

**SOCIAL JUSTICE AND SCHEDULED CASTE RESERVATIONS IN
INDIA: A STUDY OF SUB-CATEGORIZATION OF SC
RESERVATIONS IN ANDHRA PRADESH**

**A thesis submitted to the University of Hyderabad in the fulfillment of the
requirements for the award of**

**DOCTOR OF PHILOSOPHY
IN
POLITICAL SCIENCE**

by

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DECLARATION

I, hereby declare that the research work embodied in the present dissertation entitled “**Social Justice and Scheduled Caste Reservations in India: A Study of Sub-Categorization of SC Reservations in Andhra Pradesh**” is an original research work carried out by me under the supervision of Prof. K.C.Suri, Department of Political Science of the University of Hyderabad. This dissertation or a part there of, has not been submitted for the award of research degree or diploma to this or any other university or institution.

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CERTIFICATE

This to certify that the present dissertation entitled “**Social justice and Scheduled Caste Reservations in India: A Study of Sub-Categorization of SC Reservations in Andhra Pradesh**” by Hima Bindu M. (06SPPH13) for the award of Doctor of Philosophy in Political Science under my guidance and supervision. This dissertation or a part there of has not been submitted for the award of any other degree or diploma to this or any other University or Institution.

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Contents

	Pages
Chapter I: Introduction	1-34
1.1 Perspectives on social justice: Western and Indian	
1.2 Debates in the Constituent Assembly	
1.3 Reservations in the Indian Constitution	
1.4 Issues in reservations policy	
1.5 About the study	
1.5.1 Objectives	
1.5.2 Methodology	
1.5.3 Chapterisation	
Chapter II: Scheduled Castes and the reservations issue	35-61
2.1 Special provisions during the colonial times	
2.2 Problems in the distribution of reservation benefits	
2.3 Differences among the sub-castes within the SCs in Andhra Pradesh	
2.4. Summary	
Chapter III: The emergence of the sub-categorization movement	62-84
3.1 The awakening of the Madigas	
3.2 Background of the sub-categorization movement in Andhra Pradesh	
3.3 Disproportionate distribution of SC reservation benefits	
3.4 The emergence of the Madiga Reservation Porata Samiti	
3.5. Summary	
Chapter-IV: The sub-categorization movement and the variegated response	85-130
4.1 The sub-categorization movement gains momentum	
4.2 Ramachandra Raju Inquiry Commission	
4.3 Institutional response: Conflicting views of government, National Commission and the Judiciary	
4.4 The High Court validates the categorization legislation	
4.5 The beneficial results of categorization	
4.6 Summary	

Chapter V: Cancellation of the categorization legislation and its consequences	131-159
5.1 The Supreme Court strikes down the categorization legislation	
5.2 Response to the judgement	
5.3 Renewing the agitation for categorization	
5.4 Summary	
Chapter VI: Usha Mehra Commission and the Aftermath	160-176
6.1 Representations by different communities	
6.2. Recommendations of the Commission	
6.3. MRPS campaign for constitutional amendment	
6.4 Summary	
Chapter VII: Parties, party politics and categorization	177-196
7.1 The context	
7.2 TDP and categorization	
7.3 Congress party and categorization	
7.4 The BSP and categorization	
7.5 Other parties	
7.6 Summary	
Chapter VIII: Conclusion	197-208
Chronology of the main events in the categorization movement	209-212
Bibliography	213-224

Chapter I

Introduction

All societies in the contemporary times have grappled or grappling with the question of social justice. This assumes great importance in democracies, such as India, marked by social and economic inequalities which are handed down as a legacy of the past. Broadly defined, social justice is a notion that every individual and group in the society is entitled to equal rights, and access to educational and employment opportunities, and participation in the decision making bodies. While the demand for social justice stems from sections of people who feel that they are denied of status and opportunities that their fellow citizens enjoy and demand for equality and equality of opportunity, this should be recognized by other sections of the society, and the state should actively pursue to promote a just social order. Historically, the ideal of the social justice and the passion of equality had led to social movements and popular struggles. While the ideas of freedom and equality have moved people against discrimination and oppression, these movements in turn led to imparting new meaning to the ideal of social justice and its consolidation.

One important way of addressing the question of social justice in India has been the policy of caste based reservations written into the Constitution of independent India. While some kind of social inequalities are universal across time and space, caste based inequalities are the specific feature of the Indian society. Hence, aspiration for equality and freedom in India has taken the form of struggles against caste system and denial of dignity and opportunities for those who are situated at the lower rungs of the caste order. The policy of caste reservations took shape during the later part of the British rule in India and also in some of the princely states, especially in the 1920s and 1930s of the twentieth century. There were debates and discussions among the nationalist leaders concerning the

desirability, feasibility and possible consequences of caste based reservations. These debates were continued in the Constituent Assembly.

India's Constitution instituted an elaborate system of positive discrimination aimed to benefit the disadvantaged sections of its society. The reservations benefit the individual in identified castes designated as socially and economically backward. The nature of caste reservations in India is different from affirmative action policy, followed in some countries of the world, especially in the United States of America. Caste based reservations in India prescribe certain statutory quotas in education and employment as well as representative bodies. While these seems to be an overall consensus on the need for caste based reservations in India, opinion is divided on the extent or the proportion of total opportunities made available to the socially disadvantaged sections, who among the reserved categories of people should get the reservation benefits, how should they be apportioned to ensure an equitable distribution of reservation benefits, and the continuation and extension of reservations. There have been debates both in the political and social domains concerning these issues. The highest courts in the country have gone into this question time and again and delivered crucial judgments on the complex issues involved in this regard.

Castes or communities that are considered to be socially and educationally backward are brought together broadly into three legal categories, namely the Scheduled Castes (SCs), the Scheduled Tribes (STs) and the Other Backward Classes (OBCs). However, the SCs, STs and OBCs are not socially homogeneous categories. Sociologists like Ghurye and M.N.Srinivas have pointed out that the basic unit of Indian society is not the *varna* or caste (jati), but sub-caste. People identify themselves, socially speaking, not with the umbrella category of SC, ST or OBC, but by their sub-caste that has all the major characteristics of a caste such as marriage and interdining. Whereas we see certain characteristics that are shared by castes in these categories, there are also certain aspects which separate these castes within each category. These aspects that separate these castes come to the forefront especially when there are

considerable inequalities among the members of different sub-castes within an overarching legal category, and members of a caste/community perceive that the benefits due to caste-based reservation policy are derived by members of certain castes in a disproportionate manner. Thus the heterogeneous nature of these categories gives rise to friction between different caste groups over sharing of the benefits provided to the category in general.

In Andhra Pradesh, this question of internal inequalities between sub-castes in the SC category and disproportionate access to reservation benefits was brought to the fore by leaders of the Madiga community in the state of Andhra Pradesh. They demand sub-categorization of Scheduled Caste reservations on the basis of population proportion within the SC category on the ground that it would ensure a fair distribution of reservation benefits meant for the Scheduled Castes. They maintained that the Mala community among the Scheduled Castes has been able to take away a larger share of the benefits of the reservation policy that are sanctioned in the name of the Scheduled Castes in general. Although the Madigas are the numerically larger within the category of the Scheduled Castes, their share in the benefits remained relatively small. In order to redress the situation, they launched a struggle to sub-categorise the SC reservations in the same way the reservations for the Backward Classes were categorized in the state of Andhra Pradesh. This gave rise to considerable friction between these two major SC communities of Andhra Pradesh. The movement also raised several basic questions relating to the objectives, outputs and outcomes of reservation policy in India. The state and the judiciary have responded to this situation differently at different times, and one notices shifting stands and ambiguity on the issue. Such an issue exists in other states of India as well, especially in the states of Punjab, Haryana, Tamil Nadu, Karnataka, Maharashtra and Bihar. Hence the issue of sub-categorization of Scheduled Caste reservations assumes great significance in the study of politics in India.

This dissertation is a study of the demand for the sub-categorization of SC reservations in Andhra Pradesh by grounding it in the concept of social justice. It

focuses on the complex issues involved in the question of sub-categorization. It deals with the movement organized for several years with a demand for sub-categorization. There are two sets of important arguments on which the whole work focuses. The first argument emphasizes on the homogeneity of the SC communities and the second argument deals with the distribution of reservation benefits along the sub-castes lines.

This “Introduction” chapter is organized into five sections. The first section reviews some Western and Indian perspectives on social justice. The second section seeks to relate the question of social justice to the caste reservations in India. This section discusses how the issues related to the caste reservations were debated and decided upon in the Constituent Assembly of India. The third section points out the different provisions of the Indian Constitution providing caste based reservations in education, employment and in representative political institutions. The fourth section discusses major issues and controversies relating to the distribution of reservations. The last section presents methodology adopted in the dissertation, the sources of information and chapterisation.

1.1 Perspectives on social justice: Western and Indian

In political theory, there is no one accepted definition of the term justice. It is differently understood by various social and political philosophers. ‘Justice’ in general means doing what is considered to be right or just, be it an individual or the state. The quest for justice began with the development of organized social life. It does not appear that in the natural order of things there is anything called just or unjust. Only with the establishment of organized societies and the state the notion of just and unjust arise. Historically, it is closely associated with the rise of religions and morality enforced by the political authority. Justice is thus concerned with the relations between individuals in a society, how these relations are socially sanctioned and how the state recognizes and enforces these relationships.

In ancient period, especially in Greek philosophy, the idea of justice was equated with the idea of virtue. In this perspective, justice is understood as a moral concept. The ancient moral codes in India, in Europe and other countries speak of justice as moral conduct. This had entered the domain of social and political philosophy. For example, Plato's well-known dialogue *Republic*, a classic concerning justice, discusses different notions of justice in ancient Greek society. More than the conceptions of justice as proposed by Socrates and Thrasymachus, other conceptions of justice found in that book seem to be relevant to the present study. One view is that justice is giving someone what is due to him. It explains that the dues should be given as he or she is entitled to receive them. The other view is that justice is in the interest of the weaker sections of the society (Plato, 1974). Aristotle placed justice in the forefront of all moral goodness because it is exercised not for one's own good but for another's benefit. Plato and Aristotle referred to justice in terms of total behaviour of an individual in a society. It is firstly an unchangeable concept and governed by universal rules. Secondly, it is a relative concept that changes with circumstances, times, and values (Brecht, 1959: 148-151). Aristotle formulated the concept of distributive justice saying that equal individuals should be treated equally. The treatment of unequal individuals should be adjusted in proportion to their relevant similarities and differences (Christensen, 2003).

David Hume in his *Treatise of Human Nature* defined justice as 'a set of principles governing man's actions' (cited in Miller 1959: 137). Justice shows the way in which an individual has to go in order to do good to other men. As justice concerns with the benefits and the burdens throughout the society, every individual being a part of that society has to receive them according to his/her nature. Spencer (cited in Miller, 1959) explains the fundamental principle of justice where each individual has the right to receive the benefits and the evils of his own nature and consequent conduct. This explains the necessity of justice with relation to man and society, and at the same time emphasizes what kind of justice is required. There were many wars, revolutions and social movements whose thrust was to fight for justice. Justice is not an independent term, but it is

closely associated with the system of values and the evolution of the social system. It is understood that justice is a relative concept and is further divided into natural, legal, political, social, economic and administrative justice (Barker, 1976: 102).

To explain this briefly, the natural justice can be understood as being subjective, as it is not seen anywhere except in the human mind. Legal justice relates to law making process as well as the judicial system of the society to enhance the just relations among the individuals. Accordingly, in terms of distribution of resources, law should be reasonable. Political justice can be explained as equal participation of all the individuals in the powers of the state.

In contemporary times, David Miller distinguishes justice on the basis of rights, needs and deserts. His understanding of social justice implies a virtue that relates to what an individual owes to others and what others would owe to him. Miller divided people's claims in a society as right based, need based and desert based, giving to each according to what one deserves. It is important to note that all these are important and refer to outcomes (Miller, 1959). Thus his principle gives an understanding on how the distribution of benefits and burdens could be just. If the distribution is done to need and desert, such distribution is considered just, which ultimately brings out an egalitarian society.

Every individual having the availability of equal social opportunities for the development of his/her personality without any discrimination on the basis of colour, sex, race and caste can be regarded as social justice. Having or giving economic independence is the main objective of economic justice. Administrative justice is possible only through administrative courts. The main aim of distributive justice is to provide and distribute the benefits or resources equally where each and every individual in society should be given an opportunity to develop his inherent potentialities (Barker, 1976; Gupta, 1979).

Utilitarian approach identifies welfare as the morally relevant and responsible considerations in the design of distributive justice. The traditional answer to the

question of distribution was that the goods and services of the society should be distributed in a way that increases the welfare of the poor and needy. They include adequate food, shelter, health and education. Hence proper distribution is accomplished when the society as a whole benefits (Christensen, 2003:1309-1311).

The main purpose of justice is to solve the problems of inequality in society. According to the Marxist approach, the ideologies like morality, religion, and metaphysics have no absolute or eternal independent existence. Justice as a principle has to be regarded as the principle of resolving the contradiction in society by ending the domination of the exploiting class. Thus Marx gave a popular slogan 'from each according to his ability to each according to his need'.

The liberal approach to justice and to politics in general assumes that people are basically self-interested. Liberals like John Rawls do care that individuals should be free to live of their choice. They care for the freedom of all individuals to do so and demand a fair distribution of resources for that reason. The political philosophers gave different notions of justice in their respective periods. Rawls explained justice as fairness. His theory of justice is highly relevant to the question that the present work addresses. Rawls major work on justice views it as the first virtue of social institution by which distribution of goods should place. His two principles of justice are well known:

- (1) Each person is to have an equal right to the system of equal liberties
- (2) Social and economic inequalities are to be arranged as
 - a. To the greatest benefit of the least advantaged with just saving principle.
 - b. Attached to the offices and positions open to all under the conditions of fair equality of opportunity at the same time, self-respect of man should be protected (Rawls, 1971: 52-53).

According to him, equal rights should be given to each person. Social and economic inequalities are to be arranged in such a way that the greatest benefit

goes to the least advantaged under the conditions of fair equality of opportunity. He provides a framework in which rational individuals recognize the need for taking care of the worse off. Even though his theory is built on a hypothetical position that deals with an imaginary world, the idea of distribution can be taken to define a just society. He explains the equality of social benefits rather than the material benefits. Equal distributions may not be possible in all times, since there are basic inequalities among individuals in the society. Instead of unequal distribution, Rawls calls it as fair distribution, which divides resources according to the population and distribute equitably. The distributive theory of Rawls is termed as 'justice as fairness'. The inequality is permitted under the difference principle. While explaining about the political justice which is an important part of his theory, Rawls focuses on justice of Constitution. He propounds two aspects: (1) Constitution is to be on a just procedure satisfying the requirements of equality and liberty, and (2) it is to be framed with just arrangements which results the just and effective legislation (ibid, 221). He gave importance to the individual in the society who needs to be protected with the Constitutional safeguards that gives freedom to him/her to lead life freely. For this the role of political justice is as important as social justice.

Social justice is considered as a moral standard in human communities. Rawls' justice and his orientation of fairness are explained as a call for (1) all people to have equal access to the basic liberties of the society. For example equal opportunities for education should be available for all members of the society even for those who come from the disadvantaged circumstances; (2) The principle of equality of opportunities requires that occupations and educational opportunities are to be open to all equally and accessible to all persons with similar abilities and skills. The fairness requires that social and economic institutions should be arranged in order to benefit maximally the worse off members of the society. Every individual must have an equal chance in a just society according to Rawls' conception of justice as fairness. And inequality or unequal distribution is supported in such cases where it is helpful for the least advantaged (Bevir, 2010: 736).

Michael Walzer (1983) discusses the problem of justice in the context of the inequalities in allocation and distribution in different spheres. He focuses on the distributions in social goods like material wealth, social recognition in various contexts, political power, education, kinship and love, which are related to each other. Accordingly, justice needs to be achieved in every sphere of the individual in order to achieve the goal of equality and democracy. He connects social justice with equality, equality of opportunity and openness of social system.

Justice is realizable when the members of the community understand the significance of social goods and how they relate to one another. Walzer is concerned with the similarities of individuals, at the same time honouring their differences. Walzer also talks about simple equality and complex equality. Simple equality is the principle that guides the needs of the society, like education, security and welfare, parts of hard work and political power. Whereas complex equality focuses on areas of money, divine grace, etc. (Walzer, 1983).

Justice implies that all individuals must be happy with the resources and opportunities they get from the society. D.D.Raphel (2001) in his book *Concepts of Justice* explains the role of justice as conservative and reformative. Conservative justice assumes that everyone benefits from the stable social order. However it is not possible to implement this condition in uneven circumstances. Reformative justice supplements this good purpose by another, trying to remove the imperfections by redistributing rights so as to make the social order fairer. In the context of the present study there is need of reformative justice which updates the societal requirements. Justice calls for equality and the objective of distributive justice is to aim at equality in a way to favour the needy in order to reduce inequality. Egalitarian purpose of the justice is served when the needy are brought nearer to the level of better off. This serves the basic egalitarian purpose of justice. Thus the principle of distributive justice is to aim at equality and to favour the needy in order to reduce inequality (Raphael, 2001: 4-5).

Nancy Fraser (2003) divided the claims of social justice into two types: redistribution claims and recognition claims. According to her, the redistributive

claims seeks more just distribution of resources and wealth, for instance from rich to poor and from owners to workers. The second social justice claim is about 'politics of recognition'; for example, the recognition of ethnic, racial, sexual minorities. This recognition claim is seen more in the contemporary politics. She focused on the general thesis that justice requires both redistribution and recognition. Redistribution paradigm focuses on economic structure of the society, and recognition paradigm focuses on social patterns of representation, interpretation and communication (Fraser, 2003). Redistribution and recognition are correlated with each other. The resources need to be redistributed in order to ensure the development at a collective level as well as recognition at the individual level.

Redistribution of resources is important but may be difficult to implement. However it was discussed earlier that to achieve justice there were struggles and social movements. Karen, A.H. focuses on the social justice and social movements. According to him, distributive rules specify how outcome levels should correspond with individual characteristics. He regards equality, equity and need as basic principles in this context. According to him, 'equality principle ignores individual characteristics and focuses on equality of outcomes. The equity principle assumes that contributions and status constitute the entitlements of actors. The need emphasizes commensurability with outcomes' (Karen, 2007: 4436). Hence, in order to achieve the basic principle of equality, there should be equitable distribution.

The theory of distributive justice pertains to individual level phenomena, because it is individual who assess whether injustice is done or not. The social differences commonly demand the distribution of resources, and it is important to identify the social categorization processes. Injustice arises when expectations about distributions and procedures are not met. He makes a distinction between distributive justice, procedural justice and interactional justice. He explains distributive justice as fairness of rewards or burdens. Procedural justice confines to the fairness of the means by which the distributions are made and interactional

justice refers to the fairness in treatment of individuals within a group (Karen, 2007).

It is generally understood that the individual or a group of individuals have a close relationship with the society. When any individual feels disturbed because of the differences, he/she starts questioning the society with regard to the basic foundations of the prevailing notions of justice. This understanding of justice is relevant to the present work in dealing with the caste reservations and their distribution. The term social justice refers to the fair distribution of society's burdens and benefits among its respective members. The social and economic rights and responsibilities have to be distributed fairly in the society. The demand for social justice emanates from members of the group which feels that they are deprived or denied of living conditions and opportunities that are due to them. Such a perception could stem from the constitutional and legal provisions that are meant to benefit them, or from a perception that other groups do not accord due recognition to them as per the general principles of social life that prevail at a particular time.

There has been considerable interest in the notion of justice and social justice in the India too. Modern notions of justice gained currency due to the impact of the western ideas under the British rule. The influence of utilitarian thinking and the notions of rule of law began to shape the thinking of educated Indians. The freedom struggle itself was greatly influenced by the liberal ideas of the west, and in turn addressed the basic social problems from the prism of social justice. Prominent leaders like Gandhi, Lohia and Ambedkar shed light on several dimensions of social justice particularly in relation with caste discrimination and providing opportunities in education, employment, and political representation for the depressed classes so that they raise themselves to become members of the society and the bonds of oneness are forged.

In Gandhian perspective, the concept of justice drew heavily from the traditional view of justice. Gandhi embraced the religious ideologies and wanted that the individual must treat his fellow beings in the same way he wants to be treated.

For Gandhi, justice is to achieve what human being wants without resorting to violence. His view of justice is not to harm others or to destroy the existing system, but to fight for justice within the system. He believed in the *varnashrama dharma*. But this is not same with maintaining the social hierarchy in which people by birth are assigned a duty and they are arranged as high and low. According to him occupations of people should not be based on birth. They should be rather based on the natural tendencies and capabilities of persons. In this sense he supported *varnashrama dharma*. According to him assumption of superiority by any person over any other is a sin against god and man. Thus caste, in so far as it connotes distinctions in status, is an evil. Actually, the abuse of varna has resulted in innumerable castes and caste inequalities (*Young India*, 4 June 1931).

Gandhi believed in absolute brotherhood which would overcome the differences in the society, particularly in the issue of caste discriminations. Gandhi also spoke about equality and equal distribution within the varna order. He said that each man should be in a position to satisfy his natural wants. He further explained that all men are not equal in intelligence, hence those who earn more, should devote their earnings to the promotion of the common good after satisfying their own wants. However he felt that the idea of equal distribution is difficult to materialize. Gandhi's traditional view of justice is drawn from his philosophy of truth. He worked on the ideology of social equality, in order to remove the caste discrimination within the purview of Hinduism. He wanted the caste Hindus to accept the untouchables, whom he named as Harijans to eliminate the caste discrimination.

However, critics point out that his idea of regeneration of Hindu society by removing stigma of untouchability did not work and it did not bring about the changes he desired (Das, 1983:108). For Gandhi, caste was essential to Hinduism and the divisions created by god, named as *varnashrama dharm* defines the duties not the rights. He was consistent on the issue of social divisions. His utopian society of equality between all varnas was questioned by Ambedkar.

Ambedkar proposed separate electorates for the untouchables, which were provided by the British rulers to Muslims and Anglo-Indians. Gandhi did not agree for that and resulted in a fast unto death at Yeravada Jail. He felt that separate electorates would further divide the nation on the grounds of caste (DN, 1991)

Rammanohar Lohia was another leading political thinker during and after the freedom struggle. A thinker with a socialist perspective, he paid special attention to the question of caste equality and social justice. He believed not in the citizenship of birth, but of the mind. According to him, 'the claim of equality cannot be met except through encroachments of lower castes upon higher'. He chose a revolutionary method to attain justice, by following the Gandhian path of non-violence. He further clarified that 'class is the expression of the urge towards equality. Caste is the expression of the urge towards justice' (Lohia, 2000: 37).

Lohia wanted preferential treatment for all the backward sections of the Indian society and proposed sixty percent of reservations to backward classes, scheduled castes, scheduled tribes, women, Muslims and other minorities. He wanted these opportunities in the fields of political leadership, government jobs, army and economic enterprises. He believed that 'socialism would have to take the complexity of the caste system into consideration if it is to be accepted as a doctrine of equality' (Anand Kumar, 2009). He thought that preferential treatment for backward and scheduled castes was the only way to solve the problem of inbuilt inequality in the Indian society.

In order to fight against the class and caste problems, Lohia suggested that nothing new happened without struggles. Such struggles need not be violent and bloody. He further suggested that civil disobedience is the only weapon to bring about the change, to fight against the unjust system and to influence the government on policy making (Lohia, 2000). Lohia was considered as the originator of the idea of reservations for the socially backward classes. During that period, he questioned the dominance of upper castes and fought for caste based reservations (Yadav, 2010: 47-48).

Lohia and Ambedkar were contemporaries. While Lohia was a proponent of caste based reservations in general, Ambedkar spoke particularly for the upliftment of the Scheduled Castes who were subjected to social discriminations and disabilities as no one else in the Indian society. Ambedkar played a critical role in including caste based reservations in the Indian Constitution. As the chief architect of the Indian Constitution, Ambedkar fought for social justice, basing it on the pillars of equality, liberty and fraternity. He asserted that without fraternity and liberty there cannot be equality. According to him, a true democracy can be achieved by following a process of just distribution. For him, democracy is another name of equality. He said that 'democracy is not merely a form of government but it is primarily a mode of associated living of conjoint communicated experience. It is essentially an 'attitude of respect and reverence towards fellowman' (Moon, 1989: 57).

His fight for social justice is against inequalities based on the caste hierarchy. Because of the caste hierarchy, individuals are deprived of the capabilities to develop themselves. Hence he fought against the caste discrimination and caste differences. His stress was more on fraternity, a universal brotherhood through which all individuals could have similar standing. Ambedkar said that 'justice has always evoked ideas of equality of proportion of compensation. Equity signifies equality, and rules and regulations, right and righteousness are concerned with equality in value. If all men are equal, then all men are of the same essence and the common essence of the same fundamental rights, equality and liberty. In short, justice is another name of liberty, equality and fraternity' (Sontakke, 2004: 126). According to him the foundations of morality lie in justice and justice in turn involves upholding liberty and equality of human beings. His conception of social justice is to render the equal status to all individuals in the society and to have a political democracy where all can participate irrespective of caste, creed, colour etc. (Rodrigues, 2002).

With differences existing among minorities and majority, the problem of integrity arises. As a solution, he suggests equality or equal treatment of all

before law. The second solution lies in fraternity and the third solution within socio-ethical justice. Ambedkar found caste as the root cause of the problem of inequality and injustice. Hence he fought for annihilation of caste. He questioned the basic hierarchical structure of the Indian society and urged the downtrodden to come out of the caste clusters. He found that the Hindu religion gave rise to the caste system and that explains his conversion to Buddhism which rests on the principles of equality, freedom and fraternity.

Although there are many other Indian thinkers who were concerned with social justice, I have presented the perspectives of three major thinkers, whose ideas greatly influenced our thinking relating to caste reservations. Morality and brotherhood are the common ground on which the above mentioned ideas are based. Gandhi emphasized the notion of brotherhood possible within the realm of Hinduism by accepting the *varna* divisions of a different kind. Like Gandhi, Lohia too followed the path of non-violence and advocated universal brotherhood. When compared to Gandhi, Lohia took a step forward and questioned the upper-caste dominated hierarchy and demanded equality and equal opportunity for the socially backward classes. Ambedkar went against the basic unjust nature of the caste structure which he thought was integral to Hindu religion, and advocated annihilation of caste. Towards this end, Ambedkar stressed the need to promote fraternity among the Scheduled Castes and other castes.

The concept of social justice has assumed importance in India due to the struggles against the caste inequality, occupational rigidity, and caste discrimination. This gained further fillip due to the adoption of democratic political institutions and rights based on the equality of citizens to participate in the political process, to equally avail educational and employment opportunities provided by the state and to preferential access to state benefits for those who are socially disadvantaged. The constitutional status of reservations in education, employment, and representative institutions to disadvantaged sections are unique to India. In the Indian context, social justice includes everything that the State is

required to do in pursuance of the Preamble, the Fundamental Rights of the citizen and the directive principles of state policy (Purohit and Joshi, 2003). Thus, social justice can be viewed in two ways: (1) Assertion of the socially deprived sections and their representatives for equality and equality of opportunity. This may result in the social recognition of the claims of these sections and a change in the attitudes of others toward these sections; and (2) Recognition of these claims by the state which may introduce and implement policies for the welfare of these sections in an equitable way. An ideal condition for social justice can emerge when the socially deprived and backward sections come together to make claims of equality and these claims acquire social acceptability as well as state sanction.

Gopal Guru, a leading theoretician of dalit question says that the modern notion of the justice was based on the universal principles of egalitarianism which resulted in the demand for equal worth. He further says that social justice acquires importance when the state plays an interventionist role in favour of the marginalized. Gopal guru distinguishes between relative worth and comparative worth. Relative worth is grounded in the principle of mutual respect that all individuals have worth in one's own way. The comparative worth gives a scope to question the domination of some over others in the society. The relative worth lacks the politics, whereas the politics is seen in comparative worth, which Ambedkar sought to emphasize. Justice attains a social character in order to reorient social relationships along lines of mutual recognition, dignity and self respect (Guru, 2010: 365). Dignity is the important issue in the caste movements that strive for the recognition. According to him, the state in India adopted compensation as the mode of responding to the demands for social justice.

Yogendra Yadav (2009) elaborates five important characteristics of how social justice reached a dead end in contemporary India. They are stagnation, fragmentation, subversion, defensiveness and lack of moral and ideological contestation for legitimacy. The present condition of social justice is more concerned about representation rather than the deprivation. The major questions

with regard to social justice are: What is to be distributed? Who qualify as the potential beneficiaries of distribution? What is the criterion to select the actual beneficiaries? What form should this benefit take? Who is to carry out the distribution? And how do we assess the success or otherwise of a just distribution? For this he emphasizes five directions in which social justice can be carried forward: (i) revisiting the principles of social justice and restating them; (ii) recovering lost spaces and providing new spaces; (iii) politics of social justice should embrace refining the target groups; (iv) revising the criteria; (v) redesigning the mechanism of affirmative action (Yadav 2009: 81-88).

Any discussion on social justice in India has to be grounded in the analysis of the caste system, and deal with its various aspects. Although some kind of social inequalities are universal across time and space, inequalities based on caste identity are uniquely seen in India. Caste system is a social system where people are ranked into groups based on heredity within stratified order. The caste is a closed group whose members are severely restricted in their choice of occupation and degree of social participation. Nowhere in the world is the system of caste better exemplified by degree of complexity and systemic operation than in India. Caste system gave rise to the differences in the society (Karlekar, 1993: 37-38).

It is conventional to say that the traditional Indian society was stratified into four categories based on birth and occupation. People were categorized according to the caste he belongs to from the groups such as Brahmins, Kshatriyas, Vaishyas, and Shudras. There is the fifth *varna*, called untouchables, who are considered to be outside the *varna* system, but integral to the social life for ages. Untouchability was created among the lower castes because of their occupations and traditions. Over centuries, this ladder like caste system has bred notions of superiority and inferiority, of deference and subordination, of some considered high and some low. Such a social order will result in social inequalities, and social discrimination, which in turn lead to social backwardness among people who were considered to be of low birth and low occupations.

Scholars like Beteille (1965), Srinivas (1987), and Shah (1991) see social backwardness as the position of a group in terms of economic conditions in a structure and value system related to traditional occupation and lifestyle. Louis Dumont says that the caste system ‘underlies hierarchy, which is the superiority of the pure to the impure, underlies separation because the pure and impure must be kept separate, and underlies the division of labor because pure and impure occupations must likewise be kept separate. The whole is founded on the necessary and hierarchical co-existence of the two opposites’ (Dumont, 1966: 43). In the hierarchy, whoever enjoys the higher position wants to be in the higher position and the lower strata always try to move up. This results in a perpetual questioning of the caste order by people considered to be of lower position in the society and hence unequals.

1.2 Debates in the Constituent Assembly

The question of social justice drew the attention of national leaders during the freedom struggle itself. Jawaharlal Nehru once said that in independent India ‘not only must equal opportunities be given to all but special opportunities for educational, economic and cultural growth must be given to backward groups so as to enable them to catch up to those who are ahead of them’ (Beteille, 1983). This question assumed great significance in the debates over creating provisions for the upliftment of the people who belong to socially and educationally backward castes.

K.T. Shah on providing special provisions for the betterment of Scheduled Castes said: in regard to the Scheduled Castes and backward tribes, it is an open secret that they have been neglected in the past. Their capacity to be equal citizens was denied because of their backwardness. They must be given, for some time to come at any rate, special treatment in regard to education, in regard to opportunity for employment, and in many other cases where their present backwardness is a hindrance to the rapid development of the country

(Constitutional Assembly Debates, Vol. VII, 1948: 2270). He further noted that backwardness of any social segment must necessarily impede the progress of the rest; and it is only in the interest of the community itself, therefore, that it is but right and proper we should provide facilities so that they may be brought up-to-date and the uniform progress of all be forwarded. Regarding the political representations, Shah argued that it representation of the backward section in proportion to their population should be the way to secure their representation in the legislative bodies (Constitutional Assembly Debates, Vol. VII. 1949, 3023). He also pointed out that it is not just Scheduled Castes or Scheduled Tribes who are lagging behind in the society but there are millions of Backward Class people who need the support for basic education. He asked for fair representation of the members of the Scheduled Castes, Scheduled Tribes and the other backward classes in public services.

The question of reservations to the disadvantaged people and how these reservation opportunities should be distributed was raised in the constituent assembly. P.S. Deshmukh suggested that there should be equal representation from all the castes whoever is getting reservations. In his words 'all that I want is that Parliament and the Legislatures should be free to see that there is a fair proportion of representation from all the classes and the communities in India... Unless every community, especially the larger and more popular communities advance equally and the advanced communities afford them opportunities for development, the advancement of India will be impossible. All that I demand is fairness and justice for the millions of people who are not in a position to come forward and compete '. He pleaded for fair distribution of Scheduled Castes, Scheduled Tribes and the other backward classes in public services (Constitutional Assembly Debates, Vol. IX, 1949: 5103). Nagappa suggested that he 'would prefer, in order to be just and equitable, that the reservations should be on population basis' (ibid: 5110).

H.J.Khandekar, a member of Scheduled Caste community, said that this provision of providing reservations should not be considered as a favour done to

the Scheduled Castes. The Scheduled Castes population suffered cruelties and oppression in various forms at others hands. Reservations must be seen as providing them a compensation for the past injustices committed against them. Significantly, he raised the issue of sub-castes within the Scheduled Castes, saying that there are “differences amongst our sub-castes”. Since each community or the sub-caste has a status of its won within the category of Scheduled Castes, he was apprehensive about the possibility of discrimination by the majority on minorities within the reserved groups.

Mahavir Tyagi stressed the dominion of majority over minority since it is obvious that the majority caste gets more benefits since the population is more. He said that ‘justice must be done to the Scheduled Castes.’ But he reminded the House that Gandhiji supported general electorates instead of creating separate electorates for the Harijans in such a way to provide due representation to the Scheduled Castes. According to him, Gandhiji was of the view that the Scheduled Castes cannot be separated from the Hindus and gave a Communal Award to Dr. Ambedkar which in turn offered more seats than what was given to them in Round Table Conference (Constitutional Assembly Debates, Vol.IX: 5146).

Monomohan Das said that the Scheduled Castes had already got the reservations in the Government of India Act, 1935.¹ The commencement of this benefit of special reservation practically began in the year 1937 when the Act came into operation. Unfortunately for them they had the benefit of this only for two years

¹ The Britishers called the Panchamas or the outcastes or untouchables as depressed classes, and were later called as Harijans by Gandhi and Ambedkar used the term Dalits. Even though the words or names changed, the status of the disadvantaged people did not change. On September 24, 1932 the Government of India wrote a letter to Secretary of State recommending the adoption of the term ‘Scheduled Castes’. The Scheduled Castes are ‘a term which carried with it no specific connotation of their actual social status. The said recommendation regarding the term ‘Scheduled Castes’ was adopted in the Government of India Act, 1935 and by the Constitution of India later. The term Scheduled Castes simply mean ‘the castes put under the schedule’ (Thorat, 2009).

till 1939. From that period till 1946 the Constitution was suspended and Scheduled Castes were not in a position to enjoy the benefits which were given to them in 1935 Act. He stated that 'it is fair and generous on the part of this House to have given the Scheduled Castes a longer term with regard to these reservations' (Constitutional Assembly Debates, Vol. IX: 5181).

The Chairman of the drafting committee of the constitution, Ambedkar, noted the following in this regard. We have quite a massive opinion which insists that there must be provisions for the entry of certain communities which have so far been outside the administration. The drafting committee had to produce a formula which would reconcile different points of view, that there shall be equality of opportunity, and that there shall be reservations in favour of certain communities which have not so far had a 'proper look-in' so to say into the administration. The view that there shall be equality of opportunity has been embodied in the constitution as a generic principle. At the same time, this is sought to be reconciled with the demand made by certain communities that the situation where the administration has been controlled by one community or few communities should disappear and that the others also must have an opportunity of getting into the public services. We have to safeguard two things namely, the principle of equality of opportunity and at the same time satisfy the demand of communities which have not had so far representation in the State. As a justification to meet the second demand and to reconcile with the first, the Drafting Committee introduced the word 'backward' (Constitutional Assembly Debates, Vol. VII: 2329-2331).

The special provisions of reservations were made in the Indian Constitution basing on two principles. Equalization of opportunity structures and inclusion of excluded and marginalized groups into mainstream of social and political life. The affirmative action was not a compensation for the past injustice but was aimed to ensure that existing social disabilities and prejudices did not continue into the future and that there would be an establishment of an egalitarian democracy in Independent India (Pai, 1994: 416).

There was also discussion in the Constituent Assembly on the methodology of identifying the Scheduled Castes, who has the power to specify the castes, and whether the Parliament and the State legislatures have the power to change the entries in the Presidential notification is issued. Article 341 which speak of the Scheduled Castes in the present Constitution was originally not there in the draft. Realizing the need to create a list of Scheduled Castes, a Draft Article 300A was proposed. Introducing the amendment, Dr. Ambedkar stated: “It is now proposed that the President, in consultation with the Governor or Ruler of a State should have the power to issue a general notification in the Gazette specifying all the castes and tribes or groups thereof deemed to be Scheduled Castes and Scheduled Tribes for the purposes of the privileges which have been defined for them in the Constitution. The only limitation that has been imposed is this: that once a notification has been issued by the President, which, undoubtedly, he will be issuing in consultation with and on the advice of the Government of each State, thereafter, if any elimination was to be made from the List so notified or any was to be made, that must be made by the Parliament and not by the President. The object is to eliminate any kind of political factors have a play in the matter of disturbance in the Schedule so published by the President” (Constitutional Assembly Debates, Vol. IX: 1637).

The discussion with regard to framing this Article indicates that there was a difference of view among the Members of the Constituent Assembly whether the States can have the power to alter the entries in the list of the Scheduled Castes for the State concerned. A member of the Constituent Assembly, Kuladhar Chaliha, had moved an amendment to this Article saying that the proposed Article does not provide any voice to the provincial legislatures in the matter of determining the Scheduled Castes or changing them. His suggestion was that the Parliament may change the entries subject to the decision of the State legislature. However, he was glad that the State Governor was given a role to play in this matter (Constitutional Assembly Debates, Vol. IX: 1368). Opposing the amendment, Muniswami Pillai, said that if the power is given to the provincial assemblies, may harass those Scheduled Castes which assert their rights to

remove them from the Scheduled Caste list. He supported the view that after the declaration of the Scheduled Castes for each State, only the Parliament should have the power for including any other caste or excluding any caste from the existing list (Constitutional Assembly Debates, Vol. IX: 1639). After discussion the amendment was defeated and the original draft Article as proposed by Dr. Ambedkar was approved by the Constituent Assembly.

1.3 Reservations in the Indian Constitution

The issue of social justice found its place in the very Preamble to the Indian Constitution. It expressed the solemn resolve to secure to all Indian citizens 'justice, social, economical and political; equality of status and of opportunity and to promote among them all fraternity assuring the dignity of the individual and the unity and the integrity of the nation' (Constitution of India, 2011). Thus, the main intention of the Constitution makers was to provide justice, equality, liberty and fraternity to all the citizens.

In its various Articles, the Indian Constitution addressed the problem of social inequality in two ways. Firstly, by creating specific constitutional provisions that guarantee the rights to a citizen. Secondly, by creating provisions aimed at eradicating the existing social and economic inequalities. It envisages that legislatures will enact laws for this purpose taking the existing realities into consideration. The concept of equality can be used with reference to many aspects like equality of natural capacities, social status or privileges etc. One needs to deal with the major issues in equality like the numerical (egalitarian), the meritarian and the proportional (Beteille, 1983: 32-36). The numerical or egalitarian principle is the principle which seeks to give advantage or to distribute goods to all, irrespective of their need and ability. For instance, adult franchise, which was adopted under the Constitution, is based on qualified egalitarianism. Article 15 safeguards the rights by making all discriminations illegal. Article 16 (1) envisage that all citizens shall have equality of opportunity

in matters relating to appointment where everyone could be on the equal platform. But this cannot happen with the physically weak people or the backward people. Thus, reservations reflect the adoption of the concept of proportional equality. It is mentioned that law must be general and abstract but justice requires attention to the individual case.

It is significant that Right to equality and equality of opportunity, as well as reservations in education and public employment for socially and educationally backward classes of people were made part of the Fundamental Rights, which are justiciable. Article 14 provides the equality before the law and equal protection of the laws (Constitution of India, 2007: 6). Article 15 prohibits discrimination on grounds of caste. Article 15 (1) provides that the state shall not discriminate against any citizen on grounds of caste (Constitution of India, 2011: 7). It provides the policy of compensatory or protective discrimination but it should also be reasonable and consistent with the ultimate public interest. Article 16 gives equality of opportunity in matters of public employment. Article 16(1) states that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state (ibid, 2007: 7). Article 16 (2) prohibits the discrimination in government services on the basis of caste. Article 17 of the Indian constitution abolishes untouchability (Constitution of India 2007: 8).

More importantly, clause 4 of in Article 16 says that nothing in this Article shall prevent the state from making any provision for the reservation of appointments or post in favour of any backward class of citizens which, in the opinion of the state, is not adequately represented in the services under the states. The first Constitution Amendment Act in 1951 added in Article 15: Nothing in this Article shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes. Significantly, the provisions of reservations in employment and education are included under the Articles that assure prohibition of discrimination and equality of opportunity. Although it can be interpreted, and indeed it was, that caste-based reservations militate against the general

notions of equality and equality of opportunity, the makers of Constitution sought to reconcile the two in a creative manner.

For the framers of the Indian constitution the problem of justice was to determine the extent of socio-economic mobility and political participation to all people of free India. They regarded that political justice and socio-economic justice could give more strength to the people. Political justice is possible by giving voting right to all the people. Socio-economic justice is possible through providing access to state services. In order to have such equality, it is necessary to designate certain sections of the population as backward and give them special privileges to ensure equal economic and social status. The assumption of being equal in other things is not valid in Indian society where people suffer from the handicap of social, economic and educational backwardness. In order to reduce such disabilities, the government is empowered to formulate an appropriate positive discrimination policy under article 16 (4) that is the employment or appointment in favor of any backward class citizens (Thimmaiah, 1993). Kancha Iliah says that reservations and nation building need not be seen as antagonistic to each other. It was proved through the participatory levels of the lower castes in institutions and markets over the years. The reservations helped the backward communities to realize their position and attaining a better educational qualification and social status (Iliah, 1990). The claim for right to equal opportunity is 'to promote self-development and make best use of capacities which a person is endowed with' (Sharma and Reddy, 1982: 62). Compensatory justice is not just what the majority owes to the injured minorities; rather it is what the society as a whole owes to the disadvantaged groups. Such groups should be treated differently if there is a reasonable basis for such distinction or difference' (ibid. 71).

Article 366, clauses 24 and 25 of the Indian Constitution gave a technical meaning to Scheduled Castes and Scheduled Tribes. Clause 24 of Article 366 defines "Scheduled Castes" as such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be the

Scheduled Castes for the purposes of this Constitution (Constitution of India, 2007: 237). Clause 25 deals with Scheduled Tribes. Article 341 (1) of the Constitution explains that the President by public notification specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that state (or union territory, as the case may be)' (Constitution of India, 2007: 210-211). In exercise of the power conferred upon him by the Constitution, the President issued the Scheduled Castes order of 1950 under article 341 and Scheduled Tribe Order 1950 under article 342. Articles 14, 17, 23, 25, 30, 38, 46, 330, and 342 refer to Scheduled Castes and Scheduled Tribes.²

Unlike in the case of Scheduled Castes and Scheduled Tribes, the Constitution makers did not define the meaning of 'Backward Classes' in the constitution, but made a provision in Article 340 for setting up a Commission to investigate the conditions of the backward classes. The Articles regarding the backward classes are article 15(4), 16(4), 46, 335, 338, 340, 341, 342, 366(24), 366(25). Backward classes are a collection of castes which were backward educationally and socially which also includes economic backwardness. In order to determine the backward classes and to prepare a central list of them, the Central Government appointed in the year 1953 the first Backward Classes Commission under Article 340 of the Indian Constitution with Kaka Saheb Kalelkar as its chairman (Sharma and Reddy, 1982: 140).

Accordingly the Commission formulated laid down four criteria to determine whether a caste can be regarded as backward: low social position in traditional caste hierarchy, lack of advancement among major sections of castes, inadequate representation in government service and inadequate representation in the field of grade and inequality. The Commission submitted its report in 1955 and mentioned that backward castes comprise 32 percent of India's population at that

² Before independence, tribal communities of India were also denoted by the term 'depressed classes'. Later various usages like aboriginals, adivasis, hill tribes, etc. came into usage. All such communities have been categorized as Scheduled Tribes in the Constitution through Article 366.

time. In 1978, the Janata Party Government headed appointed second Backward Classes Commission under the chairmanship of B.P. Mandal, a Member of Parliament, which has been widely known as the Mandal Commission. The Commission submitted its report in 1980. It recommended 27 per cent reservation quota for the Other Backward Classes of people. The United Front Government headed by V.P. Singh implemented its recommendations in 1989 which led to widespread protests, especially in the North Indian states (Thimmaiah, 1993). This will come up for detailed discussion later in the dissertation.

1.4. Issues in reservation policy

Since the time the Constitution was adopted, the provisions relating to reservations in education and employment had been a source of constant social friction, persistent litigation in courts of law, and a thorny issue for state legislation. Although there was a consensus in the Constituent Assembly on the creation of special provisions for the advancement of socially and educationally backward classes, these were often challenged by those who felt that these violate the general notion of equality and equality of opportunity. They tend to argue that the general notion of equality and equality of opportunity should have an abiding and overriding value.

The first such controversy arose in the light of the Supreme Court Judgement in 1951 in the State of Madras vs. Champakam Dorairajan case when the Court struck down the caste based reservations in government employment and educational institutions as a violation of Article 16 (2) of the Indian Constitution. The judgment resulted in the first Constitutional Amendment Act of 1951 and clause 4 was added to Article 15. It laid down that 'nothing in this article or in clause (2) of article 29 shall prevent the state from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the scheduled castes and scheduled tribes'. Article 15 (4)

emphasized the social and educational backwardness (Galanter, 1984: 240). Thus the new clause envisages the policy of compensatory or protective discrimination. In the year 2006, Article 16 was again amended by adding the Clause 5, which states that ‘nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the state 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 provisions relate to their admission to educational institutions, whether aided or unaided by the state other than the minority educational institutions referred to in clause (1) of article 30’ (Constitution of India: 7). This was meant to create more opportunities for the backward classes of people in educational institutions.

The main objective of Article 16 is to create a Constitutional right to equality of opportunity and employment in public offices. Article 16 (4) was included in the Constitution in order to give an opportunity to the backward classes of people to compete with the better placed ones. The state provides reservations in favor of backward classes to give a practical content to the concept of equality. However, controversy arose about reservations in promotions. While reservations at the time of recruitment was considered to be just, some considered extension of reservations at the time of promotions as unjust as it would by pass the rule of seniority and adversely affect the morale of those who are denied of promotion due to reservation. Others argued that in the nature of reservation policy that it should be observed in the matter of promotions as well. As a result, the 77th Amendment Act of 1995 added a clause to 16 (4) as 16 (4a) which says that ‘nothing in this Article shall prevent the state for making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the state in favor of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the state, are not adequately represented in the services under the state. By 81st amendment act 2000, section b of clause 4 of Article 16 was added stating ‘nothing in this article shall prevent the state from considering unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made

under clause (4) or clause (4a) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent reservation on total number of vacancies of that year.

While many may not contest the policy of reservations as such, the extent of reservations remained a bone of contention in India. This issue was raised by no less than Ambedkar. While trying to reconcile the two views on equality and equality of opportunity, he said that provision of reservations should not destroy the first proposition that there shall be an equality of opportunity. He said: “Supposing, for instance, reservations were made for a community or a collection of communities, the total of which came to something like 70 per cent of the total posts and under the State, only 30 per cent are retained as the unreserved. Could anybody say that the reservation of 30 per cent as open to general competition would be satisfactory from the point of view of giving effect to the first principle, namely, that there shall be equality of opportunity? It cannot be in my judgment. Therefore the seats to be reserved... must be confined to a minority of seats. It is then only that the first principle could find its place in the Constitution and effective in operation” (Government of India Vol. VII: 2329-2330). Article 335 says that the claim of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration consistently with the maintenance of efficiency in the administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State. So, one argument is that Article 16 (4) has to be understood in the background of Article 335.

This issue came up for decision in the Supreme Court of India for the first time in *Balaji vs State of Mysore* case (1963). The Bench headed by Gajendragadkar opined that while adequate reservation under Article 16 (4) has to be ensured, care should be taken not to provide unreasonable, excessive or extravagant reservation, for that would eliminate general competition and affect administrative efficiency. It said that the magnitude of reservations cannot

exceed 50 per cent of the total posts available. Once again in Indra Sawhney case the Supreme Court concluded that the reservation contemplated under clause 4 of Article 16 should not exceed 50 per cent (Singh, 2006: 32-56). All States of India, except Tamil Nadu, adhere to this ceiling, as Tamil Nadu which has an extent of 68 per cent reservations in employment was included in the seventh schedule of the Indian Constitution.

One big issue is to determine backwardness of a caste. Backward Classes consist of group of castes and the backwardness contemplated by article 16 (4) is mainly social backwardness. In Balaji Vs state of Mysore the Court held that caste cannot be a sole criterion for identifying backward classes. After re-examining several earlier judgments it decided caste based occupation enable to identify their economic status rather than caste hierarchy (Galenter, 1984: 191). The inclusion of people of a caste under backward caste category remained problematic, with new demands for inclusion come up quite often. There is also a variation in the list of backward castes as notified by the Union Government, and various State governments. In several states, the backward classes are further sub-divided into different categories and the reservations are apportioned among different groups of these castes. For example, in the State of Andhra Pradesh they are grouped under four categories, A, B, C, and D. This was done to ensure that more advanced castes among the backward do not take away an undue portion of opportunities at the cost of more backward castes. In some other States, they are divided into more backward and most backward.

While sub-categorization of backward castes has been the norm in several states, this is not the case with the Scheduled Castes. Article 341 of the Indian constitution says that the President may with respect to any State or Union Territory, after consultation with the Governor or there of, by public notification, specify the castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union Territory, as the case may be. Parliament may by law include or exclude from the list under clause (1) any caste, race or tribe or part of or group within any caste, race or

tribe by a notification (Basu, 2007: 402). Thus the list of SCs was kept as a group for the purpose of the Constitution and this article makes it clear that the list of Scheduled Castes declared by the President can be modified only by the Parliament.

Grouping of castes among backward castes into separate categories gave motivation for the leaders of certain Scheduled Castes to demand for a similar classification of the Scheduled Castes as they found injustice meted out to many communities in the Scheduled Caste list. The problem is that the backward castes were not mentioned constitutionally like the Scheduled Castes and moreover there are restrictions on modifying the Scheduled Castes list making it a homogeneous category which cannot be changed except by Parliament legislation. But social differences and inequalities among the Scheduled Castes gave rise frictions among them, especially when some of the Scheduled Castes feel that the dominant castes among the Scheduled Castes enjoy majority of reservation benefits. The problem among Mazhabi Sikhs and the Balmikis of Punjab was such an example. The Punjab government prioritized the least developed among the Scheduled Castes and grouped the Scheduled Castes under two different categories as 'A' and 'B' (Jodhka, 2007). In Punjab, this categorization took place in 1975 and it gave inspiration to more backward among the Scheduled Castes in many states such as Andhra Pradesh, Tamil Nadu, Karnataka, etc. Recently, the Tamil Nadu government created a separate reservation of 3 per cent within the 18 percent reservations available to the Scheduled Castes in the State (www.aathithamizharperavai.com).

1.5. About the study

The issue of categorization in Andhra Pradesh attracted the political attention of the entire country more than any other state because of the protracted struggle of one of the Scheduled Castes in the State, the Madigas. The demand for sub-categorization, the response of the other Scheduled castes and the political

parties, the actions initiated by the state government, and the verdicts of the highest courts of the land all added new dimensions to the issue. Thus, the demand and movement of sub-categorization of SC reservations turned into serious problem in recent times.

1.5.1 Objectives

1. To understand the Sub-categorization of SC reservations through the theoretical prism of social justice and assess the conditions and grounds on which one of the SC communities raised the demand for categorization.
2. To study the means and strategies adopted by the leaders of the movement to mobilize popular support among Madigas and the response of other SC communities to it.
3. To examine the attitude of the judiciary as evident in the judgments given by the High Court of Andhra Pradesh and Supreme Court of India.
4. To understand the role of political parties and governments' response to such a demand and movement.

There have been several studies on caste reservations in general but only few have studied the inner dynamics among the Scheduled Caste communities over the distribution of benefits among the members of different SC communities. The present study deals with the demand of sub-categorization of Scheduled Caste reservations to understand the dynamics of caste hierarchy within the Scheduled Caste through the theoretical framework of social justice.

1.5.2. Methodology

The thesis is based on both the primary and secondary data. The primary data is collected through semi-structured and unstructured interviews with the leaders of movement for sub-categorization and leaders of SC communities who are opposed to the demand. Administrators involved in decision making and the supporters and opponents of sub-categorization among the Madiga and Mala communities and activists of other sub castes were also interviewed. The primary data also includes government reports and census data. The secondary data is collected from books, journals, articles, published and unpublished thesis, and newspapers.

1.5.3. Chapterisation

The first chapter of the thesis deals with the introduction to the research topic. It explores the concept of social justice and explains the Constitutional safeguards for the development of deprived communities. It focuses on reservations for the backward classes in general and for the Scheduled Castes in particular. The second chapter highlights the concept of sub-castes, particularly in the Scheduled Caste category and the conditions of various sub-castes of the SC category in Andhra Pradesh. The third chapter provides the background of sub-categorization movement in Andhra Pradesh. It highlights the differences among the two major SC communities of Andhra Pradesh – Malas and Madiga and how they confronted each other with regard to the question of categorization of reservations.

The fourth chapter deals with the emergence of the categorization movement by Madiga Reservations Porata Samiti (MRPS) with an objective of social justice and equality. The role of social organizations and the government response in terms of setting up a committee to deal with the categorization are discussed in the chapter. The fifth chapter explains the Supreme Court judgment on the sub-categorization of SC reservations. It elaborates the conditions and development

of the various sub-castes during the implementation of sub-categorization among the SCs in Andhra Pradesh.

The sixth chapter examines the Usha Mehra Commission and the aftermath. It deals with the representations given by different communities, and the recommendations submitted by the Commission. The second part of the chapter discusses the response to it and the MRPS struggle to take up the issue in the Parliament to give effect to categorization of the Scheduled Castes in the State of Andhra Pradesh. The seventh chapter discusses the response of various political parties on the issue of sub categorization. Summary and conclusions are given in the last chapter.

Chapter II

Scheduled Castes and the reservations issue

This chapter presents an overview on the special provisions provided for the development of the disadvantaged communities during colonial period under British India as well as the princely states. The stated objective of reservations is to realize an egalitarian society based on the principles of social justice. This chapter elaborates the issues and debates on the distribution of reservations in various States. It examines the agitations conducted in different states to divide the reservations according to social status of castes included in the ambit of reservations. How the political parties play a role in the process and the differences among the Scheduled Castes are also explained in this context.

2.1 Special provisions during the colonial times

The preferential treatment or the special provisions for the welfare of the weaker sections did not start only with the reservation system introduced after independence. The practice of giving preferential treatment began in India as early as in the 1880s, when British officials introduced scholarships, special schools and other programmes to benefit the so-called depressed classes. Not just the British government but even the Maharajas of native states like Baroda, Kolhapur, and Travancore, which were not under direct British rule, introduced similar initiatives (Das: 2000). These welfare measures did not go in the name of reservations as we came to know later, but were designed and implemented as an act of providing special opportunities to the underprivileged or neglected communities of the society.

The 1881 Census conducted by the British government listed the castes encountered during the enumeration. The need to take special interest in social

backward entities was suggested by 1881 Census. During the decade after that the British government in Madras presidency had contemplated to use 'education' as the criterion of backwardness and provide financial support to spread education among the people in general. In 1891 and 1901 Census various castes were identified according to the social ranking as was perceived by the public opinion. During this time, the Madras government paid special attention to promote education for 49 different castes. The 1911 Census contained a list of 10 tests for finding out the 'depressed classes'. Important among them were: denial of entry into an ordinary Hindu temple and causing pollution via touch or presence within a certain distance (Chatterjee, 1996). It was estimated that 42.57 million people passed at least one of the tests and were classified as depressed classes accordingly. Reservations were introduced in 1918 in favour of the number of castes and communities that had little share in the administration (Das, 2000: 3832). By 1920s, caste became an important factor in the recruitment to government jobs in the Madras State. Non-Brahmins and depressed classes were the caste categories used in this process. The provision of providing the opportunities was continued and special preferences were allotted to them in some of the government departments since then. The reservation of seats for the depressed classes was incorporated into the Government of India Act 1935 legislation by the British and the Act came into force in 1937. Thus, the idea of special treatment for the under privileged existed in the Indian society way before the Independence.

Special provisions were also implemented in the princely states. Particularly states like Baroda, Kolhapur and Mysore took major initiatives meant for the development of backward communities by constructing schools and letting the under privileged into schools and in providing them fellowships to pursue their studies. In 19th century, Bombay and Madras presidencies became centres of non-Brahmin protest movements. Jyothiba Phule of Poona is acknowledged as the father of the non-Brahmin movement in India. Its effect was seen in Kolhapur under Chatrapati Shahu Maharaj. In 1902, he declared that he would reserve at least half the posts in the state for qualified men of the non-Brahmin

communities. Kolhapur may be said to be the first state to implement the reservation policy.

In 1918, the Maharaja of Mysore noted that there was a predominance of Brahmins in public services and desired that steps should be taken to ensure that the non-Brahmin communities are also represented in the services of the state. To overcome the dominance of the Brahmins, the Government appointed a committee in August, 1918 under the chairmanship of Leslie C. Miller. The Miller committee reported the Brahmins dominance in the state services and the government constituted the Central Recruitment board and reserved 75 percent of the vacancies for the non-Brahmins (Singh, 1996:38).

In Madras presidency, the Justice party (officially known as the South Indian Liberal Federation) was established in 1917. Prior to its formation a series of non-Brahmin conferences and meetings were organized in the presidency. Its emergence was due to the upper caste prejudices against the so-called *sudra* castes and disproportionate representation of Brahmins in government jobs. It demanded adequate representation of the non-Brahmins in legislatures and in administrative bodies. The Justice party was in government till the Indian National Congress came to power in 1937. Preferential policies in favour of non-Brahmins was largely due to the fact that the Justice party was in power and also due to the political calculation of the British to promote non-Brahmin groups vis-à-vis the Brahmins who mainly supplied leadership to the freedom struggle. However, the implementation of reservations for non-Brahmins under the British did not have a clear policy and it changed from time to time. Also, the number of Backward castes had registered an increase as time progressed: 39 in 1895, 113 in 1913, and 128 in 1920 (Singh, 1996: 45).

The special provisions in favour of the non-Brahmin communities also instigated the Muslims to demand such special treatment in the government services in proportion to their population. The Government of India Act 1919 provided for separate representations in the legislatures for Muslims, Sikhs, Anglo-Indians and Indian Christians. The Government of India Act of 1935 also provided for

separate electorates for Muslims. The Muslims were able to secure reservations upto 25 percent of the recruitment to the central services. But after creation of Pakistan in 1947, reservations for minorities were abolished but SCs and STs continued to get reservations in proportion to their population (ibid: 47). The reforms and special provisions made by the British government and the Maharajas of the princely states did help the under privileged communities to become upwardly mobile and partially come out of the caste-ridden hierarchical structures.

2.2 Problems in the distribution of reservation benefits

The reservation provisions in the Constitution in favour of the Scheduled Castes made a huge difference to the way members of these castes lived their life. Now educational institutions which were closed for them for centuries were now opened for them. Educated sections were also able to get employment in government services. Government jobs not only resulted in increase of income for the beneficiary families. They also meant a change in social status and how others treat members of Scheduled Castes who are in public employment, because many have to approach them for getting things done in the administration.

However, these benefits did not accrue to all sub-castes in the Scheduled Castes uniformly. As mentioned in the first chapter, more than the general caste category, it is the sub-caste which assumes greater importance in social life. Therefore, the question that arises as a consequence of implementation of reservation is how the reservation benefits are distributed among various sub-castes subsumed under a general legal category. The Constitution of India guaranteed certain provisions of reservations for groups of people who faced the same condition and grouped them into different umbrella categories. It did not consider allotting reservation benefits to the sub-castes separately or on the basis of occupation. This condition did not favour several sub- castes. Although who

are better placed within the caste group could reap benefits in a disproportionate manner.

A sub-caste generally refers to a caste within a caste cluster having different cultural practices and statuses within. Indian society has many sub-castes not only with different names but also with different occupations, languages and dialects, and hierarchical positions. The existence of sub-castes is not a recent development. They existed for ages within the caste system. Gurye explains sub-caste as the original caste of the society. Louis Dumont in his work *Homo Hierarchicus* observed that the sub-caste was considered as the real caste which bears important characteristics of a caste (Dumont, 1999: 39). Not only the society in general recognizes an individual by his sub-caste but also the members of a legal caste category such as the Scheduled Caste recognize each other by sub-caste (Ghurye, 1932). The phenomenon of sub-caste exists not only among the Scheduled Castes. It is also prevalent among other groups, such as the Other Backward Classes, or even particular castes such as the Brahmins.

With reference to Andhra Pradesh, V. Ramakrishna explains the sub-caste identity. He says: ‘The society in Andhra during 19th century was based on the hierarchical ordering of innumerable castes and sub-castes. The sub-castes within Brahmans are Srotras or Vaidikas, Niyogis or Laukiks’ (Ramakrishna, 1983: 2-7). They were divided based on their sacerdotal functions and the division was based on the matters of doctrinal differences. There were several sub divisions among vaisyas too. The Sudras consists of twelve castes like Reddy, Kamma, Kapu, Telaga, Baliya, Yadava, etc. There are different sub castes among the ex-untouchables or the depressed classes, like Mala and Madiga, Relli, etc. The sub-caste is seen in each and every caste from upper caste to lower caste where they do not maintain any inter-marriage between sub-castes (ibid. 8).

There are about 5000 castes and sub-castes in India. There are major caste groups created by the modern participatory democratic political system like the Scheduled Castes who are estimated to constitute nearly 17 per cent, and the Scheduled Tribes who constitute about 8 percent of the total population. The

estimates of the population of the Other Backward Classes differ from state to state. But a rough estimation of the OBC varies from 40 to 50 per cent. (Singh, 1996: 14).

Let us first examine the issue of apportioning reservation benefits among the Other Backward Classes because the demand for the categorization of the Scheduled Castes in Andhra Pradesh took shape after observing the rule and practice of backward caste reservations. Article 46 of the Constitution makes it obligatory for the state to take action to ameliorate the conditions of the weaker sections, including the backward classes. They are twofold: (i) to promote with special care, the educational and economic interests by taking positive measures and; (ii) to prevent social injustice and all forms of exploitation by taking preventive measures. Article 340 of the Indian Constitution provides for the appointment of commissions for investigating the socio-economic considerations of SC, ST and OBCs. Accordingly in 1953, the first Backward Classes Commission was appointed under the chairmanship of Kaka Kalelkar. The Commission was asked to determine the criteria which can be adopted in considering whether any community or group other than SC and ST as socially and educationally backward and to investigate the conditions of all socially and educationally backward communities, and to provide recommendations to improve their condition. The Commission submitted its report in 1955, found 2398 castes as OBCs and among them 836 are most backward compared to the others. The Commission recommended for 70 percent reservation seats in all technical and professional institutions. But the Union government rejected the report because it did not apply any objective tests for identifying backward class (Singh, 1996). Therefore the Union government proposed to set up second backward class commission, under the chairmanship of B.P. Mandal.

In order to bring out the people who are socially, educationally and economically backward, the Mandal commission was set up in 1979 and the report was submitted in 1980. The OBC reservations have to be within the purview of 50 per cent of total reservations and accordingly the Commission recommended

reservation of jobs and seats in educational institutions up to 27 per cent. The 22 per cent reservation meant for SCs and STs is according to their population proportion. The main thrust of OBC reservation is to find out the needy and to provide justice. The list of BCs was reviewed so that all the castes and sub-castes get the benefits equally. The Mandal Commission identified 3943 castes covering 52 percent of total population of India. The castes under OBC category were increasing in each state. The Union Government wanted the states to identify castes under OBC category and those castes which follow the criteria followed by Mandal Commission and were notified under state list, as well as Mandal Commission are given 27 percent of reservations.

Let us review the controversies surrounding the reservations for backward castes in Andhra Pradesh. With the formation of the state of Andhra in 1953, a list of backward classes as existed in the composite Madras State was adopted with slight modifications. Again on 1-11-1956 in the wake of formation of the State of Andhra Pradesh, including Telangana Area, the list that existed with the State of Hyderabad was continued, thereby maintaining two lists, one for Andhra area and the other for Telangana area. In 1963, the Andhra Pradesh government declared 139 castes as BCs and reserved for them 25 percent seats in educational institutions. This order was struck down by the High court of Andhra Pradesh saying that the identification of a backward caste cannot be based on the sole criterion of caste. And it was noted that the government had not adopted any valid standards for determining backwardness. A cabinet sub-committee was constituted in 1964 to draw up the list of Backward Classes in Andhra Pradesh. They devised the criteria of poverty, low level of education, low standard of living, place of habitation, inferiority of occupation, and low social status. Based on these criteria it drew up a list of 112 backward castes and recommended 20 percent of reservation. The government accepted the recommendation but the AP High Court struck down this decision on reservations in 1966 (Singh, 1996:111-114).

On April 12, 1968, the A.P state government appointed a BC commission headed by Manohar Prasad for preparing BC list which were not adequately represented in the services of the state. In 1970, the committee listed 92 castes as OBCs. The committee categorized the backward classes into four groups or categories:

- a) Aboriginal, denotified, nomadic and semi nomadic tribes (7%)
- b) Vocational/artisan groups (13%)
- c) Harijan converts (1%)
- d) Other classes (9%)

When the State government acted upon it, this was again struck down by the High Court, on the ground that the list was completely based on caste. But the Supreme Court, in the State of Andhra Pradesh vs S.V Balaram, ruled in its favour. It observed that caste possesses the characteristics of class and that reservation in favour of a caste was acceptable if the entire caste was socially and educationally backward.

Second BC commission was set up in 1975 under the chairmanship of Veerappa and it submitted its report in 1977 recommending measures for the welfare of the BCs. It recommended 25 percent reservations, scholarships from grade-1, increasing the amount of scholarships and lowering the minimum marks from 40 to 35 percent. The third BC Commission in state of Andhra Pradesh was constituted in February, 1982 under the chairmanship of Muralidhar Rao. The Commission submitted its report in September 1982, recommending 44 percent of reservation of seats and posts for 52 percent of state's OBC population. The Commission found out 102 castes as OBCs. The ruling Congress party at that time did not implement the recommendations. The Telugu Desam Party which came to power in 1983 Assembly elections implemented the same in 1986. The 44 per cent of the reservations was divided among five categories of the OBCs according to their backwardness and population (Singh, 1996: 113). There were huge public protests against the government decision. But the decision of the government could not be implemented because the Supreme Court, in Indra Sawhney vs. Union of India, directed the State governments to constitute a

permanent body in the nature of a commission or a tribunal to decide on the inclusion or exclusion of groups in the list of backward classes. As a result, the state reverted to the status quo that prevailed before the issuance of this government order issued in 1970 and amended from time to time.

Originally the government order listed about 130 castes as backward (other than the Scheduled Castes and Scheduled Tribes). They were divided into four groups namely A, B, C and D. The division was made in such a way that the less developed castes are placed in one group so that the more advanced castes among the backward castes do not take away a lion's share of opportunities due to reservation. For instance more backward communities such as fishermen, washermen, earth worker, etc were placed in group A, while the better off castes such as weaver and toddy tapper are placed in group B, and the Yadav and golla castes were placed in group D (www.bctimes.org, 2010).

As we saw in the previous chapter, the Scheduled Castes reservations were introduced in the Madras presidency during the British rule. This was partly due to the movements of the depressed classes for development and opportunities in education and employment. The new educational opportunities and employment contributed much to the creation of a middle class among the SCs. The Scheduled Castes were mobilized into social movements from the early 19th century. The movements of dalit upliftment and emancipation began during 1920s in the form of social reform and anti-caste movements. It was known as the Adi Andhra movement at that time. The "Adi" ideology generated a sense of belongingness as the word 'Adi' itself meant the beginning. The Adi movements were very prominent particularly in Andhra, Karnataka, Punjab and Tamil Nadu, in conveying that they were the original inhabitants of the land. The Adi ideology gave them a new identity and instead of their caste names they started claiming that they are Adi Andhras, Adi Dharmis etc. However, the emergence of a powerful dalit movement during the British rule and after was hindered by intra group rivalry. Dalits within themselves have caste hierarchy with some groups

clearly more dominant and influential. Such groups have enjoyed a disproportionate share of reservations.

The question of rationalizing reservations engaged the attention of the governments at the Union and State level. In 1965, an advisory committee was set up by the Government of India under the chairmanship of B.N. Lokur to look into the matter. The Committee observed that several anomalies had been brought to the notice of the government. So it was necessary to revise the lists of SCs and STs in a 'rational and scientific manner' in order to provide the opportunities to all the communities equitably (Lokur Committee Report, 1965). The task of the committee involved the examination of historical and scientific background of a large number of caste groups and assessment of their social, educational and economic conditions in order to determine their eligibility to be specified in the lists of SC/ST.

Even though there are no principles or policy for drawing up lists of SC/ST in the Constitution, there are indications like extreme social, educational and economic backwardness would qualify a caste/tribe. The Committee recommended that weaker sections of society should be defined and criteria for special assistance be laid down on the basis of economic status and educational and social backwardness. This would result in phasing out certain castes out of the category requiring special assistance and enable them to attain social equality and at the same time safeguarding those who are still in need of special assistance. A study team consisting of eminent academicians gave to the Committee a list of 28 castes which were considered relatively advanced and could forthwith be descheduled. They were Chamars (Bihar, Uttar Pradesh, Punjab, Madhya Pradesh), Dhobi (West Bengal, Orissa, Bihar and Uttar Pradesh), the Mahars (Maharashtra, and Madhya Pradesh), Malas (Andhra Pradesh), Namasudras, Rajbanshi and Sunri (West Bengal), Bhoive (Mysore), and Mannan, Velan, Vannan (Tamilnadu and Kerala). But it was not accepted by the Committee to deschedule the castes since it felt that they were not fully developed and the social and economic backwardness still exist in those castes (ibid: 11).

With references to the developed castes in Andhra Pradesh, it was seen the Malas who constituted about 6% of the population avail a more than a majority of the 15% SC reservations. Although the Madigas constitute about 8% of population were not able to compete with them. The question raised during the period was that if the Madigas are not able to compete with Malas, how can the other communities who are more backward than these two communities avail the reservation benefits? The views of Ambedkar are relevant in this context. According to him, any particular community of the depressed classes should not be allowed to enjoy reservation benefits more than the percentage of its population proportion to the total population. (Moon, 1989: 401).

Reservations provided to SC and ST population is to be rationalized in order to serve all the castes in those lists and a proper balance is to be maintained equally. Justice V.R.Krishna Iyer (1990) says:

...there is no doubt that the Scheduled Castes themselves are made up of many layers of castes, some higher, some lower, within the humble hierarchy. This becomes important because the lowest of the lowly the pariahs among panchamas, if one may say so, suffer more than the others, and one of the dynamic strategies to be innovated by socially sensitive policy-makers is as to how to prevent the benefits offered to the Scheduled Castes from being gobbled up by the higher layers leaving the lowliest always the lowliest. Some methodology whereby internal preference is given to the humblest among the Harijans is badly necessary so that the leveling up may be felt where it is most needed. Often the dynamic purpose of social habitation through reservation of seats and posts misfires because the more muscular groups within the larger Harijan group lap up the cream. Therefore it may be on the agenda of action to provide as a policy a substantial fraction of the Harijan quota by way of sub-reservation to definable sections who were born meanest in occupational status, in poverty (Krishna Iyer, 1990:101)

This shows that the differences among SCs are not created by the elite of the SC communities that are more backward, but arise due to iniquitous distribution of

reservation benefits. Krishna Iyer further says that ‘the reservation intended to advance the prospects of the weaker sections must be geared to lifting up from the mire the SCs and STs with special care, so that the weakest among them may not inter se, lose the race (ibid, 102).

Even though the Lokur committee elaborated on the differences in utilizing reservation benefits, it was not discussed in the Parliament. But representatives of certain SC communities raised their voice for the rescheduling of the SC list so that the least advantaged would get more benefits. The Constitution of India guaranteed the provisions to be made for the underprivileged groups under article 15 (4) and 16 (4). Basing on the distribution of BC reservations, the SCs also asked for the division among them so that all the castes and sub-castes get the reservation benefits according to their population proportion. Before going to the issue of division of SC reservation in Andhra Pradesh, let us see the situation in other states in the distribution of SC reservations.

The issue of categorization was seen in the state of Punjab from 1975 that allocated quota to the Balmikis and Mazhabi Sikhs from the overall entitlement of Government jobs reserved for the Scheduled Castes (Tripathi, 2001). The list of 37 Scheduled Castes of Punjab was divided into three groups based on their socio-economic standing. 42 per cent were the Balmikis and Mazhabis; an equal proportion belongs to the Adi-Dharmis, Chamar Sikhs, Ravidasi and Ramdasi Sikhs; and remaining 33 castes constituted 16 per cent (Jodhka, 2007: 20). Among them the cluster of Adi-Dharmis and Chamars played a progressive role with a long history of social, political and religious reforms which gave them economic development and social status compared to other Scheduled Castes like Balmikis and Mazhabis whose occupation is scavenging. The government of Punjab initiated the policy of sub- categorization of the SCs through executive orders in 1975. It was consequently followed by Government of Haryana in 1994. In Haryana the reservations were divided into block A and block B, offering 50 per cent of all the seats to non-chamars (block A) and limiting 50 percent of all the seats for the chamars (block B) on preferential basis. Since the

chamar community was stronger and developed a bit compared to other castes in Haryana, they gave second preference to it by allowing other communities to take the first opportunity (Jodhka and Kumar, 2007: 20).

In Uttar Pradesh, the then Chief Minister Rajnath Singh announced a policy of 'quota within quota' to the most backward castes among SCs and OBCs in 2001 (Tripathi 2001, 29). He specifically mentioned that they were providing the quota within quota, basing on the class and not on the basis of religion. The BJP government claimed that they were striving for equality for which they wanted to provide equality of opportunity. Since there were many backward castes within BCs who were not able to access opportunities, it is the best way to give preference to the most backward communities. The other major political parties of Uttar Pradesh, the Samajwadi Party (SP) and Bahujan Samaj Party (BSP) opposed the quota within the quota in the initial days and did not support such a scheme.

The leader of the Bahujan Samaj Party, Mayawathi opposed categorization among the backward castes saying that such a policy would divide the caste groups within a particular reserved category. There was opposition from the party members in dividing the reservations. They demanded that if the government wants to develop the most backward people, they should provide more reservations. They cannot distribute the existing reservations by giving priority to the most backward people. Whatever may be the political conditions, the political parties claimed that justice is done to all the BCs by dividing them into backward and most backward. Later other parties also supported the steps to accord priority to the most backward among BCs and SCs in order to do justice to them.

The classification of the Scheduled Castes into dalits and mahadalits was seen in Nitish Kumar government of Bihar in 2007 whose ultimate aim was to improve the conditions of most backward and for whom the opportunities were way behind. Bihar was the first state in the country to constitute a Mahadalit Commission in 2007 to study the status of the neglected sub-castes among the

dalits. It suggested ways to uplift them and out of 22 dalit castes, they found 21 castes as Mahadalits who were not able to have their due share of reservation benefits (*The Bihar Times*, 6 June, 2011).

In order to do justice, the government started welfare programmes to elevate the conditions of the most backward castes among the Scheduled Castes. The Bihar Mahadalit Vikas Mission (BMVM) was introduced by the Nitish Kumar government. It was helpful to implement various welfare schemes for the Mahadalits, like learning English language by the poor etc. Mahadalit Vikas Yojana, a programme to distribute land to the landless Mahadalit families. The Mahadalit commission noted that except Paswans, the majority group, all other castes among those listed under Scheduled Caste category were considered as Mahadalits (Bihar times, 2011).

Another state which treaded the path of justice by providing the special reservations to the underprivileged is Tamil Nadu. The Mandal Commission report gave a significant route for the development of backward classes and the Government of Tamil Nadu introduced a separate quota for MBCs within the quota given for BCs in 1989. It was during the non-Brahmin movement in 1920s the strength of BCs was seen (Radhakrishnan, 2006). In the later period the distribution was increased according to the population and from 1980s, 50 per cent of reservations were given to the BCs. Among the 50 per cent reservations meant for BCs, 30 percent meant for Backward Classes (BC) and 20 percent for Most Backward Classes (MBC). The concept of 'Inner Reservations' for Scheduled Castes was introduced by the DMK government in 2008. There are 76 notified Scheduled Castes in Tamil Nadu and are given 18 per cent of reservations. Among them Arunthathiyars is the most backward community, who involved in menial jobs. The Arunthathiyars staged protests along with the other sub-castes and fought for the separate reservations. The Aathi Thamizhar Peravai (ATP), an Aruthathiyar movement, was launched with an objective to develop the Arunthathiyars. They demanded 6 per cent of reservations basing on their social and educational status (www.atp.com). The government formed a

committee to observe the status of Arunthathiyars and other sub-castes of SC category. The Janardhanan Committee report recommended that the Arunthathiyars and other sub castes that were fighting for separate reservations were in the most backward state of development (Viswanathan, 2009).

The then chief minister of Tamil Nadu, Karunanidhi, promised to implement the recommendations. Accordingly the government provided 3 per cent of reservations for the Arunthathiyars (who are involved in scavenging work) which includes the sub-castes of Chakkiliar, Madhari, Adi-Andhrar, Padagai, Madiga and Thotti within the 18 per cent reservations for Scheduled Castes. The preference given to the Arunthathiyars by providing 3 per cent separate reservations exclusively for them showed drastic improvement educationally and economically. The developed castes in SCs, the Parayas and Pallars who were utilizing majority of reservation benefits till then were standing next to them in utilizing the opportunities. The basic objective of the government to uplift the oppressed was fulfilled to some extent by making the unprivileged Arundhathiyars capable, by providing inner reservations (Interview with Ravi Chandran Bathran, 2011).

The other state which performed well in its policy of reservations is the state of Karnataka. In order to render equitable justice to each caste, the Karnataka government divided the BCs into many groups. According to Karnataka SC/ST/OBC Act 1994, were divided into three categories depending upon the degree of backwardness of different castes. The STs got 5 per cent, and the SCs got 18 per cent share of reservations. This division of OBCs gave an indication to the SCs to demand for the classification according to the population in order to get benefits equally. Hence, there were divisions among SCs like Left wing, which follows the ideology of Babu Jagjivan Ram. Right wing SCs are called the followers of Ambedkar. Among the other SCs, some took a position in favour of categorization while others remained neutral. The Sadashiva panel of inquiry set up by the Dharam Singh government in 2004 found out that only few

communities were utilizing the reservations disproportionately (*The Hindu*, 21 October, 2005)

This kind of re-arrangement is also seen in Rajasthan. Gujjars come under the OBC list there. They demanded that their group be included in ST list. Since the 27 per cent OBC reservations meant for 103 castes, the Gujjars being the least developed caste demanded to be included in ST list where the competition was less. The Vasundhara Raje government in 2008 set up a committee to look into the matter. The Chopra committee rejected their demand of inclusion into ST list since they did not fulfill the criteria (*The Hindu*, July 8, 2008). Later on, they demanded for separate 5 per cent reservations for extremely backward Gujjars, Gadia Luhars, Banjaras and Raikas castes, without effecting the present reservations meant for SC, ST and OBC categories. The action taken by the government was made invalid by the Supreme Court since the extension of 5 per cent reservations exceeded 50 percent of the total available opportunities (Dave, 2010).

We see from the above facts that several State governments have initiated steps in recent past to address the issue of sub-categorization or classification of reservations for the Scheduled Castes. This was basically in response to the grievance of the less developed castes among the Scheduled Castes and to bring them up on a par with other reserved communities. The ultimate aim of achieving a just society basing on the principle of equality and equal opportunity prove in case of providing reservation benefits equitably.

The following section provides the caste profiles of various sub-castes within the Scheduled Category, so that we understand the context of the Madiga demand for sub-categorization.

2.3 Differences among the sub-castes within the SCs in Andhra Pradesh

The question of sub-categorization of the SCs in any given State hinges upon the justification for such a policy measure, which in turn is dependent upon the prevailing social and educational backwardness among certain Scheduled Castes. For this, it is important to know the caste profiles of the SCs.

The total population of Andhra Pradesh, as per the 2001 Census, is 76,210,007. Of this, 12,339,496 (16.2 per cent) is the Scheduled Caste population. The SC population constitutes 7.4 per cent of the country's total SC population. Andhra Pradesh occupies 4th position in terms of SC population among 32 States/UTs having SC population. The Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976, has notified 59 SCs in Andhra Pradesh (www.censusindia.gov.in).

Of the 59 Scheduled Castes in Andhra Pradesh, the Malas and Madigas are the two largest caste clusters or blocs, together constituting about 80 per cent of the State's SC population.³ Unlike many other States, the population of these two communities within the Scheduled Caste population is more or less equal, although the Madigas are slightly larger in number exceeding the Mala population by about one million as per the 2001 Census. Both were considered 'untouchable' communities by upper castes and hence were categorized as Scheduled Castes. Due to cultural, historical and political reasons, the Malas were relatively somewhat developed when compared to the Madigas. The friction between the Malas and the Madigas in the State could be due to this demographic condition where both the communities are equally poised in terms of population, but unequal development of the two communities which manifested in the latter's grievance about disproportional access to reservation benefits after independence.

³ The list of Scheduled castes was last modified during the year 2007. Presently 60 communities are listed as Scheduled Castes in Andhra Pradesh (National Commission Report, 2008: 7)

As per the 2001 Census Malas having a population of 5139305 constitute 42.28 per cent of the total Scheduled Caste population in the State. They correspond to the Mahars of Maharashtra, Paraiyans of Tamilnadu, and Holeyas of Karnataka. Although Malas are found in Karnataka, Tamilnadu, and Maharashtra, their presence is the largest in the State of Andhra Pradesh. The Malas do not have any specific traditional occupation but most of them were engaged as agricultural labourers. For a long time, members of this community constitute the back bone of the agricultural labour force in the State. Some of the Malas were farmers and some earn their living as cart riders. Some of them were the village watchmen (vetti). During the Adi-Andhra movement of the 1930s, several Mala caste people, especially from coastal Andhra, called themselves as Adi-Andhra, akin to Adi Dravida of Tamil Nadu. 90 per cent of Adi-Andhras today are Malas. Because of their martial skills, there were also recruited into the British Army.

According to some, the word Mala is derived from Sanskrit word Malla, which means wrestler and which can be loosely translated as warriors or soldiers. They played an important role in the military exploits of the Kakatiya rulers. Over the centuries they were pushed down in social status and were disarmed, but were retained as village servants. During the rule of the East India Company and under the British rule, a section of the Malas turned to Christianity. They made good use of the Christian educational programmes, considerably elevating their social position. These educated and talented Christian Malas are commonly called Merugumala people. Most of them belong to Krishna-Godavari delta region. Oliver Mendelson quoted Venkataswamy (1955): 'Of the two most numerous untouchable castes of Hyderabad, the Malas were socially, educationally, and politically more advanced than the Madigas' (Mendelson, 2000: 49). Although both the Malas and the Madigas were considered as 'untouchable' in Andhra Pradesh between the two groups the Madigas are considered to be lower than the Malas (Padmanaban, September 25.2001 *The Hindu*). Rama Chandra Raju Report says that though the Malas occupy a degraded position in Hindu society among the Scheduled Castes they are superior

to Madigas and other castes in social rank (Government of Andhra Pradesh, 1997: 24).

The other communities like Mala Jangam, Mala Dasari, Mangs, Mang Garodi, Dandasi, Bariki, Aray Mala, Arwa Mala considered as satellite castes of Mala, whose major occupation is agricultural labourers and village watchmen. The Mala Jangam is the priestly caste only performs for the Malas. The Mitha Ayyalwar caste is considered as spiritual advisors to Malas in the villages.

The Madigas are the numerically largest caste among the Scheduled Castes in Andhra Pradesh. With a population of 6,074,250 (2001 Census), Madiga are numerically the largest Scheduled Caste in Andhra Pradesh, constituting 49.97 per cent of the state SC population. Madigas are spread widely across the South India, in the States of Andhra Pradesh, Karnataka and Tamilnadu. They are seen in every village of Andhra Pradesh (Usha Mehra Commission, 2008: 28). Madigas are also known as Arundhatiyas, Jambavulu and Adi-Andhra. The traditional occupation of the Madigas was leather-work. Some of them are also engaged in occupations such as farm service and agricultural labour, drum beating, and village watchmen (ibid, 25-30). They correspond to the Chakkiliyars of the Tamil Nadu and Chamars of North India (Thurston, 1909: 292). 'The Madiga are known by several other names such as Gosangi, Gosangi-Bantu, Jambuvan, Adi-Jambava, Matanga, Arundhatia, Ettiwaru, and Tegawaru. Some of these names suggest their mythological connection with Jambavant, a figure in the epic of Ramayan' (Singh, 1969: 2).

The literature on Madigas is vast in the regional languages like Telugu, but is available in small number in English. One of the important works was carried on by T.S. Singh with the title *The Madiga* in 1969. The book gives insights into Madiga culture, tradition, language, marital relations, and education. The study was carried out in Telangana region by the author. The Madiga culture and the relations were well explained by Simon Charsely, a British scholar at Univeristy of Glasgow. Though it was not yet published in the book form but available as a web source and elaborately discussed about the issues related to Madigas

(www.simoncharsley.co.uk). Uma Ramaswamy wrote about the conditions of Madigas in the 70s and 80s (Ramaswamy, 1986), Muthaiah's writings throw light on the history and struggle of Madigas (Muttaiah, 2004). G. Sambaiah's work focuses on the identity of the Madigas and also deals with the present struggle for distribution of reservations (Sambaiah, 2004).

One plausible meaning of the word Madiga is Maha (very) Adi (from the beginning) Ga (moving), which means the original inhabitants moving and living on earth from the very beginning. Madigas claim lineage from the clan of Jambavantha, father of Arundhathi. Arundhati was the wife sage Vashista, one of the seven sages of puranic literature. She is accorded the same status as the seven seers and is worshipped along with them. She was an ascetic who used to give discourses to even the seven sages. Basing on the mythological story, they believe that they are the grand children of aborigine king Jambavantha and were the first rulers of Indian land (Muttaiah, 2004: 185). The early writers on caste in India, like Thurston, believe that the name Madiga is derived from *Mahadiga* (the great man who has come down) or *maha digi ra* (great man, come down). The legend of Jambavant which connects the origin of Madiga is very much seen in Telangana. T.S. Singh explains that mythological interpretations as 'once the gods were in difficulty and they called Jambavant, *maha digi ra*' who is the only capable person to help them. The descendants were called *mahadigevaru* which later got transformed into Madiga. The various legends of Madiga history placed them at the high position saying that 'Madigas were the oldest inhabitants of the land and that they were at one time the rulers of the country' (Singh, 1969: 8).

The geographical location of Madigas and Malas were different. Although both the Malas and Madigas were treated outcastes there were never any inter-marriages between the two. The Madigas can take food from the Malas houses but the Malas do not take food from Madigas. As these both were the outcastes for the other castes, Madigas were considered outcastes by the Malas. Since the Madigas occupation was leather tanning or removing the skin of dead cattle, the Malas did not accept them as equals.

There are a large number of castes allied to the Madigas. They were dependent on and attached to the Madigas, and hence can be termed as the satellite castes of the Madigas. According to Singh, Sangari (Madiga guru), Sindhu (Madiga minstrel), Mashti (Madiga acrobat), Dakkalwar (Madiga beggar) and Baindla (Madiga priest and musician) are the satellite castes (ibid, 9). The allied castes were semi-nomadic castes, whose work is to tell the history of Madigas or the Jambavapuram (the story of Jambava). These communities consider Madigas as their patrons because they believe in Jambavapuram and since the Madigas are from the clan of the aborigin king Jambavanth (Interview with Chindu member Ganapathi, Hyderabad. 3August, 2010). In olden days when there was no technical entertainment, these castes enacted the road-side plays and storytelling about the mythological stories. Wherever they go, they visit the house of the Madigas, and later, after taking the permission from them, they will start the play.

Another Madiga sub-caste called Dakkali, involved in begging from Madigas. As Uma Ramaswamy explains ‘a unique Madiga institution is a sub-caste of beggars called Dakkalu who are regarded as a degraded branch of the Madigas. The Dakkalu beg only from their own castemen by singing their praise, entertaining them and recounting their ancestry (Ramaswamy, 1986: 400). The Dakkali community is one such community who has the sacred notes of Jambavapuram which is in Sanskrit language (Interview with Mary Madiga, Hyderabad, 16 November 2009). They consider that it is not good for them to sit along with the Madiga. These practices were still continuing in some remote villages in the Telangana region. The languages of these communities are very different from one another. They communicate in a different dialect in their houses. Since they are semi-nomadic castes who go on visiting different places they do not have permanent locality.

The ‘Matangis’ was another small community. Matangi is considered as the deity of the Madigas and allied castes. The Matangis, whose ancestors are claimed to have ruled the Kannada country, fall under the generic category of the Madigas

(Ramaswamy, 1986: 399). The occupation of Baidla community is to invoke and appear the goddesses like Ellamma and other village goddesses. The Gosangi and Jaggali communities involved in leather works, rope making, tanning and skinning the dead animals. The Madiga Dasus are priests among the Madigas. Chindu community is a section of people who entertain Madigas by acting and dancing. The other castes like Dhor, Chalavadi, Muchi/Mochi, Dombara, Pamidi, Godari, Jambavulu, also involved in leather making.

The other castes like Relli, Paki, Thoti, Panchama, Pambada, Mehtar are those caste whose occupation is sweeping, scavenging etc. traditionally they were cleaning the temples and they were restricted in the cleaning jobs (Thurston 1975; Ram 2007; Singh 1998).

Table 2.1: Scheduled Caste population in the State of Andhra Pradesh (according to 2001 Census).

Sl. No	Caste	Population	% to total SC population
1	Adi Andhra	142604	1.17
2	Adi Dravida	194806	1.60
3	Anamuk	40	0.00
4	Aray Mala	4548	0.04
5	Arundhatiya	38445	0.32
6	Arwa Mala	10732	0.09
7	Bariki	2217	0.02
8	Bavuri	480	0.00
9	Beda (Budaga) Jangam	73389	0.60
10	Bindla	13024	0.11
11	Byagara, Byagari	8737	0.07
12	Chachati	1231	0.01
13	Chalavadi	813	0.01

Sl. No	Caste	Population	% to total SC population
14	Chamar,, Mochi, Muchi	16399	0.13
15	Chambar	484	0.00
16	Chandala	35	0.00
17	Dakkal Dokkalwar	2504	0.02
18	Dandasi	4850	0.04
19	Dhor	2108	0.02
20	Dom, Dombara, Paidi, Pano	36725	0.03
21	Ellammalawar Yellammalavandlu	540	0.00
22	Ghasi Haddi, Relli, Chanchandi	1855	0.02
23	Godagali	2493	0.02
24	Godari	690	0.01
25	Gosangi	19859	0.16
26	Holeya	252	0.00
27	Holeya Dasari	3466	0.03
28	Jaggali	695	0.01
29	Jambuvulu	15800	0.13
30	Kolupulvandlu	291	0.00
31	Madasi Kuruva, Madari Kuruva	234	0.00
32	Madiga	6074250	49.97
33	Madiga Dasu,Mashteen	3456	0.03
34	Mahar	28317	0.23
35	Mala, Mala Ayyavaru	5139305	42.28
36	Mala Dasari	15861	0.13
37	Mala Dasu	9485	0.08
38	Mala Hannai	3	0.00
39	Mala Masti	308	0.00
40	Mala Sale Nethani	114562	0.94
41	Mala Sanyasi	120	0.00
42	Mlajangam	3642	0.03

Sl. No	Caste	Population	% to total SC population
43	Mang	9279	0.08
44	Mang Garodi	319	0.00
45	Manne	46002	0.38
46	MashtMatangMehtarii	2281	0.02
47	Mitha Ayyalwar	657	0.01
48	Mehtar	4692	0.04
49	Mitha Ayyalvaar	3143	0.03
50	Mundala	407	0.00
51	Paky etc.	7958	0.07
52	Pambada etc.	635	0.01
53	Pamidi	2853	0.02
54	Panchama etc.	4280	0.04
55	Relli	121058	1.00
56	Samagara	1582	0.01
57	Samban	4908	0.04
58	Sapru	656	0.01
59	Sindhollu etc.	2274	0.02
60	Generic Castes etc.	136857	1.13
	All Scheduled Castes	12339496	100

Source: Census of India, 2001

Unlike the Malas who were mobilized into protest movements against caste system, Madigas lagged behind the Malas. Availability of the traditional occupation of leather work also made them to attach themselves with the cultivating communities and they felt it was their responsibility to involve themselves in such a work. They were also slow to take to Christianity and to educational opportunities. Partly the unequal development between the Malas and the Madigas can be attributed to their geographical distribution. The Malas are more in number in the coastal districts, which were under the British rule and benefited by the construction of irrigation projects on the Krishna, Godavari and

Penna rivers. Christianity came to the Krishna-Godavari delta region in a big way during the 19th century. New opportunities were open for the Scheduled Castes to have access to education in the coastal districts mainly populated by the Malas.

The present Telangana region was under the Nizam rule where there was hardly any social reform movement, educational improvement of any class or overall economic prosperity. The liberating role the Church played in coastal districts was absent under the Nizam's dominion. Dalit scholars like Yagati Chinna Rao (2010) say that the Malas who were fortunately settled in the coastal area of the State got education and attained capabilities to make use of the opportunities available due to reservations, unlike the Madigas who were mostly settled in the Telangana region. The interventions made by the Christian missionaries helped the development of the dalit communities in the coastal region where this was not the case in the Telangana. All these factors may be held responsible for the backwardness of the Madigas as compared with the Malas.

Table 2.2: District wise / Region-wise distribution of SC Population in the State of Andhra Pradesh (percentages are given in parentheses)

Sl. No.	Name of the District	Total SC Population	Madigas	Malas	Others
1	Adilabad	461214	182133 (39)	278896 (60)	185 (0)
2	Nizamabad	348158	176067 (51)	171607 (49)	484 (0)
3	Karimnagar	650246	386513 (59)	262959 (40)	774 (0)
4	Medak	469492	271413 (58)	196153 (42)	1926 (0)
5	Hyderabad	307248	167945 (55)	137954 (45)	1349 (0)
6	Rangareddy	520045	355554 (68)	16282 (31)	1509 (0)
7	Mahboob Nagar	600927	467408 (78)	132384 (22)	1135 (0)
8	Nalgonda	575786	418884 (73)	153620 (27)	3282 (0)
9	Warangal	551416	410308 (74)	139839 (25)	1269 (0)
10	Khammam	426692	251576 (59)	147389 (35)	727 (0)
	Telangana	4911224	3087828 (63)	1810783 (37)	12613 (0)

11	Srikakulam	229609	6860 (30)	148075 (65)	12904 (6)
12	Vizianagaram	238023	87426 (37)	136223 (57)	14374 (6)
13	Vizag	291219	121355 (42)	169489 (58)	375 (0)
14	E.Godavari	881650	418607 (47)	462337 (52)	706 (0)
15	W.Godavari	728963	350339 (48)	377967 (52)	657 (0)
16	Krishna	746832	373042 (50)	372370 (50)	1420 (0)
17	Guntur	818005	396977 (49)	420290 (51)	738 (0)
18	Prakasam	651498	316180 (49)	334283 (51)	1035 (0)
19	Nellore	587157	261108 (44)	325637 (55)	412 (0)
Coastal Andhra		5172956	2393664 (46)	2746671 (53)	32621 (0)
20	Kadapa	409492	158473 (39)	250568 (61)	451 (0)
21	Kurnool	628637	309603 (49)	318844 (50)	190 (0)
22	Anantapur	514896	390908 (76)	121258 (24)	2730 (0)
23	Chittoor	702320	443866 (63)	255504 (36)	2950 (0)
Rayalaseema		2255345	1302850 (58)	946174 (42)	6321 (0)

Source: Report by Retired Madiga Officers' Forum, 2007, p.6-7

Tracing the evolution of the social and political condition of the two communities in the State during the 20th century, Laban Babu in his book *Madigavari Charitra* (The History of the Madigas) narrates the dalit movements in Andhra Pradesh. In 1930, S.R Babayya started the 'Arundatheeya Mahasabha' for the welfare of the Madigas. There were movements for Harijan welfare before Independence and among them Madigas were seen playing different roles in most of the movements. He says that East Godavari district in Coastal Andhra was a nerve centre of dalit activities in the colonial times. As a result, the Scheduled Caste communities could attain the political consciousness. Due to the demographic domination of the Malas in coastal Andhra, the Ambedkar movements were considered as Mala movements in the Telugu region and Arundhateeya organisations, Bandhuseva Mandali, Babu Jagajivan Ram associations were related to Madigas (Babu, 2001:83).

2.4. Summary

The present chapter gave an overview of the special provisions given to the Scheduled Castes, Scheduled Tribes and Other Backward Classes. It is clear from the discussion that provisions to provide reservations were initiated by the governments in the British India as well as in Princely States much before independence. The sub caste differentiation and consciousness are also not new phenomena but existed for a long time before the launch of sub-categorization movement in the State. The sub-caste differences could be due to historical, cultural, occupational and geographical reasons. Such a condition of sub-caste differences and the problems of the unequal development between sub-castes are seen in almost all the States of the nation. The sub-categorization of SC reservations also cannot be taken as the first incident in the state of Andhra Pradesh. Such an arrangement was already instituted in Punjab and Haryana. The next chapter explains the emergence of sub-categorization movement launched by the Madigas of the State of Andhra Pradesh.

Chapter III

The emergence of the sub-categorization movement

The main objective of this chapter is to understand the context and emergence of the sub-categorization movement in Andhra Pradesh. The first section of the chapter outlines the trajectory of the assertion of lower castes for self-respect, dignity and opportunities in the fields of education and employment. The second section deals with the background of the movement which provided the motivation for the emergence of the categorization movement in the State. The disproportionate distribution of SC reservation benefits is discussed in the third section. Then last section traces the emergence of the Madiga Reservation Porata Samiti that spearheaded the categorization movement.

3.1 The awakening of the Madigas

For a long time, before the emergence of the Madiga agitation against Mala domination, the state Andhra Pradesh has witnessed several agitations against caste system in general. The important one is non-Brahman movement in the early decades of the 20th century. It was a protest movement against the Brahman domination in the cultural arena as well as in education and employment. The non-Brahman *sudra* communities asserted dignity and self-respect vis-à-vis Brahmans. They demanded a proper share for them in administration and political bodies (Suri, 2000: 4). The Non-Brahman movement was initially started by the Vaishyas who are next to the Kshatriyas in the social structure. It was later taken up by Sudra communities, such as the Kammas, Reddis, and Kapus, who claimed Kshtriya status. They fought against the Brahminical hierarchy; and at the same time strengthend their status. In the later period, it was backward classes and the Scheduled Castes that fought for their identity. People

of each caste recalled their past history with pride and this was meant to promote self-respect and solidarity. This solidarity in turn was sought to be made use of to stake a claim for a due share in the opportunities available in the society.

The intermediate caste people who fought against the Brahminical domination basically strived for development of their own caste people and tried hard to sustain their domination over others. The castes that faced discrimination from the upper castes dominated the caste below them and never fought for complete equality. In fact their domination on the lower castes shows that they wanted to continue the hierarchy in a different form, so that they can continue to dominate them just as they were dominated by others. While the intermediate castes questioned only one type of social domination, the Scheduled Castes questioned the caste hierarchy in general.

The struggle of Scheduled Castes in Andhra Pradesh took a radical turn after the Karamchedu massacre in 1985 (Balagopal 1985: 1299; Ratnam, 2008). This took place soon after the Telugu Desam Party (TDP) came to power under the leadership of N.T. Rama Rao. As soon as the TDP came to power in the State the Kamma community reasserted its domination. As a result, in 1985, there was a massacre of the Madigas by the Kammas of Karamchedu village in Prakasam district of Andhra Pradesh, where six Madigas were killed. All the people left the village and fled to Chirala, a nearby town. This incident was termed by Balagopal as an eye opener, as it made people realize that caste plays an important role in structuring social and political relations.

Karamchedu made a deep impact among a whole generation of dalits all over Andhra Pradesh and raised a new crop of dalit activists. The meetings in solidarity to the victims of the attack attracted huge gatherings of dalits from all over the State. On September 1, 1985 there was a huge rally in Chirala participated by three hundred thousand dalits where they decided on a name for the movement and called it, the 'Dalit Mahasabha' which means a grand assembly of dalits. They were inspired by the ideas of Ambedkar for asserting and representing the problems of dalit communities (Berg, 2011: 187). Later on,

the Dalit Mahasabha made a huge representation to the Government of India, asking for the special protection for the Scheduled Castes. This resulted in the SC/ST atrocities Act 1989. The movement was led by Katti Padma Rao, a Telugu literary figure and a fiery speaker who could inspire people to action.

When the Telugu Desam Party was defeated in 1989 Assembly elections and the Indian National Congress came to power, another such massacre took place in Chundururu village of Guntur district in the year 1991 (Srinivasulu, 2002: 45). It was a massacre of dalit boys by the upper caste Reddys. They attacked the dalits and the Malas particularly. Eight people were killed and many were wounded. In this major assault the dead bodies were not left in the field but were put in gunny bags and were thrown in the nearby drainage canal. It was a well-planned attack on dalits by the Reddys to teach them a lesson and assert their dominance and power. Again, the Dalit Mahasabha played a leading role in rallying dalits for justice, protection and relief.

The attacks against dalits could be interpreted as an outcome of the changing caste relations in rural areas. We should note that these two attacks happened not in remote and economically backward areas, but in villages known for high agricultural and economic development in the heart of Krishna delta. The conditions of dalits in these areas had improved since independence as sections of them could make advances in the fields of education and employment. A small lower middle class and middle class began to develop among the Scheduled Castes in these areas. This resulted in a moderate development which gave them the social identity and disregard the traditional notions of authority and even to challenge them. This made them to yearn for equality and equal treatment on a par with the upper castes. Even though the gap between the dominant caste and the lower was never filled yet, the other caste could not tolerate the development in the Schedule Castes. Since the traditional notions of superiority and inferiority could not be enforced by consent in the society, force became necessary for the upper castes to reinforce the brittle caste system.

The upper castes wanted to be in a commanding position and wanted the marginalized sections to be below them in their position at a time the caste hierarchies were loosening up and breaking down because of the socio-economic processes underway. Because of the educational development, members of the Scheduled Castes who were working in the houses of other castes as maid servants, agricultural labourers and farmers in their fields had either stopped to obey the orders of the land-owning castes or stopped doing so. Since they were trying to climb the ladder, the notion of togetherness or equality was not accepted by the dominant communities and they showed their power by threatening the dalits with their power and strength of their caste through economy and political power. After the Chundur incident, the dominant sections enforced a social boycott without giving them work and they did not let them utilize any common facilities in the village such as tanks and restaurants.

The Karamchedu massacre attracted many young activists from all over the state. The main leaders in Chirala started a rehabilitation camp where they accommodated all the Karamchedu victims. The main dalit leaders were Satyamoorthy, a leader with Maoist leanings, and Katti Padma Rao, a literary figure and a college lecturer. We may note here that two young dalit activists, Manda Krishna and Krupakar, were part of this movement. Later Manda Krishna and Krupakar were the important leaders who launched agitation for sub-categorization of the SC reservations in the State. Manda Krishna was close to Satyamoorthy and Krupakar was with Padma Rao. All the victims and activists took shelter in Vijayanagar colony in Chirala and they named their volunteer organization as 'Samata'. There nobody bothered about which caste they belonged to. In fact the atrocities and the sufferings brought them together to fight for the justice (Interview with Krupakar, 2009).

Around the same time, the Bahujan Samaj Party (BSP) was gaining strength in other states, especially in Maharashtra and Uttar Pradesh. Its leader Kanshi Ram, and his ideas were gaining popularity among the dalits in the State. The BSP found conducive environment to make inroads in Andhra Pradesh politics. The

party released a pamphlet, describing the status of SC population in the state. It pointed out the dalits, especially the Madigas, lagged behind in the utilization of reservation benefits. Manda Krishna raised this point and asked the leader Satyamoorthy of the dalit movement in the State about the injustice happening to the Madigas in the name of homogeneity and unity of the dalits. He got the answer from Satyamoorthy that ‘it is true, but if we pay attention to these matters now we cannot run the dalit movement successfully’ (Interview with Krishna Madiga, 2009). Then Krishna contacted other Madiga activists about this issue and began discussions with them. He found that other Madiga youth leaders such as Krupakar and Pilli Manikya Rao were yet to notice these differences.

A group of Madiga youth then started collecting more data about the condition of the Madiga in education and employment. To their surprise, they found that the Madigas were very much lagging behind the Malas. Being in the thick of the dalit movement they gathered all the youth in Prakasam district and discussed the issue. They started conducting small gatherings to huge meetings in the Prakasam district. They resolved that something should be done on a massive scale so that they can take the issue to the government. The Mala leaders interpreted this activity as detrimental to dalit unity and that the Madiga activists in the dalit movement were planning to divide dalits (particularly Malas and Madigas) in the name of sub-caste identity. But what is surprising is that they refused to admit the injustice meted out to the Madigas and others in the name of combined reservations (Interview with Manikya Rao, Hyderabad, 2009).

The activists of dalit movement from Madiga community also began to feel that that the Malas were dominating them. Since the Malas were in leadership of these resistance and solidarity movements they could reap political dividends where the Madigas had no power in decision making structures. These new perceptions found reinforcement in tracing back the trajectory of dalit politics in India and the State in particular. When Ambedkar fought for the equal representation in education, employment and in politics, it was the Malas who were fortunate to receive the benefits first. Ambedkar being a Mahar, a caste

which is equivalent to Mala in AP was taken as their own leader by the Malas. It was only during the 50s that the importance of Jagjivam Ram was recognized because he was a Chamar, a caste similar to Madigas. Congress party was very careful in looking at the two major SC groups in the State, Malas and Madigas differently. There were always separate leaders for both the castes. Gogu Shyamala, a dalit activist and a writer, narrated the travails and indignation faced by the Madigas in the 1950s. She says that the Madiga leaders were not allowed to attend Ambedkar's meetings and the Mala members would not attend Jagjivan Ram's meetings. She noted that the then Cabinet Minister Sadalakshmi who was so interested to hear Ambedkar's speech was not allowed to attend the meetings because Ambedkar was considered as Mala leader. This kind of caste differences existed from many years but they did not receive the attention of the Madiga youth earlier which began to be talked about once the Madigas began to organize themselves (Shyamala, 2011: 49).

3.2. Background of the sub-categorization movement in Andhra Pradesh

Although all the castes that are designated as Scheduled Castes had suffered from social indignities due to the caste system and engaged in occupations that are considered to be low, most castes had their own specific identity. These had evolved over long periods of time, perhaps due to occupational differentiation, ethnic diversities, locational specificities. This had involved internal gradation among the castes that are considered untouchable, there had developed internal gradation among the Scheduled Castes themselves, which sometimes assumed frictional overtones. Even though both Mala and Madiga castes in Andhra Pradesh were untouchable castes, the traditional work of Madigas which is removing the dead cattle and making leather from that and drum beating in the village to communicate messages in village left them far off the village. They are untouchables to the Malas and there is no inter caste marriages or inter dining among Malas and Madigas.

Out of all the struggles and differences among the sub-castes there was an association called 'Arundhateeya Maahasabha' in Hyderabad started for the welfare of Madigas in 1931. It could not attract so many Madigas since the Madigas were already working with the dalit networks. In 1982 there was a huge meeting in East Godavari (where the Malas are highly populated) by the Madigas and there they explained about the history of Madigas and their backwardness. They praised their culture and tradition and praised the history of Jambavantha whom they believe as their origin (Arundhateeya Vidyavantulu and Yuvajanulu, June 6. 1982)

As mentioned in the previous chapter, the awakening of the Scheduled Castes began at the turn of the 20th century. The concept of Adi-Andhra (the original inhabitants of Andhra) gained wide circulation among the so-called untouchables. This indicated an assertion of the untouchables for dignity and a demand to improve their social status. A large number of people in the coastal districts changed their caste name into Adi-Andhra. This was also the time large scale conversions took place in Krishna and Godavari districts into Christianity. In the then Hyderabad state Madari Bhagya Reddy Varma (1888-1939) founded an organization by name, Jaganmitra Mandali (Universal Friendship Society) with an objective to bring about social reform. He and Arigay Ramaswamy stressed the need to promote education among the Adi-Andhras. The first provincial Adi-Andhra Maha Sabha was held at Vijayawada under the auspices of Guduru Ramachandra Rao. The speakers at the Conference stated that the Adi-Andhras were the original sons of the soil and sought a place in the political sphere. They called for promotion of education, cleanliness and hygiene among the Adi-Andhras.

However, it is interesting to note that once Bhagya Reddy Varma had opposed a marriage between a Madiga boy and Mala girl stating that Malas tradition does not accept marriage between a Malas and Madigas (Muthaiah, 2004: 187). The domination of the Mala leaders in the Adi-Andhra movement and the favours shown by Varma to his own caste-men were resented by others. The term Adi-

Andhra became synonymous with the Malas, partly because most of those who assumed this new caste name happened to be Malas. We understand that even B.R.Ambedkar once said in 1927 that Mangs and Mahars are not equal but they were made unequal by the Hindu society. In order to fight for the casteless society, both the communities should work together and if they are not, the upper castes will benefit more (Prasad, 2007: 90). However, the unity of the untouchable caste was sought to be built under the leadership and hegemony of the Mala leaders.

Arigay Ramaswamy moved away from Varma founded the Adi Hindu Mahasabha in 1921 to work for the interests of all sub-castes without discrimination. He himself recognized the need for separate organization for the Madiga and started one in the name of 'Arundati Mahasabha' in association with Venkat Rao (Ramaswamy, 1986: 400). Even though the social ideology of both the leaders Bhagya Reddy Varma and Arigay Ramaswamy are similar to fight against the caste atrocities, the political and cultural ideology was different. Uma Ramaswamy (1986) mentioned that the Madiga were in disadvantaged position in comparison with the Mala on more than one score. By 1940s, the Scheduled Caste leadership was hopelessly divided and caste and politics played a significant role in dividing the community (Ramaswamy 1986: 401).

Andhra Pradesh had the distinction of having the first 'Harijan' Chief Minister in India. Damodaram Sanjeevaiah, who was earlier a Minister in the Madras Provincial Government, became the Chief Minister of the State in 1960. However, the differences continued between Malas and Madigas. It was mentioned that in 1956-57, in the first Andhra Pradesh Legislative Assembly, the leaders discussed the problems faced by the Harijans and particularly about the differences between the Malas and Madigas. A. Kamala Devi stated that 'the houses given to the Harijans are at the village outskirts and the other castes people think that there should be a separate well for Harijans, which is not good'. Damodaram Sanjeevayya responded to it by saying that 'other caste people are trying for a separate well is a different story but the Malas and Madigas will not

take water from the same well and they had separate wells for them' (Prasad 2007: 91). The differences and the societal problems among the SCs were debated and discussed during that period.

In 1972, a minister in the Andhra Pradesh government, T.N. Sadalakshmi, represented to the then Chief Minister, J. Vengal Rao that the Madigas were not able to take advantage of many benefits available in the name of SC category. In the same year the students from Andhra University got the information that the Madigas and other castes were lagging behind in utilizing the reservation benefits. They criticized the Mala caste people who were the major beneficiaries of the reservation opportunities which resulted in the uneven development of the Scheduled Castes in the State. In 1976 there was a meeting called 'Harijanula Mahasabha' where the issue of categorization was discussed and claimed that the Arundateeyas were facing problem throughout the country (Prasad, 2007: 2). In the same period the Madiga students of Andhra University officially took the issue of injustice meted out to the Madiga people to the State government.

It all started with an individual who identified the injustice meted out to the Madiga community. In 1976, an employee of Andhra Pradesh, M. Nageshwar Rao in a letter to the editor of *Andhra Prabha*, a popular Telugu daily news paper at that time, expressed the need to divide the Scheduled Caste reservations in order to benefit the deprived castes among the Scheduled Castes. In the same year a Harijan conference was held in Hyderabad. A Professor named Vidhyarthi from Ranchi University revealed in the Conference the fact that only one or two castes among the list of Scheduled Castes have cornered the fruits of reservations. The meeting highlighted the importance of reservations and how development is possible through education and employment of all the Scheduled Castes. Accordingly the educated Madigas of Visakhapatnam along with employees gathered for meetings. In 1980 the 'Bahujana Seva Mandali' in Hyderabad under the leadership of Dr. Krishna Lal circulated a handout indicating the need for division of SC reservation into A,B,C, and D on the same lines the backward castes were categorized in the State (Victor, 2007: 4).

The year 1981 marked the beginning of Madiga movement in Andhra Pradesh by establishing 'Andhra Pradesh Madiga Sangam'. That was the first dalit association started with the sub-caste name under the leadership of B. Vidya Kumar. Under this organization, they demanded appointment of an enquiry commission for the redress of Madigas grievances. They sent representations to the government for equal shares in the fields of education, employment, and politics.

In 1981, Arundateeya Bandu Seva Mandali (ABSM) was started under the leadership of Gaddam Balakrishna and Kishan Lal. Many first generation Madiga employees played an active role in it. They demanded for the categorization of the reservations. They published a booklet titled *Status of Arundhatiyas* which contained the detailed statistics of the Madigas' economic status and social inequalities. Basing on that data, they started demanding 'reservation in proportion to their relative backwardness and their numerical strength' (Mutthaiah, 2004:188).

On 26 June, 1982, the youth members of the Andhra Pradesh Madiga Sangam dropped the pamphlets titled 'separate reservations for Madigas' from the gallery in the Andhra Pradesh Legislative Assembly, demanding the division of SC reservations into A,B,C,D. Later, that youth was jailed for 15 days for doing such action but later the punishment was reduced to two days. This created a situation for the political leaders to think about the Madigas and their discrimination among the Scheduled Castes.

A series of meetings were organized by the members of Madiga community in the year 1982 demanding the classification, and asking for 8.5 per cent reservations for Madigas and demanded to appoint an enquiry commission for the redressal of Madigas grievances. It was mentioned by few sources how the Malas dominated Madigas in utilizing the reservation benefits with regard to employment. According to Andhra Pradesh Madiga Congress (APMC) which came into existence in 1982 to protest against the inequality, found that out of six of the eight Scheduled Caste secretaries to the government, eighteen of the

twenty officers of the Indian Administrative Service, eleven of the thirteen officers of the Indian Police Service, seven of the eight advocates of the High Court, sixteen of the nineteen commercial tax officials, twenty of twenty four officials of the Andhra Pradesh Road Transport Corporation, thirty two of the fifty officers, 422 of the 475 doctors, 402 of the 487 engineers and the only scheduled caste judges of the High Court were Mala. They also claimed that five of the eight Scheduled Caste Members of Parliament (MPs) from the state, 33 of the 40 members of the State Legislature, three of the four ministers in the state cabinet, the three chairman of the Zilla Parishads and the Chief of the Andhra Pradesh Congress Committee are from Mala caste. The differences were known earlier and the demand of categorization of Scheduled Castes reservations into A,B,C,D was also asked earlier but nothing came out of that (Arundateeya Vidyavanthulu and Yuvajanulu, 1982).

On 4 November 1982, Andhra Pradesh Madiga leader, Davala Prasada Rao from Vijayawada, conducted first Madiga meeting with politicians, educated youth and employees belonging to Madiga community participating in it. That was the first huge public meeting under the caste name. In April 1984, there was a meeting by 'District Madiga Welfare Association' along with the 'Adi-Andhra Kendra Sangham' in Visakhapatnam through which they wanted to convince the government that the Madigas were underdeveloped and the categorization of SC reservations would enable the Madigas to develop in education and employment (Prasad, 2007:6).

The awakening of the Madigas is seen through the district level meetings and distribution of pamphlets circulated throughout the state in 1982. On 15 November 1982, in a meeting held in Ramachandrapuram in East Godavari District, the then social welfare minister K. Prathiba Bharathi of Mala community, attended the meeting and stated that she has no objection for the implementation of the categorization of the reservations into A,B,C, and D based on population (*Suprabatham*, 16 November, 1982). The support from the political leaders also started from different angles. This shows that the issue was not new

and the political leaders and the respective parties knew about the intense feelings about the problem of reservation benefits and the friction between the educated sections of the Malas and the Madigas.

As discussed earlier, there were many reasons for the under development of Madigas. The geographical distribution, reformist movements, Christian missionary work, and the strong national movement favoured Mala community because they are concentrated in the Krishna-Godavari belt (Chinna Rao: 2003). This created a situation that Scheduled Caste means only one single community, the Malas. Simon Chrasley wrote that the Malas were marginal landowners or landless labourers, got access to education under the influence of Christian missionaries and since then there has been no looking back. Malas perhaps made the best use of the reservation policy. Today, after 50 years of reservation policy, Malas are predominantly present in the reserved slots, whether in schools and colleges or government or in elected positions, in accessing and availing government's economic betterment programmes, housing and so on (Charsley, 2007).

Around the same time a regional party called Telugu Desam Party (TDP) was founded by the famous Telugu cinema actor N.T. Rama Rao in March 1982. The new party declared that the Madigas, the more populous community among the Scheduled Castes, were the most depressed among the Scheduled Castes. The election manifesto of Telugu Desam Party in 1983 general elections to the State legislative assembly promised that justice would be done to all the Scheduled Castes equally. The TDP won in the 1983 elections. Even though they promised equality and justice, they could not help the dalits from the atrocities happening to them in the hands of upper castes. After the massacres in Karamchedu in 1985 and in Chundur in 1991, the dalits directed their ire against the Telugu Desam Party as well as the Indian National Congress, the two parties that dominated the State politics for a long time. Since Madigas had experienced caste dominance of the Kammas and Reddys under the TDP and the Congress regimes they looked for political alternatives.

During the same time the Bahujan Samaj Party (BSP) was rising elsewhere in India. Its founder leader Kanshiram was from Chamar caste. The party denounced the atrocities against the dalits in the State and made it a campaign issue. Since the leader of the BSP hailed from Chamar community, which is akin to the Madiga caste in Andhra Pradesh, the Madigas thought that they would get a huge support from the BSP for categorization. The BSP leader could sense that there were already differences among the two major castes – the Malas owning up Ambedkar while the Madigas owning up Jagjivan Ram. In Andhra Pradesh, the Malas were more attracted to the BSP and as a result the Malas rose to leadership positions in the BSP. When differences cropped up once again the party about the distribution of reservation opportunities, the Malas took a stand against it and BSP supported them.

3.3 Disproportionate distribution of SC reservation benefits

In September 1985, the government of Andhra Pradesh had set up a Committee to review the implementation of the rules relating to the SC reservations in the State. It submitted its Report to the Legislative Assembly of Andhra Pradesh on 14 August 1987. It was called ‘Committee on the Welfare of the Scheduled Castes’. The chairman of the Committee was Karupati Vivekananda. This Committee visited seven districts to investigate the rule of reservation in appointments for the Scheduled Castes in various Government Departments, public undertakings, Corporations, Boards, Panchayat Raj institutions, educational institutions, Endowments Department, and Municipal bodies. It also met and spoke with ten Heads of Departments. When the Committee visited the districts, various Scheduled Castes organizations and individuals represented to the Committee to divide the Scheduled Castes reservations on the basis of groups taking into account their levels of literacy and population. This kind of grouping would further result in proper development of all the listed castes simultaneously and ensures harmonious growth among them.

The Committee found that in almost all the Departments rosters were maintained with regard to the rule of reservations in appointments. But against the Scheduled Castes candidates, it was mentioned only 'Scheduled Caste', whereas in reservations for the backward castes the categories of A, B, C and D groups were specifically mentioned. The report pointed out that this system of entry by specific category in the case of backward castes not only helps in assessing the actual number of candidates deriving benefits in a particular caste but also the genuineness of the caste. 'Since this system is not followed in the case of the Scheduled Castes, the caste of the candidates is not correctly known and it gives room for malpractices. Above all, the benefits derived by various castes of scheduled castes in educational institutions and in services cannot be appraised of' (Vivekananda Committee Report, 1987: 2). Therefore the Committee recommended the government to issue orders that the caste name be mentioned in the caste certificates.

The Committee also recommended to the government to examine the issue in greater detail to categorize the Scheduled Castes into various groups as was done in case of backward classes (Vivekananda Committee Report, 1987: 3). It suggested fixing the turn in roster for appointments for different Scheduled Castes. The possibility of revising the roster system was discussed with the principle secretary to government and the Social Welfare Department in the meeting of the Committee held on 12 June 1986. But the principle secretary could not throw much light on this point. The committee was unable to understand the reluctance of the government to fix roster points for different Scheduled Castes as the present practice of bunching all the Scheduled Castes together prove to disadvantageous to the some Scheduled Castes. The Committee also recommended at that time to increase the reservations quota for the Scheduled Castes from 14 per cent to 15 per cent.

The Committee raised the question of genuineness of caste certificate because there was controversy at this time about the issue of caste certificate to the Scheduled Caste persons. The government issued orders in 1985, which said that

‘whereby all the gazette officers of the state government and the Mandal Revenue Officers, irrespective of their cadre, were made competent to issue caste certificates in favour of the Scheduled Castes, Scheduled Tribes and backward classes for purpose of appointment in services, admission into educational institutions, scholarships and other concessions to which their communities are eligible. However several instances of bogus caste certificate in the name of Adi-Andhra community were reported during this time.’ As a result, in 1986, the government amended the procedure for issue of caste certificates. According to that, the SC caste certificate should be issued by only a Revenue Officer not below the rank of Revenue Divisional Officer/Sub-collector (ibid: 6). The Committee perhaps felt this problem could be overcome by mentioning the specific caste of the candidate at the time of appointment.

But not much had happened after this Report. The Madiga leaders began to gather information about the differences among Scheduled Castes in terms of availing educational opportunities and public employment. They visited various places and set up committees with local activists to look into these issues. The caste consciousness among the Madigas and other allied sub-castes developed during that period. Many people came together against the disproportionate distribution of reservations and contributed to the Madiga protest. The Madiga employees at all levels started gathering in different places and discussed about the injustice happening to them and gathered various opinions on how to tackle the problem. The Madigas began to develop their own ideology of social justice for equality and self-dignity. The question of categorization was more discussed among the urban Madiga middle class people in cities. In rural areas this was not an issue, although some of the rural people have heard about this. However, the mass media helped to take the issue to wider audience and raise their consciousness of the Madigas in favour of categorization (Interview with Krupakar, 21September, 2010).

It was mentioned in the Constitutional debates that a review should be done every year whether the least developed members of the caste hierarchy are able

to achieve the development or not. If not it is the responsibility of the state to initiate measures to rectify the situation. An examination of the data concerning the availing of reservation benefits among the Scheduled Castes clearly reveal an entrenched pattern where a section of Scheduled Castes corner most of the opportunities at the cost of others in the category. In the case of Andhra Pradesh, it is the Malas who have benefited from caste-based reservations in a highly disproportionate manner, and the Madigas, although make up more than half of the total SC population are left way behind. The following table reveals this disproportionately very clearly.

Table 3.1: Scheduled Castes Students Admissions in Educational Institutions of Andhra Pradesh in Academic Year 1996-1997 (in percentages)

Educational programmes (In all educational institutions)	Mala	Madiga	Adi- Andhra	Relli
B.Tech.	64	26	10	--
B.E.	73	23	4	--
M.B.B.S.	77	20	3	--
LAW	56	37	7	--
B.Ed. (Teacher training)	71	28	1	--
Sciences (M.Tech. and M.Sc.)	65	33	2	--
Arts and Commerce (M.Com, and, M.A.)	71	28	1	--
Degree Courses (B.Tech, B.Sc, B.Com, B.A)	68	29	2	1
APSW Residential Schools (Class 5 to Intermediate)	62	35	2	1
Admission to Civil Services coaching institutions	89	10	1	--

Source: Ramachandra Raju Commission, 1997

Table 3.2: Scheduled Caste employees of Andhra Pradesh, 1991 (percentages in parentheses)

Departments	Major Groups				Total
	Mala	Madiga	Adi- Andhra	Relli	
Total SC Employees	62055 (70)	20384 (23)	6149 (6)	1.33 (1)	89921
Central Govt. PSUs	5896 (52)	3756 (33)	1112 (10)	83 (1)	1084

State PSUs	735 (62)	369 (31)	33 (3)	3 (0)	1140
Local Bodies	1675 (43)	1431 (37)	383 (10)	348 (9)	3837
APSW Residential educational institutions	303 (57)	202 (38)	3 (1)	3 (0)	511
State Govt. District offices- sweepers and PH workers	10703 (50)	7282 (34)	2402 (11)	577 (3)	20964
State Govt District offices	10402 (55)	6025 (32)	1822 (10)	-	18249
Secretariat (19 Departments)	169 (63)	70 (26)	20 (8)	-	259
Head of the Departments (66 depts.)	2101 (60)	1216 (34)	149 (4)	43 (1)	3509
Universities	534 (43)	423 (34)	110 (9)	150 (12)	1217
Tirumala Tirupati Devasthanams	951 (61)	357 (23)	115 (7)	126 (8)	1549
IAS officers in the State	32 (76)	10 (24)	-	-	42
IAS Officers in with the Union Govt. and other States	85 (85)	15 (15)	-	-	100
IPS Officers in the State	10 (77)	3 (2)	-	-	13
IPS Officers in with the Union Govt. and other States	25 (86)	4 (14)	-	-	29
Deputy collectors	50 (78)	14 (40)	-	-	64
Magistrates	25 (86)	4 (14)	-	-	29
Government pleaders	15 (83)	3 (17)	-	-	18
Health Dept. officers	17 (77)	5 (23)	-	-	22
Social Welfare Dept. officers	4 (80)	1 (20)	-	-	5
APSRTC officers	20 (83)	4 (17)	-	-	24

Source: Retired Madiga Officers' Forum, 2007:13

This uneven representational of various Scheduled Castes and their uneven development as a consequence shows that the main objective of social justice as laid down in the Constitution is not yet fulfilled. There is a huge gap between the promise of the policy of reservations and the outcome which did not favour the least advantaged classes within the Scheduled Castes. Many sub-castes are not even aware of the policies meant for them. In fact, some of them hardly figure in

education and employment. They had hardly any voice in the policy making or policy monitoring. Representative of the Scheduled Caste do attend government meetings, policy briefings and evaluation. Since most of the government officers belong to Mala community, nearly the aspirations of 58 other SC communities go unheard and unattended.

The MRPS maintained that it is the responsibility of the government to take care of the people who are struggling at the bottom. Manda Krishna argued that ‘the Madigas are deprived socially, but not culturally. They are skilled people, who make leather out of dead cattle and other goods. They are hard workers and they served the society well for ages. Now they are fighting for justice not only for themselves but for the other downtrodden communities too’ (Interview with Krishna, 22October, 2009). The struggle for categorization is not a fight against the Mala community, but the struggle against the hierarchy within the Scheduled Caste category. The main objective of the MRPS is that the reservation benefits should be made available for all those neglected communities among the Scheduled Castes who are still engaged in menial jobs.

3.4 The emergence of the Madiga Reservation Porata Samiti

The movement for categorization of the Scheduled Caste reservations was launched by the Madiga Reservation Porata Samiti (Madiga Reservation Struggle Committee) emerged when about twenty young members of the Madiga community met at village called Eedumudi in Prakasam District in Andhra Pradesh on July 7, 1994. The initiative was taken by Manda Krishna. The founder leaders termed it the ‘Dandora Movement’. Dandora has a cultural and symbolic significance. The Telugu word ‘dandora’ means to proclaim by beat of a large drum or tom-tom (dappu in Telugu), which has been traditionally done in olden days by a Madiga. The traditional instrument of dappu is made of leather.

The Madiga Reservation Porata Samiti (MRPS) leaders claimed their movement as ‘social justice movement’ as the Madigas suffer from injustice in getting the

reservation benefits. They wanted to dispel the generally prevailing notion at that time that all the Scheduled Castes were equally underdeveloped, discriminated and subjected to hardships. Even the leaders of the MRPS too for a long time thought likewise. Now they realized the tremendous inequalities among the Scheduled Castes, especially when it came to accessing the SC reservations. They realized that while underdevelopment is the general characteristic of all the Scheduled Castes, some Scheduled Castes in the State are more underdeveloped compared to certain other Scheduled Castes. This condition is largely due to the disproportionate distribution of reservation benefits. Since Malas have a historical head start in education, they were able to make use of reservations that were available for Scheduled Castes in general in a disproportionate way. Although the Madigas were larger in number compared to Malas, their share in reservation benefits remained very low, disproportionate to their population size. This realization made the Madiga activists thought of organizing the Madiga youth. They together thought of organizing the Madiga youth in Prakasam district and to develop them by telling what was happening to the Madigas and then decided to make the issue public as early as possible so that they get the reservation benefits.

Founders of the MRPS were convinced that if the situation of the numerically large Madiga community was so pitiable, the condition of other numerically smaller and more backward sub-castes would be much more miserable. They sensed that the demand for categorization that was hanging for quite sometime could not gather momentum because there was no sufficient awareness about the issue among the Madiga people. That it could not become a mass movement could be also due to lack of education among the Madigas. They began to conduct awareness meetings in various the districts with active participation from the Madiga youth at the local level. Some of those who were working in Maoist and Naxalite movements in the State were attracted towards the MRPS. They realized that problem of caste, more than class, had to be urgently addressed and categorization issue is one such problem to be resolved for the betterment of the most disadvantaged section of the Scheduled Castes. The MRPS drew

considerable support from the Madiga middle classes and employees. The 'Arundateeya Bandu Seva Mandali' which was formed by the employees of Madiga community supported the MRPS (Muthaiah, 2004: 187).

The Dalit Mahasabha came forward to discuss the issue and held a meeting of the dalit leaders at Chirala on 7 July 1994. Manda Krishna ardently spoke about the problem and how the Madiga population was facing deprivation. He argued that the reservations were not utilized equally and most of the beneficiaries were from Mala community. Hence there is urgent need to persuade the government to divide the Scheduled Caste reservations according to the population ratio. He appealed for the support of Mala leaders present there, since they were all part of an organization for the equal protection of the dalits (Prasad, 2007).

On the contrary, heated exchange of words and tensions flared up in the meeting. Those present at the meeting got divided on caste lines. The Mala leaders launched attacks against the arguments of Manda Krishna. The slogan of dalit unity was soon evaporated like thin air as the participants were divided along their respective caste lines. Manda Krishna did not react to the attacks. He understood that Malas were exhibiting the same mentality of upper caste domination and were not concerned about the plight of other Scheduled Castes. That was the time the Madiga members thought that no one will ever help them but they have to fight for their own cause (Interview of Manda Krishna 2009).

Urge for separate identity, demand for recognition and dignity, and due place in the availability of reservations became the ideology for the movement. The leaders traced their identity to Arundhati and Jambavanta and claimed that they were the original sons of the soil. The lineages of the Madigas were traced to the rulers in the mythological stories and history. They identified that some the chiefs of the army under the Kakatiya kingdom and the warriors in the Palnadu battle were Madigas. The dappu was used as the symbol of Madiga identity and resurgence. As mentioned earlier, the movement was christened as 'Madiga Dandora' (drum beating), because drum beating in the villages to spread news or perform in the social functions had been the traditional occupation of the Madiga

people (Charsley 2007, Prasad 2009). ‘*Dappu*’, tom-tom or drum, (a traditional instrument of Madigas to spread news in the village or play in social functions) became the logo of the MRPS. Since they were fighting for the identity and self respect and in order to promote unity among the Madigas, the leaders added their caste name at the end of their given names. Thus Manda Krishna became Manda Krishna Madiga and Ponugoti Krupakar became Ponugoti Krupakar Madiga. Bearing of the caste title is an assertion of one’s own dignity through the elevation of caste identity. They thought if the Brahmins, Reddis, Kammas, Kapus, Yadavs, Gouds, etc could use their caste name in their names, why the Madigas should not do it and publicly display their caste identity. This also enabled to bring a feeling of fraternity among the caste people.

They claimed that due recognition and respect must be accorded to the traditional occupation of the Madigas, namely leather work. According to them, the Madigas were engaged in an important occupation of removing dead cattle from the village, and take the skin off the dead cattle, and use the skin to make chappals, bags to carry water, and other goods used by farmer in cultivation. Removing dead cattle was not exactly a pleasant work, and tanning leather involved hard work. The services of the Madigas were essential all sections of society, including the ones at the bottom to the ones at the top. However, the Madigas did not gain much from this, either materially in terms of wealth or socially in terms of respect. They were also indifferent to their living conditions for a long time, and that was the reason why they could not fight against the injustice meted out to the Madiga community over the centuries (Interview with Manda Krishna, 2009).

The MRPS followed the ideology of Ambedkar and Jagjivan Ram to develop their own community and as well as develop the downtrodden communities. As Ambedkar said that even the least developed community of the scheduled caste list should be able to enjoy the Constitutional rights. Then only our country can be considered as democratic. ‘Our demand is very clear. There are inequalities among the sub-castes. We want the cake of reservations to be distributed equally

according to the population proportion' (Interview with Krupakar, 2009). According to Krupakar MRPS wants categorization of reservations not to divide the Scheduled Castes but to forge unity among them and this unity shall be on equal footing. T.N.Sadalakshmi said that from past 47 years the Malas were enjoying the fruits of reservations without any competition in the name of Scheduled Castes. All the political parties and leaders were suppressing the Madigas in a particular way and it all started from the Damodaram Sanjeevayya's regime. Many political leaders from 1989 justified the demand of Madigas for categorizing the reservations (*Andhra Pratrika*, 6 June, 1990).

Manda Krishna said that 'the time has come for us to organize ourselves. We are being dubbed as castiest. After all; Mahar association was started by a person who is no less than Ambedkar. The Malas are apprehensive of the consequences of separatism. They fear that we will receive the demand for the delisting of the Mala from the SC list. That is not our purpose. We want to protect ourselves. The Malas now want a unified movement. How can this be possible when we have never been united?' (Prasad 2007: 34).

3.5 Summary

People of the Madiga sub-caste and its allied castes demanded the government to consider the condition and provide the alternative for their development. The demand raised by the Madigas for categorization became serious with the emergence of a social movement under the banner of the Madiga Reservation Porata Samithi. A social movement undoubtedly involves collective action as distinct from individual action. However, if collective action is sustained it takes the form of a movement. The ideology affects the collective mobilization in bringing about a change partially or totally. When an individual or group realizes that injustice is meted out to them, they start questioning the state. This has happened in the case of Madigas in the distribution of reservations. The MRPS had launched a social justice movement with an aim of overall development of

all the Scheduled Castes and not just the Madiga community. The MRPS demanded that the government should divide the Scheduled Castes into A, B, C, and D groups, on the basis of social and educational backwardness and degree of development. The MRPS considered the task involved a long march on the road of equality and equal opportunities with an aim of achieving social justice. What began as an organization of a few individuals in a remote village of Prakasam district began to spread to other districts and regions, to which we will turn in the next chapter.

Chapter IV

The sub-categorization movement and the variegated response

The demand for the sub-categorization of SC reservations assumed greater militancy with the formation of the Madiga Reservation Porata Samithi (MRPS) in 1994. It soon snowballed into a movement with the availability of a leadership that can effectively articulate the Madiga grievances. In the first phase of the movement, the MRPS provided an impetus for initiating the process of sub-categorization of the Scheduled Castes. In this period MRPS conducted huge meetings, organized dharnas and mobilized public opinion in favour of categorization. Its firm decisions gave a positive push for categorization proposals from the government. The MRPS persisted with unrelenting propaganda, protests, agitations and representations to persuade the government into action.

The activities by the MRPS attracted hostile opposition from the Mala leaders, under the banner of Mala Mahanadu. However, the sub-categorization movement drew support from many other caste organizations too. The sub-castes that never had recognition also came into limelight and fought for their betterment and rights. This in turn pressurized the government to act favourably towards the issue of categorization. Most of the political parties, mainly due to their electoral compulsions sided with the demand for categorization in principle in the name of extending social justice to the most disadvantaged among the Scheduled Castes, although at times one can notice high ambivalence when it came to open support. Whether categorization is a political game or a political party's response to the huge social movement was widely debated during this time. Finally, the High Court of Andhra Pradesh declared that Government Order in favour of categorization is not constitutionally valid, delivering a heavy blow to the aspirations of the Madigas for justice.

The present chapter discusses the various aspects of the sub-categorization movement in this initial phase.

4.1 The sub-categorization movement gains momentum

The activities of the fledgling MRPS began by collecting data about the status of Madigas in education and employment. Soon, offices were set up in several districts and they were given the task of organizing meetings and mobilizing people at the local level. Meetings were held in the *Madigawadas* in different places. The Madiga employees and few educated youth in the localities got involved in the MRPS activity with enthusiasm and hope. In 1995, MRPS movement organized public meetings in different places like Vijayawada in coastal Andhra, Kurnool in Rayalseema, and in the State capital city of Hyderabad. MRPS conducted meetings in Ongole with 60,000 people, in Visakhapatnam with 40,000 people, in Nellore with 25,000, in Vijayawada with 25,000 people, and in Kurnool with 30,000 people (Prasad, 2007).

Activists of the MRPS organised a state rally on 31 May 1995, in Ongole, Prakasam district, to fight for the categorization of reservations (*Eenadu*, 1 June, 1995). This was the first state level activity undertaken by the Madiga Reservation Porata Samithi (MRPS). It gave a call for all the Madigas to participate in the big rally called ‘Chalo Hyderabad’ in the last week of March 1996 in order to show the strength of Madiga population and in support of their demand for the categorization of reservations (Madiga Reservation Porata Samithi, 20 February, 1996). On March 22, 1996 the then Chief Minister, Nara Chandra Babu Naidu, held a meeting with the MRPS leaders. He said that ‘the Madigas demand was just and that he will take up the matter within ten days after the Parliamentary elections’ (*Eenadu*, 20 February, 1996). The MRPS leaders requested the government to stop the recruitment for backlog positions till the government decided on the categorization issue (*The Hindu*, 23 March, 1996).

On March 23, 1996, there was a discussion on Madigas demand in the Zero Hour in Andhra Pradesh Legislative Assembly. Rajaiah, a Madiga MLA, stated that

Madigas who constitute 56 per cent of population were not even getting 20 per cent opportunities and thus the SC reservations need to be divided like the BC reservations where all the SC communities can develop. After the session ended the ruling party promised that the issue will be dealt after the elections. The CPI member Nageshwara Rao said that if the government thought that the demand of Madigas was justified then let them accept it. He further mentioned that since very long time they were asking for justice. Now lakhs of people are coming to Hyderabad to demand for categorization and hence government should respond on it promptly. The BJP member Vidyasagar Rao participated in the discussion saying that elections should not be an obstacle to deal the issue and should be given priority (*The Hindu, Andhra Prabha*, 24 March, 1996).

On 25 March 1996, the MRPS staged a protest rally, called 'Chalo Assembly' in Bashirbagh, Hyderabad. Leaders of all the major political parties, including the Chief Minister, attended the meeting. In that meeting the MRPS co-convenor Krupakar said that more than Madigas the most backward communities among Scheduled Castes like Dakkalis must get reservations equally (*Andhra Prabha*, 26 March, 1996). On 8, 16, and 30 July 1996, the MRPS staged a *rasta roko* (blocking the roads) in various places in the State.

It did not take much time for Madigas to respond and conducting rallies in support of their cause. After the huge gatherings in all the places in the previous years, MRPS once again gave a call for 'Chalo Assembly' programme to demonstrate against the continuing injustice. On September 2, 1996 there was a big rally in Hyderabad demanding classification of reservations into A, B, C, D groups (*The Hindu*, 3 September, 1996). Thousands of Madiga activists, employees, students and other sub-castes people from Relli, Paki, Dakkali, Chindu, Budaga Jangam, Baidla, and Mehtar castes as well as the Madiga allied castes from 23 districts joined the rally. The rally started from Indira Park, the designated hub of protest demonstrations in the capital city, and reached Babu Jagjeevan Ram (BJR) statue near the State Secretariat (*Andhra Bhoomi*, 3 September, 1996). Most of the people were beating drums, wearing black shirts and black badges, shouting slogans praising the Madigas and asking for A, B, C,

D categorization. The rally led to severe traffic jam and the police had to resort lathi charge on the activists. It went on for twenty two hours until the leaders of the ruling party came and promised that they will set up a commission to inquire into the issue of categorization of SC Reservations. In this manner they attracted the large number of people and conveyed to the general public and the government that there are many castes in the group of Scheduled Castes. The voice of marginalized among the Scheduled Castes, reached every individual all over the State and the nation (*Eenadu*, 3 September, 1996).

The Chief Minister, Chandra Babu Naidu, declared in the Andhra Pradesh State Legislative Assembly on 2 September, 1996, that 'basing on Inquiry Commissions Act, 1952 he will set up a commission headed by a retired High court judge and that the commission will submit the report within three months' (*The Hindu*, 3 September, 1996). The MRPS did not pause the movement, but continued with their meetings and gatherings to explain the situation and to motivate themselves towards the cause. On 8 October 1996, it organized *Madiga Mahila Samaikhya Sadassu* (Madiga United Women Convention) in Yadagiri Gutta in Nalgonda district to motivate Madiga women and to gather their support (*Andhra Bhoomi*, 21 October, 1996). On 20 October 1996, in the town of Eluru of West Godavari district, it held *Madiga Vidhyarthi Samakhya Sadassu* (Madiga United Student Convention) to mobilize support among the students (*Andhra Jyothi*, 21 October, 1996). On 12 January 1997, in Hanmakonda, Warangal district, *Madiga Udyogula Rashtra Sadassu* (Madiga Employees' State Convention) was conducted (*Andhra Bhoomi*, 13 January, 1997). On 27 and 28 February 1997 *Madiga Yuva Sena Raashtra Sthayi Sikshana Sibiram* (State Level Workshop for Madiga Youth) was conducted in Nagar Kurnool and Mahboobnagar for the Madiga youth which was a kind of training programme to bring greater awareness about the categorization issue. In Andhra University, Visakhapatnam, they conducted *Madiga Vidyarthula Rashtra Sadassu* (State level convention of the Madiga students), on 2 March 1997 (*Deccan Chronicle*, 3 March, 1997). It brought Madiga students from all over the State to motivate them and also to enhance their participation in the sub-categorization movement.

Since it was the first movement of its kind, Madigas in large numbers turned towards the movement positively and extended their helping hand in whatever possible way they could.

The *Madiga Maha Padayatra* (The great foot march of the Madigas) was a major event. It was the strategy adopted by the MRPS leaders to pressurize the government to take a positive and immediate action on the categorization issue. Manda Krishna started the *padayatra* (foot march) on April 14, 1997 from the then Chief Minister, N.Chandra Babu Naidu's home town, Naravaripalle in Chittoor district, with the blessings from his parents. The *padayatra* passed through seven districts, covering more than 1,000 kilometers. The youth of the Dandora movement walked at least twenty kilometers a day and rested in the *Madiga basti* (area) at nights (*Eenadu*, 15 April. 1997).

In all the places they were received with joy and respect by playing the *dappu* (Madigas' traditional drum). The leader Krishna Madiga said in an interview that in three-year long struggle they did not cause any destruction of public or private property worth even a rupee. He claimed it as unique because it is based on social justice principle and did not depend upon the support of any political party. He stated: 'Our weapon is not gun but drum. We will beat our drums so loudly that the ruling classes would have to heed us or their ear drums will burst' (Akhileswari, 1997). He compared the Madiga movement with the long march of Mao and Dandi March of Gandhi to mobilise and fight for social justice as enunciated by B.R.Ambedkar.

The aim of the MRPS movement was to remove the social disparities among various sections of the Scheduled Castes. Apart from demanding justice, the movement was aimed at emphasizing the fundamental rights of all persons. The *padayatra* helped the Madigas in exposing the injustice meted out to them in the past 50 years in the name of combined reservations. It also helped the Madigas to learn more about the teachings of B.R.Ambedkar. Krupakar Madiga, convenor of MRPS stated that 'our struggle has been for human dignity, our fundamental

rights and it has been peaceful and yet we have been treated so shabbily' (Charsley, 2008).

4.2. Ramachandra Raju Inquiry Commission

By 2 September 1996, the sub-categorization movement by the MRPS completed two years of its life. On that day, the then Chief Minister N. Chandra Babu Naidu of the Telugu Desam Party made a statement in the Assembly that 'in the recent months there had been persistent demand from a certain section of people belonging to Scheduled Castes. They asserted that a disproportionately large number of benefits have gone to a particular sub-caste among SCs and thereby demanding for categorization of sub-castes among SCs into A, B, C, D groups. In view of the persistent demand raised, government after careful consideration decided to set up a statutory commission under the Commission of Inquiries Act, 1952, to look into the issue and to suggest suitable remedial measures' (*The Hindu*, 3 September, 1996). Accordingly on September 10, 1996, a Commission otherwise called 'One Man Commission' headed by a retired High Court judge, Justice Rama Chandra Raju was appointed. The Commission of Inquiry was charged to examine:

- (a) Whether a disproportionately large number of benefits have gone to any particular sub-caste of the Scheduled Castes; and
- (b) If so, to indicate such steps as are required to be taken to ensure that the above benefits are equitably distributed among the various sub-castes of the Scheduled Castes (Ramachandra Raju Commission, 1997; 4).

The Commission issued a notification inviting representations from individuals and associations relevant to the subject matter of inquiry. It was sent individually to all the Ministers, Speaker of the Assembly, all Members of Parliament, Members of the Legislative Assembly of Andhra Pradesh, Head of Departments, District Collectors, District Judges, Superintendents of Police, Chairmen of Zilla

Praja Parishads, and various universities. The representations received from all the Scheduled Caste associations and Scheduled Caste individuals for and against categorization of reservations. The Commission received statistical data regarding the Scheduled Caste employees (sub-caste wise) in various government Departments, State government public sector undertakings, local bodies and cooperative institutions. The Commission also received data about appointments of SCs from various service commissions, for the period 1990 onwards (*Indian Express*, 15 September, 1996).

The Commission reviewed literature related to the Scheduled Castes, the previous official reports concerning caste reservations, and the judgements of higher courts in this matter. The data on education and employment revealed unequal development of different sub-castes: Malas were found to be at the top followed by Madigas and others. The analysis was made with regard to enrollment made in various government schools, colleges and universities like Jawaharlal Nehru Technological University to which most of the engineering institutions in the State are affiliated, and a few old universities such as the Osmania university and Sri Venkateswara university and also from Medical colleges, Law colleges, Andhra Pradesh Social Welfare Schools, Residential schools and junior colleges. When it comes to employment sub-caste wise, the Mala group accounted for 62 per cent, the Madigas accounted for 35 per cent, and the Relli accounted for 2 per cent (Ramachandra Raju Commission, 1997: 43-45). Thus, it was the first time in any State an official commission made a systematic probe in the matter of the distribution of Scheduled Caste reservations in India.

The Commission came to the view, on the lines of the view taken by Justice Krishna Iyer in State of Kerala Vs N.Thomas case, that the Scheduled Castes are a mixed bag of tribes, races, groups, communities and non castes outside the four fold Hindu division (ibid: 4). All the Scheduled Castes have their own distinctive cultures, languages and have always been heterogeneous and then such a gradation exists among the socially backward people was vindicated by the

discussion from the division among backward class' reservations into four different categories by the Anantharaman Commission of enquiry and Muralidhara Rao Commission into five groups.

One important aspect of the appointment of Rama Chandra Raju Commission and its proceedings is the recognition that there is no Constitutional bar on the creation of the compartments and layers by the State in allocating the reservation benefits. 'The Constitution seems to envisage that preferences for Scheduled Castes and Tribes will be more extensive than those for Backward Classes, a distinction corresponding to their relative lack of resources and opportunities' (Ramachandra Raju Commission, 1997: 18-19). There were already instances of preferential treatment for the most backward sub-castes within the Scheduled Castes as had been recommended by the 'Central Advisory Board for Harijan welfare'. Such preferential treatment was shown by Punjab State Government in favour of Mahjabi Sikhs and Panchamas under the leadership of Chief Minister Giani Zail Singh in the year 1975. The state government of Haryana also decided to classify its SC population in the year 1994 into two blocks, A and B. The 'A' groups chamars were provided with 50 per cent of the jobs and all the non-Chamars were kept in 'B' group who were entitled for the remaining 50 per cent reservations (Kumar, 2009: 265).

Based on this analysis, the Commission arrived at the view that sub-categorization of SC reservations is the way to rectify the imbalances among the Scheduled Castes and ensure that the benefits of reservations policy are equitably distributed. On 28 May 1997, Justice Rama Chandra Raju submitted his report. It arrived at the conclusion that there was disproportionate distribution of reservation benefits in favour of the Mala group and Adi-Andhra group of the Scheduled Caste communities compared to their respective populations. The 'Madiga' group and 'Relli' group of communities are not adequately represented either in public appointments or in educational institutions compared to their respective population. The Commission also felt that there was no constitutional bar in categorising these SC communities on rational basis, labeled as A, B, C,

and D. The report also laid down a framework for sub-categorization of SC reservations. The various recommendations of the Commission were as following:

1. The 'Relli' group of communities is the most backward among the SC communities. They are categorized as 'A' with reservation entitlement of 1 per cent both in public appointments and admission to educational institutions;
2. The 'Madiga' group of communities is the next most backward among the SC communities. They are categorized as 'B' with reservation entitlement of 7 per cent both in public appointments and admission to educational institutions;
3. The 'Mala' group of communities received the benefits of reservation highly disproportionate to their population. They are categorized as 'C' with an entitlement of 6 per cent both in public appointments and admission to educational institutions;
4. The 'Adi-Andhra' group of communities received the benefits of reservations adequately and they are categorized as 'D' with an entitlement of 1 per cent both in public appointments and admission to educational institutions;
5. The existing percentage of 15 per cent of reservation for the Scheduled Castes need not be enhanced;
6. Dalit Christians are excluded from encroaching into the reservations made in favour of the Scheduled Castes till such time as the President of India decides to include them in the Scheduled Castes list;
7. Creamy layer of Scheduled Castes to be excluded from receiving any reservation benefits in public appointments and admission to educational institutions;
8. The categorization now made into 'A', 'B', 'C', and 'D' groups does not apply to posts or admissions to educational institutions in the Central

government or in Central government corporations or Central government public sector undertakings; and

9. Mandal Revenue Officers (MRO) of the Government should be treated competent to issue the social status certificates in respect of all SC communities instead of three officers of different grades (Ramachandra Raju Commission, 1997: 18-19).

Thus, the Commission grouped various sub-castes into four categories. Group A consisted of 12 Relli and allied sub-castes, Group B consisted of 18 Madiga and allied sub-castes, Group C consisted of 24 Mala and allied sub-castes, and Group D consisted of 5 Adi-Andhra and allied sub-castes. Thus, these groups are caste clusters or blocks around a major sub-caste. The chart below shows the categorization recommended by the Commission and the various reservation shares for each of the groups:

Table 4.1 Categorization of Scheduled Castes into ABCD

Category	Names of the sub-castes	No. of castes	Extent of reservation
Group A	Relli, Bavuri/Yavuri, Chachati, Chandala, Dandasi, Dom/Dombara/Paidi/Pano, Ghasi/Haddi, Chachandi, Godagali, Mehtar, Paki/Moti/Thoti, Pamidi, Relli and Sapru	12	1 per cent
Group B	Madiga, Arundhateeya, Beda/Budaga Jangam, Baindla, Chamar/Mochi, Chembar, Dakkal, Dhor, Godari, Jaggali, Jambavulu, Kolupulavandlu, Madiga Dasu/Mashteen, Mang, Mang Garodi, Matangi, Samagara, Sindhollu/Chindollu	18	7 per cent
Group C	Mala, Adi-Dravida, Anamuk, Arey Mala, ArawaMala, Briki, Byagara, Chalavadi, Yellamalawar/Ellammalawar, Gosangi, Holey, Holey Dasari, Madasikuruva/Madarikuruva, Mahar, Maladasari/Maladasu, Malahannai, Malajangam, Malamashti, Malasale/Malanetakani, Malasanyasi, Mashti,	24	6 per cent

	Mundala, Pmabada/Pambanda, Samban		
Group D	Adi-Andhra, Mashti, Mitha Ayyalwar, Paria/Panchama, Neo-Budhists	5	1 per cent

Source: Rama Chandra Raju Commission, 1997: 13-31.

4.3 Institutional response: Conflicting views of government, National Commission and the Judiciary

The Government constituted a Cabinet sub-committee to examine the report of the Commission in depth. It concurred with the view that there was disproportionate distribution of reservation in favour of Mala and Adi-Andhra groups of SCs compared to their respective population and both Madiga and Relli group of communities are not adequately represented either in public employment or in educational institutions compared to their respective population. The Cabinet sub-committee accepted most of the recommendations of the Commission except the one to exclude persons belonging to creamy layer from receiving reservation benefits. (Jayaraju, 2007: 40).

But the government dillydallied with the matter without taking a decision. While the MRPS leaders were happy with the recommendations of the Inquiry Commission, and the subsequent approval by the Cabinet sub-committee, they were dissatisfied at the procrastination of the government in issuing the necessary government order. What mattered finally for the MRPS was a positive action from the government to enforce the recommendations of the Inquiry Commission. The MRPS wanted to mount pressure on the government to take action on the decisions of the Cabinet sub-committee. It wanted the government to expedite the process of issuing a Government Order on the categorization issue so that the Madigas and the other communities would not lose reservation benefits for the current academic year (*The Hindu*, 6 June, 1997). It gave a call to the Madigas to take out foot marches every where which culminate in a rally in the capital city. The MRPS conducted state-wide foot march under the leadership of Krishna Madiga. It had covered 1,160 km between April 14 and June 6, 1997,

bringing Madigas on to one platform to achieve the demand of categorization. On 6 June 1997, the MRPS took out huge procession in Hyderabad from Indira Park to Nizam College grounds. The meeting at Nizam College grounds was attended by nearly 10 lakh Madiga people (Jayaraju, 2007: 42). The leaders and those attended the rally stay put there demanding a positive response from the government within 12 hours. The Chief Minister had to concede to the demand and announced that the GO would be immediately issued. It was an occasion for the Madigas to celebrate their victory (*Andhra Prabha*, 7 June, 1997).

The Government of Andhra Pradesh issued orders (GOAP, G.O.M.S. 68) on the same day providing for categorization of the scheduled caste communities falling under four categories (Government of Andhra Pradesh, 1997). The Government Order incorporated the categorization of the SC sub-castes and the share for each of the categories in reservations as recommended by the Ramachandra Raju Commission. It said that the Relli group of communities is the most backward among the SC communities, followed by Madiga, Mala, and Adi-Andhra group of communities. The 33 per cent reservations for women in public services shall be adjusted by allotting two seats in each roster cycle of 100 points for Madiga group and Mala group, and one seat alternately for Relli group and Adi-Andhra group. If eligible candidates are not available to fill the slots reserved for them in the roster points, the slots may be filled in by the candidates belonging to the next lower group or category of the Scheduled Castes in the order of backwardness mentioned above. For example, if an eligible candidate is not available against the roster point fixed for Relli group in the category of A, the roster point may be filled by the next lower category of Madiga group in category B. The same principle applies in the of women candidates within the reserved quota. A vacancy will be filled by a candidate a community other than the SC only in cases no eligible SC candidate belonging to any of the A, B, C, and D categories is available (Government of Andhra Pradesh, 1997).

Giving effect to G.O. M.S. No. 68, the Government issued the very next day another GO (GO M.S. No.69) on 7 June 1997 which said: “The Government

hereby orders that wherever the selection process for backlog vacancies/regular vacancies is at various stages, such as (a) the vacancies have been notified, (b) the applications have been received, (c) the call letters have been sent to the applicants to appear for written test or an interview or both, (d) the written tests or interview or both have been completed but the appointment orders have not been dispatched or selection has not been intimated to the applicants, in such cases the appointing authorities shall complete the selection process based on the A, B, C, and D categories of Scheduled Castes, reserved at the roster points” mentioned in the G.O. M.S. 68 (*Andhra Prabha*, 8 June, 1997).

The MRPS leaders considered the issuance of the GO as a victory for the cause of the Madigas and held meetings on future responsibilities. At the meetings, the leaders reminisced about their long struggle which began in 1994 and how they continued it with all ups and downs in their struggle for justice. The leaders announced that the Madiga Dandora entered a new phase of movement to ensure implementation of categorized reservations (*Andhra Prabha*, June 8. 1997).

However, a stiff resistance came from the elite of the Malas. They started an organization called ‘Mala Mahanadu’ under the leadership of P.V.Rao in the year 1997 (Chinna Rao, 2003). P.V. Rao, a state government employee hailed from East Godavari district, Andhra Pradesh. He started the *Mala Mahanadu* in order to stop the government’s process of making categorization. A group of Mala leaders like Jupudi Prabakar Rao, Karem Sivaji, Mallela Venkat Rao started the organization to fight against the categorization. They claimed that the TDP leader Chandra Babu Naidu is dividing the dalits and got the former naxalites to form an organization called MRPS and dividing the Malas and Madigas under the categorization. (Interview with Malyadri, 15March, 2009).The Malas were afraid that the GO would adversely affect their opportunities in education and employment. They also saw the GO as a politically motivated step to divide the Scheduled Caste population to reap electoral dividends for the ruling party.

The Mala Mahanadu mounted a vigorous campaign against categorization of SC reservations. It was critical of the government for supporting and implementing

categorization. It maintained that the classification of the Scheduled Castes is a political ploy and such a move is against the Constitution. They argued that the Presidential Order listing the Scheduled Castes as per Article 341 (1) cannot be disturbed by State governments. The issues related to the Scheduled Castes and Scheduled Tribes are under the power of Union government but not in the hands of the State government. They claimed that the Constitutional procedure should be followed for the exclusion or inclusion of any caste from the list of SCs for the purpose of reservations. Mala leaders also claimed that the caste-reservations are provided collectively to different groups within the SCs but not to the different communities separately (Mala Mahanadu, 1998:14).

They further argued that the appointment of Rama Chandra Raju committee was violative of Article 338. The Malas mounted protest activities against MRPS and the state government saying that TDP was dividing the dalits by categorising the Scheduled Castes reservations into A, B, C, D groups (Rao, 2006). Accordingly the Mala Mahanadu (Mala Sankshema Sangham) filed a writ petition in the Andhra Pradesh High Court Challenging the G.Os 68 and 69 (Eenadu, 8 June, 1998). In *B. Narayana v. Government of Andhra Pradesh* (1997 (5) ALT 292) quashed the G.O. M.S. Nos 68 and 69 (*Prabhata Vaartha*, 18 September, 1997). The judgement said that the State government could only sub-classify the Scheduled Castes after consultation with the National Commission for Scheduled Castes and Scheduled Tribes as envisaged by Article 338(9) of the Constitution, and on the recommendation requiring the State to take any action is made to the Governor who was enjoined to place it before legislature of the State along with memorandum of action taken/ proposed to be taken and reasons for non acceptance of such recommendation. The Court said that since classification is a major policy decision, this has to follow the procedure as mentioned above (High Court of AP, 1999). According to article 338 (9), a Union or State government should consult the National commission for any major policy matters affecting Scheduled Castes. Taking a cue from the Court judgement, the Malas began saying that the government decision was invalid because any provisions related

to the Scheduled Castes should be taken after consultation with the National Commission for Scheduled Castes, which the State did not care to follow.

The MRPS demanded the Government to take necessary legal action to validate its decision. It threatened dire consequences if no such action is taken within 20 days. On October 13, 1997, the State government appealed in the Supreme Court on a special leave petition against the Judgement of the High Court of Andhra Pradesh. Simultaneously, on December 13, 1997 the State government also wrote to the National Commission for Scheduled Castes and Scheduled Tribes to accept the G.O.M.S. Nos. 68 and 69 under Article 338 (9) of the Constitution of India for categorization of Scheduled Castes into A, B, C and D segments. The National Commission wrote a letter on 31 December 1997 to Social Welfare Chief Secretary, Andhra Pradesh, stating that the issues raised in the letter were subject matter of the civil appeal and that the matter is subjudice. It, however, said that if the State Government withdraws the special leave petition filed in the Supreme Court and sends a letter to Commission to look into the matter afresh they do not have any objection to provide its view in this matter (*Eenadu*, June 9, 1998). In response to this, the Government of Andhra Pradesh filed an appeal in the Court praying to dispose the appeal as withdrawn. As a consequence, the Court dismissed the appeal as withdrawn. The State government then wrote to the National Commission for conveying its acceptance under Article 338(9) for categorization of the Scheduled Castes into A, B, C, and D segments (*Eenadu*, 9 June, 1998).

In all this high drama, the Madiga Dandora sensed negative attitude of the National Commission to scuttle categorization. It gave a call on January 1, 1998, to all the Madigas to keep the MRPS flags flying on each and every house to keep in mind the continuous fighting for social justice for the past three and half years. On April 21, 1998 the MRPS women undertook demonstration and dharna. A group of Madiga women, including Mary, Varalakshmi, Shoba, Rani, Srujana, Pushpa, Raji, Renuka, Jeevakka etc. came as a group shouting slogans against the government and the political leaders. There was a lathi charge on

women who agitated. They all squatted in front of the car of the TDP Minister Kadiyam Shrihari, who belongs to Baindla community, an allied caste to Madiga group. The women continuously shouted the slogans in praising Madigas and in support of Categorization and Manda Krishna (Interview with Mary Madiga on 23-03-2009). On June 6, 1998, Manda Krishna started fast unto death to get a solution from the state government (*Eenadu*, 7 June, 1998). In view of the academic year that would commence in a few months of time, the MRPS demanded the State government to pass a legislation giving effect to categorization (*Eenadu*, 8 June 1998).

In the meanwhile, the announcement of general election to the 12th Lok Sabha to be held from 16 February, 1998 was made by the Election Commission. The Mala Mahanadu seized this opportunity and openly declared that the Malas would support the Congress in the elections. On the other hand, the MRPS leaders criticized the Congress party that it was cheating the Madigas by not supporting the movement at least by making any statement and in contrast giving most of the positions to the Malas (*Eenadu*, 6 June, 1998). The MRPS decided to vote for those political parties who were supporting the development of Madigas and extended support to the TDP, Bharatiya Janata Party (BJP), Communist Party of India (CPI) and Communist Party of India-Marxist (CPI-M). The TDP and the BJP had a seat-sharing understanding in the election. The BJP both at the State and national levels supported the categorization issue.

On 22 April 1998, the AP State Assembly unanimously passed a resolution accepting categorization of Scheduled Castes reservations and the resolution was communicated to the National Commission for SC/ST on April 29, 1998. The National Commission asked the state government to provide the additional information. The National Commission wrote to the Chief Secretary of Andhra Pradesh government that detailed information giving the entire position of the case with all the relevant enclosures be filed for the consideration of the Commission. The Chief Minister of Andhra Pradesh addressed a letter to the Chairman of the Commission mentioning that all the relevant information has already been sent to the Commission and urged the Commission to examine the

case with reference to the material already available with them and convey its decision at an early date.

The National Commission considered the whole issue and it was decided that the State Government be asked to depute an officer sufficiently well-versed on the subject to present the case of the State Government before the Commission. Accordingly, the Commission held its meeting with S. Ray, Principal Secretary, and Social Welfare Department. Other officials too presented the case of the State Government before the Commission. The National Commission also held a meeting with the Scheduled Castes and Scheduled Tribes' Members of Parliament.

Once again on 26 May 1998 the National Commission requested the State Government to furnish additional information (*The Hindu*, 27 May, 1996). The additional information was once again furnished to the Commission. The Commission sought extension of time to give its decision. Vexed with the attitude of the National Commission the State Government filed a petition before the High Court of Andhra Pradesh to direct the Commission to submit its report.

The unfavourable attitude of the National Commission had fuelled a controversy in the State. The then Social Welfare Minister, Kadium Srihari, appealed to the floor leaders of various parties in the Assembly to support the categorization of reservations. He sought their support to represent the matter to the National Commission of SCs. On the other hand, the Mala Mahanadu convenor, P.V.Rao, appealed to the party floor leaders not to join the Delhi mission in support of categorization. The floor leaders did not go to Delhi saying that the Chief Minister was lukewarm in this matter. The MRPS activists continued their campaign for categorization and accused the State government was dragging its feet on the issue and not taking any determined measures to resolve the issue (*Eenadu*, 17 June, 1998).

P.V.Rao took his delegation of Mala Mahanadu activists to Delhi to represent to the National Commission for Scheduled Castes for rejection of the classification of the SC reservations (Reddy, 2009: 239). On behalf of the Government, only

Kadiyam Srihari went to Delhi and represented to the National Commission to discuss the sub-categorization issue. The government furnished additional information as required by the Commission which showed that the Madigas were lacking the opportunities in various government offices.

During this time, the agitation for categorization continued. Manda Krishna sat on a fast unto death in Bansilal Pet in Secunderabad on (*Eenadu*, 15 June, 1998) where the head office the MRPS was located (*Eenadu*, June 15, 1998). He refused to take the medical services. As a result of heightened tension, one Tellabandla Ravi, an MRPS member, committed immolation in Ananthapur by setting on fire on June 16 in support of categorization. He could not survive the burns and died at Nizam Institute of Medical Sciences in Hyderabad. Three others members of the MRPS consumed pesticide in support of categorization (*The Times of India*, 16 June, 1998). The discussions among the MRPS and the Dandora Sangeelehava Santhi (*Eenadu*, 15 June, 1998). In the early hours of 17 June 1998, police resorted to a commando operation with 150 policemen. The activists who were there in good strength from all over the state tried to prevent the arrest of Krishna Madiga. They did not mind the lathi charge and many suffered injuries in the process. After considerable chaos and scuffle, the commandos arrested Krishna Madiga and sent him to hospital (Interview with Ragati Satyam, 2010).

Finally, the National Commission, on 25 August 1998, rejected categorization and opined that categorization is not an effective way to address the disparities among the Scheduled Castes. It opined that the grounds for categorization did not appear to be scientific and rational as there are wide-ranging disparities in literacy and employment levels within each group. It also took objection to the hasty way in which the Ramachandra Raju Commission was appointed. The National Commission was of the view that Presidential Order cannot be amended by the State government, and as such the categorization was not valid. Finally, the National Commission rejected the categorization by saying that similar kind of action was never taken by any State so far and as such they cannot accept the categorization decision. However, the National Commission recommended to the

Central government to undertake a national level study to ameliorate the malady of certain communities cornering the reservations provided for the whole lot.

The ground for rejection of categorization by the National Commission is debatable. Its opinion was based on the ground that the grouping of Scheduled Castes does not appear to be scientific and rational as there are wide-ranging disparities regarding literacy and employment levels *within each group* too. The question is whether intra-group disparities is a ground to trump the demand for categorization of reservations on the basis of inter-group disparities. Can *within the caste* disparities be the same between the caste disparities? Can the former overrule the other? If this logic is correct, this should be equally applicable to the categorization of backward castes as well. The Madiga leaders suspected that this logic was fallacious and the opinion was given due to the domination of one stream of thought within the Commission.

Although the recommendation of the Commission is not binding on the government, the Commission decision gave additional ammunition to the leaders of the Mala Mahanadu to attack categorization. The State Congress president, Y.S.Rajasekhara Reddy, criticized that 'the Chandra Babu government is dividing the dalits for his own political benefits and there is nothing to talk about it' (*Andhra Bhoomi*, 23 August, 1998). The government began consultations with other parties on the possible future course to implement categorization. On 1 September 1998, the State Cabinet discussed the matter to find out alternatives. The MRPS maintained that the exercise of consulting the opposition parties was futile as the State Assembly had already adopted a unanimous resolution endorsing the grouping of the Scheduled Castes in the State. It demanded the government to issue an Ordinance giving effect to categorization. "The possibility of the Ordinance should not deter the Government from issuing the same", it said (*The Hindu*, 6 September, 1998).

In the last week of October 1998, an all party meeting was convened by the Chief Minister followed by a Cabinet meeting. The government decided to issue an Ordinance and the same was submitted to the Governor of the State. The

Governor accepted the proposal of the Government, but asked the Government to obtain permission from the President of India to do the same. The Principal Secretary, Social Welfare Department, wrote in this regard to the Secretary to the Government of India, Ministry of Home Affairs, and forwarded a proposed draft Ordinance along with a detailed background note. The MRPS leaders too submitted a memorandum, on 17 October 1998, to the Chief Minister and sent the same to the President to consider and give his acceptance to the proposed Ordinance (*Eenadu*, 18 October, 1998).

The MRPS conducted a series of campaigns to bring pressure on State government to bring out the Ordinance. Krishna Madiga says that at this point he realized that ‘if we think about our own community, if we fight for our own problem, there is no meaning for social justice and so I started addressing SC, ST, OBC and minorities problems’ (Interview with Krishna on 21-06-2010). The MRPS started criticizing the Chief Minister for his disinterest and prolonged decisions on categorization. Accordingly they made a decision to not to vote for TDP party in the next election.

Accordingly, Krishna Madiga, began in January 1999, a *Dandayatra* (march) from Srikakulam. He covered 802 Mandals en route by gathering Madigas at different places. He walked 16124 kms in 77 days. On 13 April the police arrested Krishna Madiga and many others like the cultural artist and activist Gaddar. Organizations such as Lambada Nagara Bheri, Hyderabad Kala Bheri, Aadijana Hakkula Porata Samithi, Arundhati Welfare Association, Erukala Hakkula Porata Samithi (Kurru), BC Samaj, BC Social Welfare, Ambedkar Yuvajana Sangam, and Dalit Seva Sangh supported him and demanded for his immediate release (*Andhra Jyothi*, 13 January, 1998)

The meeting which Manda Krishna conducted on 15 April 1999 was a huge one. People from different districts and towns participated in it. Various organizations like Lambadi Hakkula Porata Samithi, Erukala Hakkula Porata Samithi, Chakali Hakkula Porata Samithi, Dolu Debba, BC Mahajana Sabha, Muslim Rights Movement, Dalita Bahujan Front, Samajwadi Party, Marxist Communist Party of

India (MCPI) supported the meeting. The meeting called for equal opportunities and distribution of reservation benefits according to population proportion. The speakers at the meeting emphasized that empowerment of dalits is possible only through categorization of reservations (*Suprabatham*, 16 April, 1999).

The Ministry of Home Affairs conveyed the instructions of the President approving the promulgation of the Ordinance. The President at that time was K.R. Narayanan, who himself was a dalit. Since the President accepted the categorization of SCs, Chief Minister and the cabinet ministry announced on January 1, 1999, they decided to request the Governor to make an Ordinance, categorising the SC reservations. Article 213 (1) lays down that 'if at any time, except when the Legislative Assembly of a state is in session, or where there is a Legislative Council in a state, except when both Houses of the Legislature are in session, the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinance as the circumstances appear to him to require: Provided that the Governor shall not, without instructions from the President, promulgate any such Ordinance if (a) a bill containing the same provisions would under this Constitution have required the previous sanction of the President for the introduction thereof into the Legislature; or (b) he would have deemed it necessary to reserve a bill containing the same provisions for the consideration of the President; or (c) an Act of the Legislature of the state containing the same provisions would under this Constitution have been invalid unless, having been reserved for the consideration of the President, it had received the assent of the President (Constitution of India, 2007: 105-106). It took almost a year to promulgate the Ordinance. Finally, in December 1999, the Andhra Pradesh Scheduled Castes (Rationalisation of Reservations) Ordinance, 1999 (Ordinance of No.6 of 1999) was promulgated and published in the gazette categorising the Scheduled Castes into A, B, C and D groups. The Andhra Pradesh (Rationalization of Reservation) Rules 1999 were notified on 10 December 1999 for the implementation of the Ordinance. (*Deccan Chronicle*, 11 December, 1999)

Subsequently, it was made into a law in May 2000. It was called A.P. Scheduled Castes (Rationalisation of Reservations) Act, 2000 (Act No. 20 of 2000) and was published in the AP Gazette dated replacing the Ordinance No. 6 of 1999. The preamble of the categorization legislation says that the law was enacted to provide rationalization of reservation to Scheduled Castes in the State of Andhra Pradesh. The object was to ensure their unified and uniform progress in the society and for matters connected therewith and incidental thereto. The State provided reservation of 15 per cent of post in public services and seats in educational institutions for 59 Scheduled Castes specified in the list in the Presidential Order. The Act is intended to promote with special care the educational and economic interests of the Scheduled Castes and to protect them from social injustice and all forms of exploitation. It represents the State endeavor to eliminate inequalities in status, facilities, and opportunities not only amongst the individuals but also among the groups of people. It is an Act to meet the Constitutional mandate. It guarantees social justice, equality of opportunity, right to equality, protective discrimination to minimize the inequalities in favour of educationally and socially backward class of citizens. It was stated in the preamble of the legislation that the State shall ensure that the Scheduled Castes which form the most backward classes in the society achieve unified and uniform progress collectively. Constitutional goal of social justice can be translate into reality in the State when the government strives to make available the benefits of reservation for equal and equitable enjoyment by all the Scheduled Castes. However, such rationalization of reservations to Scheduled Castes should be made without interfering with the Presidential Order noting the Scheduled Castes in the State.

Section 2 of the legislation provides definitions of the terms used. Section 3 is the operative part which enjoins reservations to the extent of 1 per cent, 6 per cent, 7 per cent, and 1 per cent to be provided for categories A, B, C. and D respectively. The communities comprised in each of the four categories from out of the Presidential Order. Section 4 provides primacy to the provisions of the Act in respect of appointment to public services and admission into educational

institutions. Section 5 excludes from the purview of legislation the services and educational institutions under the Central government. Section 7 confers powers to make rules necessary to implement the legislation. In view of the Rules framed read with the Act, the roster points for eligible candidates for public appointments or post and admission to educational institutions were recast. It provided that in the roster points if the specified candidate belonging to a particular group is not available it can be filled by the people belonging to other groups within the Scheduled Castes in the order specified. Section 8 notes that at the time of enactment the Presidential Order catalogued 59 castes as Scheduled Castes. It declares that nothing in the Act shall be construed as including or excluding from or further classification of the List of Scheduled Castes with respect to the State (*Government of Andhra Pradesh, 2000*)

4.4 The High Court validates the categorization legislation

Within days of the issuance of the Ordinance, the Mala Mahanadu on 21 December 1999 filed a writ petition in the High Court of Andhra Pradesh challenging the validity of the Ordinance. Several other petitions were also filed in the Court with an appeal to declare the Ordinance arbitrary, unconstitutional and illegal. When it was made into legislation, once again it was challenged by the Mala Mahanadu leaders (*Eenadu, 22 December, 1999*). The Mala Mahanadu and other Mala members filed the writ petition nos. 25810, 25907, 26351, 26977, 27114 of 1999 and 164, 592, 656, 739, 1650, 1715, 9421, and 12381 of 2000. All these petitions were bunched by the High Court and were all posted before a bench of five judges.

The petitioners challenged the Ordinance and the Act on various grounds. The main contention was that the categorization of the Scheduled Castes was violative of Article 341 of the Constitution. The list of Scheduled Castes for the purpose of reservation is one issued by the President of India and can only be modified by law enacted by the Parliament of India. Thus, it is beyond the State's legislative power to modify or vary the Presidential Order constituting the

Scheduled Castes. Neither the constitutional provisions nor the fields specified for legislation in the Schedule VII empower the State to legislate earmarking the representation by categorizing the Scheduled Castes as listed in the Presidential Order.

A second ground was that the Scheduled Castes as listed in the Presidential Order are an indivisible whole. The castes enumerated in the Presidential Order are deemed to equal inter se and the legislation now treats equals as unequals which is prohibited by the Constitution. Thus, it is violative of Articles 14, 15 and 16. The categorization under the impugned State's legislation results in excluding each of the categories to total percentage of posts and seats reserved for the Scheduled Castes. Further, it restricts their entitlement to the percentage of the seats reserved or allocated to the category to which they belong. It results in and constitutes 'exclusion from the Presidential Order' and hence is beyond the legislative competence of the State in view of Article 341(2) of the Constitution.

A third ground was that the Ordinance and later the legislation were issued for extraneous considerations. They were enacted on the basis of the recommendation made by Ramachandra Raju Commission, which was based on scanty and inadequate data. This was also corroborated by the National Commission of Scheduled Castes. The Ramachandra Raju Commission Report was not laid before the legislature of the State. So, the legislators could not consider the grounds of categorization during the process of enacting the law. Thus, the very process of enactment suffers from the violation of Article 338(7). Consequently, the enactment of SC reservations was arbitrary and invalid.

The State government too filed affidavits resisting the writ petitions. The defence counsel for the State government argued that by enacting the legislation on categorization, the State government was fulfilling its constitutional obligation of the upliftment of the Scheduled Castes in the field of education and employment. According to the federal scheme of government in India, such legislation is within the legislative competence of the State government. According to the defence, Article 341 does not diminish the State legislative competence for

legislating with respect to education and employment within its territorial jurisdiction. Article 341 enables the President as a one time measure to specify the castes, races and tribes which shall be deemed to be Scheduled Castes for the purpose of the Constitution. Thereafter, Parliament alone is conferred with the competence to *exclude or include* any caste, race or tribe from the Presidential Order.

The main argument in defence of the categorization is that the powers conferred on the Parliament do not diminish or run contrary to the powers inhering in State under other provisions of the Constitution, except that in the matter of inclusion in and exclusion from the Presidential Order. The categorization legislation does not attempt at inclusion or exclusion of any caste from the Presidential Order. In view of Articles 15, 16, 38, 41, 46, and 246 read with Entry 41 of List II and Entries 23, 25 of List III, the State is within its competence to legislate. Articles 15(4) and 16(4) do not confer any special rights, and if any are required to be conferred, it is the State which can do it for the purposes of employment and education.

The State government also sought to refute the accusation of the Mala leaders that by categorizing the Scheduled Castes, the State was treating equals as unequals. As mentioned earlier, the Mala Mahanadu leaders in their petition maintained that the Scheduled Castes are an indivisible whole because they are all socially equal. So, dividing them into groups and denying access to education and employment that was apportioned to the Scheduled Castes amounts to treating equals as unequals. On the contrary, the State government argued that “there is no basis to hold that the Scheduled Castes in the Presidential Order constitute one single class. There is no homogeneity among the castes and they are heterogenic” (High Court of Andhra Pradesh, 2000: 9). Scheduled Castes enumerated in the Presidential Order are not identical or equal in respect of each other in the socio-economic context or in relation to access available to public employment and educational opportunities provided by the state. Categorization meets the socio-economic needs of the State when some of the castes were unable to cross the threshold of extreme socio-economic backwardness on

account of being clubbed together with the Scheduled Castes who are better off. Such a situation renders the reservation provisions illusory for those socially and economically backward castes within the Scheduled Castes. In a situation where all the reservation benefits were cornered by only a few communities among the Scheduled Castes, bunching all Scheduled Castes together amounts to treating unequals as equals. Thus, the State government argued that the categorization legislation harmonized de jure equality with de facto equality.

The State government said that the categorization legislation was made with the object of uplifting the deprived sections of the Scheduled Castes as enumerated in the Presidential Order and it divided them into four categories, namely A, B, C, and D. It sought to divide the benefits of reservations policy among the four categories equitably – according to population and backwardness of a caste. It enables these backward sections of the Scheduled Castes to come out of the shell of economic deprivation, providing for an opening for appointments and the privilege of education “for the ones who remained subdued under the trampling of the larger format of the class” (ibid;10).

It further says that the Directive Principles of State Policy lay down that it is the obligation of the State to promote education and economic interests of the Scheduled Castes while protecting them from social injustice in all forms of exploitation with an endeavor to eliminate inequality in status, facilities and opportunities. This should be ensured not only amongst the individuals but also amongst the groups of people irrespective of their residence, vocation, etc. The categorization of the Scheduled Castes was made to provide protective discrimination to minimize inequalities in favour of socially and educationally backward classes of citizens including the Scheduled Castes. The reservation of post in public services and seats in educational institutions for the 59 castes in the list of the Scheduled Castes in the Presidential Order were found to be substantially usurped by particular castes within the Scheduled Castes. Rationalisation of reservation to the Scheduled Castes has to be done to ensure uniformity and unified progress. By categorization, the State made an endeavor to make available the reservations for equal and equitable enjoyment of all the

Scheduled Castes by apportioning the reservation of 15 per cent amongst the four categories in the 59 Scheduled Castes notified in the Presidential Order.

The High Court bench felt that the pertinent questions raised before them were:-

1. Whether the state's legislative power is curtailed or eclipsed by any provision of the Constitution;
2. Whether the categorization Act is beyond the legislative competence of the State and is violative of Article 341 (2);
3. Whether the legislation violated Articles 14, 15, and 16 of the Constitution;
4. Whether the legislation is a colourable piece of legislation;
5. Whether the judgement of the Full Bench of the High Court operates as *re judicata* and the state is debarred from enacting the Act; and
6. Whether the Act is invalid for non-compliance with the provisions of Article 338 of the Constitution.

Before the judges examined these questions, they made certain observations that locate these questions in a perspective. The judges said that the Constitution is neither a fixed mode nor provides ready made answers to all issues that rise from time to time. But it is expected to meet the situation created by competing interests and ensure that public interest is safeguarded and promoted. The elected representatives are expected to represent the aspirations of the people. State policies and enactments are required to be framed in public interest. It is the judgement of the people, assessment of their feelings, and their needs that are met by the competent authority through law enacted to give effect to public interest subject to Fundamental Rights guaranteed by the Constitution. Justice as envisaged by the Constitution can be attained through the process of evolution of law to meet the changing needs of the people, keeping pace with the various developments. Laws are required to be enacted to meet the society's dynamic requirements.

In order to establish a secular casteless society bereft of discrimination and put the nation on the road of progress, the Constitution of India made it a duty for the State and the Union to make measures to uplift the Scheduled Castes, Scheduled Tribes and backward classes. In the process, power has been conferred on the

legislatures to provide and confer privileges on the underprivileged persons who can loosely be termed as a caste. Privileges could be conferred through various mechanisms, concessions, and enactment of laws for their benefit.

Interpretation of the provisions of the Constitution and the decisions on the validity of laws made elected representatives must respond to the sense of justice which can be termed to be fair in view of the specific facts and circumstances and in consonance with public interest. Public interest in turn has to be balanced with Fundamental Rights, because all rights are subject to reasonable restrictions in public interest. Conflicts arise when there are many claimants trying to get privileges or access to state resources which are limited. Answers have to be found to these issues by keeping the overall objective of the Constitution in mind, namely to secure economic and social justice to the poorer sections of the society. The provisions of the Constitution have to be read by contextual and purposive interpretation. Meaning of the various provisions of the Constitution has to be read with common sense point of view bearing in mind how they are understood by the ordinary people who were required to follow them. Care should be taken that the intent or contextual scheme with regard to the object and purpose for which the Constitution has been enacted is not lost in the maze of interpretative law. Interpretation has to be made keeping in view the statutory context and the intention of the legislation. Both are required to be harmonized though primacy is to be given to the context but the best and the most rational method of interpreting is by exploring the intention of the law maker at the time it was made, the context of the subject matter, the effect and the consequences and the reason for the law. The Bench of the High Court made an important observation that the interpretation should not be accepted as purely technical tool to undo a policy which achieves substantial justice. Legislature is presumed to be reasonable and within its competence unless shown to be otherwise. No one can be permitted to reap a wind fall from the legislative errors.

The Bench also felt that a privilege once granted to an individual or a group cannot be taken for granted and grounds of the privilege forgotten once the

privilege is granted. The privilege of reservation has been granted in the interest of justice. It has been dictated by society's historical existence of the caste system. It, however, cannot fetter the power of the state, which granted such a privilege, to modify, change, deny and rationalize the privilege according to the experience gained during the course of operation with the executive necessities in the view of the needs and upliftment of the downtrodden (*High Court Judgement*, 2000, 30-31).

The judgment of the High Court then dwelt upon the federal scheme of legislation as envisaged by the Constitution. The State legislature has exclusive power to make laws for the State with respect to the fields or matters shown in List II of Schedule VII and concurrently with the Union of India with respect to List III of Schedule VII. Residuary powers rest with Parliament. While adjudicating the legislative competence of the State to enact a law, one of the foremost tests emphasized is to enquire whether the law relates to the matters enumerated in List II or is referable to any specific Constitutional provisions or the subject is referable to the Concurrent List where power has been conferred simultaneously on the State as well as the Centre to legislate with respect to the fields provided by List III. This means while the Parliament is competent to enact laws on matters enumerated in List I and List III, legislatures of the States are competent to legislate on matters enumerated in List II and List III. While interpreting the entries in these Lists, widest amplitude should be given to the language of the entries. Different provisions of an enactment are so intertwined that blind observance to a strictly verbal interpretation would result in large number of statutes being declared invalid because the legislatures enacting them may appear to have legislated in a forbidden sphere. Also, mere incidental encroachment on the Parliament's legislative field cannot invalidate the State's legislation as long as the State's law deals with the matters enumerated in List II and List III. Therefore, what is pertinent is to ascertain whether the categorization law in its pith and substance or its true nature and character accords to the matters enumerated in List II or List III (*ibid*:36).

The Presidential Order was issued keeping in view the totality of the circumstances and social conditions prevailing at the time of issuing the Order to meet the overall objective of upliftment of the under-privileged. It is reasonable to infer from the debates of the Constituent Assembly that the objective of the makers of the Constitution was to ensure social justice giving one's due and creating a casteless society. This was the objective of instituting a system of special privileges in the form of caste-based reservations. This was for the purpose of the upliftment of the under-privileged or the down-trodden members of the society so that they are treated equally and to infuse confidence in them so that they move shoulder to shoulder with other members of the society. The term caste as used in various Articles of the Constitution, such as 15, 16, 38, 39, 41, 46, 335, and 338 warrants no inference of a technical meaning. The conglomeration of castes listed in the Presidential Order cannot be considered as representing an inseparable whole. When we look at the Scheduled Castes in the Presidential Order some of them are inherently Scheduled Castes, going by the criterion of being subjected to the practice of untouchability. At the same time, other have been conferred the status of Scheduled Caste by providing a deeming definition under the Presidential Order for the purpose of the Constitution.

As far as the competence of the State legislature to enact laws with regard to the reservations of the Scheduled Castes, there is no expressed subject in the three Lists (List I, List II and List III) with regard to legislation providing for regulating reservations. What the Constitution says is that the state (in its juridical sense) is empowered to provide for reservation in the public services and educational institutions within the state sphere. Here the expression 'state' is used in generic sense. It includes the different organs of the state, namely the legislature, executive and the judiciary at both the Union and State levels. The legislatures at the level of States are empowered to make laws on matters enumerated in List II, and also List III. The powers of the States (in the sense of governments at the provincial level) to provide reservation in public services and educational institutions has not been disputed by any one. It is widely recognized that in order to effectuate the constitutional objectives, the State is within its

jurisdiction can provide reservations in employment and education within its territory of the State. This has been recognized by the Mala Mahanadu leaders who filed the petition against the categorization legislation. The State is well within its power to identify socially, educationally and economically backward classes who are distinct as a class from that of the general body of the civil society. However, the State can categorize the backward class into different groups for the purpose of providing reservation. Such categorization is based on the fact that there exists inter-segment differences in the social, cultural, educational, and economic levels of advancement, achievement, and the ability to access opportunities.

The High Court Bench came to the considered view that “the impugned Act was enacted in view of the recorded experience that out of 59 castes specified in the Scheduled Castes with respect to the State of Andhra Pradesh in the Presidential Order which were initially provided with reservation of 15 percent of posts in public service and seats in educational institutions. The State in discharge of its function or duty and bound for upliftment of the educational and social interests of the Scheduled Castes, who are most backward classes amongst Scheduled Castes perceived that the benefits of reservation are not percolating to them equitably, to give effect to rationalize the reservation to the Scheduled Castes without trenching upon or interfering with the Presidential Order, 1950 as amended from time to time, provided reservation by grouping the castes in categories A, B, C, D according to their population and further apportioning the reservation as 1%, 6%, 7%, and 1% for each group respectively” (High Court of Andhra Pradesh, 2000: 44-45).

The State legislation also clarified that this categorization would not apply to appointment of posts or services of Central Government, Corporations and Undertakings under the control of the Central Government or similarly situated educational institutions belonging to the Central Government. The Government has been empowered to make rules to carry out the purposes of the Act and fixation of roster points. It was clearly stated that the Act would be construed as

inclusion or exclusion or further classification of the list of Scheduled Castes with respect to the State of Andhra Pradesh. Substantially, the State legislation has only divided the available 15 per cent reservation for the Scheduled Castes. It has neither inserted any new caste nor excluded any caste from the ambit of reservations available for the Scheduled Castes. Fundamental Rights such as 15(4) and 16(4) are enabling provisions vesting discretion in the state to consider providing reservation if the circumstances mentioned in those Articles so warranted.

Based on such a reading, the Bench came to a considered view that “it is for the State to decide to provide reservation and other affirmative action depending upon the policies of the State Government or the Union Government for providing reservation for the Scheduled Castes and Scheduled Tribes” (ibid: 47). The State can devise its own policy and implement the objects set forth by the Directive Principles of the State Policy. It is permissible for a State to legislate, based on a methodology of classification, to categories reservations. Mere categorization of castes does not result in the loss of identity as a Scheduled Caste in its capacity as a caste. The castes listed in the Presidential Order as Scheduled Castes but now grouped into different categories continue to be Scheduled Castes. Issuance of the Presidential Order and conferring the power on the Parliament to modify the said Order or to include and exclude any caste in that Order does not denude the State from its legislative competence to make laws and policy decisions to confer the benefits of reservation with regard to admissions to educational institutions or recruitment to services under the State.

The provision for the upliftment of the Scheduled Castes or backward classes suffering from social and economic handicaps varies from State to State depending on social and geographical conditions, as well as the resources of the States. The distribution of resources for upliftment, extent of reservations, doling out the State largesse, providing a facility in the government employment, and providing seats in educational institutions are some of the fields in which the discretion has been left to the State policy makers or legislatures. In this context,

the High Court observed that the State's legislation on categorization can be considered to be a positive step for upliftment.

Once the Scheduled Castes are identified and listed in the Presidential Order, one should determine whether they are heterogeneous social units and whether a classification among them is permitted. Once it is accepted in principle that the State has the power to make classification among backward castes, there is no reason why to oust the jurisdiction of the State not to do so among the Scheduled Castes on any rational consideration. There is no distinction between backward classes and the Scheduled Castes in the matter of classification or categorization by the State. It is one of the ways to effectuate equality. Merely cataloguing the Presidential Order of the Scheduled Castes does not lead to the conclusion that all of them are equal to each other. Thus the High Court of Andhra Pradesh said: "Once the contention of the counsel for the petitioner is accepted that the State is within its jurisdiction to provide classification and categorization among the backward classes, we are of the considered view that though there is no precedent brought to our notice that the classification can be carried out into the Scheduled Castes in the Presidential Order too, but once the principle accepted conferring the State with the power to make classification among backward classes we find no reason to oust the jurisdiction of the State not to do so among Scheduled Castes on any rational consideration" (High Court of Andhra Pradesh, 2000: 50-51).

One of the tests laid down consistently by various judgements in the High Courts and the Supreme Court to find out the competence of the State Assembly to legislate is to look into the entries in the VII Schedule. If the subject of legislation is provided in one of the entries in the State List, the enquiry should come to an end so far as the competence of the legislature to legislate is concerned. Entry 41 of the State List deals with public services. Article 309 enables a State to legislate with regard to recruitment and conditions of service of persons appointed. All incidental and connected matters with the State service are well within the State power to legislate. The Supreme Court, in B.S. Yadav

vs. State of Haryana, has categorically laid down that the law governing the services under the State is an absolute power of the State, subject to the other provisions of the Constitution. The High Court came to the following view: “Interpreting the entry broadly presuming legal perception of constitutionality of the Act of the State, it was enacted within the State legislative competence. It is categorically discernible by reading of Article 15(4), 16(4), 309, entry 4 of List II, entries 23 and 25 of the Concurrent List, the State legislation is well within its prerogative to legislate with respect to recruitment in service, recruitment and reservations and other incidental matters in the service and educational institutions” (ibid: 52).

Providing reservations for the socially backward classes, determining the percentage of such reservations, the manner in which such reservations are distributed among people of different castes, how the State benefits are distributed, what other means should be provided for the upliftment of the Scheduled Castes and backward classes is the prerogative of the State to the extent they fall within the State subjects. It is difficult to comprehend how once the power to grant reservations is conceded to the State, the manner in which these reservations are to be worked out, the mechanisms to be worked out, to whom to be given and to whom to be denied and to what extent, in what priority Scheduled Castes are to be uplifted, etc. could be denied to the State. While the State has the power to provide reservations for the socially and educationally backward classes has been written into Right to Equality Articles of the Fundamental Rights of the Constitution, reservation or claiming a privilege with respect to reservation in services or educational institutions has not been made either a Fundamental Right or any other right. Thus, it is wrong to claim that reservation should be provided as a whole or not at all or it should be done at a particular percentage.

When the Scheduled Castes are identified and catalogued as a group in the Presidential notification, the perception is that this group comprises heterogeneous social, cultural and economic units. The mere fact that the

Presidential Order catalogued Scheduled Castes with characteristics of extreme social and economic backwardness, some of them having and carry with them the stigma of untouchability, does not conclusively determine that all of them are equal to each other. It may be factually true that so far the classification among reserved categories has been done only in respect of other backward classes and not the Scheduled Castes. It does not mean that the principle of classification of the backward classes cannot be extended to the Scheduled Castes. The definition of the Scheduled Castes itself provided by Article 366(24) admits such a classification.

It is for the State to distribute the reservation benefits according to the needs and requirements of the upliftment of the particular caste in the catalogue of castes, be it a Scheduled Caste, Scheduled Tribe or Other Backward Castes. It would be highly anomalous to say that the state has no power to adopt operational mechanism for the upliftment of the weaker sections based on ground realities. Such a position renders the powers of the state in a federal structure, either the Union or a State, to take particular steps for reservations. When the power to decide in the matters of State services and admission to educational institutions run by the State is conferred on the State, there is no need to take recourse to residuary powers. Such an interpretation leads to an anomalous result with uncertain boundaries and obscures equitable application. The Court made a significant observation in this context: "It is for the political power to decide as the issue is not legal but political" (High Court of Andhra Pradesh, 2000; 56).

The Constitution had recognized the right of identification of the Scheduled Castes and Scheduled Tribes for the State by the Parliament. However, providing the methodology, availability and utilization of resources, and ways and means and process of upliftment for the upliftment were left to the discretion of the State. It is only in this context that all the provisions of the Constitution can be kept operative in the federal structure. This design is discernible with respect to the duty of the State and the Union for the upliftment of the Scheduled Castes. Articles 15 and 16 enable the State as well as the Union to provide for

reservation in employment and educational institutions. The limit of reservation has to be taken care of keeping in view the provisions of Article 335 which envisages that the claims of the Scheduled Castes shall be considered consistently with the maintenance of efficiency of administration in making appointments to services and posts in connection with the affairs of the Union or the States. Necessarily, therefore, in case of appointments to the posts in connections with the affairs of the State, it is the State's right to make appointments.

The state is empowered to provide for reservations in appointments for the socially and educationally backward classes of citizens not being adequately represented in the services under the state. It is reasonable to infer from this that if a particular caste is represented in the posts no reservation needs to be made. Since backward classes include Scheduled Castes, and if a caste among the Scheduled Castes is adequately represented in public employment or education it should be delisted as a Scheduled Caste. The remaining castes among the Scheduled Castes should have full access to the totality of reservations. Putting any other interpretation would be counter-productive and denudes the very objective of providing reservation in employment for the upliftment of backward classes. It renders upliftment for the Scheduled Castes illusory, as the real backward among the Scheduled Castes would be wholly trampled under the feet of their own caste brethren.

The contention that all the Scheduled Castes listed in the Presidential Order constitute on single bloc of homogeneous units and hence any attempt to categorization amounts to excluding some of the units from the benefits of reservation is problematic. Those who put forward such a contention would argue that whenever the state provides reservation to Scheduled Castes the entire determined group of 59 castes should be made eligible for all concessions, benefits and reservation by treating them as one homogeneous unit, as caste among the Scheduled Castes is not recognized. But this is not a correct interpretation of the term Scheduled Castes. In *State of Kerala vs. N.M. Thomas*

in Supreme Court, Justice V.R. Krishna Iyer held that Scheduled Castes are an amalgam of castes, races, groups, tribes, communities or parts thereof found on investigation to be the lowliest in need of massive state aid and notified as such by the President. Similarly, Justice B.P. Jeevan Reddy in Indra Sawhney's case speaking for the majority observed that as a matter of fact neither the several castes within the Scheduled Castes are similarly situated nor the Scheduled Castes and Scheduled Tribes similarly situated.

The contention that all the Scheduled Castes should be treated as one undifferentiated whole would result in treating the conglomeration of castes as a single caste, not castes. The term 'castes', in its plural sense, loses its meaning in both theory and practice. It would leave the people of highly deprived castes permanently deprived to unduly benefit the less deprived among the Scheduled Castes, especially the ones who have availed professional and intellectual opportunities. It would encourage some to grab the opportunities provided by the State by depriving others of the same opportunities for which they are entitled. It may sabotage the very objectives of social justice as upheld by the Constitution.

As said above, the legislation that categorized Scheduled Caste reservations does not exclude or include a caste in the Presidential Order in letter or spirit. The number of castes and the names of the castes in the itinerary of the castes continue to be the same. Thus, the categorization legislation did not violate Article 341(2) of the Constitution. Article 341 is the machinery for identification of the Scheduled Castes, the determination by the President and the Parliament for inclusion in or exclusion from Article 341(2). It does not cover the case of sub-classifying such castes which is permissible under the provisions of the Constitution for the purpose of ensuring that the reservation benefits conferred in accordance with the requirement of equality of opportunity. Therefore, when the State government makes the constitutional choice to give effect to Article 15(4), 16(4), read with Article 46 and Article 335, the State alone has the legislative competence. In case it is for the posts of public service under the Union, Parliament can exercise the power under entry 70 of the Union List. If the State

does so, it may do by way of legislation under entry 41 of List II of the Constitution. Same is the case with regard to admission into educational institutions. So, the categorization legislation made by the State government cannot held to be unconstitutional.

Another charge against categorization legislation is that it is a colourable legislation. Any legislation can be said to be colourable legislation when the particular legislation has transgressed its legislative limits overtly, covertly, directly, indirectly. Such legislation is a mere disguise for the political intentions of the ruling party of coalition. There is no dispute on the fixation of a certain percentage of reservation for the Scheduled Castes is within the purview of the state. If so, a mode of mechanism for the distribution of such a percentage of reservation for the Scheduled Castes cannot be termed to be a colourable exercise of jurisdiction. As such categorization of the Scheduled Castes would not render the legislation to be a colourable legislation. Motives that impel a group of representatives to work in a particular way or to pass legislation are irrelevant in determining the validity of a law. The only test is whether the power to make such a law is vested with the legislature. Malice or motive is beside the point. Deem mining the colourable legislation is not permissible to suggest legislature's incompetence on the scope of mala fides. As the categorization legislation is within the competence of the State, the contention that the legislation having been passed on account of political motivation by itself cannot be termed as a colourable legislation. Since the government has stated that categorization is policy and means of governance, it cannot be said to be a colourable legislation or legislation suffering from any mala fides. Courts cannot pass judgements on the basis of the reasons for a particular enactment. It is the legislature's satisfaction that matters and is not subject to judicial review unless it violates any of the Fundamental Rights or any other right conferred by the Constitution. The courts can only determine whether the legislature is competent to make such a law and whether such a law is in accordance with the objectives and provisions of the Constitution. Since the provisions of the categorization legislation have been enacted in conformity with the need to uplift the Scheduled Castes with complete

transparency, it cannot be said that it is not welfare legislation for public good of the citizens of the State's territorial jurisdiction.

The Court also did not agree with the contention of the Mala Mahanadu leaders that the categorization is not valid because the State government did not comply with Article 338(9). The Article envisages that a State government shall consult the Scheduled Castes Commission on all major policy matters affecting the Scheduled Castes. But the facts did not support the contention of the Mala Mahanadu leaders. The State government referred the matter to the National Commission even as its appeal against the earlier High Court judgement was pending in the Supreme Court. The appeal was withdrawn only to enable the National Commission to give its opinion. The National Commission though found particular castes among the Scheduled Castes cornering the major of reservation, made no recommendation for the State to deal with the factual situation. It only made a freak observation that categorization would not ameliorate the sufferings of the castes trampled by some castes. But the National Commission made no recommendation to ameliorate the condition of the deprived castes among the Scheduled Castes. Even if it gave an opinion it is not binding on the State government. It has only a consultative status, not binding status. The legislative power cannot be curtailed by the consultative bodies. Because the State government consulted the National Commission and that Commission has not made any recommendation in, the categorization legislation cannot be faulted for violation of Article 338(9).

Another contention was that since the legislation has been enacted without the National Commission's report being placed before the House is in violation of Article 338(7). Article 338(7) envisages that whereas the National Commission report or any part thereof relates to any matter with which any State government is concerned, the report shall be forwarded to the Governor of the State. The duty has been cast on the Governor to cause it to be placed before the legislature with a memorandum explaining the action taken or proposed to be taken on the recommendation relating to the State. If the recommendation is not accepted,

reasons for non-acceptance should be furnished. But the point here is that the National Commission did not make any recommendation. Finding fault with the proposed action of the State by itself cannot be termed as a recommendation. The Commission has made no recommendation with respect to any action required to be taken by the State. It expressed only a pious wish that the Union government take appropriate steps to address the malady of some castes usurping the reservation. Such a view does not debar a State from taking any action in exercise of their legislative jurisdiction till a decision is taken at the national level.

Lastly the action of the government was challenged on the ground of arbitrariness and violation of Article 14. The full bench of the High Court felt that the legislation did not suffer from any arbitrariness in view of the facts placed before the Court. The object of the act is to uplift the Scheduled Castes and to ameliorate the suffering of the deprived castes from the cornering of reservation by particular castes. The object is laudable and one cannot find fault with that. Upliftment, and in this context it is by the distribution of reservation benefits, has to be equitable. The benefits of the reservation policy have to be distributed equally among the under-privileged proportionately to their number. There being no dispute that reservation has been made out of the total reservation according to their population, which is one of the recognized methodologies of classification. Thus the categorization made has a nexus to the object to be obtained. Hence, neither the object nor the legislation can be termed to be arbitrary, unreasonable and unconscionable.

Identification of disparities among sections and communities in society in general is a matter essentially for the State. The legislative and executive branches of the State have the responsibility of administering protective discrimination. What extent of reservation ought to be provided and what classifications meet the requirement of the contemporary society are matters to be decided by the legislature and the government of the day. The issues involve sociological analysis. The state power for social experimentation by trial and

error, if need to be, to achieve the purpose of the Constitution cannot be hedged or trampled at its very inception. Even if we presume that the categorization legislation would not ameliorate the disparities suffered by the utmost backward classes and in full measure that cannot be a ground for invalidating legislation. Inadequacy of legislation is not a ground for invalidation.

In view of the above analysis, the Full Bench of the High Court of Andhra Pradesh gave its verdict that the categorization legislation “suffers from no violation of Constitutional provisions” (*High Court Judgement*, 2000: 94). The Full Bench consisted of Chief Justice, M.S.Liberhan, Justice Bilal Nazki, Justice B. Sudarshan Reddy, Justice G. Raghuram, and Justice V.V.S.Rao. The judgement was delivered with a majority of four against one. Justice Bilal Nazki ruled that the categorization legislation was beyond the legislative competence of the state legislature and that matters pertaining to Scheduled Castes and Scheduled Tribes, particularly with regard to their classification, are matters which are within the exclusive domain of Parliament.

The MRPS and its activists were jubilant at receiving the High Court judgement as thought that it was a vindication of their demand for categorization. Obviously, the State Government was much relieved at the outcome, as the same Court earlier quashed the Government Orders categorizing the Scheduled Castes reservations. The left parties too welcomed the decision. The Dandora Sangheebhava Committee, consisting of a few left-minded intellectuals and publicists such as K.G. Kannabiran, K. Balagopal and the balladeer Gaddar, made an appeal to the Mala leaders to accept the judgement and withdraw their opposition to categorization. But the president of Mala Mahanadu, P.V. Rao said that the Court verdict was a great injustice to the members of the Mala community who constituted nearly half of the Scheduled Caste population in the State. He argued that only the Parliament has the competence to legislate on the Scheduled Caste matters. He contended that the members of the Mala community were doing no better than the members of the Madiga community. He said the

the Mala Mahanadu would challenge the judgement in the Supreme Court of India (*The Hindu*, 9 November, 2000).

The Chief Minister, Nara Chandra Babu Naidu, expressed his happiness on the High Court judgment upholding the categorization. He said that justice has been done to the Madigas and the other sub castes who lagged behind in utilizing the reservation benefits (*Eenadu*, 9 Novemeber, 2000). The leaders of the other political parties also hailed the judgment given by the High Court in support of categorization of SCs in Andhra Pradesh. Whereas the congress party said that the Judgment was given in haste and the SC leaders of the Congress party remained silent on the issue. The Chief Minister praised the judgment and said that the categorization will be implemented in the state very soon so that justice will be done to all the unrepresented communities (*Vaaritha*, 9 November, 2000).

The Mala Mahanadu declared that they will start continuous protests against the categorization which is doing injustice to the Malas. The Mala Mahanadu leader Jupudi Prabhakar said that they are ready to bare their lives to stop the categorization in the state and they can go any extent for that (*Andhra Jyothi*, 10 November 2000).

4.5 The beneficial results of categorization

Categorization of Scheduled Caste reservations was in force for about three years. It started from 2000-2001 and continued till 2003-2004. The implementation of the G.O. categorizing reservations and after the enactment of the legislation in 2000 had beneficial effects on the members of the Madiga caste as also other Non-Mala communities. Students of these communities who otherwise would not got a seat in an academic institution if they had to compete under category of Scheduled Caste got admission because of the exclusive quotas for the Madigas which came into force with categorization. Similarly candidates seeking employment did not face the relatively educationally advanced Malas and were able to secure employment due to separate quota within the SC category.

The Madiga students who got seats in MCA and MBA from Andhra University tells us the story of how benefits were accrued to them due to categorization by getting admission into University Colleges of Andhra University. A student from Relli community also got the opportunity according to the preference given to them due to categorization. Members of the Relli community are considered to be the most deprived among the Scheduled Castes (Interview with students, Visakhapatnam, 4-6 October 2010). The difference was seen in employment opportunities also.

The following table shows the enrollment of various Scheduled Castes into the educational institutions during the implementation of sub-categorization of reservations.

Table 4.2 Enrollment of various Scheduled Castes into educational institutions (in percentage of seats filled)

Courses	Relli (A)	Madiga (B)	Mala (C)	Adi-Andhra (D)	Total
Engineering (B.E. and B.Tech)	3	46	44	7	100
Medicine (M.B.B.S)	2	44	48	6	100
LAW (B.L. and LL.B.)	6	41	46	7	100
Eduction training (B.Ed)	7	40	46	7	100
Sciences (M.Sc. and M.Tech.)	4	50	40	6	100
Arts, Humanities, Social Sciences and Commerce (M.A. and M.Com.)	7	46	40	7	100
Undergraduation (B.Sc., B. Com. and B.A.)	5	47	41	7	100
School education (in Social Welfare Residential Schools)	6	41	45	8	100
Civil Services coaching centres	--	48	50	2	100

Source: Usha Mehra Commission, 2008: 68.

We notice from the table that the distribution of reservations after categorisation came into force is more even and fair, as it corresponded to the population proportions of various castes. The picture will be further clear if we compare the situation before and after categorization as we see in the table 4.3:

Table 4.3: Distribution of reservations benefits before and after categorization (in percentages of seats filled)

Courses	Before and After	Relli (A)	Madiga (B)	Mala (C)	Adi Andhra (D)
Medicine	Before	0	17	71	12
	After	7	47	40	6
Engineering	Before	0	28	66	6
	After	6	50	40	7
Science Courses	Before	0	36	62	1
	After	7	47	40	7

Source: Usha Mehra Commission 2008: 79

The above data reveals two major points. Firstly, the Malas had cornered more benefits than others among the Scheduled Castes. Secondly, the categorization not only helped Madigas, but other communities as well. The same holds good in the matter of appointments as shown in table 4.4. The data relates to the appointments made by the Andhra Pradesh Public Service Commission (APPSC), the apex body charged with the task of recruitment of officers in the State.

Table 4.4 Appointments in APPSC with and without categorization of SC reservations (percentages are given in parentheses)

Year of appointment	Total number of appointments	Posts secured by Madigs	Posts secured by Malas	Posts secured by other SCs
1999-2000	111	12 (11)	99 (89)	Nil
2000-01	147	68 (46)	54 (37)	25 (17)
2001-02	331	169 (51)	124 (37)	38 (11)

2002-03	33	18 (55)	9 (27)	6 (18)
2003-04	148	66 (45)	52 (35)	30 (20)

Source: Retired Madiga Officers' Forum, 2007

In table 4.4 we notice that a huge change had happened in 2000-01 when compared to 1999-2000. In 1999-2000, Malas had a share of about 90 per cent in public appointments while the Madigas could get only about 10 percent. Other Scheduled Castes did not get at all. The situation was radically changed in 2000-01 when categorization came into force. The share of the Madigas went up by nearly 35 per cent, while the other Scheduled Castes got a share of 17 per cent.

While the Malas were opposed to categorization, those in favour of categorization felt that since the categorization resulted in a favourable situation for the Madigas and the more backward communities among the Scheduled Castes, the Malas are not able to reconcile to the equal status of all the Scheduled Castes communities on a par with them. Due to the availing of reservation benefits in a disproportional manner for a long time, the Malas have relatively advanced. They had enjoyed a loins share in public appointments and educational institutions. An elite group has developed among them who had a considerable say in public administration and shaping the public opinion in the matters of social justice and accessing opportunities in general and as a consequence they dominated politics too (Muthaiah, 2004). However, when the Madigas demanded a due share for them, this did not mean that they demanded exclusion of Malas from accessing reservations benefits altogether. They wanted the Malas to their share, while Madigas would get their share in a fair manner. Ragati Satyam, Co-convenor of MRPS claimed that 'the MRPS movement is following the ideology of Ambedkar's social justice and this is seen in the demand we raised to distribute the reservation benefits according to the population proportion. In this matter we are not fighting to exclude the Mala community even though we have evidences. We are brothers and we still feel that even they have to develop more. Our deep concern is that all the Scheduled Castes should develop equally since

the reservations are meant for 59 castes in order to fulfill the dreams of Dr.B.R.Ambedkar' (Interview with Ragati Satyam, 2010).

4.6 Summary

The struggles of MRPS moved the government to respond to the issue of sub categorization, due to which an Inquiry Commission was formed under the chairmanship of Justice Rama Chandra Raju, a retired High court judge. The Commission submitted its report recommending categorization of reservations to achieve uniform and equal development of all the Scheduled Castes in the State. The government soon acted on the recommendation and issued government orders categorizing SC reservations. While the leaders and activists of the Madiga and other Scheduled Castes welcomed categorization and received benefits there from, categorization was not acceptable for the Malas. As a result, the Mala Mahanadu and others appealed in Supreme Court challenging the High Court's judgement that upheld the categorization legislation of the government of Andhra Pradesh. This will be dealt in the next chapter.

Chapter V

Cancellation of the categorization legislation and its consequences

In the previous chapter we saw the ups and downs through which the categorization issue has traversed. Due to the Government Order categorizing reservations and later the government legislation concerning this, the condition of the Madigas and other non-Mala communities had seen impressive improvement in terms of admissions into educational institutions and appointments in public services. There was a feeling that the matter came to a close with the Judgement of the Full Bench of High Court. But the Mala Mahanadu chose to challenge the High Court verdict in Supreme Court. The Supreme Court Judgement once again opened the issue and brought back to a situation where it was in 1997. The present chapter discusses the Supreme Court Judgement and its aftermath. It also discusses the changed political situation after 2004 general election in which the government led by the Telugu Desam Party which played a crucial role in giving effect to categorization was defeated and the party that took an ambivalent position toward categorization came to power. It also discusses the second phase of the MRPS movement after the Supreme Court Judgement.

5.1 The Supreme Court strikes down the categorization legislation

As discussed in the previous chapter, a Full Bench of the High Court of Andhra Pradesh consisting of five judges dismissed the writ petition challenging the Constitutional validity of the Andhra Pradesh Scheduled Castes (Rationalisation of Reservations) Act, 2000. The High Court rejected all the grounds of the petitioners by elaborating the reasons for which the grounds of challenge were impermissible. Having regard to the Articles of the Constitution and the legislative powers of the State under List II and List III of the Seventh Schedule,

the High Court observed that the conglomeration of castes given in the Presidential Order cannot be considered as representing a caste as a whole in view of the fact that it is a deeming definition. Because of the fact that there is no express field of legislation providing for regulation of reservations, the High Court opined that the State is empowered to provide for reservation in the public services and educational institutions. It further held that no citizen has any fundamental right with regard to reservation, and the State would be well within its power to identify the extent of backwardness of a class of citizens as to give preference to those who may be more backward on account of their social and economic backwardness and, thus, would form a distinct class from the general body of the civil society.

Enumeration or listing of Scheduled Castes in the Presidential Order does not lead to an inference that all of them are equal to each other. The experience showed that the benefits of reservation had not percolated equitably among the various Scheduled Castes as some castes among them have cornered most of these benefits. In such situations rationalization of reservations meant for Scheduled Castes cannot be faulted. When the State enacted categorization legislation, it was only discharging its duty to provide for upliftment of the most backward castes among the Scheduled Castes by demarcating posts in public services and seats in educational institutions in their favour. Also, issuance of Presidential Order does not denude the State from its legislative competence to make laws and to adopt such policy decisions so as to confer the benefits of reservations to the more backward among the Scheduled Castes.

However, on an oral request made by the counsel for petitioner, the High Court granted permission to appeal in the Supreme Court. The leaders of Mala Mahanadu were determined to carry their effort to Supreme Court with a view to frustrate the action of the Government and the leaders of the Madigas to categorize reservations. They openly said that the verdict of the High Court is not final and they will strive to get it annulled in the Supreme Court. Altogether four appeals were filed in the Supreme Court with the State of Andhra Pradesh as the

respondent. The first one by E.V. Chinnaiyah, second one by Mala Mahanadu in its name, a third by Mallela Venkata Rao, a leader of the Mala Mahanadu, and a fourth by Kota Samanth. The appeals were referred to a Constitution Bench consisting of Justices Santhosh Hegde, S.N.Variava, B.P.Singh, S.B.Sinha, and H.K.Sema. P.P. Rao and P.S.Mishra were the senior counsels for the appellants. They have adopted the reasoning of the dissenting judge of the High Court in order to buttress their case before the Supreme Court. Shiv Pujan Singh and T. Raja also appeared for the appellants. K.K. Venugopal appeared for the State.

The petitioners challenged the High Court judgement on various ground. Some of them are:

The judgement is contrary to the Articles 341, 14, 15, 16, and 338 of the Constitution of India. Parliament alone can deal with the Scheduled Castes in view of Article 341. The State legislature is not competent at all to deal with the list of Scheduled Castes notified by the Presidential Order under Article 341(1). Article 341 confers legislative powers to amend the list on the Parliament alone and there is no relevant entry either in List II or List III of the Seventh Schedule to the Constitution. The High Court judgement also did not appreciate the Supreme Court judgement in Palghat Jilla Thandan Samudhaya Smarakshna Samiti vs. State of Kerala in 1994, which ruled that the State legislatures have no power to meddle with the list of Scheduled Castes as notified by the President. Thus the State's legislation grouping the Scheduled Castes into various categories encroaches upon matters assigned to other legislatures, and in this instance Parliament. So the State legislature lacks competence to enact such legislation.

The High Court judgement wrongly held that since the categorization legislation dealt with fields of education, legal, medical and engineering professions and public services under the State, the State legislature can enact the categorization. It erred in thinking that since no expressed field of legislation in List I providing for regulating reservations, it is open to the State legislature to enact the categorisation legislation. The petitioners argued that since the Constitution in

Article 341(1) clearly provided the power to change the list of Scheduled Castes, there is no need for its inclusion in List I in the Seventh Schedule of the Constitution.

The reasoning of the High Court judgement that the categorization legislation was a positive step for the upliftment of the Scheduled Castes was wrong. It was not based on the recorded experience. The categorization legislation was based on the report of Justice Ramachandra Raju Commission, which in turn was based on inadequate material. The claim that the categorization was made according to population proportion of various groups is also wrong. The list of Scheduled Castes notified by the President is a single group and it is impermissible for the State legislature to divide them. The State cannot create a further classification or mini classification among the Scheduled Castes on the basis of population among them. All the Scheduled Castes shall be treated on one unit for the purposes of reservation.

Once the castes are put in the Presidential List, these castes become one homogeneous class for all purposes under the Constitution. Therefore, there could be no further division of the said castes in the Scheduled List by any Act of the State legislature. In the guise of exercising its legislative competence under Entry 41 in List II or Entry 25 of List III, the State legislature cannot exercise its legislative power so as to make a law tinkering with the Presidential List because the said Entries do not permit any law being made in regard to Scheduled Castes. In the guise of providing opportunity to some of the castes in the list of Scheduled Castes the State cannot invoke Entry 41 of the List II and Entry 25 of the List III to divide the Scheduled Castes. The contention of the petitioners was that the categorization legislation in reality is targeted to sub-divide the Scheduled Castes. Allotting a separate percentage of reservation from among the total reservation allotted to the Scheduled Castes to different groups among the Scheduled Castes amounted to depriving one class of the benefits of such reservation at least partly. Classification or sub-grouping made by the State

legislature amounting to sub-classification or micro-classification of the Scheduled Castes is violative of Article 14 of the Constitution of India.

Appearing for the State of Andhra Pradesh, Venugopal contended that Article 341 only empowers the President to specify the castes in the Presidential List and the Parliament to include or exclude from the specified list any caste or tribe and beyond. No further legislative or executive power is vested with the Union of India or the Parliament to decide to what extent the castes included in the Scheduled Castes list should be given the benefit of reservation which depended upon their degree of backwardness. The authority to decide to provide reservation or not, and the quantum of reservation to be provided is the exclusive prerogative of the State. In that process the State will have to keep in mind the extent of backwardness of a group, be it Other Backward Classes, Scheduled Castes or Scheduled Tribes. Therefore, having found a class of persons within the Scheduled Castes as having been deprived of such benefits, the State has the exclusive legislative power to make such grouping for reservation under Articles 15(4) and 16(4) of the Constitution, subject to Articles 245-246 of the Constitution. Since in this case there is no allegation that there has been any violation of Articles 245-246, the argument of lack of legislative competence should fail.

He further argued that there is an obligation on the State under Article 16(4) to identify the group of backward class of citizens which in the opinion of the State is not adequately represented in the service under the State and make reservation in their favour for such appointments. Article 15(4) obliges the State to make special provisions for the advancement of Scheduled Castes and Scheduled Tribes. What the State of Andhra Pradesh has sought to do under the categorization legislation was only to make such a provision to fulfill the constitutional obligation after due enquiry. Justice Ramachandra Raju Commission established that some particular groups within the Scheduled Castes have cornered most of the benefits of reservation at the cost of others in the same list. Therefore, with a view to see that the benefit of reservation percolates to the

weaker of the weakest it had become necessary to introduce categorization. In regrouping the castes in the Scheduled Castes list, there is no reclassification or micro-classification as contended by those who had challenged the State's legislation.

It was also argued that classification of Other Backward Classes was allowed by the judgement of the Supreme Court in 1992 in the case of Indra Sawhney vs. Union of India. The principles laid down there were applicable to the Scheduled Castes. It was also argued that the SC categorization was in the form of affirmative action to fulfill the objectives of the Constitution and the courts should not interfere in such efforts of the legislatures. Even if they do, the courts should try to give purposive interpretation to the constitutional provisions rather than restricted meaning. Neither Article 341 nor any other provisions of the Constitution prohibit the State from performing its obligations under Articles 15(4) and 16(4) of the Constitution and categorizing the various castes found in the Presidential List of Scheduled Castes based on inter-se backwardness within them. While the Constitution conferred the power of classification of backward classes on the President or the Parliament, a further classification of the castes within the List if became necessary, the same could be done by the State.

On hearing the pleading and arguments, the Full Bench addressed three questions that they thought arose in this case for their consideration: whether the categorization legislation is violative of Article 341(2) of the Constitution; whether the legislation is constitutionally invalid for lack of legislative competence; and whether the legislation creates sub-classification or micro classification of Scheduled Castes so as to violate Article 14 of the Constitution.

The Bench came to the view that Article 341 of the Constitution indicates that there can be only one List of Scheduled Castes in regard to a State and that List should include all specified castes, races or tribes or part or groups notified in that Presidential List. Any inclusion or exclusion from the said list can only be done by the Parliament under Article 341(2). Wherever reference has been made in the Constitution to Scheduled Castes, the reference is to the list prepared by

the President under Article 341 and there is no reference to any sub-classification or division. Except for a limited power of making an exclusion or inclusion in the list by an Act of Parliament there is no provision either to sub-divide, sub-classify or sub-group these castes which are found in the Presidential List of Scheduled Castes. Therefore, the Bench came to the view that the Constitution intended all the castes including the sub-castes, races and tribes mentioned in the list to be members of one group for the purpose of the Constitution and this group cannot be sub-divided for any purpose. Therefore, any executive action or legislation by the State which interferes, disturbs, re-arranges, re-groups or re-classifies the various castes found in the Presidential List will be violative of the scheme of the Constitution and will be violative of Article 341 of the Constitution. The judges did not agree with the contention that, in spite of the Presidential List, different castes among the Scheduled Castes continue to hold their birth mark and remain to be separate caste though put in one List by the government. For them, the castes once included in the Presidential List they form a class by themselves. If they are one class under the Constitution, any division of these classes of persons based on any consideration would amount to tinkering with the Presidential List (Supreme Court of India, 2004).

Section 3 of the Act provides for the creation of four groups out of the castes enumerated in the Presidential List of the State. After the re-grouping, it provides for the proportionate allotment of the reservation already made in favour of the Scheduled Castes among these four groups. Since the State had already allotted 15 per cent of the total quota of the reservation to the Scheduled Castes, the question of allotting any reservation under this enactment to the Scheduled Castes does not arise. Therefore, the purpose of this Act is only to first divide the castes in the Presidential List of the Scheduled Castes into four groups and then divide 15 per cent of reservation allotted to the Scheduled Castes as a class among these four groups. Thus the Act does not for the first time provide for reservation to the Scheduled Castes but only intends to re-distribute the reservation already made by sub-classifying the Scheduled Castes which is otherwise held to be a class by itself.

The constitutional obligation of providing opportunity for the advancement of certain backward classes has already been fulfilled by giving 15 per cent reservations in education and employment to the Scheduled Castes. Having done so, it is not open to the State to sub-classify a class and allot a portion of the already reserved quota among the State created sub-class with the list of the Scheduled Castes. Therefore, the judges came to the opinion that in pith and substance the categorization legislation is not a law governing the field of education or the field of State public services. The judges thus questioned the motives behind the legislation, saying that the intention of the State was to create groups of sub-castes rather than apportionment of reservations. But it is not clear from the Judgement as to how the objective of apportionment will be possible without first grouping the castes along the criterion of backwardness.

The judges observed that under the reservation policy the socially and educationally backward classes consist of Scheduled Castes, Scheduled Tribes and Other Backward Classes. Therefore, there is already a classification for the purpose of reservation. When certain castes are placed in a Schedule they acquire a special status of a class and all the castes in the schedule are deemed to be a class. In that background they raised the question whether further classification of the castes included in the list of Scheduled Castes for the very object of providing reservation is permissible. Classification whether permissible or not must be judged on the touchstone of the object sought to be achieved. If the object of reservation is to take affirmative action in favour of a class which is socially, educationally and economically backward, the State's jurisdiction is to decide as to what extent reservation should be made for them. Such a class cannot be sub-divided so as to give more preference to a miniscule proportion of the Scheduled Castes in preference to other members of the same class. But the judges of the Supreme Court erred in their reasoning that the categorization legislation is not aimed at benefiting a 'miniscule proportion' of the Scheduled Castes. The Madigas, the Madiga-allied castes and the Rellis and Relli-allied castes constitute more than a majority of the Scheduled Caste population of Andhra Pradesh.

The Supreme Court judges considered the view of the High Court in saying that the Scheduled Castes in a State are a conglomeration of castes and therefore grouping them for the sake of ensuring that reservation benefits reach the relatively underdeveloped sections of the Scheduled Castes as not correct. According to them, the idea of placing different castes in a State as a conglomeration by way of a deeming definition suggests that they are not to be sub-divided or sub-classified further. If a class within a class of members of the Scheduled Castes is created, the same would amount to tinkering with the List of the Scheduled Castes. Hence, the Court felt that a further classification by way of micro classification is not permissible. Such classification of members of different classes of people based on their respective castes would also be violative of the doctrine of reasonableness. The judges opined that the categorization legislation of the State was beyond the legislative competence of the State and is also violative of Article 14 of the Constitution and hence declared it as ultra vires the Constitution (Supreme Court of India, 2004).

While the judges struck down the categorization legislation, they came forward offering remedies to address the question of backwardness of some of the castes among the Scheduled Castes. According to them, if benefits of reservations are not percolating to more backward Scheduled Castes “measures should be taken to see that they are given such adequate or additional training so as to enable them to compete with the others...” (Supreme Court of India, 2004). They also said that “adequate representation must be given to the members of the Scheduled Castes as a group and not to two or more groups of persons or members of castes”. In a separate concurrent judgement, Justice S.B.Sinha wrote a section under heading “What is the remedy”? He says: “what was necessary in the situation was to provide to them scholarships, hotel facilities, special coaching, etc. so that they may be brought on the same platform.... The said facts clearly go to show that providing reservation for them in engineering or medical discipline or in public service would not solve their problem.... The State, in our opinion, should take positive steps in this behalf.”

How so ever well-meaning these suggestions of the learned judges may be they did not address the fundamental question raised by the Madigas. The question is not the general measures for the upliftment of the relatively backward sections of the Scheduled Castes. The question is about sharing the benefits of reservation in education and employment that are available for the entire population of the Scheduled Castes. This was raised by the Madigas as they were aggrieved that they were not getting their due from the common pool of reservations for which they are entitled. But access to these reservation benefits has been blocked and they feel frustrated because most of these benefits were taken away by particular castes within the Scheduled Castes. The Madigas raised a simple question: when they constitute more than a majority of the Scheduled Caste population in the State, and they only get a minority share in the reservation benefits and some other caste people among the Scheduled Castes corner most of these benefits and this happens for a considerable length of time, what is the remedy? Other than categorization, is there any measure that can reasonably ensure equitable distribution of reservation benefits among the Scheduled Castes included in the list of Scheduled Castes as per the Presidential Order for the State?

It appears that the judges of the Supreme Court took a static view of the view of the Constitution and applied a restricted meaning to the provisions of the Constitution. The makers of the Constitution did not envisage the problem that was raised by the Madigas about the inequitable distribution of reservation benefits amongst the Scheduled Castes. This is a new situation that warranted new solutions. A way out was already shown when the Other Backward Classes are classified to overcome the reality of unequal development of the backward classes and therefore the possibility of some backward castes cornering most of the benefits of caste reservations. What Madigas asked was not a new principle, but an extension of the principle that was applied already in the case of other backward classes who are also treated as a class. The judges referred to the judgement in Indra Sawhney saying that in that case the Supreme Court did not apply this to the Scheduled Castes. But the Indra Sawhney case was about the backward classes, and the question of Scheduled Castes was not relevant to that

case. So, the categorization of Scheduled Caste reservations cannot be struck down on the ground that the Supreme Court in Indra Sawhney case did not permit categorization of the Scheduled Castes.

The political context in which the Supreme Court judgement came is also perhaps important in this context. All the efforts at the categorization of the Scheduled Caste reservations in the State were made during the rule of the Telugu Desam Party which was favorably inclined towards categorization. It set up the Justice Ramachandra Raju Commission, issued the Government Order in 1997, gathered a consensus among all parties in support of categorization, and then issued an Ordinance and finally enacted a law in the State legislature. The TDP was supporting the ruling National Democratic Alliance led by the Bharatiya Janata Party at the Centre. So, the political conditions in the State and at the Centre were conducive to categorization till 2004. In the general elections held in May 2004, the TDP was defeated as also the National Democratic Alliance at the Centre. Both were replaced by the Congress party, which has been ambivalent to the question of categorization. Probably, the Supreme Court judgment reflected the changed political circumstances too, when the ruling party at the State was not as keen about categorization as the party that was in power before 2004. There was a belief that the Congress was opposed to categorization, that it was pro-Mala and helping the Mala Mahanadu (Muthaiah, 2004: 196)

5.2 Response to the judgement

The Madigas felt vindicated earlier when the judgement of High Court of Andhra Pradesh upheld the categorization legislation. Now it was the turn of the leaders of the Mala Mahanadu to feel jubilant with the Supreme Court judgement. The reasoning of the Supreme Court went along with the reasoning of the Mala Mahanadu leaders. For the MRPS leaders the judgement came as a shock, after all their efforts have been rendered futile and all the hopes were frustrated with repeated litigation and obstinate resistance from the Malas who now got a fillip

after the Supreme Court judgement. The MRPS president, Krupakar Madiga, said at a press conference that the Supreme Court judgement delivered a blow to lakhs of Madigas who had been enjoying the benefits of reservations in education and jobs only for the past four years. He recalled that the previous TDP government had got a bill passed in the Assembly in April 2000 paving the way for reservations for the Madigas, Relli and other sub-castes but now we realize that it was only a temporary measure which is reversed now reversed by the Supreme Court. 'We will not suffer this injustice in silence. We will resort to agitation again', he said (*The Hindu*, 6 November, 2004).

The Mala Mahanadu hailed the judgment and said it should not be construed as a loss to any section (*The Hindu*, 6 November, 2004). The Mala Mahanadu has appealed to political parties and individuals to refrain from politicizing constitutional rights in the wake of the Supreme Court verdict on the sub-classification of Scheduled Castes. Addressing a press conference, the chief of Mala Mahanadu, P.V.Rao said that many persons were under the false impression that the sub-classification of the Scheduled Castes could be carried out by the States. He pointed out that article 341 dealt with the list of SCs and only the Parliament is empowered to make any inclusion or exclusion of castes in the SC list. He accused the TDP president Chandrababu Naidu, of bringing in the sub-classification to gain electoral mileage (*The Hindu*, 7 November, 2004).

The MRPS and other Madiga leaders urged government not to abolish the benefits extended to the Madigas after the classification. They said that the State Assembly should pass a resolution and urge the Parliament to amend the Constitution to give effect to the Classification of the Scheduled Castes. They announced their decision to rally members of the community to fight for restoration of the sub-classification (*Deccan Chronicle*, 7 November 2004). The Mala Mahanadu had also planned to organize protest meetings in all the mandal headquarters of the State to demand immediate implementation of the Supreme Court verdict which struck down the Sub-classification of SCs. The leader P.V.

Rao said that it is the duty of the government to implement the order without coming under pressure from different groups (*The Hindu*, 8 November, 2004).

The Chief Minister, Y. S. Rajasekhara Reddy refused to comment on the Supreme Court ruling. The PCC president Kesava Rao said reservation for sub groups among SCs was a political matter and would be dealt with appropriately. The Advocate General of the State of Andhra Pradesh who defended the Categorization in the court said that the legal gates of the categorization are closed. Therefore it is the political parties who have to take the issue into the Parliament and can make a law. This is the only solution left for us now' (*Andhra Bhoomi*, 9 November, 2004). The Chief Minister said that a national policy was needed on the issue of categorization of the SCs (*Deccan Chronicle*, 13 November, 2004). The MRPS leaders and members called on the Chief Minister and tried to impress upon him the need for a resolution supporting classification of Scheduled Castes adopted in the State Assembly requesting the Parliament for enactment of law in this regard. The MRPS launched '*chaitanya yatra*' from Balapanur, the native village of the Chief Minister, Y.S.Rajasekhara Reddy, demanding legislative safeguards to the classification of Scheduled Castes. MRPS also urged the Chief Minister to persuade the Prime Minister, Manmohan Singh and the AICC president Sonia Gandhi to bring out an enactment on the lines suggested by the Supreme Court (*The Hindu*, 16-18 November, 2004). The Union Rural Development minister Narendra of the Telangana Rashtra Samithi, which was an ally of the Congress party in 2004 general elections and member of the Union Cabinet, declared that the Supreme Court judgment on categorization says that the State does not have the Constitutional right to classify the Scheduled Castes and make a decision on the Scheduled Castes. But the ABCD movement has aimed at social justice. At this juncture we the TRS would support amending the Constitution and help in the further process.

Terming the ruling 'unfortunate', the TDP leaders Kadiam Srihari, U. Venkateswarulu, and R. Prakash Reddy charged the Congress government for not properly defending the categorization in the Supreme Court. N. Chandra

Babu Naidu, who was the Chief Minister at the time of legislative enactment of categorization legislation but now leader of opposition after defeat in the 2004 general election, said that his government had consulted all party leaders, tried its best to bring out categorization of Scheduled Caste reservations and got the acceptance by the President. But now according to the Supreme Court judgment Parliament has to make the law, not the State government. This is now in the hands of the present ruling party, the Congress' (*Andhra Bhoomi*, 5 November, 2004).

The BJP has expressed dismay over the Supreme Court striking down the State Government's reservation policy for the Scheduled Castes based on categorization of sub-castes. They criticized that the Congress government at the State and Central level are responsible for not putting forth a strong argument in the apex court in support of the policy. BJP state leader Indrasena Reddy said that it is "unfortunate to hear the Supreme Court judgment and we request the government to take necessary actions in making it a law in Parliament.' The BJP State secretary said that the Congress party and government need to take steps to enact legislation in Parliament to restore classification. The Centre could even amend the Constitution if required. He recalled that the congress had supported in the Assembly the Ramachandra Raju Commission's recommendation on categorization of sub-castes for the purpose of implementing the reservations for the Scheduled Castes. It was only after all the parties backed the recommendation during an Assembly debate in 1998 that the law was enacted. He maintained that the BJP was the first party to demand micro classification of SCs. It was only after the party adopted a resolution in this regard in July 1996 that the TDP government reacted by appointing the Commission two months later (*The Hindu*, 7 November, 2004).

CPI state convenor Suravaram Sudhakar Reddy said that 'while the categorization legislation is declared unconstitutional, we have to read it carefully and necessary actions need to be taken immediately'. The Andhra Pradesh Civil Liberties committee leaders demanded that Parliament enact

legislation providing for micro classification which was essential for removing imbalances in a democratic society. They said that the categorization legislation was passed earlier in the State Assembly by the support of all political parties. Hence, they urged all political parties to support enactment of such legislation leaving side narrow political interests and considerations. They also said that democratic-minded people should also exert pressure on political parties in this regard (*The Hindu*, 10 November, 2004).

The government of Andhra Pradesh elicited the opinions of few legal luminaries on the implications of the Supreme Court judgement and possible course of action, if any, to follow up. S.Ramachandra Rao, a senior advocate in High Court of Andhra Pradesh, thought that the Supreme Court struck down the Scheduled Castes Rationalisation Act, 2000 for two reasons: firstly, the Act is beyond the legislative competence of the State legislature as violative of Article 341; and secondly, the Supreme Court took the view that further classification, or micro classification as it is called by the Supreme Court, of the Scheduled Castes as listed by the Presidential Order offended Article 14 of the Constitution. A decade-old popular agitation coupled with factual findings of Justice Ramachandra Raju Commission led to categorizing the total constitutional concessions and benefits into various groups and allotting 1 , 7 , 6 and 1 per cent of reservations to A, B, C, and D groups respectively, so that the total 15 percent reservations are evenly and equitably distributed. The purpose of reservation is to protect the meek and weak from the culturally, socially and educationally advanced classes of the society, by giving this constitutional boost so that in reality equality is ultimately achieved. He opined that, under the circumstances, the Parliament has to legislate allowing the State government to categorize the Scheduled Castes of the State.

He suggested that there was no need for amending article 341 since the power of categorizing or sub-classifying is implicit in the text of Article 341 itself. The power to classify and sub-classify is part of the constitutional power to achieve equality and by proper reasoning and appropriate legal drafting. Hence on the

same lines as per the same law which was struck down by the Supreme Court, a bill on categorization with appropriate changes may be introduced in the Parliament and be made into law for Andhra Pradesh. Such a law can be made even for a state, since the various castes declared under Constitution as Scheduled Castes differ from State to State. Therefore, it is imperative that the law for Andhra Pradesh on these lines for categorising the Scheduled Castes as enacted by the State Government can be undertaken by the Parliament (Ramachandra Rao, 2004).

Advocate and well-known human rights activist K. Balagopal said that of the 59 Scheduled Castes, only a few have availed disproportionately the benefits given to the scheduled castes as whole. Though this may have happened inadvertently due to historical and social factors the fact remains that only a few communities out of the 59 have benefited substantially from the special Constitutional provisions intended for the Scheduled Castes as a whole. According to him, one social factor that has to be borne in mind is that social distance similar to untouchability prevails among the Scheduled Castes in the State. Within the Scheduled Castes the 'higher' Scheduled Castes treat the 'lower' Scheduled Castes more or less in the same way the non-Scheduled Castes treat all the Scheduled Castes. The MRPS had raised this problem and made it a major policy issue in the State. On this matter, Justice Rama Chandra Raju Commission of Enquiry gave detailed report of who have been developed and who needs the support and accordingly recommended grouping the Scheduled Castes of the State into A, B, C, and D groups so that the more backward among the Scheduled Castes get due access to reservations.

The High Court of Andhra Pradesh had dismissed the petition of the Mala and related communities who questioned the validity of the report and challenged the categorization legislation. They went to the Supreme Court challenging the categorization legislation terming the High Court judgment as erroneous. The grounds of challenge were more or less the same as they were in the petition filed in the High Court. The Supreme Court observed that the correctness or otherwise

of the Ramchandra Raju Commission is final and the issues covered by it cannot be reopened. The very logic by which reservations are provided would dictate that if there is perceived systematic inequality within a reserved category the most appropriate remedy is to apportion the benefit given to the category as a whole. It is noted from the reservations point of view that the disabilities arising from the caste problem is to solve by reserving certain proportion mandatorily for the disadvantaged community. It is clear that such an action is within the scope of the Article 16(4) of the Indian Constitution (Balagopal, 2004).

K. Venugopal raised two questions: 1) whether any bill can be introduced in the Parliament after the pronouncement of the judgment of the Supreme Court saying that the Scheduled Castes constitute one class, and any classification of the Scheduled Castes is not permissible under Article 341 of the Constitution; and 2) what is the other course of action left to the Government? It is not as if the State of Andhra Pradesh had arbitrarily grouped the four different sets of castes and fixed the percentage of posts in public services and seats in educational institutions against which they were to compete with the other groups in the categories of A, B, C, and D as specified in Section 3 of the Act. The basis underlying the promulgation of the Ordinance which was later replaced by the Act is the report of Justice P. Rama Chandra Raju who constituted one man Commission of Enquiry for inquiring into certain demands made by a section of the Scheduled Castes for categorization. The notification required the Commission of Enquiry to go into all aspects of reservation in employment and admission into educational institutions that was available to the Scheduled Castes. The Commission had visited many places and districts and contacted heads of Departments to elicit the information pertaining to the 59 Scheduled Castes in Andhra Pradesh (Venugopal, 2005).

The judgment given by Justice Santhosh Hegde holds that the object of the sub-classification and appointment is only secondary and consequential. The primary objective being creation of groups of sub-castes and this, according to judgment, was beyond the legislative competence of the State government. The foundation

of the judgment is that the State government or even the Parliament for that matter have no competence to sub-divide or sub-classify the castes in the list of Scheduled Castes and apportion benefits to each one of these groups separately instead of entirety of the group being entitled to compete for the totality of reservations or benefits extended by the State. It is obvious from the judgment that the State of Andhra Pradesh or for that matter even the Parliament cannot do the classification because it is not constitutionally permissible.

He, therefore, suggested that the only remedy if the State desires to extend the benefit of reservations to different groups in the list of Scheduled Castes by sub-classifying them can be through amendment to the Constitution undertaken by Parliament in accordance with the provisions of Article 368 of the Constitution. It assures that the amendment only authorizes a State legislature or the government to sub-classify or regroup the Scheduled Castes and can provide separate reservations for each one of these groups in proportion to the population of the State so as to achieve the equality of opportunity and equitable distribution of reservation benefits.

The Parliament in amending the Constitution will have to add a provision to Article 341 of the Constitution in the following terms: “Provided that the appropriate government may sub-classify the castes, or tribes in the list of Scheduled Castes based on their relative backwardness, to ensure equality of opportunity among them in accordance with Articles 14, 15 and 16 of the Constitution”. The sub-classification and percentage of reservation will have to be in the purview of its executive power. This has been so held by the Supreme Court of India in the Indra Sawhney case [1992 Supp (3) SCC 217 at para 736] in regard to Articles 14, 15 and 16 of the Constitution. At this juncture the question of legislative competence will not arise as the Constitutional provision itself authorizes the State government to make such a sub-classification and provide for benefits and reservations based on the extent of backwardness (Venugopal, 2005).

Even though the Supreme Court judgment allowed time till 5 February 2005 to withdraw the categorization rules, the State government on 23 December 2004 cancelled the G.O. MS. No. 47 of the Social Welfare Department issued in May 2000 (Govt. of AP, 2004). During the period (2000-2004) when there was categorization among the Scheduled Castes, the backward communities among the Scheduled Castes could get the reservation benefits better. The Relli and its allied castes, the most backward among the Scheduled Castes, benefitted by getting maximum number of seats in educational institutions and vacancies in public employment. In the State level Engineering, Agricultural and Medical Common Entrance Test (EAMCET), about 180 candidates of Relli group got medical seats and 3100 candidates got engineering seats. During this short period of categorization hundreds of candidates of Relli group were appointed as commercial tax officers, teachers, lecturers, doctors and engineers on their reservation basis (National Report, 2008: 94).

The repercussions of the withdrawal of the categorization rules were evident immediately. Candidates of the more backward castes among the Scheduled Castes who were selected for certain posts did not get the jobs because separate quotas were withdrawn and their appointments were cancelled. For instance, a woman from Kurnool district got selected for interview to a lecturer's post in a Junior College (+2 level). After a successful interview, she was hoping to get employed in a college. In the meanwhile the Supreme Court gave the judgement quashing categorization. As a result she lost her post to another woman candidate belonging to Mala caste. When the categorization rules were in force candidates from Madiga and other backward castes were able to secure seats in educational institutions and posts despite their lower rank compared to Mala and Adi-Andhra castes. But the status quo ante was restored with the Supreme Court judgement. The table below shows the consequences of the Supreme Court judgement and the consequent withdrawal of the categorization rules by the State government.

Table 5.1: Appointments made by the APPSC for the various years (percentage posts in parentheses)

Year	Number of posts	Posts secured by Madigas	Post secured by Malas	Posts secured by other SCS
1999-2000	111	12 (11)	99 (90)	Nil
2000-01	147	68 (46)	54 (37)	25 (17)
2001-02	331	169 (51)	124 (37)	38 (11)
2002-03	33	18 (55)	9 (27)	6 (18)
2003-04	148	66 (45)	52 (35)	30 (20)
2004-05	162	30 (19)	130 (80)	2 (1)

Source: Report submitted by Retired Madiga Officers' Forum on 30.06.2007 to Usha Mehra Commission.

In the year 1999-2000 there was no categorization of reservations. As a result few Madiga candidates could get selection. The situation of other Scheduled Castes was much deplorable, as they got nothing. And the situation has suddenly and drastically changed with the enforcement of categorization rules. Candidates belonging to Madiga and other backward Scheduled Castes got employment in proportion to their population because the internal quotas for these castes were fixed. If we look at the 2004-05, the situation has been reversed, and the situation that prevailed before categorization was reinstated.

5.3 Renewing the agitation for categorization

MRPS tried hard to come out of the dreadful situation that arose in the aftermath of the Supreme Court judgement. It did not lose hope. It renewed the resolve to continue the struggle for social justice. Its leaders demanded the Congress government – in power at the State level as well as at the Centre – to hasten the process of amending the Constitution to permit categorization of the Scheduled Caste reservation in the same way it is done in the case of Other Backward Classes. Agitations for bringing out a Constitutional amendment and put pressure

on political parties in this direction were resumed by the MRPS in November 2004.

Krishna Madiga launched the '*Chaitanya Yatra*' from the Chief Minister Y.S.Rajasekhara Reddy's home town, Pulivendula, in Kadapa District. On 24 November he reached Tadepalligudem in West Godavari district on the coast and on 31 November he reached Karimnagar. The MRPS brought together many organizations that favoured categorization. It organized public meetings in order to convey the message that they will fight till the end for the categorization. On his padayatra, Krishna received complaints from various youth in villages as well as in the cities that they lost their jobs as a result of the Supreme Court judgment. The grief of losing their jobs was quite widespread. Many claimed that 'even we have good marks than the other, the moment they hear the Supreme Court Judgment the officials said that the jobs are filled and it was given to persons from Mala community' (*Andhra Jyothi* 30 December, 2004). Later on 28 January 2005, the MRPS conducted the huge meeting in Anakapalle and called upon the Madigas and other sub-castes to rally themselves to question discrimination.

Once the rumblings of the categorization movement began to be heard once again and the passions ran high among the Madiga youth over the repeated frustration of policy decisions to categorize reservations, the Congress party and government swung into action. On 10 December 2004, the Chief Minister Y.S.Rajasekhara Reddy made an appeal to the Central Government to make the categorization as law. The State Cabinet had unanimously approved the categorization and made a similar plea. Since the authenticity of the Rama Chandra Raju Commission was raised by the Mala Mahanadu leaders on the ground that the data gathered by it was partial and antiquated, there was a proposal for the appointment of a National Commission to examine the question of unequal distribution of reservation benefits among the Scheduled Castes and the possible remedies on the basis of the 2001 Census data.

On 18 April, 2005 Manda Krishna started '*Maha Padayatra*' (long march) from Bangalore to Hyderabad. He appealed to the Karnataka government to help them in getting the categorization bill passed in the Parliament and to support the categorization issue in Andhra Pradesh. He pointed out that due to bunching of reservations the Madigas are suffering not only in Andhra Pradesh but in Karnataka also. Since they are fighting for social justice, MRPS promised that they will extend their support to any kind of reservation problems in Karnataka. In Andhra Pradesh, he said that large number of the Madigas, Relli, Budaga Jangam, and Dakkali are still performing their traditional jobs. Due to categorization, these communities who hitherto considered themselves not eligible to get education had started to climb the ladder of development. This showed the beginning of a new era of equality of what B.R.Ambedkar thought of. Ambedkar wanted all the Scheduled Castes to be united as well as develop equally. But this came to nought because of withdrawal of categorization (*Andhra Jyothi*, 18 April, 2005).

Manda Krishna reached Hyderabad after completing the march for 56 days. He walked for about 1500 kms demanding the Central government to bring legislation on categorization. On 11 June 2005, '*Madiga Dharma Yudda Mahasabha*' was conducted in Nizam College Grounds in the capital city of Hyderabad (*The Hindu*, 12 June, 2005). Apart from Madiga and allied castes, the meeting attracted large number of activists from different states such as Karnataka, Orissa and Tamilnadu. Krishna Madiga criticized the Congress government and the Chief Minister by saying that they are not interested in doing justice to the Scheduled Castes. In a press meeting on 3 August, 2005, Manda Krishna demanded that the Chief Minister must convene an all-party meet so that the categorization issue can be represented to the Central Government (Prasad, 2007: 137).

The 'Madiga Student Federation', a Madiga student organization based at Osmania University, demanded that the government should remove three Mala ministers, Geeta Reddy, Gollapalli Surya Rao, and G.Vinod, because of their

antipathy to the Madigas and their pronouncements against categorization. They claimed that the categorization was accepted by the all party members before these Ministers met the Congress chief Sonia Gandhi and persuaded her against categorization (*Andhra Jyothi*, 8 August, 2005).

On 11 August 2005, an all party team of seventeen members led by K.Ranga Rao, appealed to the Prime Minister Manmohan Singh and UPA chair person Sonia Gandhi to hasten up the process of categorization of SC reservations. All political parties, including the Congress, had representatives in the all party team. On 23 August 2005, opposition TDP leader Chandra Babu Naidu met the then President Abdul Kalam, Vice President Bhairon Singh Shekawat, and Speaker Somnath Chatterjee with an appeal to initiate measures to resolve the tangle of Scheduled Caste reservations. The leader of the opposition party BJP, L.K. Advani, extended his support to categorization of reservations. He further said that if the bill was presented in the Parliament, he and his party will extend support (*Andhra Jyothi*, 17 January, 2006).

By 5 November 2005, it had been a year since the Supreme Court struck down the categorization policy. The Congress was the ruling party at the State and as well as at Centre. Manda Krishna accused the Congress party for showing disinterest in dealing with the categorization issue. Manda Krishna said that during 1994-2000 MRPS demanded the State government to do justice to the backward castes among the Scheduled Castes by bringing categorization. But in view of the Supreme Court, a new situation has arisen where the Madigas had to bring pressure both on the State as well as the Centre. He lamented that the ruling Congress party was not showing any will to help the Madigas. He said that the Congress was taking pro-Mala positions rather than enabling the Madigas to get their share in the reservations. According to him, the Congress party and its Chief Minister in the State, Y.S.Rajasekhar Reddy, were not in favour of categorization and this was the reason for procrastinating on the issue (Prasad, 2007: 143).

The Congress party held its plenary meeting in Hyderabad on 21 January, 2006. The MRPS declared that they would conduct a '*Kurukshetra Mahasabha*' on the

same day in Hyderabad and he gave a call to all the Madigas to gather in Hyderabad. In response to the MRPS call, the Chief Minister sent an invitation to MRPS leader Manda Krishna for talks on the issue. Later he promised that he will represent the matter to the Congress president Sonia Gandhi and Prime Minister Manmohan Singh (*Andhra Jyothi*, 22 January, 2006). The government took precautionary measures to foil the Madigas 'Kuruksheetra Mahasabha'. On the other hand, the Malas had also planned to hold a Mahasabha against any parliamentary legislation or constitutional amendment in favour of categorization or that enables the State to do categorization. To control this turbulent situation, the State government got the extra police force to the Hyderabad city. From 19-24 January 2006, Section 144 of the Criminal Procedure Code that prohibits any assembly of more than ten people in an area was clamped in the city. Meanwhile, the government detained some Mala leaders and also stopped the Madiga activists from entering the city. They arrested MRPS convenor Rayakanti Ram Das Madiga from his hometown, Mahboobnagar. Other local convenors of MRPS at different places like Srikakulam, East Godavari, Nizamabad, Khammam, etc. were also detained. The government arrested nearly 200 MRPS activists and filed cases against them (Prasad, 2007: 151).

On 5 April, 2006, Manda Krishna began another *Padayatra* (foot march) called *Tirugubatu Mahapadayatra* (Great March of Revolt) from Amalapuram in East Godavari district. Every day he walked for 20-25 kms to gather the Madiga and other sub castes people and to gather support for categorization. During the meetings Manda Krishna highlighted that the Tamilnadu Government provided 69 per cent of reservations. Although it exceeded the 50 per cent reservation limit imposed by the Supreme Court of India, it was made constitutional by including in the Ninth Schedule of the Constitution which made it immune from any judicial review. In Punjab the categorization was implemented from 1974 and the same was implemented in Haryana in 1994. He questioned as to why the process of categorization was taking so much of time in Andhra Pradesh (*Andhra Bhoomi*, 6 April, 2007). He pointed out that Malas on one hand proclaim that the Malas and Madigas are like brothers and should support each other. But on the

other hand they are fighting against the categorization which is benefitting their brothers along with other underdeveloped communities among the Scheduled Castes. As they claim themselves to be Ambedkarites, he questioned them about the ideology of equality and social justice of Ambedkar. He criticized that the Mala leaders were not following Ambedkar and instead were insulting him (*Andhra Bhoomi*, 6 April, 2006).

On 5 September 2006, the Andhra Pradesh C.M along with the Madiga Ministers and the MRPS leaders met the Prime minister in Delhi. They submitted memorandum and explained the pitiable conditions of the Madigas and other sub-castes of the State. They also explained how categorization had helped them during the four years during which separate quotas in reservations were implemented in Andhra Pradesh. On 7 September 2006, the State Cabinet discussed the situation in the wake of setting up a new national commission to review the condition of the Scheduled Castes and categorization issue. The Cabinet felt that the scope and the jurisdiction of the commission should be confined to the state of Andhra Pradesh. The commission may consider the constitutional and legal consequences of categorization in the other States and Union Territories. It also wanted the commission to recommend a plan of action to be followed by the State in this matter (*Eenadu*, 7 October, 2006).

When a consensus on the categorization appeared to be in reach, and when all the political parties and many organizations extended their support to categorization, the Mala Mahanadu conducted a State level meeting on 10 October 2006 in Vijayawada opposing categorization (*The Hindu*, 11 October, 2006). Manda Krishna questioned the Malas about their meeting in Vijayawada only. He said that they could conduct the meeting in Hyderabad. But they are scared to do so because if it is in Hyderabad they would not be getting the Malas in huge number. Since Madiga population in Telangana is more they did not dare to keep the meeting in Hyderabad (*Andhra Jyothi*, 11 October, 2006).

It is not as if all the Malas were opposed to categorization. There have been sections among the Malas who supported categorization. On 25 March 2007, the

Jai Bharat organization held a State level meeting with numerous Mala youth participating in it. Those Mala leaders who spoke at the meeting supported the categorization and they shouted the slogans ‘*Mala- Madiga Aikyata Vardillali*’ (long live unity of Malas-Madigas). The meeting gave a call to the Mala youth to support the cause in whatever way they could. They criticized the mainstream Mala leaders who were working as the henchmen for the political parties and politicizing the issue with a view to serve their personal interests (*Jai Bharat Pamphlet, 2007*).

Loknath, one of the key leaders of the Jai Bharat said that categorization is the only answer for equitable distribution of reservation benefits among the Scheduled Castes. He said that the Jai Bharat will always support the cause of the underdeveloped castes among the Scheduled Castes. He said that it was not a question of favouring the Madigas and going against Mala brothers but it was a matter of adhering to the ideology of Baba Saheb Ambedkar. The Mala leaders who claimed themselves as Ambedkarites or followers of Ambedkar never digested the essence of Ambedkar’s ideology. It is high time that the core Mala leaders should support categorization and help the other communities to move ahead. It is baseless to accuse a non-dalit as for dividing the dalits. He said: “The categorization of the Scheduled Castes into A, B, C, and D groups is not dividing the Scheduled Castes but the only means to bring all the Scheduled Castes together. The aim of the categorization is democratic for which we are supporting”. He further pointed out that some of the Mala leaders said that nothing big can be achieved from the reservations in public employment, and hence all the SCs should focus on the reservations in private sector and on globalization. If that is the case why are they fighting against the categorization? Hence the Jai Bharat supports justice in any possible way (Interview with Loknath, 21 April, 2011).

Perturbed over the delay in taking any concrete measures to accelerate the process of categorization, Manda Krishna declared that he will fast unto death demanding immediate State action in favour of categorization. Since the

academic year would begin soon categorization assumes critical importance for the students who seek admissions in different courses and educational institutions. He declared that if the State government did not take necessary steps to hasten the process he would start fasting in front of Chief Minister's house (*Vaaritha*, 18 April, 2007). Several organizations and civil society organizations extended their support and requested the government to provide legal safeguards for categorization. Organizations like Progressive Organization of Women (POW), Bandhu Mithrula Committee, associations of various castes such as Pusala, Boya, and Gowda castes, Yerukala hakkula Porata Samithi activists, lawyers, and political leaders met the Chief Minister supporting the plea for categorization. B.V. Raghavulu, State Secretary of the Communist Party of India (Marxist). K.Govardhan, leader of the Communist Party of India (Marxist-Leninist), and leaders of the SC Categorization Supporting committee, including its convenor Prof. K.R. Choudhary also met the Chief Minister. Lok Satta party leader Jaya Prakash Narayan commented that the demand of the MRPS is justified and their party will support their cause completely. They all requested the Chief Minister to persuade Manda Krishna to withdraw the fast unto death and to speed up the process of categorization (Prasad, 2007: 189).

As no assurance came, Manda Krishna started his fast in front of Chief Minister's house on 17 May 2007. Several of the opposition parties extended their support. After Justice Usha Mehra accepted to take up the issue, on 21 May 2007, all the political leaders along with the Chief Minister came to persuade Krishna Madiga to break his fast and they promised that they will make the categorization a legal provision (*Andhra Jyothi*, 17&22 May, 2007). Accordingly the government of Andhra Pradesh requested the Central government to make arrangement to take the matter to the Parliament to protect the interests of Scheduled Castes. In an all party meeting in the Secretariat on 21 May they decided to request the Usha Mehra commission to submit its report within three months. Accordingly, Chief Minister Y.S. Rajasekhara Reddy, called the Union minister, Meera Kumar and explained the intensity of the issue and requested to hasten the process and submit its report within three months for

which she responded favorably. Political parties such as the CPI, CPM, TDP and the BJP did not attend the all party meeting saying that the government did not take a clear stand on the categorization issue (*Andhra Jyothi*, 21 May 2007).

The MRPS conducted a 'Jaitrayatra' (huge cycle rally) in the State from 11 to 21 July 2007 hailing the success in setting up of the National commission (*Deccan Chronicle*, 22 July, 2007). It started from Ananthapur and reached Hyderabad on 21 July, covering various districts for about 1900kms. Manda Krishna, amid slogans and drum beatings, submitted the Madiga representation to the Usha Mehra Commission. In a press conference later, he wondered why the categorization process was delayed even after the State Assembly unanimously approved categorization thrice. He attributed the delay to the games that political parties play in this matter. He said that the government should not see the Commission as a way to gain time (*The Hindu*, 22 July, 2007).

5.4 Summary

The implementation of SC categorization for four years resulted in enormous gains not only to Madigas but also to other backward communities among the Scheduled Castes. But the judgement of the Supreme Court dashed the aspirations of the members of the backward castes among the Scheduled Castes when it declared the categorization legislation of the State of Andhra Pradesh as violative of the Articles of the Constitution and that the State does not have legal competence to enact such a legislation. Its reasoning went along the lines of the reasoning of the petitioners who challenged the legislation and the judgement of the Full Bench of the High Court of Andhra Pradesh.

However, the Supreme Court judgment did not put a lid on the demand for categorization. The Madigas who saw the benefits of categorization in real life did not want to relent. The categorization opened new paths for all those castes to march towards progress and development which was not possible by any other mechanism over all these years. This overall feeling among the Madigas and

other underdeveloped castes among the Scheduled Castes became a source for the renewed commitment of the MRPS to fight for categorization.

The ruling Congress party and its Chief Minister tried to do tight rope walking so as to appease to both the Malas and the Madigas and to secure their support. However, the pressure put up by the MRPS and the support extended to the demand of categorization led to forcing the ruling Congress party to set up a national commission to enquire into the condition of the backward castes and recommend measures to address the issue of categorization. We shall discuss the report of the national commission and the status of the movement in the next chapter.

Chapter VI

Usha Mehra Commission and the Aftermath

This chapter provides an account of the later phase of the categorization movement. It presents the circumstances under which a national commission to examine the issue of categorization of Scheduled Caste reservations and its major recommendations. The MRPS along with associations of the other communities worked hard to impress on the commission on the need for categorization. They tried to mobilize public opinion and support of various political parties for bringing a constitutional amendment to give effect to categorization. However, the efforts in quest for social justice in every possible way were repeatedly frustrated. The chapter discusses these aspects in its various sections.

6.1 Representations by different communities

As we saw in the previous chapter that after the Supreme Court judgment declaring the categorization legislation there was renewed demand for taking up this issue in Parliament. The MRPS and leaders of various political parties represented this matter to the President of India, Prime Minister and the Chief of the Congress party, Sonia Gandhi. The Legislative Assembly of Andhra Pradesh had passed unanimous resolution on 10 December 2004: “In view of the Supreme Court Judgment, the House resolves to recommend to the Government of India to take up the matter in Parliament” (*The Hindu*, 11 December 2004). Accordingly the Government of Andhra Pradesh wrote a letter to the Government of India on 10 January 2005 requesting it to take up the matter in the Parliament in such a way to protect the interests of the Scheduled Castes by suitably amending the Constitution (*Andhra Bhoomi*, 11 January 2005).

The Ministry of Social Justice and Empowerment of Government of India sought the views of the Ministry of Law and Justice, which in turn elicited the views from the Attorney General of India. The Attorney General felt that the categorization case is similar to one where Article 16(4A) was inserted in the Constitution by the 77th Amendment Act of 1995 as a consequence of the verdict of the Supreme Court in the Indra Sawheney's case. His opinion indicated that since the Supreme Court struck down the categorization legislation as violative of various Articles of the Constitution, a constitutional amendment providing for categorization of the Scheduled Castes either in the case of Andhra Pradesh or in general is necessary. On 9 March 2006, the Cabinet Committee on Political Affairs considered the matter and decided that a commission be appointed to examine the matter in all its aspects. Finally, on 19 May 2007 a commission headed by Justice Usha Mehra, a retired judge of the Delhi High Court was set up. The Commission was called the "National Commission to Examine the Issue of Sub-Categorization of Scheduled Castes in Andhra Pradesh". The terms of reference were:

- a. To examine the various facets of the demand for sub-categorization of Scheduled Castes in Andhra Pradesh subsequent to the judgment of the Supreme Court of India in the case of E.V.Chinnaiah Vs State of Andhra Pradesh and others (2004 (9) case);
- b. To examine the constitutional, statutory and legal ramifications of the demand for sub categorization of Scheduled Castes; and
- c. To make recommendations on the future course of action, clearly specifying the grounds and the criteria on which these recommendations are based (Usha Mehra Commission, 2008: 9-10).

In order to elicit the views from various persons, organizations and Universities acquainted with the issue of categorization of Scheduled Castes, the Commission issued a public notice in June 2007 in the leading national level and regional newspapers with a request to submit the representations to it. It commissioned a research study on the extent of benefits accrued to the Scheduled Castes

communities included in the Constitution (Scheduled Castes) Order 1950 in Andhra Pradesh. The study was conducted by the Indian Institute of Economics, Hyderabad, an independent research organization.

The chairperson and members of the Commission visited various districts receiving representations, holding public hearings and making an on spot assessment of the ground realities as were prevailing in the rural and urban areas in Andhra Pradesh. The Commission discussed the matter with several Members of Parliament, Members of the Legislative Assembly, and Members of the Legislative Council as well as representatives of various organizations. The Commission met the district collectors of Telangana, Andhra and Rayalaseema, and officers of different ranks, and had meetings with Vice Chancellors and Registrars of Universities and senior education officers. The Commission also reviewed various Supreme Court judgments on reservation, reports of the Advisory Committee on the revision of the lists of Scheduled Castes and Scheduled Tribes, Commissioner for Scheduled Castes and Scheduled Tribes, National Commission for Scheduled Castes and Scheduled Tribes, etc.

Various caste organizations, intellectuals, students gave their representations to the Commission, either orally or in writing. Representatives of some communities said that they did not have official data but narrated their perceptions based on their experience.

Leaders of Mala Mahanadu, representing the Mala community, argued on the lines they have been conducting their campaign for some time. They wanted the Commission should make an in-depth study and also examine the ramifications of sub-categorization of Scheduled Castes in other States and Union Territories as well. They argued that none of the constitutional provisions relating to Scheduled Castes provide for their sub-categorization. According to them, the communities included in the Presidential List are homogenous group and cannot be subdivided. A conjoint reading of Articles 341 and 335 establish that *all the members* of the Scheduled Castes notified by the President as a unit are entitled to avail the rights assured in the Constitution as a homogenous group. The posts

falling under reservation, therefore, become the collective right of the all the Scheduled Castes in a particular State.

One interesting argument came up was that the Madiga community was better than the Malas. They argued that the Madigas had always had their own profession “such as business in leather, manufacturing shoes and chappals, etc.” Unlike the Madigas, the Mala community remained without any particular vocational and professional occupation. They remained agricultural labourers and lived below poverty line. The State Government as well as the Central Governments have been providing special schemes for the upliftment of the Madigas whereas the Malas do not have such facilities (Interview with Karem Sivaji, 7 June 2009). They cited schemes such as Leather Industries Corporation of Andhra Pradesh and Unclean Labour Child Scheme to buttress their point. They further argued that whatever disparities in levels of development among various communities listed as Scheduled Castes is due to the effect of regional imbalances. Since the Malas are concentrated in coastal districts which are relatively developed, the Malas too could benefit. The Madigas are concentrated in Telangana region which did not have the opportunity to develop under the Nizam rule and this can be attributed to the lagging behind of the Madigas.

They claimed that the National Commission for Scheduled Castes had recommended that the proposal for categorization may not be accepted. The Ramachandra Raju commission did not adopt any scientific method to find out the holistic picture of the varying levels of development of different Scheduled Castes in the State. Its findings were based on limited and inadequate data. Since the government does not maintain caste wise data for the Scheduled Castes. So the data sent to the Commission was collected for this specific purpose was not reliable. Any government decision based on such findings and recommendations cannot be rational and valid. They pointed out that the grouping of the Scheduled Castes into A, B, C, and D groups does not appear to be scientific and rational as there are wide-ranging disparities regarding literacy and employment within each group.

Another interesting argument the Mala leaders made was that the “proposal of categorization was against the ethos of national movement”. Further division of castes and classifications has the potential of communal and social hatred. Micro level social justice, i.e. at the individual level and at each caste level is not possible through the instrument of reservation. Reservation does not address the issue of universal education and employment opportunities in sectors other than public services. The ultimate social justice is possible through suitable measures to achieve hundred percent literacy and education so as to enable the Scheduled Castes to acquire necessary capabilities. Due to extreme division of society with mindless proliferation of castes, sub-castes and groups and sub-groups it is impossible to implement reservation in public services for each caste. In each caste, justice cannot be done to each family. Hence, an inclusive broad classification instead of micro caste-based classification should be adopted for the purpose of reservation.

They charged that the categorization of the Scheduled Castes is only a political ploy to destroy the unity among the Scheduled Castes. The social justice argument that the Malas had enjoyed a lion’s share of the Scheduled Caste reservations and so they must be restricted to access reservation benefits to the extent of their population proportion is a great bluff. The disproportionate presence of the Malas is the source of social injustice in the State. According to them, the intention of categorization is not social justice, but creation of social conflict among vulnerable sections of society. Dividing the Scheduled Castes into sub-groups does not render social justice (Usha Mehra Commission, 2008: 53-64).

MRPS, representing the Madiga community, stated before the Commission that all they want is a due share in the opportunities in education and employment made available by the State Government to the Scheduled Castes and this should be done in proportion to their population. They suggested the criteria worked out by the Census Commissioner of India to identify the Scheduled Castes should be taken to the logical end. All the Scheduled Castes in Andhra Pradesh do not

access reservation benefits equally do to their unequal position in the varna hierarchy in general and within Scheduled Castes hierarchy in particular. They said that the logic of sub-categorization in Andhra Pradesh is based on certain principles:

- a. Principle of touchability: Caste system divided all people into touchable and untouchable groups. The panchamas were considered to be untouchable by the higher four varnas. The Brahmanical values of purity and pollution percolated to the panchamas and they were divided into touchable and untouchable groups. Thus, the principle of touchability came into operation and hence the Mala and Madiga social groups came into existence as touchable and untouchable groups within the panchama category.
- b. Principle of satellite living: Scheduled Castes are further sub-divided into castes allied to Mala and Madiga communities. They live separately in villages – Malas in Malapally (Mala hamlets) and Madiga gudems (Madiga hamlets).
- c. Principle of traditional occupation: Castes with equal status in varna hierarchy and panchama hierarchy and engaged in the same traditional occupation should be treated alike. It is possible even at the national level to group such parallel castes.
- d. Principle of common caste name: Different castes have a history and culture of their own. People of these castes use a specific name like Mala, Dakkala, and Madiga, and this be recognized as such.
- e. Principle of protection of group interest: The quantum of reservation for the Scheduled Castes has been fixed according to their population proportion to the exclusion of upper castes. Similarly, no single caste within the Scheduled Caste should be allowed to corner reservation benefits disproportionate to their population.

The Madiga leaders argued that Madigas did not traditionally possess agricultural land, nor did they progress well in the field of education. Mala caste people had availed most of the benefits made available to the Scheduled Castes, such as loans and subsidies from the Government and other financial institutions. They furnished extensive data to show that how the Madigas had been lagging behind the Malas. The disparities become glaring as one moves up the ladder in terms of posts, such as Group I and Group II services of the State Government where about 70 per cent of the posts are held by members of the Mala community. Madigas and allied castes can only enter Class III and Class IV posts like attenders, clerks and drivers.

They pointed out that the Commissioner for Scheduled Castes and Scheduled Tribes recommended in 1988 a fresh look at the scheduling the castes for fair and equal distribution of reservation benefits among the Scheduled Castes. He pointed out that the a few communities among the Scheduled Castes account for the bulk of all India services year after year, while others cannot claim even a handful; some of them have not at all benefited. The latter should be enabled through a policy of special discrimination in their favour. There is a feeling of discontent among the members of these communities who are unable to compete with comparatively advanced groups within the Scheduled Castes. In such a situation of unequal competition, the question of categorizing reservations should be critically examined. The Madiga leaders said that in Andhra Pradesh the backwardness of the Madigas and allied castes is widely recognized. Political parties openly supported categorization. The State Assembly unanimously passed resolutions to this effect more than once. They submitted that categorization will not lead to disunity among the Scheduled Castes. When the other backward classes were classified into A, B, C, and D groups it did not lead to any disunity among them, the leaders pointed out. There was no disunity or friction among the Scheduled Castes when categorization was in force during the years 2001-2004. The leaders of the Mala caste oppose categorization not for the welfare and unity of the Scheduled Castes but to serve their own interests. The Madigas are not asking for deleting the Mala caste from the list of Scheduled Castes, but only

asking them to take their share without encroaching on others. By categorization there is no loss for the Mala caste. The Malas had a dominant position at all levels of government jobs cornering a high proportion of the reservation benefits creating new inequalities among the Scheduled Castes in Andhra Pradesh. Categorization will redress this situation to some extent (Usha Mehra Commission, 2008: 64-86).

Representatives of the Relli community stated that majority of reservations are being enjoyed by the already developed and populated communities like Mala and Madiga. Their social occupation made them a filthy caste which does the unclean jobs like scavenging. In course of time their caste name Relli had vanished and were called as Paki who clean the toilets and lift night soil. Because of their unclean job they were kept out of the city and were socially isolated. In this globalised world people need equipment and skill to develop them and to compete. But unfortunately Relli communities do not have such privilege and they cannot compete with the developed Malas in getting the reservation benefits within the group of Scheduled Castes. They also mentioned that during the period of categorisation of Scheduled Castes from 2000-2004, Relli caste people got opportunities in education and employment. About 180 candidates of Relli group got admissions into medical colleges and 3100 candidates of this group got engineering seats. During the four years period, hundreds of candidates of Relli group were appointed in government jobs. Since their condition was most vulnerable and pitiable, the Relli community requested the government to provide them two per cent of reservations based on the extreme backwardness of the community, not just on the basis of population (Usha Mehra Commission, 2008: 87-94).

Budaga Jangam, a nomadic Scheduled Caste, is one of the most backward communities among the Scheduled Castes. These people live by hunting small animals and living in small thatched huts far away from villages. They play musical instruments and tell stories and beg in the villages. They supported the categorization of reservations that happened for four years by which their caste

persons got some opportunity to get their children educated. Hence they demanded three per cent reservations may be provided to their community by making the categorization.

The Holey Dasari community is another backward community among the Scheduled Castes. Their main occupation was begging and wandering by telling the stories in villages. They claimed that the government benefits like loans and the land provided for the dalits did not reach them since they do not have permanent settlement. Considering their social status and backwardness they demanded the commission that they should be given five per cent reservation.

Among others, these were the few representations made before the Usha Mehra Commission. The Commission raised two important questions regarding categorization and equal distribution of reservation benefits. Justice Usha Mehra queried about the possible domination of the Madigas over other communities, if categorization is implemented. For this, Krishna Madiga answered that MRPS was not fighting merely for the sake of the Madigas but for all underdeveloped communities among the Scheduled Castes. The ratio should be worked out according to the backwardness of each community, so that everyone will get the reservation benefits.

Justice Usha Mehra referred to the Malas' apprehensions about losing their opportunities if they are restricted only to the quota apportioned for the Malas. Malas claimed that if the categorization happens and basing on the preference system they get the opportunity only after the Madigas if suitable candidates are not available in group A. For example, after the seats are filled by available 'A' category (Rellis) candidates, the unfilled seats or jobs are given to 'B' (Madigas) and after they that they are offered to 'C' category (Malas). In that process, if the 'A' category students are not available then the seats are transferred to 'B' community. If there are no 'B' community students then only it will be given to 'C' students. In that way Malas would be losing the opportunity and Madigas will benefit since the 'A' category contain less qualified students. For this the MRPS representatives replied that the way out would be to keep such vacancies

seats unfilled for a period of time, say for three or four years till suitable candidates within the A category are available. This gives hope to that particular community to study and work hard to achieve higher positions. Many of the backward communities among the SCs like Relli, Paki etc, were uneducated and illiterates and mostly dependent on their traditional work. Since they were confined to their menial jobs they were not able to come up and compete with the rest of the Scheduled Castes. In this time, the government should play a pivotal role in educating them about the opportunities and the possibilities due to reservation. MRPS did its best to bring them out of the traditional barriers and provided a platform to develop through categorization (Interview with Manda Krishna, 2010).

As has been mentioned before, the Commission has assigned the task of undertaking an evaluation study of the condition of the Scheduled Castes in Andhra Pradesh to Indian Institute of Economics. The Institute submitted its report titled: "Evaluation study on the extent of benefits accrued to all the Scheduled Caste communities included in the Constitution (Scheduled Castes) Order 1950 in Andhra Pradesh". It reported that disparities in achievement in educational level of Scheduled Castes are more glaring at Post-graduate and above levels. It revealed that out of the 36 castes surveyed, only 15 castes have occupied government posts which varies from 2 to 46 percent across the castes. The remaining 21 castes were totally absent from jobs, giving the impression that a significant number of Scheduled Castes remained outside the Government sector. The overall view taken by the study was that "without substantial policy change" the underrepresented and unrepresented castes are out going to get the desired benefits of reservation in future (Usha Mehra Commission, 2008: 120-24).

6.2. Recommendations of the Commission

The Commission submitted its report on 1 May 2008. It felt that the governments at various levels need to take necessary measures to ensure that the reservation benefits reach equally to all the Scheduled Castes. The information gathered by the Commission showed that only few castes like Mala and their allied castes mostly benefitted from the reservations both in education and administration. Article 15 (4) enshrined the duty of the State to reserve seats for Scheduled Castes in public educational institutions, and to make other provisions for their advancement of backward classes. Article 16 (4) provides the provision for the reservation of appointment or posts in favour of any backward class of citizens, which in the opinion of State is not adequately represented in the services under the State.

Quoting the Indra Sawhney's case, the Commission elaborated on the term backward class. The Scheduled Castes and the Scheduled Tribes come under this category under Articles 15(4) and 16(4). If the State classifies Scheduled Castes into groups, such a decision as well is not impermissible in law. Article 16 (4) enjoins the State to take positive action to alleviate inequality. In this matter, Article 46 says that 'the state shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation'. For this purpose, the Article confers on the State the power coupled with duty. Since, it is the duty of the State to look after the development of the Scheduled Castes it is also the State's responsibility to provide necessary safeguards to bring the most backward castes on a par with the other castes in the society. It is also the responsibility of the State to ensure that all the castes benefit and develop uniformly. In this process the State is free to allocate the percentage of reservations for their development, the Commission observed.

The Commission noted that the Andhra Pradesh Legislative Assembly, cutting across the party lines, had unanimously passed resolutions supporting the sub-

categorization of Scheduled Castes. The rationalization of Scheduled Caste reservations was well received by all the Scheduled Castes because of its built-in mechanism to ensure equitable distribution of benefits to the entitled castes. It is difficult for the backward castes among the Scheduled Castes to compete with the relatively advanced castes. Given their levels of development and educational levels, members of these castes cannot avail the educational and employment opportunities in competition with the advanced castes. Therefore it is for the State to ensure that all these castes receive equal reservation facilities and grow together so that they are also adequately represented in education and employment. Also, in doing categorization there is no inclusion or deletion of any caste from the list of Scheduled Castes. The Commission declared that it is only concerned with the question of sub-categorization suggested by the state of Andhra Pradesh and hence their recommendation would not affect other States (Usha Mehra Commission, 2008: 154).

The Commission was of the view that in order to give effective representation to the various castes among the Scheduled Castes in relation to a State or Union Territory, the Constitution of India may be amended to provide for sub-categorization or micro-classification of various castes and groups included in the list of Scheduled Castes under Article 341(1) and 341(2). Such a constitutional amendment may provide that the sub-categorization shall be done by the Parliament by law on the basis of recommendations made by the Legislature of a State by way of a unanimous resolution to the effect as to what percentage of reservation should be given to various castes in public services and educational institutions. It may be also provided by the amendment that the State Legislature shall make such recommendation on the basis of the data collected by it through a judicial commission to be headed, at least, by a sitting or retired High Court judge. The Commission shall collect data regarding representation of various castes in the service of the State as well as educational institutions. The judicial commission, and on its recommendation, the State Legislature shall indicate specifically as to what percentage of reservation benefits shall be given to which caste, based on population ratio. The Usha Mehra Commission finally

recommended that ‘the Parliament may amend article 341 and thereafter accept the recommendations of the State of Andhra Pradesh for sub-categorization of all the 60 Scheduled Castes into A, B, C and D groups leaving the percentage to be decided afresh by the State of Andhra Pradesh which will be in the larger interests of Scheduled Castes’ (Usha Mehra Commission, 2008: 161).

6.3. MRPS campaign for constitutional amendment

The media and political commentators observed that although the Usha Mehra Commission recommended constitutional amendment to provide for categorization of Scheduled Caste reservations it is not that easy because it requires two-thirds majority support in the Parliament which would be difficult in the given circumstances of a coalition government at the Centre and the opposition to categorization from the members of the entrenched Scheduled Castes (*Deccan Chronicle*, 20 December 2011).

Soon after the submission of the Report, the MRPS leader Manda Krishna launched his fast unto death demanding categorization and enactment of a legislation in this regard. In an official meeting, the Chief Minister, Y.S.Rajasekhara Reddy said that the government constituted a high level committee to deal with the issue. The matter would be discussed with the Central government and Chief Minister assured that the government would not hesitate to bring about SC categorization and implement such a measure (*The Hindu*, 26 April 2008). Opposing categorization, Jupudi Prabhakar, the leader of Mala Mahanadu, also started fast unto death. He claimed that MRPS was putting pressure on the government to implement categorization of the SC reservations and the Malas would not accept it (*Times of India*, 28 April 2008). Malla Venkata Rao leader of Mala Mahanadu started his fasting and demanded the government to reject the report which is favouring categorization (*Andhra Jyothi*, 9 May 2008).

For some time after the submission of the report by the National Commission there were no positive signals from the government either at the State or the Central level regarding categorization. Although political parties expressed their support to categorization in principle they were not forthcoming with any plan of action to see that the necessary steps are initiated by the government. The students and the activists of the MRPS got annoyed by the silence of the ruling party. They charged that the Madiga political leaders in the Congress party too were not taking the issue seriously. In February 2009, the angry students attacked the Madiga Members of Parliament S. Satyanarayana and Anjan Kumar for not pressurizing the government to pass the legislation (*Times of India*, 23 February 2009).

Protesting against the delay in introducing the categorization bill in Parliament, several MRPS activists made an abortive bid to set fire to Gandhi Bhavan, the State headquarters of the Congress party in Hyderabad on 28 February 2008. AICC president Sonia Gandhi was in the city when the attack took place. Six to seven MRPS activists carrying four cans of kerosene and petrol entered the Gandhi Bhavan. They sprinkled kerosene and petrol at the reception desk and set it on fire. There was not much damage to the building as only some furniture was burnt. Tension escalated at the State Congress headquarters as hundreds of incensed Congress workers rushed from AICC president Sonia Gandhi's public meeting at Parade Grounds. An ex-serviceman and Special Police Officer, Subrahmanyam, who was guarding the building suffered burns while resisting the MRPS workers. He died five days later battling for his life (*The Hindu*, 5 March 2009). Four MRPS activists were seriously injured in the scuffle (*The Hindu*, 1 March 2009). Surender Madiga who was the convenor of the Greater Hyderabad Madiga Youth forum of the MRPS, Damodar Madiga and Mahesh Madiga died of burn injuries and infection due to burns later (*Indian Express*, 7 April 2009).

A high alert was sounded across the State as tension started building up following the death of Madiga Reservation Porata Samithi activist Surender

Madiga. The Madiga youth in different areas took a vow to continue their agitation till justice was done to them. They said that they were ready to lay their lives for the cause of Madigas who have been deprived of their due rights. MRPS president Manda Krishna gave a call to his followers to remove Congress flag posts in all the Madiga habitations and raise black flags in protest against the Congress failure to enact legislation in Parliament on the classification of Scheduled Caste Reservations (*The Hindu*, 3 March 2009).

Senior Dalit Congress leaders and public representatives of Madiga community, including Minister Koneru Ranga Rao, MP Nandi Yellaiah and others, came out in defence of activists of Madiga Reservation Porata Samiti who attempted to set State Congress headquarters. Besides, they urged the State Government to provide ex gratia to the victims, including family of the deceased. Addressing a press conference at Gandhi Bhavan, Ranga Rao, Yellaiah, AP representative in Delhi M Jagannadham, former minister M Mareppa and others (all belonging to Madiga community) asserted that such incidents take place when a movement on an issue was on. MRPS activists attacked the Congress office in a 'fit of emotion', they reasoned (*Indian Express*, 3 March 2009).

As the effort to get the categorization issue raised in Parliament was getting obstructed, the MRPS wanted to enter the political arena by contesting in 2009 general election. MRPS claimed that entering into the politics was a 'historical necessity' (*Times of India*, 17 March 2009). Manda Krishna said that so far they had pinned their hope on the promise of support of the political parties. He felt that the presence of persons who fight for categorization in the representative bodies is necessary to make the Madiga voice heard in these bodies. He further said that 'though we are leading one of a kind movement, a resolution on the issue is pending as we don't have representatives who can raise it in legislatures' (ibid, 2009). The MRPS may not aim to capture power, but would align with parties and individuals who are willing to support the cause of categorization. Achieving social justice through categorization is the objective of the MRPS's plunge in politics.

The MRPS dabbled with the idea of emerging as a political force for quite some time. Krishna Madiga joined ranks with the Mahajana Front in 1998. The Mahajana Front was a conglomerate of 13 political groups and organizations of backward castes, *dalits* and tribals. It put up candidates in 131 seats in 1999 general elections. It worked out a formula whereby seats were apportioned to different castes, sub-castes, religious groups and women in proportion to their population, but the Front did not carry much weight with the electorate. He resigned from the Mahajan Front and set up his own organization called Madiga Mahajana Sangarshana Samithi (MSS). He started the organization with a Bahujan ideology of helping the depressed sections of the society, the Scheduled Castes, Scheduled Tribes, Backward classes, Religious minorities and women. He proposed the objectives as providing basic facilities in the villages like water and sanitation. MSS also gave a call to Madigas for the overall development of the community people and other under developed communities in the society (Madiga Mahajana Sangarshana Samithi, 1998)

The MRPS supported the TDP in the 2004 general election. But after the victory of the Congress in 2004 elections, the MRPS shifted its support for the Congress saying that the MRPS would support whichever party supports categorization and in a position to take a decision in this regard. But it got no positive response from the Congress in bringing about the bill in Parliament. Since the Congress party was ambivalent on the categorization because of their Mala leaders in the party the MRPS sought the support of TDP which once supported their cause. The MRPS asked the TDP-led 'grand alliance' for 30 Assembly and four Lok Sabha seats. However, the proposal was rejected by the TDP leader Chandra Babu Naidu. He said that 'if he had asked for 4-5 seats we would have considered it, but his demand for 30 seats is unreasonable and has been rejected by all the alliance partners' (*Times of India*, 20 March 2009).

Krishna Madiga contested in 2009 Assembly elections from Madhira constituency (SC reserved) in Khammam district of Andhra Pradesh. He contested on the banner of Trilinga Praja Pragathi Party (TPPP). He secured only

13.61 per cent votes (21,779 votes) (www.eci.nic.in). Congress won the seat with 37 per cent votes, closely followed by the Communist Party of India with 36 per cent votes. His shifting positions had often attracted criticism from his own supporters and opponents. In fact, this often became a source of disagreement between top leaders of the MRPS.

6.4. Summary

This chapter elaborated the conditions after the Supreme Court judgment and the setting up of Usha Mehra Commission. The MRPS continued its struggle along with other sub caste organizations and submitted representations to the Usha Mehra Commission. After a thorough enquiry the Commission recommended categorization in view of high inequalities between the major sub-castes within the SC in the State. Since the Supreme Court struck down the categorization legislation as constitutionally invalid, the Commission recommended an amendment to the Constitution enabling the States to make appropriate policies in this matter.

Decisions regarding categorization, including the Ordinance and the legislation, were facilitated because the Telugu Desam Party had supported the BJP-led National Democratic Alliance government at the Centre. TDP as the ruling party in the State, because of its key role at the Centre, could get Central government support for its actions. However, when the TDP lost power in the State, the NDA too lost power at the Centre. Although the Congress ruled at the State and Central levels after 2004, there was no concerted effort to resolve the issue in the light of the Supreme Court Judgment or to effect a constitutional amendment as suggested by the Usha Mehra Commission. This we will examine further in the following chapter.

Chapter VII

Parties, party politics and categorization

So far we have seen the emergence of the categorization movement led by the MRPS, the ups and downs through which categorization decisions have gone through, and the response of the courts. While the position and response of political parties has been touched here and there wherever necessary, we haven't discussed the party politics with regard to categorization. This chapter makes an attempt to analyse the nature of party politics in Andhra Pradesh and how the categorization was enmeshed in the arena of party politics.

The political parties in any democracy take positions and make policies with a view to their electoral support in order to capture political power is well-established theory in political studies. While political parties in power try to consolidate the support basis, the opposition parties make promises or criticize governing party or parties with a view to embarrass the latter, wean away support from it and muster enough votes to secure power in the next election. In this chapter we will examine what made different political parties to support or oppose or remain ambivalent with regard to the categorization issue.

7.1 The context

Unlike many other States of India, the dalit population which is in considerable number is vertically divided into two major caste clusters around the Madiga and allied groups and the Malas and allied groups. Together they constitute more than 90 per cent of the Scheduled Caste population in the State. Of them, Madigas constitute about 49 per cent of the Scheduled Caste population and the Malas 42 per cent. While the numerically large population of the Madigas and their grievance that they were deprived of their due share in SC reservations led to the categorization movement, the presence of the Malas in almost equal strength

prevented the parties from taking an outright position in favour of categorization because they were apprehensive of alienating the Mala voters.

The geographical distribution of the Scheduled Castes was another factor that impeded the categorization movement and the readiness of the political parties to take clear stand on this. Dalits are more in number in the Telangana region of the State, and the Malas are more in number in the coastal districts. The demand for categorization mainly came from the Madigas of the coastal districts, where they felt that they were not able to compete with the relatively advanced Malas in getting admissions into valued courses or getting employment. Since the Madiga population is overwhelming, members of the Madiga community were able to secure admissions and employment, especially at the lower level of administration, largely in proportion to the overall population of the Madigas in the State. They were skeptical about the extent of reservation benefits that would accrue to them if categorization is made at the State level and they are confined to compete only under the quota assigned to the Madigas. That is the reason why the support and agitation for categorization was somewhat lukewarm in the Telangana region. Parties were sensitive to this aspect while they took positions on the issue.

For a long time the political elite of the Scheduled Castes had been effectively absorbed in the mainstream political parties. When Andhra Pradesh was under the dominance of one party, the Congress, all the Scheduled Castes leaders at the State, district, and local levels tried to maximize their interests within the Congress. With the emergence of the Telugu Desam Party (TDP) divisions began among the Scheduled Caste leaders, as a section of them moved towards the TDP. However, the Congress continued to attract major share of the dalit vote and it was difficult for other political parties, including for the TDP, to break the Congress hegemony over the dalit masses. Since many of the prominent dalit leaders in all the parties belong to the Malas, there has been always internal pressure on the State leadership not to stress upon the division between the Malas

and the Madigas since they feared such an approach may alienate one section of the Scheduled Castes from the party and vitiate chances of winning elections.

The autonomous dalit mobilization, separate from the communists and the two main parties, namely the Congress and the TDP, began in the wake of the attack on the Madigas in Karamchedu village in Andhra Pradesh in 1985 soon after the TDP came to power. It led to the formation of the Dalit Mahasabha which launched a sustained movement for asserting the rights of the dalits and uniting them under a separate banner of their own. Their ire was mainly directed at the ruling political party which they termed was responsible for the attacks on the dalits and shielding the perpetrators of atrocities against the dalits. The Congress was the main beneficiary of this newly grown consciousness as it reaped rich dividends in the 1989 Assembly election when came to power with a thumping majority. But soon after the Congress came to power, there were series of physical attacks on the dalits, the most notorious being the massacre of dalits in Tsundur village of Guntur district. The massacre was perpetrated by Reddis of the village. As Reddis have been in the leadership saddle of the Congress since the formation of the State, the Dalit Mahasabha movement turned its ire against the Congress party.

These years during 1985-91 saw the bringing together of the dalits on one platform. Dr. Ambedkar became their icon in their search for justice and democracy. The movement attracted many young Scheduled Caste activists from all over the State. Some of those who were attached to the Naxalite movement were attracted to the dalit organization. One of them was Manda Krishna who took active interest in the politics of Dalit Mahasabha. There were two ways for the dalit activists at this time: either to support one of the two major parties in order to defeat the other, or to enter the political arena to contest for power. Precisely, at this time the Bahujan Samaj Party was growing in Maharashtra and Uttar Pradesh. It became victorious in the Uttar Pradesh Assembly elections in 1993. The formation of government by this alliance raised the DMS's leadership hopes, prompting them to explore the possibility of repeating the same in AP

(Srinivasulu, 2002: 54). And opened a new opportunity for the dalits of the State to rally behind the BSP and they began to entertain hopes to come to power on their own.

The leader of the BSP, Kanshi Ram widely toured the State and urged the dalits to unite to usher in a bahujan samaj, a society ruled by those who constitute an overwhelming majority of the population. He wanted to bring the Scheduled Castes, Scheduled Tribes, other backward classes and the minorities on one platform. But the TDP by 1993 recovered from the losses it suffered at the hands of the Congress in 1989, and was positioning itself to challenge the Congress in the next election due to be held in 1994. Kanshi Ram saw a possibility to join hands with the TDP and find a foothold in the State Assembly. Kanshi Ram's visit to the State in 1994 received wide publicity. Leaders of the Dalit Mahasabha, such as Katti Padma Rao, K.G. Satyamurthy and Bojja Tharakam gravitated towards the BSP. The public meetings organized by the BSP in the major towns of the State in early 1994 were highly successful and gathered the interest of a cross-section of people, especially the dalits.

But the dalit leaders were a divided lot. The alliance of the BSP with the TDP did not finally happen. The State leadership of the Dalit Mahasabha and therefore the leadership of the BSP in the State was largely drawn from coastal Andhra districts which saw a militant dalit movement in the past decade or so. The leadership of the Dalit Mahasabha was predominantly Mala (Srinivasulu, 2002: 55). It was reported that antipathy of the Mala leaders towards the TDP was one reason for the BSP's inability to forge an alliance with the TDP in the 1994 Assembly election. Kanshi Ram left Andhra Pradesh anguished at the attempts of the State leaders to frustrate his attempts to enter into alliance with the TDP.

The rise of dalit consciousness and their organization into one umbrella of Dalit Mahasabha had another unintended consequence. The Madiga activists realized that the movement was largely dominated by the Mala leaders. This they attributed to the backward condition of the Madigas in the fields of education and employment. They planned to have their organization to highlight this inequality

between the two numerically large Scheduled Castes and thus born the Madiga Reservation Porata Samiti (MRPS). This was interpreted by the dominant Mala leaders as attempt to divide the dalits in the name of sub-caste. The hostility of the Mala leaders to categorization stems from this perception that the demand for categorization of the Scheduled Caste reservations was a ploy of the ruling TDP to divide dalits who were getting organized in the political arena in an autonomous manner. This accusation was often repeated for a decade, from the time the government order to constitute one man commission in 1997 to the Usha Mehra Commission in 2007. The petition by the Mala Mahanadu leaders before the High Court and later the Supreme Court says that the decision to categorise Scheduled Caste reservations was colourable and biased because of the political motivations of the ruling party TDP. The same change was repeated before the Usha Mehra Commission when the Mala Mahanadu said that the “categorization of the Scheduled Castes into various sub-categories is only a ploy to destroy the unity among the Scheduled Castes built up by Dr. Ambedkar for the purpose of political power to form the Government” (Usha Mehra Commission, 2008: 54).

7.2 TDP and categorization

The idea of categorization began much before the formation of the TDP, which happened in 1982. Besides making some vague verbal promise to the effect that the demand of the Madigas for special treatment would be looked after, no concrete was undertaken by the Congress party or the governments formed by it during the 1970s (*Andhra Pratrika*, 14 December 1982). The demand for categorization once again came up when the TDP was formed and later came to power with huge majority in 1983. NTR considered that the Madigas were really backward and were not able to enjoy the fruits of reservations under the umbrella of Scheduled Caste. Hence, he wanted to pay attention to devise policies that could benefit the Madigas. It is ironical that the attacks on the Madigas had to take place soon after he came to power in a village in which he had matrimonial links.

The TDP government constituted a committee in September 1985 under the chairmanship of Karupati Vivekananda to review the implementation of the rules relating to Scheduled Caste reservations in the State. It submitted its report to the Legislative Assembly in August 1987. The committee recommended to the government to examine in greater detail so as to group various Scheduled Castes as was done in the case of backward classes (Vivekananda Committee Report, 1987: 3). But the TDP government could not do much on this as it was embroiled in a complex political situation prevailing at that time.

The demand resurfaced once again after the TDP came to power in 1994. The MRPS was formed in May 1994 with a demand for categorization of Scheduled Caste reservations. Taking up the cue from the earlier promises of NTR, the Madigas demanded justice from the government. By that time his son-in-law, Chandrababu Naidu, rose to prominence within the TDP party and government. In August 1995 NTR was removed from power under peculiar circumstances within the ruling party, and Chandrababu assumed the position of Chief Minister of the State.

During this time, the Madigas conducted meetings all over the State in order to gather support of the Madigas to show their strength and highlight the injustice meted out to them in utilizing caste reservations. The MRPS wanted to organize a rally in Hyderabad demanding categorization and invited Chandrababu Naidu to attend it. But Chandrababu Naidu declined to do so. Instead, he attended around the same time an indoor meeting organized by the leaders of the Backward Castes with about 2000 people participating in it. This made the Madigas to accuse Chandrababu Naidu of being non-sympathetic to the problems of the Madigas unlike the founder leader of the TDP, NTR. The MRPS openly blamed that Chandrababu Naidu was discriminating against the Madigas and also that he was going against the principles of NTR who promised that justice will be done to the Madigas through their party. The leaders of the MRPS said that NTR was a man of principles and that is how he was opposed to the injustice meted

out to the Madigas and extended his support for the development of the Madigas and sub-categorization (Interview with Manikya Rao, 2009).

At this point of time, Chandrababu Naidu called the Madiga leaders for a meeting and told them that he would attend the Madigas meeting if and when they hold one in future. The MRPS then took advantage of the situation and organized a public meeting in which nearly about 30000 Madigas participated in it. Chandrababu attended the meeting and spoke. He said that he remembers the word given by the founder leader NTR and that he would adhere to what has been promised for the development of the Madigas earlier. As an inheritor of the TDP government led by NTR, he said he would work towards getting the categorization of Scheduled Caste reservations done. The MRPS leaders then demanded that this issue should be brought in the Legislative Assembly. Being constantly under pressure, he finally spoke in the Assembly about the demand for sub-categorization of the Scheduled Caste reservations in the State.

Therefore, the argument that the whole Madiga movement was a creation of the TDP leader, Chandrababu Naidu, cannot be sustained. Any political party tries to maximize its electoral support when in power or out of power. In order to achieve popularity and support, party leaders will try to cater to the aspirations and demands of social groups by making or demanding policies that benefit these specific social sections. That is what Giani Zail Singh did in Punjab. He supported the demand of Mazhabi Sikhs and Balmikis in Punjab for special quotas for them within the Scheduled Caste reservations there. Because of grouping the Scheduled Castes there under Zail Singh's leadership, these communities in Punjab feel that Zail Singh was their benefactor, if not a messiah (Jodhka and Avinash, 2007: 20) Similarly, in Andhra Pradesh too, TDP tried to take political advantage of the situation in which Madigas felt highly aggrieved that justice was not done to them by treating all the Scheduled Castes as the same in which the Malas had always an upper hand. "The dalit support for the Congress since the days of Indira Gandhi was structured through rural dalit leadership, which was mostly Mala by caste" (Balagopal, 1985: 1299)

Chandrababu Naidu wanted to break the hegemonic grip of the Congress party and wean away the Madigas from it. He saw an opportunity for the ruling TDP in the Madiga mobilisation for categorization to attract support from the Madigas and that was the main reason as to why he responded to their demand positively.

On 2 September 1996, he as Chief Minister, made a statement in the Assembly that “in the recent months there have been persistent demands from a certain section of persons belonging to the Scheduled Castes that a disproportionately large number of benefits have gone to a particular sub-caste among the Scheduled Castes and thereby demanding for categorization of sub-castes among the Scheduled Castes into A, B, C, and D. In view of the persistent demands raised, Government after careful consideration decided to set up a Statutory Commission under the Commission of Inquiries Act, 1952, headed by a retired High Court Judge to go into this matter and to suggest suitable remedial measures”. In the High Court of Andhra Pradesh, the leaders of the Mala community challenged the appointment of the Commission of Enquiry and apprehended that the Government of Andhra Pradesh would issue orders for categorization. But Justice Ramachandra Raju Commission took nearly eight months to complete its enquiry and submit its report on 28 May 1997. The TDP’s government acted upon the report swiftly. The Cabinet Committee met on 2 June 1997 and gave its approval to the recommendations of the Commission. Within a week two Government Orders categorizing reservations and laying down the rules for the implementation of reservations were issued. The Mala leaders accuse the TDP government for acting in such haste and alacrity and they charged that it was done to divide the dalits and woo the political support of the Madigas.

The TDP was steadfast in its support for categorization. When the High Court of Andhra Pradesh quashed the government orders categorizing reservations on the ground that it was not done after due consultations with the National Commission of the Scheduled Castes, the TDP government requested the National Commission to give its opinion on categorization for the purpose of

doing justice to the Scheduled Castes on the basis of proportional representation. When the National Commission opined that the State government was not right in issuing such executive orders, the government issued an Ordinance in December 1999 after obtaining permission from the President of India. The TDP was able to act swiftly and get the nod from the Central Government as it was an ally of the National Democratic Alliance (NDA) government headed by the Bharatiya Janata Party at the Centre. Support of the TDP was crucial for the survival of the NDA government, to which the TDP gave outside support. When the Ordinance was challenged in the High Court, the TDP government enacted legislation in the Legislative Assembly of the State on the same lines as that of the Ordinance, which was known as the Andhra Pradesh Scheduled Castes (Rationalisation of Reservations) Act, 2000. The Full Bench of the High Court upheld the Act as constitutional.

Some of the observations of the Full Bench of the High Court of Andhra Pradesh in delivering the Judgement validating the Act are interesting and reveal the political nature of policies made by any government. The judges observed that the contention that the legislation having been passed on account of political motivation by itself cannot be termed as a colourable legislation. They said:

In our considered view in exercise of power of judicial review the requirement of judicial restraint demands not to enter the political thicket. No findings can be given on political motives leading to mala fide legislation.... There is no material much less with particulars to hold that there is any political mala fides. Mere agitations and counter-agitations, demands and counter-demands, needs of the society, needs of development, perception of development, etc. are the fields of the legislatures to legislate". (High Court of Andhra Pradesh, 2000: 83).

The High Court further observed that a stated policy of a government through legislation cannot be said to be colourable legislation or legislation suffering from any mala fides. The judges felt that the courts cannot sit as a court of appeal on the reasons for a particular legislation. Legislation has to be judged according

to the prevailing situation and not deciding questions theoretically or mechanically. The Court said:

Public interest and national welfare are the paramount consideration. Public good is synonymous with the protection of the interest of a citizen as a territorial unit. The principle of democracy is based on equality of citizens' rights, transparency of political decision-making process, public policy subject to constitutional provisions. In our considered view the impugned provisions having been enacted in conformity with the need to uplift the Scheduled Castes and Scheduled Tribes with complete transparency it cannot be said that it is not a public welfare legislation for public good of the citizens of the State's territorial jurisdiction. Accepting the contention of the petitioners would be fraught with dangerous consequences which may sabotage the scheme deflating the declared public purpose. There is gain saying it is a public policy assumed by the State on the choice of priorities and urgencies felt by the government". (High Court of Andhra Pradesh, 2000: 85-86)

When the judgement came, TDP was in power in the State and was a critical supporter of the NDA government at the Centre. The categorization legislation was in force for all the years, the TDP was in power, i.e. during the years 2001-2004. Interestingly, the High Court Judgement was nullified in the Supreme Court in November 2004 after the TDP lost power and also the NDA government at the Centre. Contrary to the clear logic and force of observations of the High Court of Andhra Pradesh, the Supreme Court made a supine observation that reservation issues must be considered from the social objective angle and not as a political issue (Supreme Court of India, 2004: 17). One may surmise from this that had been the TDP in power at the State level and a government supported by the TDP or in alliance with the TDP in power at the Centre the decisions of the Supreme Court would have been different. It can also be said that the categorization policy got entangled in litigation and was subject to so much

political controversy and uncertain due to change in political regimes in the State over the past two decades.

7.3 Congress party and categorization

The categorization issue arose during the Congress rule, much before the formation and rise of the TDP to power. The differences between the Madigas and Malas were mentioned and discussed in the Andhra Pradesh Legislative Assembly several times. In 1965 itself the Lokur Committee (Advisory Committee on the Revision of the Lists of Scheduled Castes and Scheduled Tribes) observed: It has been in evidence for some time that a lion's share of the various benefits and concessions earmarked for the Scheduled Castes and Tribes is appropriated by the numerically larger and politically well organized communities. The smaller and more backward communities have tended to get lost in democratic processes, though most deserving of special aid. As a remedial measure to rectify the malady, the Committee suggested that the various castes and tribes in lists should be administratively classified or categorized so as to give higher priority in planning and development to the needier and lower priority for the comparatively advanced. Turning its attention specifically to Andhra Pradesh it said:

In this view, the State of Andhra Pradesh must review the latest conditions of Malas and Adi Andhras. The State must devise mechanism to ensure equitable distribution of reservation, uniform development of all castes, and to assure the reach of reservation benefits to the neediest castes. Since Malas and Adi-Andhras have been appropriating reservation benefits for the last 57 years, at the cost of other castes, it is high time that the State should restrict certain reservation benefits to relatively more advanced Mala and Adi-Andhra castes and provide more benefits to Relli, Madiga and allied castes on the basis of preferential treatment (Lokur Committee Report, 1965).

Andhra Pradesh had the distinction of having the first Scheduled Caste Chief Minister, Damodaram Sanjeevayya, who was a Mala by caste. Interestingly, it was during Sanjeevayya time that the backward classes were categorized into A, B, C, and D groups so as to provide a level-playing field for the people of backward castes in matters of admissions to educational institutions and employment.

Congress party was careful to accommodate the Mala and Madiga leaders at various levels. However, these leaders were always recognized in the party as leaders of the two castes separately and these leaders too retained different identities as such. However, the political accommodation in the Congress party did not result in the equal distribution of caste reservations between the two communities. One may not say that it is due to the manipulative politics of the Mala leaders in the party. Such unequal distribution could have arisen due to the unequal development of the two communities and there could be historical reasons for that. In 1972, T.N. Sadalakshmi, a minister in the Andhra Pradesh Cabinet, made a representation to the Chief Minister Jalagam Vengala Rao that the Madigas were losing many benefits of caste reservation because the Scheduled Castes were regarded as one unit. The issue of categorization came up during the time Kotla Vijayabhaskara Reddy of the Congress party was the Chief Minister. In 1994 he addressed a huge gathering of the Madigas but did not make any promise about categorization, although that issue was already gathering currency by that time.

While in opposition, the Congress party gave its approval for the resolution passed in the Legislative Assembly of Andhra Pradesh on 22 April 1998 on the need to categorize Scheduled Caste reservations into A, B, C, and D groups as recommended by Justice Ramachandra Raju Commission. It was also a party to the second unanimous resolution of the Andhra Pradesh Legislative Assembly to legislate categorization of reservations in 2000.

But within months after the Congress came to power, the Supreme Court gave its judgement that the categorization legislation was unconstitutional and struck it

down. The reaction from the Congress was not as desired by the Madiga leaders. However, the Congress party's Chief Minister of the State, Y.S.Rajasekhar Reddy, promised that he would impress upon the party High Command and the Central government to take up the issue of Categorization for discussion in the Parliament. The MRPS said that the Madigas would support the Congress party if it takes the issue to Parliament. At a press conference Manda Krishna told that the Chief Minister had promised to ensure introduction of SC categorization bill in Parliament in the next session before general election slated for May 2009 (*Andhra Jyothi*, 18 November, 2004).

In the mean time the Chief Minister declared that the issue has been discussed at the Centre and the issue will be dealt appropriately and an elaborate study of the issue at national level is necessary to proceed further in this regard (*Andhra Jyothi*, 11 March, 2006). On 16 March 2006, the Central government decided to appoint a commission to review the situation of the Scheduled Castes in the State and to study the categorization issue. It immediately took the necessary action to appoint a retired Supreme Court Judge to deal with the issue. On the other hand, the MRPS did not accept and demanded the government to make an amendment that the powers of implementation of categorization should be vested with the States. MRPS demanded for the fast pacing the process because if a committee was constituted now it would take so much time that the deprived groups of Scheduled Castes would lose opportunities in education and employment.

MRPS pressurized the government to take a decision on introducing Constitutional amendment in the Parliament. However the issue of making an amendment to facilitate SC categorization was heading nowhere. At this juncture, it was noted by Madiga leaders that the Mala Mahanadu and the senior Congress leaders from the Mala caste like Panabaka Lakshmi (Member of Parliament) were playing a pivotal role in stalling the issue at the central level. Speaking against categorization in A.P. Amalapuram M.P Harsha Kumar commented on congress stand on categorization that the congress from the beginning was against classification of SCs. He said that no forum in the

Congress had discussed classification of SCs and UPA partners like Lalu Prasad, Ram Vilas Paswan and many other leaders expressed their support for united SC community. He said that barring BJP and TDP, all parties are against categorization (*The Hindu*, 11 June, 2008).

The Mala leaders gave a new twist to the categorization issue saying that making an amendment to the Scheduled Castes related matters would be unconstitutional. They further argued that if at all categorization of the Scheduled Castes is made it should not be limited to Andhra Pradesh but to be made to all the States of India (*Andhra Bhoomi*, 12 June, 2007). But the Madiga leaders wanted that the bill should be first accepted by the Parliament applicable to the State of Andhra Pradesh and only then a decision to extend it to other States or applying it to the national level can be made. The Union Minister Ramvillas Paswan declared that he will support the categorization bill if it is confined to Andhra Pradesh only (*Eenadu*, 10 March, 2007).

Interestingly, the Chief Minister Y.S.Rajasekhar Reddy participated in the meeting organized by the Malas in Vijayawada. He spoke that the categorization led to divisions among the dalits. He termed categorization as TDP's political game to divide the dalits and categorization was not to bring equality among the Scheduled Castes. He declared that any force or any political party that was trying to divide the dalits must be restrained and curbed. He further promised that their government will stick to the decisions of the commission on categorization. This had surprised and enraged the Madiga leaders and activists because they thought the Congress party and the government were committed to categorization. Manda Krishna spoke about the confusion created by the Chief Minister on the categorization issue. He criticized Y.S. Rajasekhara Reddy for attending the Mala Mahanadu meeting in Vijayawada and speaking against categorization. Manda Krishna declared that the MRPS would hold a meeting in Vijayawada. He demanded the Chief Minister to attend the meeting and clear his stand and challenged him to support on categorization.

Accordingly the MRPS conducted a public meeting called *Madigala Viswaroopa Mahasabha* in Vijayawada on 17 April 2007. About five lakh Madigas participated in this meeting. The Chief Minister Y.S. Rajasekhara Reddy attended this meeting too. He stated that he would abide by the promise made to the Madiga people. In this meeting, Manda Krishna recollected the promises made by the Congress party earlier with regard to categorization. He claimed that the Madigas were not behind in any political party. What was important for them was the categorization of the Scheduled Caste reservations. So, they do not cling to any one particular political party but support the one that brings about categorization. What they want is social justice, whatever the party it may be. It was already successful in Punjab and Haryana from 1975 onwards and why it should not be done in Andhra Pradesh too, he asked. He appealed to the Chief Minister that the categorization of reservations can be done to the Scheduled Castes as was done in the case of Other Backward Classes (*Andhra Bhoomi*, 18 April, 2007). The dualism of the Congress party came into open as the Chief Minister attended both the Mala and Madiga meetings and supporting their respective positions. Once again, the MRPS members met Chief Minister Y.S.Rajasekhar Reddy and discussed about the issue on 30 December 2006. Chief Minister promised that his government would look into the matter and help the national commission to submit its report as early as possible and also see to it that the categorization would happen within the current academic year (*Andhra Jyothi*, 18 April 2007).

The MRPS leaders suspect that the inaction of the Central government to place the matter in Parliament was due to the influence of the Mala leaders wield in the ruling Congress party. A leader of the MRPS observed: “Unlike the Madigas, the Malas are more in Congress and influential there. They were not allowing the bill of categorization to be passed in the Parliament. This is clear to everyone” (Ragati Satyam, 2009). The ambivalence of the Congress party could also be partly attributed to its calculation of keeping both the Mala and Madiga electoral support which according to its perception is crucial to winning elections in the State.

7.4 The BSP and categorization

It is interesting to note that the BSP, a party formed on the ideology of empowering the dalits, is not favourably disposed towards categorization of Scheduled Caste reservations. One reason could be that it is afraid of the consequences of categorization of reservations on the unity of the dalits in general. Nalla Radha Krishna, the AP State Coordinator of the BSP, stated that it is Manuvadi rulers who seek to divide the dalits in the name of categorization to fulfill their political power calculations (*Andhra Bhoomi*, 10 March, 2007). The BSP, in order to realize its objective of coming to power, wants to keep and promote unity of all the Scheduled Castes. As part of this overall strategy the BSP did not support categorization due the fear it would divide the dalits of the State.

A second more important reason could be that the BSP as a ruling party in Uttar Pradesh is hugely supported by the Jatavs, a chamar group akin to the Madigas in the State. But since Chamars had an upper hand in the North any subdivision of the Scheduled Caste reservations at the all India level would go against the interests of Chamars outside Andhra Pradesh. The Mala leaders in the State of Andhra Pradesh had brought forth an intelligent argument to stall the BSP taking any favourable view of categorization. They maintained that categorization of Scheduled Caste reservations, if at all should be made, should be done at the national level. Ostensibly this is so there are inequalities among the Scheduled Castes in all the States, and there are many castes and sub-castes that are lagging behind in terms of availing reservation benefits. Hence, it should be a legislation which applies to all the States so that there is uniform and equitable development of all the Scheduled Castes. Such an argument deters the BSP leadership at the national level because the Chamars in Uttar Pradesh would lose their lion's share of reservations like the Malas in Andhra Pradesh. Hence the BSP leadership supports the argument that categorization divides dalits and opposes categorization (Interview with Ragati Satyam, 2010).

A third argument is that the Madigas were never ardent supporters of the BSP in the State. Like the Dalit Mahasabha leaders who lent support to Kanshi Ram and the BSP in 1994, the MRPS did not become ardent supporters of the BSP. One reason attributed for the poor performance of the BSP in the 1994 Assembly election was the lack of support from the Madiga community to it (Pai, 2011: 358). Thus, the BSP was caught in a pincers between the dominant Mala leadership and its view and the need to protect and promote unity by roping in the Madiga support.

7.5 Other parties

The Left parties, namely the Communist Party of India (Marxist) and the Communist Party of India think that the Madigas and the other backward sub-castes of the Scheduled Castes really face problems in availing reservation benefits and justice needs to be done for those communities through categorization. The CPI (M) found that the movement raised by the Madigas for the categorization was justifiable and the party has been highly supportive of above issue. It supports the reservations distribution according to the population proportion.

The CPI (M) does not agree with the view that categorization divides dalits or adversely affect the merit principle when it comes to allocation of reservation benefits. It perceives that the Dandora movement was fighting for social justice. Its leaders say that the Dandora movement is not against the unity of Scheduled Castes but that is the one which is fighting for unified development. In the name of Scheduled Castes reservations, many castes were overshadowed by the more developed groups among the Scheduled Castes. The efforts of Madiga Dandora movement promote self-respect of the most deprived communities among the Scheduled Castes and promote justice. In this privatization era the government jobs are sinking and there might be a day in which these groups have no space in the market. And the question of reservations may vanish at some point of time.

At this situation the movement raised by Madigas is noteworthy since they are not fighting for their own caste but working for all the sub-castes who are at the bottom for many decades (Rajanna, 1996). Although the communist parties did not openly support the categorization when the categorization bill was unanimously passed in the legislature they extended their support favouring categorization.

The Praja Rajyam Party was a party founded on the slogan of social justice. It was started by a popular cine actor, Chiranjeevi, in 2008. In March 2009, Chiranjeevi declared that his party was not against categorization of SCs. Manda Krishna said that the Madigas would give their votes to whichever party that supports categorization. Since the Praja Rajyam Party saw that the Congress was one of its main rivals, and Manda Krishna Madiga vowed to defeat the Congress, the former came out in support of Madiga Reservation Porata Samithi. However Manda Krishna criticized PRP for not talking about SC categorization while harping on social justice (www.greatandhra.com). The point to be noted here is that even the Praja Rajyam Party had newly entered the political arena it chose to support categorization of Scheduled Caste reservations.

The Lok Satta party, led by Jaya Prakash Narayan, too supported categorization. However, he cautioned MRPS president Manda Krishna Madiga against falling prey to the political calculations of the main parties in the State. He cautioned him that changing support from one party to the other would not bring justice to weaker and downtrodden sections. Instead the MRPS should focus on policies that would end discrimination against weaker sections once and for all (*Lok Satta News*, 4 March 2009).

7.6 Summary

The eight-member National Commission, appointed by the Central government, to examine the issue of sub-categorization of Scheduled Castes in Andhra Pradesh has found that Mala and Madiga communities constitute distinct entities.

Their cultures are different. It noticed that the caste hierarchy between the two communities resembles the practice of untouchability practiced vis-à-vis these communities by others in the society. It further observed that the most of the benefits of reservations have gone in favour of few castes. It felt that there is an urgent need for sub-categorization of the list of Scheduled Castes so that these benefits are equitably distributed. It also found that during the period of sub-categorization, the benefits were more uniformly distributed among the Scheduled Castes in the State. Thus, the sub-categorization of Scheduled Caste reservations does not divide the dalits, nor goes against the principle of equality. Rather, it is an instrument for equitable distribution of reservation benefits. Therefore, the Commission recommended that the Constitution may be amended to provide for sub-categorization of various castes included in the Scheduled Castes list for the State of Andhra Pradesh.

Most political parties in the State support sub-categorization. When in power, the Telugu Desam Party took resolute steps to issue government orders, an Ordinance and then make legislation with regard to categorization. The charge that it did so with an eye on the possibility of building of electoral support among the Madigas may be right. But it did take these measures in a way that benefited the Madigas cannot be contested. Although the National Commission was appointed by the UPA government at the Centre and the Congress government at the State says that it is in favour of reservations, not much had taken place in discussing the issue in Parliament or moving a constitutional amendment as recommended by the Commission. The attitude of the Congress seems to be somewhat ambivalent from the days of the Chief Minister Y.S. Rajasekhara Reddy and later. This ambivalence or dualism of the Congress partly arises due to its fear of losing support among these two mutually opposed communities as the party enjoys considerable support from both of them. The strong presence of the Malas in the Congress leadership could be another factor.

What is interesting is that although most political parties support categorization at least in principle not much progress has been made with regard to

categorization. Probably, it is because they only show lip sympathy without actually making any effort to realize such a policy.

Chapter VIII

Conclusion

The agitation for the categorization of Scheduled Castes reservations in Andhra Pradesh is the most militant, sustained and large scale social movement that India has seen in the post-independence times. If we take the formation of the Madiga Reservation Porata Samiti (MRPS) in 1994 as the beginning point of this movement in recent times, it is already two decades old now. The movement has seen several phases and gone through several ups and downs and controversies. So also the efforts of the State to categorization and the judgements of the highest courts of India have seen several twists and turns over the past two decades.

The demand of the Madigas for the categorization has raised several fundamental questions with regard to the system of caste-based reservations in India in general, and the system of Scheduled Caste reservations in particular. The agitation has challenged the notion that the Scheduled Castes constitutes one homogeneous and organic whole. It also raised question about the basis on which the benefits of reservations should be distributed, the question of promoting equality of castes, and unity of society. It added a new dimension to the notion of social justice in India in the sense that the concessions and opportunities provided by the state for the upliftment of the socially backward classes have to reach in practice to the most disadvantaged sections in a way that is just. This question of sub-categorization assumes importance because the problem of inequalities in the access to reservation benefits exists not only in the State of Andhra Pradesh, but also in several other States. And many States have been taking measures in different ways to address this problem.

India is the only country in the world that has a complex arrangement of reservations for the socially and economically backward classes, which include the Scheduled Castes, Scheduled Tribes and Other Backward Classes, is

constitutionally mandated. The objective of caste-based reservations is to uplift the socially backward classes of people who are historically marginalized and disadvantaged so that the ideals of democracy such as freedom, equality and fraternity, are promoted among its people in democratic India. They were meant to be the operational instruments of promoting social justice. The principles of justice, freedom, equality and equality of opportunity were imparted a new meaning and were applied to the Indian context in an imaginative and constructive way by the making of the Indian Constitution as well as the law makers of India after independence.

The system of reservations was not new to democratic independent India. It was there in British ruled provinces as well as in the princely States. Struggles for social equality and equality of opportunities led to the introduction of caste based reservations in the first half of the twentieth century. The depressed classes, who were later termed as Scheduled Castes, were considered by most governments in India as the ones that need reservations most as they were handicapped by the stigma of untouchability for a long time. The issue was debated in the Constituent Assembly. There was an overall consensus that the socially backward groups required some preferential treatment so that India becomes truly a representative democracy. However, caste-based reservations had been at the centre of controversy and litigation since the beginning of the journey of independent India. The Constitution had to be amended to give sanction to the caste reservations in the wake of the Supreme Court judgement in 1951 saying that such reservations are violative of Article 16(2) of the Constitution. Since then India had traversed a long path – the state making several important decisions about reservations, extending reservations to newer sections, and amending the Constitution to validate such reservations, and the courts giving judgements sometimes upholding caste reservations and sometimes striking down the decisions of the government.

The chapters of this thesis presented the theoretical foundations of the concept of social justice that laid the basic framework for the Indian Constitution and the

state in practice in the decades after independence. They also examine the trajectory of dalit movement in the State of Andhra Pradesh and the frictions that existed among the Scheduled Castes over time. We have seen the origins and development of the movement for categorization and how the State government, political parties, judiciary and various statutory bodies responded to the demand.

We saw that the leaders of the MRPS in Andhra Pradesh raised the question of socio-economic inequalities prevalent between various sub-castes within the category of the Scheduled Castes and the disproportionate distribution of benefits based on caste reservations made available by the state. They demanded social justice in the form of sub-categorization of Scheduled Caste reservations on the basis of population proportion arguing that it would ensure a fair distribution of reservation benefits meant for all the Scheduled Castes. They did not ask for the deletion of Mala caste from the list of the Scheduled Castes nor did they demand the state to cut down the reservation benefits below their population proportion. They simply wanted that since they are more backward they are asking for their share of total reservations available to the Scheduled Castes so that they can enter the educational institutions and employment in proportion to their population strength.

Ironically, the dalit movement which gathered momentum and acquired militancy during the 1980s and after led to a friction among the Scheduled Castes. The educated and political enlightened Madigas realized that the so-called united dalit movement and organizations were reluctant to take the issue of justice and equality of opportunity for the different Scheduled Castes because the leadership of the dalit movement was dominated by the Mala leaders. They launched a struggle to sub-categorize the Scheduled Caste reservations in the same way the reservations for the Backward Classes were categorized into A, B, C, and D groups in Andhra Pradesh since 1970. This led to considerable polarization and friction between the two numerically large Scheduled Castes in the State.

An examination of the social and cultural history of the State shows that the Scheduled Castes had never been a homogeneous whole. They are a conglomeration of various castes, tribes and social groups brought together and designated as Scheduled Castes for the purpose of reservations. What matters most in the rural situation of the State is not the broad legal category of Scheduled Caste, but the sub-caste. This gap between what is a legal category and what is a social category became a source of controversy over distribution of reservation benefits. This was the view taken by the Full Bench of the High Court when it upheld the legislation made by the Andhra Pradesh Legislative Assembly categorizing reservations as constitutionally valid.

Traditionally the Madigas had engaged in the occupation of cleaning leather, making chappals and other agricultural leather implements. The Malas had been primarily agricultural labourers and village servants. Although both the Malas and the Madigas were considered untouchable, between the two groups the Madigas were considered to be lower than the Malas in terms of social status. The two castes were endogamous and inter-caste marriages between the two were rare. Since the Madigas were engaged in the occupation of leather tanning and removing the skin of the dead cattle, the Malas did not accept them as equals. While the Madigas can take food from the Mala houses, the Malas do not take food from the Madigas. The Mala and Madiga habitations in the villages are separate and mutually exclusive.

The social inequality between the Scheduled Castes got entrenched due to geographical location that had differential implications for the modernization process among the Scheduled Castes. The modernization process had differential impact in different regions of the State. Malas were concentrated in the coastal region of the State, especially the fertile Krishna-Godavari delta, which came under the British rule. Krishna-Godavari delta region witnessed a rapid transformation under the British rule, especially after the construction of irrigation dams over Krishna and Godavari rivers which led to overall prosperity. Because of the official policy and the activities of the Christian missionaries,

members of the depressed classes could receive education and slowly entered into public employment. The region also witnessed a vigorous social reform movement in the later quarter of the nineteenth and the first half of the twentieth century. Madigas are more in number in the Telangana region which was under the rule of the Nizam till it merged with the State of Andhra Pradesh in 1956. The Nizam state had hardly witnessed modern education, social reform movement or the activities of the Christian missionaries. As a result of the difference in educational and social development between the Madigas and the Malas, the latter could make use of the reservation policy better. They are predominantly present in the reserved slots, whether in colleges or government or in elected positions, in accessing and availing government's economic betterment programmes such as housing.

The traditional inequalities within the Scheduled Castes would not have mattered much had it not been for the dynamics of democratic politics and the availability of caste based reservations. Access to education and employment is very crucial for becoming full members of the society. A person's worth is recognized by the education one receives and the kind of employment one occupies. They are both sources of upward social mobility and economic advancement. As valued good, education and employment become the objects of appropriation by every one, and when these are made available through a system of caste based reservations, they become source of conflict.

The evidence gathered by all the Commissions after independence to examine the status of the Scheduled Castes had observed that one community, the Malas, have been able to take away a lion's share of the reservation policy that sanction preferential treatment to the Scheduled Castes. Actually, the Lokur Committee way back in 1965 pointed out the more backward castes among the Scheduled Castes have tended to get lost in the democratic process although they deserve these benefits and concessions most. It said that the State of Andhra Pradesh must review the condition of the Malas and the Adi-Andhras who have appropriated reservation benefits at the cost of other castes. The State should

restrict reservation benefits to the relatively more advanced Mala and Adi-Andhra castes and provide more benefits to Relli, Madiga and other castes on the basis of preferential treatment (Lokur Committee Report, 1965). The same was repeated by two commissions that examined the condition of the Scheduled Castes in the State. Although the Madigas are the numerically single largest caste constituting nearly 50 per cent of the Scheduled Caste population in the State their share in the reservation benefits remained very small, especially at the higher levels of bureaucracy and in educational institutions that offer professional courses. Thus, in practice preferential treatment had become a preferential treatment for the Malas. All the evidence gathered by the Justice Ramachandra Raju Commission and Usha Mehra Commission conclusively demonstrated that the Malas have enjoyed a preeminent place and that implied deprivation of due benefits to the more backward castes within the Scheduled Castes. The findings of Justice Ramachandra Raju became a basis for the government of Andhra Pradesh to issue government orders for categorization, and later an Ordinance which was replaced by legislation to this effect.

What is interesting is that the tangle of sub-categorization of Scheduled Caste reservations in the State is not resolved despite apparent consensus among the major and minor political parties in its favour. All parties in the Andhra Pradesh Legislative Assembly, cutting across ideological and political differences, had passed unanimous resolutions endorsing sub-categorization three times, in April 1998, in April 2000 and in December 2004. They also passed a resolution recommending to the Government of India to take up the matter in the Parliament for enabling Scheduled Caste categorization by the State. But the resolution of the problem is not yet in sight. Probably, the political parties do not take their stand to the logical end due to the fear that if they stress categorization more they may lose the support of the members of the Mala community, who have considerable presence in the administration, in educational institutions, and also the high proportion among the electorate of the State. That is the reason we see ambivalence among them to the issue when it comes to translating their promise

into action. This we see more in the Congress party, which has been securing the electoral support of the Malas more when compared to the Madigas.

The efforts of the government to bring about sub-categorization were repeated nullified by the intervention of the Courts. The Andhra Pradesh High Court struck down the government order categorizing reservations in 1997. But a Full Bench of the High Court in 2000 upheld the categorization legislation as constitutionally valid. Since the privilege of reservation has been granted in the interest of justice and dictated by the existence of caste system, it is obligatory on the part of the State to see that justice is done to the more backward within the Scheduled Castes by way of ensuring that the benefits of reservation percolate to them. It was of the view that the State has the powers within the scheme of the Constitution and the division of powers between the Union and the States within the federal set up to enact categorization that affect reservations in education and employment within its territorial jurisdiction. The Full Bench considered the State legislation on the rationalization of reservation as a positive step for the upliftment of the backward castes among the Scheduled Castes. But when the High Court judgement was challenged in the Supreme Court, a Full Bench arrived at a diametrically opposite view that it is not within the competence of the State to enact such legislation. It is difficult to fathom the logic of the two highest courts of India having jurisdiction to interpret the Constitution when they pass opposite judgements.

The role of judiciary in India and its response to the decisions of the government in response to the demands that stem from various groups in the society has been discussed in scholarly literature for a long time. While in some cases the role of the judiciary is admired for its determination to protect Constitution against the attempts of the ruling parties to abridge the rights of the citizens or undermine the spirit of the Constitution. But on occasions when questions of social relevance and social transformation to which the political leaders and representatives in legislatures respond positively, some judges tend to take a more static, technical and restricted view of the provisions of the Constitution.

The makers of the Constitution did not and could not envisage the future problems that would arise due to the inequitable distribution of reservation benefits among the Scheduled Castes. The experience of implementation of reservations gave rise to a new situation that warrants new solutions. A way out was already shown when the Other Backward Classes were classified to overcome the reality of unequal development of the OBCs and therefore the possibility of some OBCs cornering most of the benefits of caste reservations. What Madigas in Andhra Pradesh asked was not a new principle in their case, but an extension of the same principle that was applied already, that too in the State of Andhra Pradesh, in the case of backward castes. The list of Scheduled Castes was prepared in 1950s, and the experience of the past 60 years perhaps warranted to review the situation not with a view to exclude any caste from the list but to apportion the benefits among these castes in an equitable manner. Also, the subject of reservations was not included in any lists of powers assigned to the States, the Union or for both (Concurrent List). Hence, the State can make a decision on apportioning caste-based reservations in so far such a decision does not violate the provisions of the Constitution or the decisions of the Parliament of India. The Madiga leaders felt that in striking down the categorization legislation of the State, the Supreme Court took a rigid, technical, and restrictive meaning of the provisions of the Constitution.

Classification of the Scheduled Castes was implemented in Punjab and Haryana much before categorization was implemented in Andhra Pradesh. Even after the Supreme Court judgement came, the States of Tamil Nadu and Bihar implemented categorization of Scheduled Caste reservations. The Tamil Nadu Government created a separate reservation of 3 per cent within the 18 per cent reservations available to the Scheduled Castes in the State. The Bihar Government in 2007 created a new category called mahadalits consisting of castes that are considered to be most deprived among the dalits. The reasoning given was that the special programmes meant for dalits had disproportionately benefited those dalit sub-groups such as Paswan who are relatively better off on development parameters. Later, the Chamar caste, akin to the Madigas in Andhra

Pradesh, has been included in the mahadalit category. But in Andhra Pradesh the demand of the Madigas for categorization of the Scheduled Caste reservations and the attempts of the government to enforce categorization had been repeatedly frustrated due to the persistent and tenacious resistance from the numerically large and dominant Mala community and its leaders.

The Mala leaders argued that categorization of reservations divides the Scheduled Castes and that they should be treated as one caste for the purpose of providing reservation benefits. They also argued that sub-categorization is against the ethos of national movement and undermines national integration by restricting full access to reservations for some castes by further divisions and classifications among the Scheduled Castes. They also argued that micro level social justice, i.e. at the level of each caste is not possible through the instrument of reservation. They maintained that ultimate social justice is possible through suitable measures to achieve total literacy and education for all so that they acquire necessary capabilities to become gainfully engaged in society or employed in state services. Since there are inequalities within the Scheduled Castes no categorization will do justice to all castes. According to them the basis of selection under reservation is the 'recognition of merit' but not distribution of posts and seats in educational institutions in proportion to the strength of each caste or community. But the same arguments can be used against the system of reservations because they divide people on the basis of caste, recognize different thresholds of merits, and justice cannot be done to each individual and caste under reservations. However, the Mala leaders, despite weaknesses in their arguments both on theoretical and technical grounds, could persist in their opposition to categorization and see that the decisions to categorize reservations are derailed and defeated. First they challenged the government order categorizing reservations in the High Court and got them struck down. When the High Court dismissed their petitions challenging the government legislation categorizing reservations, they filed a large number of petitions in the Supreme Court and got the legislation annulled there. They also organized rallies and meetings whenever there was an atmosphere conducive to take a decision

favouring categorization. They could bring pressure on the State government, the judiciary and the Union government not to approve the categorization. Whenever government took the decision to categorize reservations they came up with an ingenious argument countering the demand for categorization.

We also saw that the categorization movement in the State could not provide a unified leadership in articulating the demand and representing it at various levels. Although the leader of the MRPS, Krishna Madiga, remained steadfast in his commitment for the cause and did his best to bring pressure on the government and various political parties to bring about categorization, the functioning of the organization had undergone problems from time to time. Differences in the top leadership of the movement hampered its progress, as some leaders fell out with him and started their own outfits. The continuous shift of political support by the Madiga leaders and their attempts to side with different political parties caused confusion in the ranks. Partly this could be due to the fact that the Madigas continue to be divided between the major political parties and the presence of the influential Madiga political leaders in both the Congress party and the Telugu Desam Party.

The notion of social justice has been evolving over the years as the aspirations of the socially and educationally backward classes have increased. In recent decades the nation has seen the rise of the backward castes and the Scheduled Castes both in education, employment, and even in the political domain. But such a democratic process also gave rise to new challenges. This is especially seen in the field of implementation of caste based reservations. The full meaning and purpose of freedom, equality, and equality of opportunity will be realized only when the benefits of reservations reach to the least advantaged sections of the society so that they can join shoulder to shoulder as equals in progress and development. The demands for inclusion and social development have to be addressed so that democracy gets extended and deepened further in India. The demand for categorization of reservations awaits full and satisfactory solution in this context.

Caste-based reservations for the upliftment of the socially backward classes is a great innovation that India's political system made with a view to achieve the constitutionally mandated objective of social justice. In order to implement these reservations, different lists of castes and tribes are drawn by governments at the national level as well as at the level of the States. The experience of implementation of reservations has shown that certain castes in these lists are able to secure reservation benefits in much greater proportion than their population and several castes had lagged behind. It has also brought to the fore the stark reality that these lists, such as the Scheduled Castes, is a legal category that consisted of several castes among whom there is tremendous inequalities in terms of social status, economic development, educational improvement, and employment opportunities. People of these more backward castes among the Scheduled Castes began demanding for their due share of the reservation benefits, which warranted sub-categorization. Political parties had to respond to these aspirations out of their own electoral calculations and concede the demand in order to maximize their electoral support. However, the political parties are somewhat ambivalent when it comes to action as they are afraid that such sub-categorization would alienate support of the relatively advanced sections of the Scheduled Castes. This could be also due to the strong voice of the relatively advanced castes among the backward classes have in the party organisation, government and administration. The strong resistance of the upper strata of the relatively advanced castes is also another reason for the present impasse in sub-categorization of the Scheduled Caste reservations. A good number of judges, bureaucrats and intellectuals are influenced by the dominant understanding that all the Scheduled Castes are one and as such every member of any Scheduled Caste, irrespective of their development, should have equal access to all the benefits of reservation. However, this perpetuates the existing condition of some relatively advanced castes taking away a lion's share of the reservation benefits at the cost of the more backward castes. It also appears that to sustain a strong movement for sub-categorization for a long time is difficult because of lack of awareness among the more backward sections about their entitlements and the

lack of unity among the leadership of these castes. However, it becomes clear from this thesis, as the full Bench of the High Court of Andhra Pradesh said, social justice can be realized only when the most deprived among the backward classes of India are enabled to access education and employment like any free citizen of India.

Chronology of the main events in the categorization of Scheduled Castes reservations

Date	Event
July 7, 1994	Formation of the MRPS at Edumudi in Prakasam District, Andhra Pradesh
August 25, 1994	Madigas Rally for categorization for the first time with 5000 youth in Ongole, Prakasam District, Andhra Pradesh
October 2, 1994	Madiga meet to release a book titled, <i>Reservationlu Madigalakem Chesindi?</i> (in Telugu) ‘What Reservations Have Done to Madigas?’
September 28, 1995	Public Meeting at Visakhapatnam
October 25, 1995	Public meeting at Nellore
November 25, 1995	Public meeting at Vijayawada
January 8, 1996	Public meeting at Kurnool
March 2, 1999	Rally at Hyderabad
March 11-20, 1999	Protests in front of District Collectorates
September 2, 1996	Day long protest rally at Hyderabad
September 2, 1996	Chief Minister’s statement on categorization in the Legislative Assembly
September 10, 1996	Appointment of a Commission by the State government under the chairmanship of Justice Ramachandra Raju
April 14, 1997	<i>Pada Yatra</i> (Foot March) by MRPS leaders from Naravaripalle, Chittoor District, Andhra Pradesh
May 18, 1997	Madiga writers and poets meet held at Hyderabad
May 28, 1997	Justice Rama Chandra Raju Commission submits its report recommending categorization of SC reservations
June 6, 1997	<i>Maha Pada Yatra</i> (Great Foot March) of the MRPS started on April 14, reached Hyderabad with a rally to Nizam College Grounds attended by almost 10 lakh people.
June 7, 1997	Government of Andhra Pradesh issued orders categorizing SC reservations
18 Sept 1997	AP High Court quashed the categorization GOs
October 13, 1997	A.P state government appealed to Supreme Court against the High Court judgement
December 13, 1997	State government wrote to National Commission for SC/ST to approve the GOs

January 1, 1998	Call by MRPS to hoist MRPS flags on every Madiga house
April 21, 1998	<i>Dharna</i> (Protest) by Madiga Women in front of A.P State Assembly
April 22, 1998	The State Assembly unanimously passed a resolution accepting the recommendations of Justice Rama Chandra Raju Commission to categorize the Scheduled Castes into A, B, C, and D groups
April 29 1998	The unanimous resolution of the Assembly was communicated to the National Commission for Scheduled Castes and Scheduled Tribes
May 26, 1998	National Commission asked the State Government for additional information
June 6, 1998	Manda Krishna started fast unto death
June 17, 1998	Police arrested Manda Krishna
August 25, 1998	National Commission for SC/ST said that Presidential List cannot be amended by the State government
October 1998	All Party meet was conveyed by the Chief Minister and decided to issue an Ordinance on categorization
October 17, 1998	The C.M sent the proposed Ordinance to the President of India's for his approval
January 1999	Manda Krishna started a <i>Dandayatra (March)</i> from Srikakulam
January –April 1999	MRPS conducted huge rallies with other sub-caste organizations
9 December 1999	The Andhra Pradesh Scheduled Castes (Rationalisation of Reservations) Ordinance, 1999 was promulgated
December 10, 1999	The Andhra Pradesh (Rationalisation of Reservation) Rules 1999 were notified for the implementation of the Ordinance
December 21, 1999	Mala Mahanadu filed a writ petition in High Court challenging the validity of the Ordinance
April 1, 2000	AP Legislative Assembly passed the SC (Rationalisation of Reservation) Act 2000 replacing the Ordinance
November 8, 2000	A Full Bench of AP High Court dismissed the petitions against categorization and upheld the constitutional validity of the State legislation categorizing reservations
2000-2004	Implementation of SC categorization of reservations in education and employment in the State of Andhra Pradesh
May 14, 2004	Congress party came to power and Y.S.Rajasekhar Reddy became

	new Chief Minister of the State
November 5, 2004	Supreme Court Judgment on SC sub categorization; quashed the sub-categorization Act and terming it unconstitutional
December 10, 2004	Unanimous resolution in the State Assembly requesting the Government of India to take up the matter in the Parliament, enabling the sub-categorization by the State
December 23, 2004	Cancellation of AP Scheduled Castes (Rationalisation of Reservation) Act 20 of 2000
April 18, 2005	MRPS started <i>Maha Padayatra</i>
June 11, 2005	MRPS conducted <i>Madiga Dharma Yudha Mahasabha</i> with the activists and supporters from different states
August 11, 2005	An all party delegation met the Prime Minister, Manmohan Singh, and the UPA chairperson, Sonia Gandhi and submitted their representations
August 23, 2005	The opposition leader Chandra Babu Naidu met the President of India and other leaders at New Delhi and submitted representation supporting categorization
March 16, 2006	The Central Government decided to set up a National Commission to deal with the issue of sub categorization
April 5, 2006	<i>Tirugubatu Maha Padayatra</i> (long foot march) by MRPS protesting against the delay in the process of categorization
September 5, 2006	The Chief Minister of AP along with Madiga Ministers and MRPS leaders visited New Delhi to meet the Prime Minister
October 10, 2006	Mala Mahanadu Meeting at Vijayawada
March 25, 2007	Jai Bharat, a Mala group supporting categorization, conducted a meeting in Hyderabad with a call for the unity of Malas and Madigas
April 17, 2007	<i>Madiga Viswaroopa Mahasabha</i> at Vijayawada by MRPS as a reaction to the Mala Mahanadu meeting
May 17, 2007	Manda Krishna started fast unto death in front of the Chief Minister's house
May 21, 2007	Appointment of an eight-member National Commission under the chairmanship of Justice Usha Mehra to examine the issue of categorization of SC reservations
June 22, 2007- January 1, 2008	The National Commission visited various places and received written and oral representations of various caste organizations
April 26, 2008	Manda Krishna started fast unto death, demanding categorization

and enactment of legislation

May 2, 2008

Usha Mehra Commission submitted the report on sub-categorization, recommending sub-categorization and amendment of the Article 341 for the purpose

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III. Newspapers

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Eenadu
Vaartha
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IV. Interviews conducted by the researcher

Bathran Ravi Chandran, Columnist and Research Scholar, Osmania Univesity, Hyderabad, 3 May 2011.

Ch. G.V. Prasad, Writer and activist of MRPS. Interviewed at different times during 2008-13

Elisha, Advocate for the MRPS, Hyderabad, 24 November 2010.

G. Gopal Guru, Academician and dalit intellectual, New Delhi. 28 February 2011.

Gajaveli Ganpathi, President, Chindu Porata Samiti, Hyderabad. 3 August 2010.

Gosangi Mallaiah, Leader of Gosangi sub-caste, Hyderabad, 19 October 2010

Jupudi Prabhakar, President, Mala Mahanadu, Hyderabad, March 15, August 8. 2010

K. Loknath, President, Jai Bharat , 21 April 2011

Karem Sivaji, President, Mala Mahanadu, Hyderabad, 7 June 2011

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Krupakar Madiga, Convenor, MRPS, Hyderabad. Interviews at different times during 2008-13

Maalyadri, Mala Mahanadu activist, Hyderabad, 15 March 2010; and 7 August 2010.

Manda Krishna Madiga, President MRPS. Interviews at different times during 2009-13

Mary Madiga, Leader of Womens' wing of MRPS, Hyderabad, 16 November 2009

N. Joseph, Scientist at Central Leather Research Institute, Chennai, 15 March 2010.

P. Muttaiah, Professor of Political Science and publicist of Madiga sub-categorisation movement, Hyderabad. Interviews at different times during 2008-2011

Pilli Manikya Rao, Co-convenor, MRPS, 8 March 2009

Posetti Abbanaboyina, Leader, Holeya Dasari Porata Samiti, Hyderabad, 3 August 2010

Ragati, Satyam, Co-convenor, MRPS, Hyderabad, 4 September 2009.

Tadikonda Narayana, Leader, Budaga Jangam Eikya Vedika, Hyderabad, 11 August 2010

Yagati Chinna Rao, Academician and dalit intellectual, Hyderabad, 27 February 2011