



## Mandal Commission: Equality and Liberty

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### Abstract

*Stratification on the basis of caste, class and religion is a very significant aspect of life in India and its impact on the people of the country has been deep and lasting. Equality and liberty – elements which are very important for giving people a chance to lead a happy and meaningful life, have constantly come under threat because of these institutions which have divided the nation and afflicted large sections of the population for a very long time. The Mandal Commission, headed by Bindheshwari Prasad Mandal (M.P.) was established in India, in 1979, by the Janata Party government under Prime Minister Morarji Desai with a mandate to identify the socially or educationally backward. It considered the question of seat reservations and quotas for people to redress caste discrimination, by using eleven social, economic, and educational indicators to determine backwardness. This essay is a critical examination of the Mandal commission report, its intent, execution and aftermath with respect to the values of equality and liberty.*

**Keywords:** Mandal commission, equality, liberty, justice, rights, India.

### Introduction

Every Indian is born equal, but inevitably, into unequal circumstances. And when the circumstances have been a result of a social system, reform is the only way forward. The highly capable policy makers at the centre, through the Mandal Commission, attempted to reform the society with a reservation system for backward classes. The implementation of report's recommendations changed the political and socio-economic landscape of the country forever.

The following essay begins with the vision of the founding fathers of our country followed by nuanced insights into the political concepts of equality and liberty – our two tools of analysis. Next, we document the setting up of the Mandal commission and its various recommendations. Further, the discriminating nature of caste system and constitutional justifications are put forth. The concepts of creamy layer<sup>1</sup>, political representation and the arguments for and against reservations are explored. Finally, we evaluate today's scenario and look into the future of policy making in reservations.

At the time of Independence, Nehru talked about not just freedom from British rule but also a grand vision of India, devoid of inequality and gradually moving towards a state of equanimity in economic, social and political spheres. Removal of class based stratification was also very high on his agenda. However, India has a very poor record in social symmetry. Our founding fathers envisaged the achievement of social equality by striking an arrow at political and economic equality. In a pluralistic democracy like India, the economic, political and social equalities are intertwined and none is separable from another. It's very important to recognize this reality and

understand its implications for almost every aspect of the lives of people in India.

A very rational train of thought would argue for positive liberty at the grass root level – an attempt at giving equal footing to everybody and making up for the disparities which arise from events of pure luck, right from the time of birth. But for a variety of reasons, doing so has not been possible. As a result, policy makers have recognized the need to create equality of opportunities and resources in a more direct fashion.

The preamble of the India constitution contains the phrase: "Equality – Social, Political and Economic." Social equality is the most important goal. The goal of equality will be achieved only when everyone will be on an equal footing. Since, there are different kinds of inequalities and all of them need serious attention, it is a monumental task to identify the right groups which need to be targeted by policy measures.

Another important factor to note is that these inequalities often work in conjunction and their impact is the most severe when the people are under-privileged in more ways than one. For instance, the deprived sections of the society may have a difficulty in gaining access to formal education and their difficulties are compounded if they belong to a lower caste, as they are subjected to the prevalent prejudices in the society.

Any effort to bring about equality and ensure justice through positive liberty needs to adopt a holistic approach. These paradigms and ideas have been subjects of heated discussion and debate and a lot of good has come from concerted efforts over the years. But the very act of targeting people of a certain caste, religion or class in fact reinforces these identities. This

sense of identity comes, not only from within, but is also imposed by the establishment and the society at large and hence, turns out to be paradoxical to the very end that it set out to achieve.

Thus, any attempt at tinkering with the social equilibrium of the country requires a very delicate balancing act. The Mandal Commission report is an excellent attempt at this herculean task.

### The Mandal Commission

The plan to set up the commission was taken by the Morarji Desai government in 1978 as per the mandate of the Constitution of India under article 340 for the purpose of Articles like 15 and 16 of the Constitution of India. The decision was made official by the president on 1st January, 1979. The commission is popularly known as the Mandal Commission, its chairman being B.P. Mandal.

The Commission, after a very thorough scientific investigation with the help of experts from various disciplines worked out 11 indicators to determine social backwardness. These indicators are social, educational and economic. The commission finally submitted the report to the president on December 30, 1980. V.P. Singh, the Prime Minister at the time, tried to implement its recommendations in 1989.

The Mandal commission sparked off a still-raging debate on public policy for underrepresented and underprivileged sections of India. In its recommendations<sup>2</sup>, reservation in Government services and educational institutions for Other Backward Classes (OBC) candidates was suggested to cure the historical discrimination and its continuing ill-effects in public employment.<sup>3</sup> It was based on the argument that every community has equal right and legitimate aspiration to participate in ruling this country, and the social conditions, denying nearly 52% of the population an opportunity to fulfil those aspirations, call for urgent rectification. In view of the legal constraints, a 27% reservation was recommended not only for recruitment but also for promotion and selection in universities.

In addition, educational concessions given by government didn't make a substantial impact, and hence, strong emphasis was placed on two fronts. Firstly, intensive and time-bound educational programmes in high OBC population areas were necessary. Secondly, free of cost residential schools, and even government hostels, were to be launched to attract backward students to an environment conducive for studies. Further, institutional finance and technical assistance was found to be necessary for helping OBC communities, especially the village vocational communities, involved in cottage industries. Structural changes, central government assistance to the states, setting up of a separate ministry to for OBCs and land reforms are among the many suggestions given by the commission.

### Liberty and The Caste System

Positive liberty strongly advocates the creation of opportunities for all to excel. Many attacked the Mandal Commission for adopting „Caste“ as the criteria for determining social and educational backwardness. A reservation system based on Economic factors, instead of caste or religion, would be ideal<sup>4</sup>. However, the recent ruckus created by the Planning Commission on its definition of 'Poverty' is indicative of the difficulties in treading that path.

Caste system rejects the very roots of foundational equality, where it claims equal moral worth of all humans. It assigns people different social worth, based on their occupation. By denying people the freedom to switch occupations, the system has led to a stagnant society, perpetuating the supremacy of the upper castes. The caste system in Indian society, more than any other phenomenon, has had a greater hand in influencing the destinies of Indians.

It is undeniable that equality is intrinsic to the fulfilment of important values, such as justice. Caste system brings bias and prejudice to the rule of law, not only in the realm of judiciary but in all aspects of governance. In addition, it has deprived millions, over the years, a chance to possess self-respect. Many don't even think twice before discriminating people on the basis of caste.

*“So long as you do not achieve social liberty, whatever freedom is provided by the law is of no avail to you.”*

- B. R. Ambedkar

Liberty of any individual can also be considered to have a complex triatic relationship. Not only should individuals be free from all constraints and have an equal opportunity to set a goal, but they should also have the enabling conditions for realistically achieving that goal.

The Indian Constitution aims to have representation of under privileged or backward classes in all facets of the state-funded institutions, and it frequently uses the term representation, instead of reservation. This reservation is given to an individual as a representative of the under privileged community. Thus, it can be thought of as a democratic principle to provide representation to the members of under privileged community, hitherto remained under-represented in the governance of the country.

The question of caste and the steps that a nascent Indian nation would need to take to address this problem was a topic of fervent debate, as seen in the discussions of the Constituent Assembly. Even the judgement delivered on Indra Sawhney vs. Union of India and Others, in Nov 1992, highlights the depth of thinking possessed by our Founding Fathers and the Constituent Assembly. The judgement which capped reservation to 50%, explored the 'dual' equalities granted to all Indians – firstly

'equality before the law' and secondly 'equal protection of the law'<sup>5</sup>. Securing the later is only a procedural achievement; it merely needs to be declared that all laws of the land apply equally to all within it. The former, however, recognises the inherent inequities in Indian society and seeks to ensure some minimum equality. This is sought by enabling negative liberty<sup>6</sup> for all via Articles 15 to 18 of the Constitution of India, but also a pledge to enable positive liberty via Articles 38, 39, 39A, 41 and 46.

Article 14 discussing Equality is the soul of the Indian Constitution, owing to the fact that India is a Democratic Republic. What prompted the development of states was the fact that people wanted a sense of security, relief and wished to indulge in other means of resource utilization. States were endowed with the responsibility of creating a firmament where individuals can get security, equal protection of law and equality in all aspects and Article 14 is a flag bearer for the same.

### Reservation and Equality

The definition of equality primarily seeks to ensure equality of liberty above all else. This is a remarkably nuanced and intuitive notion of both equality and liberty. The decisions were perhaps influenced by ideas of Ronald Dworkin. For, they felt that unless and until an individual, how much ever so disadvantaged by circumstance, can realistically hope to maximise his liberty, neither can the individual nor the nation realise its true potential. It is perhaps this dogma of liberty that has enabled India to beat the odds and stay united as compared to the vast litany of post-colonial failed states.

It is within this ambit of the constitution that reservation on the basis of caste has been propagated. Reservation is among a host of policies aimed at ensuring Social Justice, Equality of resources and Equality of opportunity. The actual evil of the caste system has two facets – one is the real inequity in the distribution of resources, while the other is the active discrimination of the backward classes, which constrains them, and denies them fundamental rights and equality of opportunity.

India needed reservation after independence, but with the Mandal Commission proposal further extending reservations, some believe our society is more deeply divided now. The commission quotes lack of economic or institutional capacity for undertaking a grassroots based solution to the problem of caste, and calls reservations the only practical solution for social anti-discrimination. However, increasingly large numbers are identifying themselves with their caste and, in its attempt to erase distinctions, reservation system has actually reinforced the lines drawn by caste. The reservation policy enjoys significant constitutional validity and, it is now difficult imagine a voluntary role-back of the scheme in the near future.

Today, the various problems faced by general category candidates are well-voiced in Media. But, it is argued that

without the masses being at the same level, merit is immaterial i.e., meritocracy is meaningless without equality. The focus, as Sen argues, should be on equalising people's capabilities. With affirmative action, the state attempts to give proficiency, and a kick-start, to under-privileged masses.

Ironically, reserved categories themselves have a great deal of vested interest in keeping the caste system vibrant and alive now, because reservations are only given on the basis of caste assuming it to be a strong proxy for economic deprivation. However, a large share of pie has been cornered by the 'creamy layer' third generation beneficiaries, who are neither discriminated against, nor are socially and educationally backward anymore. They are no longer victims of caste prejudice or financially weak. Sadly, many who tasted the fruit of reservation have done nothing to improve the condition of their fellow members of caste. Furthermore, the 'creamy layer' clause in the reservation policy, made with the aim of preventing the more economically privileged among the backward classes from dominating the reserved categories, has become a great financial and administrative burden on the government. Also, it has simply added to the burden of the oppressed, as processes have become more extortion and corruption based, than being based on true public service, as the clause is not rigorously enforced.

In India a popular quip regarding election is, "you don't cast your vote, you vote your caste!" What Mandal engineered was a sharp rise in OBC assertiveness in the Hindi heartland. In the last two decades, caste-based politics has concentrated only on gaining power of the state resources instead of acting as a medium of genuine social transformation. Politicians have been forced to make the backward castes a priority if they harbor any desires of power<sup>7</sup>. The fact that parties like Rashtriya Janta Dal and Bahujan Samaj Party have gained power of the state, in itself, is a huge achievement. What their leaders have delivered is for an entirely different discussion, but at least it has given the under privileged a sense of confidence and be a source of social transformation, by opening up the political arena for the youth<sup>8</sup>.

It is also this concentration on caste that the new wave of identity based politics came into mainstream Indian politics – the politics of equality revolving around the axis of caste – attracting millions of illiterate voters with false hopes and promises. Where had the efforts of Naryana Guru in Kerala, Phule in Maharashtra and Ambedkar, as a godfather of under-privileged, gone wrong? What started as a revolutionary movement has now taken a shape of Anti-Upper class protests. What was initiated by our constitution makers as an Affirmative Action entered into a negative feedback loop, affecting millions across the nation.

### The Question of Identity

Had the politics and social restructuring revolved not just around caste/identity based politics after Mandal Commission,

and targeted other areas of universalistic appeal like Healthcare, Education and implementation of social welfare programs, a uniform ground would have been set up for all to compete upon, thereby instilling more confidence in the hearts and mind of the oppressed class.

Therefore, the mere representation of the under privileged in the legislature cannot bring about social transformation. The lack of integrity amongst our elected representatives, cutting across party lines and cast spectrums, is the only equality we observe. Indian voters, in recent years, have understood this and have forced politicians to accept the new paradigm of developmental politics.

In the 21st century India, reservation systems have faced much resistance, as well as gained significant support. Reservations implemented in Government jobs and government educational institutions have been widely protested against, both violently and peacefully.

Today, many communities claim to be oppressed by the Indian society over the years and some of them demand to be included in the SC/ST/OBC categories. In 1993, reservations for OBCs for government jobs were put in place. In December 2012, SC/ST Quota for promotions in Government jobs was implemented. It has created a competitive culture among traditionally dominant castes to be categorized as OBC. Recent agitations by the Gujjars and Marathas are prime examples. This has further created obstacles in providing the benefits of reservation to those who actually need it. In addition, the humungous vacant job positions that are yet to be filled have made anti-reservation liberals call for a gradual reduction in reserved seats.

Although, reservation schemes often undermine the quality of education, they help provide social justice to the most marginalized and underprivileged, and the Mandal report considered it to be our duty and their human right.<sup>9</sup> Reservations in government-owned and funded institutions now stand at 49.5% for SC/ST/OBC. These reservations exist for students as well as the professors and lecturers in meritorious institutes. The success of the move has been greatly debated due to the extremely low number of admits under these categories, and has triggered a series of protests from the students of AIIMS and IITs. Also, a lower rate of course completion by students under this category calls for reform. The acute shortage of instructors at such institutes has been majorly attributed to inability of applicants to even clear basic selection procedures. Many fear that this might lead to a drastic decline in the quality of education<sup>10</sup>.

Women's Rights Movements have used these reservations as a basis for demanding reservations. Similar demands have been made by religious minorities. Individuals are defined by the multiple identities and religion is an important one. Choosing caste as the prime determinant of India for providing reservation has left out a large section of the population that would have

been benefitted from reservation if religion would have been the determinant, as revealed by the Sachar Committee Report of 2006. Today, hence, there is a strong argument for reservations based on religion in India. However, despite far lower living standards of Muslims compared to the SC/ST classes being recorded, such reservations are opposed strongly by right wing Hindutva parties.

## Conclusion

In the current time of cut-throat competition, critics of reservation say, such quotas are slowly becoming counter-productive, emphasizing on the very imbalance of society they are supposed to support and rectify. Creation of any law is based upon three principles – why it is being created, for whom it is being created and how the law would seek to address the issue at hand. Our legislators have addressed the first two. But, how the concessions provided by the reservation policy (law) will address the ultimate goal of equality (objective) is questionable. In our analysis with respect to equality and liberty, in conjunction with other political values, we have clearly seen that every coin has two sides. And, every story of development has its own share of failures.

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