

By AMITA KANEKAR



It is two years this month since Dadu Mandrekar passed away. He died on 28th November, which is Constitution Day, the day of the document that he had spent a good part of his life explaining and celebrating. There is much for which Goa should remember Dadu Mandrekar – his prolific and award-winning writing; his passion for the ideas of Dr Ambedkar, visible in his writing, activism, even casual conversation; his conversion to Buddhism, coupled with a stinging critique of the caste- and gender-specific superstitions rampant in Goa; his resignation from a secure government job to focus on the struggle for social justice. It is proof of our casteist social set-up that such a versatile and radical intellectual, who viewed the world from a very different location than the privileged folk who dominate all public fora, and who had managed to become a well-known writer after immense personal struggle and sacrifice, was rarely given the space he deserved, either in the media or in literary events. It was the Marathi press, not only that run by Ambedkarites but also others, including the Marathi edition of *O Herald*, that published him fairly regularly, and made him a familiar name for readers in Goa and outside.

It is his commitment to the Constitution of India that concerns us here. Not just because of the double anniversary of his death and the birth of the Constitution, but because of his staunch belief that public awareness of the Constitution could make a difference to society. This belief was behind his annual journal, *Prajasathak*, dedicated to the Constitution, which he edited, published, distributed, and popularised. Understanding what the Constitution actually said would make a big difference, even in people's personal lives, he said, especially if they learnt about the rights and freedoms that were supposed to be theirs. There was a vision of a different society enshrined in the Constitution, which people had to know about if it was to take birth. It was a huge, passionate, and seemingly idiosyncratic effort on his part. But it did make sense, given that most of us are ignorant about the document which is supposed to underwrite the Indian Union, and even more because of how the egalitarian provisions there have been ignored or amended.

An example is the Economically Weaker Section (EWS) quota, introduced by the Centre in 2019 via a constitutional amendment. Challenged as unconstitutional before the Supreme Court, this quota, which provides for 10% reservation for the poor in education and jobs, has been upheld by the latter in a rather notable split judgement this week, which, although welcomed by most political parties, has been severely criticised by others.

The reasons for the criticism are many. First of all, the EWS quota is based on economic criteria, when the Constitution upholds only social and educational backwardness as a criteria for reservations. Poverty as a criterion was extensively discussed in the first Parliament,

which finally agreed that it is not the basis for exclusion in India – because even poor people with the right social and caste capital do well here. Besides, as many have pointed out (See Dadu Mandrekar's Constitution versus the EWS quota *EWS, the Quota to end all Quotas*, 2021, published by The Shared Mirror) there are many government schemes and economic programmes to help poor people, like MNREGA.

The problem, though, is that this poverty-based quota is not really about the poor. For it bars people belonging to the Scheduled Tribes (ST), Scheduled Castes (SC) and Other Backward Classes (OBC) – i.e. people who are likely to be badly off, economically – by declaring that those eligible for other reservations cannot apply for this one. The fact that this quota is, thus, only for the dominant castes, was condemned as social exclusive and discriminatory, and thus unconstitutional, even by (dissenting) members of the same Supreme Court bench that upheld the quota.

Further, the stated intent of reservations was to ensure representation for those historically (and currently) unrepresented in power, education, etc. The dominant castes of India are, in contrast, hugely over-represented in almost all powerful and profitable positions – a cursory look at all the good jobs in Goa will confirm this. The EWS seems designed to strengthen this monopoly.

Then, the eligibility cut-off under this quota is Rs. 8 lakh per annum, or Rs. 66,666 per month, which is not only ridiculously high, but also much higher than the 'creamy layer' cut-off for the OBC quota. So a dominant caste person is poor if his family earns 7.99 lakhs a year, but an OBC person is rich if her family earns the same!

As can be seen in the title '*EWS: The quota to end all quotas*', many critics see this quota as really intended to end reservations. Ironically, this is what two of the (supporting) Supreme Court judges actually said while delivering this week's judgement, that preferential affirmative treatment must be done away with. So the constitutionally-mandated caste-based reservations, devised to overcome the horrific exclusion and deprivation caused by caste, must be done away with, but what about caste itself? It can remain?

In fact, caste-based reservations are yet to be fully implemented anywhere in India, including Goa. Many people, including Dadu Mandrekar, have attempted to correct things here, only to come up against all kinds of strategies, like hiding the backlog of unfilled reservations, treating the general category as reserved for dominant castes, denying reservations in promotions and post-graduate courses, etc. – with those responsible then declaring that reservations do not work and should be stopped! But there was not a peep out of them when it came to the EWS quota. In fact, the speed at which it was implemented, even here in Goa, almost beggars belief, except when you realise that it is meant to benefit those already in power.

Dr Ambedkar had warned that a constitution can only be as good or bad as those who implement it. Right now, there is no doubt of the direction in which the Constitution of India is being transformed and implemented, away from even the vision of an inclusive and progressive society, and back towards the caste order.

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