

MANDAL II

Feroz H Mithilborwala

The intellectual and political battle for reservations for OBC's or rather the Shudras within the Brahmanical caste hierarchy was won in the 1990's itself. But the OBC's, Dalits and Adivasis, who constitute the majority as well the historically oppressed masses of India, continue to face a determined opposition from within the judiciary and the bureaucracy which are amongst the last bastions of the RSS, the fountainhead of Brahmanism. No political party, including the BJP can now oppose reservations for the OBC's within the higher centres of learning, which are now amongst the last bastions of the upper castes. So what they have lost in the Parliament, they are trying to desperately salvage through the courts. Needless to say this is a losing battle. The long suppressed forces of egalitarianism are on the march and the sooner that the elite are reconciled to the inevitable, the better it will be for the social fabric.

India is again in the midst of an OBC upsurge and this "MANDAL II" has been instigated and provoked by the Supreme Court. The bench judgment has issued an interim order staying the Reservations of OBC's in higher educational institutions and this has sent convulsions across the political and social landscape.

The judgment is an affront and an act of contempt against the Supreme Court itself as it challenges the basic judgments and observations of the Supreme Court which have been passed by a full bench in favour of the Mandal Commission Recommendations. The two judges have also challenged the basic character of the Ambedkarite Indian constitution with its emphasis on equality and affirmative action to the historically oppressed castes.

For the overwhelming majority of the Indian people both these pillars of Indian democracy stand exposed and naked as centres of Brahma-manical hegemony. In spite of all the faults of the Indian political class, they still stand accountable to the Indian masses.

As the liberal American President Thomas Jefferson said "to consider the judges as the ultimate arbiters of ail constitutional question...would place us under the despotism of an oligarchy". The judiciary and the executive are operating like WMO's or weapons of mass obstruction.

The current judgment raises two basis issues:

- 1) The creamy layer issue and
- 2) The lack of up-to-date information.

If the people who are so concerned about the lower sections within the OBC/SC and ST's, they must then ask and apply the similar parameters of the creamy layer to even within the open categories as well. Needless to say they never will.

Data has shown that the application of the Creamy layer rule has actually recorded a fall in the OBC admissions from 12.4% prior to Mandal, to 4.5% in the present.

The basic fact is that the OBC's are far behind the upper castes in most spheres and the time for the application of the creamy layer will come later. That having been said, special care needs to be taken of the interests of the Most Backward Castes (MBC) amongst the OBC's and a formula for the same can be arrived at.

As for the supposed insufficient data it is good that the bench has raised this issue, people should demand a nationwide caste census covering all the religious communities, to be carried out by the Indian state and to be completed within a period of a year. The voices that are raising the issue of insufficient data are also opposing a caste census on the grounds that it will divide Indian society.

Also the fact lies that when the Parliament and the Supreme Court supported the recommendations of the Mandal Commission, they did so on the basis of sufficient and scientific data. The sources for the same have been the census of 1931, and the data collected by the National Sample Survey Organization (NSSO) and the National Family Health Survey (NFHS). The survey of the Mandal Commission has been exhaustive. All the above only prove the same point that the SC/ST/OBC's continue to lag way behind the so-called upper castes.

The apex Court has insinuated that reservation is catering to vote bank politics. Infact as V P Singh said "Reservations is not only about vote bank politics, it is more about democracy, in which the people's will should be supreme".

Recent history and facts prove otherwise. The South of India is far more advanced than the rest, especially North India for the basic reason that caste struggle against Brahmanical domination has a far longer and successful history. In Tamil Nadu with 69% reservation and Karnataka with an excess of 60%, one can see that the society is far more advanced. The Merit argument is a myth and for various reasons.

Also the 50% ceiling on reservations imposed by the Supreme Court is unconstitutional. The basic principle in extending reservations is to draw in as wide a section of Indian society to share in the fruits of education, employment and progress in general. The 50% ceiling in fact only serves to weaken the broadening and deepening of the democratic roots.

Interestingly, in this current phase of Indian politics people are witnessing the emergence of two parallel trends. Mandal II is back on the agenda and so is the issue of justice to the Muslim community. Sachar and Mandal II are movements that will have to co-ordinate and struggle unitedly for their just share. The Sachar recommendations are comprehensive and do address the basic issues of the Muslim community. As far as reservations are concerned, let it be stated unequivocally that reservations will only be applicable to the OBC's and Dalits within the Muslim community as the Indian constitution is opposed to reservations on the basis of religion, "Sachar is the Muslim Mandal", just as Mandal constituted a turning point for the OBC movement, so will Sachar. The slogan that is gaining popularity amongst Muslims is in fact "Sachar hamara Mandal hai". □□□