

The Demand for Disadvantage*

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1 Introduction

Disadvantage is a popular and controversial word in India these days. In October 2007, half a million *Gujars*, traditionally a pastoral community of north and central India, filled the streets of several towns in the Indian state of Rajasthan demanding that they be classified by their state government as disadvantaged. The Gujars wish to be listed as *Scheduled Tribes*, and thereby receive greater parliamentary representation, preferential treatment in public employment and lower admissions standards in many educational institutions.¹ Yet, ethnographers have cast doubt on their aboriginal descent, they share customs with other groups in the middle of the social ladder,² and a current web site hosted by members of the Gujar community refers to the group as “a proud people” with “the desire and ability to rule the world”³. The case of the Gujars illustrates, oddly but powerfully, the ways in which culture and politics mingle to shape acceptable notions of social justice and government policy in democracies. In a poor, growing economy with academic costs well below the market value of educational training, the tag of disadvantage has come to acquire value and, ironically, the desire for mobility has brought about a demand to be classified as disadvantaged. It is this demand that I would like to reflect upon here- its cultural roots, its social rationale, the political mechanisms through which it is expressed and some of the economic implications of the policies that it has generated.

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¹See *The Hindu: Gujjars take to the streets demanding ST status, October 2, 2007*.

²See Crooke (1974) volume II, for comparisons of the Gujars with other castes and tribes during the colonial period. Here, and in the 1931 Census of India, they are classified together with other pastoral castes such as the *yadavas* (see Hutton(1933), Part II, Table XVII) who have recently become prominent in north Indian politics.

³www.gujarsonline.com

Goup-based policies of preferential treatment began under British rule in the first half of the twentieth century. After political independence in 1947, the Indian constitution converting some of these policies into rights, facilitated the expansion of state-led affirmative action. The constitution was unusual in that it juxtaposed provisions for the equality of all citizens before the law with those that mandated the proportional political representation of specific groups and allowed the state to make special concessions for their advancement. In the decades that followed, these provisions did dilute the dominance of the traditionally elite in political and social life but also generated caste-based contests for the rents from public office and the gains from spending on public goods.

Mandated political representation and other types of affirmative action changed the balance of power but also created new types of inequalities within the set of targeted communities. Demographic data from the census, public employment and college admission records, and studies of electoral outcomes all suggest that the minimally disadvantaged and the numerically strong communities benefitted more than the others. The constitutional space given to affirmative action was initially valuable because it encouraged the state to acknowledge its responsibility towards the socially marginalized. Over time however, it has created a peculiar discourse of social justice and development in India in which individual advancement is linked to group mobility and groups move forward by claiming that they have been left behind. In the process, the state has neglected less controversial and more fundamental rights such as the universal access to primary and secondary education that may have done more for larger numbers of truly disadvantaged communities.

Section 2 describes the constitutional basis for affirmative action policies in India and provides a brief history of these policies. Section 3 presents secondary evidence on the characteristics of beneficiaries and the distribution of benefits. It also documents the inequality in educational attainment that emerged within the set of communities that were targeted as recipient of affirmative action over the 1931-1991 period. I conclude in Section 4 with reflections on the divergence between the intended and actual effects of affirmative action in India.

2 An Unusual Constitution

The social classification that is used as a basis for affirmative action policies in India appeared during colonial rule in the first half of the twentieth century, when British politicians and na-

tionalist leaders deliberated on the manner in which Indians were to receive greater political representation. In 1906 separate electorates were granted to Muslims as a disadvantaged religious minority, and similar claims were advanced by other communities.⁴ Job reservations in public employment first appeared in the Madras Presidency in South India and in some of the independently ruled areas of southern and western India. These were the result of struggles to limit the power of the Brahman elite in favor of the middle classes. The reservations were far-reaching and elaborate in that they assigned specific shares for each of the major caste groups. In the state of Mysore in South India, only one-fifth of government posts and seats in colleges continued to be assigned through open competition. These movements did little however to integrate groups at the bottom of the social hierarchy who were largely illiterate with no prospects for either college degrees or public employment.⁵

During the inter-war years debates on compensatory preference came to be centered around the *Untouchables*, a culturally and occupationally diverse group of castes regarded by other Hindus as ritually impure. Their disadvantage could clearly be linked to a long history of discrimination; they were excluded from temples, marketplaces, water sources and most types of social interactions. The abolition of untouchability became part of a vision for independent India. It was central to Mahatma Gandhi's agenda for social change and B. R. Ambedkar, later to become one of the architects of the Indian Constitution, was himself from one of the untouchable castes of western India became their most prominent spokesman.⁶ During census operations in 1931, enumerators were asked to create lists of these *exterior castes*⁷ to facilitate their "representation in the body politic" and to design appropriate policies for "raising them from their present backward position"⁸. The term *Scheduled Castes* first appeared in the Government of India Act

⁴Dushkin (1967), p 626-629.

⁵Srinivas (1957) describes the anti-Brahman movements of South India in some detail. See also Mendelson and Vicziany (2000), chapter 4 and Galanter, p. 27

⁶Ambedkar's father, was an officer in the army and after retirement worked for the State of Bombay. Ambedkar recalls the pain from the ostracism he and his elder brother faced when traveling to visit their father during their summer holidays. With the innocence of a nine-year old, he revealed his caste to the railway station-master and norms of pollution made both transport and water inaccessible (except from *On the way to Goregaon* in Valerian Rodrigues ed. *The Essential Writings of B.R. Ambedkar (2002)*, p. 52:

There was plenty of food with us. There was hunger burning within us; with all this we were to sleep without food; that was because we could get no water and we could get no water because we were untouchables.

⁷The term *depressed classes* was also widely used in many of the census reports.

⁸These lists were to contain "castes who suffered disability on account of their low social position and on

of 1935 when this diverse group of castes were placed in a single category and a fraction of seats in provincial and state legislatures were reserved for them.

After political independence, historical disadvantage and compensatory state policies were extensively discussed by the Constituent Assembly that was created to draft the Indian constitution. Untouchability was widely viewed as incompatible with a modern society and preferential treatment to these groups was advocated in 1947 in the first report on minority rights. At the time one of the Assembly members pointed to the social isolation and poverty of tribal groups in India and, after a committee investigated their condition more fully, they too were accepted as worthy recipients of preferential policies.⁹ Lists of Scheduled Castes and Scheduled Tribes were created separately for each state and the constitution in 1950 required that seats in parliament and in the state assemblies be reserved for candidates from these two groups. In addition, they were entitled to jobs in public employment and seats in higher education, all in proportion to their share in the population.¹⁰

Preference policies took three principal forms. The reservations described above were the most coveted and the most controversial. These included seats in legislatures, posts in government and quotas in institutions of higher education.¹¹ In addition, there were programs which provided these groups scholarships, loans and land grants. There were also laws, such as those that limited transfers or land between them and the general population, that were designed to protect them from exploitation by other classes.¹² B eteille (2005) makes an important distinction between *mandatory provisions* and *enabling provisions* of the constitution. Proportional representation in the parliament and in state legislative bodies was the only mandatory provision of the constitution. All other policies were based on the constitutional directive of paying special attention to the conditions of these groups and did not require specific forms or levels of representation.

Difficulties in interpreting the constitution surfaced early. An upper caste girl was denied account of being debarred from temples, schools or wells". No more specific criteria were framed since it was recognized that "conditions varied so much from province to province and from district to district,...that it would be unwise to tie down the Superintendents of Census Operations with too meticulous instructions". J.H. Hutton (1986), pp 471-2.

⁹Ramachandra Guha (2007), Chapter 6.

¹⁰Article 15 deals with equality before the law, article 16 with public employment, 330 and 332 in Part XVI deal with political representation, and article 46 with state policy.

¹¹The reservation of seats in the legislature was originally for ten years but has been consistently extended.

¹²Galanter, Chapter 3.

admission to a medical college in 1950 and she claimed this violated her constitutional right to be treated at par with all other citizens.¹³ Prompted by this case, the constitution was amended in 1951 to explicitly allow the state to favor *backward classes* of citizens without violating the principle of equality of all citizens. A commission was appointed in 1955 to identify and enumerate such classes and although a number of criteria were established to identify backwardness, the commission concluded that social backwardness “is mainly based on racial, tribal, caste and denominational differences”.¹⁴ Backward classes at this point came to mean backward castes, various groups made representations to the Commission claiming *backwardness* and lists of these castes were generated for each of the Indian states. The final report listed 2,399 communities as backward and recommended that 70% of seats in higher education be reserved for this category. Those not classified as Scheduled Castes and Tribes were known as *Other Backward Classes* (O.B.C.) and in some states these three categories together accounted for more than three-quarters of the population. The central government did not implement these recommendations and there was disagreement even among members of the commission on the objectivity of the lists.¹⁵ State governments in southern and western India with large numbers of politically active Backward Castes did continue to implement quotas for them in public employment and higher education.¹⁶

In 1978 the *Mandal Commission* was appointed to investigate the condition of the Backward Classes and it recommended preferential treatment for them in politics, employment and ed-

¹³The Supreme Court in this case held that the Communal Government Order of the Madras government which explicitly allowed for caste-based admissions violated the principle of equality before the law (Vijayan (2006), p.92)

¹⁴Government of India, *Report of the Backward Classes Commission*, Volume 1, page 42.

¹⁵One of the members, P.G. Shah, notes in his minute of dissent (Government of India (1955), Volume III, p.9):

In several cases there was great difficulty in arriving at a decision as to whether a community should be treated as backward or not. Generally, this decision was taken after free, full and frequent discussions with an anxiety not to omit the name of any community which was entitled to social or educational relief. But, in several cases, in the absence of any information the decision had to be taken on the strength of the name of the community only, on the principle of giving the benefit of doubt. ...While it is correct to give, in a welfare state, the benefit of social relief to as large a part of the community as possible, it is unscientific to prepare these lists in this manner.

¹⁶Radhakrishnan (1996) provides a historical account of the Backward Class Movement in Tamil Nadu and details of quotas for major communities in that state. Table 18 in Galanter(1984), lists state-wise concessions for these classes in 1951-52.

ucation, once again identifying such classes through their caste affiliations. The methodology and the recommendations of the Commission were widely criticized and its report in 1980 was met with violent student demonstrations in many parts of the country.¹⁷ Eventually however many of its recommendations were adopted; starting in 1990 27% of public service jobs were reserved for O.B.C.s, in 2005 the constitution was amended to explicitly allow quotas and lower evaluation standards for them in higher education and in 2006 the legislature passed an act requiring all federally funded universities to implement these quotas.¹⁸ The Supreme Court of India subsequently stayed the implementation of this act and is questioning its constitutional validity.

Although it might appear that the relevant constitutional provisions simply led to the expansion of a culture of differential treatment that had begun under colonial rule, they were a significant break from the past because they converted benefits from government policies into rights. This makes the Indian constitution an ambiguous document because statements for the equality of all citizens before the law, that are standard in the constitutions of democracies across the world, are qualified by those that grant particular communities special status.

The contrast with the United States is instructive in this regard.¹⁹ It is another large democracy where inequality has well-established racial boundaries and historical roots. Yet, while affirmative action in India vastly expanded, support for race-based admissions dwindled in the United States in spite of large and persistent racial gaps in academic achievement.²⁰ The Constitution of the United States does not allow for exceptions to the *Equal Protection Clause*, many affirmative

¹⁷Eloquent criticisms of the report are found in Das (1990) and Kumar (1992).

¹⁸In 2005, Article 15 of the constitution was modified to read “(5) Nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30.” (Constitution (Ninety-third Amendment) Act, 2005). This amendment does not explicitly mention evaluation standards. These were addressed by the Eighty-second Act, 2000: “..nothing in this article shall prevent the State in making of any provision in favour of the members of the Scheduled Castes and the Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State.” These are implicitly extended to Backward Classes by the 2005 Act which permits the state to offer this group the same treatment as the Scheduled Castes and Tribes.

¹⁹Part 1 of Thomas Weisskopf’s book is devoted to this comparison. Also see Béteille (2005).

²⁰Loury (2007) summarizes black-white gaps in achievement and employment in the United States

action programs in U.S. universities have been declared unconstitutional over the same period that Indian programs have expanded. In a series of cases since the late seventies, the United States Supreme Court has not been willing to uphold any admissions policy which insulates minority applications to educational institutions from competition with a broader applicant pool. Affirmative action policies have survived only if the judiciary has been convinced that the policies “achieve that diversity which has the potential to enrich everyone’s education”²¹

I believe, as do many others, that not enough has been done to address racial gaps in the United States and that, to use Glenn Loury’s phrase, *racial stigma*²² and its consequences continue to shape social interactions. Yet, a comparison of the two countries is useful because it illustrates the difficulties in achieving social equality through a route that recognizes group-based identities. In spite of the wide-ranging and somewhat problematic constitutional provisions for social equality in India, the stigma attached to caste remains, albeit diluted, and, as the following section will illustrate, the gains from these provisions have not touched the majority within these communities.

3 The Beneficiaries and the Benefits

As outlined in the preceding section, affirmative action policies in India have relied almost entirely on caste classifications. This approach has been justified on the grounds that the origins of backwardness lie primarily in the historic discrimination faced by certain castes and, once identified, caste membership provides the most feasible means of reaching the disadvantaged. It is also argued that economic measures of backwardness do not fully capture the social condition of these groups since discrimination and social stigma denies them opportunities available to others in their economic situation. These claims have been uncontroversial for some of the communities that were classified as *Untouchables*, *Depressed Classes* or *Exterior Castes* during the colonial period and are now listed as Scheduled Castes. There is abundant evidence of their exclusion from schools, roads, wells and other public places, they were often prohibited from

²¹Quoted from the opinion of the U.S. Supreme Court in the *Grutter v. Bollinger* case. The court upheld the use of race as a factor determining admission to the University of Michigan Law School. At the same time, the Court held that undergraduate admissions in the same university were unconstitutional because they explicitly allowed African-American students to enter with lower scores. Both opinions can be found in the Supreme Court collection of the Legal Information Institute at Cornell University Law School (<http://www.law.cornell.edu/>).

²²The role of stigma in generating racial inequality is a central theme in Loury (2002).

adopting the social customs, attire and ornaments of the upper castes and after political reforms by the British government in the 1920s, only a small fraction of the population within these castes was entitled to vote.²³

Once the association of backwardness with caste was established, it became the principal strategy through which the state executed its mandate of social justice. Several castes without any history of untouchability came to be viewed as worthy of preferential treatment and no individual could enter the ambit of affirmative action without membership of one of these groups. Our assessment of these policies therefore depends on (i) the extent to which disadvantage was captured by the identities of included groups, (ii) the nature of benefits conferred on those entitled to them (iii) their effectiveness in excluding socially mobile groups from the purview and (iv) their implications for the excluded population. This section deals with available evidence on these issues.

There is a wealth of information on the Indian caste system, but serious limits to a systematic empirical investigation of the relationship between caste and disadvantage. A major obstacle is the sheer size and complexity of the caste structure. Several thousand different communities have appeared in the ethnographic literature on caste and the social standing of a particular caste may vary from one region to another. The Anthropological Survey of India recently embarked on ambitious project aimed at generating anthropological profiles of all major communities in India and listed 4,635 different caste groups.²⁴ Even if the required data on these groups were available, a multi-dimensional regional ranking of the type that was attempted by the two Backward Classes Commissions is necessarily somewhat arbitrary.

A related point is that caste counts rely on self-reported data. Over time, sections within some castes have broken away and used new names as passports to new untarnished identities. The process by which communities changed social practices to facilitate their movement up the social ladder has been carefully studied by the well-known Indian sociologist M.N. Srinivas. He comments on how the decennial census, introduced during colonial rule, provided an instrument for social mobility: “Prosperous low castes, and even those which were not prosperous, sought to call themselves by new and high-sounding Sanskrit names.” The recording of these names by census enumerators validated these new identities.²⁵ This was recognized by census authorities and was a source of considerable frustration to them, but caste was after all a social construction,

²³Hutton, Appendix 1 is devoted to the exterior castes under colonial rule and Delière (1999) contains numerous contemporary examples of their exclusion from mainstream society.

²⁴(K. S. Singh, 2002)

²⁵Srinivas, 1957, p. 531

new social identities had to be acknowledged, and there was therefore no process that could ensure consistent caste-wise data across census years.²⁶

Finally, there is a lack of nationally representative data on caste. The last complete caste enumeration was done by the colonial administration in 1931. After independence, detailed caste affiliations were only recorded for the Scheduled Castes and Tribes. Census data cannot therefore be used to make caste-wise comparisons of educational attainment or employment over time except for castes in these two categories. A standard method of evaluating government policies is to measure the difference in relevant outcomes for a set of affected individuals with an otherwise similar group which was excluded. Historical census records suggest that there were castes with demographic characteristics similar to some of the Scheduled Castes and these could have functioned as a control group for this type of analysis had data on them been systematically collected.

In the face of these constraints, studies of caste and mobility have usually adopted one of two alternative routes. The first is to use available secondary data to compare the entire group of Scheduled Castes or Scheduled Tribes with the rest of the population without making any distinction within these categories. Census data can be used for comparisons of educational attainment, household demographics and occupational structure and several large nationally representative surveys are available with data on the health and household expenditures for these broad categories. Drèze and Sen (2002) illustrate how region, gender and caste combine to depress educational attainment in some of the Indian states. In 1991, the literacy rate for Indian males was 64%, for females it was 39%, in some backward districts of Rajasthan it was less than 5% for scheduled caste women and less than 1% for women from the Scheduled Tribes.²⁷ Banerjee and Somanathan (2007) show that over the period 1971-1991, fewer education, health and transport facilities were located in parliamentary constituencies with scheduled-tribe con-

²⁶J.H. Hutton, the Census Commissioner in 1931 also recognized that while “Caste is still of vital consideration in the structure of Indian society...Experience at this census has shown very clearly the difficulty of getting a correct return of caste..” He records the Superintendent of Census Operations in the south Indian province of Madras lamenting the ”fluidity of present appellations” among the traditional barber castes (Hutton, p 432):

Had caste terminology the stability of religious returns caste sorting might be worthwhile....227,000 Ambattans have become 10,000 ...Navithan, Nai, Nai Brahman, Navutiyani, Pariyari calim about 140,000- all terms unrecorded..in 1921. Individual fancy apparently has some part in caste nomenclature.

²⁷Chapter 5, p. 146-149.

centrations. Pande(2003) combines budgetary and electoral data at the state level and finds that greater parliamentary representation of Scheduled Castes and Tribes led to increases in job quotas but did nothing to improve education spending.

An alternative approach to the study of caste mobility has been based on more specialized data sets based on, for example, the membership of major political parties, electoral outcomes, parliamentary debates, government reports and public employment. Christophe Jaffrelot has painstakingly collected data on the caste identities of members of parliament and legislative assemblies since the 1950s to decipher trends in the caste composition of elected representatives. He finds that most Scheduled Castes in the 1950s and 1960s were loyal to the Congress Party and the increase in their share in the legislature brought about by reservations did not result in their taking over positions of leadership within the party. The most significant change that he documents is the *silent revolution* by which the Other Backward Castes have come to dominate politics in North India. In 1952, less than 5% of MPs elected in the Hindi Speaking Belt came from these groups. In 1999, their share had risen to over 22% and these seats were held primarily by *Yadavs* and *Kurmis*, the more prosperous groups among the backward castes. Much of the increased representation of these castes was through the formation of new political parties that promoted their interests.²⁸

Marc Galanter, in a remarkable book, compiles material from a variety of administrative and judicial sources to explore the effects of policies of preferential treatment. He find that disparities in school attrition rates between upper and lower castes widen considerably as students move to higher grades. School enrollment rates for grade 9 and above for Scheduled Caste students in the early seventies were about half those for the unreserved groups and rates for the Scheduled Tribes were a third below those for the Scheduled Castes. He also finds that in higher education, scheduled caste and scheduled tribe students tend to be concentrated in the less prestigious courses. Data from the reports of the Commission on Scheduled Castes and Tribes shows that only 6.4% of post-matriculate students from these groups were studying medicine or engineering while close to 40% of students from Other Backward Classes were in these fields in the early seventies.²⁹ He also finds that in the two preceding decades, reservations in public employment did lead to a rise in the numbers of both Scheduled Castes and Scheduled Tribes in higher levels of government , but the change was much more substantial for the castes than for the tribes. The share of Scheduled Castes in the central administrative services went from 1½% to 8½%

²⁸Table 2.5, p. 68 has data on Congress cadres in the state of Uttar Pradesh. Tables 2.14 and 10.4 contain shares of different communities in the set of all elected members of parliament between 1952 and 1999.

²⁹p. 60-63.

between 1953 and 1975 while that of Scheduled Tribes was just a little over 1% at the end of this period.

Harry Blair's study of assembly elections in Bihar is worth mentioning here because it examines the distribution of political power within the group of non-Scheduled Castes. He constructs Lorenz curves that relate the share of seats held in the Bihar Legislative Assembly to the population shares of different castes and finds that the poorer communities among the Hindu Backward Castes (collectively called *Shudras* in this case) are grossly under-represented while "upper *Shudras* have more or less managed to hold their own over the period, with just under 24% of the non-Scheduled population and an average of 25.7% of general seats in the three elections."

This body of research reveals an asymmetry in the gains of the Scheduled Castes relative to the Scheduled Tribes in spite of very similar mandated entitlements. The Backward Castes have appeared as major political players in spite of no mandated representation in the legislature and in states with O.B.C. reservations, they have occupied much larger fractions of seats in coveted educational institutions than the other two groups. Within the Backward Castes, the wealthier groups are the one who have acquired political influence. Greater legislative control by the Scheduled Castes and Tribes seems to have encouraged job reservations rather than spending on education in spite of very high levels of illiteracy among these populations. Elected representatives for these groups do not appear especially committed to the overall advancement of their communities.

I would like to end this section suggesting an alternative approach to examining the distribution of benefits from affirmative action among targeted communities. For the purpose of monitoring the demographic and social outcomes of the Scheduled Castes and Tribes, the census has been recording the caste and tribe for individual communities within these categories. These data have been little used and can potentially tell us a great deal about the distribution of benefits across castes within these categories. The 1931 census data, because it provides a detailed caste enumeration, can be used to measure the extent to which these policies did in fact target disadvantaged groups. One can then focus on the distribution of gains within the Scheduled Castes and Tribes in the post-independence period to see how entitlements within the targeted population were translated into real gains for the groups who most needed them.

I proceed along these lines to examine disadvantage and mobility for major castes in the area that used to form the British province of Bihar and Orissa. About 11% of the Indian population lived

in this area in 1931 and roughly 14% lived in the corresponding states in 2001.³⁰ This region is relatively well-suited for a historical study of preferential treatment and caste mobility because Scheduled Castes, Scheduled Tribes and Other Backward Castes are all sizable fractions of the population and the region remained relatively undisturbed during periods of political upheaval in 1947 and 1971, when changes in national boundaries resulted in large-scale movements of families in and out of many parts of the country. Literacy levels and rates of educational attainment for this region for the period 1931-1991 are in Tables 1 and 2.

Table 1 lists caste-wise literacy rates for the period 1931-1991. Included are all Hindu and Tribal castes that numbered more than one per thousand of the province population in 1931 and whose literacy was tabulated for that year. Starting in the 1950s, caste-wise figures on educational status are available only for the Scheduled Castes and Tribes, the targeted beneficiaries of affirmative action policies. The current classification of both these groups as well as Other Backward Castes vary by state and have changed over time. The table has the current classification of these groups for the states of Bihar, Orissa and Jharkhand, which roughly cover the area of the former British province of Bihar and Orissa.³¹ The literacy rates in the table reveal a striking divide between the upper castes and the rest of the population. Brahmans, the traditional priestly class, and *Kayasthas*, often referred to as the caste of scribes,³² had literacy rates far above the rest of the population. Literacy among Kayasthas was seven times the provincial average in 1931 and 24% of Kayastha males were literate in English. These groups also dominated the jobs held by Indians in the colonial administration and seats in provincial legislatures after political decentralization in the 1930s.³³ In contrast, literacy rates among many of the tribal and lower caste communities were less than one per cent. Other Backward Classes lay typically between these two extremes, although there are groups such as the *Mallah* caste (traditionally boatmen and fishermen), who fared distinctly worse than some of the Scheduled Castes. The Mallah caste is one of the groups that was found to have almost no political representation in Bihar politics (Blair, 1972).

³⁰These figures are not strictly comparable because of some boundary changes over this period. The 11% figure refers to the British province of Bihar and Orissa and is from the 1931 census. For 1961 and 1991, the figures refer to the states of Bihar and Orissa which include some small regions that were not directly under British rule during the colonial era. By the census of 2001, the state of Jharkhand had been carved out of Bihar, and any census figures for this year are population-weighted averages of all three states.

³¹Lists of Other Backward Castes for each state are available with the National Backward Classes Commission (www.ncbc.nic.in)

³²Crooke, vol 3, p. 185.

³³Hutton, chapter 9.

Table 1: Literacy Rates by Caste in Bihar and Orissa, 1931-1991

Category	Caste	Literacy Rates		
		1931	1961	1991
Forward Castes	Babhan	13.6		
	Brahman	19.6		
	Kayastha	37.4		
	Rajput	12.0		
Other Backward Classes	Gaura	2.5		
	Kurmi	4.9		
	Mallah	0.8		
	Teli	5.9		
Scheduled Castes	Bauri	0.7	11.6	29.9
	Bhuiya	0.7	1.1	13.7
	Chamar	0.5	6.6	21.1
	Dhobi	1.5	12.6	34.8
	Dom	0.4	6.1	21.2
	Dusadh	0.6	7.0	21.0
	Nat	1.3	5.7	10.9
	Pasi	1.4	8.9	25.6
Scheduled Tribes	Munda	2.8	10.8	28.9
	Oraon	1.1	9.9	32.8
	Santal	0.5	6.0	20.7
	Savar	0.9	8.6	25.1
All Scheduled Castes			7.9	22.8
All Scheduled Tribes			7.9	23.0
All Groups		5.3	21.8	41.4

Sources: Literacy rates are taken from Census of India volumes for each of the 3 census years. Figures for 1961 and 1991 are population-weighted averages of literacy rates for the states of Bihar and Orissa. The 1961 rates are based on the population above 5 years and 1991 rates on the population above 7 years.

Table 2: Educational Attainment by Caste in Bihar and Orissa, 1961-1991.

Caste	% 1961	Primary		Secondary		Graduate
		1961	1991	1961	1991	1991
Bauri	3	0.51	9.02	0.09	2.81	0.44
Bhuiya	4	0.23	4.02	0.01	1.58	0.29
Chamar	21	1.64	6.47	0.17	4.98	1.26
Dhobi	6	2.5	9.7	0.33	6.64	1.77
Dom	5	0.86	5.39	0.07	2.62	0.47
Dusadh	19	1.87	6.3	0.18	5.35	1.32
Nat	0.1	1.55	3.62	0.2	1.78	.44
Pasi	3	2.74	7.79	0.41	6.65	2.41
All Scheduled Castes	100	1.44	6.72	0.14	3.92	.96
Munda	10	4.87	8.73	0.31	4.71	1.13
Oraon	10	4.77	9.35	0.43	6.44	1.91
Santal	23	3	6.68	0.01	3.13	0.59
Savar	4	0.89	6.81	0.02	1.46	0.29
All Scheduled Tribes	100	2.31	6.54	0.17	3.13	0.71
All Groups		4.78	12.51	1.13	8.8	4.3

Sources: Rates of educational attainment have been computed using the total number at each level, divided by the population over 15 for primary school and over 19 for secondary school. These rates may therefore be inflated if sizable numbers complete these levels of schooling before these ages.

Over the sixty year period following the 1931 census, literacy rates and rates of primary and secondary school completion for the Scheduled Castes and Tribes remained well below the rest of the population. The higher literacy rates for Scheduled Tribes and the beginning of this period and the slighter higher rates for the Scheduled Castes at the end suggest that the latter group gained relative to the former, but the differences between these groups appear small in relation to those between them and the rest of the population. In 1991, rates of educational attainment for the entire population were roughly double those for Scheduled Castes and Scheduled Tribes. Within each of these groups, caste ranks in educational attainment are mostly preserved over time. The Dhobis and Pasis were the most literate among the Scheduled Castes in 1931 and they both had significantly higher rates of secondary school completion and college graduation in 1991 than other castes in this category. The same is true for the Scheduled Tribes, with the Mundas and Oraons starting and remaining on the top of the major tribes in this area.

One important difference between the castes and the tribes as reflected in these data is that large groups were the most mobile among the lower castes but there appears no such pattern among the tribes. The Chamars (the caste of skimmers and tanners that was regarded as ritually impure even among many of the other Scheduled Castes) and the Dusadhs, each constituted about one-fifth of the population of these castes in the province and were the most illiterate among them in 1931. By 1991, their rates of secondary school completion and college graduation were not very different from those of the Dhobis. The Doms and Bhuiyas were much smaller groups that started a little ahead of the Chamars and Dusadhs and rapidly fell behind. In contrast, the Santhals, who formed nearly one quarter of the population of this region started disadvantaged, and experienced little change in their relative position.

These differences are consistent with evidence on effective political mobilization among the Scheduled Castes and their much greater electoral success. In the mid-1990s, the *Bahujan Samaj Party* came to power in North India and the Chamars were its principal supporters.³⁴ The higher levels of educational attainment among the large scheduled caste groups are also seen in public employment data. While government jobs for the castes and the tribes were reserved in proportion to their population shares, Scheduled Castes filled a much larger fraction of these seats than the Scheduled Tribes.³⁵

Overall, these data illustrate both the substantial heterogeneity within each of the official caste categories and the overlap in their distributions of literacy. This is to some extent unavoidable

³⁴Jaffrelot, p399-404.

³⁵Galanter, Table 7, p 96.

whenever an intricate structure is mapped into a small number of coarse categories. In the Indian case however, it resulted mainly from the initial association of backwardness with ritual purity and the difficulties of excluding socially mobile groups from the benefits of preferential treatment once these had been granted to them. In 1965 the Lokur Committee was appointed by the government to suggest changes to the lists of Scheduled Castes and Tribes. The committee recommended the exclusion of about half of the Scheduled Caste population of North India and a fifth of the Scheduled Tribes. Resistance from Scheduled Caste members of parliament followed and when an Act addressing the coverage of these policies was finally passed in 1976, it retained all the initial beneficiaries and in fact added about 5 million persons to the list by eliminating intra-state restrictions which had previously limited the benefits of particular castes to specific regions within each state. In the state of Bihar alone, the population of Scheduled Castes increased by over 4,00,000.³⁶

4 Conclusions

The most salient feature of affirmative action policies in India was a set of quotas that were intended to bring about greater representation of socially marginalized communities in politics, government and among the educated elite. Greater political representation did occur, but representatives either did not attempt to or did not succeed in providing their constituencies the opportunities that would bring about a convergence in the welfare of these groups with the rest of the population. The extremely low rates of educational attainment that persist within some of the groups that comprise the Scheduled Castes and Scheduled Tribes make it unlikely reservations in higher education or the civil service can provide the average individual in these groups with substantial benefits in the near future. In fact, a recent study using nationally representative survey data finds that most of the gap in college completion rates across the official caste categories can be attributed to differences in the the eligible population- fraction of the population that has completed high school- and the sources of gaps in achievement are therefore to be found at the bottom of and not the top of the education pyramid .³⁷

The finding that large and politically influential groups were the most mobile is hardly surprising. After all, is it not numbers and influence that dictate state policies in democratic systems? One is left wondering why a group of statesmen with a genuine desire for development, moder-

³⁶Galanter (1984), p.135-140.

³⁷Sundaram, 2006

nity and the removal of caste-based social inequalities introduced a constitution that supported these reservations. *What were they thinking?* An interview of B.R. Ambedkar, the chair of the drafting committee, by the Backward Classes Commission in 1955 provides an answer. Consider the following excerpts from his response to questions on the causes of backwardness and the role of reservations.³⁸

(D)ifferent status should disappear. It can disappear only by the advancement of education, when all the communities are brought to the same level in the matter of education not everybody but the community as such. If there are 10 barristers, 20 doctors, 30 engineers etc. in a community, I regard that community as rich although everyone of them is not educated. Take for instance, Chamars, you look upon this community with hatred, but if there are some lawyers, doctors and educated persons among them, you cannot put your hand upon them...no body will look down upon them...My idea is something fantastic..collect the best boys from the primary schools and give them food, shelter and education..send them in a college and give them tuition fee. After that select a number of students from amongst them and send them to..foreign countries where they can get the best of education...Thus you will create a few people with high qualification and place them in high posts.

Ambedkar believed that reservations would create an elite within the Scheduled Castes, that given their increased political mobilization, it would take less than ten years to shed the stigma that accompanied their caste names³⁹ and that the appropriate leadership together with other constitutions provisions, such as article 45 which guarantees free and compulsory primary education, would ensure progress among the majority within these communities. The quotas in the legislature were designed to ensure that the talented among historically disadvantaged groups could assume positions of leadership. There is nothing to suggest that these were viewed as instruments that would directly redistribute opportunities from one group to another. This vision, of developing an elite within a group that has faced discrimination, was similar to that of W.E.B. Du Bois, when he wrote in 1903 that “The Negro race, like all races, is going to be saved by its exceptional men.”⁴⁰

Many of those who supported special constitutional provisions for backward classes in the 1950s would never have foreseen leadership within these groups developing a “deep attachment to these

³⁸Report of the Backward Classes Commission, volume III, p. 73-74.

³⁹ibid. p. 74

⁴⁰W.E.B. Du Bois, “The Talented Tenth”, 1903.

measures”.⁴¹ In the state of Uttar Pradesh, home to the largest number of Scheduled Castes in the country, one third of all villages are without a primary school and 96% without a high school. As M.N.Srinivas wrote 50 years ago, “it is understandable that groups which are classed as *backward* show reluctance to give us the privileges of *backwardness*.”⁴² It may however be time to devote scarce judicial and administrative energy to more fundamental, less controversial rights.

⁴¹Robert Deliège (1999), p. 195.

⁴²Srinivas (19579), p. 547.

References

- Béteille, André (2005) 'Matters of right and policy.' *Seminar* 549
- Banerjee, Abhijit, and Rohini Somanathan (2007) 'The political economy of public goods: Some evidence from India.' *Journal of Development Economics* 82(2), 287–314
- Blair, Harry W. (1972) 'Ethnicity and democratic politics in india: Caste as a differential mobilizer in bihar.' *Comparative Politics* 5(1), 107–127
- Crooke, W. (1974) *The Tribes and Castes of the North Western Provinces and Oudh* (New Delhi: Reprint by Cosmo Publications (originally published in 1896))
- Das, Veena (1990) *The Mandal Commission Report: A Critical Appraisal* (New Delhi: The Institute for Studies in Industrial Development)
- Deliège, Robert (1999) *The Untouchables of India* (Guildford, U.K.: Berg)
- Drèze, Jean, and Amartya Sen (2002) *India: Development and Participation* (New Delhi: Oxford)
- Du Bois, W.E.B. (1903) 'The talented tenth.' In *The Negro Problem: A Series of Articles by Representative Negroes of To-day*, ed. (New York)
- Dushkin, Lelah (1967) 'Scheduled caste policy in india: History, problems, prospects.' *Asian Survey* 7(9), 626–636
- Galanter, Marc (1984) *Competing Equalities: Law and the Backward Classes in India* (Delhi: OUP)
- Government of India (1955) *Report of the Backward Classes Commission, Volumes I-III*. (Simla: Government of India Press)
- Government of India, Ministry of Law and Justice (2004) 'The Constitution of India.' <http://lawmin.nic.in/coi.htm>
- Guha, Ramachandra (2007) *India After Gandhi: The History of the World's Largest Democracy* (New Delhi: Picador)
- Hutton, J.H. (1986) *Census of India 1931: Volumes I and II* (Delhi: Gian Publishing House)
- Jaffrelot, Christophe (2003) *India's Silent Revolution* (Delhi: Permanent Black)

- Kumar, Dharma (1992) 'The affirmative action debate in india.' *Asian Survey* 32(3), 290–302
- Loury, Glenn C. (2002) *The Anatomy of Racial Inequality* (Cambridge, MA: Harvard University Press)
- (2007) *Ghettos, Prisons and Racial Stigma* (Stanford University, Tanner Lectures in Human Values: April 4)
- Mendelson, Oliver, and Marika Vicziany (2002) *The Untouchables: Subordination, Poverty and the State in Modern India* (New Delhi: Cambridge University Press)
- Pande, Rohini (2003) 'Minority representation and policy choices: the significance of legislator identity.' *American Economic Review* 93(4), 1132–1151
- Radhakrishnan, P. (1996) 'Backward class movements in tamil nadu.' In *Caste: Its Twentieth Century Avatar*, ed. M.N. Srinivas (Viking) pp. 110–134
- Rodrigues, Valerien (2002) *The Essential Writings of B.R. Ambedkar* (New Delhi: Oxford)
- Singh, K.S. (2002) *People of India: Introduction* (New Delhi: Oxford)
- Srinivas, M.N. (1957) 'Caste in Modern India.' *Journal of Asian Studies* 16(4), 529–548
- Sundaram, K. (2006) 'On Backwardness and Fair Access to Higher Education.' *Economic and Political Weekly* December, 5173–5182
- Vijayan, P.P. (2006) *Reservation Policy and Judicial Activism* (New Delhi: Kalpaaz)
- Weisskopf, Thomas E. (2004) *Affirmative Action in the United States and India: A Comparative Perspective* (London and New York: Routledge)