

The Politics of Reservation and Agitations

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Abstract

The idea of reservation was introduced to India during the Hunter commission in 1882. It was later inculcated in the Constitution of India, with various provisions safeguarding the rights of the backward classes. The introduction of the Mandal report changed the course of Indian Politics. This led to the introduction of the Kamandal politics to counter the Mandal Politics. This divided the country into Pro and Anti-Reservationists, which led to the political parties using "Identity politics" to win elections. Reservation plays a significant role in the voter turnout in India. This paper focuses on the historical background of reservation, with context to the pre and post independence era, with special mentions of the Mandal Commission Report and the Articles regarding Reservation in the Indian Constitution. It sheds some light on some of the burning reservation issues in India, including the Maratha reservation issue, the Jat agitations, the Gujjar reservation issue, the OBC issue in Uttar Pradesh, and the Patidar Agitations. This paper also gives references to the Women's reservation bill and the argument surrounding it. It also talks about the role reservation politics play in the voter turnout, and the countering Anti-Reservation protests.

Introduction

The Constitution of India includes various provisions to safeguard the interests of socially, economically and educationally disadvantaged groups. This also ensures their adequate representation in state services. In India, the Reservation is used as an affirmative action strategy, which grants the backward classes opportunities for government job positions, access to educational institutions, and participation in legislative bodies. However, it has sparked controversies in India. These policies have also sparked numerous agitations and protests, reflecting the complex and multifaceted nature of this issue in Indian society. The Politics of Reservation has been time and again used as an electoral strategy. This paper focuses on the historical background of reservation, with focus on various developments like the Mandal report, which shaped Indian Politics thereafter. It further sheds some light on the Reservation related agitations in India, along with its impact on politics.

History of Reservation system in India

a) Pre-independence era:

In 1882, the idea of caste-based reservation system was first perceived by Shri Jyotirao Phule and Mr. William Hunter. The first notification providing reservation for the welfare of backward people in India was made in 1902, with the announcement of 50% reservation in services in the state of Kolhapur. In 1908, reservation was introduced only in the favor of those

communities and castes, who had some part in the British administration. Some provisions were also made in the Morley-Minto reforms of 1909. The actual legal origin of reservation policy began with the Government of India Act in 1919 in India. This Act introduced the communal electorates along with several reforms in Indian Governmental institutions. The Madras presidency introduced a Government order in 1921 providing 44% reservation to non Brahmins - 16% reservation for Muslims, 16% reservation for anglo-christians and 8% reservation for scheduled castes. Later in 1927, when the controversial Simon commission came up to scrutinize the Montagu-Chelmsford reforms, they proposed combining separate electorates and having seats reserved for depressed classes. In order to scrutinize and incorporate these recommendations and reforms in the new constitution, a round table conference was convened in London in 1931, with the presence of several Indian delegates. This conference was chaired by the then British Prime Minister Ramsay MacDonald. Dr. B.R. Ambedkar appealed for a separate electorate for the depressed classes, however this was opposed by Shri Mahatma Gandhi, who thought this would divide India further. Hence this issue remained unsolved in the conference. Prime Minister Ramsay McDonald gave his award called the "Communal award" in August 1933. This provided for separate representation to be made for Muslims, Sikhs, Indian Christians, Anglo-indians and Scheduled castes. This was supported by Shri Dr. B.R. Ambedkar and opposed by Shri Mahatma Gandhi. The Poona pact was signed to address this issue. This pact brought in a single general electorate for each of the seats of British India and new central legislatures. This pact was inculcated In the Government of India Act of 1935, in which seats were reserved for depressed classes.

b) Post Independence era:

The Reservation policy gained momentum in the post independence era. This was drafted by the constituent assembly headed by Dr. B. R. Ambedkar. The Supreme Court, in 1951, in the State of Madras v. Smt Champakam Dorairajan¹, held that the caste based reservation violates the Article 15(1) of the Indian Constitution. In order to invalidate the above judgment, the 1st constitutional amendment was made. This was followed by addition of clause (4) in the article 15. The Kalelkar Commission was established in 1953, to review the situation of the socially and economically backward classes. The Supreme Court later established a 50% cap on reservation in the case of Balaji v. Mysore² in 1963. The Mandal commission was established in 1979, to see the condition of socially and educationally backward classes. This commission

¹ The State Of Madras vs Srimathi Champakam, on 9 April, 1951
Equivalent citations: 1951 AIR 226, 1951 SCR 525

² M. R. Balaji And Others vs State Of Mysore on 28 September, 1962
Equivalent citations: 1963 AIR 649, 1962 SCR Supl. (1) 439

submitted its report in 1980, and was implemented in 1990. Special 10% reservation for the poor was introduced by the Narasimha Rao Government in 1991. The Parliament under the 77th constitutional amendment added clause (4) (A) in the article 16 of the Indian constitution in 1995. This provided for reservation and promotions to SCs and STs. The Supreme Court in *P. A. Inamdar and Ors v. State of Maharashtra and Ors* case held that the state cannot make reservations on minority and unaided private colleges, including private professional colleges in 2005. Later that year, the 93rd amendment was brought to ensure the reservation policies.

1) The Mandal Commission

The Mandal Commission was called the Socially and Educationally Backward Classes commission (SEBC) and was established on 1st January 1979 with Shri B P Mandal as the chairman. On 31st December 1980, the commission submitted its report to the President of India. However, the recommendations of the report were implemented on August 7 1990, under the Prime Minister of India, Shri V P Singh. Through the report, reservations were made for the OBCs in government jobs.

Shri Jyotirao Phule and Mr William Hunter introduced the idea of caste based reservations in India. In 1980, the report submitted that India's population consisted of approximately 52% of OBCs and the 27% reservation should be made for them in Government jobs. However, it wasn't implemented due to change in government till 1989. On 13th August 1990, a government order was released for its implementation and Prime Minister Shri V P Singh announced its legal implementation in his Independence Day speech. This was followed by nation-wide anti-reservation protests by students. In 1992, the implementation of the report was challenged and the court under *Indira Sawhney v. The Union of India* upheld the constitutional validity of 27% reservation for OBCs under certain conditions. The Morarji Desai led Government appointed the 2nd backward classes commission in 1979, in terms of article 340 of the Indian Constitution. This was done to investigate the conditions of the socially and educationally backward classes and to give suggestions for their upliftment. This commission was headed by Shri Bindeshwar Prasad Mandal. This Mandal report identified as many as 3,743 castes as socially and educationally backward, which constituted nearly 52% of the total population of India back then (excluding SCs and STs). In 1990, after 10 years of making these recommendations, the Shri V P Singh Government announced 27% reservation for OBCs in government jobs. Further, Shri Narasimha Rao led Government made two important changes in 1991. Those are:

- a) EWS Reservation: Reservation to be made of another 10% in jobs for the economically backward sections of higher castes, who are not covered by existing schemes of reservation.
- b) Economic Criteria: Including economic criteria in granting reservation and giving preferences to the poor section of the society among the OBCs in the 27% quota.

2) Provisions related to the Reservation System in India

Article 15(4) - Special Provisions for advancement of Backward classes

As an exception to Clause 1 and 2 of the Article 15 of the Indian Constitution, Article 15(4) was added through the Constitution (1st Amendment) Act, 1951. This was done as a result of the State of Madras v. Champaran Dorairajan judgment³, in which the Madras Government had reserved seats in State Medical and Engineering colleges for different communities, on the basis of caste, race and religion. The law was defended by the State Government, by stating that it was brought in with a view to social justice for all (Article 46 of Directive Principles of State Policy). However, this law was held as void by the Supreme Court as it tended to classify students on the basis of class, caste and religion, rather than on merit. Hence, it was modified through the 1st amendment in 1951. This time it was stated that the state should make provisions for the advancement of any socially and educationally backward class of citizens. It was because of this amendment that the state was able to put up a Harijan Colony to advocate for the interests of the Backward classes.

Constitution (93rd Amendment) Act, 2006 - Provisions for Reservation of Backward, SC and ST classes in private educational institutions [Article 15(5)]

The addition of clause 5 in the Article 15 states that nothing in the sub-clause (g) of clause (1) of the Article 19 shall prevent the state from making any special provisions, by law, for the further advancement of the socially and educationally backward classes or for the scheduled caste or scheduled tribes. Such provisions relate to admissions in educational institutes, including private institutions, whether aided or unaided by the state, other than any minority educational institution as mentioned in the clause (1) of Article 30 of the Indian Constitution. This amendment has been enacted to nullify the effect of the three decisions taken by the supreme court in TMA Pai Foundation v. State of Karnataka⁴, Islamic Academy v. State of Karnataka⁵ and P.A. Inamdar v. State

³ The State Of Madras vs Srimathi Champakam ... on 9 April, 1951
Equivalent citations: 1951 AIR 226, 1951 SCR 525

⁴ T.M.A.Pai Foundation & Ors vs State Of Karnataka & Ors on 31 October, 2002, AIR 2003 SC 355

⁵ Islamic Academy of Edn. & ANR Vs. State of Karnataka & Ors [2003] INSC 378 (14 August 2003)
Citation : 2003 Latest Caselaw 374 SC

of Maharashtra⁶. In the judgment of T.M.A. Pai and P.A. Inamdar, the court held that the state cannot keep seats reserved in case of privately run educational institutions. Later, in the Islamic Academy case, it was held that the state can fix a quota for admissions in these educational institutions, but cannot fix the fees, and the admissions are to be done on the basis of a common admission test, on the basis of merit. However, the minority educational institutes were kept out of the amendment's purview.

Article 16 (4)[7] - Reservation for backward classes in public employment

As an exception to the general rule embodied in the Article 16(1) and (2), Article 16(4) empowers the State to make special provisions for the reservation in appointments of posts in favor of any backward classes of citizens, which according to the State are underrepresented in the services under the State.

Some other Articles regarding the reservation policy, mentioned in the Constitution of India

Article 17: The Article 17 of the Indian Constitution mentions the abolition of untouchability and declares its practice, in any form, to be an offense, punishable under the law.

Article 39-A: The Article 39-A directs the state to ensure equal legal justice and free legal aid to economically backward classes, under the social security charter of the Directive Principles of State Policy.

Article 45: The Article 45 of the Indian Constitution imposes a duty on the state. This is to raise the standard of living and the health conditions of the backward classes.

Article 330-342: These articles mention the special provisions for the certain class of people, such as the SCs, STs, OBCs, Linguistic Minorities, and Anglo-Indians

3) Relevance of Article 355:

Article 355⁷ plays an important balancing role in the allocation of seats through reservation. This article emphasizes that when considering members of Scheduled Castes (SC) and Scheduled Tribes (ST) for administrative positions, the State should prioritize administrative efficiency. It doesn't mandate the State to grant these seats solely based on social standing, rather offering flexibility while safeguarding the claims of SCs and STs. This article 355 of the Indian Constitution guides the State in fulfilling its obligations without limiting the opportunities for these communities.

⁶ P.A. Inamdar & Ors vs State Of Maharashtra & Ors on 12 August, 2005
Equivalent citations: (2005) 6 SCC 537

⁷ Article 355 of the Constitution of India

Landmark Judgements regarding Reservation in India

1) Indra Sawhney v. Union OF India and Ors. (1992) - The Mandal Case

The Supreme Court's 9 judge constitutional bench, having a majority of 6:3, stated that the Union Government's decision to reserve 27% of seats for the backward classes, in the government jobs, after excluding socially advanced individuals (Creamy Layer), is constitutionally valid. These reserved seats should only be confined to initial appointments, and not to promotions. Additionally, the total reservation should not exceed the 50% cap limit. The court ruled that the two notifications from 13th August, 1990, and 25th September 1991, are both valid, but with the condition that socially advanced individuals (Creamy layer) amongst the backward classes should be excluded. However, they struck down the Congress Government's notification reserving 10% of Government jobs for the economically backward classes among the higher classes. Article 16(4-A) and Article 16(4-B) were added after the Mandal case. Article 16(4-A) allowed the state to provide reservations to Scheduled castes, and Scheduled tribes, if they are underrepresented. Further, the Article 16(4-B) removed the 50% reservation ceiling for SCs, STs and backward classes in the backlog vacancies, due to the unavailability of eligible candidates in the previous years. Further, the 85th Amendment Act replaces some words from clause 4-A of the Article 16, from "in matters of promotion to any class" to "in matters of promotion, with consequential seniority, to any class".

2) M.R. Balaji and Ors. v. State of Mysore, AIR 1963 SC 649

An order was issued by the State of Mysore, declaring all communities (except Brahmins) as socially and educationally backward under the Article 15(4) of the Indian Constitution, further reserving 75% seats in educational institutions in favor of the SCs, STs and SEBCs. However, such reservations were repetitive, and were being issued every year, with little to no variation in the reservations being allocated. This order was challenged under the Article 32 of the Indian Constitution. As a response to it, the 5-judge bench struck it down claiming that backwardness is both an educational and social factor. Even Though caste may be relevant to consider in determining the social backwardness of people, it cannot be made the sole test. It was stated that there are no definite factors for granting reservation, however, it should be less than 50% limit.

3) **State of UP v. Pradeep Tandon, AIR 1975 SC 563**

The State Government of Uttar Pradesh issued an order for the reservation of seats in the medical institutions. This reservation was extended to students hailing from hill areas, rural areas and the Uttarakhand area. However, this order was challenged in the Supreme Court. The reservation for candidates from the hill areas and Uttarakhand was termed valid due to the unavailability of proper communication, technical and educational facilities, but the same wasn't the same in the case of the rural areas. The reservation for the candidates from the rural areas was termed invalid as it creates a notion that people in rural areas were poor, whereas those in urban areas were not.

4) **State of Madras v. Smt. Champakam Dorairajan [1951] S.C.R. 525**

The issuing of an order enforcing the communal G.O.s with respect to medical colleges resulted in this case. This order specified the proportions for reservation of seats in medical colleges with respect to the caste of the candidate availing reservation. Even though the order's main objective was to help uplift the backward classes, it was struck down by the special bench of seven judges, claiming it to be unconstitutional under the Article 15(1) and Article 29(2) of the Indian Constitution.

Some of the major reservation issues in India

1) **Uttar Pradesh**

According to the chapter 2 of the 2016 brochure on the "Reservation for SCs/STs and OBCs-reg", Uttar Pradesh contains 21% of SCs, 1% of STs, and 27% of OBCs⁸. Following the scandals surrounding the admission into the country's 176 Government and 205 private medical colleges and universities, in 2012, the Central Government implemented a significant change in the administration process. The State Governments in companionship with private colleges conducting their own admission tests for medical programs was replaced by a more standardized and fair admission process, i.e., the National Eligibility-cum-Entrance Test (NEET). However, this drastic change faced opposition from certain State Governments and private institutions, leading to legal disputes over its constitutional validity. The issue of reservation or of affirmative actions for SCs, STs and OBCs in post graduate medical education and Government colleges persisted. In January 2014, 30% of seats for postgraduate medical

⁸ Brochure on Reservation for SCs/STs and OBCs-reg, Ministry of Heavy Industries & Public Enterprises, Department of Public Enterprises, 2016

colleges for insurance doctors working in rural areas were reserved by the Uttar Pradesh Government to encourage service in under-served regions. However, on 16th August 2016, the Supreme Court struck down this reservation, stating that it violated regulations, and clarified that seats should be reserved as per the constitutional schemes for specific groups, not for in-service medical officers. It also allowed rural services in the NEET entrance exam, but capped it at 30%, not as a reservation. This ensured clarity to the graduate admissions but left the challenge of incentivizing doctors to serve in rural areas.

The OBC issue: The Rohini Commission⁹ has submitted its report on sub categorizing the OBC quota to Hon'ble President Shri Draupadi Murmu. Such a report regarding the division of 27% OBC reservation has been dominant in Uttar Pradesh since 2018, with Chief Minister Shri Yogi Adityanath's Government taking keen interest in it. This may be because the recommendations of the report might disrupt BJP's caste-based political calculations, as it might upset its allies and also challenge its idea of political Hindu unity. With OBC leader Om Prakash Rajbhar joining NDA, the prominent voice in favor of sub-categorization has become quiet. In 2018, just before 2019 general elections, the Yogi Adityanath Government had appointed a committee to examine the division of the OBC vote. The idea of consideration of dividing the 27% OBC quota in Uttar Pradesh was due to certain castes like Yadavs receiving more benefits and jobs under the reservation policy, particularly when the samajwadi party was in power. Due to this, other backward castes remain underrepresented and disadvantaged. The report of October 2018 by Justice Raghavendra Kumar suggests the division of OBC quota into 3 categories: Backward class (7%), More Backward class (11%), and Most Backward class (9%). This would apply to the 79 OBC castes in UP, with the statistics of 9 as Backward (Pichda varg), 37 as More Backward (Ati pichda varg) and 33 as most backward (Atyant pichda varg). However this report was never put into effect. Changing political dynamics and evolving demands from the OBC parties have since pushed the subcategorization issue out of the political spotlight.

क्र.सं.	जाति/वर्ग	संख्या	वर्ग	संख्या
1	अति पिछड़ा वर्ग (अत्यंत पिछड़ा वर्ग)	33	अति पिछड़ा वर्ग (अत्यंत पिछड़ा वर्ग)	33
2	अधिक पिछड़ा वर्ग (अति पिछड़ा वर्ग)	37	अधिक पिछड़ा वर्ग (अति पिछड़ा वर्ग)	37
3	पिछड़ा वर्ग (पिछड़ा वर्ग)	9	पिछड़ा वर्ग (पिछड़ा वर्ग)	9
				कुल
				79

जातियों की श्रेणी में सम्मिलित न हो, हस्ताक्षर, जातिया, मोरिया, मोरिया, मोरिया-समूह, जातिया-सोडान, नाथ, राम-शिव,समूह-पिहरी, पिहरी-समूह) की ओर अनुसूचित जातियों या अनुसूचित जातियों की श्रेणी में सम्मिलित न हो, भागवार्ड, मोरियावार, मय, मयारी, खरत, रामतराज, हंसीरी, मोवी, खानी, लखर, पितापिता, लखम, नादीपौर, नाड, मनिहार, कथेर, लखेर, लखेर(कुल), मन्सी, कन्डेर, कन्डेर, कण (कुल)

समूह - 10, 12, 13, 14, 17, 18, 20, 21, 22, 25, 29, 30, 31, 33, 34, 35, 38, 39, 40, 44, 45, 48, 51, 52, 53, 55, 56, 58, 61, 62, 63, 64, 65, 66, 69, 74, 79

The report's sub-categorisation recommendations (in Hindi). Photo: Omar Rashid.

Image taken from

<https://m.thewire.in/article/caste/justice-kumar-commission-findings-remain-in-cold-storage-in-uttar-pradesh>

⁹ Recommendations for Equitable Reservation Benefits: OBC Sub-Categorisation Report Delivered to President, PIB Delhi, Ministry of Social Justice & Empowerment, 31 JULY 2023
<https://pib.gov.in/PressReleaseFramePage.aspx?PRID=1944515>

Even though the commission's recommendations provided for better representation for the deprived subsections among the OBCs, it caused problems for the BJP. This report recommended reduced quotas for dominant castes like Yadavs, Jats, Kurmis, and clubbing them all together which costs BJP risking disturbance to its Anti-Yadav narrative, and ignoring the other two important vote banks. To put it in simple words, Apna Dal led by Anupriya Patel is BJP's most loyal ally in UP since 2014, and it is based on Kurmi support, being a traditionally farming caste. The Jats being an agrarian community have been supporting BJP ever since the muzaffarnagar communal riots of 2013. On the other hand, BJP has been trying to polarize the non-Yadav backward castes against the Yadavs. Hence, this report would debunk BJP's narrative that only Yadavs enjoy the creamy layer of reservation. Adding to it, during 2019 Lok Sabha elections, Apna Dal leader Anupriya Patel tried to accuse the Yogi Adityanath Government of trying to divide OBCs, and creating a rift between them as there wasn't any caste census conducted.

2) **The Maratha Reservation Issue**

The Maratha reservation has been a burning issue for almost 20 years in Maharashtra. They have been demanding 20% reservation in Government jobs and education under the OBC category¹⁰. The complex politics of the Maratha reservation has once again taken the center stage with the upcoming Lok Sabha and assembly elections in Maharashtra.

Who are the Marathas?

The Marathas are a group of caste consisting of landowners and peasants, constituting nearly 33% of Maharashtra's population, and are politically dominant. While the majority of the Marathas speak English, not all Marathi speaking people are from the Maratha community. Historically speaking, they have been identified as the "Warrior caste", with large land holdings. Ever since the formation of the state of Maharashtra, out of 20 chief ministers, 12 have been from the maratha community (including the current Chief minister of Maharashtra Shri Eknath Shinde). Even though the division of land and agrarian problems have led to decline of prosperity among lower middle class and middle class, the maratha community still plays a significant role in the rural economy.

The Reservation Demand - There has been a demand from the maratha community for reservation in Government jobs and educational institutions for a long period of time. The initial protest was held nearly 32 years ago, by Mathadi Labor Union leader Shri Annasaheb

¹⁰ Dr. I. P. Kokane, "Reservation Policy And Indian Politics", THINK INDIA JOURNAL, ISSN:0971-1260, Vol-22- Issue-38-December-2019

Patil in Mumbai. Ever since 1981, the issue of maratha reservation has become an integral part of Maharashtra's politics and has been a cause for mass agitations. Based on the Narayan Rane committee recommendations, amid the 2014 assembly elections, the Shri Prithviraj Chavan-led State Government brought an ordinance pronouncing 16% reservation to Marathas in government jobs and education. Again in 2016, the Kopardi rape case, which saw killing of a 15 year old girl, shocked the entire state. The unrest within the marathas peaked into a well planned protest under the banner "Maratha Kranti Morcha" and "Sakal Maratha Samaj" across the state. Further when the protests turned violent in 2017-18, Shri Devendra Fadnavis government took concrete measures to resolve the issue. Based on the recommendations of the Backward Class Commission headed by Shri M.G. Gaikwad, in November 2018, the Government agreed for reservation to Marathas under the special provisions of the Socially and Educationally Backward Class (SEBC) Act. This gave BJP a political edge over the opposition parties. Later when Maha Vikas Aghadi was in power (2019-2022), BJP utilized the reservation issue to consolidate its base among the marathas and was quite successful in doing so, as it emerged as number one party in local body elections. However, today it stands at the receiving end. The opposition today is targeting the maratha quota politics. How the Maratha reservation issue will shape the politics of the state is yet to unfold. However one strong point which the BJP has today is that two of the strong faces of the BJP Shinde-led Shiv Sena Government, Chief Minister Shri Eknath Shinde and deputy Chief Minister Shri Ajit Pawar, belong to the maratha community.

2019 - High Court Verdict - The Bombay high court upheld the constitutional validity of the maratha quota under the Socially and Educationally Backward Classes (SEBC) Act 2018, in June 2019. However, the court ruled that the 16% quota granted by the state was not justifiable and reduced it to 12% in education, and 13% in Government jobs on the recommendations of the Maharashtra State Backward Class Commission. The high court stated that the limit of reservation should not exceed 50%, but can be crossed in exceptional and extraordinary circumstances. The high court gave this verdict based on the findings of the 11-member Maharashtra State backward class commission headed by Justice Shri M.G. Gaikwad (Retd.), which surveyed nearly 45000 families, from 2 villages, and 355 talukas with more than 50% of maratha population¹¹. This commission submitted its report on 15th November 2018 and stated that the maratha community is socially, economically and educationally backward. The high court approved of this as the report established improper representation of the marathas in public employment in the state.

¹¹ Maharashtra State Backward Class Commission Report, Social Justice and Special Assistance Department, Government of Maharashtra, 2018

Role of Supreme Court - A five judge constitution bench of the Supreme Court of India headed by Justice Shri Ashok Bhushan, in May 2021, slashed certain provisions of the Maharashtra law that provided reservations to the maratha community in the state. The decision was made as the reservation for the maratha has pushed the total quota in the state beyond the 50% cap set by the Supreme Court in the 1992 Indira Sawhney judgment¹². However in November 2022, the Supreme Court upheld a 10% quota for the economically weaker sections EWS. Through this, the court ruled that until the issue of maratha reservation is resolved, economically weaker members of the maratha community can benefit from the EWS quota. It has to be noted that this reflects the complexities and challenges associated in balancing the reservation policies and constitutional limits in India's affirmative action system.

Recent Developments - As of April 2023, the State Government in response to the Supreme Court turning down its review plea, regarding the maratha reservation issue announced its intentions to file a curative petition. A curative petition is basically a legal remedy available in India's judicial system, and it also is considered the last resort for addressing issues, when a review petition has been rejected. Additionally, the Government also announced that it would establish a new dedicated panel to conduct an independent survey to assess the "backwardness" of the maratha community. However, as of September 2023, there hasn't been (It has to be noted that the process involved in curative petition consumes a lot of time, and it might be so that the government is still under the process of preparing its legal strategies, while gathering the necessary documentation and data to support the case).

Who are the Kunbis? Kunbi is a community associated with agriculture, which is grouped under the OBC category in maharashtra. When the marathwada region was a part of the Hyderabad province, the farming community in the region was termed as "Kunbi". After the region became a part of Maharashtra, the community was called as "Maratha". Shri Punjab Rao Deshmukh demanded OBC status for Marathas of Vidarbha region in 1967, and again in 2004, the government of Maharashtra issued a government resolution providing the Kunbis the status of Marathas of the region.

The Maharashtra Government on 4th September 2023 approved the issuance of Kunbi certificates to Marathas from marathwada possessing the nizam era documents that acknowledge them as Kunbis, Chief minister Shri Eknath Shinde announced. This was done as a reaction to the protests which took a violent turn in September 2023 in Jalna. The government has also constituted a 5- member committee led by former Justice Shri Sandeep Shinde, to prepare standard operating procedure for the issuing of the kunbi caste certificates. As addressed by the Chief Minister, the Maharashtra Government is committed to give

¹² Indra Sawhney Etc. Etc vs Union Of India And Others, Etc. ... on 16 November, 1992
Equivalent citations: AIR 1993 SC 477, 1992 Supp 2 SCR 454

reservation for uplifting the maratha community, it just needs proper cooperation from the community to do so.

Reaction of the OBC organizations - The OBC organizations are strongly against this demand of the maratha community to be included in the OBC category, viewing it as a potential threat to their own reserved quota (and also considering the political rivalry between OBCs and Marathas, ever since the formation of the state of maharashtra). OBC leaders assert that this will come at expense of the existing OBC quota, which is 19% in the state, while covering 370 obc communities, which consists of 52% of the state population. According to them, it will be a huge injustice to other OBCs considering the state's 33% maratha population has also been politically dominant, and also enjoys the benefits of 10% reservation under EWS.

Why does the Maratha vote matter?

Maratha's makeup nearly 33% out of the total 12 crore population of maharashtra. A total of 8 out of 48 lok sabha seats in Maharashtra fall under the Marathwada region, along with 46 to 48 seats out of 288-member Maharashtra legislative assembly¹³. The Maratha reservation issue has shifted focus to the Marathwada region and its political significance. Drought prone regions like Latur, Beed and Osmanabad, along with the tourism capital of the state, i.e, Ajanta and Ellora have been a playground for the maratha reservation agitations for a decade now. Till 2019, the BJP-Shivsena alliance had an upper hand over the Congress-NCP democratic front. However, with the change in course of Maharashtra politics after 2019, with new alliances forming, have changed the scenario in the region. Seeing the ratio that Marathwada region constituting 46 to 48 out of 288 seats of the state legislative assembly, it becomes necessary to pay attention to their demands, as ignoring can come at the cost of losing seats, both amongst the community and the Marathwada region, considering how politically active they are. Additionally, according to 2019 Lok sabha polls, 39% of Maratha's preferred Shivesena, 28% preferred NCP, 20% preferred BJP, and 9% preferred Congress¹⁴. According to Suhas Palshikar, this may be because since the 1990s, BJP in Maharashtra has adopted a pro-BJP strategy, which represented various non-Maratha and non-Brahmin leaders¹⁵. However, with the change in the course of Maharashtra politics in two thousand nineteen one cannot be sure about this notion, as Shivsena had a split, and the current ruling faction of Shinde-led Shivsena might have an upperhand, with the Chief Minister himself being a Maratha. Along with this, Shri Ajit Pawar,

¹³<https://www.deccanherald.com/amp/story/india%2Fmaharashtra%2Fmaratha-kunbi-reservation-issue-shifts-focus-to-marathwada-region-2678045>

¹⁴<https://www.thequint.com/amp/story/news/politics/maratha-maharashtra-assembly-elections-2019-bjp-congress-ncp-shiv-sena>

¹⁵ Suhas Palshikar, "Farewell to Maratha Politics?

Assembly Election in Maharashtra", Economic and Political weekly, Vol. 49, Issue No. 42, 18 Oct, 2014

being a Maratha, and becoming deputy Chief Minister, too, can help in gathering Maratha votes.

Another side of concern - On the contrary, 7 out of 48 Lok Sabha MPs of Maharashtra, and 62 out of 288 assembly seats belong to the Vidarbha region, which has been unhappy with the Maratha's being included as Kunbis, in the OBC category. They feel like this will reduce their share in the reservation in education and government job opportunities. Vidarbha consists of 7 prominent sub-castes of kunbis, each with political influence in different parts of the region. Additionally Vidarbha has been a strong point of BJP, due to the rise of Prime Minister Shri Narendra Modi in 2014. In the 2019 assembly elections, BJP secured 28 seats in the Vidarbha Region. Hence, the Vidarbha concern becomes an important issue for the BJP.

3) The Jat Reservation Issue

The Jat community has been protesting for reservation in jobs and education under the OBC quota in Haryana.

Who are the Jats? The Jats are a politically influential community in Haryana. They constitute nearly 29% of the state population. They originally belong to the farming community, and currently reside mainly in Haryana, Punjab, Delhi, Uttar Pradesh and Rajasthan, with a total population of 82.5 million.

Background of the protests - The issue dates back to 1990. As per reports, this issue of Jat quota can be traced back to the implementation of Mandal report in 1991. They had been rejected inclusion in the central OBC list by the National Commission on Backward Classes (NCBC). In 2008, at the convention in Jind, the All-India Jat Mahasabha raced for the quota. The body leading the demand and agitations is the Jat Arakshan Sangharsha Samith (AIJASS) led by Yashpal Malik, a real estate businessman, who is active in Noida and Ghaziabad. In September 2018, AIJASS under Hawa Singh Sangwa blocked rain traffic in Hisar's Mayyar village, resulting in one casualty. Again in March 2011, the AIJASS resumed agitations at Mayyar by blocking railway tracks. A survey was conducted in 6 States on the directives of commission to review the economic and social status of the Jats in 2012. This survey compared Jats to higher castes in Haryana, and it was found that Jats occupied a social status equivalent to higher castes. However in 2014, the Jats were included in the central OBC list, and Bihar, Delhi, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, Rajasthan, Uttarakhand and Uttar Pradesh became the 9 States where the Jats were declared OBCs by the UPA government. In March 17, 2015, the Supreme Court set aside the notification that granted OBC status to Jats. In 2015, Prime Minister Shri Narendra Modi met the representatives of khap panchayat and the Jat leaders, and supported their demands. In February 2016, the AIJASS resumed

agitations for inclusion of Jats as OBC. Huge protests took place by the Jat community in 2016. Following the death of 30 people, the Jat leaders threatened to resume agitations if the BJP-led Haryana Government refuses to meet their demands by 17th March, 2016. Even though the Jats received OBC status by the central government in 2014, the reason for the protests was the demand for a specific category within the OBC reservation, which was the status of Special Backward Class (SBC) which would provide them a higher level of reservation benefits. On 29th March 2016, the Haryana assembly passed the Haryana Backward Classes (Reservation in services and admission in educational institutions) bill to provide reservations for Jats, and 4 other communities in government jobs and education. In May 2016, the Punjab and Haryana high court stayed reservation for Jats and members of 5 others provided by the government of Haryana under a newly created backward classes category. Finally, the Jats and 5 other communities were granted sbc quota by the government of Haryana through the Haryana Backward Classes (reservation in services and admission in educational institutions) Act in 2016.

Why does the Jat vote matter?

The Jats account for nearly 25 to 29% of Haryana's population, while being the largest demographic segment in the state. Jat voters can have a significant impact on election results in about 40 assembly constituencies, including 12 reserved seats¹⁶. Hence, angering them would mean huge loss, considering election perspective. However, after not being able to get an absolute majority in 2019, BJP is now shifting its focus on non-Jat politics, while catering to the Dalits, who have the biggest vote share in Haryana, after Jats.

4) The Gujjar Reservation Issue

On 18th October 2020, the Gujjar leader Kirori Singh Bainsla demanded the Shri Ashok Gehlot Government in Rajasthan to accept their demands of reservation in jobs and education as Most Backward Class (MBC), or they'll conduct large scale agitations.

Who are the Gujjars? Gujjar is a pastoral community, which constituted about 5% of Rajasthan's population as per the 1931 caste census. They have their presence in around 21 districts, and have been BJP supporters.

What are their demands? The Gujjars have been demanding 5% of reservation under the category of Special Backward Classes (SBC). The community started this demand in 2006, when it demanded inclusion in the Scheduled Tribe reservation. However, the Gujjars were included into OBC status in 1994. After the Chopra committee stated that the Gujjars could

¹⁶<https://www.hindustantimes.com/haryana/haryana-assembly-elections-2019-bjp-congress-field-fewer-jats-for-2019-polls/story-cihkwx35EiM78nszZ9bg5M.html>

not be given estimates, the community settled for 5% reservation under a new SBC category. However, as this took the total reservation in the state beyond the 50% ceiling limit set by the Supreme Court, the Rajasthan high court quashed it. The Vasundhara Raje led BJP Government did try to bring in a 2008 bill for 5% SBC reservation to the Gujjars and 4 other communities, but the high court stayed the law in December 2010 and asked the state to present quantifiable data to support their idea of reservation under SBC. Hence, the government repealed the 2008 Act and introduced a new bill in 2015 called the Rajasthan Special Backward Classes (Reservation of seats in educational institutions and of appointments and posts in services under State) Bill, 2015. The Gujjar Aarakshan Sangharsha Samithi was demanding inclusion in the ST category, and the impact of this movement was also seen in Uttar Pradesh, Haryana and Delhi. The Gujjar reservation movement was revived in 2008, amid the upcoming assembly elections in the state, and even after that in 2015 in 2017. However, the Rajasthan high court struck this down on 9th December 2016, stating that the 5% reservation crossed the 50% limit for quota in jobs and education. Again in 2017, the Rajasthan Government brought a bill in assembly to raise OBC quota from the 21%, to 26%, for granting 5% reservation to Gujjars other castes, but was struck down by the high court. Retired Colonel Kirori Singh Bainsla has led the community since 2006. He contested 2009 lok sabha elections on BJP ticket, but lost by 317 votes.

Why does the Gujjar vote matter?

The Gujjars consist of about 70 lakh population of Rajasthan, with 7% of electoral share¹⁷. Congress enjoys vote share in the Gujjar community, which explains its dominance in the state of Rajasthan. However, Prime Minister Shri Narendra Modi's visit in the Malaseri region of Rajasthan's Bhilwara, on the occasion of 1111th birth anniversary of Shri Bhagwan Dev Narayan (a folk deity respected amongst the Gujjars), led to Chief Minister Shri Ashok Gehlot declaring the day as a state holiday. While delivering his speech, Prime Minister Shri Narendra Modi drew similarities between the Gujjar community and the BJP party, by stating that they both are deeply connected to Lotus. He also referred to how even the G20 logo was a lotus, connecting everyone. The Gujjars have held 40 to 50 assembly seats in eastern Rajasthan, making them an important vote bank. BJP might have a plus point within the Gujjar community as the Gujjars were discontented with the Congress, and had even threatened to block Congress leader Shri Rahul Gandhi's entry into Rajasthan. Additionally, the tussle

¹⁷ Tabeenah Anjum, "Why Is The Gujjar Community In Rajasthan Silent After Sachin Pilot's Removal As Deputy CM?", 20 Jul 2020
<https://www.outlookindia.com/website/story/india-news-why-is-the-gujjar-community-in-rajasthan-silent-after-sachin-pilots-removal-as-deputy-cm/357085/amp>

between Ashok Gehlot and Sachin Pilot can turn into a benefit for the BJP in the upcoming Rajasthan elections.

5) The Patel Reservation Issue

Shri Hardik Patel, who was a part of Gujarat Congress earlier, the face of 2015 Patidar Reservation movement, joined BJP on 2nd June 2022 alleging Congress of neglect towards him and other youth leaders.

The Patidar Agitation - The Gujarati Patel is a dominant and political influential community, which demanded reservation under the OBC quota in a massive rally in August 2015. They had demanded 27% reservation in Government jobs and education under the OBC category. The agitation turned violent in July 2015. As a result, the Gujarat Government announced offers of scholarship and subsidies to general category students on 24th September 2015, with 10% quota seats reserved for economically backward classes in 2016.

Background of the issue - Gujarat was amongst the 1st States to introduce the OBC category in 1976. Shri Babubhai J Patel's Janata Party Government introduced 10% OBC reservation in the state, which included communities like Kumbhar, Mochi, Sutar, Devipujak, Charan etc, without any objection. In 1984, Madhavsinh Solanki's Congress led Government during the elections pledged significant reforms for the OBC's an assault to include many other land owning communities if they get reelected again in 1985. With the sociopolitical vote bank theory of KHAM (Kshatriya, Harijan SC, Adivasi ST, and Muslim, Madhavsinh emerged victorious with 149 seats. The OBC quota was raised to 27%, excluding party dark but including neo kshatriya communities in 1985. Hence for the 1st time Patels got irked and caste riots took place in the rural parts of Saurashtra. The party dares alienated themselves from the Congress. By 1991, the then CM of Gujarat Shri Chimanbhai Patel assured his community that Leva and Kadva Patidar would be included in obc by any means. However, this blunder led Congress out of Gujarat and BJP formed the Government in 1995, on the backbone of OBC and Patidar. The Patel claims on obc quota reduced due to the rapidly urbanizing and emerging middle class. Patel opted to become entrepreneurs by establishing small and medium scale enterprises, in such a way that today almost 45% of the SMEs are owned by the Patidar community in the state. However they still liked higher education and bureaucracy. Lakhs of people of the Patidar community demanded their rights to reservation under the OBC category in Education and Government jobs. Maha Kranti Rally was organized a-day before the Gujarat state assembly began its 3 day session in 2015, in which the leading face Shri Hardik Patel challenged the BJP-led State Government.

Why does the Patel vote matter?

The slogan of "P for Patels, P for power" is often used by the Patel community, to describe their dominance in Gujarat. The Patel community comprising nearly 12% of Gujarat's population was one of the major reasons for BJP's rise in Gujarat in the early 1990¹⁸s. However, the 2015 Patidar agitations divided the community into the basis of class, causing an urban versus rural divide. Many believe that it was the Patel quota agitations which resulted in anger, which eventually led to BJP's defeat over many Patidar-dominated seats in Gujarat, in 2017. Nevertheless, with the leader of the movement Hardik Patel himself joining the BJP in 2022, the BJP still holds a strong grip on the state. Additionally, Shri Bhupendra Patel being the chief minister of Gujarat, while being from the Patidar community plays a crucial role.

Reservation and electoral strategies

It can be said that the leaders who guided the newly independent India were unduly optimistic about the Affirmative action policy, and that the task would be completed in 10 years. However, the original 10 year target wasn't achieved; instead it has been extended merrily for perpetuity. The second wave of politicians, after the 1st generation during the newly independent era, realized the significance of reservation to create additional interest groups and vote banks, which can be used to win elections. It was observed that keeping the country divided into small vote banks, through reservation, helped them to enjoy greater power by getting elected. This was one of the ideas when identifying Other Backward Caste (OBCs) first came about. Further to find proper strategy to win elections by utilizing the issue of reservation, the assumption that two proximate caste groups in the hierarchy of caste could easily vote for one party or a candidate should be debunked, as each caste tends to have pride themselves and may even look down upon each other. Some scholars argue that today's reservation system has strengthened the caste division, rather than eradicating it. This is invoked by the idea of "Identity politics" which makes caste visible. Ever since Independence, many political parties have been using this "vote bank politics" that focuses on making caste or religion a topic of discussion. Those who oppose caste based reservation system argue that this system compromises the right to equality mentioned in the Indian constitution. Andre Beteille questioned former Prime Minister Shri Jawaharlal Nehru's wisdom and stated that he was thinking of achieving a "caste-free" India, when the Constitution itself mentioned caste¹⁹. Now the question arises how understanding the caste dynamics can help in winning elections.

- 1) Political parties can craft the election campaigns to appeal to specific caste groups. By having an understanding of the issues, concerns and preferences of particular castes, parties can tailor targeted messages and promises that are more likely to gather support.

¹⁸ How Patels emerged as the X-factor in Gujarat elections - Livemint, 07 Dec 2017
<https://www.livemint.com/Politics/DIOr5Tl1jftJk25jplT5EL/How-Patels-emerged-as-the-Xfactor-in-Gujarat-elections.html?facet=amp>

¹⁹ Stuti Mishra, Reservation and Indian Politics, Politics for India, September 21, 2022

- 2) By recognising the diversity and sometimes even the conflicting interest within different caste groups, political parties can statistically build coalitions. These coalitions would be with the caste that shares common objectives, goals and interests, to pool their support base.
- 3) Parties can select candidates who have strong appeal to certain caste groups, along with having a good reputation or track record within the community.
- 4) Parties can focus their efforts on mobilizing voters from specific castes, to ensure high turnout in elections. This includes targeted Get-Out-The-Vote (GOTV) campaigns, voter registration drives, and ensuring logistical support for voters from marginalized communities.
- 5) By understanding the caste dynamics, political parties can exercise "Issue-based" politics. This can be done by prioritizing and addressing issues that matter to most caste groups, and by showing commitment to this can help in winning trust thus further winning their votes.

Impact of Reservation-based Agitations on Politics and Governance

a) Impact of Reservation on Voting

The impact of political reservation on the voter turnout is a complex topic in India, as it depends on various factors like policy, ideology and cost of voting. Let's break down these factors.

- 1) **Ideology:** In constituencies reserved for Scheduled Castes (SCs), the turnout of SC voters tends to be high as they feel more aligned with the candidates' ideologies. However, on the other hand, the turnout of non-SC voters might decrease since they have to choose among SC candidates.
- 2) **Cost of Voting:** The Cost of Voting is the amount of time, effort and resources that an individual invests in order to participate in an election. This also includes the time consumed while registering, traveling to the polling station, waiting in line and finally casting a vote. When taking the cost of voting in account, the prediction is that political reservation might decrease turnout for both SC and non-SC voters. This is because their individual participation may not significantly impact the election outcome since an SC candidate is likely to win, due to the demographics in the constituency.
- 3) **Policy:** On the other hand, if voters also consider policy positions, non-SC voters in SC constituencies might be encouraged to vote. This is because the SC candidates often need support from non-SC voters to win. Non-SC voters may find their interests better represented by certain SC candidates.

- 4) Other Factors: Besides probabilistic voting models, there are other factors too. Political reservation could increase SC/ST voter turnout due to increased awareness and focus on elections in reserved constituencies.

To conclude, the effect of political reservation on voter turnout is a complex, rather than a straightforward topic, as it depends on several factors.

b) Impact of Reservation-based Agitations on Politics and Governance

Even though the Reservation policies have a positive effect on the upliftment of the backward communities, it can impose negative effects too. Due to the Reservation policies, limited candidate choices may even result in perhaps less qualified candidates, as there are relatively less barriers for disadvantaged group members running for office. Also, the representatives having seat reservation in the following elections may lack the incentives to work properly and may often behave differently from others. Even high costs of elections might prevent the disadvantaged group members from running for office. Some even fear that shadow candidates are controlled by others. Majority of agitations are a by-product of political mobilization of people for political gain and are undertaken mostly during the time of elections. Hence, they impact the voter turnout. These reservation based agitations have an important impact on politics and governance.

- 1) If the reservation-based agitations are successful, it can lead to changes in the government policies. This can even include the introduction or expansion of the quotas for reservation in government jobs and educational institutions.
- 2) Reservation based agitations can help in making of new political leaders and parties, representing these groups. These protests often mobilize communities together to seek benefits making them a strong political force.
- 3) Reservation-based agitations can bring in the phenomenon of "Identity politics" in which political parties align themselves with specific communities or castes, to secure their vote bank.
- 4) Reservation based agitations may need the government institutions to allocate resources and make administrative changes to implement the policies effectively. This can even affect the government functioning and public service delivery.

Hence, these reservation-based agitations can shape politics and governance by influencing the policies affecting the dynamics of political competition and even mobilizing community groups.

c) **Role of Political Mobilization in Reservation protests**

According to the Indian Institute of Legal Studies, "Political mobilization is a process by which a group goes from being a passive collection of individuals to have an active participation in public life. These groups may be based on class caste, religion, ethnicity or nationality"²⁰. Hence, political mobilization is the study of how, and to what extent, these groups can be politically mobilized to influence who governs, and how they do so. In the absence of opportunities for real political participation, these groups may be mobilized for political actions like strikes, protests or rebellions. Political mobilization plays a significant part in the reservation protests. This involves collective and organized efforts of individuals, or groups to bring attention to, or even advocate for a specific cause like reservation or political and social uplift of backward communities. Political mobilization plays the crucial role of raising awareness, and to generate support from various stakeholders, including the general public, politicians and policymakers, during the reservation protest. This includes activities like organizing marches, rallies, demonstrations or campaigns to highlight the issue. Political mobilization even includes the lobbying efforts to influence various policy decisions and to ensure that reservations are effectively being implemented and being safeguarded. This can be done by engaging with political leaders, forming coalitions or alliances of like minded organizations, and even making use of social media and other platforms to spread the message.

The Women Reservation Issue

Prime Minister Shri P. V. Narsimha Rao reintroduced the Constitution amendment bills 72 and 73, which reserved 33% seats and chairperson posts for women in rural and urban local bodies. This was passed by both the houses and became the law of the nation. According to the 108th amendment of the Indian constitution and the women reservation bill 2008, women should be granted 1/3rd (33%) of the seats in state legislative assemblies and parliaments. Within this quota should include the sub reservations for SCs, STs and Anglo-Indians. Rotational allocation for reserved seats can also be exercised. Additionally, according to the approved law, the seats designated for women will be eliminated 15 years from the Amendment Act's starting date. Five out of seven recommendations of the Geeta Mukherjee committee (1996) were included in this version of the bill. However, the bill was never taken up for consideration in Lok sabha resulting in eventually lapsing in 2014. Still, the bill passed in Rajya sabha never lapse, which is why the women's reservation bill is still active.

Women's Reservation Bill:

²⁰ MEANING OF POLITICAL MOBILISATION, Indian Institute of Legal Studies
<https://www.iilsindia.com/blogs/meaning-political-mobilisation/>

A historic moment was witnessed when Parliament passed the Constitution 128th Amendment Bill known as the Women's Reservation Bill, which provided for 33% reservation for women in Lok Sabha and state legislative assemblies. This bill secured all the votes in Rajya Sabha on 21st September 2023 just one day after securing near-unanimous support in Lok Sabha. It now requires the president's assent to turn into law. This bill is called the Nari Shakti Vandan Adhiniyam.

The Delimitation debate:

The opposition wing has raised questions on the linkages of the implementation of women's reservation bill with the periodically limitation exercise, as it would mean a delay in the quota coming into force. Delimitation is basically the readjustment of territorial limits of the assembly and Lok Sabha constituencies, including the number of seats in the assembly and Lok Sabha in each state. The last delimitation order was issued in 2008 to fix the boundaries of all constituencies. However, it is currently on a freeze. The Article 82 was amended in 2002, which States that it shall not be necessary to readjust the constituencies till 2026 census. The issue was raised as to whether this would mean that the women's quota would not be implemented until 2031 census figures were available, and delimitation is subsequently being done. As of now, the government's reservation bill will only be implemented after 2029, as per address by minister of Home Affairs of India Shri Amit Shah. Another issue raised by the opposition camp was having sub-quota for women from OBC category as there is already reservation for SCs and STs in the Lok Sabha and state assemblies. They demanded OBC to be included as they claimed that it constitutes more than 40% of the total population of women.

Anti-Reservation protests in India

The 1990 Anti Reservation protests

The 1990 Anti-Reservation protests against the decision to implement the Mandal Commission Report were scattered, with the movement being loose-knit. However, the anger was widespread. The announcement on the 7th of August 1990 by Prime Minister Shri V. P. Singh that OBCs would get 27% reservation in Central Government services and public sector caused violence all throughout the country. The protests were majorly led by student groups, and though they persuaded the protesters to abandon the casteist slogans raised during the initial Anti-Mandal sentiment, Sharad Yadav continued encouraging the backward to come into the streets for a numerical showdown with the Anti-Reservationists in Delhi. This violence was because the V. P. Singh Government decided to take the total number of reservations for OBCs, SCs and STs to 49%. This took a violent turn, when Rajiv Goswami, a college student, self-immolated in September 1990. Though Goswami survived, he became the face of the agitation.

Bihar witnessed some of the bloodiest Anti-Mandal protests, which claimed seven lives. Though the Anti-Mandal protests claimed three lives in Uttar Pradesh, the potential for an all-out caste war was less. Chief minister of Orissa Shri Biju Patnaik not only decided not to implement the report, but also came out publicly against caste based reservations. He wrote to Prime Minister, "if the lot of backward classes has not improved despite reservation in the past so many years, they would be no better in next generations too²¹. Even after having such a statement by the chief minister, violence continued and the death toll reached six. Congress(I) was allegedly held responsible for this, as there were proofs of students being replaced by gangs of youth paid to engage in riots and arson (Out of the 40-odd youth treated at the Bhubaneswar hospital for the injuries sustained during the violence, no less than 24 belonged to castes, which were to be at benefit from the Mandal report. 4 out of 6 killed also belonged to backward classes).

The situation was uncontrollable in Himachal Pradesh, as clashes between pro and anti reservationists got out of hand, and the army had to be called out in half a dozen towns of the hill state. Even though the BJP-led Chief Minister Shri Shanta Kumar outrightly rejected the report, and announced the implementation of "Antyodaya Scheme " instead, which works towards one lakh poor families to be chosen for benefits, these anti reservationists were unsatisfied. The situation of anger escalated when the Anti-Reservation demanded scrapping even the 22.5% reservation given to SCs and tribes back then. Agitations did not take a violent turn in Chandigarh, and even in Punjab, as the Government announced that it would leave it to the popular government to decide on whether to implement the report or not, as many Akali and militant groups seemed unable to take a stance on the issue. However, Haryana witnessed more damage as the state government was not hesitant to foment it. Chief minister Shri Hukam Singh welcomed the implementation of the report, but in an attempt to embarrass the Union Government, he appointed a backward class commission. He supported his decision by claiming that many communities including Jats, Ahirs, Jat-Sikhs, Gujjars, Rodes, Sainis and Moos had complained that despite being economically and socially backward, they had been excluded from the list of beneficiaries. This was an alleged attempt by the Devi Lal Chautala duo to declare the entire agricultural community in Haryana as backward.

Gujarat was relatively peaceful during the countrywide riots against the report. This was because of the quick handling of the situation by Chief Minister Shri Chimanbhai Patel. When the agitations seemed to be taking off, he declared that the state would not implement the commission's recommendations, as it had not been able to fill even the existing 31% reservation quota, out of which 10% belongs to OBCs. This left the agitating sections without any cause to riot. Meanwhile in the South, when other

²¹ Saba Naqvi Bhaumik, "Decision to implement Mandal Commission report stirs up protests across India", India Today, ISSUE DATE: Sep 30, 1990 | UPDATED: Oct 1, 2013
<https://www.indiatoday.in/magazine/special-report/story/19900930-decision-to-implement-mandal-commission-report-stirs-up-protests-across-india-813545-1990-09-29>

Southern States remained calm, Andhra Pradesh ruled by Congress(I) witnessed violent protests. The Mandal movement fragmented the North Indian voters on the basis of caste. The entire brand of "Identity politics" was unleashed by this Mandal movement, which created politicians like Shri Mayawati Devi, who became India's 1st female Scheduled caste Chief Minister of Uttar Pradesh in 1995.

2006 Anti-Reservation protests

Through the 93rd constitutional amendment, the Government decided to implement 27% reservation for OBCs in higher educational institutes including the IITs, IIMs and AIIMS. This invited nationwide protests from forward class students. While these protests weren't strong enough in front of the 1990 Mandal protest, the landmark judgment of the Supreme Court in April 2008, to uphold the 27% quota by ruling that the OBCs "Creamy Layer" would not be entitled to the benefit, was a success for the protesters. The protests were initiated by medical students in Delhi, later followed by counterparts in Mumbai, along with IIT Roorkee students. The protests were organized under the banner of "Youth for Equality", and demanded a rollback of the quota, white paper on reservation policy, and alternative ways of affirmative actions.

Mandal 2.0 vs Kamandal Politics

The Congress victory in the Karnataka assembly elections is debated to be successful because of revival of caste politics. This is because of Shri Rahul Gandhi's slogan of "Jitni abadi, utna haq" (proportionate reservation/right). The Congress party demanded releasing the social economic and caste census (2011-12), during the election campaign on 16th April in Kolar, Karnataka. This slogan is rooted in caste politics (Mandal politics). This slogan is a reinvention of Shri Kanshiram's slogan "Jiski jitni sankhya bhari, uski utni hissedare" (share of caste communities, according to their proportion in population). This slogan by Shri Kanshiram was derived from the proportionate reservation to backward castes (with 50% ceiling set by the Supreme Court) feature of the Mandal report. This slogan also has a socialist lineage as Shri Ram Manohar Lohia had coined "Sansopa ne bandhi gath, pichde pavan sau me saath" (Sanyukt Socialist party has determined to provide 60% share to Backward classes). This slogan was extensively used in various socialists and anti-caste movements. This ensured Dalits, Backward and Minority voters' allegiance to the Congress party.

Rise of Kamandal politics to counter Mandal Politics

Mandal politics began with the implementation of 27% reservation for OBCs in Government jobs by the Shri V. P. Singh government in the 1990s. This decision saw widespread protests and to counter Mandal politics, BJP under the leadership of Shri Lal Krishna Advani started the Rath Yatra to build

Ram temple in Ayodhya, as the Mandal politics had created a divide amongst upper caste and backward caste Hindus. The politics that emerged due to this Rath yatra is called "Kamandal politics", which led to the rise of the BJP in Indian politics. BJP was dethroned from political power in 2004 general elections, and was kept out of power till 2009, due to political parties coming together because of this Mandal politics, under the banner of United Progressive Alliance (UPA), and also implemented the 2nd recommendations of the report of 27% reservation in educational institutions. However BJP bounced back in 2014 general elections with the revival of Hindutva politics and a promising development agenda. Since then, the Congress party has been unable to stop the BJP (however the recent victory in Karnataka might turn out to be a catalyst). The Congress party has issued the strategy to approach backward caste voters in Northern India through the parties of backward castes by rejuvenating caste politics. However, a strong image for the Prime Ministerial candidate, and party's approach towards JD(S), which has poorly lost in recently conducted assembly polls, imposed as a challenge to the opposition camp.

Future Implications

- 1) The terms "Reservation" and "Quota" are closely linked to each other. A Quota cannot exist without established Reservations. Reservation is an activity of setting aside a part of something, for a specific reason. Reservation primarily reserves seats for socially and economically disadvantaged groups like SCs, STs and OBCs, in certain jobs and educational institutions, in India. Quota, on the Other hand, determines how much of a particular thing (percentage of total seats) shall be set aside, to provide the Reservation. The current need of the hour would be to shift from Quota, to reevaluating the Reservation system itself. Giving more focus on economic backwardness and upliftment can help in redefining the reservation policy. The reservation system could be reformed in the following ways:
 - A) Forming a wide variety of context-sensitive, evidence-based policy options that can be tailored to meet specific requirements of specific groups.
 - B) We can get inspiration from Equal Opportunities Commission of the United States of America, which can carry out two important tasks.
 - C) Preparing a deprivation index, through which, it will correlate the data from socio-economic-based census of different communities. This helps in assessing and prioritizing the required areas for intervention.
 - D) Auditing the performance of employers and educational institutions, on non-discrimination between the employees or students, along with providing equal opportunities for all. Further, it will issue codes of good conduct/practice in different sectors.

- E) Another reform could be eliminating the “merit” vs “quota” divide, and assessing each applicant holistically. At the moment, the reservation system assumes uniform disadvantage within each category, and doesn’t consider qualifications of quota candidates beyond a low minimum. However, instead of this, we could introduce a new “Disadvantage factor” for each candidate, combining their family background, income, and the social challenges faced by their community. Further, this could be added to their exam-based “merit factor”, which would determine their overall eligibility.
- 2) Empirical data collection of actual reservation beneficiaries - In 2021, senior NCP minister Shri Chagan Bhujbal met leader of opposition Shri Devendra Fadnavis, in the state assembly, to discuss the issue of restoration of OBC reservation in local bodies, after it was scrapped by the Supreme Court. During this time Shri Devendra Fadnavis proposed the idea of collecting empirical data on the OBCs, from the Central Government. However, according to Shri Devendra Fadnavis, the data collection survey which was carried out in 2022 was deeply flawed. He expressed concerns that as people across castes have similar surnames, there is no proper evaluation in the Government’s data collection, which might have dangerous implications. In the case of the Maratha reservation issue, it was found out that only a few consisted of the Nizam era documents to prove their Kunbi status. Hence a more refined way (than the previous OBC one) of empirical data collection should be carried out in this scenario. The problem with the last obc sample survey was the similarity of surname so this time to address such issues, following steps can be taken.
- A) Instead of relying solely on surnames, we could utilize a combination of diverse identifying tools. This shall include demographic data, address, unique identification numbers, and data of human settlement on the land of Marathwada.
 - B) Random sampling method could be used to ensure representative samples of the community which will help in minimizing biases.
 - C) Thorough data validation process could be used to crosscheck, and verify the accuracy of the data provided. This may include cross-referencing with government records, community leaders or local authorities.
 - D) We could also establish a feedback mechanism for individuals to report inaccuracies or errors in the data collection process.
- 3) The concept of “Creamy layer” is not applied uniformly to all castes in India, which could be changed so that economically disadvantaged sections of any caste can enjoy the reservation benefits, rather than those who are already economically well off. This could be achieved through following ways:
- A) Backward classes commission could be set up to undertake this task.

- B) A clear and uniform definition of the term "Creamy layer" could be developed, which can be applied to all castes. This would consider income assets and other relevant factors to determine economic well being.
- C) Setting a specific income asset threshold to determine who falls within the Creamy layer, which should be regularly updated as per inflation and changing economic conditions.
- D) Conducting various community awareness programs and outreach, to educate people about the concept of "Creamy Layer".
- E) Periodically reviewing the criteria of Creamy Layer, and to make adjustments as needed within the changing economic and societal dynamics.
- F) Conducting pilot programs in particular communities or regions, to test the effectiveness of the concept of "Creamy Layer".

Conclusion

To conclude, the Reservation policies were made to address the social and economic backwardness of certain communities. This process became more complex with the introduction of the OBC reservation group, after the Mandal politics. Ever since 1990, Indian Politics has been greatly influenced by the system of Reservation. These Reservation policies help the disadvantaged groups to have access to decision making in politics. This has divided the country into pro and anti - reservationists, which is often used as an electoral strategy. The politics of Reservation and Agitations has the power to make or break a government in India.

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