

**SOCIOLOGY OF SOCIAL JUSTICE :  
RESERVATION POLICY FOR OTHER BACKWARD  
CLASSES AND ITS IMPLEMENTATION (1990-2000)**

*Dissertation submitted to the Jawaharlal Nehru University  
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**Master of Philosophy**

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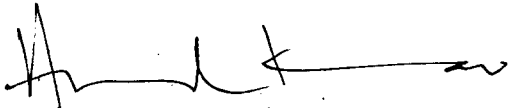
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**CERTIFICATE**

This Dissertation entitled "**Sociology Of Social Justice: Reservation Policy For Other Backward Classes And Its Implementation (1990-2000)**" submitted by **Joy Prakash Chowdhuri** for the Degree of **Master of Philosophy** of Jawaharlal Nehru University, has not been previously submitted for any other degree of this or any other university.

We recommend that this Dissertation be placed before the examiners for evaluation.

  
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**DEDICATED TO  
MY  
MOTHER, FATHER  
AND  
ALL  
FAMILY MEMBERS**

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## PREFACE

My work is about the reservation policy and its implementation, as regards Other Backward Classes (OBCs). The dissertation looks into the different commissions set-up by the state and central governments and their recommendations, like the Mandal Commission during the tenure of Prime Minister V. P. Singh, which led to large-scale protests all over India. There were so many questions in my mind, which needed clarifications. What is the reservation policy of the government ? Why this reservation for particular classes and castes. What is the need for this reservation? Why are some students burning themselves? Why is the government following a particular policy?

After joining the Jawahar Lal Nehru University for my M.Phil programme in CSSS/SSS, as a Student of Sociology, I could not ignore these questions and their role in the political dynamics of the country.

# INTRODUCTION

An egalitarian society is a Utopia<sup>1</sup>. Utopia of egalitarianism is based on the ideal of equality. Equality as a principal of value or social organization became popular after French Revolution only. In all societies of present and past, there is inequality in every sphere of life. This is not only natural but functional also. In 19<sup>th</sup> and 20<sup>th</sup> century, there was a certain feeling that 'inequality' is not natural but is a social creation has gained wide acceptance. The second finding is that social inequality is not universal in nature. It means that in the past, there were certain social conditions, which treated people according to their profession or occupation. Thirdly, 'private property' is the cause of social inequality. Finally, social inequality is anti-human and anti-social and it is a form of human rights abuse.

Most of the inequalities in a society are socially pattern. It is governed by laws and norms. The amount and type of inequalities is also consequential both for whole societies and for the individual members of the societies. People who are unequal in property power and prestige also defer in their life chance, their institutional patterns of conduct under their life styles or culture patterns, in their attitude ideologies and beliefs. "In a fact in all society there is a hierarchy of positions or group of positions called strata (singular, stratum) that are set of from each other by the amount of property, power and honor they command to that condition, where societies are arranged into hierarchies of positions or strata that command unequal amounts property, power and honour"<sup>2</sup>. Sociologist give the term stratification Indian society is a classic example of the hierarchical society and people being treated according to their status.

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<sup>1</sup> Preet Sagar, *Reservation for Backward Class : a Perspective* (Delhi : Ashthan Prakasan, 1997), page V, VI.

<sup>2</sup> Tumin Melvin M., *Social Stratification the forms and functions of inequality* (New Delhi : Prentice Hall of India Pvt. India 1994), Page 1.

Social Justice is an ideal condition of society where no groups or individuals have any complaint for not getting their dues, since all persons of various sections and ranks are allocated resources as per their needs and rights on some reasonable or logical grounds. It is only through our Classical epics that we get an idea of a socio-political set-up of “Ramrajya” where everybody gets Social Justice and not a single one is seen as unhappy poor, exploited, segregated or ill-treated by other person and every body is seen as the happy person. This is a utopian model of Social Justice.<sup>3</sup>

The provisions for the socialistic ideals, the socio-economic justices were made Part IV-direct line Principle of State Policy; which were non-justifiable. Socio-economic justice does not mean each to be counted for one and no body is to be counted for more than one. It means equality among equals and inequality among unequal. In other words a Joel Fein berg said that the basic principle of comparative justice (social justice) is that like cases are to be treated alike and different cases to be treated differently.

The socio-economic justice negatively implies curtailment of privileges of the fortunate in society and positively it suggests that the poor man, the sufferer should have the full right and opportunity to come up. In other words positive equality implies giving a special provisions to those who have already suffered years together and negatively it means keeping away from equal treatment, those who have already enjoyed the fruits of social progress.

Both Gandhi and Ambedkar struggled for equality at “grass-root “ level. Gandhi’s approach aimed at changing the hearts of people while Ambedkar wanted revolutionary changes in society.<sup>4</sup> He was aware of the lack of

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<sup>3</sup> Sharma, C.L., “The Status of Backward Classes and Social Justice in India” in Pathak, B. (ed.), *Social Justice and Development of Weaker Sections* (New Delhi: Inter India Publications, 1997), pp.164,165.

<sup>4</sup> Preet Sagar, op.cit., p.VI.



resources and abject poverty of subalterns as the root cause of exploitation. Because of this, the state provided the reservation for upliftment of the backward classes. Indian state is experimenting with the instrument of reservation in bringing about equality in Indian society. Reservation, if carefully and properly implemented, can prove a good instrument of state policy for upholding social equality. India's Constitutional commitment is for an egalitarian society by demolishing the edifice of medieval casteist, hierarchical, social order. Reservation policy is essentially the issue of sharing power by those classes who had been monopolizing the power at the expense of the powerless.

Exploited from centuries, governed by certain social, economic and cultural taboos, improving the lot of the downtrodden is really a Himalayan task.

After 50 years of independence, Indian State and society is in a new phase of development, due to changing social awareness, political awareness, and political assertion of people and decentralization at the grass-roots level.

### **Towards Federal Nation Building**

The Constitution of India aims at the distribution of power and privilege to all. A plural society like India can stand stronger and integrated on the pillars of a federal polity. Indian Constitution established a positive atmosphere conducive to the growth of democracy, social justice and development. The Constitution provides for territorial unity, institutionalization of democratic institutions and processes, consolidation of competitive democracy, multi-party systems, mobilization of regional political parties and so on.

India moved towards the goal of federal nation building by making constructive efforts at three levels: -

1. Constitutional engineering.
2. Working of Constitution.
3. Role of political parties.

Indian Constitution provides for stable and effective governments, but many people decried their lack of share in governance. Social justice is one of the foundational principals of federal nation building. The unequal economic, political and social control by particular community or group created inequality of opportunities. So, inclusion of those communities or groups, which are excluded, is very essential for the development of the society and the nation. Otherwise, the whole edifice and project of nation building may collapse. These communities have been provided special rights by the state, which are referred to as 'special treatment', 'positive discrimination' and 'protective discrimination'.<sup>5</sup>

Gandhi, Ambedkar and Nehru represent different approaches to social justice and the question of caste in India. Gandhi's approach to equality and justice is strongly rooted in his Hindu traditionalism. His observation on caste was moral and ethical and in favor of Varnashram Dharma.<sup>6</sup> He said caste doesn't have any moral basis in the Hindu religion. He opposed untouchability and launched a movement against it. He also advocated inter caste marriage as a solution to the caste problem in India.

Dr. Ambedkar criticizes the Gandhi's view on caste. For him, Gandhi's view perpetuates inequality of social and economic life. Dr. Ambedkar was greatly influenced by western liberal democratic order. His thoughts on social justice and caste bear an attempt of negotiations between the ideas of western liberal democracy as basis of nation building and state

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<sup>5</sup> Akthar, Majeed (ed.), *Constitutional Nation Building: Half a Century of India's Success* (New Delhi: Manak Publications, 2001).

<sup>6</sup> Ibid.

formation. The thought of Ambedkar on social-justice and democratic nation-building get reflected in the Constitution.

Nehru's approach to social justice can be located in his wholesome project of nation building in independent India. His thought was a combination of 'western modernity' and 'socialism'.<sup>7</sup> Nehru observed that overall national development and modernization of the country would deliver justice to the masses. After getting freedom from the British Raj, Indian leaders dared to see India as the sovereign, socialist, and republic country. But India with a large population, where a multi cultural, multi religious, multi lingual and caste based stratified society exists, it was a difficult task for our leaders.

Every body should have right to protect their own culture without the interference of state. Every person should have equality before law and each citizen should be treated equally. So there was a need to frame such a Constitution for the country or people of India where every Indian had the equal rights. Dr. B.R. Ambedkar took the initiative to frame such a Constitution of India in 1948. He was the Chairperson of the Drafting Committee of the Constitution. After the Constituent Assembly Debate on various issues including more specifically on the matter of 'Backwards Class', the Constitution was submitted to the Government of India and came into force on 26 January 1950.

In the Constitution, Social Justice was one of the important issues for the people because of Dr. Ambedkar belonged to the depressed castes was a worst sufferers due to his caste wise his childhood.

He totally rejected Hindu religion, which was based upon the caste systems. According to caste system some people have more privileges in the society, they have right to do what ever they are willing to do for their own business or for their own benefits. They are used to make the laws and also break the law for their own purpose. On the other side, there are the lower

castes or 'Depressed Castes' that didn't have any right in the society. Their work was to serve the upper caste people only. Because of their lack of knowledge they also thought that they came to this earth for the service of upper castes only. God fixed their fate. They can't change in this life.

Dr. Ambedkar was fully aware of it so he made such provision in the Constitution so that the bottom section of the society could link them to the mainstream of the country. He proposed to reserve some seats in education, institutional, legislative, judicial and government jobs. He mooted this idea so that the people from lower strata could find some places in the decision-making body of society. So the concept of Reservation came into existence with the efforts of Dr. Ambedkar in the year 1940. The reservation for the depressed classes (SCs/STs) was given on the basis of their percentage of the population. It was envisaged from reservation policy that social justice could be guaranteed by ensuring equal opportunity to maintain equal social status in the society.

During this period there was not much attention about the reservation of the other backward classes. Though in Mysore even before the independence of India, there were provisions of reservation for them. After the independence different state governments realized that a large section of the population (SCs/STs) don't have proper representation in government jobs and decision-making bodies. It was shocking that even though the OBCs were more in number than the SCs and STs in Government jobs. The different state governments tried to find out those caste which were socially situated between the upper caste and the depressed castes (SCs/STs) in the Hindu social order. For doing the same they set up the different commission / committee to fix reservation in government jobs, on the basis of their population, for which recommendations were made under article 340 of the Constitution.

Every state fixed some criteria to find out such caste and their status. But most of them were adopted reservation policies on the basis of caste

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<sup>7</sup> Ibid.

status and economic backwardness. These were the two main factors to find out backward classes in their states.

Government of India also set-up two commissions in the year 1953 and 1979 respectively to find out the Other Backward Classes. The first Backward Class Commission (Kaka Kalelkar commission) used four criteria for identifying OBCs:

- (a) Low social position in the traditional caste hierarchy.
- (b) Lack of general education advancement among the majority of a caste /community.
- (c) Inadequate or lack of representation in government service. and
- (d) Inadequate representation in trade, commerce, and industry.

He listed 2,399 communities as backward. Further more it identified 837 as 'most backward'. The Commission recommended 25 percent jobs, in class I, 33.3 percent in class II, and 40 percent in class III, and IV and 70 percent seats in all technical and professional institutions. But the Kalelkar's recommendations were rejected by the government, after the discussions in 1961.

The Mandal Commission set-up in January 1979 by Prime Minister Morarji Desai and Commission submitted its report on December 1980. The Commission found out 3,743 Hindu castes, as Other Backward Classes (OBCs). The Commission estimated total population of the Other Backward Classes as 52 percent. The commission suggested 52 percent reservation for OBCs, but due to Supreme Court decision, the reservation should not be more than 50 percent. So it suggested the quantum at OBCs at 27 percent, taking into account the existing 22.5 percent for the SCs/STs.

The Mandal commission recommended 27 percent jobs in

a) Central services, b) public sectors undertakings, c) nationalize banks, d) universities and affiliated colleges, e) government added firms in the private sector and f) state governments and in promotions at all levels. It also advocated 27 percent seats in all scientific, technical and professional institutions of education run by the central and state governments. The Mandal commission Report was accepted by the government, on 7<sup>th</sup> August 1990, beginning with a reservation of 27 percent jobs in the central services and public sector under takings but it could implement it only from 1992 onwards. The report is an interesting evolution of the reservation policy in India.

The term “Backward Classes” is not a new one. It has its historicity. It can be well said that the term was used for the first time in the British India to provide certain benefits of educational facilities to economically poor sections of Muslims and Hindus of the lower castes in Mysore. The main beneficiaries as the Backward Classes were those who were extremely poor and illiterate. Later on the concept of Backward Classes was extended to include depressed communities, nomadic and semi-nomadic tribes and untouchable castes of Hindus. According to S.C. Dubey, “nearly one-half of the country population consists mainly of Scheduled Castes, Scheduled Tribes and Other Backward Classes and communities who share only 10% of all agricultural land. The politicization of Varna and Jati has led to diverse forms of atrocities on the ‘Lower Jatis’.

## **REVIEW OF LITERATURE**

Andhre Beteille according to him, there is clear evidence that social inequalities based on caste are much less important now that fifty year ago. The most distinctive feature of caste is its exclusiveness and the other sharpness of its identity in relation to other castes. This identity was maintained by distinctive style of life relating to food, speech, dress, habitation and a variety

of other things like dressing or eating in a particular manner, or having some of identity which was carefully protected by the rule of endogamy.<sup>8</sup>

Each linguistic group has two or three hundred castes “one reason why old division have lost their traditional significance is that now one have begun to emerge. There are based on education, occupation and income and have their own status symbols”<sup>9</sup>.

Entry into higher occupational strata has now to be made through the educational system, which in principle is open to all. Actually higher education is expensive, so only a small proportion of people from even the highest castes can send their children to expensive and exclusive public schools.<sup>10</sup> There are three primary divisions among government servants, namely gazetted officers, non-gazetted officers and menial staff and the social spheres of the three rarely meet. The base of recruitment to the higher services has been widening over the years though not all communities are equally represented. Posts are reserved for the ex-untouchables members of different castes now found in the same grade of the civil service and those of the same castes in different grades. The new divisions when they cut across the old ones as they increasingly do tend to alter the very nature of the traditional structure. In this regard new castes are quite different from the old.<sup>11</sup>

Andre Beteille observes that the whole reservation policy in India should be examined with a social science perspective vis-a-vis legal approach to provide social justice to all the sections of society and not only to a few classes at the cost of the others and to the detriment of social fabric as such. Andre Beteille is known for his positive perception about the accrual of

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<sup>8</sup> Beteille Andre, *Castes: Old and new Essays in social structure and social stratification*, Asia Publishing House, New York, 1969, p. 229.

<sup>9</sup> *Ibid*, p. 231.

<sup>10</sup> *Ibid*, p. 234.

<sup>11</sup> *Ibid*, p. 236.

distributive justice through protective discrimination and reservation policy without causing damage to the institutional well being of social order.<sup>12</sup>

Prof. Panini's essay, 'The Political Economic of Caste', in modern India, caste continues to provide a support base for members, a fact which is particularly important for upwardly mobile villagers who seek salaried jobs in the urban bureaucracy, Industries, firms and offices. In the words of Panini, '... The membership of the caste implies that a person becomes part of a person based social network, which controls insiders' information about economic opportunities, transmits skills, and provide variety type of human and material support'.<sup>13</sup> He pointed out that the regime of economic control (Intrinsic to socialism and centralized planning) has contributed to the strengthening of caste ties by encouraging albeit indirectly, the growth of the unorganized sector.

Socialism, central planning, a vast public sector both the centre and in the states, a state control led education system etc, have facilitated the pursuit of an employment policy in which politically consideration have played important part. The reservation will prove meaningless if the government retreats from the commanding heights of the economy and if sheds many of the regulatory and central functions. Panini mentions the possibilities of a 'back less from the caste system ' putting an end to liberalization. Liberalization implies more decentralization and more power to their elbows. In 'Caste and Hinduism', Dr Jairam makes the point that castes may be viewed either as '...functionally inter related in a system contributing to the vertical integration of a rigidly stratified society, or as autonomous groups serving common purposes and striving for common ends. Viewed as the former caste constitutes a structural principal of the society, and viewed as the latter, it act as dynamic force in interest articulation, collective mobilization and social movement. While changes in institution of caste can be

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<sup>12</sup> Sharma, C.L., op.cit., p.162.

<sup>13</sup> Srinivas, M.N., *Caste in Its Twentieth Century Avatar* (New Delhi: Penguin Books, 1996), p.XII.



comprehended fairly easily from either of this analytical prospective, the relationship between the realities subsumed by them is complex and eludes analytical group'.<sup>14</sup>

Commenting on government's goal of bringing about a 'casteless and classless society', Jairam comments that 'Caste is not being abolished at least in the short run but made to stand on its head.'<sup>15</sup>

Kanth finds that caste in rural India is not a static phenomenon and is characterized by mobility, sanskritization is an integral part of mobility, and this is true of the SCs as well. He also notes the familiar phenomenon of castes claiming to be high in a traditional context, and 'backward' in the context of struggle for getting access to education and government jobs.<sup>16</sup>

According to the Dr. Minakshi Jain ('Backward Caste and Social Change in UP and Bihar') while there are internal contradictions and conflicts in the kind of alliances which the parties in power in Uttar Pradesh and Bihar have forged, 'the backward caste as a whole refuse to align (themselves) with any set of that does not concede the total supremacy. Though not coherent enough to capture power on their own, they are powerful enough to prevent others from forming a rival stable order'.<sup>17</sup>

According to Prof. Shah ('the judicial and sociological view of other backward classes'), while the new knowledge has changed the sociologist understanding of caste insignificant ways, it has yet to reach the judiciary. He also pointed out how sociological research is relevant to judicial decision making.<sup>18</sup>

Vidhya Sagar and Suresh (1990) observed that the reservation policy has been evolved primarily to contain the rising aspirations and consequent unrest

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<sup>14</sup> Ibid.

<sup>15</sup> Ibid, p.XIII.

<sup>16</sup> Ibid, p.XIV.

<sup>17</sup> Ibid, p. XIX.

<sup>18</sup> Ibid, p. XXII.

among the deprived classes. It only co-opts the proportional classes of the backward communities for legitimizing the political system and preventing challenge to the existing economic structure.

### **Objectives of Dissertation**

There is always confusion and conflict between the upper caste and backward classes regarding the reservation of seats in Governments jobs. Backward classes are always blamed by the upper caste for taking away a major chunk of Governments jobs. If some one who from the Backward class to get through a Government job through his merit always underestimated by the upper caste colleagues. So my intention is to find out the real picture of the OBCs representation in Group-A, Group-B, Group-C, and Group-D in Central Government jobs after the implementation of Mandal commission Report.

I also want to focus the motion of social justice involved in the execution of the reservation given to backward classes.

### **Method of Study**

This study is based on secondary sources like government documents, reports, backward class commission's reports and as well as different books, news papers and articles relating to my topic.

In sum-up, utopia of egalitarianism is based on the ideal of equality. After the French Revolution the concept of equality became a desirable goal for human society. During 19<sup>th</sup> and 20<sup>th</sup> century there was the feeling that 'inequality' is not natural but socially created. Indian society is a classical example of the hierarchical society and people being treated according to the status of their caste. Gandhi, Ambedkar and Nehru struggled for equality and Social Justice. Indian's Constitutional commitment is for an egalitarian society through reservation to those communities who don't have representation in Governance. Social Justice is one of the foundational principles of federal nation building.

For the upliftment of the “backward classes”, different State Governments as well as Central Government set-up commissions to find out the depressed section of society for providing them proper representation in governance through the reservation. The Kaka Kalelkar (1953) and Mandal Commission (1979) were set-up by the Government of India under Article 340 to find out the Other Backward Classes.

Kaka Kalelkar Report was rejected by Parliament in 1961 but Mandal Commission’s Report was implemented by the National Front Government in 1990, it provided 27% reservation in Government jobs for the Other Backward Classes. An analysis of this process is presented in this dissertation in the following manner: -

Chapter-1 is titled “History of Backward Classes” which discuss the emergence of the backward classes for the social justice initiatives. It includes the Constituent Assembly Debate about the Backward Classes.

Chapter-2 is about “Dynamics of Backward Class Movements”. It presents an overview of the different Backward Class Movements in India before and after the later independence. The later part of the chapter underlines the Constitutional Safeguard for Backward Classes in Indian Constitution.

In Chapter-3 there is discussion about “Significance of Backward Classes Commissions and their Recommendations.” This basically reviews the commissions set up by the states and their recommendations.

Chapter-4 is titled “Towards Social Justice” and it underlines the implementation of Mandal Commissions in government jobs.

Chapter-5 is about “Getting Share in the Governance” where details of the present representation of the OBCs in Group-A, Group-B, Group-C and Group-D in Central Government jobs. Jobs are presented. The dissertation closes with an overview of the sociology of social justice with reference to the Other Backward Classes as “Conclusion”.

**CHAPTER 1**  
**HISTORY OF BACKWARD CLASSES**

The word “Backward” implies the presence of a forward or advance elites. A qualified person may be put in some disadvantaged category compared to his less qualified person in performing certain roles in the society on the basis of birth and other cultural and social structure and traditions in the context of the principals of stratification .

The term ‘backward’<sup>1</sup> itself shows the presence of inequality in the society. In the present context the issue is whether there are some disabilities which can be tied-up with practically all types of disadvantages in a society and whether there are some inequalities which implied no disadvantage for the concerned section of the population, in attaining the goals values not only by that section, but also by many other section of the society. Das (1990 p 77) suggests that “there are certain caste groups, especially those classified as scheduled castes among whom social, educational backwardness clusters together, and however it is defined. The Scheduled castes are traditionally untouchable caste so in their case socio-ritual inequality is the balance against equality in educational and economic areas.

Backwardness is a social reality. According to Dr. Anup Singh, a member of the first Backward Class Commission, ‘Backwardness is a relation concept, judged by modern standards prevailing in some of the advanced countries, our entire society can be considered backward in some respects.’<sup>2</sup>

The Constitution of India speaks of “Classes” and not ‘castes’. According to it, caste should not be the unit for the identification of the category of people intended by the Constitution.

“Marc Galanter has traced the use of the term ‘backward classes’ since the last part of the 19<sup>th</sup> century. He pointed out that the term was used as far back as 1880 to describe a list of groups, also called illiterate rate or indigent classes, entitled to allowances for study in elementary schools”.<sup>3</sup> The Fort St.

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<sup>1</sup> Burman, B.K. Roy (1992), Beyond Mandal and After, New Delhi: Mittal Pulications. (pp.1-2).

<sup>2</sup> Ibid, p.2

<sup>3</sup> Ibid, p.2,3.

George Gazette No 40 of November 5, 1985 mentions grant-in aid to schools for a list of backward classes, which includes most of the untouchable castes of the Madras Presidency. In 1917, the Maharaja of Kolhapur recounted to Mr. Montague that he had been taking very keen interest in upliftment of the backward classes and specially the untouchables. Soon after it appeared in the terms of reference of the Southborough Committee, which was to advise on measures to secure representation of “minorities of special interests of backward classes.”<sup>4</sup> But the committee did not mention any such groups in its report, other than Depresses Classes. The joint Select Committee of the British Parliament which received the Southborough Report mentioned in passing the importance they attached to “the educational advancement of the depressed and backward classes.”

In 1918 “Backward Classes”<sup>5</sup> first acquired a technical meaning in the Princely State of Mysore. The Mysore Government appointed a committee to enquire into the question of encouraging numbers of the “Backward communities” in public service.

In 1921 preferential recruitment took place of “Backward Communities” defined as “all communities other than Brahmins who are not now adequately represented in the public service.”<sup>6</sup>

The Reform Enquiry Commission did not find occasion to use the term, but the Ministry Report refers to its use as a synonym for the Depressed Classes (untouchables) and in contradiction to “non-Brahmins”, although “Non-Brahmin” and “Maratha” were much more frequently used in the setting of the Bombay “Non-Brahmin” movement of the 1920s.

In 1925 a Government resolution proclaimed in Bombay, defined “Backward classes” as all except Brahmins, Prabhus, Marwaris, Parsis, Baniyas

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<sup>4</sup> Galanter Marc (1991) *Competing Equalities: Law and Backward Classes in India*, Delhi: Oxford Publication, pp.154-159.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

and Christians.” There was provision for reservation for this section of the people in the Government services.

In 1928, the Hartog Committee defined Backward Classes as the castes or classes which are educationally backward. They included “the depressed classes, aboriginals, hill tribes and criminal tribes.”

In 1930, the Starte Committee in Bombay recommended that the term “Depressed Classes” should be used in the sense of untouchables, a usage which “will coincide with the existing common practice.”<sup>7</sup> They proposed that the Backward Classes, which is sub-divided into Depressed Classes (i.e. untouchables) aboriginals and the Hill tribes, Other backward classes (including wandering tribes) should be called as “Backward Classes.” The committee also recommended that the “Backward Classes” should be renamed as “Intermediate castes”.

In addition to 36 Depressed Classes (approx 1921 population 1.475 millions) and 24 aboriginal and Hill Tribes (approx 1921 population 1.323 millions), they list 95 Other Backward Classes (approx 1921 population 1.041 millions).

The Simon Commission refers to ‘Intermediate Castes’ and takes note of the Non-Brahmin movement, makes no mention of Backward Classes.

In 1937 Travancore abandoned the Depressed Classes nomenclature and substituted the term “Backward Communities” to include all educationally and economically Backward Communities.

The Madras Provincial Backward Classes League consisting of the “less forward ‘non-Brahmin communities” was founded in 1934 for the purpose of securing separate treatment from the “forward non Brahmins Communities.” In Madras Government (1944), the Backward Classes comprised more than a hundred communities with about 25 millions people (50% of the total

population of the Presidency). In November 1947 separate reservations in Madras services were provided for these “Backward Hindus”.

The Constituent Assembly Resolution moved by Jawaharlal Nehru on Dec. 13, 1946 required adequate safeguards to be made for ‘Other Backward Classes’ along with several other categories of population. A representative from Bihar explained that Backward Classes were a section of society between the higher castes and the Scheduled Castes. Thus the term had never got a definite meaning at the all India level. There were no nationwide backward classes organizations.

Thus there are two major species of usage :-

1. As the more inclusive group of all those who need special treatment.
2. As a stratum higher than the untouchables but nonetheless depressed.

In an important judgment of Supreme Court, which has been influencing judicial thinking for quite sometime is that between Balaji Vs state of Mysore. The court considered the case on the basis of

- (i) What are the criteria for identifying the social and educational backwardness?
- (ii) What is the role of ‘caste’ in determining social backwardness?
- (iii) What is the sub classification of backward classes into categories valid?

Delivering the judgment on behalf of the majority of the members of the bench, justice Gajendra Gadkar observed “A class, shows division of society according to status, rank or caste. In Hindu society, caste unfortunately plays an important part in determining the status of the citizen. So any class of citizen is socially backward or not, it may not be irrelevant to consider the caste

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<sup>7</sup> Burman, B.K. Roy, op.cit., pp.3-12.



of the said group of citizens. If the classification of the backward classes of citizens were based solely on the castes of citizens, it may not always be logical and may perhaps contain the vice of perpetuating the castes themselves.”<sup>8</sup> The court held that castes, poverty, occupations, place of relation were some relevant factors for determining backwardness.

In the case of *Chitrlekha Vs State of Mysore* the High Court drawing upon the decision in the *Balaji* case, pronounced that “caste was an important basis in determining the class”<sup>9</sup> of the Backward Hindus and that the Government should have adopted caste as one of the tests.

Justice Subba Rao of Supreme Court (In-AIR 1964 SC 1929) also referred to the *Balaji* case and held that while caste was one of the relevant factors in determining social and educational backwardness, ‘caste’ and ‘class’ were not synonymous. To quote the judicial pronouncement, while this court has not excluded caste as pertaining to the backwardness of a class of citizens, it has not made it one of the compelling circumstances affording it as basis for the backwardness of a class.

To put it differently, the authority concerned may take caste into consideration to ascertain the backwardness of a group of persons but if it does not, its order will not be bad on that account, if it can ascertain the backwardness of a group of persons on the basis of other relevant criteria.”

## **WHO THEN IS A BACKWARD?**

The proceedings of the Constituent Assembly<sup>10</sup> failed to provide any acceptable definition or interpretation of ‘backward’ and admitted that it will perpetually remain a matter of legal arguments. In the Constituent Assembly Debate, Shri P.P. Krishnamachari observed and said this (the word

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<sup>8</sup> Ibid, p.5.

<sup>9</sup> Ibid.

backward class) is a paradise for lawyers”, and again I can not help feeling that this clause willed to a lot of litigation, these words and expressions have become perpetual subjects of legal arguments. Even the father of the Indian Constitution, Dr. B.R. Ambedkar could foresee such a possibility, as he observed in his reply to the debate.

“Somebody asked me, What is a backward community?” Well, I think one who reads the language of the draft itself will find that we have left it to be determined by each local Government A backward community is a community, which is backward in the opinion of the Government My honorable Friend Mr. T.T. Krishnamachari asked me whether this rule would be justifiable. It is rather difficult to give a dogmatic answer. Personally I think it would be a justifiable matter. If the local Government included in this category of reservations such a large number of seats, I think one could very well go to the Federal Court and Supreme Court and say that the reservation is of such a magnitude that the rule regarding equality of opportunity has been destroyed and the court will than come to the conclusion whether the local Government or the State Government has acted in a reasonable and prudent manner. Of course, they are matters of litigation...”<sup>11</sup>

When we look into the pages of the Constituent Assembly Debates, we see that the expression like ‘Backward Classes’ or the word “backward” did not find any place in the Draft Constitution when the House decided Constitutional protection to the communities that have been left behind in the race of life. It was “an after thought”, that the Drafting Committee had devised for the purpose of anticipating the possibility of this provision being applied to a large section of the community. In the process of the debate, the makers of our Constitution also admitted that” Certain members of the Scheduled Castes have expressed a doubt whether by the use of the word ‘backward classes’ their

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<sup>10</sup> Constituent Assembly Debates, Lok Sabha Ssecretariat, Second Reprint, 1989, pp.699-702.

<sup>11</sup> Ahluwalia, S.S. and Rao, K.N., *Mandal Report X-Rayed* (New Delhi: Eastern Books, 1990), pp.127-135.

rights or privileges or opportunities will be curtailed in any manner.”<sup>12</sup> The debates in the Constituent Assembly in 1948 brought forth the following points which have not been settled so far in last 54 years and which still have to be settled judicially finally.

- (a) What should be an acceptable definition of ‘Backward’ or ‘Backward Classes’? The Census Reports of 1921 and 1931 can be made use of, since enumeration, to arrive at some definition, but only workable definition, of backwardness.
- (b) What is the right expression “Backward Class” or ‘Backward Caste’? It is evident that the framers of our Constitution were rather vague on this question. It is ‘caste’ (as the entire treatment has been given only on caste line so far), then automatically the question which arises is: whether SCs and STs are included within the purview of this definition, or it is a separate range of backward castes other than SCs and STs.
- (c) If it is really ‘class’, then ‘economic status’ becomes the basic pre-requisite to give any levels to a particular class. If this position is not accepted then arises a question: what is the justification of giving ‘educational status’ or any other kind of ‘social status’ a priority over the ‘economic status’ to determine a class ‘Backward’.
- (d) Must this provision for discriminatory protection to a deprived community or a group of such communities perpetually stay in the Constitution or this should be given only up to a specific period tie of or upto a stage of country’s socio-economic development. Again, how is that specific tie, period or the stage of socio-economic development to be determined?

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<sup>12</sup> Ibid.

- (e) If a caste is socially or culturally or educationally backward, while at the sometime it remains 'economically forward', whether any discriminatory protection should be extended to that particular caste?

### **WHO SAID WHAT?**

It was on 30<sup>th</sup> Nov. 1948, the makers of Indian Constitution were debating the above issues in the Constituent Assembly. Who were the participants in that great debate? Well, many, what did they say? And what did they finally decide?

They debated the issue thread bare, but decided to pass on the baby to the Supreme Court as a justifiable matter to be fought generations after generation.

The Constituent Assembly was formed to reach the goal of socio-economic and political democracy to prepare the Constitution for the Independent India. Even Dr. Ambedkar was against the formation of such a Constituent Assembly and said it is dangerous rather than profitable because the fear of corruption and bribery being used in the Indian Constituent Assembly to buy over members to support decisions desired by interested groups are very real which he had seen in Scottish and British Parliament.

The Constituent Assembly was formed and Dr. Rajendra Prasad was elected as its President on 22<sup>nd</sup> January 1947. The Assembly unanimously adopted the 'Objective Resolution' placed by Pandit Jawaharlal Nehru. Dr. Rajendra Prasad declared... "To all we give the assurance that it will be our endeavour to end poverty and squalor and its companions hunger and disease, to abolish distinctions and exploitation and to ensure decent conditions of living..." Other national leaders expressed similar sentiments. Sri Jawaharlal Nehru, for instance, said, "The service of India meant ... the service of the millions who suffer...we have to build up the noble mansion of free India where all her children may dwell..." 'Objective Resolution' was directed towards socio-economic justice, to build-up a sound socio-economic

foundation for political democracy. The aim was an all round attack against poverty. The final draft of the Constitution was adopted on 25<sup>th</sup> Nov, 1949.<sup>13</sup>

We give below some excerpts of the debates in the Constitution Assembly to underline the orientations and reasons of the founders of the modern Indian republic in the context of the provisions of reservation for the Other Backward Classes.

**Sri Loknath Misra (Orissa: General)**

To my mind clause (1) Covers all cases and clause (2) is definitely included in clause (1), and clause (3) which refers to reservation of appointment to backward classes in really unnecessary because it puts a premium on backwardness and inefficiency. Every body has a right to employment, food, clothing, shelter and all those things, but it is not a fundamental right for any citizen to claim a portion of Government employment, which ought to go by merit alone. It can never be a fundamental right.”<sup>14</sup>

**Sri Damodar Swaroop Seth (United Provinces: General)**

Who will not believe it, Sir, that, reservations of posts or appointments in services for the backward classes, means the very negation of efficiency and good government? More over it is not easy to define precisely the term backward, nor it is easy to find a suitable criterion for listing the backwardness of a community or class. If this clause is accepted, it will give rise to casteism and favoritism which have nothing to do in a secular state”.

**Pandit Hirday Nath Kunzru (United Provinces: General)**

Sir I am not in principle against the protective of the interests of classes that are at present unable to look after themselves, unaided, but this article, as it

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<sup>13</sup> Joshi, B.R.(1992) Crypto-capitalistic Constitution of India and Socialist Ambedkar (Page 25-34). Publication Division, New Delhi.

<sup>14</sup> Ibid.

is, presents several difficulties. In the first place, the word backward is not defined any where in the Constitution.

**Dharam Prakash** (United Provinces: General)

It is an undoubted fact that 'Backward' class has not been defined so far and there is no possibility of its being defined in the near future. In fact, there is no community which does not have a section of people which is backward, whether economically or educationally or socially. Thus there are backward people in every community. I submit that the words 'Backward Class', should be substituted by, 'Depressed Class' or 'Scheduled Class' because the latter have a definite meaning.

**Sri Chandrika Ram** (Bihar: General)

But as it is, I find that people are wondering why the word 'Backward Classes' has been put in this article and why is it that 'Backward Classes' has not been properly defined. The members of the House who have had the occasion to go through the Census Reports, specially of the years 1921 and 1931 would have found the expression "Backward Class" has in a way been defined therein".

**Sri V. I. Muniswami Pillay** (Madras: General)

".....By putting the word 'backward' to which has already been pointed out by one of the honourable members, it has not been defined properly. So, this throws me in confusion." <sup>15</sup>

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<sup>15</sup> Ahluwalia, op.cit., p. 131.

**T. Channiah** (Mysore)

In South India, Sir, the term 'Backward Classes' is very distinct. The Backward Classes in South India, as I or aware, are either socially backward or educationally backward."

**Sri H.J. Kandekar** (C.P.& Berar: General)

"Because the word "backward" is so vague that there is no definition of this word anywhere. I do not agree with my friend Chandrika Ram saying that the definition of the word "backward" is given in the Census Report."<sup>16</sup>

**Sardar Hukam Singh** (East Punjab: Sikh)

"We have heard of 'Depressed Classes', 'Scheduled Castes', but this 'Backward Class' of citizens, so far as our part of the country is concerned, we have never seen used in any statute----- whereas this new term has made apprehensive the members of the Scheduled castes and they have pressed here that it should be made clear that it only applies to there it is for their benefit, at the same time, it has made the minorities apprehensive whether they are being included....".<sup>17</sup>

**K.M. Munshi** (Bombay: General)

"I cannot also imagine a time when there is any backward class in India which does not include the Scheduled Castes. Article 301 makes it clear that there will be a commission appointed for the purpose of investigating what are backward classes, which are socially and educationally, Backward. In the Province of Bombay for several years now, there has been a definition of

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<sup>16</sup> Ibid, pp. 131-2

<sup>17</sup> Ibid, p.132.

backward classes which includes not only Scheduled Castes and Scheduled Tribes but also Other Backward Classes who are economically, educationally and socially backward.

Reservation of appointment of posts can be made in favour of any backward class indefinitely. It is desirable that the operation of such a provision should come under review from time to time so that we may be able to see whether the State had taken such steps as were necessary in order to lift these classes from their present position and enable them to compete on terms of equality with the other classes.

**Mr. Aziz Ahmad Khan** (United Provinces: Muslim)

Mr. President, I propose: That in clause (3) of article 10 the word 'backward' be omitted. Sir, I would like to submit that at the time when the Minority Report was submitted to this House, the word 'backward' was not there and we had finally decided that it is unnecessary to include the word 'backward'.<sup>18</sup>

**Sir Ari Bahadur Gurung** (W.B: General)

Sir, May I like that the word 'backward' includes three categories of people, namely Scheduled Castes, Scheduled Tribes and one particular Class which is not included so far, under the term 'backward' although it is educationally and economically backward? "If I may say so, Sir, 90 per cent if not more of the Indian people are educationally and economically backward, the meaning of the word 'backward' seems to be vague to me."



**Sri R.M. Nalavade** (Bombay: General)

“But the words ‘Backward Classes’ are so vague that they could be interpreted in such a way as to include so many classes which are even educationally advance. If the word ‘Scheduled Caste’ “might have been use it would have been easier for the depressed classes to get adequate representation in the services.”<sup>19</sup>

**T. T. Krishnamachari** (Madras: General)

A number of friends objected to the word ‘Backward’ and the word ‘Backward’ did not find a place.

Who are the backward class of citizens? If the basis of decision is literacy, 80 percent of our people fall into the backward class citizens, Perhaps the Supreme Court will have to find out what the intention of the framers was as to who should come under the category of backward class. It is a class, which is based on grounds of economic status or on grounds of literacy or on grounds of birth? So, I cannot congratulate the Drafting Committee on putting this particular word.

**The Honourable Dr. B.R. Ambedkar**

Dr. B.R. Ambedkar use of the word ‘backward’ in clause (3) of article 10, I should like to begin by making some general observations so that members might be in a position to understand the exact import the significant and the necessity for using the word ‘backward’ in this particular clause. There are three points of view, the first is that there shall be equality of opportunity for all citizens. It is the desire of many Member of this House that every individual who is qualified for a particular post should be free to apply for that

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<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

post, to sit for examinations and to have his qualifications tested to as to determine whether he is fit for the post or not and that there ought to be no bending of this principle of equality of opportunity.<sup>20</sup>

Secondly, that there shall be reservation in favour of certain communities which have not so far had 'proper look-in' so to say into the administration.

In Sub-clause (3) of Article 10 of the Constitution, they will find that the view of those who believe and hold that there shall be equality of opportunity, has been embodied in sub Clause (1) of Article 10. It is a generic principle. At the same time, we had to reconcile this formula with the demand made by certain communities that the administration, which has now-for historically reasons been controlled by one community or a few communities, that situation should disappear and that the others also must have an opportunity of getting into the public services. Supposing for instance, we were to concede in full the demand of those communities who have not been so far employed in the public services to the fullest extent, what would really happen is, we shall be completely destroying the first proposition upon which we are all agreed, namely, that there shall be an equality of opportunity. Supposing, for instance, were made for a community or a collection of communities, the total of which come to something like 70 per cent of the total posts under the State and only 30 per cent are retained as the unreserved. Could anybody say that the reservation of 30 per cent as open to general competition would be satisfactory for the point of view of giving effect to the first principle, namely, that there shall be equality of opportunity? It cannot be in my judgment 'Therefore the seats to be reserved, if the reservation is to be consistent with sub-clause (1) of Article 10, must be confined to a minority of seats.'

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<sup>20</sup> Ibid.

To sum-up, most of the representatives were against the provision of reservation for “Backwards Class” except scheduled castes and scheduled tribe in the government jobs. Some members were against the use of term “Backward Class” because it was not mention in the Constitution. The opponents feared that it would give rise to casteism and favoritism, which should have nothing to do in a secular state. They further said that every body has a right to employment, food, clothes, shelter to all other necessary things, but it signed a fundamental right for any citizens to claim a portion of state employment, which ought to go by merit only. They supported the concept of ‘depressed class’ or ‘scheduled caste’ because the latter have definite meaning.

It was strongly urged that the some of identifying the OBC must be settled from time to time change the appointment of commission to inquire into the condition of the various classes. According to him, there is no enumerative of the classes to which the inquiry will refer any class is backward or not, should be deft to the law courts to decide.

On the other hand, Dr. B.R. Ambedker and many other members for not supporting the reservation for Backward Classes. They fully supported the word ‘Backward’ in clause (3) of Article 10 of the Constitution. He suggested that there should be equality of opportunity. which has been embodied in sub-clause (1) of article 10 and there shall be reservation in favours of certain communities, which have not so far proper clause in the administration.

**CHAPTER 2**  
**DYNAMICS OF BACKWARD CLASS MOVEMENTS**

After an over view of the 'History of Backward Classes' and a discussion about the concept of 'Backward Classes' and the Constituent Assembly Debate. It may be relevant to analyse the "Dynamic of Backward Class Movements", these have been Pre and Post Independence Backward Classes Movements, in Karnataka, Tamilnadu, Bombay and Northern part of India. Because of these movements there was the 'evolution of reservation' policy and certain realities of the people got the place in government jobs through the reservation system. They got the reservation according to the proportion of their population. After the Independence the Government continue this policy of reservation so that the Backward Class could get the place in the Governance. They made such provisions in the Constitution for their upliftment or for equal social status in the society.

### **The Maharashtra Backward Classes Movements**

In the 19<sup>th</sup> century Maharashtra, Poona and Kolhapur provided leadership to the emergence of Backward Classes Movement in India. Jotiba Phule (1827-1890)<sup>1</sup> of Poona who belonged to the Sudra caste of gardner. Who is acknowledged as the father of the non-Brahmin movement in India.

He made the first efforts to assist the low castes opened schools for the Irritated by caste inequalities, He called upon the people to revolt against Hindu castiest gods and the degrading religious practices. And preached for the abolition of false beliefs, meaningless rituals and irrelevant customs. and work for their emancipation from the age old degradation as Shudras in social status, education and religion.

Jotiba Phule founded the Satya Shodhak Mandal to unite all the Backward Classes on a common platform and Jotiba advocated representation for all castes in public services.<sup>2</sup> On this basis, Ambedkar (1891-1956)

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<sup>1</sup> Hoda, Sagar Preet, *Contesting Reservation: The Indian Experiment on Affirmative Action* (New Delhi, Rawat Publications, 2001), pp.55-61.

<sup>2</sup> Singh, S.N., *Reservation Policy for Backward Classes* (New Delhi: Rawat Publications).

demanding reservation of seats for the before the Simon Commission (1927) and Round Table Conference (1930-31). The Poona Pact (1932) provided permanent reserved seats in independent India. Thus, Ambedkar became the prime symbol of the backward classes.

The Brahmin-Non-Brahmin controversy in Bombay began in 1891 when R.P. Parajobe with the new claim of the Maharaja of Kolhapur, a descendent of the Great Shivaji, The Maharaja, displeased with the Brahmins, devoted much of his time to the non-Brahmin movement. And declared in 1902 that he would reserve at least half the posts in the state for qualified man of the non-Brahmin Communities. Earlier, the Prince had appointed as his Prime Minister a Kayastha Prabhu, Rao Bahadur Sabnis.

And he was the first non-Brahmin to be the Dewan. The Prince started a hostel in Kolhapur city for educating Marathas, Muslims and Jains youths, who were students at the Rajaram College Kolhapur, therefore, has been a landmark in the backward class movement towards equality.

### **The Karnataka Backward Classes Movements**

During 1851 to 1881 reservation were made for non-Brahmins as the Brahmins had monopolized the services and the professions in Mysore state. In 1895, appointments in police department were made on reserved posts in fixed proportions in favour of Brahmins Muslims and other Hindu Castes, a circular was issued by the Mysore Government reserving some posts for the backward classes. In 1914, Government introduced a new post of Assistant Commissioner for backward classes. But their position did not improve.

In the year 1882, the Mysore Representative Assembly was constituted on limited franchise to enable the people to voice grievances and aspirations, but with no legislative powers.<sup>3</sup>

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<sup>3</sup> Ibid.

The political consciousness was slowly build-up amongst the dominant castes like Lingayats and Vokkaligas. In 1905, the Mysore Lingayat Education Fund Association and in 1906 the Vokkaliga Sangha were founded in Bangalore and they started taking interest in the education, services and professions of their community members. But the Representative Assembly was an effective new democratic forum for the people to express their grievances and pass resolutions.

In 1912, M. Viswaswarayya became the Dewan in mysore state and stood for the age-old policy that “the best man should have the job.” The Maharaja detested this policy and being influenced by the debates in the Representative Assembly and the representations made by the various caste and community organizations, declared firmly in unequivocal for appointing non-Brahmins into the service.

In 1918, the Maharaja of Mysore observed that Brahmins as well as all the other important communities in the state are also adequately represented in the services of the state. For this purpose, the Government appointed miller committee in August 1918 under the Chairmanship of Sir. Leslie C. Miller.

The Committee submitted its report in July 1919, which said that even during 1916 and 1918, the position of the non-Brahmins did not improve. “We find that the results obtained have not show any progressive reduction of the inequality each year.” And suggested that backward classes should include all communities other than the Brahmins, Anglo-Indians and Europeans.

### **The Tamil Nadu Backward Classes Movements**

The job reservation issue in Tamil Nadu has a long history. Only after a constant struggle did the backward classes get a better deal for themselves. In Tamil Nadu, earlier, only Brahmins were considered as the upper caste.

In 1918, the Brahmins occupied 64.86 per cent of the total gazetted posts and it declined to 35.72 per cent in 1947.<sup>4</sup> This trend continued even after independence. The situation in non-gazetted posts was also same. Special representative was given to non- Brahmins in the Government of India Act 1919. It not only helped in the rise of non-Brahmin political parties in the Madras and Bombay presidencies, but also preferences in the field of education and public employment.

**Table 1**

**Caste and Public Employment Tamil Nadu: 1918-57**

Year	Gazetted Posts		Non-Gazetted Posts	
	Total No.	Brahmin %	Total No.	Brahmin %
1918	370	64.86%	13,946	69.64
1936	760	61.32%	22,615	49.65
1947	1298	46.89%	37,820	37.50
1957	1797	35.72%	57,516	27.65

In the three subsequent census of Madras presidency in 1911, 1921, and 1931 the Brahmins were only 3 per cent, 3.5 per cent, and 2 per cent respectively of the population. But the percentage of students among there was 35.5, 39.5 and 31 respectively. It reflects their keenness of learning. The non-Brahmins (including Harijans and all other Hindus) were 86, 85.5 and 86 per cent respectively of the total population. The percentage of students among them was only 41.5, 44.5 and 47 respectively.<sup>5</sup> It shows some upward mobility of the number of students among them. The low level of education among non-

<sup>4</sup> Ibid.



Brahmins was responsible for the poor percentage of employment in government services. Therefore, they started demanding better facilities for themselves in a organized way.

**Table 2**

**Educated Population by Community 1911, 1921 and 1931**

	1911		1921		1931	
Brahmin	3.	35.5	3.5	39.5	2.0	31.0
Non-Brahmin	86.0	41.5	85.5	44.5	86.0	47.0
Muslim	6.5	5.5	6.5	5.0	7.0	6.0
Christian	3.0	13.5	3.0	10.5	4.0	12.0
Others	1.5	4.0	1.5	1.0	1.0	4.0
	100	100	100	100	100	100

**Source:** Census of India, Madras, 1911,

Reports on Public instructive in the madras presidency for the years 1911, 1921 and 1931.

In the second decade of 20<sup>th</sup> century, the non-Brahmin leaders started the non-Brahmin movement in Madras presidency they were aware of their educational backwards and the monopoly of Brahmins in English education and Government Jobs. Brahmins constituted about 3.5 per cent of the total population of old Madras presidency, but enjoyed more than 70 per cent of the total Government posts. The non-Brahmin manifesto of 1916 launched against the ritual supremacy, and worldly success of the Brahmins. And formed justice Party and started demanding adequate representation of non-Brahmins in the legislature and in all branches of administration. Newspapers like justice,

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<sup>5</sup> Ibid.

Dravidan and Andhra Prakasika against manifesto of the Justice Party and non-Brahmin movement.

The justice Party's demand was accepted by chief Secretary of the Madras Government. The Montague Chelmsford communal award of 1919 also gave protection of non-Brahmin Hindus through plural member constituencies. The reservation policy was introduced during the British rule. In Madras the term 'Backward' was first used in the department of Education in the context of payment of stipends to students coming from 'illiterate' and 'indigent' castes. The number of Backward Classes, which was 39 in 1895, rose to 113 in 1913, 128 in 1920, 152 in 1950 and 253 in 1994.

The recruitment to services on a communal basis was regularized and a definite quota for different communities in posts under the government was prescribed. And job priority should be given to those belonging to least represented community. In 1922, The reservation policy introduced by the Government of India for non Brahmins. In 1947, 21 per cent gazetted and 20 percent non gazetted post were filled by Brahmins and rest post occupied by non- Brahmin.

In 1950, the system of communal representation in the services of the state was abrogated, and the benefit of preferential treatment was reserved for the Scheduled Castes, Scheduled Tribes and OBCs. On the basis of the 1957 census and in the eve of separation of Andhra Pradesh from Tamil Nadu in 1954, the reservation was changed to 16 per cent for the SCs/STs and 25 per cent for the Backward Classes.

**Table 3****Communal Quotas in Madras 1927 and 1947**

Categories	Posts to be Allocated	
	1922	1947
Non Brahmin Hindu	5 out of 12	6 out of 14
Backward Hindu	---	2 out of 14
Brahmin	2 out of 12	2 out of 14
Muslim	2 out of 12	1 out of 14
Anglo Indians and India Christians	2 out of 12	1 out of 14
Scheduled Castes (Depressed Classes)	1 out of 12	2 out of 14

**Sources:** Report of Tamil Nadu Backward Classes Commission 1970, p. 39.

The proportion of jobs to be given to each group was revised in the manner as shows in

In 1947, for the first time, backward Hindus appeared as a separate category for the purpose of preferential treatment.

The reservation made for the SCs, STs and OBCs under the reforms of 1908 also compelled the Muslim to demand reservation in the Government services in proportion to their population. The Government of India Act of 1919 (also known as Montague Chelmsford reforms) provided for separate representative in the legislatures of Muslims, Sikhs, Anglo-Indians and Indian Christies. The Government of India Act of 1935 also provided for separate electorates for Muslims and the Governor General and Governors were put under the obligation to safeguard the interests of minorities in the instrument of

instructions. But it was not until about 1935 that the Muslims were able to secure reservation of 25 per cent of the recruitment to the central services where there was direct recruitment. Some time later reservation was made for Muslims in the civil services through competitive examinations to the extent of 25 per cent.

Due to the ceaseless efforts of Ambedkar, the depressed classes first obtained 8.33 per cent reservation in the central services in August 1943 and got it raised to 12.5 per cent in June 1946. It raised was further raised to 16.66 per cent after independences after creation of Pakistan on August 14, 1947, reservation for minorities abolished, but SCs and STs continued to get reservation in proportion to their population. In Sept. 1993, OBCs of India got 27 per cent reserved seats in the central services. They are also fighting to get benefits of reservation in educational institutions run by the Central Government. In many states, the OBCs are getting reserved seats in educational institutions, specially technical and professional education.

In the states where backward classes movement were stronger during the British rule, such as Tamil Nadu, Karnataka, Andhra Pradesh, Kerala and Maharashtra, along with SCs and STs, the OBCs also got benefit of preferential treatment in the early 1950s. In the states of Bihar, Uttar Pradesh, Gujarat, Punjab, J & K and Himachal Pradesh, OBCs benefited from reserved quotas in the 1970s. Now, along with all-India services, the OBCs are getting benefit the reserved quotes in all the states and union territories.

During the British rule, several social reformers, notably Jyotiba Phule, Chatrapati Shahu, Periyar Ramasamy and B.R. Ambedkar worked for the upliftment of backward classes. After independence, besides B.R. Ambedkar people like Jagjivan Ram and V.P. Singh safeguarded the rights of SCs and STs. In the context of reservation for OBCs, the former Prime Minister V.P. Singh showed the courage to reserve 27 percent quota for there in all efforts have fulfilled the long cherished dream of OBCs after 46 years of

independence. It was the culmination of long struggle of OBCs for social justice.

### **Triveni Sangh of Bihar**

At the time of independence, in the South, Backward Classes were capable of pressuring provincial governments for enhancing their share in the polity and economy. In North people realise the upward mobility of SC/Sts through the reservations. That led them for the struggle for the status of BCs. Bihar, Uttar Pradesh and Haryana have shown greater urge for the benefits by the status of 'backward'. The Yadavas, Kurmis and Koeries are dominant backward castes in Uttar Pradesh and Bihar and they are spearheading the Backward classes Movement. The most dominant caste, Jats in Haryana was also declared backward in 1990 and granting of reservations in Government services.

Ram Manohar Lohia argued that backward castes in the Indian Context are nothing but BCs and demand reservations for BCs. In Bihar, Kurmis formed alliances with agriculturist castes and the Yadavas formed a socio-political organisation known as 'Triveni Sangh' which became the forebearer of the movement known as 'Other backward Castes'.<sup>6</sup>

The Backward Class Movement in India can be attributed to social, economic and political factors in the post-independence era. They were able to capture the local and provincial sources of power by their numerical strength. The Green Revolution and Land Reform paved the way for their economic improvement. Having gained political and economic power, they also wanted to increase their share in bureaucracy. The Backward Classes urge to enhance their share in the sphere of bureaucracy made them demand reservations in government jobs.

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<sup>6</sup> Hooda, Sagar Preet, op.cit.

This can be concluded that while the Backward Classes Movements succeeded in getting reservations in the South during the pre-independence era, but in North the demand or reservation is a exclusively a post-independence phenomenon and only the new middle class peasantry played the pay role for the demand for reservation

### **Evolution of Reservations**

19<sup>th</sup> century to present, the beginning with reservation of jobs in Government services, and than seats in legislative or other representative bodies to educational institutions for their economic advancement. The evolution of reservations policy can be traced through three facts, viz.

- (1) Reservation of jobs,
- (2) Political representation, and
- (3) Educational and economic uplift.

#### **(1) Reservation in Government jobs:**

Reservation of jobs in Government on community and case basis has started from the second quarter of the nineteenth century when Jyotiba Phule of Puna raised the demand for adequate representation for members of all castes in the public services. Shav Chatarapati, the Maharaja of Kolhapur took up the cause advocated by Phule in 1880. The Maharaja was instrumental in securing special representation for non-brahmin classes under the Montagu Chelmsford Reforms.<sup>7</sup>

In the Bombay Province people were divided into three groups and first group was consisted as intermediate and Backward castes. Other Provinces also adopted this policy of reservation of a certain percentage of posts in Government service to Non-Brahmin castes. In Madras the anti-brahmin Justice Party which came into power under the Montage-Chelmsford Reforms,

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<sup>7</sup> Chandren, E., *Issues in Reservation* (New Delhi: Cosmos Bookhives), p.18

vigorously pursued the system of communal rotation to accord representation to all the recognized backward class groups and thereby attempted to remove inequalities of representation in public services. In 1895 the princely states, Mysore ordered for reservation of posts for all communities except Brahmins. The Government of Travancore and Cochin adopted a similar policy. The undivided Bombay and the Southern states were, thus, the first to recognize the claims for representation of backward classes in the public services.

Reservation of jobs under the Government of India was also introduced in the pre-independence days. In 1925 the Government initiated the policy of reserving a certain percentage of direct appointments in Government service to the minorities communities and in 1934, an order issued that 25 percent of all jobs to be filled by direct recruitment should be reserved for Muslims and  $8\frac{1}{3}$  percent for other minor communities. In August 1943, by an order the Government reserved 8.5 percent of the vacancies for the Scheduled Castes although they were entitled for 12.75 percent reservation on the basis of population. The reservation was raised to 12.5 percent in June, 1946 to correspond to the percentage of population of the Scheduled Castes to the total population of the country but no reservation for the tribal people.

After Independence the new policy of the Government services enunciated that the recruitment made by open competitive examination was concerned reservation for communities other than Scheduled Castes should be withdrawn. But the case of recruitment on all India basis of open competition, there was to be reservation for Scheduled Castes (16.66 percent) Muslims (13.33 percent) and other minority communities (10 percent). But in case of direct recruitment the reservation of Scheduled Castes continued to be 12.5 percent.

“The first is that there shall be equality of opportunity for all citizens. It is the desire of many members of this house that every individual who is qualified for a particular post should be free to apply for that post, to sit for

examinations and to have his qualifications tested so as to determine, whether he is fit for the post or not and that there ought to be no hindrance in the operation of the principle of equality of opportunity.

“Another union mostly shared by a section of this House is that if this principle is to be operative... there ought to be no reservations of any sort for any class or community at all, that all citizens if they are qualified, should be placed on the same footing of equality so far as the public services are concerned.”<sup>8</sup>

Thus, the Constitution while adopting the general principle of non-discrimination based on religion, caste, etc. has made an exception in so far as Scheduled Castes, Scheduled Tribes and Backward Classes are concerned.

### **(1) Political Representation:**

Political representation as a means to emancipate the backward sections of India society from the age-old bandage did not find a Champion or given recognition during the 19<sup>th</sup> century. Even the Government of India Act 1909, which conferred special safeguards and privileges on the Muslims did not give representation to the depressed classes in legislative bodies. The Montford Report (1918) also, similarly, extended this reservation only to Sikhs. But it was the Franchise Committee (1918-19), which recognized the claims of depressed classes. This committee favoured the system of nomination in place of election as the most expedient and practical method of political representation to than.

It stated that: We have been driven to the expedient of nomination for the representation of the depressed classes for political representation. The depressed classes thus acquired the status of an important political utility, which could not be overlooked in any future scheme of Constitutional reforms.

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<sup>8</sup> Ibid.



In the Constituent Assembly, the problem of safeguarding the interests of minorities was re-examined in the changed political context. Initially, the opinion was in favour of abolition of separate electorates but reservation of seats for minorities for a fixed period. In July 1947, the Minorities Bi-Committee recommended the system of reservation of seats for recognized minorities for a period of ten years instead of separate electorates. The Drafting Committee accepted this recommendation and the Draft Constitution accordingly provided for reservation of seats in the Union Legislature for the minorities. In May 1949, a proposal was moved in the Advisory Committee that the system of reservation of seats for minorities in the Legislature should be abolished. While the Muslim members welcomed it, the representative of the Scheduled Castes put forward the plea that as they were backward, the system of reservation would help in safeguarding their interests and facilitate their advancement. Accordingly, the Advisory Committee passed a resolution, which read: "That the system of reservation for minorities other than Scheduled Castes in the Legislature be abolished".<sup>9</sup>

Thus, the Constitution made an exception in the case of Scheduled Castes and Scheduled Tribes on the ground of their backwardness for ten years.

### **(3) Education and Economic Up-liftment:**

Scheduled Castes received their first education in the mission schools. The Government schools set by the British Government were open only to the upper castes. By a Government order of April 28, 1858, the Education Departments in India made rules to admit Children of Scheduled Castes in all Government schools. Thereafter, separate schools were opened for Scheduled Castes. The Indian Education Commission (1881-82) which examined the problem in detail, made the following recommendations.

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<sup>9</sup> Ibid.

- (1) Wherever there are sufficient numbers of Scheduled Caste children separate schools or classes are to be opened for the in schools maintained by public funds.
- (2) Every institution, maintained by or receiving aid from public funds, whether provincial municipal or local, should not refuse admission to a child of a Scheduled Castes on the grounds of caste alone.

Both these recommendations were accepted by the Government and there was greater progress in the education of Scheduled Castes in the subsequent years. By 1921-22, a fair beginning of education of Scheduled Castes had been made.

### **Constitutional Safeguards for Backward Classes (Scs/STs/OBCs)**

First time in 1942 the Government of India decided to fix a certain percentage of jobs for the depressed Classes. In 1943 8 ½ percent of job-reservation was provided for the depressed classes. However the percentage of the Scheduled Castes population according to 1931 census was 12.75% and the reservation was applicable only in case of recruitment and not in case of promotion. In 1946 the percentage of reservation was raised from 8 ½ to 12-½ % corresponding to their population. Therefore the era of emancipation of these depressed castes from the legacy of the past began with the advent of the British rule and major spokesman like Ambedkar and Mahatma Gandhi took keen interest in their affairs. But the real Constitutional provisions on it came since 1950 with special justice as the fundamental Constitution end. The Constitution makers were fully aware of their fact and hence resolved to constitute India into a sovereign, socialist, secular, democratic and Republic and inter-alia, secure justice, social, economic and political as enshrined in the preamble. The Constitution is an instrument for social, economic and political transformation.

Article 37 provide directive principles that the state shall strike to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice economic and political shall inform all the institutions of the nation life. The state shall also strike to minimise the

inequalities in economic and ensure to eliminate inequalities in status, facilities and appropriates not only among individuals but also amongst group of peoples residing indifferent vocations.

According to Article 39, state shall direct its policy towards securing that citizens men and woman equally have the right to an adequate means of livelihood, that the ownership and control of the material resources of the community are so distributed as best to sub serve the common goal, and that the operation of the economic system does not result in the concentrative of wealth and means of production to the common determinant etc.

The area of employment offices and appointments under the state is controlled by Art.16 along and preferences within this area must be within the scope of Article 16 (4). This includes judicial offices as well as administrative posts, but not elective offices. Article 16 (4) covers the preferences in initial recruitment into Government Services. The legal provisions are embodied Part XVI of the Constitution of India, which is entitled “special provisions relating to certain classes.”

In 1950 the Constitution-makers visualised need to make special provisions only for the following classes. Scheduled Tribes, Anglo- Indian Community and Socially and educationally backward classes, persons the Constitution makers provided for different level and types of concessions for the Scheduled Caste and Scheduled Tribes under Article 330 and 332 seats Loksabha and Bidhan sabha were required to be reserved on the basis of their population it was envisaged that these reservation of seats would be available for a period of 10 years only But with subsequently amendments to the Constitution, this period has been extended from time to time for the Anglo-Indian community the facility of reservation of seats in the Loksabha was also provided to the extent to two seats by nomination by the President of India.

However, there is category of special provisions under Part XVI relates to appointment to services and posts in connection with the affairs of the Union of a state for the scheduled Castes and scheduled Tribes and the Anglo Indian communities. For the Anglo-Indians Article 336 provides reservations in the

railways, customs, postal and telegraph services of the Union Government on the basis, as they were available to them immediately before August-15, 1947. These reservations however were to be reduced every two years by 10 % and it was also envisaged that there should be no reservation for them from year 1960 onwards.

Article 335, of the Constitution provides that consist with the maintenance of efficiency of the administration, the claims of the members of the Scheduled Castes and Scheduled Tribes shall be taken into consideration in the making of appointment to services and posts in connection with the affairs of the union or of the states. After independence, out of the posts filled directly on an all India basis by open competitive examination 12 ½% were reserved for SC and 5% for ST. These percentages were raised to 15% to SC and 7-½ % to ST in 1970. The posts filled on all-India basis other than by open competitive, 16-2/3% are reserved for SC and 5% for ST (raised to 7-½% in 1970).

As regards the socially and educationally backward classes, now popularly called “OBCs” the only special provision for them is under Article 340 of Part XVI of the Constitution, In consonance with the provisions of directive principles of state Policy, under Article 340 of the Constitution, provision has been made for the appointment of commission by the President of India to investigate the conditions of Backward Classes. The provision under Article 340 is supplemented by clause (4) of Article 15 which state that nothing in this Article (Art.15 relates to prohibition of discrimination on ground of religion, race, caste, sex and place of birth) clause (2) of Article 29 (Art.29 relates to protection and interest of minorities) shall prevent the state from any special provision for the advancement of any socially and educationally Backward Classes of citizen of for the SCs and STs.

There are some other Constitutional Safeguards for Backward Classes (SCs/STs/OBCs)

**Article 14:** Right to Equality: The state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.<sup>10</sup>

**Article 15 (4):** Nothing in this article on state for making any special provision for the advancement of socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes.

**Article 16 (4):** Nothing in this article shall prevent the state from making any provision for the reservation of appointment or posts in favour of any backward class of citizens which in the opinion of the state is not adequately represented in the Services under the State.

**Article 17:** Abolition of Untouchability: Untouchability is abolished and its practice in any disability arising out of Untouchability shall be an offence punishable in accord with law.

**Article 19(5):** Safeguard of Tribal Interest Property, under which the right of free movement and residence throughout the territory of India and of acquisition and dispossession of property are guaranteed to every citizen, special, restriction may be imposed by the state for the protection of interest of the members of the Scheduled Tribes under Article 19 (5).

**Article 46:** Protection of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.

**Article 164:** Minister in charge of Tribal welfare in the states of Bihar, Orissa and Madhya Pradesh

**Article 275 (1):** This article requires the Union to give grants in aid to the states for meeting the costs of Schemes of welfare of Scheduled Tribes and for

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<sup>10</sup> This Article and the subsequent Articles are taken from Hooda, Sagar Preet, op.cit.

raising the level of administration of the Scheduled Areas in a state to the that of the administration of the areas of the state. Article 330,332 and 334: Reservation in the Loksabha and Bidhan sabhas.

**Article 335:** limits of Reservation.

**Article 338:** There shall be a National Commission for the Scheduled Castes and Scheduled Tribes to be appointed by the president. It shall be the duty of this commission to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution and to report to the president upon the working of these safeguards annually or at such intervals as it may deem fit. And the president shall cause all such reports to be laid before each house of Parliament.

**Article 339:** The president may, at the expiration of the years from the commencement of this Constitution, by order, appoint a commission to report on the administration of the Scheduled Areas and the welfare of the Scheduled Tribes in the states.

**Article 340:** This article provides for the appointment of a commission to investigate the conditions of backward classes.

### **Protective Discrimination**

The Constitution of India provided protection for Backward Classes to help the overcome their social disabilities, certain proportion of seats in the parliament and in the state legislatures was reserved for SCs and STs as were the jobs in the Government and seats in educational institutions. The Constitution abolished Untouchability through the Untouchability Act, 1955. Protection of Civil Rights Act of 1976 and prevention of Atrocities Act 1989 also were passed. Backward Classes other than SCs and STs were also brought under the protective discriminative policy with the decision of the Government of India

in 1990 to implement the recommendations of the Mandal Commission report and recommendation regarding the benefits to be extended to the socially and educationally backward classes. 27% of the vacancies in civil posts and services under the Government of India are to be reserved for socially and educationally Backward Classes in case of direct recruitment.

To sum up, the Pre-Independence Movements which started from Maharashtra, lead by Jyotiba Phule was make aware the backward class people for their rights. After that there were other Movements like Karnataka, Tamil Nadu, Bombay and in Northern part of India started due to these movements the concept of reservation came into existence. They got special treatment from the British Government. After getting independence Indian Government followed the same rules and regulations towards the Backward Classes and there are special provision for them in our Constitution, so that they could make their life better and live in the society with the dignity.

The next chapter-3, which is going to talk about the due to the Constitutional provision for Backward Classes in our Constitution, the State Governments and Central Government set-up different commissions/committees in different period for upliftment of their status in the society.

**CHAPTER 3**

**SIGNIFICANCE OF BACKWARD CLASS**

**COMMISSIONS AND THEIR RECOMANDATIONS**



In this chapter a presentation will be made about the Kaka Kalelkar and Mandal Commission Reports as well as the State Government, which appointed different Commissions to identify the Backward Classes in their states and recommendation for their upliftment.

The Constitutional Provisions for reservation are intended to create conditions for the social advancement of the historical depressed class, their integration into mainstream society and participation in its opportunity structure and equal terms with the advanced groups. In Article 14(4), there is special provision for the advancement of any 'socially and educationally backward class of citizens', and in Article 16(4), for reservation of jobs in government services in favour of any 'backward class of citizens'.

There was the provision in Article 340 for the appointment of a Commission to find out the conditions of the 'socially and educationally backward classes'. The Commission will recommend the provisions the upliftment of the Other Backward Classes in the society. It is in pursuance of this provision that the Government of India had set -up two Commissions known as Kaka Kalelkar Commission (1953) and Mandal Commission (1979).

### **Kaka Kalelkar Commission**

Kaka Kalelkar Commission<sup>1</sup> was appointed by the government in 1953. There were eleven members along with Kaka Kalelkar as the Chairman of the Commission. They used four criteria to identify the Other Backward Classes in India.

- (a) Low social position in the traditional caste hierarchy;
- (b) Lack of general educational advancement among the majority of a caste/community
- (c) Inadequate or lack of representation in government service; and

(d) Inadequate representation in trade, commerce and industry

The Commission submitted its report in March 1955. The Commission recognised or identified 2,399 communities as backward and among them 837 as 'most backward' caste.<sup>2</sup>

The Commission recommended the reservation for the other Backward Classes (OBCs) in Government services which is 25 per cent in Class 1, 33.3 per cent in Class 2, and 40 per cent in Class 3 and 4; and 70 per cent seats in all technical and professional institutions.

Some members had difference view about reservations. One apprehended that far from freezing, reservation would strengthen caste and social divisions retard social cohesion, and culminate in disaster; another feared that apart from infecting the caste virus into the body politics, reservation would help only the advanced sections among the backward; the other member said that while caste as a pathological condition of society could not be ignored, it should not be allowed to be used as a source for drawing benefits from the state

The chairman himself repudiated the Commissions work in the last minute, especially its acceptance of caste as the basis of backwardness and recommendations for reservation in public service. Stating that of the 2,399 communities listed, 913 alone accounted for an estimated population of 11.51 crores, and seven crores more among with SCs and STs.

If the whole community regarded as backward, the really needy would be hardly receive any special assistance; nor would such dispensation fulfill the conditions laid down in Article 340 of the constitution. Govt. decided not to draw up all India list of Other Backward Classes and reservation for SCs/STs will be continued in jobs. Govt. rejected to implement the report in 1961.

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<sup>1</sup> Government of India, *Report of the Backward Class Commission*, 3 Vols. (Delhi: Government of India Press, 1955).

<sup>2</sup> Ibid. vol. 2.

The second Commission was appointed to identify the socially and educationally backward class of the society, which is known as Mandal Commission.

### **Mandal Commission**

The first Backward Class Commission failed to identify the huge mass of millions of people clamouring for special treatment. It did not provide any equitable criteria to determine the backwardness of a class as well as the term socially and educationally backwardness. The Janata Party headed by Prime Minister, Morarji Desai appointed B.P. Mandal as the Chairman of second Backward Class Commission along with ten members in 1979, to identify the socially and educationally backward class of the society.

The Commission formulated its indicators to identify the other Backward Classes among Hindus. Four supposedly on caste-based social backwardness, three on educational backwardness, and four on economic backwardness, and four on economic backwardness. The Commission identified 3,743 castes as Backward Class<sup>3</sup> that is not adequately represented in Government services and posts in connection with the affairs of the Union or any state. The Commission submitted its report on December 1980s. The Commission estimated that 52 per cent of total population of India, came under Other Backward Classes (OBCs). The Commission wanted to have 52 per cent reservation for OBCs in proportion with its population estimate, but due to Supreme Court judgement, of that reservation should not cross more than 50 per cent including SCs/Sts, so they could able to get only 27 percent seats in Government services.

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<sup>3</sup> Government of India, *Report of Backward Class Commission*, 2 parts, 7 Volumes (New Delhi: Govt. of India Press, 1980).

There are two important recommendations by the Commission:

- (1) reservation of 27 per cent jobs in Central Services, public sector undertakings under the Central and State governments, nationalised banks, universities and affiliated colleges, government-aided firms in the private sector and state governments, and in promotions at all levels.
- (2) 27 per cent seats in all scientific, technical and professional institutions of education run by the Central and State government.<sup>4</sup>

The Commission also suggested to set-up of backward classes' development corporations and a separate ministry/department for the OBCs, both at the Central and state levels. The Prime Minister of India Sri V.P. Singh implemented some recommendations of Mandal Commission on 7 August 1990.

#### A critical study of the two National Commission's Report<sup>5</sup>

##### Kaka Kalelkar Report

##### Mandal Commission Report

They identified 70 per cent of India's population as backward	They considered 52 per cent of India's population as backward
They did not include Muslim and Christian caste as backward	They included Muslim and Christian Caste as backward.
They recognize 2399 castes as backward	They identified 3743 castes as backward class.

<sup>4</sup> Ibid.

<sup>5</sup> Prasad Anirudh, *Reservation Justice to Other Backward Classes (OBCs)* (New Delhi: Deep and Deep Publications, 1997), p.51.

They identified 837 castes as most backward.	They did not recognize the most backward castes.
They recommended caste was the main criteria for backwardness.	They considered the castes as well as economic and education was main criteria for backwardness.
The Commission set up in 1953 and submitted the report to government on 1955.	The Mandal Commission set-up in Jan. 1979 and submitted its report on Dec. 1980.
It could not be implemented.	It was implemented due to political compulsion or pressure.
It was rejected by Parliament in 1961	Some recommendations of Mandal Commission implemented in August 1990.

**Table 1**

**State Level Backward Classes Commissions/Committees<sup>6</sup>**

Sl. No.	State	Commission/ Committee	Chairman	Year of Report	Criterion
1.	Mysore	Mysore backward Classes Committee	Dr. R. Nigan Gowda	1961	Caste-cum Committee
2.	Andhra Pradesh	A.P. Backward Class Commission, 1968	Manohar Prasad	1970	Caste-cum Occupation
3.	Andhra Pradesh	Andhra Pradesh Backward Class Commission	Anant Raman	1970	
4.	Andhra Pradesh	A.P. B.C.C.	Marlidhara Rao	1982	
5.	Kerala	Kerala backward Classes Commission	V.K. Vishva nathan	1961-63	

<sup>6</sup> Ibid, p.25-28.

6.	Kerala	Kerala B.C.C. 1964	S. Kumara Pillai	1965	Means-cum caste/community
7.	Kerala	2 <sup>nd</sup> Kerala B.C.C.	N.P. Damodaran	1967-70	
8.	Karnataka	Karnataka B.C.C.	Naganna Gowda	1960-66	
9.	Karnataka	Karnataka Backward Classes Commission, 1972	L.G. Havanur	1975	Economic, Residential Occupational
10.	Karnataka	2 <sup>nd</sup> Karnataka B.C.C.	T. Venkatasway	1980-1986	Economic
11.	Karnataka	3 <sup>rd</sup> Karnataka B.C.C.	Justice O. Chinnoppa Reddy	1989-90	-----
12.	Jammu & Kashmir	J.K. backward Classes Commission 1967	P.B. Gajendra Gadpar	1968	Economic, Occupation Habitation, Literacy and Caste
13.	Jammu & Kashmir	J.K.B.C.C.	J.N. Wazir	1969	-----
14.	Jammu & Kashmir	J.K. B.C.C. 1976	Dr. Anarsh S. Anand	1977	Occupation , residence
15.	Bihar	Bihar Backward Classes Commission, 1971	Mungeri Lal	1976	Caste
16.	Maharashtra	Maharashtra Backward Classes Committee, 1961	B.D. Deshmukh	1964	Caste
17.	Punjab	Backward Classes Committee	Brish Bhan	1965-66	-----
18.	U.P.	Most backward Classes Commission 1975	Chhedi Sathi	1977	Economic, Social Education Occupation

19.	W.B.	Backward Classes Committee August, 1980		1980	Poverty and low liberty Standards
20.	Tamil Nadu	T.N. Backward Commission, 1970	A.N. Sattanathan	1971	Local social position
21.	Tamil Nadu	2 <sup>nd</sup> T.N.B.C.C.	J.M. Ambasanbar	1982-86	-----
22.	Gujarat	Backward Classes Commission 1972	A.R. Bakshi	1972-76	Caste
23.	Gujarat	Backward Classes Commission 1981	Justice C.V. Rane	1981-83	Occupation, income
24.	Gujarat	3 <sup>rd</sup> Gujarat B.C.C.	Justice R.C. Mankad	1977	

**Note:** Where two dates are mentioned they refer to year of appointment and year of submission. Where only one is mentioned it refers to year of sub-issue, which is also the year of appointment in some cases.

### **Recommendation by State Governments**

State list of Backward Classes on the recommendations of different Commissions/Committees have been categorised the caste/communities into the different groups. Some of the state government has done it as in Bihar, Tamilnadu, Andhra Pradesh, Karnataka, Maharashtra, and Haryana. State list of Andhra Pradesh is divided in four groups A, B, C, and D. Karnataka state list is divided into five categories as category I, category II(a), category II(b), category III(a) and category III(b).<sup>7</sup> Maharashtra State list is divided in four categories i.e. Denotified, Nomadic, Backward Classes and a category of special castes. Caste/communities in Haryana state list are distributed as block A and block B.

Another division we find in the state lists of Assam and Madhya Pradesh. In Assam state list 94 caste/communities of tea garden labourers separated from other 27 caste/communities while Teli caste is found common

<sup>7</sup> Sharma Shishram, *Protective Discrimination: Other Backward Class in India* (New Delhi: Raj Publications, 2002), pp.66-75.

in both the sub categories. Twenty-six Muslim communities are kept under Islamic group and 86 caste/communities who profess Hindu religion are kept in other group in the state list of Madhya Pradesh.

**Table 2**

**State wise distribution of number of caste/communities of different categories**

S.No.	State/UT	Category	No.of caste/communities covered
1.	AndhraPradesh	GroupA (Aboriginal tribes, Vimukta Jatis Nomadic and semi nomadic tribes)	40
		Group B (vocational)	21
		Group C (Harijan convert)	1
		Group D(other classes)	33
2.	Assam	I (OBC)	119
		II (More OBC)	7
3.	Bihar	I Most Backward	105
		II Backward	33
4.	Haryana	Block A	67
		Block B	5
5.	Karnataka	Category I	89
		Category II (a)	101
		Category II (b)	1
		Category III (a)	3
		Category III (b)	6
6.	Maharashtra	BCs	307
		Special BCs	5
		Nomadic	13
		Semi Nomadic	30
7.	M.P	Islamic Group	26
		Other OBCS	86
8.	Tamil Nadu	BCs	143
		MBCs	41
		Denotified tribes	68
9.	U.P	I Specific benefits in govt.jobs	15
		II only for educational facilities	59



**Source:** Sharma, S. R., Protective Discrimination: Other Backward Classes in India, New Delhi, Raj Publication, 2002.

### **Categorisation of OBCs and appointments of reservation committees**

Sh.Manohar Prasad Commission (1970) for Andhra Pradesh identified four categories of OBCs and recommended 30% reservation for them in education institution and government services as under:

i) Aboriginal Tribes-Vimukta jatis, Nomadic and semi-Noimadic tribes	7%
ii) Vocational groups	13%
iii) Harijan converts	1%
iv) Other classes	9%

L.G.Havanur Commission (1975) for Karnataka recommended 32% reservation (Backward communities-16% Backward casts-10% and backward Tribes-6%) in government jobs and reservation of seats in education institutions for OBCs government of Karnataka has accepted the recommendations of the Commission and added a new category of backward class i.e. 'special group' and made a reservation of 15% for this category. The Commission had recommended 16% reservation in government services; the state government enhanced it to 18%.

Mungeri Lal Commission (1976) for Bihar recommended 23% of jobs including 3% for woman. It also recommended 24% seats to be reserved in engineering, medical and other professional institutions for the OBCs candidates.<sup>8</sup>

On the basis of these recommendations Karpoori Thakur introduced a revised reservation formula in 1978, which is known as Karpoori formula, or Bihar formula. As per this formula, instead of providing 26% reservation to all BCs taken together, as initially envisaged, It was decided to provide 12%

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<sup>8</sup> Ibid.

reservation to exceptionally backward classes,8% to the other backward castes,3% for woman and another 3% for economically weaker section of the upper castes.

A.R Bakshi Commission (1976) for Gujarat recommended (i) 10% seats for the category in medical, engineering and other professional institutions (ii) 10% vacancies in all class III and class IV Government services (iii) 5% of vacancies in class I and class II services in all govt. services, local bodies, state public undertakings, etc. (iv) 10% seats in training cum production centers, and (v) scholarship and other educational facilities to OBCs students provided their family income did not exceed Rs.4800/- per year, this limit revised to Rs.7200 for nomadic tribes.<sup>9</sup>

Justice G. Kumara Pillai Commission (1965) for Kerala recommended the distribution of 25% reservation percentage among five categories as 9% to Ezhavas,8% to Muslims,2% to Latin Catholics,1% to Other Backward Christians,5% to Hindus.<sup>10</sup>

Ramji Mahajan Commission (1983) for Madhya Pradesh recommended (i) twenty five Muslim Communities under Muslim religious group as OBCs (ii) 35% reservation in state services and services under the state run and in the institutions getting grant in aid from the state govt. (iii) concessions available to SCs and STs for admission in Universities for OBCs to the same extent.

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<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

Gurnam Singh Commission (1990) for Haryana suggested reservation of 26% in class I and II and 14% in class III and IV job for OBCs. Besides 5% of all classes of jobs reserved for economically BCS among forward classes. In addition, recommended 2% in class I and II and 1% in class III and IV jobs for Meos, treating it as a special group of its own Kind.

A.N Sattanathan Commission (1970) for Tamil Nadu recommended 33% reservation in state govt. Services for OBCs candidates.

B.D Deshmukh Commission (1964) for Maharashtra recommended 34% reservation in Government jobs and educational institutions and distributed it into four categories:(i) 13% for SCs and SCs converted to Buddhism,(ii) 7% to STs.(iii) 4% to Denotified and Nomadic tribes and (iv) 10% to Other Backward Class .

Justice Indra Sen Israni Commission (1993-98) recommended 21% reservation in service for Rajasthan.

Dr. Adarsh S.Anand committee for Jammu and Kashmir (1977) recommended 42% reservation in Government jobs, technical and professional institutions for OBCs.<sup>12</sup>

Sh.Chhedi Lal Sathi Commission (1977) for Uttar Pradesh recommended 15 castes for specific benefits in Government jobs and 59 castes only for educational facilities. The Commission has classified the Backward Classes into three groups and recommended 29.50% reservation in government services as under: Landless labourers, unskilled workers, non-artisans and domestic servants, Marginal and small cultivators, and Muslim Backward classes.

## **Recommendation of the State Commission of OBCs for Rajasthan**

State Commission of Backward Classes, under the Chairmanship of Shri. R.N Verma (2001) Rajasthan has recommended that all the 74 caste/communities appear in state list of OBCs for Rajasthan should be divided into 3 categories i.e. category A, B, and C.<sup>11</sup>

**Category A:** The following 27-peasant caste/communities are kept in category A and reservation percentage is suggested 6% out of total reservation of OBCs 21% for this category:Jat, Ahir(yadav), charan, Dhakad, Gujar(Gurjar), Kalal(Tak), Kajvi, Patel, Kalvi, Patidar, Anjana, Dangi Patel, Kulmi, mali, Saini, Bagwan, bishnoi, Meo, Kyamkhani, Swarankar Sunar, Soni, Janva, Khegardia, sirvi, Sondhia and Gaddi.

**Category B (Artisan Castes):** 7%reservation - Badwa, jachak, Bhat, Jaga, Rao, Badhai, Khati, Jangid, tarkhan, Suther, darji, Ghanchi, Teli, Kumhar(parjapati), Snara, Kumavat, Bhavsar, Chippa(chippi), Khatti, chippa, rangrej, Nama, Neelgar, Dhiwar, Kahar, Sagarvanshi, Mali, Keet, Mehra, Mallaha(Nishad), Odu, Patwa, Raika, Rewari, Devasi, Thathera, Rawat, Satia, Sindhi Gadit, Nagauri, silawat, cheyjara, Lodhy, Tanwar, Tamoli, Dhanghi, Raisikh, Bari, Bhishti, Machnera, Lakhera (Lakhera), Kachera, Manihar, Lodhi (Lodha), Luhar Panchal, mer, Mehrat, Cheeta,Kathat and Nai.

**Category C (Most Backward):** 8% reservation - Banjara, Bhadbhuja, Dakaut, Nagarchi, Bagaria, Daroga, Rawana Rajput, Gadia Luhar, Giri, Gusai,hela, Luhana, Jogi, Nath, Sidh, Kacchi, Kandera, Pinjara, Mogira, Mirashi,Swami, Bairagi, Sadh, Sikligar, Usta, Halali, Kasai, Dhobi (Muslim), Sapera, Bajigar, Nat, Mochi (non- Hindu), Multani and Sindhi (Muslim). Orphan children are also kept in this Category.

## **Recommndation of the committee on Social Justice in Uttar Pradesh**

The Social Justice Committee was formed on 28<sup>th</sup> June, 2001 under the chairmanship of Sh. Hukum Singh and given its report in two months with the objective of regrouping the caste/communities within the reservation category in Uttar Pradesh.<sup>12</sup>

The report has suggested regrouping of 79 caste/communities found place in the state list of OBCs for Uttar Pradesh. Some of the other findings of the Social justice committee's are

- I) OBCS from 54.05 percent of the total population of Uttar Pradesh.
- II) Share in reservation of 'Yadav'; 'Kurmi' and 'jat' caste/communities have 19.40%, 7.46% and 3.60% population among the OBCS respectively.
- III) There are two prominent caste/communities i.e. 'Yadav and 'Kurmi' have grabbed nearly 44 percent seats in higher education, 39 percent in technical education and 43% in medical education.
- IV) Reservation quota for OBCs in government jobs and admission in educational institutions should be increased from 27% to 28%.

**Table 3.1**

**Percentage of reservation to OBCs in the State services**

SI. No.	State/Uts	Percentage of Res.: As suggested by the respective Commission	Presently applicable
1.	Andhra Pradesh	30	25
2.	Assam	-	-
3.	Arunachal Pradesh	-	-
4.	Bihar	23	26
5.	Delhi	27	27
6.	Goa	-	-
7.	Gujarat	-	-
8.	Haryana	-	-
9.	Himachal Pradesh	-	-
10.	Jammu & Kashmir	-	-
11.	Karnataka	32	48
12.	Kerala	25	40

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

13.	Madhya Pradesh	35	14
14.	Maharashtra	34	32
15.	Manipur	-	-
16.	Meghalaya	-	-
17.	Mizoram	-	-
18.	Nagaland	-	-
19.	Orissa	12	12
20.	Punjab	-	-
21.	Rajasthan	21	21
22.	Sikkim	-	-
23.	Tamil Nadu	33	50
24.	Tripura	-	-
25.	Uttar Pradesh	27	27
26.	West Bengal	-	-

This is the table of different states Backward Class Commissions/Committees which recommended the seats in Government jobs and their present representation in jobs.

Andhra Pradesh Backward Classes Commission recommended 30 percent seats for Government job but their representation in jobs are only 25 percent. Bihar, which recommended 23 percent Government, jobs now they are 26 percent. This shows that Government want to do more for Backward Classes.

In Delhi, 27 percent reservation and their representation is also 27 percent in jobs. In Karnataka, 32 percent reservation for Backward Classes recommended by Government but they are 47 percent in Government jobs. In Madhya Pradesh, Backward Classes representation is lowest according to the recommendation by the Commission. They have 35 percent reservation in Government jobs but they are only 14 percent. Maharashtra, 34 percent reservation recommended but Other Backward Classes are 32 percent in Government jobs. In Tamilnadu, the Commission recommended only 33 percent seats for Backward Classes jobs but they have 50 percent representation in Government jobs.<sup>13</sup>

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<sup>13</sup> Ibid.

Which is the highest and representation of Backward Classes in Government jobs.

Uttar Pradesh has 27 percent reservation for Other Backward Classes and presently they have same representation in Government jobs.

It has seen that only Tamilnadu, Kerala, Karnataka and Bihar, which has more representation in Government jobs than the recommended by Backward Classes Commission, set up by States. In Maharashtra and Andhra Pradesh have low representation for Backward Classes according to the recommendation by the Backward Classes Commission in the state.

Madhya Pradesh has the lowest representation, 35 percent seats reserved for OBCs but they are only 14 percent in Government jobs. There is the inter caste conflict between the OBCs. In OBCs who are poor, neglected, not the proper representation in Government jobs started the demand for separate reservation in Government jobs for these Castes OBCs. And called themselves MBCs or Most Backward Classes and asking for reservation according to the proportion of their population within the 27 percent of the reservation. In Uttar Pradesh the Other Backward Classes like Yadav, Kurmi, Lodh, Jat, Gujjar which are more in population and they have good representation in Political Party as well as in Government jobs but Koiri, Nai and Maura they are known as Most Backward Castes due to poor representation in jobs as well as in legislature.

State Governments are providing facilities to OBCs on the recommendations of their respective Commissions such as reservation of jobs in state services, seats in educational institute assistance, coaching facilities, and stipend to student of OBCs. The percentage of reservation for OBCs in the state service varies from state to state while it is 27% in the central government

services. The reservation provided to SC (17%) ST (7.5%) and OBCs (27%) put together shall not exceed 50% as per the directions of the Supreme Court.

But, it can be seen in the above table that Karnataka, Kerala, Maharashtra, Tamilnadu have reserved more than 27%. In Tamilnadu, it is 50% for OBCs and 18% for SCs and STs. Karnataka has reserved 48% in addition to 18% for SCs and STs.

### **Reservation for Most Backward Classes**

Kerala was the India's first state where backward caste was divided into two categories before 1950. In 1972, the Karnataka Government decided the backward classes in four categories and reserved the seats according to their population. There was 48% reservation for the backward classes.<sup>14</sup>

In Bihar during Karpuri Thakur, there was the reservation for most Backward castes in 1978.

There was 20 per cent seats reserved for the Most Backward Classes in Andhra Pradesh 25% reservation for backward classes divided into five categories. They have reservation in Government job according to their population. In 1986, Andhra government seperated reservation for Most Backward Classes.

In Tamil Nadu 50% reservation divided into two categories in 1980. One is Backward Class and second is Most Backward Class.

On the basis of Backward and most backward classes Punjab, Haryana and Andhra Pradesh divided Scheduled Caste population. They seperated reservation for most backward dalit and backward dalit.

In Haryana they have 10% - 10% reservation for most backward dalit and backward dalit.

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<sup>14</sup> "Aarakshan Main Aarakshan", (Saturday Special), *Rastriya Sahara*, 11<sup>th</sup> August, 2001.



In Punjab, the reservation for backward dalit and Most Backward dalit is 11% -11%.

In 1931, was the last census of India, which count the population according to their caste, the two sociologists count the population of Uttar Pradesh according to their caste. They divided the population in Upper caste, Lower Caste (Upper status) most Backward Castes, Dalit caste and Muslim.

The Population of Other Backward Class es and Most Backward Classes on the basis of caste are as follows:

**Table 4**

**Other Backward Classes in Uttar Pradesh (Upper status) in 1980**

<b>Caste</b>	<b>Population</b>
Yadav	8.7
Kurmi	3.5
Lodh	2.2
Jat	1.6
Gujjar	16.7

**Table 5****Most Backward Castes in UP (1980s)**

Koiri/Kachi	4.1
Kahar	2.3
Gareriya	2.0
Teli	2.0
Barai	1.5
Kewat	1.1
Nai	1.8
Maurya	1.3
Other most backward	10.7
Total Population	26.8

The Chief Minister of Uttar Pradesh, Hemwati Nandan Bahugana established a three member Commission to find out the Backward Classes in the state, in 31<sup>st</sup> October 1975. Chedilal was the president of the Commission and Malkhan Singh Saini and Sita Ram Nidhad was the member of it. The Commission submitted its report on 17 May 1977.

The Commission found out 41 most backward castes, which are the 26 per cent of the total population of the state and recommended 17 per cent reservation for them in Government jobs. In his report he also shows that 12 castes are Upper Backward Castes, which are the 20 per cent of the total population and recommended 10 per cent reservation for them in Government job. He also suggested 2.5 per cent reservation for Muslims Backward Castes, which is 6 per cent of the total population in the state. They also recommended the free education, hostel, scholarship, seats in educational institutions and government support to establish the small-scale industries as well as

reservation in Lok Sabha, Rajya Sabha, Vidhan Sabha and Vidhan Parishad and also in representation in Government Commissions.

*To sum up*, the Kaka Kalelkar and Mandal Commission as well as different States Commissions recommended the reserve seats for OBCs in Government jobs. It was fulfilled by the state. So States have more representation in Government job for OBCs and some states could not fulfill their seats, which are recommended by the states Backward Class Commissions.

It has seen that there is Inter Castes and Intra Caste conflict occurred. In inter caste conflict, in Scheduled Castes there are two divisions one is Upper Scheduled Caste and second is Lower Scheduled Castes. They have their fight for their right to get the reservation according to their proportion of population. Upper Scheduled Castes or some Other Backward Castes are in good position due to their representation in government jobs as well as in legislative. But within the Scheduled Castes and Other Backward Classes there are some castes which still poor ignorant lack of representation in Government jobs. So they are demanding the reservation according to the population.

There is also intra Caste conflict between the Scheduled Castes and Other Backward Classes. The Scheduled Castes people are afraid of the OBCs 27 percent reservation in Government jobs due to fear of losing the Government jobs. So there is always confusion between these castes and classes.

## **CHAPTER 4**

# **Towards Social Justice: Implementation of Mandal Commission Report**

Reservations are based on Social Justice. The concept of Social Justice cannot override the effect of Equal Justice, concerned in the Constitution. The concept of Equal Justice provided under Article 14 total prohibition of Social Justice. Social Justice in India is the product of Social injustice our caste system and social structure is the fountain- head for social injustice. Caste system founded on Varanashrama Dharma is the negation of Social Justice. Social Justice in India seeks to remove glaring inequalities in society based on a hierarchical Caste System. It seeks to implement equality of status and equality of opportunities to all citizens irrespective of caste, creed or community. The concept of Social Justice has a dynamic concept with an inherent potency to bring equality in a society of unequal. Today social justice improves the quality of life for the oppressed and the depressed classes in our society and it ensures equality of status, equality of opportunity and developmental facilities for all.

The three basic foundation of Social Justice are:

- (1) Equality of Opportunity
- (2) Equality of Treatment and
- (3) Equality of Results.

Thus Social Justice is of great social value, which is providing a stable society and in securing the unity of the country. The social justice may be defined as the right of the weak, aged, destitute, poor, woman, children and other under-privileged persons, to the protection of the state against the ruthless competition of life. "It is the balancing wheel haves and have-nots".<sup>1</sup>

Social Justice in other countries of the world consists in removing inequality of income and wealth and ensuring even distributes of economic wealth and power.

### **Some Comments by the Sociologists about the Reservation Policy**

While discussing about the diploma of OBCS observes how they are very prompt to merged there identity with the Higher state to in hence their status, consideration to power and economic advantages leading the to define their identity in apposition to the advance section of society. The diploma is that al though they belong to low caste, they like to acquire a high sounding title assuming symbols of

high caste status but at the same time insists on its right to be officially classified as backwards. This is very anomalous, position OBCS in the caste-class hierarchy. The proponent of this view of merited efficiency Marc Galanter and Andre Beteille advocated for abolition of all, occupation, sex, or region Alok Shrivastava or the reservation policy their M. Phil dissertates on the preservative policy. Which has had expressed a similar view point <sup>2</sup>

The second viewpoint, represented by I.P Desai and Upendra Baxi is that all caste-based reservation should abolish. Those, who subscribe to<sup>3</sup>

This view point, profess faith in the principals of State Policy and are committed to social change and the upliftment of the neglected section of society.

To this school of thought belong Ghanshyam Shah, I.D. Sheth, Parmanand Singh, who favour evolving a scientific criteria for the purpose of preparing a list of background classes to ensure that those, whose conditions of life are almost comparable to those of the scheduled castes and Scheduling Tribes, should enjoy the benefits of reservation. Ram Manohar Lohia and Jaisankar favours caste based reservation. In India's unique socio-historical context, reservation is essential for improving the lot of those who are backward not only economic terms but also in cultural psychological terms.

Radha Krishna describes the 'method' used by the Mandal Commission (Mandal Commission Report: A Sociology Critique; to arrive at the size of the population of the other backward Classes' (OBCS): 'Its estimate of OBCS a hotch-potch, arrived at by subtracting from 100 the population percentage for SC, ST and Non-Hindus (22.56 and 16.16 respectively) as per the 1971 census and the percentage for "forward Hindus" (17.8) as extrapolated from the incomplete 1931 census, and adding to this derived sum (43.7) about half the population for non-Hindus (8.4)

Should Caste be made the basis for Recognizing Backwardness; and Ghanshyam Shah's 'replied that urban caste is different from rural caste, and that urban caste hierarchy characteristics of rural caste is replaced by discussion in the Urban

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<sup>1</sup> Venugopal P., *Social Justice and Reservation* (Madras: emerald Publishers, 1992), p.1.

<sup>2</sup> Singh S.N (1991) *Reservation, Problems and Prospects*, New Delhi: Uppal Publication House (p-7).

<sup>3</sup> (Singh, S.N (1991) : 8)

counter report, castes doubts on the on the suitability of using the same criteria of backwardness for both rural and Urban castes.<sup>4</sup> It caste are to the treated as the 'units' have become bigger and more heterogeneous in the last 60or 70 years, how can castes which have a large number of representatives in states legislative and ministries be treated as 'backward'?"

He also pointed out in his paper "Job Reservation and Efficiency' that ability talent are not confined to particular groups but occur in every section of the population.

*M. N. Srinivas* writes in '*Anthropological Today*', "I am against caste based reservation for jobs except for the Scheduled Castes, Scheduled Tribes for a temporary period because of the institution of Untouchability in the case of sex and isolation from the mainstream in case of Sts. Being aware of the negative effect of caste based reservations, I did propose a limited amount of reservation on the basis of criteria as parental income, poverty, illiteracy, rural residence, performance of manual skilled labour etc., applicable to individuals and irrespective of caste".

*Dipankar Gupta*<sup>5</sup>, pointed out that it is not the new question of ignoring merit, it has been a long history. To quote him "not just reservation but it has been established government policy all through to be pre disposed toward community and caste considerations. Merit had long been sacrificed as a result. Universities were hit by caste and community based appointments and so were many other public institutions. Mandal Commission by the sheer exaggeration of scale has forced question of merit out into the open".

Anti-reservationists argued that a caste-based reservation would lead to casteism in India and pro-reservationist extends their argument that a reservation based on caste is an attempt to homogenization of the class structure of various castes.

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<sup>4</sup> Srinivas, M.N., *Caste: Its Twentieth Century Avatar* (New Delhi: 1996), pp. xx, iv  
<sup>5</sup> Gupta. Dipankar, "Legitimising Demerit The Pre History Of Mandal." Times of India, 28<sup>th</sup> Nov, 1995.

Pro-reservationists regards that reservation helps in the redistribution of resources to the depress class. The feeling of integrity and self-respect associated with prestigious and responsible government's employment is also promoted them.

### **Agitation**

The National Front Government announced its decision to implement some recommendations of the Mandal Commission report of 7<sup>th</sup> August 1990 in the Parliament.<sup>6</sup> There was an unprecedented scale of reaction to it. The event broadly followed two paths. One was mounting demand of similar facilities to other uncovered groups in society. The second was the emergence of a firmer and determined resistance to Mandal recommendations and its capacity to plunge India society into a perpetual caste war.

First, those who oppose the Mandal Commission were the twice – born, the higher castes and some connected minority groups such as the Brahmins, Kshatriyas, Varnas, Parsis, Higher caste Christians etc.

Second, a few upper castes mostly in the Left associated with mass struggle, are supporting the Mandal Commission or remaining neutral.

Thirdly, those castes which were not included in the Mandal Commission report. So they could have two options or strategies, to oppose Mandal or to argue for inclusion.

Fourthly, dalits and Adivasis supported the Mandal Commission as even they are not going to be benefited by it.

There was a widespread anti-reservation movement sparked off by the decision to implement the Mandal Commission report. There were protests all over the country. In the southern states, the situation was not bad but in the north states, the situation was sought to be catalyzed into a mass upsurge because in the northern states, the reservation was under implementation for a couple of decades.

Our national capital Delhi transformed into a city of bandhs and rallies and the student community took the initiative. The administration closed all the schools and the colleges for a month. Fearing vandalism, the Delhi Transport Corporation ordered



the removal of glass panes from its buses. Sharad Yadav and Ram Vilas Paswan continued exhorting the backward classes to come out into the streets for a numerical showdown with the anti-reservationists.

Laloo Prasad Yadav, the chief minister of Bihar, stood to gain the most from the implementation of the Commission report. There are the backward classes and there are the well-to-do among them like Yadavs, Kurmis, and Keoris who have gained both economic and political power over the years and they are more equal to Bhumihar, Brahmins, and Rajputs. In Bihar the upper caste was very anxious with this reservation policy. So they set up an organization called “Rastriyas Swarna Mukti Murcha” in Bhumihar dominated Muzafferpur districts to demand a separate “Swarn Rajya”<sup>7</sup> comprising areas in Bihar, Uttar Pradesh, Madhya Pradesh, West Bengal and Haryana.

Mulayam Singh Yadav had fewer troubles as he was one of the big beneficiaries from the Commission report. The anti Mandal agitation has claimed lives and it disrupted the normal life in most of the district. The Universities, Colleges, had been closed and disruption of the rail, road, traffic, attacks on government properties had continued.

In Punjab, various Akali Dal and militant groups were unable to take any decision on this reservation issue, so they postponed the issue for next popular govt. But students were not satisfied with that and they paralyzed the normal life of Chandigarh, capital of Punjab and Haryana.

In Haryana, the Chief Minister of Haryana, Hukum Singh Chautala welcomed the implementattion of report. He claimed that many communities including Jats, Jat-Sikh, Ahir, Gujjar’s Sainis, Rodes and Moors had claimed that the despite being socially and educationally backward, they had not been included the list of beneficiaries.

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<sup>6</sup> Sharma, S.L. and Singh G., *Reservation in Politics in India* (New Delhi: Deep and Deep Publications, 1995) pp.64-75.

<sup>7</sup> Ibid.

In Himachal Pradesh, the B.J.P. chief Minister Santa Kumar rejected the report and implemented the “Antodaya Scheme” for the benefit of one lakh poor family. But there were clashes between pro and anti reservation. They burnt down the government. buildings and disrupted the educational institutions, banks, postal, services etc.

The chief minister of Orissa, Biju Patnaik was not against the implementations of the Mandal report but also against the caste based reservations. But the violence continued in the state.

The chief minister of Gujarat had announced that the state would not implement the Mandal Commission recommendations. But in southern states which remained peaceful, in Andhra Pradesh, some incidents happened such that Rasta-roko rallies and bandhs.

### **Self- immolation by students**

The most terrible scene of the agitation was self- immolation. When they get to know about govt. decision to implement Mandal Commission report, it sparked off spontaneous protests in Delhi University. Rajeev Goswami, the student of Delhi University decided to go for self- immolation after nine days hunger strike to pressurize the govt. to withdraw Mandal Commission recommendations. He was the pathfinder to others. There are many others who went for self-immolations like Akhilesh Panday, Jantinder Vaid, Vivek Charturvadi, Sandeep, Rajendra, Singh, Rajendra Gautam, and Surendear singh Chauhan etc. There were forty-two cases of immolations and 234 killed by the police firing. Most of those who had attempted or succeeded in ending their life belong to dominant caste of society like Brahman and Kayasthas. They show them selves hit hardest by the implications of recommendations of Mandal report and so their reaction was the fiercest.

Is self-immolation or suicide the only tactic to move an insensitive govt.? What then prompted so many of our youth to burn them selves to bring about change of relatively minor magnitude? S. Dattaray of National Institute of Public Corporation and Child Development analyze the phenomenon saying: “ The psychosis of a

youngster committing suicide would comprise a mixture of the depression with helplessness as an immature response to stress”

## **MANDAL COMMISSION AND JUDICIARY**

Some recommendations of Mandal Commission was challenged in Supreme court of India on 1st October,1990. The court directed the Union Govt. to differ till further orders the implementation of the recommendations of Mandal Commission on reservation to backward class, and permitted the govt. to continue with the process of identifying the castes. On 21<sup>st</sup> September, 1990 the court referred this case to a five judge constitutional bench and judges said the govt. decision to implement some recommendations of Mandal Commission report was a political decision and the court would not interfere in such matters.

Attorney General Sorabjee told that if the court accepted the arguments of the petitioner seeking stay on the govt. decision to implement some recommendations of Mandal Commission “It is self immolation of this court.” He said it was not a question of prestige at all. The president of the Supreme Court Bar Association, K.K Venugopal pressed his stay application on two grounds. First, he said that Mandal Commission Report suffered from constitutional infirmities. Since it was based on the 1931 census identify 3943 castes as Other Backward Class es and it also include the population of Pakistan.

Article 16(4) used the term “backward classes” as compared with the words socially and educationally backward classes of citizens or the scheduled castes and scheduled tribes used—Article 15(4)

There are two questions can be raised:

1. Article 16(4) cover scheduled castes and scheduled tribes or not
- 2 Whether the term backward classes is to be understood in the same sense as in Article 15(4),i.e, socially and educationally backward classes.

First time, in the case of-Railway V.Rangachar,the supreme court of India used the term backward classes under Article 16(4) cover scheduled castes,scheduled tribes and also the term is identical with any socially and educationally backward classes, i.e there is no difference between Article 15(4) and 16(4) as far as the definition of backward classes goes. The court emphasized that the two factors which create the reservation for the backward classes are:1) The state are not adequately represented in

the services under the state and 2) That any reservation made in their favour does not materially affected administration efficiency.

The Job reservation policy is linked with Article 15(4) and 16 of the constitution which both promise same guarantees to citizen as fundamental Rights which the supreme court has to protect in terms of Article 32. Judicial review of the reservation policy is therefore, implied. The Supreme Court has already several cases linked with reservations under Articles 15(4) and 33 with Article 16 of the constitution. Not even in one case the court's power was ever question by the central and state govts.

The Supreme Court in the Trilokinath case stated that test based solely on caste, community, race, religion, sex, descent place of birth or residence can not be criterion for backwardness. The expression backward class is not synonymous with backward cast or backward community. The final order, the court stated that the order made by the court did not present the state for demising a proper scheme.

In another case of K.C. Vasanth Kumar Vs. Karnataka, the Supreme Court considered in 1985 the subject of protective discrimination and laid down certain guidelines to be followed in matter of reservation for SCs and STs. A five judge bench of the court gave the certain guidelines:

- 1) So far as Other Backward Classes are concerned, two tests should be applied;
  - A) They should be comparable to the SCs and STs in the matter of their backwardness; and
  - B) They should satisfy the means test such as the state govt. may lay down, in the context of prevailing economic conditions.
- 2) The reservation policy: employment, education and legislative institutions should be reviewed every five years or so. This will afford an opportunity to the state to rectify distortions arising out of particular facets of the reservation policy, and to the people, both backward and non backward, to put forth their views in a public debate on the practical impact of the reservation policy.

The court did not regard caste as a criterion for the backwardness.

The Mandal Commission report identifies class with caste. However, to justify its classification, it used the social, educational and economic criteria to determine these castes.

### **Supreme Court Judgment**

#### *Major Issues*

There are three Major issues appear before the court:

Whether reservation of appointments and posts in Government service under Article 16 (4) of the Constitution can be based on caste because the constitution in this particular “context, does not speak of caste”, but rather speaks of “backward classes” who are not adequately represented in services under the State.

Whether the criterion for determining backwardness should be caste based on economic condition or various classes or should focus on social and educational backwardness.

Whether the quantum of reservation is subjects to any maximum.

Caste as the Basis

The majority view is that having regard to the historical background in India and to certain discussions in the Constituent Assembly, caste be taken as a ‘Class’ for the purpose of reservation under Article 16 (4) of the Constitution.

*Concept of Backwardness*

The test of backwardness with reference to Articles 16 (4) of the Constitution, the primary test would be social and educational backwardness. The economic criteria are not permissible to be adopted for the purpose of determining backwardness under Article 16 (4).

*Percentage of Reservation*

Sawant Judgement, the courts during the past few years related the percentage of reservation. In the Balaji case (1963), the Supreme Court decided that the objective of reservation was to serve the interest of the entire society by improving the access of the members of backward classes to position of authority. This being so, reservations in excess of 50 percent were clearly beyond ‘reasonable limits’. This approach has been confirmed by the judgement of the Supreme Court. Reservation should not exceed 50 percent under Article 16 (4).

**“Backward Class”** means

In Minor P. Rajendra (supra), Wanchoo, C.J. speaking for the Constitution Bench has stated that “a caste is also a ‘class of citizens’ and that reservation can be made in such a case provided if that caste as a whole is socially and educationally backward within the meaning of Article 15 (4).”

### *Creamy Layer Criteria*

After tenth Lok Sabha election in May 1991 the Congress (I) formed the govt. at the center and Supreme Court asked govt. to clarify its stand on Mandal Commission Report. The Govt. decided to implement the memorandum of August 13, 1990 with certain modifications with issuing another memorandum on Sept. 25, 1991.

- i) Introducing the economic criteria in grant of reservation by giving preference to the poorer section of SEBCs in the 27 percent quota and
- ii) Reserving another 10% of the vacancies in the civil services for other economically backward sections or the poorest amongst the higher castes and other religions also.

This order has raised the quota of jobs reservation to 59.9 percent of the vacancies. There are two questions before the court.

- I) The validity of classification of backward classes and
- II) The constitutional validity of the Government's order to raise the total reservations more than 50 percent.

The non-judge bench rejected the other memorandum of the Govt. (Sept 25, 1991) to the economic criteria in job reservation for higher caste as unconstitutional. The bench found reservation for OBCs as constitutional, but asked for the exclusion of the creamy layer from its benefit.

The Supreme Court in its judgment on Nov 16, 1992, providing 27 percent reservation for SEBCs in central civil services and posts, and exclusion of the creamy layer or socially advanced persons/sections from Other Backward Classes. After the Supreme Court decision regarding the exclusion of the creamy layer from OBCs, the Govt. of India set-up a committee under Justice R. N. Prasad (retired) and three other members comprising a social scientist and two officers with wide administrative experience. The committee submitted its report on March 10, 1993 and it was accepted by the Govt. The Prasad committee defined the creamy layer as when a person has been able to shed off the attributes of social and educational backwardness and has secured employment or has engaged himself in some trade/profession of high status... at that stage he is normally no longer in need of reservation for himself."

The Prasad Committee formulated seven guidelines to identify the creamy layer, which are as follows:

- 3) Person relating constitutional privileges such as the president, vice president, Judges of the Supreme Court and the High court, Chairman and member of U.P.S.S and state P.S.Cs, chief Election Commissioner, and controller and Audit-General of India.
- 4) Class I officers of all India, central and state Services.
- 5) Families of class II officers, if both the parents are in the job category.
- 6) All non-governmental professionals and people in trade and business would be excluded from the purview of benefits on the basis of income tax and wealth tax assessment.
- 7) Officers, corresponding to class I and class II categories in govt. in institution such as public center under takings, banks, insurance organizations and Universities and equivalent or comparable posts under private employment.
- 8) Officers in the position of colonel and above in the Army and equivalent posts in the Navy, the Air force and the paramilitary forces.
- 9) For those belonging to a family, which holds irrigated land, the exclusion limit is on the basis of the land owned by family. The family is excluded if it has irrigated land equal to or more than 65 percent of the statutory ceiling area.

There are some exclusion for class I officer from the “creamy layer category”, if one parent belongs to this group and if he or she dies members of the family are entitled to reservation. The Supreme Court had pointed out that, “The basis of the exclusion should not merely be economic, unless of course, the economic advancement is so high that it necessarily means social advancement.” A fresh reservation order was issued on Sept 8 1993 the 27% reservation for OBCs on the basis of the recommendation of Mandal Commission Report after the Supreme Court’s judgement.

### **Stop Promotion in Government job**

The 77 amendments enacted in 1955, to provide reservation for posts to Scheduled Casts and Scheduled Tribes in state services such quotas should also be extended to matters of promotions. If equality of opportunity is to be realized, it should be done from time of recruitment to all the subsequent stages. The Supreme

Court has ruled against applying the principle of reservation in relation to promotions.

Article 16(4) does not permit provision for reservations in the matter of promotion. The Supreme Court directed that wherever reservations are already provided in the matter of promotion such reservations may continue in operation for a period of five years from the date of the judgement (Nov, 1997)

The promotion of a person who is junior in service and saving no claim to superior merit is to cause frustration and prejudice, hostility and ill will, in the mind of others. Such discrimination is unfair and causes dissatisfaction, indiscipline and inefficiency.

It is further directed by court that wherever reservations are already provided in the matter of promotion-be it central services or state services, or for that matter services under any corporation authority or body falling under the definition of 'state' in Article 12, such reservation may continue in operation for a period of five years. The authority can recruit a candidate for the job from the backward class of citizens within a certain period.

While the role of reservation cannot be called anti-merit, there are certain services and posts to which it may not be admissible to apply the rule of reservation. In Article 10(3), the constituent assembly debate on draft did not indicate to extend promotions. Article 10(4) is construed as warranting reservation even in the matter of promotion as it would be contrary to mandate of Article 335, viz; maintenance of efficiency in administration. The members of reserve category got the promotion to complete their colleagues whether they work hard and efficiency or not, it militates against the goal of excellence referred to in clause (i) of Article 51—A (Fundamental duties)

To Sum-up, the implementation of Mandal Commission Report is implementation of Social Justice in India. Social Justice is to secure dignity of the Individual. The discrimination and inequality in society is the negation of Social Justice. Some Sociologists like Minoo Masani, M.N.Srinivas, Andre Beteille, Dipankar Gupta was against of reservation policy for the Backward Classes. They argued that it would lead to casteism in India. But sociologists as well as Socialist like Ram Manohar Lohia and Prof. Anand Kumar was fully supported the reservation for Backward Classes. They regards reservation will help in the redistribution of resources to the depressed class and government jobs will led to integrity and self-



respect among them. The Constitutional Provision are also in favour of the upliftment of the Backward Class people through the reservation in government jobs, educational institutions and legislature. Supreme Court judgement in favour of 27% reservation to Other Backward Classes was also a moral boost-up to the OBCs as well as supporters of the Mandal Commission Report.

**CHAPTER 5**  
**GETTING SHARE IN GOVERNANCE**

## A Comparative Study Of Past And Present Of Other Backward Classes In India

This is the last chapter of my dissertation in this chapter there is more data based information about the OBCs representation in central Government jobs. Specially OBCs representation in Group A, Group B, Group C and Group D services.

This is a comparative study of the OBCs representation in Central Government job before and after the implementation of Mandal Commission in Group A, Group B, Group C and Group D in Central Government jobs.

According to the 1951 census, the total population of Other Backward Class was 18.9 percent (69 million) of the country's total population. The planning Commission (1951) had estimated approximately 20 percent. Kaka Kalelkar (1953) and Mandal Commission (1979) calculated 31.8 percent and 52 percent of India's population as CBCs. These castes were between the upper caste and depressed class (SCs/STs) in India. They had very less representative in government jobs even less than Scheduled Caste and Scheduled Tribes.

Table 1 will which shows data of representation of Other Backwards Classes in the services of Central Government Group-A, Group-B, Group-C and Group-D in 1979, which was find out by the Backward Classes Commission (1980).

**Table 1****OTHER BACKWARD CLASSES IN CENTRAL GOVERNMENT JOBS (1979)**

	Class 1 <sup>st</sup>		Class 2 <sup>nd</sup>		Class 3 <sup>rd</sup> and 4 <sup>th</sup>		All classes and (consolidated)	
	Total	OBC (%)	Total	OBC (%)	Total	OBC (%)	Total	OBC (%)
Ministry Department	11707	203 (2.59)	43803	1742 (3.98)	1789	1500 (8.41)	7339	3545 (4.83)
Autonomous Institution	81325	4147 (5.09)	503337	59079 (11.74)	322948	67686 (20.98)	907610	13101 (14.43)
Public corporation	80994	3719 (4.59)	365785	36242 (9.91)	143910	22689 (15.77)	590689	6265 (10.61)
<b>Total</b>	<b>174026</b>	<b>8169 (4.69)</b>	<b>912925</b>	<b>97063 (10.63)</b>	<b>484687</b>	<b>91975 (18.93)</b>	<b>1571638</b>	<b>19720 (12.55)</b>

**Note:** percentage figure are given within brackets.

**Source:** report of the Backward Classes Commission, 1980, New Delhi parts 1<sup>st</sup> and 2<sup>nd</sup>

**Ministry Department** Class-1 jobs in Ministry Department, there are total 11707 employees are working and among that 203 which comes 2.59 of total employees are belong to Other Backward Classes.

In Class-2, there are total 43803 employees are working among that 1742 which came around 3.98 percent belong to Other Backward Classes. In the same department in Class 3<sup>rd</sup> and 4<sup>th</sup>, there are total employees are 1789 in which OBCs are 1500 which came 8.41 percent of total employees.

**Autonomous Institution-** there are total 81325 employees in Class-1 are working and 4147 are belong to OBCs which comes 5.09 percent of total employees of OBCs.

In Class 2<sup>nd</sup> jobs, there are total 503337 employees are working and 59079 belong to OBCs which comes 11.74 percent of total employees of OBCs.

In Class 3<sup>rd</sup> and 4<sup>th</sup> jobs, there are total 322948 employees are working and 67686 belong to OBCs which come 20.98 percent of total employees.

**Public Corporation-** in Class I services there are total 80994 employees and 3719 belong to OBCs which represent 4.59 percent of total employees. In Class II services there are total 365785 employees and 36242 belong to OBCs, which represent 9.91 percent of total employees.

In Class 3<sup>rd</sup> and 4<sup>th</sup>, there are total 143910 employees are working and 22689 belong to OBCs which represent 15.77 percent of total employees.

If we calculate the total employees in Class 1, Class 2 and Class 3 and 4, we will see that OBCs representation in Class 1 is only 4.69 percent of total employees (174.026).

In Class 2<sup>nd</sup>, OBCs are total 97063 which comes 10.63 of total employees.

In Class 3<sup>rd</sup> and 4<sup>th</sup> OBCs are total 91975, which comes 18.93 of total employees.

By the data we can observe that OBC's representation in Class 3<sup>rd</sup> and 4<sup>th</sup> is good which stood 18.93 percent and Class 2<sup>nd</sup> they are 10.63 percent, but in class 1<sup>st</sup> jobs which is very important or decision making bodies, OBCs representation is very less which is only 4.69 percent of total employees.

So their effects are very less in decision-making bodies in governance. But after the implementation of Mandal Commission Report in 1990, they got

the chance Class 1<sup>st</sup> services and can play an important role in Government's decision making bodies.

Table 2 also provides us a significant data of different caste representation in class 1<sup>st</sup> officers in central government jobs according to there population.

This table shows the Other Backward Classes position in different states in India. It shows the OBCs, population in different states there reservation in government jobs and Medical colleges, different facilities give by the states, criteria to identify the Backwards Classes and lastly the year from which they implemented the facilities to them.

**Table 2**  
**OBCs Representation In Jobs And Educational Institution In Various States In India**

State	Year	Name of group	Criteria	Est of popula tion	Posts	Medical college admission	Other
Andhra Pradesh	1975	BC	92 listed communi ties	38%	25%	25%	Scholar ships fee Commi ssion
Bihar	1979	BC	Members of lists of 128 communi ties around income is less than Rs, 12,000	50%	20%	Nil	Nil
		Econo mic BC	All with income under Rs 12,000an ually other than SCs/STs/ OBC		3%	Nil	Nil
	1997	BC	Nil	Nil	Ni	10%	Nil

	7						
Gujarat	1978	BC	82 listed communities	Nil	5%	Nil	Nil
	1972	Economically BC	Income less than Rs.4,800/year	N.I.	NDNE	None	Scholarship etc
Haryana	1978	BC	N.I.	N.I.	2% 2%	N.I.	N.I.
Himachal Pradesh	1978	BC	N.I.	N.I.	10%,22%	N.I.	N.I.
	1973	BC	N.I.	N.I.	N.I.	2%	N.I.
Jammu & Kashmir	1973	Socially Educationally BC	1. Occupation 2. Income 3. border & poor areas	N.I. N.I. 8%	42%	N.I.	N.I.
Karnataka	1979	BC Economically	List of 16 communities with income under Rs. 4800	45% N.I.	40% 15%	N.I. N.I.	N.I. N.I.
	1977	BC		N.I.	N.I.	28%	N.I.
Kerala	1977	Socially and educationally, BC	Member of listed comm. With income less than rs, 10,000	N.I.	N.I.	25%	N.I.
	1972		Member of listed comm. With income less than rs 600	N.I.	N.I.	N.I.	Scholarships loans
	1970	Socially and edu, BC	Members of listed communities of 560 listed comm., with income less than rs 8000	N.I.	40%	N.I.	N.I.
Maharashtra	1977	OBC	N.I.	N.I.	N.I.	10%	N.I.
	1966	OBC	List of	12%	14%	N.I.	Scholar

			communi ties				ship etc
Meghalaya	1978	BC	N.I.	N.I.	5%	N.I.	N.I.
Punjab	1978	BC	N.I.	N.I.	5%	N.I.	N.I.
	1977	BC Backward areas	(list of communi ties)	N.I. N.I.	N.I. N.I.	5% 2%	N.I. N.I.
Tamil nadu	1972	BC	List of 105 communi ties plus add'l list for Kanya Kumari districts	51%	31%	31%	Hotels: special trainin g
Uttar Pradesh	1978	BC	List of 58 communi ties	N.I.	16% 15%	N.I.	N.I.
	1977	Hill areas		N.I.	N.I.	3%	N.I.

**Note:** It is probable that this figure is an overstatement is that it fails to distinguish between the listed groups and the economically backwards class noted just below of the 40% total, 5% may be a reservation for economically backward class and thus a partial duplication of the 5% reservation for that group.

This table, we can see that most of the states don't have OBCs population. In Andhra Pradesh, Bihar, Karnataka and Tamilnadu, the percentage of OBCs population is 38%, 50%, 40% and 51% respectively the states total population. There representation in government jobs and Medical colleges are as in Andhra Pradesh 25%-25%, in Bihar 20 percent in jobs but Medical colleges information is not available.

In Karnataka, representation in Government jobs is 40% for BC and 15% for economically backward class. But for Medical colleges data is not available, (N.I.)



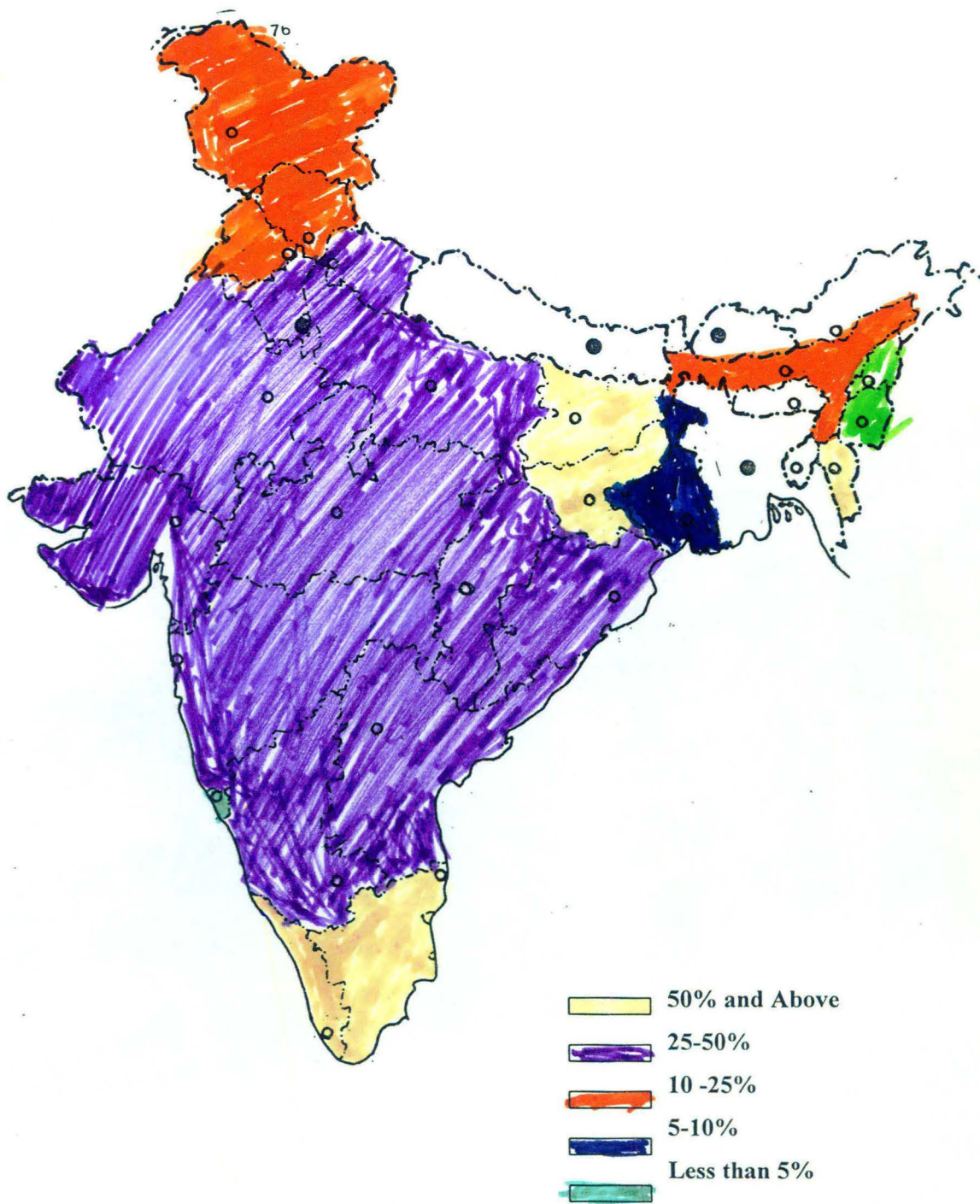
In Tamilnadu, their representations in government jobs are 31% and 31% and 31% in Medical colleges. There are also hostel facilities for training purposes for BC's.

Jammu Kashmir (1973) BC's representation is 42%, Kerala 1970) 40%, in Uttar Pradesh (1977-78) 15%-16%, in Maharashtra 14%, in Meghalaya (1978) and Punjab (1978) 5%-5% each, Himachal Pradesh (1978) 10%, in Haryana 2% and Gujarat 5% their representation in governments jobs.

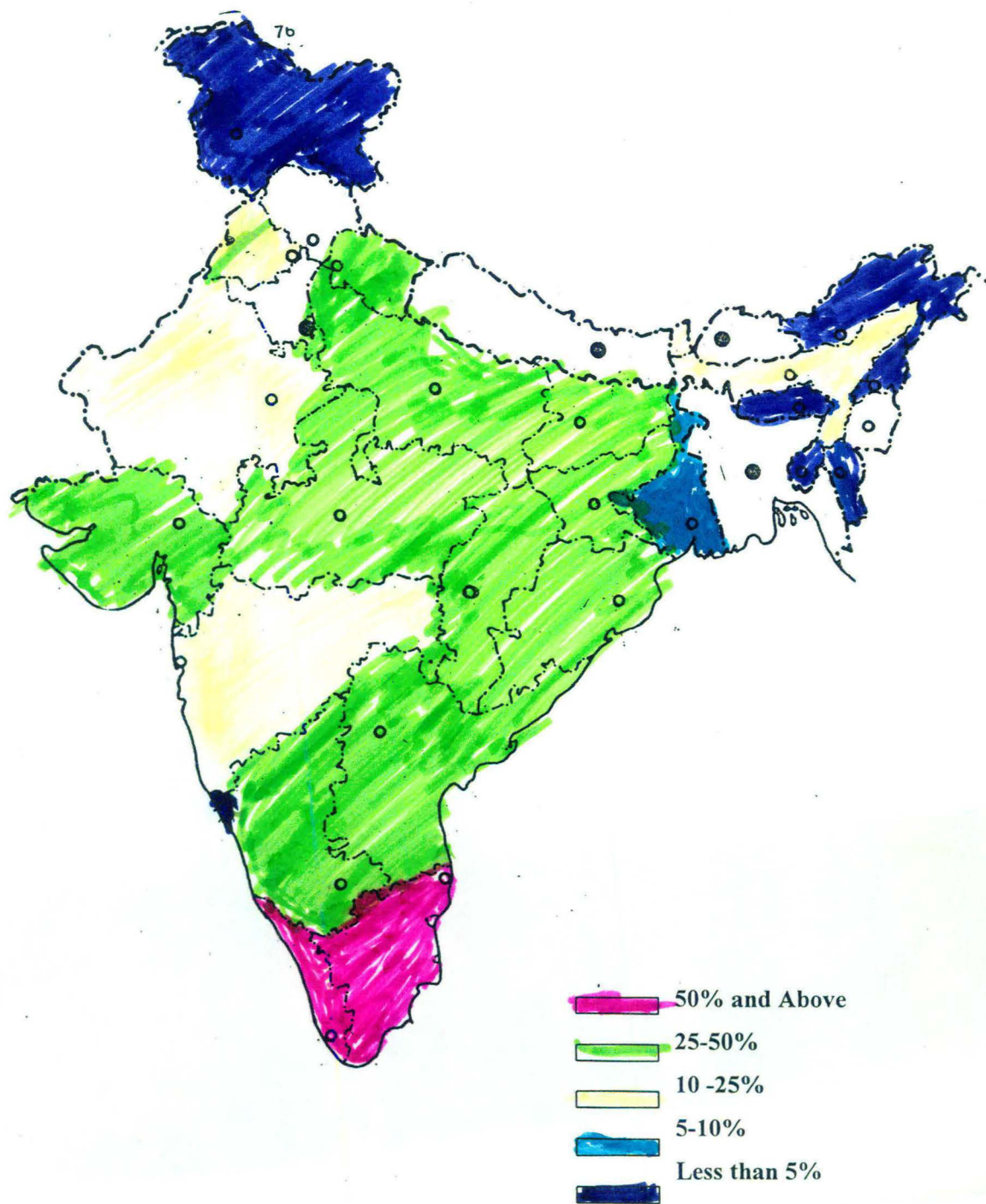
Most of the States don't have about the BC's representation in Medical Colleges. But some has like in Kerala (1970) 40% in government jobs and in 1977 25% representation in Medical Colleges. But in U.P.3%, Punjab 55%, Maharashtra 10%, Himachal Pradesh 2% shows very less numbers in Medical Colleges.

I am going to discuss the present population of OBCs (1999-2000) and in different states of India with their percentage, which is taken by National Sample Survey. I would also like to show some data regarding the OBCs representation in Group-A, Group-B, Group-C and Group-D in Central government jobs, during the year 1990-2000. This data will present the real picture of OBCs position before and after the implementation of Mandal Commission Report in Government jobs.

# CONCENTRATION OF OTHER BACKWARD CLASS POPULATION IN RURAL INDIA



# CONCENTRATION OF OTHER BACKWARD CLASS POPULATION IN URBAN INDIA



These two maps which show the concentration of other backwards class population in Rural and Urban India. Which is framed by the National Sample Survey (NSS-1999-2000). They divided India in to five zone to shows that the percentage of population of OBCs in Rural and Urban areas. In rural India especially Tamilnadu, Kerala and Bihar has more than 50 percent of the population are belongs to the OBCs. 10-25 percent of OBCs population is concentrated in Jammu & Kashmir, Punjab, Himachal Pradesh, Assam and Mizoram. 5-10 percent population concentrated only West Bengal rest of Indian states has 25-50 percent of OBCs population.

On other side, we can see that in urban India, OBCs population is more than 50% in Tamil Nadu, Kerala, and Mizoram. There are 10-25 % population of OBCs in Maharashtra, Rajasthan, Punjab, Sikkim and Assam. West Bengal has only 5-10 percent OBCs population and rest of Indian states have 25-50% population.

If we will compare these pictures, than we can find out that most of rural and urban states have 25-50% population belongs to other backwards classes.

**Table 3.1**

<b>INDIA/ STATES OR UNION TERRITORY</b>	<b>OTHER BACKWARD CLASS</b>
INDIA STATES	27
1. Andhra Pradesh	27
2. Arunachal Pradesh	5
3. Assam	27
4. Bihar	26
5. Goa	27
6. Gujarat	27
7. Haryana	20
8. Himachal Pradesh	20
9. Karnataka	53
10. Kerala	27
11. Madhya Pradesh	13
12. Maharashtra	27
13. Jammu & Kashmir	27
14. Manipur	22
15. Meghalaya	5
16. Mizoram	5
17. Nagaland	-
18. Orissa	12
19. Punjab	23
20. Rajasthan	21
21. Sikkim	21
22. Tamilnadu	49
23. Tripura	6
24. Uttar Pradesh	27
25. West Bengal	22

**Source:** Department personnel and training order of December 31<sup>st</sup> 1993, New Delhi.

To see this chart, we can find out that the most of states followed the Mandal Commission recommended 27% reservation in governments jobs and some states the lowest 5% reservation is available for the other backwards classes and Karnataka, Tamil Nadu cross the 27% of reservation for OBCs. They have 53% , 49% and 37% reservation in governments jobs. If both states include the SCs/STs reservation also than it will become 73% (Karnataka) and 69% ( Tamilnadu ), which cross the Supreme Court order. The reservation

should not cross the 50% of the Laxman Rekha. Population is the main criteria for more and less reservation for OBCs by the different states and union Territories in India.

**TABLE 3.2**

Percentage of reservation for states and union territories in March 1995 after the recommendation of the Mandal Commission Report by the Central government.

UNION TERRITORIES	OTHER BACKWARD CLASS
1. Andaman & Nicobar Islands	37
2. Chandigarh	27
3. Dadar & Nagar Haweli	5
4. Daman & Diu	37
5. Delhi	27
6. Lakshadweep	-
7. Pondichery	27

**Source:** Department personnel and training order of December 31<sup>st</sup> 1993, New Delhi.

In Union Territories, Andman and Nicobar Island has lightest reservation for OBCs 37 percent and other like Chandigarh, Delhi, Pondichery has 27percent reservation. Dadar and Nagar Haweli has lowest 5 % reservation for OBCs and Lakshadeep has no reservation for OBCs because the lack of OBC's population (1993).

**Table 4**

**OBCs in Group-A Central Govt. Services (1994-2000)**

Year	Table Employers	Reserved for OBCS	OBCS Recruited
1994	58660	315	114
1995	65812	494	209
1996	55119	360	112
1997	76135	1048	506
1998	82129	988	432
1999	92095	921	471
2000	86887	808	477

*Source: Department Personal and Training New Delhi, 2000. It shows that during the 1997 to 2000 there is the increase in OBCS is in group A and their recruitment also increased. But during 1994 to 1996 there is there is the less number of reserved seats as well as their recruitment.*

If we well compare it according to their reserved seats with recruited seats is not the so much differences.

**Group-A** In 1995, there was total 65812 employees in central government Group-A, in which 360 seats was reserved for OBCs but only 112 was recruited.

In 1996 there was total 65,812 employers in Central Government Group A in which 494 seats was reserved for OBCs but only 209 got recruited.

In 1997 there were total 76,135 employers in Central Government Group-A jobs in which 1048 seats were reserved for OBCs but only 506 got recruited.

In 1998, there was total 82,129 employers in Government Group-A jobs in which 988 was reserved for OBCs but only 432 got recruited.

In 1999, there was total 92,095 employers in Central Government Group-A services in which 921 seats was reserved for OBCs but only 471 got recruited by the Government.

In 2000, there was total 86,887 employers in Central Government Group-A services, in which 808 seats was reserved for OBCs but only 477 got recruited by the Government.

There is very shocking data before us that after the implantation of Mandal Commission which provides 27% reservation for OBCs in Central Government jobs, not fulfilled by OBCs candidates. Group-A, of Central Government job is very posts and the OBCs candidates do not fulfill an important part of the decision making body in Governance. Their representation is less than expectation, more than candidate does not fulfill 50% seats every year. Because the less representation in decision making bodies in Governance, they are unable to high light their problems and for their solution. Their representation in Government will give the moral boost up by individual as well as that caste or class of society for where they belong.



Table - 5

**OBCs in Groups-B Central Government Services (1994-2000)**

Year	Total Employer	Reserve for OBCs	OBCs Recruited
1994	93619	226	37
1995	93966	524	224
1996	95593	335	91
1997	97206	635	330
1998	107622	632	263
1999	126911	493	230
2000	110777	540	268

In-group B, OBCs representative is less than their reserve seats. In 1994 there was total 226 seats was reserved for OBCs but, they got or 37 seats. In 1996, they have 335 seats, but only 91 seats could be recruited. So these two years their recruitment was less than their reserve seats

**Group-B** In 1994, there was total 93,619 employers in Central government, Group-B services in which 226 was reserve fro OBCs and only 37 recruited for jobs.

It means OBCs got very less representation in this year.

In 1995, there was a total 95593 employer in which 335 were reserve for OBCs and only 91 get recruited. This year also very low representation Group-B services.

In 1996, there were total 93,966 employers in which 524 seats were reserve for OBCs but they got 224 seats. It shows that their number had increased the breviary years, which was very low.

In 1997, there was total 97, 206 employers in which 635 seats were reserved for OBCs and 330 candidate occupied the jobs, which shows that they are able to occupied more that 50% seats of their reservation. This shows their good presentation but still far for the real goal.

In 1998, the total employers in Central Government were 107622 and 632 candidates got the job in Group-B services. This figure shows that year their presentation was less than previous year.

In 1999, the total employers in Central Government was 126911 and 493 seats was reserved for OBCs and only 230 get selected in Group-B. According to vacancy of the seats they are good than previous year.

In 2000, the total employers Central Government was 110777 and 540 seats was reserved for OBCs and 268 candidate get the job. This also shows the see proportion of seats fulfilled by OBCs candidate as it was previous year.

It we will compare OBCs representation with the Group-A Central Government services with Group-B we can see that their representation in Group-A services according to the vacancy is better than Group-B services.

**Table - 6**

**OBCs in Groups-C Central Government Services (1994-2000)**

<b>Year</b>	<b>Total Employer</b>	<b>Reserve for OBCs</b>	<b>OBCs Recruited</b>
1994	2205292	11712	5342
1995	2182537	17191	9390
1996	1130860	8971	5616
1997	2315358	25058	8751
1998	2313481	17975	8834
1999	2372870	17820	10239
2000	2219173	18618	11298

**Group: C**

There was total 2205292 employer in Group-C Central Government services in 1994 in which 11712 was reserved for OBCs but 5342 could be recruited for the job.

In 1995, there was total 17191 seats reserved for OBCs but 9390 seats could be fulfilled.

In 1996, there was total 231538 employers, in this year 8971 seats was reserved for OBCs and only 5616 seats could be recruited.

In 1997, there was 25058 seats reserved for OBCs but was 17975 seats reserved for OBCs in which 8834 seats could for fulfilled by the OBCs

candidates. In 1999, there were total 2372870 employees in central Government. In this year there was total 17820 seats reserved for the OBCs, but a only 10239 candidates able to get the jobs.

In 2000, there was total 2219173 employees in central government jobs. There was 18618 seats reserved for OBCs in which OBC candidates could fulfill 11298.

**Table - 7**

**OBCS in Groups-D Central Government Services (1994-2000)**

Year	Total Employer	Reserve for OBCs	OBCs Recruited
1994	120949	15237	7027
1995	1023680	7145	3843
1996	435670	2350	1515
1997	1045573	10993	4484
1998	1102262	9460	3833
1999	1109791	8272	3493
2000	1078934	10125	4661

**Group: - D**

In, 1994, there was total 120949 employees in Central government Group D. services in which 15237 was reserved for OBCs and their recruitment was only 7627.

In 1995, there was total 7145 employees in which 7145 was reserved for OBCs candidates and 3843 candidates could be recruitment.

In 1997, there was total 1045573 employees in Central Government Group:- D services and 10993 was recruited for OBCs and 4484 candidates could be recruited.

In 1998, there total 1102262 employees in Group:- D services and this year total 9460 seats was reserved for OBCs and only 3833 candidates able to get the job.

In 1999, there was total 1109791 employees in Group:- D services and but 3493 seats could be recruited. In 2000, there was total 1078934 employees in-group: - D services, and 10125 seats reserved, and but only 4661 seats could be fulfilled by OBCs in Central Government jobs. By this data, it is clear than even in Group: - D services the reserved seats could not fulfilled in central government.

In 1994, 1997, 1998 and 2000 there was higher vacancy for OBCs but their recruitment was very less, Except 1994 in this year their recruitment was also minimum. In 2000 there was total 1078934 employees In-Group: - D services in Central government and their recruitment was only 4661 in total 10125 reserve seats.

This is really a surprised pictures before us that even in Group:- D services, where there is no criteria for candidates can get the job but Government is enable to fulfill the reserve seats. Government should look into the matter seriously. If a OBC

candidate is unable to get the Group:- D type of job which is according to Mandal Commission more than half of the total population of India, is really a shocking picture before us. It government is unable to provide the Group: - D type of jobs to OBCs than how. Government could able to fulfilled the Group- A & B types of jobs. This is the big question before our policy makers and the Government's who implement various program for the well fare of the people

Which shows the OBCs representation in Central government jobs after the implementation of Mandal Commission report in Group-A, Group-B, Group-C and Group-D.

In Group-C and Group-D services in Central Government which is basically clerk and peon type of job which is not playing any important role in decision making body in Governance these seats are also not fully fulfilled by the OBCs candidate. This seat is important for their survival and there is no need of much education for that type of job but still seats remain vacant from year to year.

*To sum-up*, according to 1951 censuses, the total population of Other Backward Class was 18.9 % (69million) Planning Commission estimated (1951) approx. 20% of total population in India. But their representation in government's jobs and professional colleges are lower than their population before the 1980s except sum States like Tamilnadu, Andhra Pradesh, if they have good representations. But in Central government Class I job they are only 4.69%, in Class II 10.63% and Class III and Class IV 18.93% representations.

There was need to bring them in governance through providing them reservations in government jobs and educational institutions so that they could represent themselves properly. There was also a political Compulsion for the

Janta Party Government to set-up the new Backward Class Commission, which was one of the main manifestos of the Janta party Government before the election. But after set-up the Mandal Commission (1979) it took more then 10 years for its implementation in Government jobs.

## CONCLUSION

The history of backward class is a long not a new of social struggle is not a now us phenomenon before. The backward class is which is situated between the upper caste and depress classes (SCs/STs). They are more in a numerical strength the other classes but getting less from the society. They have low representative in government Jobs and decision making bodies from the centuries. Jotiba Phule was the first took indicative for the welfare of the backward class hegemony in government jobs. He founded the “Satya Shodak Mandal” to unit the backward classes and advocated representation for all castes in public services.

There was the backward class moments in Karantaka, Tamil Nadu, Bombay Northern Part of India which lid to the evolution of reservation policy’ in India. The backward class? Used to got the jobs through the reservation system. They got the reservation according to their proportion of population. After the independence the Government continue this policy of reservation to backward class in Government jobs. There was special provision for the backward classes in our constitution so that they could not be ignorant, neglected and depressed in the social.

In the process of nation-building there was the need of social justice to each and every citizen in India, so the concept of social justice became special feature in our constitution. The preamble of Sovereign, Socialist, Secular and Democratic Republic and secure all its citizen: Justice, Social, Economic and Political.

Liberty of thought, expression, belief, faith and worship,  
Equality of status and opportunity; and to promote among the all



Fraternity, assuring the dignity of the individual, and the unity and integrity of the Nation.

It was seen that after such provision for the Backward classes, their representation was still less than their expectation. Different state Government get up the commission / committee to find out the backward class communities in their state and recommended some provision in Government jobs and professional educational institutions it was seen that still there was the lack of representation in government jobs as well as educational institutions. Kaka Kalelkar Commission was set up by the Government of India in 1953 and Sri Kaka Kalelkar was the Chairperson of the commission, to identify the other backward class who are socially and educationally backward. The Commission submitted its report on 1955 but it was rejected by government after the discussion in parliament in 1961.

The Mandal Commission was set-up in January 1979 and Sri B.P Mandal was the Chairperson. The commission the commission submitted its report in December 1980 and it could be implemented in August 1990, because of some political compulsion.

The Mandal Commission Report is an interesting revelation as regards to the reservation policy in India in the content of Sociology of Social Justice. According to it, the 'forward castes', estimated to be at 25.5% of the population, make up of 75.34% of employees of Central ministries and departments. The scheduled castes and scheduled tribes together were 16.83% and the backward castes were 4.83% respectively. In Class 1 jobs, these figure were 90.23% for the forward castes, 7.18% for the scheduled communities and 2.59% for the backward castes. Clearly, reservations has provided some scope for scheduled castes and scheduled tribes. But the Other Backward Classes, which represent 52% of the total population, were hopelessly behind.

There are certain other injuries to Other Backward caste like:

1. Less opportunity for education - both in technical and managerial jobs.
2. Less opportunity for employment in both government and private sectors.
3. Less opportunity to find a place in judicial, bureaucratic and executive systems of the country.
4. Less opportunity for better economic growth in terms of assets and income generations.

According to 1991 census, 43.4% of OBCs are landless and about 13% of OBCs had their own land which is between 5-10 acres, where as 32% of the upper castes have a land holding between 5-10 acres. The common belief that the backward castes are the major landholders of India is a myth. About 50% of the OBCs are landless, working as labourers and coolies, receiving low wages leading to hand- to- mouth existence.

As I indicated through the 'Map' that most of Indian States has 25-50% Other Backward Classes population are still backward, according to the National Sample Survey (NSS 1999-2000). As I mention in Chapter 5<sup>th</sup> the Other Backward Classes representation in Central Government Services till 2000 in Group-A, Group-B, Group-C and Group-D, this data is very shocking before us that the after the implementation of Mandal Commission, the Government of India is unable to fulfill those posts which is specially reserve for the OBCs candidates. More than 50% seats always unfulfilled every year in Group-A, Group-B, Group-C and Group-D services in Central Government. Even 27% reservation is less than their overall population in the country.

There is question why reservation in government services? The answers is government employment affords a degree of security, prestige, authority, which is not available in other services. There is still an aroma of glamour in government employment. The presence of members belonging to Backward Classes, Scheduled Castes and Scheduled Tribes in higher posts in Govt. service is regarded as an assurance of their acceptability and accessibility to the top layers of Govt. services giving them a new hope and provide the incentive

and opportunity to develop their talents. Govt. service in our country is still regarded as a source of prestige for both the individual and the caste to which he belongs. If backward communities are anxious to get proper representative in government services, the reason is not that it presents a solution for their economic difficulty but it adds to their prestige and gives status in society.

But after the implementation of Mandal commission, in Central Government, Group- A , Group-B, Group- C, Group- D, there is the lack of representation of OBCs in jobs. They have certain provision in the constitution, which talk about the social justice through equality of opportunity through the reservation.

The recent data which is taken by National Sample Survey (NSS) (Map-A&B) shows that still more than 25 to 50% people belong to OBCs lives in rural as well as Urban India. The data of 1994-2000 shows that the after the implementation of Mandal Commission which provides 27% reservation for OBCs in Central Government jobs, even it not totally fulfilled by the OBCs but

their strength has increased in Group: - A, Group: - B, Group:- C and Group:-

D services.

Last but not the least implementing Mandal Commission's Report is implementing Social Justice. Another primary aim of social justice is to secure dignity of the Individual. The existence of any privileged or favoured class in society is the root cause for discrimination and inequality in society is the negation of social Justice. We must devalue the high hierarchy social status conferred on the Upper Caste by tradition and custom and remove the social

imbalance and the level of society and recast the same to lay a lasting and permanent foundation for social justice.

But this is not sufficient. Government should take necessary step to implement those program which is the birth right to every one and in the process of nation-building through the social justice to each and every citizen of India.

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