THE ROLE OF ETHNIC STATISTICS IN INDIAN ANTI-DISCRIMINATION POLICIES

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THE PROBLEM: DIFFERENT FACES OF DISCRIMINATION

Non-discrimination and affirmative action are complex and controversial issues. They aim to speed up the establishment of a representative and unprejudiced workforce and citizenry and assist those deprived by unfair discrimination. Any social or group identity can become a basis of discrimination. Using the debate on caste-based census to illustrate the relationship between affirmative action policy and statistics, this article focuses on an aspect of discrimination peculiar to India, the caste-based discrimination. We will begin by describing how discriminatory practices inscribed themselves within the history of power relations between castes and right after with the development of India's anti-discrimination policy through caste-based reservation and the quota system. The interface of statistics and anti-discrimination policy is analysed against this background using caste-based census as illustration. While Indian census has a long history, comprehensive caste census was undertaken for the first time in 2011 only. Being relatively new, this allows us to study the political, socio-economical and practical impacts of such a statistical exercise on social policy. The objective is to identify ways in which caste census, and by extension statistical data, support implementation of affirmative action.

Many nations are characterized by social inequalities, but in India these inequalities were institutionalized by the caste system. Affirmative action in India takes the form of positive discrimination through reservations, in opposition to non-discrimination in western democracies. However redistribution is unevenly spread and timely data are scarce. "Experience has [...] shown that in spite of repeated and urgent reminders, it has not been possible for State Governments to furnish required and sufficient data in time for inclusion in the Report. Moreover, it is found that information is very sketchy and incomplete and, it being already too *late, no time is left to obtain further details*" (Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the Year 1953 (Third Report) in http://www.ambedkar.org/News/reservationinindia.pdf). Scheduled Castes (SCs) and the Scheduled Tribes (STs) are two groupings of historically disadvantaged people that are given express recognition in the Constitution of India.

CASTE-BASED CENSUS: SOLUTION OR SOURCE OF CONTROVERSY?

Positive discrimination is accomplished through a quota allocation system, depending upon the availability of correct statistics. The statistical system functions as per constitutional division of responsibility between the union and the states and different ministries. While decentralization is appropriate to meet individual requirements of ministries/states, the need of a holistic pan-Indian exercise is met by the Census. It is the largest single and most credible source on population characteristics, socio-cultural and demographic data, and primary data in the village/town/ward level.

For the first time since independence, the 2011 census incorporated caste-based data. SC/STs were recensed earlier, but OBCs, although eligible for 27% of reservation, had not been recensed in 1931. The key motivation behind the caste census was to identify which castes were backward or had improved their socio-economic status. The census data collection began in June 2011 with the headcount of people living below poverty line. Significantly, it was not just an OBC-headcount, but a comprehensive caste headcount, with every citizen asked which caste he/she belongs to.

Given its undeniable importance for Indian democracy, this issue deserves critical scrutiny. Will a caste census enable better implementation of affirmative action? Does it have other advantages and unintended policy consequences? What is the impact of such a census on the Dalit and tribal populations? What are the methodological/logistical difficulties involved? In addition to policy-rationale, the moral-philosophical justifications for and against collection of caste data are important.

The last time a census included caste data was in 1931. Caste census by the British was an anthropological exercise to learn about the colonised; the "census," "map" and "museum" being ways by which the colonialists learnt about the colonised (Anderson, 1991). The first census of 1871 categorised castes on a scale of superior, intermediate, trading or pastoral (Memorandum, Census of British India, 1871-72, pp 21), legitimising notions of superiority and inferiority.

POLITICAL, SOCIO-ECONOMIC AND PRACTICAL DIMENSIONS

Debates surrounding the current census illustrate the politics of caste. Due to its socio-economic and political consequences, the census elicits intense discussions in the media and political parties. Major political parties affirm the need for caste census. Critics express anxiety about heightening divisiveness with vested interests making political capital of caste loyalties. It has been alleged that the mere act of labelling persons as belonging to a caste perpetuates the system. It is, however, difficult to see why this would be the case. It is just as easy to argue that it is impossible to get rid of any institution by ignoring its existence.

The socio-political and ideological criticality of the census is not to be found in academic discussions; rather it is traceable more accurately in people's reactions. During the colonial census "various ambitious castes quickly perceived chances of raising their status. They invited conferences of members, formed councils to see that their status was recorded in the way they thought was honourable" (Ghurye in Gorringe, 2012). Similarly, in the weeks leading up to the 2011 census, the responses, agitations, posters, demands and debates about how each caste should or should not respond were compelling. Some urged members to register themselves with an over-arching caste name for numerical advantage; others clung steadfastly and proudly to sub-caste identities by privileging status and identity over instrumental calculations. For example, in Tamil Nadu, organisations called on members to shed sub-caste identities in favour of more substantive groups. The Vanniyar Union urged members to register under the overarching category to emphasise numerical strength in order to obtain political and material benefits. The proposal for the distinct clans of Mudaliar, Vellalar and Mukkulathor Agamudayars to re-categorise and present a coherent block highlights such instrumental concerns. The Agamudayars' outraged response demonstrates how greatly this flouts existing caste-conventions. Stretching castes horizontally was also a prime response to the colonial-census, fundamentally altering how caste was understood and how they operated. The move from local to state-wide categories in the 1900s broadened marriage circles emphasising "blood" or lineage rather than conduct as the basis of caste-belonging. Finally, some seek to create new categories altogether. The Viduthalai Chiruthaigal called for marginalised sections to register as Dalits or "casteless" to avoid intra-Dalit debates about majorities and minorities.

Caste was as tricky then as now. "Experience at this Census has shown very clearly the difficulty of getting a correct return of caste and likewise the difficulty of interpreting it for Census purposes" (Hutton, 2010). During the Colonial census, people used it for "Sanskritization," to move up the social order. This crystallised caste and religious identities, otherwise nebulous. Ironically, in the post-Mandal era, the Gujjars fought a pitched battle to be moved from the OBC. The Government of India classifies some of its citizens based on their social and economic condition as Scheduled Caste, Scheduled Tribe and Other Backward Class (OBC). The OBC list is dynamic (depending on social, educational and economic factors.) Dalit is a designation for a group of people traditionally regarded as untouchable. To the ST list, acquiring special backward class status. The Meenas of Rajasthan agitated to win ST status. Critics fear that this race will initiate demands from other castes to be declared backward in order to claim reservation.

Since reservation is based on caste, political leaders often demand their caste to be recognised as backward. Thus the contours of caste politics are refashioned and renegotiated in response to the current census, just as during the British attempt. The outpouring of caste-based demands, gatherings and statements shows caste being politicised and animated by head-counting. The fact that notionally rigid categories can be renegotiated to secure political influence reminds us that caste has always been pliable to political influence. This demonstrates that, while the effect may be to crystallise, the process highlights the inherent fuzziness and malleability of social categories. The end result of the current survey remains to be seen, for it provides multiple organisations with a powerful means of mobilising support and with emotional cards to play. It animates caste-appeal and the rhetoric of community, but only when the dust has settled will we discern the shape that the newly-classified castes assume. In the meantime, the hope that the data would serve to rationalise reservations and related debates lies buried beneath claims and counter-claims. Central to these machinations is the fact that the survey is perceived as more than a collection of numbers. It remains a means of classifying and categorising the social universe into two groups: those entitled certain benefits and those who are not.

Incorporating caste as enumerative criteria is likely to have major social ramifications. The Census of 1901 revealed a fall in the "lower castes" because of the 1890s famine. "The diminution in the lower groups is due to the excessive mortality of 1897 when the administration had to face, and admittedly failed to solve, the difficult problem of forcing relief upon people who were reluctant to accept it until they had been reduced to a state of debility which

could end only in death" (Census Report). This illustrates how caste-enumeration is useful; the 1901 census identified the castes most affected by the famine.

In a country living with the reality of caste and striving to offset disadvantages based on social hierarchy, holding a caste census has wide appeal. Caste enumeration is essentially dictated by the quota decisions taken earlier. No quota can be fairly implemented in a data vacuum. "It is important that these things are evaluated to find out which sections are weaker and need to get social justice. This census will help formulate processes in this direction as information is gathered till micro level" (Dikshit, 2012). Once caste was accepted as the main parameter on which social-justice would be measured, it was only a matter of time before it was included in the census. Had there not been a resurgence of caste-based quotas, there would have been no need for enumeration. But after 2006, accurate knowledge of caste membership became critical for equitable fixation of quotas. Indeed, constitutional equality is violated if a caste quota is mandated in the absence of a uniform nationwide database. A country cannot put in place job and education quotas for underprivileged segments then ignore boundaries along which those entitlements are drawn. The new data should enable new policy criteria for recognizing intra-and inter-group socio-economic inequalities and dispensing social-justice commitments. The judicially imposed limit of 50% on the quantum of reservation can be overcome only by hard data. Significantly, caste enumeration is undertaken at the same time as the "Below Poverty Line" census, so there is simultaneous mapping of the economic, caste, and religious backgrounds. Instead of just a headcount of communities, the plan to integrate socio-economic data offers quantifiable data to justify administrative measures based on caste identity. This will determine which families are eligible for anti-poverty subsidies and low-cost food staples. Yet the census is conducted to generate information on permanent socio-economic characteristics and is not designed to assess impact of national policies which may result in systematic response bias.

The strongest point for a caste census was that it would help devise evidence-based social policy. There is a wide disparity in caste figures, particularly OBC numbers which vary from 40-52%. Implementation of social policies benefiting particular castes depends on knowing their exact numbers: "Enumerating all castes will allow us to examine whether and how caste continues to affect the distribution of privilege and non-privilege in our society. It is as important to track how caste benefits some groups as it is to monitor how it disadvantages other groups" (NLSUI, 2010). The Caste census will generate a reliable comprehensive database on interrelations between caste and socio-economic condition; and pave the way to "a genuine democratisation of India […] the social and economic effects of this "silent revolution" are bound to multiply in the years to come" (Jaffrelot, 2003).

The census raises procedural and practical issues. The first is data availability. Here few problems are anticipated. Most people know their caste identity more clearly and unambiguously than their age. Caste is uniquely assigned, and is public information in rural settlements. Second is privacy. Among the urban elite, caste is private information which people may reveal in contexts like matrimonial advertisements but not to census enumerators. But though caste consciousness is lower in urban India, caste identity of households is publicly known, especially in places of residence. Enumerative methodology requires consideration of many issues, such as: existence of separate state and central OBC lists, difficulties of ascertaining OBC identities of sub-castes, differential caste status of converts, status of orphans and children from inter-caste marriages, and competence of the enumerators. A precise headcount of a particular caste may prove elusive, given the number of sub-castes and sects, and the scope for confusion over their inclusion or exclusion from a larger caste umbrella. The nomenclature of caste-groups varies, while there could be similarities in name between different sects. Even more scientifically challenging is integrating the headcount with the socio-economic profile and using these data to apply the status of backwardness to a caste.

It was concluded that the Census Commission of India was equipped to handle such procedural and methodological requirements, and is "the only competent agency" that can undertake the all-India data collection and tabulation exercise. Further, it was decided that the enumerator was not the competent authority to make the analysis and the verification/classification would be done later by census officials.

CONCLUSION: GOAL OF A CASTELESS SOCIETY

The stand that caste-consciousness is best obliterated over time by neglect would be tenable but for the resurgence of quota-consciousness. People are familiar with categories like scheduled, backward and general; the census will just be a more factual version of information they are already accustomed to provide. Aside from yielding a database, knowing caste shares will enable a fair operation of the reservation. When India became a republic, it was recognised that the nation needed to move towards a casteless society. Yet caste continues to be a pervasive marker of identity in Indian society. There are questions whether the caste-wise breakdown of the population would determine all opportunities or whether there would

be some space for open competition: "Our democracy is determined to show the world that whatever others can do, we can do worse. If in this process, individual initiatives are killed, standards lowered, and professional ethics compromised, there is no cause for worry. We can still sink a lot lower" (Gupta, 2012). In contrast, it was asserted: "Not counting caste has defeated the desire to transcend caste, and the noble idea of "caste blindness" should be rejected in favour of a fresh beginning [of counting caste]" (Deshpande in Sayeed, 2010). The link between caste-identity political affiliations and socio-economic standing is visible in almost all parts of the country. For now, the caste census is already a reality. It requires a vigilant watch to see its repercussions on the fabric of Indian society.

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LE ROLE DES STATISTIQUES ETHNIQUES DANS LES POLITIQUES ANTI-DISCRIMINATOIRES EN INDE

Cet article porte sur la discrimination basée sur la caste, un aspect propre à la société indienne. Nous utiliserons ici les renseignements obtenus grâce aux recensements des castes afin de souligner les liens entre l'action politique affirmative et les statistiques. Nous décrirons en premier lieu la façon dont les pratiques discriminatoires s'inscrivent dans l'histoire des relations de pouvoir entre les castes. Nous poursuivrons en explorant la chronologie du développement des politiques antidiscriminatoires en Inde, dont le système de réservation et les quotas accordés à certaines castes spécifiques. Les liens entre les statistiques et les politiques antidiscriminatoires seront analysés selon cette thématique, en utilisant les données statistiques du recensement des castes. Bien que les gouvernements coloniaux puis indiens effectuent des recensements depuis longtemps, ce n'est qu'en 2011 qu'a eu lieu le premier recensement entièrement basé sur les castes. Puisqu'il s'agit d'un exercice relativement récent, nous serons en mesure d'étudier les aspects politiques, socio-économiques et pratiques liés à un tel exercice statistique.

Plusieurs nations sont caractérisées par les inégalités sociales, mais en Inde ces inégalités sont extrêmement structurées grâce au système des castes. Les actions affirmatives en Inde se traduisent par de la discrimination positive, imposée sous forme de places réservées dans les emplois gouvernementaux et à l'université. Cela va à l'encontre de la culture de tolérance et de non-discrimination des démocraties occidentales. Cependant, la redistribution est faite de façon inégale et rares sont les données qui sont à jour. Le but du recensement des castes est d'identifier celles ayant un retard socio-économique et ainsi de pouvoir les appuyer dans leur développement.

Les débats entourant le recensement illustrent bien la place des castes dans la politique. En effet, l'exercice a suscité des débats à la fois dans les médias et dans les milieux politiques. Les partis politiques les plus importants ont mis l'accent sur le besoin de connaître le nombre exact de membres dans chaque caste. Pour d'autres cependant, le recensement pourrait avoir comme conséquence d'accentuer les divisions dans la société indienne: certaines personnes pourraient être tentées de développer leur capital politique grâce à la loyauté liée à la caste. On ne trouve pas nécessairement ce discours critique à l'égard du recensement dans le discours académique, mais plutôt dans la réaction des gens ordinaires. On peut lier cette inquiétude aux conséquences qu'eurent les recensements à l'époque coloniale, au cours desquels plusieurs castes ambitieuses ont profité de l'occasion

pour s'élever dans l'échelle sociale. Les frontières de la politique des castes ont été redéfinies et renégociées à la suite du dernier recensement, comme ce fut jadis le cas avec les recensements britanniques. Le nombre élevé de demandes basées sur la caste démontre que les recensements politisent et animent les différentes castes. Le fait que des catégories rigides puissent être renégociées afin de s'arroger davantage de pouvoir politique nous rappelle que les castes ont toujours été sujettes à l'influence politique. Pour le moment, plusieurs organisations en profite pour mobiliser du support, et pour jouer la carte de l'émotion. Au centre de ces manipulations on trouve l'idée que, pour plusieurs, le recensement est bien plus qu'un simple ramassis de chiffres. En effet, nombreux sont ceux qui y voient une façon de classifier la société en groupes ayant droit ou non à certains avantages.

L'impact social d'un dénombrement des castes est majeur. Dans un pays qui tente de renverser les désavantages socio-économiques qu'engendrent pour certaines couches de la société cette discrimination basée sur la hiérarchie sociale, l'idée de faire un tel recensement est intéressante. Les nouvelles données statistiques permettront de mieux établir les critères afin de cerner les inégalités sociales et économiques au sein des groupes et entre ceux-ci, et de faire régner la justice sociale. Le dénombrement des castes se déroule en même temps que le recensement de la population vivant sous le seuil de la pauvreté. Il y a donc une mise en correspondance simultanée des données portant sur le statut socio-économique, la religion et la caste. Le point fort du recensement portant sur les castes est qu'il aidera à établir des politiques sociales basées sur des faits.

Cependant, le recensement soulève des questions quant à sa pratique et à son fonctionnement. D'abord, on se questionne sur la disponibilité des données. En effet, les données quantitatives demandent une certaine approche et sur le plan scientifique, il est difficile d'intégrer les données du recensement au profil socio-économique et de déterminer l'état d'arriération d'une caste. Cependant, on a montré que la commission du recensement de l'Inde était bien équipée pour répondre aux exigences procédurales et méthodologiques.

L'idée que le système de caste disparaîtra avec le temps si on l'ignore serait défendable, si ce n'était de la résurgence de la conscience des différentes castes face aux quotas. En effet, les Indiens sont habitués aux termes de tribus répertoriées, de classes défavorisées, et de castes générales. Pour eux, le recensement n'est qu'une version objective des informations qu'ils ont l'habitude de fournir. En plus de permettre la création d'une base de données, le recensement favorisera un système de réservation plus juste que celui qu'ils connaissent. À l'heure actuelle, le système des castes est bien réel, et il faut rester vigilant pour comprendre ses répercussions sur la société indienne.