

Public Sphere and the Genesis of Affirmative Action in Travancore

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Abstract

The public sphere is the realm of social life which helps in the social contact of people in a society and develops a public opinion regarding the major issues facing it. The term public sphere is coined by the renowned German philosopher Jurgen Hebermas. In his opinion it is the public sphere that brings the problems of the society before the government and seeks remedial measures. Affirmative action, on the other hand, is a governmental action which provides a particular number of seats in the educational institutions, public services and administration to the marginalised communities as a compensation for the discrimination that had subjected to in the past. In the origin of affirmative action in the princely state of Travancore, this public sphere played a vital role. It facilitated the meeting of the marginalised communities like the Ezhava, Muslims and Christian communities and developed among them a sense of common shared goals. Though the Travancore government had neglected the demands of the marginalised communities, in course of time, it had to accept the genuine demands of the deprived communities and thus the principle of reservation for the marginalised communities became a reality.

Key terms: Public Sphere, Affirmative Action.

Introduction

The public sphere is a realm of social life which facilitates the meeting of individuals in a society and develops opinions regarding the major issues facing the society. The term was developed as a theory by the well known German philosopher Jurgen Hebermas. In his opinion “the public sphere is made up of people gathered together as a public and articulating the needs of the society with the government” (See Jurgen Hebermas. p.176). It helps in the formation of the public opinion which finally leads to the governmental intervention for the ventilation of the grievances facing the society. In the origin and development of affirmative action in the princely state of Travancore, this public sphere and the public opinion played a vital role. The Oxford Dictionary defines affirmative action as “the practice or policy of favouring individuals belonging to groups known to have been discriminated against previously” (See Oxford Dictionaries). In other words it can be seen as a governmental policy in which a particular number of seats in the educational institutions, employment opportunities and administration were reserved in favour of the marginalised communities who were subjected to discrimination in the past and alienated from the main stream of social life.

Social Condition of Travancore at the Dawn of 20th Century

The social condition of Travancore at the beginning of 20th century was characterised by the division of people into different castes and communities. Hinduism was the major religion in the state of Travancore (*See Census of India 1901, p.116*) which was broadly categorized into the savarnas and the avarnas or the 'touchables and untouchables, the privileged and the unprivileged' (*See Shaji. A, pp 9-10*). The savarna group consisted of the Brahmins, Kshatriyas and the Nairs, while the bulk of the population who belonged to the Ezhava, Pulaya and Paraya castes were regarded as the avarnas. While the savarna castes enjoyed all privileges and held supreme position in the society, the unprivileged castes were subjected to severe discrimination and even denied all rights as human beings. In such a caste ridden society, inter- caste marriages and inter- dining were strictly prohibited and the upper castes did not receive anything from the so called lower castes (*See Samuel Mateer, p.27*). The triple evils of untouchability, unapproachability and unseability permeated to all walks of social life which made the life of the lower castes very miserable. Under this social system, the lower castes were denied access to public places, public roads and educational institutions. In short the social system existed at the dawn of 20th century was thoroughly unjust and unequal which prevented the upward social mobility of the downtrodden.

During this period, the condition of the Muslims was also very deplorable. though there was no general differentiation just like the Hindu caste system and were not subjected to suppression by the higher castes, these people were alienated from the mainstream of social life from the very beginning of European and western intervention in Kerala. The bitter experiences meted out by them under the British, made them an enemy of the English education and everything introduced by the colonial rulers. Since education is the vital factor which facilitates the empowerment and awakening of the individuals, its absence became an obstacle for the Muslims to improve their social status (*See Mohammed T.A, p.27*). Thus at the dawn of 20th century the Muslims became a people who lost their vitality and the required energy to cope up with the changing circumstances and naturally fell in the bottom of social life.

Social Reform Movements and the Development of Public Sphere

The rise of social reformers held a profound effect in the development of status consciousness among the people of Travancore. Hindu reformers like Thycaudu Ayya, Vaikunda Swamikal and Chattampi Swamikal preached against the segregation of people into different castes. They considered education as the best tool to liberate the downtrodden from their pitiable condition and for their social repositioning. In the social liberation of the marginalised communities Sree Narayana Guru highlighted the need of organizations and preached to strengthen the people 'by organization and by education' (*See Vijayalayam Jayakumar. p.135*). He attempted to create a new social atmosphere which facilitates the liberation of the human mind from the shackles of castes system and to claim a better social status. It was farsightedness which led to the foundation of the Sree Narayana Dharma Paripalana Yogam (S.N.D.P Yogam) in the year of 1903. He was of the view that ignorance is the main

reason for the decline of the lower castes and held good faith in the power of education in creating a refined social outlook.

The socio- religious reform works of Ayyankali was focused on the upliftment of the Pulayas who were the worst affected group of the caste system. His struggles were for the emancipation of the tillers of the social and for their basic human rights like access to public roads, educational institutions etc. his activities created a new spirit among the Pulayas of Travancore and provided them a new vigour to demand their rights (*See Surendranath, K K. p.167*). taking example from the S.N.D.P Yogam, Ayyankali founded the Sadhujana Paripalana Sanghom in 1904 (*See Surendranath, K K p.169*) which became a common platform of the depressed communities of Travancore. He used his membership in the Sree Mulam Popular Assembly of Travancore to empower the Pulayas and other depressed communities and to bring them to the mainstream of social life.

The Muslim community of Travancore was also awakened and brought to the threshold of modernity by a galaxy of reformers who emerged from the community. They realized the deplorable condition of the Muslims and attempted to revive their religious and social conditions by providing a vigorous leadership. Hamadani Tangal was one among them who dedicated his life for the upliftment of the ignorant mass of his community. Just like other reformers, he also emphasized the need of education. With this purpose he, along with the like minded men from the community, founded the 'Muslim Conference' (*See C.N. Ahmed Moulavi and K.K. Mohammed Abdul Kareem. p. 481*). Hamadani Tangal had a strong faith in the community organizations as a venue which facilitates social contacts and creates public opinion for the ventilation of grievances.

But the one who played a vital role in the development of status consciousness among the Travancore Muslims in particular and Muslims of Kerala in general was Vakkom Moulavi. He is known as the 'father of Muslim renaissance in Kerala' (*See Abdul Samad, p. 57*). He highlighted the place of knowledge in Islam and questioned the orthodox ulema for depicting the study of languages like Malayalam and English as haram (forbidden) for the Muslims (*See Muhammad Kannu, p.VII*). Moulavi was of the view that a radical change in the social outlook of the Muslims is a prerequisite to progress. Hence to revive the community from its total decline and to develop the spirit for the acquisition of knowledge, he inaugurated a movement by establishing community organizations in the different parts of Travancore and publishing articles in journals and newspapers (*See Kareem, C.K. p. 578*). His reform measures exercised a deep influence on the Muslims of Travancore and within a short span of time the number of Muslim students attending public schools began to increase.

Agitations for Affirmative Action

Thus awakened the marginalised communities realised that they had no place in the administration and public services of the state of Travancore. It was monopolised by the upper castes who formed only a microscopic minority. Against this injustice, the Ezhavas took the lead by submitting the Ezhava Memorial in 1896 (*See Travancore Government, English Records, Cover File No. 1231*). In this memorial they pointed out the different kinds of difficulties facing the community from their admission to government schools to their appointment in the public services under the government. They also brought to the notice of the government that

if the educated men from the community got appointment in the state services, it would become a model for the other lower castes and marginalized communities to take part in the education which in turn leads to the cultural advancement of the state. But contrary to their expectations, the Travancore government rejected their plea on the ground that 'a change in the existing system would endanger the communal harmony of the state' (See P.K.K Menon. p. 14).

This was a defiant answer to the aspiring lower castes to get their legitimate share in the administration of the state. However, this incident became pivotal in the development of a social network among the marginalised communities and the formation of an alliance with a shared goal. The unification created a new wave among the deprived communities to improve their educational condition and to intensify their agitations for their rights. This refined social outlook helped these people to come out from the 'private' to the 'public' sphere and to argue with the government for the ventilation of the grievances facing the society. Another factor which facilitated the union of the different marginalised communities of Travancore was the community organizations sprang up from them. These organizations gave them a new spirit to equip with education and demand for their proper share in the administration and public services of the state. 'During 1911, the population strength of the Ezhava, Christian and Muslim communities together formed 49 percentages of the total population' (See Census of India, 1911, p.256) which added an additional strength for these people to lead agitations against the unjust and unequal system which discriminated the bulk of the people in the name of religion and caste.

As a precursor to their historical struggle for proper share in the administration and public services of the state, the deprived communities started demanding the separation of the Dewaswom department from the Revenue. In those days, due to the prevalent system of untouchability and unapproachability, people belonged to the lower castes and other religious communities were denied appointments in the Dewaswom department. Since the Revenue department was attached with the Dewaswom department, it became an obstacle for these people to get appointment in the employment opportunities in the former. Even though they brought the matter before the government and pleaded for favourable action, the response was very disappointing. The Dewan of Travancore in 1907 stated that the 'separation of these two departments was for feasible in the existing situation' (See File No. 53/1919//Political).

Under this circumstance, the deprived communities joined together and formed the Civic Rights League in 1919 and undertook the struggle 'for the bifurcation of the Dewaswom and the Revenue department' (See Kusuman, K K. p.14). The formation of the Civic Rights League provided a common platform for them and to chalk out programmes for the ventilation of their grievances. Under its banner, they conducted public meetings and thus made it a public issue affecting the bulk of the society. They also submitted a memorial to the Dewan in which pointed out the systematic 'exclusion of the Ezhava, Christian and Muslims communities from the revenue service (See File No. 53/1919//Political), which was the biggest department under the government. Finally the Travancore government had to accept the genuine demands of the people and orders were issued on 12th April 1922 to separate the two departments. However the condition of the marginalised communities remained as ever before; because the government had not made any initiate to thrown open all the employment opportunities under

the government to all the subjects and not legal framework to provide them preferential treatment in appointments.

Against this negligent attitude of the government, the Ezhava, Christian and Muslim communities once again launched state-wide agitations which forced the government to make necessary arrangements to provide preferential treatment in appointments. It classified the entire subjects into the Brahmins, the Nair, the Ezhava, the other caste Hindus, the Christian, the Muslims and others. In order to introduce a rational system of recruitment, the Travancore government appointed a public service committee in 1931 and asked to enquire;

1. 'the principle to be followed in the recruitment to the public services by maintaining the efficiency of administration
2. To evolve out a method of recruitment
3. To draft the constitution and functions of the public service commission' (*See Report of the Travancore Public Service Recruitment Committee, p.1*)

After a careful study of the caste wise list of employees under the Travancore public services, the commission found that the Brahmin and Nair communities who formed only 18.1 percentages of the total population occupied 65.63 percentages of posts in the superior services. In the inferior services also this group occupied the lions share and the bulk of the population were not provided representation proportionate to their population (*See Report of the Travancore Public Service Recruitment Committee, p. 133*). Hence the commission in its report submitted in 1933, recommended to grant communal representation to those marginalised communities who were not adequately represented in the various department of the government. to facilitate the proper distribution of communal representation in each of the employment opportunities, the entire service was divided into two as superior and inferior services. Further it grouped the entire population of the state as Hindus, Christians and Muslims (*See Report of the Travancore Public Service Recruitment Committee, pp. 90-91*) and recommended to provide reservation of seats proportionate to the population of the marginalised communities. Another major recommendation of the Commission was the establishment of a public service commission with the right to determine the qualification and selection of candidates as per rules.

As far as the marginalised communities were considered, it was a grand victory for their perpetual struggles for legitimate rights. Now the government had to bend before the strength of the deprived communities who were alienated from the mainstream of social life. The government now found it difficult to deny their legitimate rights as the citizens of the state and hence established a public service commission in 1935 as a follow up of the recommendations of the public service committee report of 1933. Orders granting communal reservation to the marginalised communities were issued in 1935 and henceforth reservation of seats for the deprived communities became a permanent feature of Travancore public services.

Agitations for Democratic Rights

Along with their struggle for reservation in the public services of the state of Travancore, the marginalised communities attempted to win their share in the administration of the state also. The development of modern education, the work of social reformers and the public opinion developed among the marginalised communities were the prime factors which developed a political sense among this people. The Government of India Act of 1919 which envisaged increased participation of people in the administration of British India (*See Ramakrishnan Nair, R. p. 9*) also did exercise a profound effect on the marginalised communities in their demand for the enlargement of the legislative assembly and communal representation to the unrepresented communities. From the very beginning of the Travancore legislative assembly in 1888, one of the major demands of the people was to widen its scope by increasing the number of members and to get the right to elect a fair proportion of non-official members to the assembly. Hence to meet the growing demands of the different sections of people, the Maharajah of Travancore reformed the Legislative Council by the Regulation I of 1095. Though this act provided the people the right to elect members of the Council, its jurisdiction was limited by the government.

Thus the legislative reform failed to meet the expectations of the people which forced them to conduct public meetings in the different parts of the state and to submit memorials to the government. Under this circumstance the government issued new order in the 1921 by which the strength of the Council was increased and members were granted the right to move resolutions in the Council. Though the new order was comparatively liberal than the former, one of its major limitations was that the franchise was based on property qualification. According to the new system only those who pay an annual land tax of not less than Rs. 5 or profession tax to a municipality and graduates of recognised universities could cast their votes (*See Ramakrishnan Nair, R. p.11*). Though the deprived communities requested for the removal of property qualification and the introduction of adult franchise, the government was adamant in their decision.

Undaunted with this negative attitude of the government, the marginalised communities continued their efforts to find out a durable solution for their grievances. In the initial stage the Ezhava, Christian and Muslim communities submitted individual representations inviting the attention of the government seeking positive approach towards their genuine demands. Meanwhile the Maharaja Sri Chithra Tirunal in 1932 reformed the structure of the legislative council of Travancore by the Regulation II of 1108 (*See Ramakrishnan Nair, R. p. 12*). It envisaged a Lower House named Sri Mulam Assembly and an Upper House called Sri Chitra State Council. But the new Regulation also retained the property qualification which denied the marginalised communities to take part in the election to the legislature assembly of the state. They considered move of the Travancore government as an attempt for the concentration of both economic and political powers in the hands of the caste Hindus. In fact in those days the total contribution of landed aristocracy to the state treasury from agriculture and land tax was only 17.6 percentages, while the Muslims, Ezhava and Christian communities contribute 34.7

percentages as excise tax and toll by way of trade and commerce (*See P.K.K Menon. p. 341*). This realisation prompted the Ezhava, Muslim and Christian populations to strengthen their demands and considered the reservation of seats in the legislative assembly proportionate to their population as the only solution for their grievances.

Now 'the marginalised communities formed the All Travancore Joint Political Congress in December 1932 (*See P.K.K Menon. p. 342*) and prepared a common programme against the hostile attitude of the government. Under its leadership, they submitted a memorandum to the Dewan and narrated the injustice meted out by these marginalised communities in the elections to the legislative assembly of Travancore. They informed the government that so long as the property qualification would continue, only the landed aristocracy could enfranchise and the bulk of the population who had no control of the land would deny their legitimate right. The Joint Political Congress also met at the L.M.S hall in Trivandrum on 25th January 1933 and passed a resolution to abstain from the elections conducting under the Regulation II of 1108. They made public campaigns and thereby won the wholehearted support of the members belonged to the Ezhava, Christian and Muslim communities. The protest of the marginalised communities by abstaining from the election process is known in the history of Travancore as 'abstention movement'.

But contrary to the expectations of the Joint Political Congress, the Travancore government went ahead with the election to the legislative assembly as per the new regulations. In the election thus conducted in the year 1933, the upper caste Hindus who formed 13.47 lakhs of population occupied 72.82 percentages of seats (*See P.S. Velayudhan, p.319*), while the Christian, Ezhava, Muslim and the depressed classes who formed 37.43 lakhs of population could occupy only 25.58 percentages of seats. The election results had become an eye opener to the government and finally it accepted demand of communal reservation for the marginalised communities in the year 1937. With this victory, the marginalised communities who were so far systematically excluded from the administration of the state also got their due share which helped them to claim a better social status.

Conclusion

The struggle of the deprived communities of Travancore to get their share in the administration and public services forms one of the brilliant episodes of history. The caste system and its normative rules alienated the bulk of the society from the mainstream of social life. Centuries of stagnation placed this people in the bottom of social fabric. It was the reform movements which created them a status consciousness and the required vigour to demand the government to initiate measures for the redress of their grievances. The reformers generally used education as the tool to liberate this people from their declining stage which in turn made this people capable enough to develop a public opinion. The refined social outlook developed among the marginalised communities made their entry in the public sphere of social life. It was this public sphere which argued with the government to provide communal reservation as a solution for their age old grievances. Though the Travancore government turned against the genuine demands of the bulk of its people, in course of time it had to accept the

principle of reservation to ensure the unrepresented and underrepresented communities in the public services and administration of Travancore.

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