both to equip them to become capable of filling up all reserved seats and qualify in increasing numbers for general seats both in professional and other higher educational institutions and in employment in the public sector and also secure employment in the private sector.

There is a tendency in Government to restrict coaching schemes only for competitive examinations and selections for higher level posts. There is no reason why coaching cannot be provided for selection to “humbler” posts. Everyone does not have the minimum educational qualifications required for higher posts. We should find solutions for people with lesser education too.

8. Upgradation of Merit

Under this scheme funds are provided to educational institutions for conducting remedial and special coaching for SC students from Class IX to XII to upgrade their merit.

This was started as part of Coaching & Allied Scheme. The lacunae mentioned for Coaching & Allied scheme are also applicable here mutatis mutandis and these lacunae need to be removed.

9. Rajiv Gandhi National Fellowship (RGNF)

This scheme provides assistance to SC and ST scholars for pursuing MPhil and PhD courses and is implemented through the UGC. The number of fellowships is 2000 per year, but this good scheme is also hampered by the condition of family income-ceiling which at present is Rs. 3 Lakhs per annum. This condition sharply reduces the number of eligible candidates.

There should be no family income ceiling for this scheme. The number of fellowships should be increased to 5000 per year and subsequently to such numbers as are necessary to fill all unfilled reserved posts for which M.Phil, Ph.D qualifications are prescribed.

10. Top Class education

Under this scheme assistance is provided to meritorious SC and ST students for pursuing professional and specialised courses in 185 identified institutions of excellence. The number of scholarships per year is 1250 but this scheme is also hampered by the eligibility condition of family income ceiling of Rs. 2 Lakh per annum. The income ceiling needs to be removed and the limit of number of scholarships should also be removed.

11. Educational Loans for SC and ST students for full time professional and technical courses provided by the National Scheduled Castes Finance and Development Corporation

Family income-ceiling eligibility for these loans is fixed at a ridiculous low level of Rs 40,000 in rural areas and Rs. 55000 in urban areas.

At this level of education, the family income-ceiling condition should be removed. Such measures as family income ceiling – but not at the present ridiculously low level – can be considered only after the proportion of SC and ST students in relevant age groups rises to the same level as that of the SAC / NSCTBC students.

III. Banishing “Untouchability” from Schools

1. The Government should take pro-active steps to ensure that SC and ST children are intermixed with other children in class-room seating and mid-day meal seating. In the mid-day meal scheme either the cook or the server should be an SC woman as an effective measure against “untouchability”. Resistance should be firmly repelled.
2. **Human rights education** with emphasis on anti-human, anti-national and anti-Constitutional nature of the caste system, caste loyalties, caste biases and caste antagonisms, and particularly of “Untouchability” and “Untouchability”-based discriminations, and with emphasis on equality as enshrined in the Constitution should be introduced in every educational institution, at all levels.

3. Such human rights education also needs to be introduced in teacher-training institutions, IAS, IPS and other Central as well as State service training institutions.
4. The experience of Institute of Human Rights Education should be utilized and the efforts of such institutions strengthened by active government participation, in financial and other terms.
5. The panchayats which show anti-discrimination-cum-gender sensitivity and good performance in enrolment and retention rates, especially of SC girls and total elimination of discrimination against SCs in their areas, should be recognised and rewarded.
6. There should be a comprehensive campaign to sensitise the entire community of teachers so that they become a bulwark against “Untouchability”-based discriminations in all its forms in educational institutions.
7. The Union Minister and State Ministers in charge of pre-school education, school education and higher education should take pro-active initiatives in making such human rights education a reality and convey to the entire educational machinery the seriousness of the Central and State Governments about this task.

IV. Strict and Effective Implementation of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act [POA Act] 1989 and the POA Amendment Act 2015

The POA Act is an important legislation to guarantee, for the SCs and STs, Right to Life and Dignity and Protection from “Untouchability” and Atrocities. In order to strengthen the SC and ST (POA) Act, 1989 and its implementation, a comprehensive set of amendments to the Act and related amendments in the Representation of Peoples Act and CrPC, were formulated by a National Coalition of 70 (the number has swollen to about 500) Dalit and Human Rights Organisations with me as its Chief Advisor on the occasion of the completion of 20 years of the Act. I have communicated this on behalf of the Coalition to the GOI on 19.11. 2009.

These amendments pertain to the following:

- For speedy trials, **establishment of exclusive Special Sessions Courts in every district to try only cases of atrocities with exclusive Special Judges, Special Investigators and Prosecutors** all handpicked on the basis of their proven sensitivity to Social Justice; the present provision of designation an existing Sessions Court as the Special Sessions Court, contrary to my urging at the time of the drafting of the Act is a transparent eye-wash;
- **Adding crimes like murder and massacre; rape, mass-rape and gang-rape; social boycott and economic boycott**, etc., which were omitted, contrary to my urgings at the drafting stage, to the list of crimes of atrocities in Section 3;
- **Protection of victims, survivors and witnesses;**
- **Total rehabilitation of all SC and ST families** in villages where atrocities occur by admitting all SC and ST children there in high quality residential schools and in residential colleges and looking after their entire education at the cost of Government, providing land with irrigation to all SC and ST families and other means of independent livelihood and provision of relief immediately on occurrence of atrocities.

After lot of delay the Government of India (Ministry of Social Justice & Empowerment) under UPA-II prepared a Bill which contains positive features based on the suggested draft amendments mentioned above, but suffers from some dilution and omissions. That Bill was introduced by the Minister on 12 December 2013 in the Fifteenth Lok Sabha in the first leg of its last session. But, that Government let down the SCs and STs by not moving for the Bill for consideration and passing and dropping the Minister from the Cabinet. All our efforts in which a number of Dalit organizations actively participated could secure only an Ordinance promulgated on 4.3.2014, just before the announcement of election to the Lok Sabha and the election of code of conduct kicked in. The present NDA Government brought a Bill along the same lines as the Ordinance to replace the Ordinance on 17.7.2014 but disappointingly this was referred to the Standing Committee. The Standing Committee gave its report on 19.12.2014 approving the Bill without any substantive change. At last, the Bill was passed by the Lok Sabha on 4.8.2015. The Bill was passed later by the Rajya Sabha.

The following are the next steps required:

1. Tighten and activate the implementation machinery from top to bottom (PM/CMs down to District Collectors and SPs, Special Public Prosecutors, etc.), and separately also the special judicial set up.
2. Tight and vigilant monitoring of implementation at all stages.
3. Securing adequate financial provision for establishing Exclusive Special Courts etc. - there is already a Centrally Sponsored Scheme in the Ministry of Social Justice & Empowerment for strengthening machinery for implementation of PCR Act and POA Act – this will have to be got adequately augmented.
4. Wide publicity through all means to make Dalits and Adivasis aware of their rights under the amended Act and inform others also for their support and as cautioning / warning to those who belong to social categories which are prone to violence against Dalits and Adivasis.

V. Measures Required to Improve the Health Status of SCs and STs

1. Health and medical personnel and mobile units should be required to cover all inhabitants of SC, ST (and isolated BC habitations) in situ first before moving to the rest of the village and similarly slums and other habitations of SC and ST, BC and BC minorities before moving to the rest of the town.
2. Mandatorily provide safe drinking water source within the SC habitations / localities and ST habitations / localities and isolated BC habitations / localities.
3. Wherever health centres or units are established locally, they should be located in or adjacent to SC bastis, ST hamlets and isolated BC habitations.
4. In view of higher infant mortality (IMR) and under-5 mortality rate (U5MR), severe malnutrition, and greater vulnerability of SC and ST children in all parameters, and reality of their being left out on account of persistent attitudes based on “untouchability” on the part of a number of health-providers, priority should be given to SC and ST children in schemes for children, particularly girl-children.

VI. Specific measures required for Scheduled Tribes (STs)

Many of the schemes mentioned for SCs are also applicable, mutatis mutandis, to STs as indicated above.

In addition, STs have characteristic cultural traits and identities including, in many cases, their own languages. These need to be protected.

The Panchayats (Extension to Scheduled Areas) Act (PESA) 1996 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (FRA) 2006 should be strictly implemented and other laws applicable to tribal areas should be aligned in harmony with the PESA without further delay. No room should be given to tendencies in certain departments of the Government in certain States to curb these tribal rights earned after tremendous effort over a long period.

The Government of India has not tabled in the Parliament the Report of the Second (Bhuria) Commission on Scheduled Areas and the Welfare of the Scheduled Tribes set up in 2002 under Article 339 (1) of the Constitution which submitted its Report in 2004. Action has to be taken on its recommendations.

VII. Schemes not only for SCs and STs, but which are/can be of substantive benefit to SCs and STs

There are a number of Central and Centrally Sponsored Schemes which are not specifically for SCs and STs, but which can be useful for them, through application of the principle of SCP and TsP and certain other principles.

An example is MGNREGA. This is the culmination of the programmes of the past known as the Food for Work Programme, Integrated Rural Development Project (IRDP), Employment Guarantee / Assurance Scheme (of Maharashtra). Since the scheme provides manual labour, naturally the proportion of SCs and STs among labourers is high. The Government calculates benefits for the SCs and STs by computing the share of the wages that go to SCs and STs and displays it as expenditure under the SCP and TsP. I have been pointing out from 1978 onwards (in connection with the precursors of the MGNREGA and later in connection MGNREGA itself) that calculation of SCP and TsP on the basis of wages paid to SCs and STs is conceptually wrong. Giving manual wage employment to SCs is not development. Manual labour has been their fate all through. Providing them such labour for a guaranteed number of days at an assured rate of wages is

welcome relief, but not development and empowerment of SCs and STs and cannot be counted as part of SCP and TsP.

What can legitimately be counted in the MGNREGA as part of SCP and TsP is the value of assets, directly and exclusively beneficial respectively to SCs and STs, created through their labour under the MGNREGA. Such works can be group irrigation through bore-wells and channels; improvement of the conditions of their habitations with all facilities and connectivities; construction of houses of SCs and STs; reclamation of usar/ choudu / uppu / saline / alkaline lands and other waste lands for distribution to landless rural SC and ST families, etc. It is ethical that SC and ST labourers are engaged in the construction of assets of direct and exclusive benefit to themselves. It is not ethical to make them undertake labour for the creation of assets which benefit others – it is totally improper to treat the wages paid to the SC and ST labourers for creation of assets and benefits to others as part of SCP or TsP. Works of permanent benefit to the SCs and STs illustrated above should be undertaken under the MNREGA. This can legitimately be shown under SCP and TsP.

VIII. Prevention of Transfer of or Tampering with Central and Centrally Sponsored Schemes (CSSs) for SCs and STs

Periodically the erstwhile Planning Commission used to undertake a move to transfer some of the Centrally sponsored schemes to the States and provide the corresponding outlays untied to the States. It is then left to the States to continue the transferred schemes with or without modification or discontinue them and use the resources for any other Plan purpose. This is in response to the feeling of States that there are too many CSSs and too much of Plan outlay is tied up with them reducing the discretion of State Governments in planning. There is a case for transferring CSSs and the corresponding amounts untied to the States. But this should not be done for the CSSs pertaining to SCs and STs and also CSSs pertaining to women, children, artisans and the poor. These classes, particularly SCs and STs, will not receive the required attention in all States. Further, there are other strong claimants in States competing for resources of State Governments. Schemes for SCs and STs and also for other deprived classes and categories, if transferred to the States, will suffer from this competition.

CSSs pertaining to SCs, STs and also to women, children, artisan and the poor should not even be considered for transfer. There are some disturbing indications in the Budgets for 2014-15 and 2015-16. These should also be

eliminated and the mode of their presentation in the Budgets prior to 2014-15 should be restored.

IX. Potential Think Tanks - Dr. Ambedkar Foundation and Babu Jagjivan Ram National Foundation

As recommended by the Sub-Group-I, the Dr. Ambedkar Foundation and Babu Jagjivan Ram National Foundation should be reconstituted into autonomous research organisations of eminence, along lines similar to the Nehru Memorial Museum and Library and Rajiv Gandhi Foundation.

X. Women of SC and ST

They need to be given greater focus by

- a) Setting apart 50% of the outlays under SCP and TsP for schemes of development and advancement and empowerment of SC and ST women.
- b) Reservation in Lok Sabha and State Vidhan Sabhas by providing them a sub-quota under the Women's Reservation Bill.
- c) Special Protection for SC and ST women through some of the schemes (mentioned above)

C. SPECIFIC MEASURES REQUIRED TO SUBSTANTIVELY CHANGE THE SITUATION IN RESPECT OF SOCIALLY AND EDUCATIONALLY BACKWARD CLASSES (SEdBCs), ALSO KNOWN AS OTHER BACKWARD CLASSES (OBCs) OR BACKWARD CLASSES (BCs) AND ACHIEVE THE CONSTITUTIONAL GOAL OF EQUALITY

I. Adoption of Comprehensive Model of Development of BCs

An appropriate comprehensive model for development of Backward Classes based on the recommendations of and the principles enunciated in the Report of the Planning Commission's Working Group for Empowerment of BCs in the Tenth Plan (2001), of which Shri P. S. Krishnan was the Chairman, should be devised and undertaken. These recommendations and principles focussed on the four sub-categories of BCs appropriately. An example of its recommendations in respect of primary non-agricultural producer castes like fisher-people is that the Plan-budgetary/administrative sector of fisheries should be renamed as fisher-peoples' sector so that the whole planning starts with the fisher-people and provides for the technology, the training, the

infrastructure, the supporting services they require at every stage of their work. Some of the elements of such a model of development are mentioned below.

The model of development should be formulated on the basis of the goal of enabling the BCs as a whole, each sub-category of BCs, each caste of BCs, are enabled to become equal to the Socially Advanced Castes (SACs) or Non-SC, Non-ST, Non-BC castes (NSCTBCs) in all parameters of development and welfare, and are enabled to become capable for equal competition and cease to be backward within a reasonable and measurable time-span.

II. Planning for Development of Traditional Artisans and Artisanal Workers - Vesting Control over Natural Resources, Protection from Unequal Competition - Restoration of Viability and Strengthening of their Economy

- 1) Natural resources pertaining to traditional artisans and artisanal workers, who predominantly belong to the BCs and partly to SCs, should be placed at their disposal, intrusion of others should be prevented, and protection should be given to traditional artisans and artisanal workers from the effect of globalization undertaken without preparation and without consideration for their interests.

For example, all the stone-quarries in the country should be made available only to traditional stone-cutters (known as Wodder/Woddera in Andhra Pradesh and other names in other States) or their Cooperatives/Associations and there is no need to bring in a contractor-investor class into this simple but hard and hazardous occupation. The external contractor-investor class gets the same work done by the same stone-cutting traditional artisans paying them a pittance without modern conditions of work and another pittance as royalty to the Government. Stone-cutting artisans are numerically one of the largest communities of BCs in the Deccan and adjoining parts of North India. Along with total control over quarries, they should be jointly provided crushers, lorries and crèches (because their women also have to do this work and take their infants with them). By making them exclusive lessees of quarries, their income will at least treble. If the other common facilities are given, it will multiply even more. This is based on instances which Shri P. S. Krishnan personally promoted. This is only an example and the economy and life of the entire traditional artisan and artisanal castes of the BCs can be radically altered by this approach.

- 2) Relevant planning for strengthening the economy of traditional artisans, through technology, marketing, finance etc. and diversification should be formulated and commenced at the earliest and the viability of their traditional occupations should be restored. Regarding this an instance is to provide refrigerated storage at the point of catch of fish, refrigerated vans for transport of fish to the market and refrigerated storage again at the sale outlets. All these modern facilities should be in the control of the members of fishing community itself who should be suitably trained. Similar planning from production to marketing, all in the control of the producing classes of BCs can be and should be planned and implemented.
- 3) Priority should be given in contracts, in construction activities to BCs traditionally engaged in construction and related occupations including such BCs of Religious Minorities.

III. Massive Scheme of Modern Marketable Skill Development

Measures at II above are for those who want to continue in their traditional occupations and have no other alternative. For those who want to diversify, esp. the younger generation, a massive scheme of **skill-development in various market-oriented modern occupations** can and **should be undertaken** such as plumbing, electrical repair, repair of electronic goods and agricultural equipments, etc. so that they can be employed by Municipalities and other local bodies or provided necessary assistance to set up as self-employed providers of services which are badly required by urban as well as rural populations.

IV. Planning for Nomadic, Semi-Nomadic and Vimukta Jati Communities, Safai Karmacharis, Fisher-people etc.

- 1) Appropriate planning for Nomadic, Semi-Nomadic and Vimukta Jati communities of BCs should be commenced including provisions for open-ended Post-Matric Scholarships.
- 2) Appropriate planning for Safai Karmacharis of BC (who belong to religious minorities) should be commenced including provisions for open-ended Post-Matric Scholarships.
- 3) Sectors related to BCs should be re-oriented as sectors for the people concerned, e.g., Fisheries sector should be renamed and re-oriented as Fisher-people's Sector.

V. Four-fold Categorisation of BCs with sub-Quotas of Reservation and Legislation for Reservation

Categorisation of BCs into Extremely Backward, Most Backward, More Backward and Backward castes should be made and sub-quotas of Reservation fixed separately for each within the total Reservation percentage for BCs (27% in the Centre and varying percentages in States). This procedure will enable the weaker and weakest castes of BCs to get some share in the benefits of Reservation in employment as well as education. This practice has been in existence in peninsular States since even before Independence though some fine-tuning is required there also.

BCs are at different levels of backwardness, namely,

- a) **Extremely Backward Castes of BCs** – They have no assets, no skills and often no address. Nomadic, Semi-Nomadic and Vimukta Jati communities are of this category.

Also in this category are Muslim castes and Christian castes which too are victims of “Untouchability” (“Untouchability” is the prime marker for inclusion in list of SCs), but are not included in the lists of SCs only because of Clause (3) of the Presidential Orders. Among Muslim castes of this type, are castes subjected manual scavenging like Halalkhor, Muslim Mehtar, Muslim Lalbegi (Hindu Mehtar and Hindu Lalbegi are included in the SC List).

b) Most Backward Castes of BCs

These are castes without assets but which have skills, though the skills have become outdated. These include artisan castes, artisanal castes, pastoral castes, fishing castes, service-providing castes, etc. Their sudden and unprepared exposure to global competition has deepened

their economic distress, damaged their traditional occupations, without opening to new opportunities, and reduced large numbers of them to wage-labourers.

This is the largest category of BCs and includes most of the Muslim backward castes other than those which are in (a).

- c) **Tenant Peasants and other Very Weak Peasants like those on Batai tenure in Bihar, Palu tenure in Andhra Pradesh.**

d) Peasant castes with landed assets

The castes in the category of (a) to (c) are not able to compete with the castes in (d). Recognising this, the States of Kerala, Karnataka and Andhra Pradesh have instituted *ab initio* schemes of categorisation of BCs with sub-quotas for each. Tamil Nadu, Bihar and Maharashtra also have categorisation though not as thorough as the first three States. The Centre, as in all matters pertaining to BCs, is the slowest laggard with some North and East Indian States for company.

There is a strong movement for categorisation of BCs all over India. But, this should be done on a purely objective basis without allowing short-term electoral considerations to intrude. If an expert body with members of impeccable credentials and without political affiliation (no salaries, but only functional facilities and high status) is immediately constituted for this purpose, it will have a good impact on the vast majority of BC castes and will meet a genuine need. The existing schemes of categorisation in some States also need to be fine-tuned. A properly constituted expert body can and should be required to give its report in six months at the most and if possible in three months and the Government should take its decision within three months thereafter and break from its past practice of giving endless extensions to Committees and Commissions and consigning the reports to oblivion as in the case of the Governors' Committee Report, the Group of Ministers on Dalit Affairs Report, the Bhuria Commission Report, the Ranke Commission Report, etc.

Recommendations for categorisation have been made by a dissenting Member of the Mandal Commission, repeatedly by the NCBC, by me personally *ab initio* on a number of occasions and as Member-Secretary of the NCBC, by the Planning Commission's XII Plan Working Group on BCs and again by me at the Planning Commission's XII Plan Steering Committee meeting and subsequently in writing.

Muslim BCs who are getting much less than their due share can find their due place in this pattern, Government of India announced a sub-quota for already identified BCs of Minorities (the bulk of whom are BCs of Muslims) in the Central List of BCs – a justifiable decision, vitiated by wrong timing as it was promulgated just before the announcement of UP State Assembly elections and left without serious defence in the High Court when it was challenged and was therefore struck down. Government appeal pending in the Supreme Court. No serious and purpose follow-up effort.

VI. Filling up of Backlog Vacancies

Backlog of vacancies of BCs should be cleared by identifying posts reserved for them in each cadre, in each group, in each year, from the time of commencement of reservation in services for them in 1993 September and filling up of such vacancies with BC candidates. The number of posts not filled up in each year by BCs as above should be aggregated and filled up with BC candidates at one stroke. If in any cadre, adequate number of qualified candidates are not available, then a drive should be undertaken to prepare candidates with the required qualification through the educational institutions. Absence of qualified candidates cannot first be created by the system and then used in perpetuity as an argument against fulfilling reservations in certain cadres. By this course of action the Central and State Governments should prevent the accumulation of thousands of posts of shortfalls over time as has happened in the case of SCs and STs. If this is done properly and sincerely by the time those who were recruited prior to 1993 retire, it should be possible to find not less than 27% of BCs in every cadre. This approach has to be followed also in States of North India and East India which introduced reservation for BCs about the same time as or later than the Central Government.

In the case of States like the South Indian States where reservation for BCs started even before Independence and has continued thereafter (except for the post-Balaji interruption of a few years in Karnataka and Andhra Pradesh) and in North India States like Bihar and Punjab where reservation for BCs started much earlier than in the Centre and other North Indian State, the approach should be to identify the gap or shortfall between the number of posts in each cadre which should be occupied by BCs and the number of posts actually occupied by them and this difference should be filled at one stroke

VII. Legislation for Reservation and Strict Implementation of Reservation

- 1) A leakage-proof legislation for reservation in services under the State for BCs should be enacted without further delay.
- 2) Reservation provided by the Centre and the States are not being properly and sincerely filled in a number of cases. This has to be ensured. The recommendations made from time to time by the Parliamentary Committee on the Welfare of BCs in this regard should be promptly implemented.

- 3) The National Commission for Backward Classes (NCBC) should also be statutorily empowered to monitor and report on cases of dereliction of duty in implementing reservation for BCs.

VIII. Education - Legislation for Reservation in Private Professional and other Institutions – Amendment of RTE Act to provide Quota for BC along with SC and ST in 25% reservation for Disadvantaged Classes and Weaker Sections, High Quality Residential Schools, Trained Teachers for Pre-school education in Anganwadis

- 1) Legislation for BCs (along with SCs and STs) for reservation in private higher educational institutions including professional institutions should be enacted, fulfilling the real purpose of the 93rd Constitution Amendment Act, 2005 inserting new Clause (5) in Article 15.
- 2) As mentioned in the case of implementation of reservation for BCs in employment in the services of the State at VI (ii) above, implementation of reservation in admission to seats in educational institutions is also being evaded in a number of universities and educational institutions. Among the evaders are central universities like the Delhi University. Scope for evasion should be systemically eliminated and full implementation of reservation should be enforced. The Parliamentary Committee and the NCBC should be involved in this as mentioned at (xii) above.
- 3) High Quality Residential Schools up to Class XII for BC boys and girls should be set up, initially one each in every district and subsequently in every Block. 75% of children in these schools should be from BCs to secure focus on BCs and also social integration. Among the BCs due share should be given to the children of More, Most and Extremely Backward castes. Some of these residential schools should be located in areas of substantial Muslim population so that children of BCs of Muslims can have due access to these institutions. There was a move and financial provision for these residential schools for BCs as well as SCs and STs was made in 1996-97 in Govt. India, on Shri P. S. Krishnan's recommendations, but later it was scuttled.
- 4) Anganwadis have to be located in isolated BC habitations like habitations of fisher-people and Banjara thandas. A qualified teacher should be appointed in all such Anganwadis to provide pre-school education to children. Though pre-school education is within the charter of

Anganwadis, the absence of a qualified teacher in each Anganwadi make this part of its charter ineffective.

- 5) Self-defeating and counter-productive restrictions in the rules of eligibility for scholarships, fees-concessions, etc. for BCs such as unrealistically low family income ceiling should be removed.

After categorisation the four-fold categorisation suggested at **V** above, for the Extremely Backward Castes of BCs, there should be no family income ceiling as there are very few candidates from among them. In the case of the Most Backward Castes, there should no family income ceiling for girl students and students from women headed families and for children with physical disabilities. In the case of the other two categories of BCs, the family ceiling should be higher and graduated.

IX. Provision of Good Housing, all Facilities in and Connectivities for isolated BC habitations

There are certain isolated habitations of BCs like habitations of fisher-people close to the seashore and Banjaras thandas where Banjaras are classified as BCs (Banjaras are classified as BCs, STs or SCs in different States depending on their status in the society in each State) and habitations of Nomadic / Vimukta Jati communities (like Yerukulas, Pardhis etc). These habitations should be improved and brought to acceptable standards, provided good houses, drinking water, electricity, drainage, paved internal roads, a hall with computers and 24x7 hours electrical supply to serve as off-school study centre, and local all-weather roads for connectivity.

X. Presence in Higher Judiciary

Article 312 should be implemented in respect of judiciary including creation of an All India Judicial Service with built in reservation for SCs, STs and BCs as exists in other All India and Central services. Other measures suggested in the Report of the National Commission for Review of the Working of the Constitution (Justice Venkatachaliah Commission) should be immediately implemented.

XI. Provision of Viable Assets for BCs in the Unorganised Labour Sector in Urban Areas.

A good number of members of BCs including BCs of religious minorities in urban areas, including migrants from rural areas, are working as casual

labourers in the unorganised sector. They should all be made owners of viable assets (in many cases, they are hired operators of other people's assets like rickshaws, auto-rickshaws, etc.) Eg. All hired pullers / drivers of rickshaws / autorickshaws can at one stroke be made their owners. There are many other instances of such possibilities.

XII. Rehabilitation and Resettlement of Manual Scavengers belonging to BCs of Minorities, especially Muslims

While the vast majority of manual scavengers belong to the SCs, there are also certain communities of BCs who are traditionally required to provide scavenging services. Examples are Muslim "scavenger" castes like Halalkhor, Muslim Mehtar, Muslim Lalbegi in different States and Hela in Madhya Pradesh. A comprehensive scheme has to be devised to rehabilitate and resettle manual scavengers and their communities including BC communities in occupations unconnected with "scavenging" and sweeping. The passing of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 is not enough and the Act, though still an improvement over the 1993 Act, is still having many serious gaps and deficits.

Under such scheme liberated manual scavengers and other members of their communities need to be given training for non-sanitary works like dignified works in plumbing, electrical repair, driving vehicles, etc. by Municipalities and others who employ manual scavengers. Railways have to set aside a certain proportion of contracts for catering to liberated manual scavengers/ members of the communities and/or their associations, allocating running of milk-booths and other vending outlets in railway stations. While these measures are mainly for SCs, manual scavengers and "manual scavenger" communities of BCs should not be

XIII. Strengthening of the Working of the National Backward Classes Finance and Development Corporation (NBCFDC) and Promotion of Modern Entrepreneurship among BCs

The programme of assistance and portfolio of NBCFDC should be expanded – one new part to look after young BC entrepreneurs, belonging to families not hitherto engaged in industry, business or entrepreneurship, of small and medium industries and business unhampered by family income ceiling limit or facilitated by reasonably high family income ceiling limit and the other part to continue to remain geared towards very small entrepreneurs as at present. The quantum of assistance for small and medium entrepreneurs

should not be less than that provided under the dispensation of the Ministry of MSME. It is welcome that the Ministry of MSME has provided 4% reservation for SC and ST entrepreneurs. A suitable percentage of reservation for young BCs from families not hitherto engaged in industry, business or entrepreneurship is also necessary to promote modern entrepreneurship among young BCs of the new generation. The NBCFDC at the Central and State levels should gear themselves to be able to support such BC entrepreneurs to fully avail themselves of opportunities of modern entrepreneurship.

For the effective working of the NBCFDC and the State Channelising Agencies and State BC Development Corporations, it is necessary to bring together NBCFDC and successful and unsuccessful BC entrepreneurs and State channelizing agencies and Ministry of Finance, representatives of Banks, RBI, expert institutions like the NIRD and the IIPA, and experts in order to clearly identify their practical difficulties and find effective remedial measures.

XIV. MGNREGA, JNURM, etc - Assets Created Under these should be such as to benefit BCs along with SCs and STs who are the principal providers of Labour

The works undertaken under MGNREGA through the labour of BC labourers should be such as to create assets of direct and exclusive benefits to them.

XV. Addition to Concurrent List of Constitution

In the Concurrent List of the Seventh Schedule of the Constitution, the following entry should be inserted:

“Welfare, Development and Empowerment of Socially and Educationally Backward Classes”

XVI. Tenancy Reforms

Vesting occupancy right on insecure tenants-at-will. An example is that of Bataidars or share-croppers in Bihar who generally belong to the More, Most and Extremely Backward.

XVII. Census and BCs

In order to facilitate better developmental planning of BCs, Census lacuna in respect of BCs should be removed by undertaking Census of BCs from 2021

onwards, since recommendations to this effect before the Census of 1991, 2001 and 2011 were ignored.

XVIII. Prevention of Inclusion in the Central List of BCs of Castes and Communities who are not Socially and Educationally Backward and Rescinding of Illegal Rule Empowering the NCBC to Review Their Earlier Advices of Rejection of Castes and Communities Which are Not Socially and Educationally Backward

A number of castes and communities which were not in the first-phase Central List of BCs made Requests to the NCBC for their inclusion in the Central List of BCs in terms of the NCBC Act. In the past years, the NCBC advised the Central Government to include those castes which they found to be genuinely socially and educationally backward and the Central Government so included them.

The NCBC also advised the Government of India to reject the Requests of castes and communities which are definitely not Socially and Educationally Backward such as Jats in Uttar Pradesh, Haryana, Punjab, Madhya Pradesh and Delhi; Marathas in Maharashtra; Khandayats in Orissa; Nair in Kerala, etc.

Some of these communities have resorted to non-legal and non-statutory measures to muscle their way into the list of BCs to which they really do not belong. Under their pressure, the Central Government took a wrong and illegal step of introducing a rule empowering the NCBC to review its earlier Advices of rejection. This is illegal because a power not vested in a statutory Commission by the statute cannot be vested through the backdoor by means of a rule. This rule should be rescinded. The statute does not give any power to the NCBC to review any of its earlier Advices. The Central Government should resist the temptation to include, in the Central List of BCs, castes and communities which are not socially and educationally backward and which are resorting to agitational methods. Short-term electoral considerations are unconstitutional and illegal and will defeat the purpose for which the category of Socially and Educationally Backward Classes was created by Article 340 of the Constitution and will cripple the genuine BCs. There is a warning available of how certain wrong inclusions of non-tribal communities in the list of STs have deprived genuine STs (such as Gond, Koya, Santhal, Munda, Oraon, Bhil, etc.) of any share / any meaningful share in reservation. This is one of the reasons which has contributed to their attraction to Maoist insurgency in many of the tribal areas.

It is the duty of the Central Government to resist short-term electoral temptation and desist from creating a major existential problem for genuine BCs by inclusion, in the Central list of BCs, of castes and communities which are not socially and educationally backward.

XIX. Women of BCs

They need to be given greater focus by

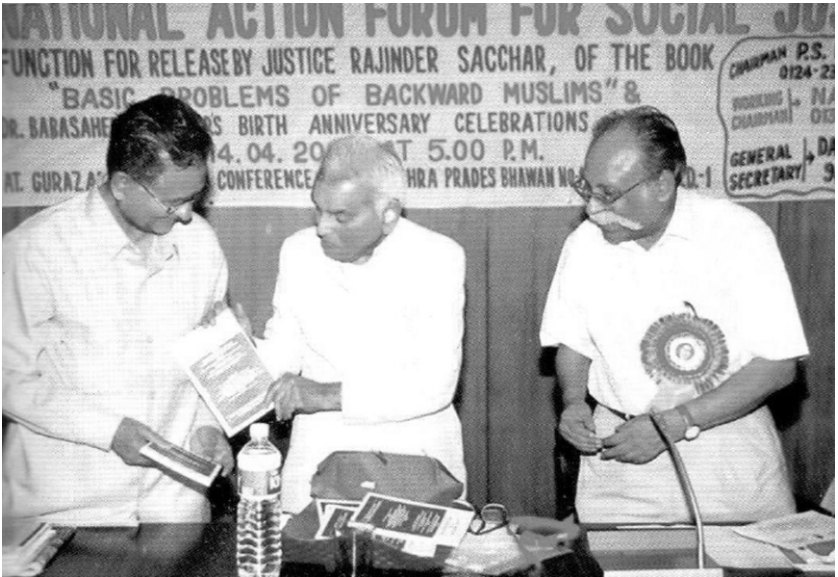
- a) Undertaking specific schemes for BC women and girls.
- b) Reservation in Lok Sabha and State Vidhan Sabhas by providing them a sub-quota under the Women's Reservation Bill. This sub-quota may be for women of those castes and communities of BCs including BCs of religious minorities which have not been able to get any seats or have got only disproportionately low number of seats hitherto in the Lok Sabha and Vidhan Sabhas. Restricting the BC women's sub-quota to women of such castes and communities will have the double benefit of helping the BC women and also helping the unrepresented and poorly represented castes and communities of BCs.

- P.S. Krishnan, IAS (Retd)

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Atheist leader and reformer Gora addressing a community gathering in Stuartpuram settlement. P.S. Krishnan I.A.S. (extreme left) represented AP Government during negotiations with local families and subsequent rehabilitation drives (1974)



14.4.2004 justice rajendra sachar



parliament, andhra bhawan program



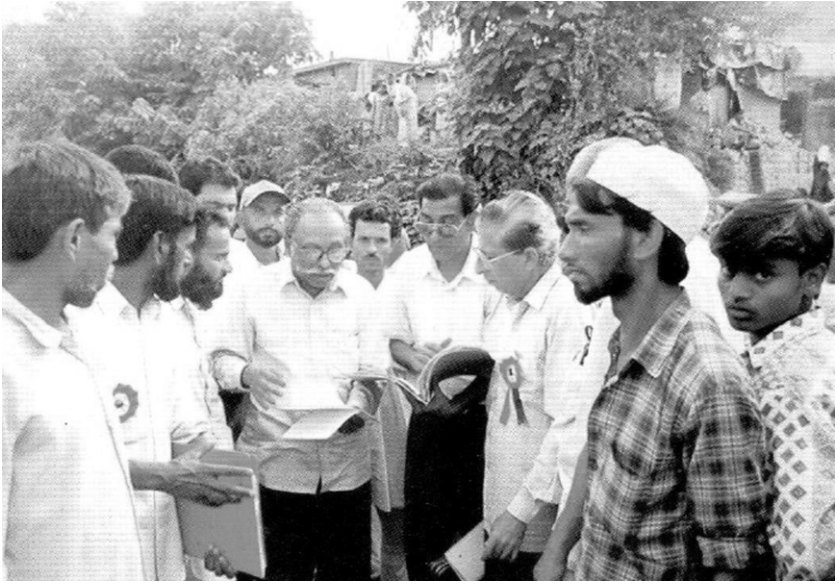
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haridwar, dehradun sammelan



haridwar, dehradun sammelan



dalit basti dehradun



Chief Minister ND Tiwari meeting



human right conf. dehradun



Basagad Mussoorie visit



Basagad Mussoorie visit



human right conf. dehradun



jantar mantar pradarshan



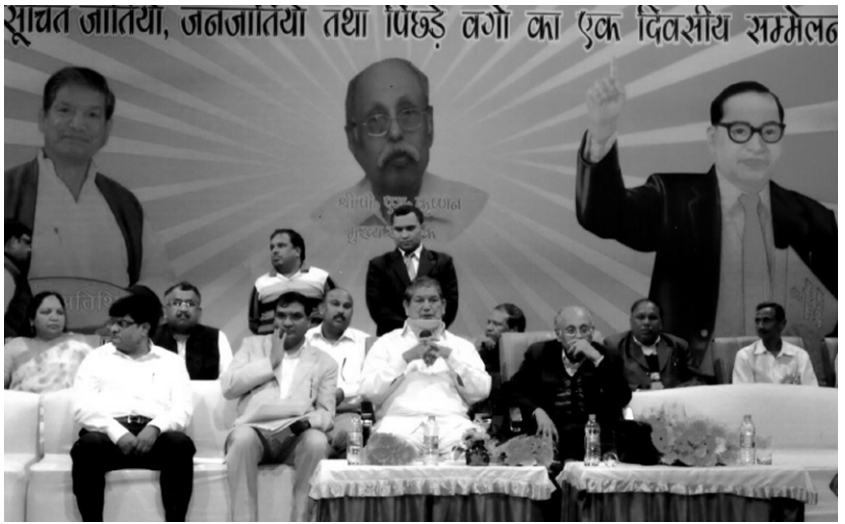
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Haridwar, Dehradun Sammelan

