

ISAS Insights

No. 292 – 21 September 2015

Institute of South Asian Studies
National University of Singapore
29 Heng Mui Keng Terrace
#08-06 (Block B)
Singapore 119620
Tel: (65) 6516 4239 Fax: (65) 6776 7505
www.isas.nus.edu.sg
<http://southasiandiaspora.org>



The Patel Agitation and the OBC Puzzle

The recent mass political campaign by the Patels in India's Gujarat state for quotas for their caste in government jobs and educational opportunities has re-ignited the national debate on affirmative action for the Other Backward Classes (OBC). Despite a recent apex judicial ruling in favour of a shift from the existing caste-centric determinant of backwardness, the demands by various caste groups for the OBC status may only proliferate in the absence of political consensus on the issue.

Ronojoy Sen¹

When an agitation by members of the Patel community in the Indian state of Gujarat turned violent in end-August 2015, it caught everyone, including the state government, by surprise. The Patels (also known as the Patidars), who constitute roughly 15% of Gujarat's population, were originally a peasant caste but are now well known for their entrepreneurial skills and can be found all over the world. That the Patel agitation was one for the inclusion of their community in the Other Backward Classes (OBC) category, which confers preferential treatment for government jobs and admission into educational institutions, might seem puzzling. But the agitation, led by a relatively unknown 22-year-old, Hardik Patel, can be explained by India's caste-based system of reservations or affirmative action.

¹ Dr Ronojoy Sen is Senior Research Fellow at the Institute of South Asian Studies (ISAS), an autonomous research institute at the National University of Singapore (NUS), and at the Asia Research Institute at the NUS. He can be contacted at isasrs@nus.edu.sg. The author, not ISAS, is responsible for the facts cited and opinions expressed in this paper.

Who are the OBCs?

To understand the Patel agitation, one has to first get a sense of what the OBC category stands for.² The Indian Constitution not only abolished the practice of untouchability³ but put in place several measures, including provisions for reservations, for the advancement of the former untouchables or Dalits,⁴ who in administrative language were now known as the Scheduled Castes (SCs), as well as for the Adivasis or Scheduled Tribes (STs). While these were seen as necessary to redress centuries of discrimination against Dalits, the constitutional safeguards also gave a “new lease of life to caste.”⁵ The SCs and STs were identified by two separate presidential orders in 1950, but the category of “depressed” and “socially backward classes of citizens” mentioned in the Constitution was kept undefined.

It was to identify these so-called “other backward classes” that an eleven-member commission was appointed under Kaka Kalelkar in 1953. For three years the commission struggled to come up with a list of non-Dalit and non-tribal ‘backwards’ which eventually numbered 2,399 communities, constituting at the time 32 per cent of the population.⁶ The commission used caste, and not economic criteria, to determine the backward classes. Five members, including the commission’s chairman, disagreed with the findings, with Kalelkar himself writing a letter expressing his dissatisfaction at caste being made the yardstick for backwardness. The Congress government and Jawaharlal Nehru rejected the recommendations, but the OBC issue resurfaced in 1979 when the Janata government appointed yet another commission headed by a Bihar politician B P Mandal (who was himself an OBC) to look at reservations for OBCs. The report, which now identified 3,743 sub-castes as “backward,” was kept in cold storage until Prime Minister V P Singh, a former Congressman who was heading a shaky coalition government led by the Janata Dal, resurrected it in 1989-90. An additional reservation in government jobs and educational institutions of 27 percent for the OBCs, besides the 22.5 percent already in place for SCs and STs, was a decision that changed the face of Indian politics

² The following section draws substantially on Ronojoy Sen, “The Persistence of Caste in Indian Politics”, *Pacific Affairs* 85:2 June 2013.

³ Article 17 of the Indian Constitution.

⁴ See for example Articles 15, 16, 29, 35, 46, 244, 320, 332, 333 and 335 of the Indian Constitution.

⁵ Srinivas, “Caste in Modern India,” in *Caste in Modern India and Other Essays* (Bombay: Media Promoters and Publishers, 1978), 15.

⁶ Susan Bayly, *Caste, Society and Politics in India from the Eighteenth Century to the Modern Age* (Cambridge: Cambridge University Press, 1999), 288-89.

for good. The implementation of the report was followed in 1992 by a Supreme Court ruling⁷ — popularly known as the Mandal judgment — which allowed a maximum of 50 per cent reservations, thus giving a legal stamp to 27 percent reservation for OBCs but not the higher levels put in place by states such as Tamil Nadu and Karnataka. The judgment put in place three important strictures. First, the court said that the “creamy layers,” or the privileged among the OBCs, should be excluded from reservation. Second, the court rejected economic criteria as a basis for defining backwardness and ruled that, under Article 16(4) of the Constitution, backwardness was defined as “social backwardness”. In effect, socially backward classes were equated with lower castes.⁸ Third, it reiterated an earlier Supreme Court ruling that reservations should be capped at 50 per cent.⁹

Caste-based reservations have increasingly resulted in an inversion of the concept of Sanskritization¹⁰ — efforts by a low caste to move up the hierarchy by adopting the rituals and customs of a higher caste — with groups now fiercely competing to claim the label of a ‘backward’ or a SC/ST which comes with the benefits of government quotas. This had its impact on politics with the caste associations of the 1950s¹¹ evolving into caste parties.¹² This process was precipitated by the inability of the Indian National Congress to function any longer as a catch-all party where it could bank on votes from across the caste spectrum. This was most notably shown in 1967¹³ when the anti-Brahmin and anti-Hindi Dravida Munnetra Kazhagam (an offshoot of the Justice Party) won state elections in Tamil Nadu. The same year in Uttar Pradesh the Bharatiya Kranti Dal (which had evolved from the All-India Jat Mahasabha formed by the Jat leader Charan Singh) edged out the Congress for the first time in the state by cobbling together a coalition of cultivating castes which was dubbed as AJGAR, an acronym standing for Ahirs (or Yadavs), Jats, Gujjars and Rajputs.¹⁴

⁷ *Indra Sawhney and Others vs Union of India* (AIR 1993 SC 477).

⁸ M.N. Srinivas, “Introduction,” in Srinivas ed., *Caste: Its Twentieth Century Avatar* (New Delhi: Penguin, 1995).

⁹ Tamil Nadu has had 69% reservation for several years now. After the *Indra Sawhney* judgment, the Tamil Nadu government passed an act to continue with its high level of reservation. The constitutionality of this legislation is yet to be definitively decided by the Supreme Court.

¹⁰ Srinivas, “A Note on Sanskritization and Westernization,” in *Caste in Modern Indian and Other Essays* (Bombay: Media Promoters and Publishers, 1978), 42.

¹¹ Lloyd I. Rudolph and Susanne Hoeber Rudolph, “The Political Role of India’s Caste Associations,” *Pacific Affairs*, 33(1), 1960.

¹² David Arnold, Robin Jeffrey and James Manor, “Caste Associations in South India: A Comparative Analysis,” *The Indian Economic and Social History Review*, XIII(3), 1976, 373.

¹³ It was a watershed year when the dominant Congress party lost in eight state elections.

¹⁴ See Christophe Jaffrelot, “The Rise of the Other Backward Classes in the Hindi Belt,” *The Journal of Asian Studies*, (59:1), 2000, 90-93.

OBC Politics

The implementation of the Mandal report provided a further impetus to caste- and vote-bank politics. The OBCs became a force to reckon with especially in the Hindi belt, and no major party could afford to publicly disagree with the Mandal recommendations.¹⁵ One political scientist has pointed out that the expression ‘OBC’ had “travelled a long way from a rather careless bureaucratic nomenclature in the document of the Constitution to a vibrant and subjectively experienced political community”.¹⁶ In the wake of Mandal, several parties were formed from the debris of the Janata Party, which had come to power for three years following the internal state of emergency imposed by the then Prime Minister Indira Gandhi between 1975 and 1977, and its successor, the Janata Dal, headed by V P Singh.

The two most important leaders to emerge out of the Mandal-inspired caste churn were Mulayam Singh, who founded the Samajwadi Party in 1992 and became Chief Minister of Uttar Pradesh in 1994; and Laloo Prasad Yadav, who formed his own party, the Rashtriya Janata Dal (RJD), in 1997 and was Chief Minister of Bihar.

Both these leaders used the post-Mandal phase to further the fortunes of their parties as well as their caste brethren, the Yadavs. In fact, the politics of Mulayam and Laloo were good examples how “dominant castes”¹⁷ — a phrase coined by M N Srinivas — were able to milk the benefits of reservation policies and state patronage. This alienated the other OBCs such as the Kurmis, Koeris, Lodhis and Gujjars, which went to show that the OBCs were not a united caste bloc, as some analysts would have liked to believe. Indeed, Nitish Kumar, the current Chief Minister of Bihar who is a Kurmi, abandoned the Janata Dal in 1994 and along with the socialist leader, George Fernandes, formed the Samata Party. This points to an important aspect of the nature of caste politics — it is very difficult to sustain a caste bloc because of the intense competition between sub-castes.

¹⁵ See Christophe Jaffrelot, The Rise of the Other Backward Classes in the Hindi Belt, *The Journal of Asian Studies*, (59:1), 2000.

¹⁶ Yogendra Yadav, “Reconfiguration in Indian Politics: State Assembly Elections 1993-95”, *Economic and Political Weekly*, January 13, 1996.

¹⁷ Srinivas, “The Dominant caste in Rampura”, in *The Dominant Caste and Other Essays* (Delhi: Oxford University Press, 1987), 96-115.

In the post-Mandal era, several groups have agitated for the OBC status. The Gujjars and Jats have been at the forefront of the more recent OBC agitations. The Gujjars, who make up 7 per cent of the population of Rajasthan, have been agitating for quotas in government jobs since 2006. After several rounds of negotiation, punctuated by violence, deaths and damage to state property, successive Rajasthan governments under both the Bharatiya Janata Party (BJP) and the Congress cleared a 5 per cent quota for the Gujjars in a category called the Special Backward Class. This was resorted to by the government so as not to upset the lower castes who already benefitted from the OBC reservation. But the quota fell afoul of the 50% cap mandated by the Supreme Court since Rajasthan already had a combined 49% reservation for SCs, STs and OBCs. In 2013 the Rajasthan High Court stayed the government order. The impasse continues with the Gujjars refusing to call off their agitation, and as recently as May this year protesting on railway tracks and disrupting train movement for several days.

The agitation by the Jats, who are present in large numbers in Haryana and western Uttar Pradesh, for the OBC status has followed a trajectory similar to that of the Gujjars. The Jats began their agitation in 2008; as with the Gujjars their protests have often turned violent. In March 2014, the Congress-led United Progressive Alliance (UPA) government included the Jats in the central list of OBCs. However, in early-2015 the Supreme Court cancelled the government notification. A two-judge bench of Supreme Court ruled, “Inclusion of the politically organised classes (such as Jats) in the list of backward classes mainly, if not solely, on the basis that on the same parameters other groups, which have fared better have been so included, cannot be affirmed”. Even more significantly, the court moved away from a purely caste-based interpretation of backwardness when it said, “Backwardness is a manifestation caused by the presence of several independent circumstances which may be social, cultural, economic, educational or even political. New practices, methods and yardsticks have to be continuously evolved, moving away from caste-centric definition of backwardness”.

The Patel Agitation

It is in this terrain of OBC politics, which has flourished for the past 25 years or so, that the Patel agitation took place in Gujarat. Like the Jats, the Patels are a “dominant” caste in Gujarat. The state’s Chief Minister is a Patel; seven senior ministers in a cabinet of 27 are Patels; and

37 Members of the Legislative Assembly (MLAs) are from that community. Indeed, one of Prime Minister Narendra Modi's pet projects, during his time in Gujarat, was building a statue of the nationalist leader and India's first Home Minister, Vallabhbhai Patel, which is meant to be the tallest in the world. The Patels have gravitated towards the BJP since the 1980s when the Congress government in Gujarat, headed by an OBC chief minister Madhavsinh Solanki, stitched together a coalition where the OBCs were dominant. Solanki also increased the quota for OBCs in Gujarat to 28%.¹⁸ In fact, such was the resentment of the Patels against Solanki's policies that in 1981 and again in 1985 there were student riots spearheaded by the Patels.¹⁹ The BJP capitalised on the Patel discontent and built up its support among the community. Survey data shows that in the 1995 Gujarat Assembly elections, 67 per cent of the Patels voted for the BJP in comparison to only 20 per cent for the Congress.²⁰

From opposing reservations to participating in a movement demanding them is not so paradoxical as it seems. Many of the younger Patels in Gujarat are finding themselves cut out of places in educational institutions and government jobs because of the high reservation for OBCs in Gujarat. It is this resentment that has boiled over and crystallised around the figure of Hardik Patel. From the first rally held by the Patidar Anamat Andolan Samiti, under Hardik's leadership, on 6 July 2015, the crowds have kept growing. For the rally in Ahmedabad on 25 August, which later turned violent, an estimated half a million people showed up.

The Patel agitation poses particular difficulties for the BJP in Gujarat since the community has solidly backed the BJP in the state over the past three decades. But nationally, too, the BJP finds itself in a delicate situation since in the 2014 national elections the OBCs of north India voted for the party in much larger numbers than before. Among other things, Mr Modi's OBC background and his party's constant reference to it played a part in the OBC support for the BJP. This allowed the BJP to move beyond its traditional constituency of upper caste voters and get the backing of a larger coalition of castes. It also enabled the BJP to erode the support base of parties such as the Samajwadi Party in Uttar Pradesh and the RJD and Samata Party in Bihar.

¹⁸ Christophe Jaffrelot, "The Patels and the neo middle class syndrome", *Indian Express*, August 27, 2015.

¹⁹ Ornit Shani, *Communalism, Caste, and Hindu Nationalism* (Cambridge: Cambridge University Press, 2007), 70-72.

²⁰ Jaffrelot, "The Patels and the neo middle class syndrome", *Indian Express*.

There is talk that some local BJP leaders, who oppose Gujarat Chief Minister Anandiben Patel, might be backing Hardik. Even if were not so, the inept handling of the protests, where nine lives were lost and state property was destroyed, the Gujarat police has come in for sharp criticism and shown the chief minister in a poor light. It is also quite plausible that a hidden agenda of the Patel movement is a demand for scrapping reservations altogether and providing a level playing field, something which will never be allowed by the existing OBC groups.

For the time being the Patel agitation seems to have lost some steam. The BJP will try its best to split the Patel movement, and there are already dissenting voices from within the Patel community against Hardik. The Gujarat government has thrown the rule book at Hardik and denied him permission to symbolically re-enact the famous Dandi march of Mohandas Gandhi, which was held in 1930 to protest against the salt monopoly of the British colonial government. Hardik's plan was to do a "reverse" Dandi march from Dandi on the Gujarat coast to Sabarmati ashram in Ahmedabad. The examples of the Gujjar and Jat agitations, however, show that these kinds of protests have a long shelf life and have a tendency to ebb and flow.

The larger question of a proliferation of demands by various groups for the OBC reservation is not going to go away in a hurry. While the Supreme Court might have argued in its 2015 ruling for moving away from "caste-centric" definitions of backwardness, there is absolutely no political consensus on this issue. On the contrary, there are several parties which have risen on the back of the OBC reservation and are unlikely to forsake it.

.