

# **Why We Are Opposed to Communal Reservations**

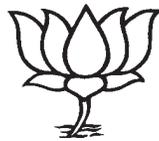
**BY L.K. ADVANI**

*Leader of the Opposition*

**“This way lies not only  
folly but disaster.”**

*— Pandit Jawaharlal Nehru*

*on communal reservations*



**Bharatiya Janata Party**



On July 11, 2004, the newly elected Congress Government in Andhra Pradesh announced its decision to introduce 5% reservation for Muslims in government jobs and educational institutions. The announcement left nationalist-minded people all over the country in a state of disbelief and disquiet. I must confess that, although by now I am accustomed to the Congress party's surrender to the politics of appeasement for the sake of perpetuating its hold over the minority vote bank, the AP government's decision flummoxed me.

The first question that came up in my mind was: Is it the same Congress party that was once led by Mahatma Gandhi and Pandit Jawaharlal Nehru, both whom were strongly opposed to the idea of communal reservations? Does the Congress party know the implications and consequences of what it is doing? Has the party that is principally associated with India's Freedom Movement become so ideologically bankrupt and so politically pervert today that it is willing to mortgage the nation's unity and integrity for its own narrow and short-term political interests.

### **BJP President's reaction**

The announcement naturally evoked a strong protest from the BJP and other nationalist organizations. In a press statement issued on July 15, Party President Shri M. Venkaiah Naidu said, "This is a retrograde move which, if not immediately reversed, will sow the poisonous seed for the growth of a new communal movement inspired by the Two-Nation Theory that led to the tragic partition of our Motherland in 1947."

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**Speech delivered at the  
Convention Against Religion-Based Reservations  
Organized by Rambhau Mhalgi Prabodhini, Mumbai,  
on August 14, 2004**

Tamil Nadu Chief Minister Dr. J. Jayalalithaa reacted strongly to the AP government's decision by saying, "Muslims are not the only minorities in the country. There are Christians and other minorities also. If they also demand religion-based reservations, where will we go?"

The media too, by and large, has reacted negatively to this development. Within ten days of the announcement, the Andhra Pradesh High Court stayed the state government's order in response to a public interest litigation.

The Congress party at the Centre, and also in other states, has maintained a guilty silence in the face of the growing outcry. Many in the political class have chosen not to react, presumably because the matter is now before the AP High Court.

### **Misrepresentation of the reasons for BJP's opposition to communal reservations**

In this situation, it is necessary for the BJP to let people know why we are so strongly opposed to the AP government's decision. Is it because, as some of our rabid critics in the pseudo-secular camp have remarked, "the BJP opposes anything that benefits the minorities"? No. We hold that this decision is not only harmful for the country's interests, it will also hurt the interests of the Muslim community itself.

Again, as some of our critics are likely to say falsely and maliciously, are we opposing the AP government's decision because "The BJP is opposed to reservations per se"? No. We have wholeheartedly and right from the beginning supported reservations for the Scheduled Castes and Scheduled Tribes. We have also supported reservations for the OBCs, although we did question - and so did many other parties question - the politically motivated manner in which former Prime Minister Shri V.P. Singh announced his government's acceptance of the Mandal Commission recommendations in 1990.

Why, then, are we opposed to the AP government's decision in particular, and to religion-based reservations in general? The short answer is: Communal reservations are violative of the letter and spirit of the Constitution. More importantly, the AP

government's will legitimize - and, in course of time, revive the very same communal and separatist tendency that developed into the Two-Nation theory and led to the partition of our Motherland.

### **The catastrophic cascading effect**

The BJP apprehends that the AP government's decision, if not reversed, is bound to be emulated by other governments led by parties that are today locked in competitive pseudo-secularism, thus expanding the geographical spread of the poisonous seed. It is also certain to cause a cascading effect in the form of louder articulation of demands for reservation for Muslims in police and security forces, administration and the judiciary, and sub-reservation for Muslims within the proposed 33% reservation for women in Parliament and State legislatures.

All well-informed observers of the Indian political scene know that such demands are indeed raised from time to time by certain communal intellectuals and organizations. They have even demanded proportional representation for Muslims in Parliament, State Legislatures and other elective bodies.

It is neither co-incidental nor surprising that the Congress party has recently embraced a prominent champion of this demand and has inducted him into its fold.

### **How - and why - the Constituent Assembly rejected communal reservations**

Not many may be aware that in August 1947, the Constituent Assembly's initial deliberations were so dominated by the issue of minority safeguards that the Assembly had contemplated reservation of seats in Central and Provincial Legislatures for Muslims, Christians and Sikhs on the basis of their population.

Later, however, this proposal was considered more thoroughly by the Constituent Assembly's Advisory Committee on Fundamental Rights, Minorities, and Tribal and Excluded Areas headed by Sardar Vallabhbhai Patel. This Advisory Committee had a galaxy of great leaders of the Freedom Movement including Dr. B.R. Ambedkar, Dr. S.P. Mookerjee, Maulana Azad, Dr. K.M. Munshi, Shri Purushottamdas Tandon, Pandit Govind Vallabh Pant and Shri Gopinath Bardoloi. Pandit Nehru was a special invitee

to the meeting of the Committee which finally expressed that "the committee are satisfied that the minorities themselves feel that in their own interests, no less than in the interests of the country as a whole, the statutory reservation of seats for religious minorities should be abolished."

Commending his Committee's Report in the Constituent Assembly, Sardar Patel said: "In the long run, it would be in the interest of all to forget that there is anything like a majority or a minority in this country and that in India there is only one community."

In his five-volume monumental study "Framing of the Indian Constitution", Shri B. Shiva Rao records :

"A lengthy discussion took place on these proposals of the Advisory Committee. The majority of the speakers - and these included members from all communities - Muslims, Christians, Anglo-Indians, Scheduled Castes, as well as Hindus - offered full support to the proposal to abolish reservations on communal grounds. Jawaharlal Nehru described the proposal as a "historic turn in our destiny".

Nehru added: "A safeguard of this kind would have some point where there was autocratic or foreign rule; it would enable the monarch to play one community off against the other.

"But where you are up against a full-blooded democracy, if you seek to give safeguards to a minority, and a relatively small minority, you isolate it. Maybe you protect it to a slight extent, but at what cost? At the cost of isolating it and keeping it away from the main current in which the majority is going - I am talking on the political plane of course - at the cost of forfeiting that inner sympathy and fellow-feeling with the majority."

### **Why Nehru government kept 'Dalit' Muslims and Christians out of the ambit of reservations in education and govt jobs**

The only type of reservations, for which there was unanimous support and that found ready acceptance in the Constituent Assembly, was for the Scheduled Castes and Scheduled Tribes.

These are provided in Article 341 of the Constitution. It is instructive to note that in the operationalisation of this provision, the Congress government specifically defined the beneficiaries to be Hindu Scheduled Castes and four Scheduled Castes among the Sikhs (Kabirpanthis, Ramdasias, Sikligars and Mazhbis) only.

The Nehru government kept Muslims and Christians outside the purview of reservation for SCs in education and government jobs. This was done through a Presidential Order amending Article 341 of the Constitution, which enables the President of India to notify a particular caste as a Scheduled Caste. According to the amended law, only those dalits who were Hindus could be considered members of a Scheduled Caste and hence eligible for the benefits under reservations. In 1956, this was extended to include all scheduled castes professing Sikhism. In 1990, dalits who had embraced Buddhism (Neo-Buddhists) were also included among the Scheduled Castes.

For a long time, there have been demands for extending reservations to so-called 'Dalit' Christians and 'Dalit' Muslims. However, successive governments have not paid heed to these demands. Why? This is because the framers of the Indian Constitution were very clear in their minds that caste is a feature of the Hindu society. If some lower caste Hindus converted to Islam or Christianity in the past, it was because of the claim and the promise of these religions that they were casteless and hence offered an equal station to the converts vis-à-vis original Muslims or Christians.

### **Castes, Conversions and Reconversions**

It is instructive to refer to an important circular issued by the Ministry of Home Affairs (Govt of India/No. 18/4/58 - SCT IV dated 23.7.1959) during Pandit Nehru's rule.

Sub: Status of Scheduled Castes converts to Christianity on their reconversion to Hinduism.

Government of India have recently occasion to consider the question whether a person belonging to a Scheduled Caste, who has renounced Hinduism by converting himself to another religion, will revert to his original Scheduled Caste if he

becomes a Hindu again. After careful consideration the Government of India are advised that such reconvert, who originally belonged to a Scheduled Caste, should be deemed to have reverted to his original caste and would be eligible for the privileges and assistance provided for the members of the Scheduled Castes. This decision is brought to the notice of the State Governments/ Union Territory Administrations for their information and guidance.

This circular makes the thinking of the Nehru Government absolutely clear on the issue of caste as an exclusively Hindu social category. In other words, Congress governments at the Centre - right from Nehru to Narasimha Rao -- were never in favour of extending the benefit of reservations even to so-called 'Dalit' Muslims and 'Dalit' Christians, since they could not be considered Scheduled Castes. But now, under Shrimati Sonia Gandhi, the Congress is proposing to provide reservations to all Muslims!

It is a moot point to note that religious affiliation does not bar Scheduled Tribes from enjoying the benefits of reservations. Religion is not a criterion for specifying Scheduled Tribes. Scheduled Tribe converts to Islam or Christianity will continue to have the status of STs.

This again shows why the Constitution-makers treated caste as a category specific to the Hindu society.

### **How Sonia Gandhi has perverted the positions of Nehru and Rajiv Gandhi on reservations**

The present leadership of the Congress party neither knows nor seems to care for the history of India. However, one would expect it to know at least the history of the Congress party itself and be consistent with its own thinking on the issue of reservations. In other words, today's leaders of the Congress party would do well to recall the views of Pandit Jawaharlal Nehru and Rajiv Gandhi.

In a letter addressed to all Chief Ministers on June 27, 1961, Nehru said,

"...I have referred above to efficiency and to our getting out of our traditional ruts. This necessitates our getting out of the

old habit of reservations and particular privileges being given to this caste or that group...I dislike any kind of reservation, more particularly in services. I react strongly against anything which leads to inefficiency and second-rate standards....If we go in for reservations on **communal** and caste basis, we swamp the bright and able people and remain second-rate or third-rate. I want my country to be a first class country in everything. The moment we encourage the second-rate, we are lost. I am grieved to learn how far this business of reservation has gone based on **communal** considerations.... **This way lies not only folly but disaster."** (Emphasis added).

I wish to make it categorically clear that I have not cited Nehru's views to endorse them in their entirety. The BJP believes that reservations are indeed needed to help SCs, STs, and OBCs to overcome their social and economic backwardness. The point we wish to make is two-fold: Nehru was aware of the limitation of reservations as the sole instrumentality for the socio-economic uplift of those who are socially and economically backward. Secondly, and more relevant to our present context, he was totally opposed to reservations on communal considerations.

Let us now see what Rajiv Gandhi said about reservations, when they are introduced primarily for considerations of partisan politics and electoral benefit - which indeed is at the root of the Congress government's decision in AP to introduce 5% reservation for Muslims. Again, I am not citing Rajiv Gandhi's observations because I endorse them fully, but because they contain an important point which is relevant for our current debate on communal reservations.

As we all know, Rajiv Gandhi's political and parliamentary career was rather short-lived. Nevertheless, his was one of the most passionate - also one of the longest -- speeches ever delivered in Indian Parliament, and it was on the subject of reservations. In the debate on Mandal Commission recommendations, the then Leader of Opposition made a marathon speech on September 6, 1990, lasting two-and-a-half hours, and accused the then Prime Minister Shri V.P. Singh, of threatening the unity and integrity of India. "You have ignited caste violence all over the country," Rajiv Gandhi charged V.P. Singh.

### **'Creamy Layer' principle: Should Nizam's descendants also get reservations?**

More pertinent to our present discussion, Rajiv questioned the propriety of providing the benefit of reservations for the privileged sections in society. Citing the example of a judge belonging to a backward caste who had been in that job for 15 years, Rajiv Gandhi said,

"He (the judge) then joins politics and becomes a minister. Should he be given the benefit of reservations? Should his children be given such assistance? That assistance should go to someone else who needs it. Do we want the benefits of reservations to be cornered by the ministers, their sons and their families? Do we want these benefits to go to landlords who have big properties?"

Those who remember the Mandal Commission debate know that on the question of excluding the "creamy layer" from the beneficiaries of reservations, there was unanimity between the BJP, Communist parties and the Congress. Also, the Supreme Court in its judgement on the implementation of Mandal Commission recommendations upheld the exclusion of the "creamy layer" for the consideration of reservations.

My reason for referring to the "creamy layer" principle in the present context is simply to point out that, in deciding to provide reservations for the Muslim community as a whole, the Congress government in Andhra Pradesh, obviously with the knowledge of and green-signal from the party's high-command, has disregarded Rajiv Gandhi's own concerns over this principle. I would like to ask the Congress leadership: "On what grounds can you justify reservations for the many wealthy, well-educated and historically privileged families among Muslims? Or is it your contention that the entire Muslim community qualifies to be called backward?"

It flies in the face of logic as well as historical reality for anyone to claim that the Muslim community as a whole is economically and socially backward and, therefore, deserving of the benefit of reservations. Indeed, there is a qualitative difference between the "creamy layer" among the OBCs and the "creamy layer" among Muslims. The former often refers to families that have a first-

generation IAS/IPS officer or those hard-working kisan families that have recently become wealthy.

But the creamy layer among Muslims includes those who have not only enjoyed economic wealth and social privilege for a long time, but also been a part of the Muslim ruling class that ruled over many parts of India for centuries. If one can be livid at the thought of the children of a first-generation judge-turned-minister belonging to a backward class, how much more angry and furious would one be at the thought of, let us say, members of the Nizam family getting reservations?

In this context, let me quote what the chairman of the first Backward Classes Commission, Kaka Kalelkar, a respected Gandhian, said in his letter to the government while presenting his report.

"For the purpose of the Backward Classes Commission, we could not accept the view that all Indian Christians and Indian Muslims were backward, without accepting the logical conclusion that all Hindus were also in the same sense equally backward."

### **Backward Muslims are already covered under Mandal Commission recommendations**

Lately, after the Andhra Pradesh High Court's stay order on the AP government's decision, the chief minister is reported to be saying that the socially and economically "forward" sections from the Muslim community would be excluded from the purview of the 5% reservations. This, nevertheless, raises two pertinent questions:

- ◆ What is the justification for reservations for backward classes among Muslims, when they are already covered under the Mandal Commission recommendations? In many states, including in Andhra Pradesh, non-Hindu OBCs enjoy the benefit of reservations within the 27% limit set by the Mandal Commission.
- ◆ Why call it "reservation for Muslims", since religion has not been the basis for any category of reservations introduced in India since the adoption of the Constitution?

It is pertinent to recall in this context that the Supreme Court in its 1992 judgment on the Mandal Commission report had struck down the additional 10 per cent reservation for the economically backward among the forward communities, which the Congress government, headed by Shri P.V. Narasimha Rao, had notified in September 1991.

**My appeal to all right-thinking Indians: Let us collectively force the Congress to retrace its dangerous step**

Finally, the Congress party's green signal to the policy of communal reservations is the inevitable outcome of its pseudo-secular mindset and its complete surrender to the compromises and compulsions inherent in the politics of minorityism. It has shown that the Congress is willing to sacrifice the long-term interest of the Nation and abandon its own moorings in the national movement for the sake of re-establishing its hold on the minority vote-bank. This is indeed the reason behind its blameworthy decision to induct a member of the Muslim League into the Union Council of Ministers. It is for the first time since Independence that a party directly responsible for the partition of India has found a place in the Central Government, courtesy the Congress party.

Be it the induction of the Muslim League into the Central government or the 5% reservation for Muslims in Andhra Pradesh, they are a pointer to the dangerous direction in which the Congress is leading itself and the country. The Congress party is of course free to choose the path of self-destruction. However, the BJP will not let the country suffer grave consequences because of the shortsighted policies and decisions of the Congress party.

I urge all the right-thinking people in the country, including silent but concerned Congressmen, to raise their voice against the AP government's anti-national decision. I also urge my Muslim compatriots to see through the cynical game of the Congress party to create social disharmony, tension and divide on religious lines. The collective might of nationalist forces must force the Congress to reverse its decision on communal reservations.