

1. Appointment, terms of reference and tenure of the Commission

1.1 The Government of Kerala appointed the Commission to study and report on the adequacy or otherwise of representation of the Backward Classes in the services under the State Government, Public Sector Undertakings, Autonomous Bodies and Institutions under the State Government including the Universities, by notification dated 11th February, 2000. The notification published in Kerala Gazette Extraordinary No.269 dated 11th February, 2000 reads:-

"S.R.O. No.136/2000 - WHEREAS, Government of Kerala are of opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an inquiry into a definite matter of public importance namely, a study and report on the adequacy or otherwise of representation of the Backward Classes in the services under the State Government, Public Sector Undertakings, Autonomous Bodies and Institutions under the State Government including the Universities.

Now, THEREFORE, in exercise of the powers conferred by Section 3 of the Commissions of Inquiry Act, 1952, (Central Act 60 of 1952), the Government of Kerala hereby appoint a three member Commission of Inquiry consisting of Shri. Justice K.K. Narendran, Retired Judge of the High Court, Kerala as Chairman and Shri. K.V. Rabindran Nair, former Chief Secretary to Government of Kerala and Shri. Savankutty, former Chairman, Kerala Public Service Commission as Members.

The terms of reference of the Commission of Inquiry shall be as follows:-

- (i) To study and report on the adequacy or otherwise of representation of the backward classes in the services under the State Government, public sector undertakings, autonomous bodies and institutions under the State Government including the Universities.
- (ii) Any other matter incidental thereto.

The Commission shall complete the enquiry and submit its report with its conclusions to Government within six months from the date of publication of this notification.

The Government are of the opinion that having regard to the nature of the inquiry to be made and other circumstances of the case, all the provisions of sub-sections (2), (3), (4) and (5) of section 5 of the Commissions of

Inquiry Act, 1952 (Central Act 60 of 1952) should be made applicable to the Commission, and therefore, the Government hereby direct under sub section (1) of the said section 5 that all the provisions of the aforesaid Act shall apply to the Commission."

1. 2 The Chairman and the two Members assumed charge in the third week of February. The Commission held its first sitting on 28-2-2000. At its second sitting on 29-2-2000, the Commission had a discussion with the Secretary to Government, SC & ST Development Department and Secretary to Government, Finance (Expenditure) Department regarding the minimum requirements for the commencement of work of the Commission. It was decided to convert the office of the 'Creamy Layer Commission' functioning in the office building of the Kerala State Backward Classes Commission at Plamood Junction, Thiruvananthapuram-4 as the office of this Commission also. It was also decided that the existing staff of the 'Creamy Layer Commission' would continue as the staff of the Commission for the time being. Proposals were also made for some additional staff in view of the workload of the Commission. The Secretary was directed to write to the Government for necessary sanctions regarding the above matters.

1. 3 On 29-2-2000 itself, the Chairman wrote a letter to the Chief Secretary to Government pointing out the nature and volume of work entrusted to the Commission and seeking the co-operation of the Government at all levels.

1. 4 Government sanctions for additional staff and other related matters was issued towards the end of May 2000. However, the Commission did not operate all the posts. Work was managed with the minimum possible staff keeping vacant some posts like the post of Joint Secretary, Court Officer, etc.

1. 5 At its sitting on 13-3-2000 the Commission took a decision to write to the Kerala Public Service Commission for a factual note on the Scheme of Reservation and to request the Public Service Commission to inform the Commission the longest period for which the Public Service Commission will be able to furnish the data regarding the

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recruitments made from time to time. The draft of the proforma for collecting the data and the instructions for filling up the proforma to be sent along with the proforma were discussed at its sittings held on 11-4-2000 and thereafter. It was decided that the proforma and the instructions for filling up the proforma need only be sent to the Secretaries to Government and the Secretaries to Government will be the officers responsible for furnishing the data to the Commission. The letter to the Kerala Public Service Commission was sent on 9-5-2000. The Commission had a discussion with the Secretary, Kerala Public Service Commission in the sitting held on 28-6-2000. The draft of the proforma and the instructions for filling up the proforma were approved and despatched to the Secretaries to Government on 28-6-2000.

1. 6 It was obvious that a lot of time and effort would be required in collecting the data sought in these communications. The number of employees involved is around five lakhs and data had to be built up from the very lowest level of Government offices. Hence the Commission decided that, instead of merely waiting for the receipt of data from Secretaries to Government, active follow up would be done by the Commission to ensure expeditious collection of the data. The details of the work done by the Commission in this regard have been narrated later in chapter 4 of this report.

1. 7 On 30-6-2000, a request was made to the Government to extend the term of the Commission till 31-3-2001. This was on the assumption that if the data from Secretaries to Government and Kerala Public Service Commission became available by the specified date viz. 31-12-2000, Commission would require three months to standardise, compile and analyse the data and prepare the report. A copy of the letter dated 30-6-2000 is at *Annexure 1*. However as per notification number 13732/F3/2000/SC ST DD dated 29-8-2000, extension for a period of six months with effect from 11-8-2000 was ordered by Government.

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1. 8 On the expiry of the last date specified by the Commission (31-12-2000) for receipt of data from Government and Public Service Commission, the matter was reviewed by the Commission. The data received from Secretaries till then covered only about twenty percent of the employees. Some of the Secretaries to Government had written to the Commission seeking extension of time for collecting the data. Data from Public Service Commission also got delayed. It was therefore obvious that, in spite of the best efforts of the Commission and co-operation from Secretaries to Government, work would not be completed by 10-2-2001 when the first six months extension would run out. Hence in letter number 30/2000.KKNC dated 11-1-2001 Commission sought extension for six more months explaining clearly that the second extension was necessitated because of reasons beyond the Commission's control. A copy of the letter dated 11-1-2001 is at *Annexure 2*. Government responded with grant of extension up to 31-3-2001 only. Chairman of the Commission wrote to Chief Secretary to Government on 20-2-2001 explaining why the six month's extension sought by the Commission was unavoidable. A copy of that letter is at *Annexure 3*. As per notification no.789/F3/2001/SC ST DD dated 31-3-2001, Government allowed extension up to 10-8-2001.

1. 9 As the receipt of full data from Public Service Commission and Government Secretaries took more time, Commission was compelled to ask for another extension. The circumstances in which Commission was left with no option other than seeking such a short further extension for three months was explained in letter number 30/2000/KKNC dated 5-7-2001 addressed to Government. A copy of that letter is at *Annexure 4*. Government allowed that extension as per notification No.11198/F3/2001/SC ST DD dated 4.8.2001.

1. 10 The Commission held, in total, 51 sittings for discussing the arrangements of work, its progress and later for analysing the data and formulating views on the basis

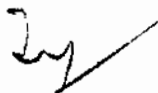
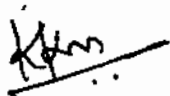
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of such analysis. Three sittings were held (Kozhikode, Kochi and Thiruvananthapuram) for taking evidence from the public and organisations. Two discussions were held with the Hon'ble Chief Justice of Kerala. One discussion was held with Chairman, Kerala Public Service Commission, following an earlier discussion with the Public Service Commission Secretary. Besides, 8 discussions were held with senior functionaries of Government like Secretaries. In addition, there were a number of occasions when different functionaries had to be contacted over phone or met for clarification of specific points. Apart from this, a series of discussions were held by the Secretary to the Commission with Nodal Officers of different Secretariat Departments and the Chairman and members participated in some of those.

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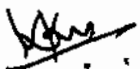


2. Historical background of the system of reservation in recruitment to public services

2.1 The prevailing position of representation of backward classes in public services in the state is the result of two types of recruitment viz. recruitment through normal merit system and recruitment through the system of reservation. Therefore, before proceeding to assess the present level of representation for these communities, it will be relevant to attempt a brief review of the historical background of reservation in the recruitment.

2.2 Public Services in the erstwhile princely States and British Provinces was the monopoly of a microscopic minority of the population till the end of the nineteenth century. In the erstwhile State of Travancore, public services was almost a forbidden land even for powerful sections of the sons of the soil. This led to the Malayali Memorial of 1891. The Malayali Memorial was followed by an Ezhava Memorial of 1896. It was quite natural that the forward classes among the people who were more educated and more powerful gradually got more and more representation in public services. This was the state of affairs throughout the country. This led to a hue and cry that the backward classes among the population are not getting their due share in the appointments to the public services.

2.3 It was in the erstwhile Malabar district which was part of the erstwhile Madras State that reservation for backward classes in the public services was first introduced. In 1921 the Government of Madras took steps for higher representation of non-Brahmins in Government services. Thereafter in 1927 the Madras Government classified all communities of the state into 5 categories and earmarked separate quota for each group for recruitment to Government services. In 1947 the Government of Madras revised the representation and a separate quota was fixed for backward Hindus also. This scheme of reservation was struck down by the Supreme Court of India. Thereafter the Government decided in 1951 that henceforth reservation should be there for scheduled







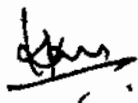
castes and backward classes only. This was the position in the erstwhile Malabar district when it became part of the State of Kerala as a result of the States Re-organisation on 1st November, 1956.

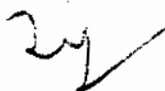
2.4 In the erstwhile State of Travancore the monopoly of Tamilians in public services was on the decline after the Malayali Memorial. Gradually an impression was created that a few sections of the people of the State were gaining something like a monopoly in the public services and that the others belonging to different sections of the people are denied their due share in the appointments. This led to the 'abstention movement' in the Nineteen Thirties by those sections of the people who were practically denied entry into public services. In January, 1935, a Public Service Commissioner was appointed to make selection for appointment to public services observing reservation for Backward Classes. Thirty five percent of the posts were reserved for the Backward Classes.

2.5 In the erstwhile State of Cochin a Staff Selection Board was constituted in 1936 to select candidates for appointments to the public services, observing the principle of reservation for Backward Classes and Scheduled Castes. In 1947 the Staff Selection Board was replaced by the Cochin Public Service Commission.

2.6 On the integration of the erstwhile States of Travancore and Cochin on 1st July, 1949, the Travancore-Cochin Public Service Commission was constituted by an Ordinance issued by the Government. This Public Service Commission became a constitutional authority from 26th January, 1950 with the advent of the Constitution of India.

2.7 As a result of the States Re-organisation in 1956 the State of Kerala was formed comprising the erstwhile State of Travancore-Cochin (except the present Kanyakumari district) and the erstwhile Malabar district of the State of Madras. Naturally







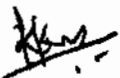
the Kerala Public Service Commission came into being. With certain modifications the reservation for Backward Classes and the Scheduled Castes and Scheduled Tribes continued in the appointments to the public services.

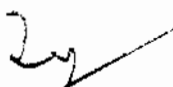
2.8 Soon after the formation of the state of Kerala the Kerala Public Service Commission (Consultation) Regulations, 1957 was issued. These regulations published in Kerala Gazette dated 9-4-1957 excluded the jurisdiction of the Kerala Public Service Commission in the matter of filling up of certain posts and appointments of handicapped persons, appointments of dependants of defence personal, temporary appointments through Employment Exchange etc.

2.9 In 1958 the Kerala State and Subordinate Services Rules, 1958 was issued under Article 309 of the Constitution of India. These rules came into force from 23-12-1958. These rules among other things insist on the reservation of appointments for Backward Classes and Scheduled Castes and Scheduled Tribes and the rotation to be followed in filling up posts (Rule 14 to 17 Part II).

2.10 The Kerala Public Services Act, 1958 was enacted to regulate the recruitments and conditions of service of persons appointed to public services and posts in connection with the affairs of the State. The Act which came into force on 16-9-1968 empowered the Government to make rules to regulate the recruitments and conditions of service of persons recruited to public services. The existing rules framed under Article 309 of the Constitution of India were allowed to continue.

2.11 The Kerala Public Service Commission (Additional Functions) Act 1963 which came into force on 1st October 1966 empowered the Public Service Commission to make recruitments for the Kerala State Electricity Board. The Kerala Public Service Commission (Additional Functions as Respects the Kerala State Road Transport Corporation) Act, 1970 was enacted to empower the Public Service Commission to make







recruitments to the Kerala State Road Transport Corporation. This was followed by the Kerala Public Service Commission (Additional Functions as Respects certain Corporations and Companies) Act, 1970 which came into force on 29-11-1970. This empowered the Public Service Commission to make recruitments to some posts in certain Corporations and Boards constituted by the Government and the Kerala Water Authority. Then the Kerala Public Service Commission (Additional Functions as Respects the services under Local Authorities) Act, 1973 was enacted. This Act came into force on 1-4-1978. This was followed by the Kerala Public Service Commission (Additional Functions as Respects certain Societies) Act, 1996. This Act which came into force with effect from 26-3-1996 empowered the Kerala Public Service Commission to make recruitments for certain Co-operative Societies registered under the Kerala Co-operative Societies Act, 1969 and certain Societies registered or deemed to have been registered under the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 and the Societies Registration Act, 1860.

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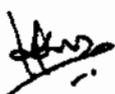
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### 3. Sittings of the Commission for taking evidence

3. 1 In an enquiry like this which deals with an issue of high social relevance and significance, it is both appropriate and essential to know the views of a broad spectrum of public opinion of all shades. This is also essential in a statutory enquiry under the Commissions of Inquiry Act, 1952.

3. 2 The Commission on 9-1-2001 issued a Notification inviting the opinion of the public and organisations in the matter of the adequacy or otherwise of representation of the Backward Classes in the services. The above Notification was published in the leading daily news papers in the State. The public readily responded and as many as 209 representations were received by the Commission. Though the time limit of 31-1-2001 was there in the Notification inviting representations, representations received thereafter also were taken on the file. As a matter of fact, some organisations brought written representations with them when they appeared before the Commission for giving evidence. There are a few instances where representations brought and produced at the time of evidence were copies of representations already submitted in response to the Notification dated 9-1-2001.

3. 3 Thereafter on 29-5-2001 the Commission had a sitting in the District Panchayat Conference Hall situated at the premises of the Kozhikode Civil Station. Then a second sitting was held in the Council Hall of the Corporation of Cochin at Kochi on 6-6-2001. The third sitting was in the office of the Commission at Thiruvananthapuram on 21-6-2001. All the three sittings were notified to the public by advertisement in the leading Malayalam Daily News papers. This was to enable the public including those who had requested for an opportunity to appear before the Commission and give evidence in their written representations already submitted to the Commission. As according to the Commission there was good publicity and sufficient notice, the



Commission did not issue individual notices about the sittings to any of those who requested for an opportunity to adduce evidence. As many as 49 persons, both individuals and representatives of various organisations appeared before the Commission and gave evidence.

3. 4 A perusal of the representations received and the oral evidence adduced at the sittings of the Commission reveal that a good number of individuals and organisations are really interested in the subject matter of the inquiry by the Commission. Some of them have taken pains to study the different aspects of the question and have placed before the Commission their strong views in the matter. It is only proper that the Commission makes a brief survey of the representations received and the evidence adduced before the Commission in this report.

3. 5 As already stated the response from the public to the notification issued by the Commission inviting the views of the public on the subject matter of the inquiry by the Commission, was very good. In their enthusiasm a few persons and organisations have sent more than one representation. Representation 106 and 107 contain the same printed matter signed by different persons. Similarly, R. 77, R. 77A, R. 78, R.116, R.117, R.118, R.119, R.120, R.121 and R.122 are the same printed matter signed by different persons belonging to the Dalit Christians Group. R.177 and R.177 A are two representations bearing the same date filed by the United Muslim Organisation, State Committee, but the contents in the two representations are not the same. R.127, R.127A, R.130 and R.133 are representations filed by the same person. R.127 is a photocopy of R.132. R.140 is only a photo copy of R.101 representation. R.101 dated 30.1.2001 was delivered at the office of the Commission on 31-1-2001. R.140, a photo copy of R.101, without the Annexures, is seen received in the office of the Commission on 18-6-2001. R.186 and R.186A are two representations bearing two different dates filed by the very same two persons, R.157 and R.158 are two separate representations filed by the same

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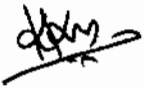
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person. R.157 is in English and R.158 is in Malayalam. R.75 filed on 7-12-2000 and R.76 filed on 30-1-2001 are from the same organisation.

3. 6 The majority of the representations received by the Commission are from persons belonging to Backward Classes and form Backward Class organisations. The same is the position regarding those who appeared before the Commission to give evidence at the sittings held at Kozhikode, Kochi and Thiruvananthapuram. This is only quite natural. There are a few representations from the Scheduled Castes and Scheduled Tribes though the scope of the inquiry will not cover them.

3. 7 A community-wise split up of the representations received from the Backward Classes is given hereunder:

3. 8 R.1, R.3, R.32, R.48, R.80, R.82, R.96, R.98, R.103, R.113, R.129, R.138, R.150, R.154, R.171, R.184, R.191 and R.192 are representations from the Muslim community. R.51, R.53, R.69, R.86, R.108 and R.176 are representations received from Ezhava community. R.97, R.106, R.107, R.115, R.147, R.161, R.164, R.175 and R.183 are representations received from various sections of the Viswakarma community. R.136, R.143 and R.202 are representations received from the Dheevara community. R.15, R.23, R.34, R.165, R.166, R.196 and R.197 are representations received from the Potters community known by different names. R.2, R.172 and R.187 are representations received from the Latin Catholic. R.170 is a representation received from the Anglo-Indian community. R.26, R.85, R.137, R.152 and R.193 are representations received from the Veersaiva community. R.52, R.194 and R.195 are representations from the Ganaka community. R.168 and R.174 are representations received from Kudumbi community. R.163 is a representation received from Padmasaliya community. R.75, R.76, R.141 and R.142 are representations received from Hindu Nadars. R.74, R.78, R.83, R.116, R.117 and R.118 are representations received from Dalit Christians. R.8 is a representation received from Nadar Christians while R.91 is a representation received from Velans and







R.10 is a representation received from Yogeswara. It is a fact that some of these communities are known by different names in different parts of the State.

3. 9 Though the task entrusted to the Commission is to go into the adequacy or otherwise of the representation of Backward Classes in the services, a number of organisations and individuals belonging to the Forward Classes have submitted their representations to the Commission in the matter. Some of them have taken pains to appear before the Commission and tender evidence in support of their stand against reservation for Backward Classes. R.6 and R.24 representations submitted to the Commission insist that there should be no discrimination on caste basis in the matter of recruitment. R.35 pleads for economic reservation while R.43 is for giving up reservation after a particular period. R.44 wants 1 per cent reservation for 24 Mana Telugu Chetty Sangham and R.71 wants reservation for Namboodiries. R.109 representation insists that no representation in services should be there on the basis of community and recruitment must be on the basis of merit alone. R.110 holds the view that Forward Classes have not got proper representation in the services. The stand taken in R.112, an anonymous representation is that the complaint of the Backward Classes that they are not getting proper representation in the services is nothing but farce. R.101 is a representation strongly opposing the continuance of the reservation for Backward Classes on the ground that the Backward Classes in the Kerala State and S.Cs and S.Ts have got representation in services beyond their percentage fixed by the Government. In support of this contention, ten annexures have been produced. R.100 is a representation insisting for a classification of Forward Classes for appointment to services under the State. R.110 is a representation for scrapping of reservation in the matter of appointments to State services and insisting that all appointments should be on the basis of merit. W.5 in his evidence insists that the poor among Forward Classes should have reservation. W.30 wants to give up the present system of reservation for Backward Classes and replace it by economic reservation. R.178 contends that Muslim and Ezhava communities have overcome the

social, educational and other backwardness as is evident from the percentage of Ministers and M.L.As belonging to these two communities and hence they are to be excluded from the list of Other Backward Classes. W 39 in his evidence has asserted that the communities who claim to be socially backward have secured 75% of the posts in the Government. In R.179, representation by Depressed Communities Front and in the evidence of W.39, Secretary of the Front, the stand taken is that no social inequality is there now and hence backwardness has to be determined on economic basis. It is also urged that all those who are below poverty line irrespective of community should be entitled for reservation of posts in the services.

3. 10 The complaint in almost all the representations from the Backward Classes is that their representation in the services is much less than what they are entitled to. Most of these communities want an increase in the reservation quota. They demand adequate representation in the services according to their population in the State. In R.171 it is contended that the Backward Classes who form 65% of the population have only 30% of the jobs while the Forward Classes who form only 35% of the population have 70% of the jobs in the services. R 82 and R.171 also insist that the lack of representation of the Muslims in the services should be made good by "Special Recruitment". In R.177 it is stated that in 1961, special recruitment was made for Muslims, Other Christians and Scheduled Castes and Scheduled Tribes. These demands are repeated by W.25 in his evidence. In R.176 it is alleged that in Class I and Class II posts, Backward Classes are not adequately represented. W. 36, the Secretary of the Samithy, in his evidence before the Commission has also underlined this aspect. In R.22, the demand is that the "Other Backward Christians" should have an increase in their representation in the services on the basis of their population. R.52 wants that Ganakas should have 10% quota reserved for them whereas R.173 limits that to 3%. The complaint of W.31 is that Velaars (Potter Community) are not actually getting any appointment and hence they should have a 1% quota. The complaint in R.175 is that in the first six months of 2001, though about 8000 recruitments were made through the Public Service Commission, the Viswakarma

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community did not get any appointment. The demand of W.34 is that the Viswakarma should have 7% reservation. According to W.44, the Dheeveras should have 5% reservation. The demand in R.53 representation is that even after 50 years of independence the Dalit and the Backward Classes have not got adequate representation in the services according to their population in the State. R.11, R.47, R.59, R.87, R.129, R.165, R.183, R.187, R.194, R.197 and R.199 are some other representations which make the same demand. W.26, W.34, W.40 and W.46 are some of those who in their evidence before the Commission, have demanded an increase in the representation of their communities in the services according to their population in the State.

3. 11 In R.37 there is a request that the Commission should find out the caste-wise population in the State. R.53 insists that the community-wise population should be found out at the outset. In R.48 the claim is that about 19 percent of the State population are Muslims while in R.98 the claim is that they are about 25 percent. In R.129 also the claim is that Muslims are the largest community in the State. W.4 also in his evidence repeats this claim. In R.108 the claim is that Ezhavas form 30 percent of the State population and they are about 90 lakhs. In R.176 also the claim is that Ezhavas are the largest community in the population of the State. R.116 states that Dalit Christians are 30 lakhs. R.166 claims that Potters are 16 lakhs. R.173 claims that Ganakas are 10 lakhs. According to R.174, there are 6.5 lakh Kudumbis in the State. W.44 asserts that Dheeveras are 40 lakhs. R.196 points out that Potters are 16 lakhs. According to R.201, Vanika Vaisyas are 9 lakhs. R.26 claims that Veerasaivas are 10 lakhs. The question is how much reliance can be placed on these assertions made by the different communities.

3. 12 There is a demand made in a good number of representations that reservation must be there in the recruitment to all posts where salary is paid from the consolidated fund of the State. R.11, R.46, R.51, R.108, R.137, R.171, R.176, R.177 and R.184 are some of the representations which high-light this point. It is the aided schools and private colleges in the State that they have in mind. The total staff strength of these

institutions is somewhere near 1.5 lakhs. In R.127A, the demand is for necessary legislation for reservation for Backward Classes in private sector also. In R.176, the demand is that all appointments to posts where salary is paid from the consolidated fund of the State should be filled up through recruitment by the Public Service Commission. It is also demanded that reservation should be extended to the co-operative sector. In his evidence W.36 has repeated these demands. Witness numbers 1, 22, 37, 42 and 47 are some of those who have put forward the demand that reservation should be made applicable to all posts where salary is paid from the consolidated fund of the State.

3. 13 There are a few representations where the complaint is that appointments are made ignoring the reservation principle or overlooking the reservation quota. Some of the witnesses also has high-lighted this aspect in their evidence before the Commission. W.13 in his evidence has gone to the extent of asserting that according to the Mahatma Gandhi University no rotation principle is to be observed in the matter of isolated appointments. R.162 is a representation complaining that in their appointments no reservation rotation was observed and that they were given ranks below others who could have been ranked only below them. The first signatory in R.162 has given evidence before the Commission as W.16 repeating the allegation contained in R.162.

3. 14 A good number of representations received from Backward Classes and a number of Witnesses who appeared before the Commission to give evidence, oppose tooth and nail the unit system of 20 insisted by Rule 14(a) of the Kerala State and Subordinate Services Rules, 1958 and the rotation chart given in Rule 14(c). It is alleged that Backward Classes who are entitled for recruitment on the basis of merit are adjusted in their reservation quota and by this device Forward Classes candidates who are not entitled for selection manage to get into the select list. It is further urged that this should be stopped and Rule 14 should be amended to prevent this injustice to the Backward Classes. In R.1 the demand is that the rotation chart should be 100 instead of 20. According to R.171 the whole reservation is torpedoed by the unit system and rotation

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chart provided in Rule 14 of the K.S.S.R. In R.79, R.80, R.81 and R.87, a serious challenge against the unit system and the rotation chart is made. According to W.34, the rotation should be changed every ten years. The demand by W.42 is to stop the 20 unit system. According to W.45 and W.46, the rotation should be changed every five years. R.106 and R.188 want the unit system and the rotation chart to be changed. W.9 in his evidence and R.154 submitted to the Commission has gone deep into the details of the matter to show that the unit system and the rotation torpedoes the whole reservation concept.

3. 15 There is a demand in R.51 representation submitted to the Commission that a separate department for the welfare of Backward Classes should be there. It is also pointed out in this representation that in States like Tamilnadu there is a separate department for the welfare of Backward Classes.

3. 16 Some of those who submitted representations to the Commission, made a request for an opportunity to appear before the Commission to give evidence. A number of persons including those who did not make such a request also appeared before the Commission and gave evidence. A list of representations received and a list of witnesses who appeared before the Commission are given in *Annexures 5* and *6* respectively.

3. 17 Most of the Backward Classes have a common complaint that their community has no proper representation in the services. So in their representations they have demanded 'Special Recruitment' to fill up the deficiency. Some of the communities have limited this claim to class I and class II posts where according to them their representation is very poor. R.48, R. 103, R.129 and R.151 are the representations where the demand for Special Recruitment for Muslims is made. R.106 and R.161 are the representations where demand for Special Recruitment for Viswakarma is made. In R.176 representation demand for Special Recruitment for Ezhavas in class I and class II posts is made. Some of the witnesses who gave evidence before the Commission have

also made this demand. In R.127, it is contended that there is no provision for special recruitment of OBCs in Articles 16(4) and 320 (4) of the Constitution of India.

3. 18 Among the 200 and odd representations received R.17, R.37, R.42 and R.112 are anonymous. R.180 is simply a copy of a representation sent to the Kerala State Commission for Backward Classes, forwarded to the Commission by a covering letter while R.145 is a photo copy of a representation sent to the District Collector, Palakkad; the only changes are by scoring off 'Palakkad District Collector', 'Justice Narendran Commission' is inserted and the date '21<sup>st</sup> December, 2000' changed as '21<sup>st</sup> June, 2001'. The authors of R.4, R.5, R.11 and R.20 have chosen post cards to write representations. R.128 is a representation by the President, Backward Class Reservation Protection Council, I. Justus Nadar. It is stated in the representation that it is a petition filed under Sub-section (1) of Section 9 of the Kerala State Commission for Backward Classes Act, 1993. No action is called for by the Commission in this representation. R.189, a Junior Auditor of the Co-operative department wants a deputation to the Commission Office. He has forwarded his bio-data also along with the representation. R.14 is a representation by a former employee of the Food Corporation of India whose services were terminated and whose suit challenging the termination is pending before the Sub Court, Thiruvananthapuram.

3. 19 R.131 is a request to the Commission to enquire into a malpractice of one person getting an appointment by producing a creamy layer certificate by dubious methods. In R.138 the Calicut Dakshini Muslim Jamath requests to make available a copy of some resolution dated 27-10-1999 adopted by the National Commission for Backward Classes including Dakshini Muslims in the Central list of other Backward Classes. R.195 is a representation to exempt Ganakas from creamy layer. The request of witness No.49 (W.49) is for the creation of a Pappada Corporation. One of the requests in R.16 is that a certain percentage of PWD contracts should be reserved for Scheduled Castes and Scheduled Tribes. Another request in the same representation is to reserve

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some Abkari shops for Scheduled Castes and Scheduled Tribes. R.3, R.4, R.5, R.7, R.8, R.12, R.13, R.17, R.21, R.28, R.36, R.50, R.62, R.84 and R.104 are also some of the other representations which are not relevant to the scope of the enquiry by the Commission. R.104 is a mass petition by 27 members of the staff of the K.S.R.T.C. belonging to the Scheduled Castes and Scheduled Tribes who are empanelled workers. In a number of representations the question of inclusion in the O.E.C. as a safeguard for getting admission to educational institutions is raised.

3. 20 There are a number of representations projecting individual grievances of the persons who have submitted these representations. R.185 is a representation by a member of the Kalari Kurup-Kalari Panicker community. His request is that his son, a practicing lawyer should be appointed as a Munsiff-Magistrate. R.141 is a representation by one who has registered with the Employment Exchange as early as 19-7-1973. His grievance is that he is yet to get a job. The grievance in R.167 is that a person who has worked as Daily Wages Messenger in the State Bank of India in different branches from 1984 onwards is now without a job. His request is that the Commission should find out a solution for his problem. R.66 is a representation by a handicapped who has registered his name with the Kochi Town Employment Exchange from 1984 onwards and who is yet to get a job. He requests that the Commission should help him to get a job. The request in R.7 representation by a Senior Auditor of the Co-operative department is that he should be granted the full pension. R.2, R.8, R.30, R.31, R.39, R.54, R.73, R.123, R.125, R.126 and R.143 are some other representations where the grievance is individual.

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4. Collection of data

4.1 The notification constituting the Commission contained a clear idea about the purpose for which Government took the major policy initiative of appointing such a Commission. According to the notification, adequacy or otherwise of the representation of Backward Classes in Government and allied services had to be assessed. Even during the preliminary discussions held by the Commission it became clear that this assessment would really involve a task of unprecedently formidable dimensions. Hence the Commission proceeded to define the specifics which should, together, form the outline of the area of study and analysis.

4.2 The first aspect was to decide which are the institutions to be covered. The Government notification indicated four types of institutions, viz, Government Departments, Public Sector Undertakings, Universities and Autonomous Institutions. There are obviously a large number of institutions under each of these categories. There is no ready and authentic list of such institutions, which the Commission could depend on. Preparation of such a list by the Commission would obviously take time. Even if that was attempted, there could be areas of ambiguity where the decision to include or exclude a particular institution might have to be examined in detail. Hence the Commission decided that some other viable option should be attempted.

4.3 At this stage the Commission considered a related issue. Even if the Commission was to directly determine which are the institutions to be taken up for data collection, would it be feasible for the Commission to approach each of those institutions and collect the required data? The number of institutions coming under the four categories would be quite large with most of them having huge numbers of subordinate offices or establishments. The Commission, with the limited time and the limited staff

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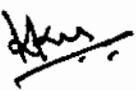
available to it, would find it near impossible to ensure that all such establishments are covered if direct data collection is attempted.

4. 4 Keeping these two issues in view, the Commission wanted to see whether data could be collected from sources which would meet the following specifications.

- (a) They should not be too many in number so that it will be practicable for the Commission to keep direct interaction effective and expeditious.
- (b) They should be authorities who can be expected to provide accurate data with full awareness of the sensitive and serious nature of the work involved.
- (c) They should have the powers and facilities to ensure comprehensive coverage of all the institutions and all employees coming under the four categories mentioned in the Government notification appointing the commission.

4. 5 In identifying such sources, it was essential to form an idea about the nature of data to be collected. It was obvious that for responding to the mandate in the Government notification, actual position of representation of Backward Classes as of now will have to be collected. But that alone might not enable the Commission to attempt a detailed analysis of the trend of employment of these communities in Government service, over the years. Therefore the Commission came to the view that two main streams of data should be collected. One would be the position on the ground as of now and the other the details of recruitment in Government service over the period covered in the exercise.

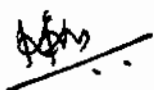
4. 6 It was but logical to clearly see at this stage which are the two feasible and reliable sources from which the Commission could collect data. The position as of now could be collected from Secretaries to Government and the recruitment details could be



collected from the Secretary, Kerala Public Service Commission. Against this background the Commission decided that these two authorities would be approached for collection of data.

4.7 The next task to which the Commission applied its mind was to formulate the pattern in which data had to be collected. In that context, the most important aspect was the large numbers involved. It was clear from a preliminary assessment of Government documents and publications that around five lakh of employees would be involved. These five lakh employees are actually working in thousands of offices, big, small and tiny, all over the State. The format in which data is sought should be clear and precise so that the heads of all these different offices would give standardised data. The Commission recognised the extreme importance of this aspect as any attempt at standardisation after the receipt of the data would be simply impossible. After a lot of discussion, formulation and revision, the Commission drafted a format for collecting data about the present strength of employment. It was prepared in four groups, one for each of the four types of institutions mentioned in the Government notification. Not content with that, the Commission also prepared a set of detailed instructions to be referred to while filling the proforma. This was done to eliminate any possibility of confusion or ambiguity. Another precaution taken for standardisation was to fix one common date as on which data should be given in the proforma. The date so selected after considering different aspects was 1st August 2000. Attached to the instructions was the latest authentic list of backward communities issued by Government in the SC & ST Development Department.

4.8 The proforma and related papers sent to the Secretaries to Government may be seen as *Annexure 7*. A copy of this letter was sent to the Chief Secretary with a covering letter dated 3-7-2000 requesting that instructions may be given for handling this work on priority basis. A copy of this letter addressed to the Chief Secretary may be seen as *Annexure 8*. The document at Annexure 7 is self explanatory. However, it may be







helpful if some of its important aspects are briefly explained here. As stated earlier, for assessment of the level of representation of each backward community, all the seventy eight such communities given in the latest Government Order (G.O.(P)36/2000/SCSTDD dated 27-5-2000) were shown in the proforma. (Subsequent minor alterations in spellings of caste names were not specifically communicated by the Commission to Departments). In order to calculate their proportion of employment, the level of representation of SC, ST and Others (forward) communities also had to be assessed. Hence those three groups of communities were also provided with separate columns in the proforma. Then the grand total also is to be indicated. The next important aspect is the categorisation of employees. The Commission was of the definite view that the extent of employment should be assessed at different levels of service so that it would be possible to know how far the different communities are represented in junior, middle level and senior positions. Two options first considered by the Commission were to collect data of representation (i) in each post and (ii) in three categories viz, Class IV, Non-gazetted posts and Gazetted posts. Assessment under each post would be simply impossible as there are a huge number of posts in Government service. As regards the other categorisation, Commission faced two difficulties. One is that there is really no authentic and precise classification as non-gazetted and gazetted posts. (This position, informally ascertained at that stage, was later confirmed by Government in their letter No.84226/Admn/B1/2000/Fin dated 8-11-2000 given in *Annexure 9*). The second is that even if an approximate grouping on that basis is done, that will not reveal the extent of representation in different levels within each category, particularly, the so called gazetted category.

4.9 After detailed consideration of all relevant aspects, the Commission decided on a categorisation which would be precise, unambiguous and would reveal the extent of representation in six levels of Government and allied services. Each category would include posts on scales (revised) of pay with a specified minimum. In Government service, the status and responsibilities of the positions held by employees is best indicated

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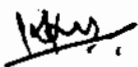
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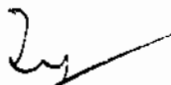
in the scales of pay they hold. Whereas, at the maximum, there would be overlapping between posts carrying lower levels of responsibilities and higher levels of responsibilities, at the level of the minimum, the scale of pay show a clear differentiation between posts of higher status and lower status. This does not mean that categorisation is based on pay. It is really based on posts. The only difference is that in each category, a number of posts coming within the scales of pay in that category would be taken together for assessing the level of representation. Because the number of categories fixed was not three (as in Class IV, Non-gazetted and Gazetted categorisation) but six, the Commission's categorisation would give a more detailed idea and a clear picture about backward communities' representation in different levels of Government. This will be clear from *Appendix I*, which gives an illustrative (not exhaustive) list of the important posts and scales of pay coming under each of the six categories.

4. 10 This categorisation was adopted for offices coming under Group I, III and IV viz., Government service, Universities and Autonomous Institutions. In the case of Public Sector Units, there was need for a different approach. This is because, unlike in other groups, in the case of public sector undertakings recruitment through Public Service Commission is of comparatively recent origin and does not even now cover all sections of public sector employees. Keeping this in view a different categorisation was laid down for public sector undertakings. Appendix I gives this categorisation for purpose of easy reference.

4. 11 The next important aspect about the proforma is the difference between columns A and B under each category. Under 'A', the number of employees of the particular community under that category is to be indicated. Under 'B' those among them who got reservation benefit in recruitment as backward class was to be indicated.

4. 12 The proforma was to be compiled by each head of department/institution and sent to the concerned Secretaries to Government so that the Secretaries to Government



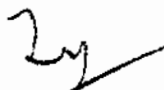
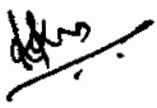




could try their best to ensure that all institutions submitted the data covering all their employees. For any future verification and also as a permanent record facilitating similar studies in future, it was laid down that a statement should be taken from each employee giving the relevant details. Paras 4 and 5 of the instructions enclosed with Annexure 7 clarify this. It was also clearly indicated in para 10 of the instructions how the category to which each employee belongs can be determined answering a series of very simple questions in terms of the proforma.

4.13 The letters from the Secretary to the Commission addressed to all Secretaries to Government (included in Annexure 7) enclosing the proforma etc. were sent on 28-6-2000. This left one month for preparation before the date (1-8-2000) as on which data was to be collected. Another five months' time was given for compiling the data and sending that to the Commission. The last date for receipt of data in the Commission was fixed as 31-12-2000. Secretaries to Government were also requested to nominate one of their officers (at Additional Secretary/Joint Secretary level) as nodal officer to facilitate interaction with the Commission as well as co-ordination with the field authorities collecting the data. The idea was that, to the maximum extent possible, delays in correspondence could be avoided and data got ready within the stipulated period.

4.14 At the next stage, Commission Secretary was directed to hold discussions with all nodal officers so that any clarification they required could be given on the spot. These discussions were held during the period between 16-8-2000 and 23-9-2000. Some of these discussions were attended by the Chairman and Members also. A detailed report was prepared by the Secretary to the Commission after he completed these discussions. Commission felt that the discussions had considerably helped the process of data collection. The discussions were followed up with three communications clarifying important points as indicated below.




- (a) Clarification for filling column B in the proforma issued on 28-9-2000.
- (b) General clarification on other important points raised during discussions between nodal officers and Secretary to the Commission.
- (c) Clarification regarding higher grade or time bound promotion.

These communications may be seen as *Annexures 10,11 and 12.*

4. 15 The Commission felt that, at that stage, it would be useful to attempt a random check of the progress of work in the field offices. Two officers of the Commission's Secretariat were deputed to different districts. They visited different offices and held discussions with officers and staff. The purpose was to spot and cure defects, if any, in the process of data collection going on in the field offices. This was for avoiding, to the extent possible, the need for a second reference to these offices much later when the defects are noticed after the Commission received the data. The two officers visited offices in twelve of the fourteen districts of the State. These were mostly district level offices so that the staff there would have necessary information to help their subordinate offices with ready guidance on points of doubt. Offices under major departments like Revenue, Agriculture, Transport, Food and Civil Supplies, etc. were covered in this exercise. This field scrutiny was done during the period between 5-10-2000 and 8-12-2000.

4. 16 At this stage the Commission felt that the major items among the defects noticed during the field check should be taken to the notice of Government so that they would ensure that appropriate corrections take place in all offices before data is despatched to Secretariat. It was also felt necessary that when the compilation is done in the offices of heads of departments, personal attention of Secretaries would help ensure comprehensiveness and accuracy of the data. Personal initiative at the level of Secretaries would also help in expediting the work of data collection. The Commission therefore decided to meet Secretaries to Government. Accordingly in his letter dated 31-10-2000, Secretary to the Commission invited all Secretaries to Government for discussions with



the Commission. Copy of the letter may be seen as *Annexure 13*. Discussions with Secretaries were held on different dates between 13-11-2000 and 14-12-2000. The discussions were extremely helpful as the Secretaries assured the Commission that they would try their best to complete the work of data collection as quickly as possible. These discussions with Secretaries were rounded up with a meeting with the Chief Secretary himself. Copy of Commission's letter dated 14-11-2000 inviting the Chief Secretary for discussions may be seen at *Annexure 14*. Chief Secretary to Government who met the Commission on 14-12-2000, extended full co-operation in getting the work of data collection expedited. It was however clear to the Commission that in spite of the positive response from Secretaries and guidance from Chief Secretary, all data would not be available to the Commission before 31-12-2000. Hence the Commission decided to extend the last date for receipt of data, by one month. This extension was communicated in letter dated 11-1-2001, copy of which may be seen at *Annexure 15*.

4. 17 Commission Secretariat followed up this extension in informal discussions with nodal officers. However, by 31st January, 2001, data was not received from all departments. But there was substantial improvement. Whereas only eleven departments gave the data before 31-12-2000, the number of departments which furnished data by 31-1-2001 was twenty four. Some of the departments specifically sought further extension. Commission Secretariat continued their efforts to collect data as well as to obtain clarifications that were found necessary on checking the data already received. The progress of work in this respect was reviewed by the Commission and it was decided to indicate a final date beyond which the Commission would not wait for the data and the required clarifications. Accordingly, Commission Secretary wrote to all Secretaries to Government indicating 27-4-2001 as the final date. A copy of the letter was sent, with a covering letter, to the Chief Secretary also. Copies of the two letters are at *Annexures 16 and 17*.

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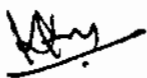
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4. 18 Data regarding Governor's Secretariat and Legislature Secretariat was directly obtained from Secretary to Governor and Secretary, Legislature Secretariat respectively.

4. 19 With these efforts, Commission managed to collect data from all departments as well as most of the clarifications sought on the data by May 2001. Commission would like to state here that the time taken by Secretaries to Government for furnishing the data and clarifications cannot be considered unreasonably long. The data was so voluminous that its collection within a period of ten months was possible only because Secretaries to Government and Heads of Departments, in general, extended their sincere co-operation in this regard.

4. 20 Regarding the officers and staff of Judiciary, the Commission felt that any attempt to collect data should be made only after seeking the concurrence and guidance of the Hon'ble Chief Justice. Chairman of the Commission wrote a letter on 7-7-2000 to the Registrar explaining the requirement of data and seeking a discussion with the Chief Justice. Following this, the Chairman and Members of the Commission called on the Hon'ble Chief Justice on 2-8-2000 and held discussions. Chief Justice was good enough to instruct the Registrar to comply with the request of the Commission as early as possible. Immediately thereafter, Secretary to the Commission sent to the Registrar, a complete set of proforma, instructions etc., for data collection. Copy of the covering letter from Secretary to the Commission addressed to the Registrar, High Court of Kerala is at *Annexure 18*. Subsequently, on 31-10-2000 Secretary to the Commission sent to the Registrar a set of the clarifications sent to Secretaries to Government on certain aspects regarding the proforma. Data was received from the Registrar, High Court, in his letter dated 27-2-2001. As there were some points on which clarifications were necessary, a second discussion was held. The Chairman of the Commission accompanied by Secretary to the Commission met the Hon'ble Chief Justice on 5-3-2001. Taking those clarifications also into account, Registrar, High Court, forwarded the final set of data in



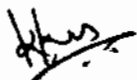
his letter no.A1/44167/2000 dated 21-4-2001. Commission is extremely grateful to the Hon'ble Chief Justice for prompt co-operation with the Commission.

4.21 Collection of data from the Kerala Public Service Commission was the second major task attended to by the Commission. After preliminary discussions, Commission directed Secretary to write to the Secretary, Kerala Public Service Commission, seeking a factual note on the scheme of reservation and information on the following aspects of recruitment into Government and allied services.

- (i) Open competition turns
- (ii) Reservation turns against backward class, SC and ST with reference to each community.
- (iii) Selection by merit of candidates who would otherwise be eligible for reservation.

The letter sent on 9-5-2000 is at *Annexure 19*.

4.22 This was followed up with a reminder on 22-6-2000 and a discussion by the Commission with Public Service Commission Secretary on 28-6-2000. In his letter dated 10-7-2000, PSC Secretary gave a factual note on the scheme of reservation. In addition, he communicated PSC's view on data collection.. He explained in his letter that it was not possible for the PSC to identify the details of employees now in service and that the data PSC can give is about advice on recruitment. It was also stated that PSC would give data relating to five years (1995, 1996,1997,1998 and 1999) within three months. Copy of the letter dated 10-7-2000 is at *Annexure 20*. To this, as directed by the Commission, Secretary wrote a reply to PSC Secretary on 9-8-2000 explaining why data for a thirty year period or, if that is not possible, a much longer period than five years, was necessary. Copy of the letter dated 9-8-2000 is at *Annexure 21*. As indicated in that letter, a discussion was arranged between the Commission and the Chairman of Kerala



Public Service Commission. A free and frank discussion covering all relevant aspects was held on 27-10-2000. On the one side, Commission explained the rationale for seeking data for a fairly long period. On the other, Chairman, Public Service Commission, explained the practical difficulties in collecting old data from different districts. However PSC Chairman assured that maximum possible efforts would be made to comply with the Commission's requirement of data from Public Service Commission. In his letter dated 20-11-2000, Secretary, Public Service Commission, forwarded data for the five year period from 1995 to 1999. (This letter and data would be discussed later in this report). The data furnished was briefly examined by the Commission immediately and as directed by the Commission, Secretary sent a letter on 22-11-2000 to PSC Secretary seeking data at least from 1983 onwards. Copy of the letter dated 22-11-2000 is at *Annexure 22*.

4. 23 Regarding the data ~~Received~~ from Public Service Commission covering the five year period from 1995, during the Commission's preliminary examination certain points arose for clarification. Secretary, Public Service Commission, was addressed about them. Discussions were also held. In his letter dated 19-2-2001, Secretary, Public Service Commission, furnished the required clarifications and agreed to furnish data for five more years from 1986. The reason for limiting the second set of data to five years from 1986 was explained by Secretary, Public Service Commission, in his letter, as follows.

"Ernest efforts are being made to furnish data relating to recruitment details for a much longer period than the information already forwarded. The availability of registers and records for an earlier period of five years was ascertained and it was reported from all District Offices and Sections in the Head Office that these records for the period up to 1985 are in such a dilapidated stage that details could not be collected from them. The Commission face much difficulties to clear off the huge backlog of pending selections involving 90 lakhs applications and any diversion from the tight schedule fixed would badly affect the progress of work and the target fixed in this regard. In spite of these difficulties and in view of the significant nature of the subject the Commission have decided to furnish the data relating to recruitment details for 5 more calendar years from

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1986. Earnest efforts are being made to furnish the details as early as possible”.

4.24 Accepting this position, Secretary to the Commission was directed to inform PSC Secretary that though the Commission's requirement was data for at least a twenty year period from 1980 onwards, in the circumstances explained by PSC Secretary, the Commission had no option other than making the best possible use of the data for the five year period from 1986. It was also requested that, in addition, data for the year 2000 may also be furnished. In response to reminders, Secretary, PSC, informed Secretary to the Commission on 19-4-2001 that data was yet to be received from some of their offices and that earnest efforts will be made to furnish the particulars at the earliest. Commission felt that further wait for the data would adversely affect the schedule of preparation of report and that it was necessary to fix a specific time limit for receipt of data. Explaining the entire background and appreciating the co-operation extended by the Kerala Public Service Commission to the work of the Commission, a letter dated 4-5-2001 was sent to the Secretary, Public Service Commission, requesting that the remaining data may be made available before the end of May 2001. A copy of that letter is at Annexure 23. Kerala Public Service Commission responded to this positively and, in spite of the workload involved, furnished the data for the five year period 1986 to 1990 and for 2000. The last set of data, relating to two districts was received from Public Service Commission only on 18-6-2001.

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5. Processing of Data

5.1 As the data received from various offices constituted a huge volume, the Commission felt that it was essential to process it in a well structured scheme. For this, Commission decided to have a detailed processing procedure utilising both manual effort and computer application. It will be relevant here to give an idea about the dimensions of the data received.

5.2 Commission had sought data from fortythree authorities. They are Registrar, High Court, Secretary to Governor, Secretary to Legislature and Secretaries in charge of forty departments of Government Secretariat. Of these, two Secretariat Departments (NORKA and Election) informed the Commission that they have no field organisations coming under any of the four groups and that their own staff were staff on deputation. Hence the Commission received response from fortyone authorities (Registrar, High Court, Secretary to Governor, Secretary to Legislature and thirtyeight Secretariat Departments). The total number of filled proformae received from these authorities were three hundred and twenty nine (30 from Registrar, High Court, 2 from Secretary to Governor, 1 from Secretary, Legislature and 296 from Secretariat departments). Considering the relevant aspects, Commission decided to process statements from Registrar, High Court, separately in one lot and statements from Secretary to Governor, Secretary Legislature and Government Secretariat departments together as another lot. This is reflected in the scheme of compilations given as the Annexures of this report.

5.3 At the first stage of processing, each proforma was checked by Commission Secretariat and wherever necessary, clarifications were sought from the authorities who furnished the data. By June 2001, almost all of them responded giving



clarifications on the points referred to them. However, on one aspect, Commission felt difficulty in using the data. This was the data given under column 'B' in the proforma. What the Commission originally wanted was that, under 'B', the number of employees of each community who received the benefit of reservation in recruitment as backward community should be shown. When it was pointed out to the Commission that many employees, particularly those who were recruited years ago, could not recall whether they got such benefit, the Commission had clarified that, under 'B' only the number of employees who clearly stated that they got the benefit of reservation should be shown. It was also clarified that the number of those who said that they do not recall the position should be given separately. When data was finally received, Commission found that the number of employees who stated that they cannot recollect whether they got reservation was substantial. Therefore any inference based on the numbers given under column 'B' might be misleading, resulting in inferences either overstating or understating the impact of reservation. Hence the Commission decided to ignore the data in column 'B' for further processing. In so deciding, Commission also had in mind the fact that the data from Public Service Commission on recruitment advice would give clear division of the number of employees who got reservation benefit and those who did not.

5.4 After preliminary check of each statement, they were handed over to the Deputy Director of the Commission Secretariat for processing in computer. (Commission is grateful to Shri. K.N Kurup, the then Secretary to Government, Planning and Economic Affairs Department, Secretariat, for providing a computer with necessary accessories on loan basis while Commission tried to get a computer of its own). Each of the 299 proformae received from Secretaries to Government (including Secretary to Governor and Secretary Legislature) as well as 30 proformae received from Registrar, High Court, were fed in the computer. One print-out of each was taken. Everyone of those print-outs was again checked by two officers in the Commission Secretariat. These 329 statements form the basis of all the analysis done by the Commission in this regard.

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A list is at Annexure 24. Commission has directed the Secretary to hand over all these statements along with other records, to the Government after the work of the Commission is over. What are annexed to this report are summary tables based on these 329 primary data tables.

5.5 These sheets can be divided as follows in the four groups of institutions mentioned in government notification constituting the Commission.

Group I (Judiciary)	30 statements covering	8535 employees
(Government Departments)	112 statements covering	317019 employees
Group II (Public Sector		
Undertakings)	101 statements covering	113640 employees
Group III (Universities)	7 statements covering	9747 employees
Group IV (Autonomous		
Institutions)	79 statements covering	21334 employees
Total	329 statements covering	470275 employees

5.6 The statements from Government departments totalling 299, were used to prepare consolidated statements covering all institutions coming under each of the four groups. The consolidated tables so prepared were 81 in number and their distribution under each group is as follows.

Group I (Government Departments)	37
Group II (Public Sector Undertakings)	22
Group III (Universities)	2
Group IV (Autonomous Institutions)	20
Total	81

5.7 Three departments of the Secretariat have no institutions under group I and hence the total number of Group I is only 37. Similarly only 22 Secretariat departments have institutions of Group II under them. Only 2 departments have institutions of Group III and only 20 departments have institutions of Group IV.

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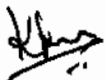
5.8 It is relevant here to explain the format used for compiling these 81 statements. Each of these 81 statements relates to

(a) One Secretariat Department

(b) Institutions under one of the four Groups (Departments, Public Sector Undertakings, Universities, Autonomous Institutions) coming under that particular secretariat Department.

5.9 The statements give detailed data regarding representation of all 78 backward communities as well as SC/ST and others (non-reservation ie. forward communities). The backward communities (78 in number) are listed following the reservation grouping in recruitment. The number of employees of each community in each of the six categories (four categories only for Group II- Public Sector Undertakings) is given in column A. Column B gives the percentage of that number to the total number of employees of that category in the department. Sub totals are given wherever more than one of the 78 backward communities come under one of the eight reservation groups in recruitment. For instance, after giving the number of Billava and Ezhava-Thiyya communities, sub total for the reservation group Ezhava is given. Similarly, after giving the numbers under Mappila and Muslim, sub total for the reservation group Muslim is given. The largest number, 68 of backward communities come under the eighth reservation group viz. OBC and sub total for that reservation group is given in column with serial number 83. In column 84, totals for the entire 78 backward communities are given. Column 85 and 86 indicate data regarding SC and ST respectively. Column 87 gives data on other communities ie., non-reservation (forward) communities. Column 88 gives grand totals of staff of the department in each of the six (four for Public Sector Undertakings) categories of posts.

5.10 After preparing these 81 consolidated statements, Commission considered how they should be presented as Annexures to the report. It was felt that each of these 81 statements should, together with information necessary to understand them clearly, should be given as one set. Each set contains the following.



- (a) List of Heads of Departments/Public Sector Undertakings/Universities/Autonomous Institutions covered in each of the 81 statements.
- (b) A summary table giving the totals for each of the eight reservation groups. Column A of the summary table gives the total number of employees under each category for each of the reservation groups. Column B gives their percentage to total employees of that category in the department. The figures in brackets indicate the prescribed reservation quota for each community group. This is given only to facilitate a comparison between what the communities are entitled to get under reservation scheme and what they have actually got in reservation and open competition selection together.
- (c) The detailed statement indicating representation for each of the 78 backward communities, total for Backward Classes, representation of SC/ST, others and grand total.

5. 11 Eighty one (81) such sets are at *Annexure 25 to Annexure 105*. A copy of Appendix I is also given before the first of the sets to facilitate easy understanding of the columns in the detailed statement.

5. 12 A similar set is prepared for establishments of the judiciary also and is placed as *Annexure 106*, making the total 82.

5. 13 After this, Commission prepared four tables giving the total position in Government and allied services. The format is almost the same as for 82 statements. But the number of representation of each community as well as percentage relate to the totals of all institutions coming under each of the four groups (Group I - Government Departments, Group II - Public Sector Undertakings, Group-III- Universities and Group IV - Autonomous Institutions). These four Group Total Tables are intended to facilitate a ready understanding of the total representation of each backward community in

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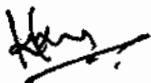
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Government and allied services as they include all the departments and organisations covered in the 81 detailed statements and also the detailed statement regarding establishments of the judiciary. These four Group Total Tables are given as *Appendix II to Appendix V*.

5.14 The correspondence and discussions through which the Commission sought data from the Kerala Public Service Commission have been briefly narrated earlier in the report. The final outcome was that, as against our original requirement of data for thirty years, the Commission had to be satisfied with data for eleven years. The last instalment of data was received on 18-6-2001. The data received necessitated some additional work before that could be fed in the computer. What Public Service Commission gave was data separately for each district and the central unit. The data indicated the posts for which recruitment was made, scales of pay and details regarding reservation turn (for eight backward community groups, Scheduled Castes and Scheduled Tribes) and open competition turn. The scales of pay indicated were, in a large number of cases, pre-revision scales and, in some cases, the scales which existed before the last two pay revisions. As the Commission had collected data based on the minimum of the revised scales of pay, Public Service Commission data had to be recast accordingly. Further, the posts had to be categorised as per the Commission's format. This work was entrusted with our Secretariat to be done in two stages. At the first stage, for each entry in P S C data, the revised scales had to be identified. At the second stage, based on that identification, all the entries in P S C data had to be given appropriate categorisation. This took time; and might have caused some inconsistency.

5.15 After feeding the basic (edited) data into the computer, accuracy of the sheets was checked again. (In total numbers there is some minor difference between the PSC data and the compilation statement done in Commission Secretariat. This is on account of the absence of community-wise breakup of certain recruitments in PSC data).



Then compilations were attempted in two designs. One was the compilation for each district for each of the three blocks of years for which data was available i.e., 1986-90, 1995-99 and 2000. Commission Secretary has been directed to hand over these to the Government for future reference. The other compilation was the State total for each of the five years of the first two blocks and then for the year 2000. This compilation is given at *Annexure 107 to Annexure 114*. An abstract of these Annexures is given in *Appendix VI* for facilitating easy and ready reference.

5. 16. Before proceeding to analyse the compilations, Commission would like to touch on the aspect of accuracy of the data. As the data has been received from senior and responsible functionaries, Commission had no reasonable cause for concern regarding accuracy. However, whatever checking was feasible in the Commission Secretariat was also attempted. One point that came to Commission's notice during such checking was that the number of employees of some departments as made available to the Commission by Secretaries to Government differed from the numbers shown in the Staff Appendix of the State Government Budget. Commission's data is as on 1-8-2000 and relates to staff actually in position, not sanctioned posts. For staff on deputation, Commission collected data from their parent departments and not from departments where they work. These and some other relevant aspects may be the reasons for most of the variations mentioned above. However there could be some omissions in the data made available to the Commission. That would not adversely affect the analysis of the Commission as inferences drawn on the data covering the vast majority of employees would, normally, be valid in the case of the data relating to employees involved in any inadvertent omissions that might have been made in some of the departments, while collecting the data.

5. 17. In any case, the possibility of some omissions and even a few errors cannot be entirely ruled out in an exercise like the one undertaken by the Commission. What can be done is to take all reasonable and feasible precaution to minimise such defects. Apart from selecting senior and responsible functionaries like Secretaries to

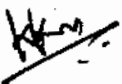
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Government and Secretary, Public Service Commission, as the source for collection of data, the Commission's Secretariat also did a series of checks and counter checks during the detailed process of compilation of data. The Commission, during its sittings for analysis of data, tried to spot and correct defects noticed at that final stage. Even with all this multi level checking, there could still be some omissions or inaccuracy in the data involving around five lakh employees divided into eightyone community groups, six categories of posts and working in thousands of offices. However, the Commission hopes that the incidence of such defects is not likely to be so significant and substantial as to warrant any major alteration in the inferences drawn in this report.

5. 18 The Commission also considered the issue whether data regarding officers of the three All India Services (Indian Administrative Service, Indian Police Service and Indian Forest Service) should also be collected and analysed. All India Services are covered by a Central Act and officers of these services have to work both in the Centre and in the States. Their direct recruitment is done by the Union Public Service Commission. Though reservation for scheduled castes and tribes was applied to these recruitments from the beginning, reservation for backward classes was introduced only from 1993 onwards. It seems that reservation quotas are applied only while making the central recruitment and not when officers are allotted to different State cadres. Hence it is quite possible that when officers are allotted to States in any year, one State may happen to get a larger proportion of backward class officers and another State may get a low (or nil) proportion of backward classes. Further, it seems that there is no sub rotation in reservation for backward classes even in the central recruitment. Hence it could very well happen that even in a list that has full prescribed representation for backward classes, no candidate belonging to the backward classes of a particular State is selected.







5. 19 Against this background, Commission felt that analysis of the representation of backward classes in the Kerala cadre of the three All India Services may not be comparable with the analysis regarding State services. However Commission decided to collect relevant details from the Chief Secretary. Commission's letter No.33/2000/KKNC dated 13.11.2000 seeking the data is at *Annexure 115*. In spite of reminders, Commission has received only partial data. That has been tabulated in *Annexure 116*.

5. 20 As many representations received by the Commission suggested proportion of population as the basis of assessment of adequacy of representation of backward communities in public services, the Commission held a discussion with the concerned functionaries to ascertain the feasibility of gathering community-wise population data. Director, Census Operations, pleaded inability to provide such details as, in the recent past, no such community-wise census has been taken. Director of Economics and Statistics agreed to examine the feasibility of giving a quick estimate. On 28-8-2001, he gave some assessment of the population of seven communities using base data from a 1968 survey conducted by them and projecting that to 1971 and later. However, Director, Economics and Statistics stated that this projection method is a crude one and will only give an idea about the growth of seven groups of communities. Obviously, the Commission could not make any use of such data.

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6. Analysis of Data

6.1 As already stated the data collected by the Commission was ultimately reduced into four tables and appended to the report as Appendix II to Appendix V. Appendix II contains category-wise details of all employees of Government Departments grouped together as Group 1. The actual representation of everyone of the communities included in the Backward Classes, the Scheduled Castes, the Scheduled Tribes and Others (Forward Classes), with their number and percentage are separately given. Appendix III contains the data of the employees of the Public Sector Undertakings grouped as Group 2. Appendix IV and V contain the data of employees of all Universities in Kerala grouped as Group 3 and the employees of all the Autonomous Institutions constituted by the Government grouped as Group 4, respectively.

6.2 In the following paragraphs, an analysis of the representation of Backward Classes in all the four groups of institutions is attempted. The actual number as well as percentage of posts held by each backward community to the total number of posts in each category are given in all four Appendices (Appx II to Appx V). Purely for purposes of analysis, these percentages are shown as against the reservation quota of each community in PSC recruitment. The reservation quotas used for this are the quotas fixed for lowest level of posts and the quotas fixed for the higher level of posts as per Rule 17 (2) of the Kerala State and Subordinate Services Rules, 1958.

6.3 Analysis of the representation of different communities included in the Backward Classes in the Government Departments in Appendix II is made hereunder.

6.4 The total number of the employees in all the Government Departments and the Judiciary together is 3,25,554. Out of this, 1,57,008 belonged to all the Backward

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Classes together. The reservation quota for all the Backward Classes together is 40 per cent. The actual position is that all the Backward Classes taken together have got 48.23 per cent of the total number of posts. The Forward Classes have got 38.73 per cent.

6.5 It is only proper that an analysis is made of the representation of the various communities included in the Backward Classes.

6.6 Ezhavas have got a total of 20.41 per cent in all the categories taken together. In category 1, their representation is 20.69 per cent as against a quota of 11 per cent. In category 2, their representation is 20.40 as against a quota of 14 per cent. In categories 3, 4, 5 and 6, their representation is 20.44, 17.03, 19.31 and 20.04 per cent respectively as against their reservation quota of 14 per cent.

6.7 Muslims have got a total of 10.45 per cent representation in all categories together. Their representation in category 1 is 10.03 per cent as against a reservation quota of 10 per cent. In category 2 their representation is 10.66 as against a quota of 12 per cent. In categories 3, 4, 5 and 6, their representation is 9.85, 11.63, 9.94 and 9.71 respectively as against their quota of 12 per cent.

6.8 Nadars have a total of 1.90 per cent in all the categories together. Their representation in category 1 is 2.83 as against a quota of 3 per cent. Their representation in category 2 is 1.73 as against a quota of 2 percent. In categories 3, 4, 5 and 6, their representation is 1.39, 1.72, 1.72 and 0.62 respectively as against their quota of 2 per cent.

6.9 Viswakarmas have got a total of 2.91 per cent representation in all the categories together. In category 1, their representation is 2.55 as against their quota of 2 per cent. In category 2, their representation is 2.99 as against a quota of 3 per cent. In

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categories 3, 4, 5 and 6, they have got 3.05, 2.92, 3.25 and 2.76 respectively as against their quota of 3 per cent

6.10 Dheevaras have got a total representation of 1.18 per cent in all the categories together. Their representation in category 1 is 1.65 as against their quota of 2 per cent. In category 2, their representation is 1.06 as against their quota of 1 per cent. In categories 3, 4, 5 and 6, their representation is 1.12, 0.69, 0.96 and 0.89 as against their quota of 1 per cent.

6.11 Latin catholics including Anglo Indians have got a total of 3.14 per cent in all the categories together. Their representation in category 1 is 3.16 as against their quota of 4 per cent. In category 2, their representation is 3.16 as against a quota of 4 per cent. In categories 3, 4, 5 and 6, their representation is 3.01, 2.92, 4.59 and 3.29 respectively as against their quota of 4 per cent.

6.12 Scheduled Castes converts to Christianity have got a total representation of 0.78 per cent in all the categories together. In category 1, they have got 1.35 per cent as against a quota of 2 per cent. In category 2, they have got a representation of 0.68 as against a quota of 1 per cent. In categories 3, 4, 5 and 6 they have got 0.46, 0.32, 0.38 and 0.18 respectively as against their quota of 1 per cent.

6.13 The 8th group consisting of 68 communities have got a total representation of 7.46 per cent. In category 1, their representation is 8.97 as against their quota of 6 per cent. In category 2 their representation is 7.22 as against their quota of 3 per cent. In categories 3, 4, 5 and 6, their representation is 6.48, 5.65, 6.88 and 5.34 respectively as against their quota of 3 per cent.

6.14 Appendix III gives the consolidated category-wise details of all the employees of all Public Sector Undertakings. The total number is 1,13,640. Out of this

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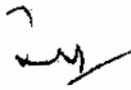
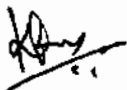
41,863 belong to the Forward Classes and their percentage is 36.84. The total number of employees belonging to all the Backward Classes together is 54,984 and their percentage is 48.38 as against the reservation quota of 40 per cent.

6.15 The community-wise and category-wise break up of the different communities of the Backward Classes is given below. The total percentage of the representation in all Public Sector Undertakings in all categories together for every one of the communities is also given.

6.16 Ezhavas have got a total representation of 24.40 per cent. In category 1 Ezhavas have got 19.03 per cent against their reservation quota of 14 per cent. In category 2 this is 23.84 against their reservation quota of 11 per cent. In category 3 the representation is 20.69 against a reservation quota of 14 per cent and in category 4 their representation is 30.60 against the reservation quota of 11 per cent.

6.17 Muslims have got a total representation of 8.67 per cent. In category 1 Muslims have got only 8.55 per cent as against their reservation quota of 12. In category 2 their representation is 9.92 as against quota of 10. In category 3 their representation is 9.19 per cent against reservation quota of 12 and in category 4 their percentage is 7.76 as against their reservation quota of 10 per cent.

6.18 Nadars have got a total representation of 1.22 per cent. In category 1 Nadars have got only 1.16 per cent as against their reservation quota of 2 per cent. Their representation in category 2 is 1.79 as against a quota of 3 per cent. In category 3 their representation is 1.79 as against a quota of 2 per cent and in category 4, their representation is 0.48 as against their quota of 3 per cent.



6.19 Viswakarmas have got a total representation of 3.72 per cent. In categories 1 and 3 Viswakarmas have got 2.99 per cent and 3.83 per cent respectively as against the reservation quota of 3 per cent. In categories 2 and 4 their representation is 5.81 and 3.12 respectively as against the reservation quota of 2 per cent.

6.20 Dheevaras have got a total representation of 0.67 per cent. In categories 1 and 3 their representation is only 0.80 and 0.91 as against their reservation quota of 1 per cent. In categories 2 and 4 their representation is 0.80 and 0.34 respectively as against their reservation quota of 2 per cent.

6.21 Latin Catholics and Anglo Indians have got a total representation of 3.02 per cent. In categories 1 and 3 their representation is 4.14 and 3.79 respectively as against their reservation quota of 4 per cent. In categories 2 and 4 their representation is 2.92 and 1.81 respectively as against their reservation quota of 4 per cent.

6.22 Scheduled Castes converts to Christianity have got a total of 0.85 per cent representation. In categories 1 and 3 their representation is 0.65 and 0.58 respectively as against their quota of 1 per cent. In categories 2 and 4 their representation is 1.15 and 1.09 as against their quota of 2 per cent.

6.23 All the 68 communities included in the 8th group of Backward Classes taken together have got a total representation of 5.84 per cent. In categories 1 and 3 their representation is 5.24 and 6.37 per cent respectively as against their reservation quota of 3 percent. In categories 2 and 4 their representation is 7.19 and 5.10 respectively as against the reservation quota of 6 per cent.

6.24 Appendix IV gives the consolidated category-wise details of all employees of all the Universities in the State. The total number is 9,747. Out of this 4,470 are

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employees of the Forward Classes and their percentage is 45.86. The total number of employees belonging to all Backward Classes together is 4,384 and their percentage is 44.98 as against their reservation quota of 40 per cent.

6. 25 The community-wise and category-wise break up of the employees of the Backward Classes is given below. The total percentage of the representation in all Universities in all categories together for every one of the communities is also given.

6. 26 Ezhavas have got a total representation of 18.76 per cent. In category 1 Ezhavas have got 18.24 per cent as against their quota of 11 per cent. In category 2 this is 19.68 per cent as against their quota of 14 percent. In categories 3, 4, 5 and 6 this is 17.87, 20.42, 9.30 and 14.04 respectively as against their reservation quota of 14 per cent.

6. 27 Muslims have got a total representation of 11.15 per cent. In category 1 Muslims have got 12.83 per cent as against the reservation quota of 10 percent. In category 2 this is 11.41 as against the reservation quota of 12 percent. In categories 3, 4, 5 and 6 their representation is 10.71, 7.44, 17.44 and 9.46 respectively as against their reservation quota of 12 per cent.

6. 28 Nadars have got a total representation of 1.48 per cent. In category 1 they have got 2.99 as against a reservation quota of 3 per cent. In category 2 Nadars have got 1.47 per cent as against the reservation quota of 2 per cent. In categories 3, 4, 5 and 6 their representation is 1.04, 0.87, 0.00 and 0.86 respectively as against their reservation quota of 2 per cent.

6. 29 Viswakarmas have got a total representation of 2.91 per cent in all the categories together. In category 1 Viswakarmas have got 2.82 per cent as against their quota of 2 per cent. In category 2 their representation is 3.32 per cent as against their

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reservation quota of 3 per cent. In categories 3, 4, 5 and 6 their representation is 2.71, 1.73, 5.81 and 0.29 respectively as against their reservation quota of 3 per cent.

6. 30 Dheevaras have got a total representation of 1.07 per cent. In category 1 their representation is 1.13 per cent as against their quota of 2 per cent. In category 2 their representation is 1.32 per cent as against a reservation quota of 1 per cent. In categories 3, 4, 5 and 6 their representation is 0.66, 1.21, 0.00 and 0.29 respectively as against their reservation quota of 1 per cent.

6. 31 Latin Catholics including Anglo Indians have got a total representation of 3.19 per cent. In category 1 their representation is 3.39 per cent as against a reservation quota of 4 per cent. In category 2 their representation is 3.46 as against their reservation quota of 4 per cent. In categories 3, 4, 5 and 6 their representation is 3.40, 1.38, 1.16 and 0.57 respectively as against their reservation quota of 4 per cent.

6. 32 Scheduled Castes converts to Christianity have got a total representation of 0.80 per cent in all the categories together. In category 1, they have got 2.42 per cent as against a quota of 2 per cent. In category 2, they have got a representation of 0.84 as against a quota of 1 per cent. In category 3 they have got a representation of 0.27 per cent as against their quota of 1 per cent. In the remaining categories no representation is reported for the community.

6. 33 All the 68 communities included in the 8th group of Backward Classes have together got a representation of 5.61 per cent. In category 1 their representation is 7.59 per cent as against a reservation quota of 6 per cent. In category 2 their representation is 5.17 as against a reservation quota of 3 per cent. In categories 3, 4, 5 and 6, their representation is 5.92, 4.84, 2.33 and 4.58 respectively as against their reservation quota of 3 per cent.

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6. 34 Appendix V gives the consolidated category-wise details of all the 21,334 employees of all Autonomous Institutions in the State. There are 8,844 employees belonging to all Backward Classes together. Their percentage is 41.45 of the total number. The representation of Forward Classes is 51.09 per cent.

6. 35 The community-wise and category-wise break up of all employees of the Backward Classes is given below. The total percentage of the representation in all Autonomous Institutions in all categories together for everyone of the communities is also given.

6. 36 Ezhavas have got a total representation of 19.95 per cent in all categories together. In category 1 the representation of Ezhavas is 15.10 per cent as against a quota of 11 per cent. In category 2 this is 23.17 as against a quota of 14 per cent. In categories 3, 4, 5 and 6 their representation is 22.77, 19.78, 13.33 and 16.27 respectively as against their quota of 14 per cent.

6. 37 Muslims have got a total representation of 7.18 per cent in all categories together. In category 1 their representation is 4.75 per cent as against a quota of 10 per cent. In category 2, their representation is 8.72 per cent as against a quota of 12 per cent. In categories 3, 4, 5 and 6 their representation is 9.12, 4.18, 8.00 and 6.63 respectively as against their quota of 12 per cent.

6. 38 Nadars have got a total representation of 1.79 per cent in all categories together. In category 1 their representation is 1.69 against a quota of 3 per cent. In category 2, their representation is 1.85 per cent as against a quota of 2 per cent. In categories 3, 4, 5 and 6 their representation is 1.72, 2.79, 1.33 and 1.81 respectively as against their quota of 2 per cent.

6. 39 Viswakarmas have got a total representation of 2.41 per cent in all categories together. In category 1 their representation is 1.13 per cent as against a quota of 2 per cent. In category 2, their representation is 3.17 as against a quota of 3 per cent. In categories 3, 4, 5 and 6 their representation is 3.78, 1.11, 1.33 and 0.60 respectively as against their quota of 3 per cent.

6. 40 Dheevaras have got a total representation of 1.28 per cent in all categories together. In category 1 their representation is 1.40 as against a quota of 2 per cent. In category 2, their representation is 1.27 as against a quota of 1 per cent. In categories 3, 4, 5 and 6 their representation is 0.80, 1.67, 0.00 and 3.01 as against their quota of 1 per cent.

6. 41 Latin Catholics including Anglo Indians have got a total representation of 2.36 per cent in all categories together. In category 1 their representation is 1.54 as against a quota of 4 per cent. In category 2, their representation is 2.77 as against a quota of 4 per cent. In categories 3, 4, 5 and 6 their representation is 3.45, 1.39, 4.00 and 1.81 respectively as against their quota of 4 per cent.

6. 42 Scheduled Castes converts to Christianity have got a total representation of 0.69 per cent in all the categories together. In category 1, they have got 0.66 per cent as against a quota of 2 per cent. In category 2, they have got a representation of 0.77 as against a quota of 1 per cent. In categories 3, 4, 5 and 6 they have got 0.50, 0.28, 0.00 and 0.60 respectively as against their quota of 1 per cent.

6. 43 The 8th group consisting of 68 communities have got a representation of 5.79 per cent in all the categories together. They have got a representation of 4.84 per cent in category 1 as against a quota of 6 per cent. In category 2, they have got 6.24 per

cent as against a quota of 3 per cent. In categories 3, 4, 5 and 6, their representation is 7.14, 7.24, 1.33 and 3.61 respectively as against their quota of 3 per cent.

6. 44 As already stated the Commission wanted from the Kerala Public Service Commission data of recruitments made for 30 years from 1970 onwards. But, for their own reasons, the Public Service Commission could make available to the Commission only data of recruitments made for five years period (1986 to 1990) and another five years (1995 to 1999) and for the year 2000. The data relating to recruitment to Government Departments and Autonomous Institutions are analysed and Annexures 107 to 114 are prepared. Appendix VI is an abstract incorporating the data of all the 11 years together. Annexure 107 contains details of recruitments made during the period 1986 to 1990 in category 1. Annexure 108 contains details of recruitments made during the periods 1995 to 1999 and 2000 in category 1. Annexure 109 contains details of recruitments made during the period 1986 to 1990 in category 2. Annexure 110 contains details of recruitments made during the periods 1995 to 1999 and 2000 in category 2. Annexure 111 contains details of recruitments made by the Public Service Commission during the period 1986 to 1990 in category 3. Annexure 112 contains details of recruitments made by the Public Service Commission during the periods 1995 to 1999 and 2000 in category 3. Annexure 113 contains details of recruitments made by the Public Service Commission during the periods 1995 to 1999 and 2000 in category 6. Annexure 114 contains details of recruitments made to the Public Sector Undertakings during the periods 1986 to 1990, 1995 to 1999 and 2000 in categories 2 and 3. Appendix VI is an abstract incorporating the total of all the details in Annexures 107 to 114. In this context, it is observed that as per PSC data, there are instances where in some years, for some communities, reservation quota is marginally underfilled though the total recruitment is higher than reservation quota. This may be because, in some advice lists there may be shortfall in reservation quota and in other lists of the same year there may be full reservation quota and also merit selection. There may also be cases where,

positions lost for one community in one year due to lack of candidates and allowed to another backward community may get restored only after three or four years. Inclusion of special recruitment in the totals has also slightly affected percentages.

6. 45 The total number of candidates recruited from the Forward Classes and from the 7 different communities belonging to the Backward Classes and the other Backward Classes forming the 8th group are given separately in the Annexures. The figures of the total number of candidates recruited from Backward Classes and Scheduled Castes and Scheduled Tribes are also given in the Annexures. The total percentages obtained by every one of the above groups is also shown. At the bottom the quota of different communities is also given. The above figures are given separately for categories 1,2,3 and 6. For the Public Sector Undertakings the data is only for categories 2 and 3.

6. 46 Analysis of Annexures 107 to 114 is given below. During the period 1986 - 1990 in category 1, Ezhavas have got 12.65 per cent as against their reservation quota of 11 per cent. For the years 1995 to 1999 and 2000 this is 10.89 and 11.30 respectively. The total percentage obtained in this category during 1986 to 1990 is 17.05 per cent. The figures for 1995 to 1999 and 2000 are 21.86 and 21.14 respectively. The corresponding figures in reservation quota for Muslims are 8.74 for 1986 to 1990 and 9.57 for 1995 to 1999 and 9.88 for 2000 against their reservation quota of 10 per cent. The total percentage obtained by the Muslim community in this category during 1986 to 1990 is 9.52, during 1995 to 1999 is 10.30 and during 2000 is 10.47. The corresponding figures for Nadars are 2.54, 2.60 and 2.73 in reservation quota against their reservation quota of 3 per cent. The total percentage for Nadars for the same periods is 2.82, 3.14 and 3.14. For Viswakarmas, in reservation quota the percentage is 1.82, 1.91 and 2.02 against their reservation quota of 2 percent and the total percentage is 2.58, 3.56 and 3.38. For Dhevaras in reservation quota it is 1.61, 1.81 and 1.87 against their reservation quota of 2 per cent. Their total percentage is 1.96, 2.40 and 2.61. For Latin Catholics (including Anglo Indians), in the reservation quota it is 3.65, 3.89 and 3.94 against their reservation

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quota of 4 per cent. Their total percentage is 4.01, 4.16 and 4.21. For Other Christians (S.C converts to Christianity) the corresponding figures in reservation quota are 1.45, 1.72 and 1.78 against their reservation quota of 2 per cent. Their total percentage is 1.86, 1.95 and 1.93. For the OBC, the percentage in the reservation quota is 4.78, 5.54 and 5.63 against their reservation quota of 6 per cent. Their total percentage is 6.88, 8.13 and 6.58. The total percentage obtained by all Backward Classes together in the reservation quota during the same periods is 37.24, 37.93 and 39.15. Their total percentage is 46.68, 55.50 and 53.47. The Annexure contains also details regarding the recruitment of Scheduled Castes and Scheduled Tribes. But these figures are included to see that the Annexure contains the complete data obtained from the Public Service Commission. For calculation purposes also this is necessary.

6. 47 In category 2, in the reservation quota, Ezhavas obtained 13.13 per cent during the period 1986 to 1990 against a reservation quota of 14 per cent. The corresponding figures are 12.88 and 13.12 for the years 1995 to 1999 and 2000 respectively. The total percentage obtained by this community is 18.02 for 1986 to 1990, 19.78 for 1995 to 1999 and 18.13 for 2000. The corresponding figures for Muslims in the reservation quota are 10.81, 11.20 and 12.18. Their reservation quota is 12 per cent. The total percentage obtained by this community for the above period is 12.08, 12.27 and 13.49. For Nadars, in the reservation quota, the percentage is 1.28, 1.67 and 1.43. Their reservation quota is 2 per cent. Their total percentage is 1.59, 2.15 and 2.01. For Viswakarmas, the percentage in the reservation quota is 2.32, 2.47 and 2.64. Their reservation quota is 3 per cent. Their total percentage is 3.17, 3.33 and 3.39. For Dheevaras the percentage in the reservation quota is 0.82, 0.91 and 0.90. Their reservation quota is 1 per cent. Their total percentage is 1.02, 1.40 and 1.18. For Latin Catholics the percentage in the reservation quota is 3.36, 3.79 and 3.52. Their reservation quota is 4 per cent. Their total percentage is 3.66, 4.16 and 3.85. For Other Christians the percentage in the reservation quota is 0.89, 0.93 and 0.97. Their reservation quota is 1 per

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cent. Their total percentage is 1.18, 1.12 and 1.21. For the OBC, the percentage in the reservation quota is 3.20, 3.07 and 3.23. Their reservation quota is 3 per cent. Their total percentage is 5.29, 6.27 and 5.72. For all the Backward Classes together the percentage in the reservation quota is 35.81, 36.92 and 37.98. The total percentage is 46.02, 50.48 and 48.98.

6. 48 In category 3, in the reservation quota, Ezhavas obtained 14.11 during the period 1986 to 1990 and 12.54 and 12.75 for the periods 1995 to 1999 and 2000 respectively. Their reservation quota is 14 per cent. Their total percentage is 17.27, 17.44 and 20.23 for the corresponding periods. Muslims got in the reservation quota 7.81, 8.49 and 11.32. Their reservation quota is 12 per cent. Their total percentage is 8.94, 10.14 and 13.06. For Nadars, the percentage in the reservation quota is 1.68, 1.74 and 1.66. Their reservation quota is 2 per cent. Their total percentage is 1.94, 1.98 and 1.74. For Viswakarmas the percentage in the reservation quota is 1.26, 2.59 and 2.94. Their reservation quota is 3 per cent. Their total percentage is 1.87, 3.01 and 3.25. For Dhoovaras the percentage in the reservation quota is 0.65, 1.16 and 1.74. Their reservation quota is 1 per cent. Their total percentage is 0.84, 1.27 and 1.81. For Latin Catholics, the percentage in the reservation quota is 2.32, 4.31 and 3.55. Their reservation quota is 4 per cent. Their total percentage is 2.74, 4.55 and 3.85. For the Other Christians the percentage in the reservation quota is 0.42, 0.64 and 0.08. Their reservation quota is 1 per cent. Their total percentage is 0.52, 0.73 and 0.08. For the OBC, the percentage in the reservation quota is 2.45, 2.53 and 2.87 against their reservation quota of 3 per cent. Their total percentage is 3.65, 4.91 and 6.19. The total for all the Backward Classes together in the reservation quota in category 3 for the above periods is 30.70, 34.00 and 36.91. The total percentage for all the Backward Classes together is 37.77, 44.03 and 50.19.

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6.49 In category 6, Ezhavas got 33.33 in the reservation quota. Their reservation quota is 14 percent. Their total percentage is also the same 33.33 per cent. This is for the year 1999. There was only one recruitment in this category in 1999 and this went to the Ezhave community. In the year 2000 no community from any of the Backward Classes got any recruitment in this category. The only one recruitment made went to the Forward Classes.

6.50 As per Annexure 114, in the recruitments made to Public Sector Undertakings, during the period 1986 to 1990 in category 2, Ezhavas have got 7.34 percentage against their reservation quota of 11 per cent. For the years 1995 to 1999 and 2000 this is 11.85 and 6.25 respectively. The total percentage obtained in this category during 1986 -1990 is 14.12 per cent. The figures for 1995 to 1999 and 2000 are 23.52 and 6.25 respectively. The corresponding figures in reservation quota for Muslims are 9.60 for 1986 to 1990, 8.90 for 1995 to 1999 and 6.25 for 2000 against their reservation quota of 10 per cent. The total percentage obtained by the Muslim community in this category during 1986 to 1990 is 15.82, during 1995 to 1999 is 9.11 and during 2000 is 6.25. The corresponding figures for Nadars are 0, 2.70 and 6.25 in reservation quota against their reservation quota of 3 per cent. The total percentage for Nadars for the same periods is 0, 3.50 and 6.25 For Viswakarmas, in reservation quota the percentage is 0.56, 1.92 and 0 against their reservation quota of 2 per cent and the total percentage is 1.69, 3.08 and 0. For Dheevaras in reservation quota it is 0.56, 1.77 and 0 against their reservation quota of 2 per cent. Their total percentage is 5.65 2.17 and 0. For Latin Catholics (including Anglo Indians), in the reservation quota it is 4.52, 4.03 and 0 against their reservation quota of 4 per cent. Their total percentage is 5.65, 5.08 and 6.25. For other Christians (S.C converts to Christianity) the corresponding figures in reservation quota are 0, 1.65 and 6.25 against their reservation quota of 2 per cent. Their total percentage is 1.13, 1.90 and 6.25. For OBC, the percentage in reservation quota is 6.21, 5.72 and 0.00 against their reservation quota of 6 per cent. Their total percentage is 8.47,

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7.99 and 6.25. The total percentage obtained by all the backward classes together in reservation quota during the same periods is 28.81, 38.54 and 25. Their total percentage is 52.54, 56.36 and 37.50.

6. 51 In category 3, in the reservation quota, Ezhavas obtained 10.87 during the period 1986 to 1990 and 10.43 and 12.76 for the periods 1995 to 1999 and 2000 respectively. Their reservation quota is 14 per cent. Their total percentage is 17.29, 14.93 and 17.22 for the corresponding periods. Muslims got in the reservation quota 8.91, 8.95 and 10.75. Their reservation quota is 12 per cent. Their total percentage is 9.92, 9.24 and 11.01. For Nadars, the percentage in the reservation quota is 1.07, 1.47 and 1.66. Their reservation quota is 2 per cent. Their total percentage is 1.43, 1.72 and 1.75. For Viswakarmas the percentage in the reservation quota is 1.66, 2.07 and 2.10. Their reservation quota is 3 per cent. Their total percentage is 3.21, 2.79 and 2.62. For Dheeveras the percentage in the reservation quota is 0.95, 0.84 and 1.05. Their reservation quota is 1 per cent. Their total percentage is 1.49, 0.98 and 1.05. For Latin Catholics, the percentage in the reservation quota is 2.91, 3.08 and 3.06. Their reservation quota is 4 per cent. Their total percentage is 3.68, 3.21 and 3.15. For the Other Christians the percentage in the reservation quota is 0.59, 0.83 and 0.52. Their reservation quota is 1 per cent. Their total percentage is 0.77, 0.87 and 0.52. For the OBC, the percentage in the reservation quota is 3.09, 2.39 and 2.53 against their reservation quota of 3 per cent. Their total percentage is 4.93, 3.60 and 4.46. The total for all the Backward Classes together in the reservation quota in category 3 for the above periods is 30.07, 30.06 and 34.44. The total percentage for all the Backward Classes together is 42.72, 37.33 and 41.78.

6. 52 Before passing on to inferences, the Commission would point out a general aspect about the analysis made above. The real picture of representation of different communities is obviously evident in the data relating to Group I - Government

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Departments. There, for years, recruitment has been by Public Service Commission and that followed reservation policy scrupulously. But in other Groups, particularly in public sector undertakings, that is not the position. Exclusion of substantial number of posts from PSC purview, adhoc appointments, provisional recruitments etc have resulted in distortions which render the picture of representation of different communities not so reliable as in the case of Group I Departments. This has to be borne in mind while assimilating the analysis given in this chapter.

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7 Inferences

7.1 In the previous chapter, detailed analysis of the data received by the Commission has been made. The position of each backward community group (total 8 groups) both in respect of the posts held as on 1.8.2000 and in respect of recruitment by Public Service Commission during 1986 to 1990, 1995 to 1999 and 2000 has been pointed out. Now it is time to draw inferences from the analysed data.

7.2 Before proceeding to do so the Commission would like to touch upon certain general points which will be relevant in the proper appreciation of the conclusions drawn by the Commission later in the report.

7.3 As explained in chapter 4, data was built up from the very lowest level of Government offices. But in assessing the adequacy of representation of backward classes, the Commission does not propose to attempt the assessment in each office or even department. The assessment, like the analysis in the previous chapter, will be with reference to the four groups of institutions viz. Government Departments, Public Sector Undertakings, Universities and Autonomous Institutions. The same community may have different levels of representation in different departments. This is natural; and in the Commission's view, the position in any one department cannot be taken as indication of the level of representation of that community in public services. (Nor can it be the proper basis of any corrective action as that would ignore the 'above norm' representation in some departments while filling the shortfall in departments with 'below norm' representation, resulting in overall unintended benefit in some cases.) Hence each of the four groups of institutions mentioned in the Government notification forming the Commission has been taken as the unit for assessment. However, within each of the four groups of institutions, six levels (four, for Public Sector Undertakings) are analysed and

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assessed so that it will be clear how each community figures in, (i) the juniormost, (ii) middle level and different layers of senior jobs in that group of institutions.

7.4 Another relevant general point is that the Commission has confined itself strictly to Government and allied services as per the Commission's terms of reference. Therefore privately owned institutions like aided schools and colleges where normal Government rules of recruitment do not apply have not been included in the assessment, even though the payment of salary of the staff is from the Consolidated Fund of the State.

7.5 The next and most important aspect is the definition of the term 'adequacy' in the context of representation of backward classes in public services. Essentially, this is a matter of opinion as there is no officially accepted definition of that term in this context. What has been unanimously accepted in the Indian context is that communities who suffered for long in the matter of social and educational advancement and consequently remained largely unrepresented (or, at best, meagerly represented) in the hierarchy of administrative power should be given a helping hand to gradually increase their representation. How far the efforts initiated in this State for this purpose have succeeded is best understood by reference to appropriate data. The Commission has taken great pains not only to collect such appropriate data but also to compile the data in a manner that can be easily studied and understood by any individual or organisation interested in the subject. Different individuals and different organisations may, according to their varied perceptions, come to different conclusions from the same data; and that is unavoidable in a subject like this. Whatever the Commission observes in the following paragraphs with reference to the concept of adequacy should be viewed against this background and should not be taken as the only authentic conclusion that can be arrived at from the data. In short, the massive data collected, edited, compiled, analysed and presented clearly in the Appendices and Annexures to this report should, by itself, be taken as the main product of the labours of the Commission. That is to say, even those

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who may not entirely agree with the views expressed later in this report regarding the question of adequacy, can make use of the appendices and Annexures and draw their own inferences.

7.6 The aspect mentioned above is particularly important as the Commission, during its sittings for taking evidence, came across views ranging from one extreme to the other. Most of the witnesses who appeared before the Commission as well as the signatories of the representations received by the Commission, urged their positions forcefully with the support of data and strong logic. The Commission is grateful to all of them and has the highest regard for the valuable opinions tendered by them. However as the views so put across before the Commission varied substantially, the Commission proposes to assess them from an objective point of view before drawing inferences regarding the adequacy or otherwise of the representation of backward classes in public services in the State.

7.7 Different organisations representing forward communities as well as individuals belonging to those communities tendered evidence before the Commission. With some variations of a minor nature, they put across a common position. The main thrust of their argument was that backward communities of the State have, by and large, overcome whatever backwardness they had in social and educational development. This is evident in their increasing representation in the power structure of the State. They have substantial presence in the sharing of political power as is reflected in the number of Ministers and MLAs from those communities. In respect of public services also, they have come up to a level which does not indicate any serious backwardness in their social and educational attainments. In fact, some of the backward communities have got jobs in excess of their reservation quota and such groups do not require any reservation in the matter of recruitment.

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7.8 A large number of representations were received from individuals and organisations from backward communities. Some of the views expressed by them were on specific aspects relating to one or more communities. (There were a number of personal grievances raised in some of the representations, which the Commission is not in a position to take into consideration). Leaving out these specific aspects, the Commission would briefly narrate the general position, almost unanimously urged by all witnesses from backward classes. In their view, the representation of backward classes in public services in the State involves a gross and patently unjust irony. One organisation put it across graphically, pointing out that the forward communities who constituted less than thirtyfive per cent of the population were holding more than sixtyfive per cent of the jobs in public services. Other organisations were also of the view that the representation of forward communities was disproportionately high and backward classes got a raw deal always. Policy of reservation in recruitment followed in the State has not led to substantial changes in this position. The only way social justice can be ensured in this respect is by insisting that each backward community gets representation in public services proportionate to the percentage of that community in the total population of the State. The Commission should, therefore, proceed to assess the population of these communities and define adequacy of representation in public services, on that basis. Any other method of assessing adequacy would only perpetuate the injustice in existence for long in the past.

7.9 .The Commission carefully considered the views expressed as those of forward communities. Increase in the political power enjoyed by some backward classes, even if assumed to be a correct perception, cannot be the basis to negate the need for a helping hand in ensuring adequate representation for these communities in public services. Educational advancement is a major factor that determines the level of presence of any community - backward or forward - in public services. Hence backwardness in educational progress is a definite drawback in this context. Till all backward classes overcome that handicap, they will continue to have less than adequate presence in public

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
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services. The aspect of political power does not figure at all there. Political power may, at best, accelerate and strengthen measures initiated by the State to help such classes improve their presence in public service; and that is exactly what is intended in the relevant provisions of the Constitution. Therefore what should really be assessed is the extent to which backward classes are actually represented in public services. In this context, some of the witnesses pointed out that some backward communities have got jobs in excess of their reservation quota and hence such communities do not require any special affirmative action of the State like reservation. The Commission would point out here that some excess over reservation quota does not by itself prove much. That excess obtained through merit is, in most cases, so marginal that, if the entire recruitment is by merit, these communities would not get even the reservation quota level of posts. This shows that, just because some backward communities get jobs in excess of their reservation quota in some sectors or categories of public services, it cannot be concluded that backward classes do not require the help of reservation to reach a reasonable level of representation in public services. The Commission is therefore unable to agree with the main thrust of the position put across on behalf of some of the forward communities. In the Commission's view, backward classes are not yet in a position to reach adequacy of representation without the continuance of reservation. If some of them have been able to get jobs in excess of their reservation quota, it only means that the policy of reservation is helping them to move towards adequacy of representation in public services.

7. 10 The Commission shall now deal with the main thrust of the position presented from the side of the backward communities. At the outset, the Commission has to correct a wrong impression about the extent of representation of forward communities in public services. As pointed out earlier, it was stated in one representation that the forward communities which constitute less than 35 per cent of the population hold 65 per cent of all jobs in public services. From the data compiled by the Commission as well as the analysis of that data made in chapter 6, it is obvious that this impression is wrong.







The representation of forward communities in public services is of a much less proportion. However, the Commission's data and its analysis also establish that the representation of most of the backward communities is clearly inadequate. As per the data, there are a number of instances where backward communities hold posts substantially less in number than what their reservation quota indicates. There are other instances where excess over the reservation quota is meager or marginal. There are also instances where the excess is substantial; but that is not the general pattern. Therefore, there is clear inadequacy of the representation of backward communities taken as a whole, though the extent of inadequacy varies from community to community.

7.11. It is against this background that the Commission examined the main suggestion from some backward communities regarding the definition of adequacy of representation. The suggested definition of adequacy is, a situation where each backward community holds jobs in public services proportionate to the percentage of the population of that community to the total population. This, the Commission feels, is an instance of a valid point being stretched beyond its reasonable limit. In a just society, there should be no backwardness suffered by any group of people which makes it impossible for the members of that group to carry on their preferred vocations - be it public services, agriculture, industry or any other activity. This obvious truth does not however imply that social justice should be defined as a state of society where all the vocations employ people proportionate to the strength of each community. Population is certainly an important factor. Presence of a community in a vocation like public services should not be disproportionately low compared to the population of that community. This is particularly important because representation of different communities in public services also involves the issue of the sharing of administrative - though not political - power. In a democratic set up this is absolutely essential. But to insist on exact and proportionate one to one relationship is, even from the point of social justice, stretching sound logic too thin, thereby weakening its validity. In this context, it may be relevant to recall what the

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Hon'ble Supreme Court stated about adequacy of representation in the Mandal Case judgement. It was stated there (A.I.R. 1993 SC 477);

“ We must however point out that clause (4) speaks of adequate representation and not proportionate representation. Adequate representation cannot be read as proportionate representation”
(Para 94A, page 565)

7. 12 So, what should be the golden mean? There should be different types of governmental and social action to help backward classes to get rid of their social and educational backwardness. One such - perhaps the most important - action is practicing a system of reservation to ensure a minimum level of representation for backward classes in public services. That level should certainly not be too low compared to their population ratio. Simultaneously, backward classes should be encouraged to increase their share in open merit competition also. This is exactly the system we are following. The total share of posts set apart for reservation is 50 per cent. That percentage is, in turn, a substantial proportion of the population percentage of the communities eligible for reservation in the total State population. Further, our system does not restrict backward classes to levels of representation equal to their reservation quotas. The analysis made in chapter 6 shows that this approach is giving encouraging results. There are a number of instances pointed out in the analysis which show representation of one or more backward communities considerably in excess of their reservation quota. However the analysis also shows that in a number of other cases, the position is unsatisfactory, necessitating intelligent and imaginative corrective action. In the interest of fairness to all, such action, while effectively tackling inadequacy where it exists, should not trample on the legitimate and reasonable prospects for promotion and career advancement of not only those outside the reservation umbrella but also those who, being eligible for reservation, got recruited earlier either on merit or in the reservation quota.

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7. 13 The logical conclusion of what is stated above is that the practicable method of determining adequacy or inadequacy of representation of backward classes is to study how the representation of each group compares with its reservation quota. Based on this, a qualitative judgement can be made as to which of the communities have - in which group of institutions and which category in the group - fared badly. Then their position in recent recruitments by the Public Service Commission can be checked to ascertain the trend of their performance in recruitment. As a result of this exercise, a quantitative judgement can be made with clear determination of the extent of inadequacy in the case of each community. There the work of the Commission would reach the limit of the terms of reference, leaving it to the Government to consider corrective action of the type mentioned in the closing part of para 7. 12, avoiding the incidence of unintended benefit mentioned in para 7.3.

7. 14 In order to help such an exercise of making, first a qualitative, and then a quantitative judgement, four tables are given below showing the summary of the Group Total Tables (given in Appendices II to V). These summary Tables given below also indicate the reservation quota for each of the eight reservation groups. Perusal of these Tables would enable any one to make the qualitative judgement mentioned earlier.

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Group Total Summary**Staff of Group I: Government Departments***Category-wise details of employees as on 1.8.2000*

C		E	M	N	V	D	LC	OX	OBC	TBC	SC	ST	O	GT
1	A	13414	6505	1832	1656	1071	2047	872	5814	33211	10728	1113	19778	64830
	B	20.69	10.03	2.83	2.55	1.63	3.16	1.35	8.97	51.23	16.55	1.72	30.51	100
	R	11	10	3	2	2	4	2	6	40	8	2		
2	A	44523	23270	3769	6517	2314	6894	1474	15751	104512	23595	2670	87526	218303
	B	20.40	10.66	1.73	2.99	1.06	3.16	0.68	7.22	47.87	10.81	1.22	40.09	100
	R	14	12	2	3	1	4	1	3	40	8	2		
3	A	7502	3614	509	1118	412	1106	170	2380	16811	3322	272	16296	36701
	B	20.44	9.85	1.39	3.05	1.12	3.01	0.46	6.48	45.81	9.05	0.74	44.40	100
	R	14	12	2	3	1	4	1	3	40	8	2		
4	A	694	474	70	119	28	119	13	230	1747	474	41	1812	4074
	B	17.03	11.63	1.72	2.92	0.69	2.92	0.32	5.65	42.88	11.63	1.01	44.48	100
	R	14	12	2	3	1	4	1	3	40	8	2		
5	A	101	52	9	17	5	24	2	36	246	77	5	195	523
	B	19.31	9.94	1.72	3.25	0.96	4.59	0.38	6.88	47.04	14.72	0.96	37.28	100
	R	14	12	2	3	1	4	1	3	40	8	2		
6	A	225	109	7	31	10	37	2	60	481	163	12	467	1123
	B	20.04	9.71	0.62	2.76	0.89	3.29	0.18	5.34	42.83	14.31	1.07	41.59	100
	R	14	12	2	3	1	4	1	3	40	8	2		
	T	66459	34024	6196	9458	3840	10227	2533	24271	157008	38359	4113	126074	325554
	B	20.41	10.45	1.90	2.91	1.18	3.14	0.78	7.46	48.23	11.78	1.26	38.73	100

Note A: Indicates number of employees
 B: Indicates percentage to the total number of employees in that category
 C: Indicates Category and for definition of category see Appendix I (a)
 E: Ezhava, M: Muslim, N: Nadar, V: Viswakarma, D: Dheevara,
 L.C: Latin Catholic/ Anglo Indian, OX: Scheduled Caste converted to Christianity
 OBC: Other Backward Classes, SC: Scheduled Castes, ST: Scheduled Tribes
 O: Others (forward community), R: Reservation quota, B.C: Backward Community
 TBC: Total for Backward Communities, T: Total, GT: Grand Total
 As the percentage is rounded in the 2nd decimal point, the totals may not tally in all cases.

Group Total Summary

Staff of Group II: Public Sector Undertakings

Category-wise details of employees as on 1.8.2000

C		E	M	N	V	D	LC	OX	OBC	TBC	SC	ST	O	GT
1	A	3582	1610	218	563	151	780	122	986	8012	1557	154	9100	18823
	B	19.03	8.55	1.16	2.99	0.80	4.14	0.65	5.24	42.56	8.27	0.82	48.35	100
	R	14	12	2	3	1	4	1	3	40	8	2		
2	A	3793	1578	284	925	127	464	183	1144	8498	1815	437	5160	15910
	B	23.84	9.92	1.79	5.81	0.80	2.92	1.15	7.19	53.41	11.41	2.75	32.43	100
	R	11	10	3	2	2	4	2	6	40	8	2		
3	A	7925	3519	686	1468	347	1450	221	2438	18054	3879	508	15862	38303
	B	20.69	9.19	1.79	3.83	0.91	3.79	0.58	6.37	47.13	10.13	1.33	41.41	100
	R	14	12	2	3	1	4	1	3	40	8	2		
4	A	12424	3150	193	1268	138	734	442	2071	20420	7910	533	11741	40604
	B	30.60	7.76	0.48	3.12	0.34	1.81	1.09	5.10	50.29	19.48	1.31	28.92	100
	R	11	10	3	2	2	4	2	6	40	8	2		
	T	27724	9857	1381	4224	763	3428	968	6639	54984	15161	1632	41863	113640
	B	24.40	8.67	1.22	3.72	0.67	3.02	0.85	5.84	48.38	13.34	1.44	36.84	100

Note A: Indicates number of employees
 B: Indicates percentage to the total number of employees in that category
 C: Indicates Category and for definition of category see Appendix I (b)
 E: Ezhava, M: Muslim, N: Nadar, V: Viswakarma, D: Dheevara,
 L.C: Latin Catholic/ Anglo Indian, OX: Scheduled Caste converted to Christianity
 OBC: Other Backward Classes, SC: Scheduled Castes, ST: Scheduled Tribes
 O: Others (forward community), R: Reservation quota, B.C: Backward Community
 TBC: Total for Backward Communities, T: Total, GT: Grand Total
 As the percentage is rounded in the 2nd decimal point, the totals may not tally in all cases.

Group Total Summary

Staff of Group III: Staff of Universities

Category-wise details of employees as on 1.8.2000

C		E	M	N	V	D	LC	OX	OBC	TBC	SC	ST	O	GT
1	A	226	159	37	35	14	42	30	94	637	158	10	434	1239
	B	18.24	12.83	2.99	2.82	1.13	3.39	2.42	7.59	51.41	12.75	0.81	35.03	100
	R	11	10	3	2	2	4	2	6	40	8	2		
2	A	966	560	72	163	65	170	41	254	2291	467	26	2125	4909
	B	19.68	11.41	1.47	3.32	1.32	3.46	0.84	5.17	46.67	9.51	0.53	43.29	100
	R	14	12	2	3	1	4	1	3	40	8	2		
3	A	462	277	27	70	17	88	7	153	1101	176	7	1302	2586
	B	17.87	10.71	1.04	2.71	0.66	3.40	0.27	5.92	42.58	6.81	0.27	50.35	100
	R	14	12	2	3	1	4	1	3	40	8	2		
4	A	118	43	5	10	7	8	0	28	219	27	1	331	578
	B	20.42	7.44	0.87	1.73	1.21	1.38	0	4.84	37.89	4.67	0.17	57.27	100
	R	14	12	2	3	1	4	1	3	40	8	2		
5	A	8	15	0	5	0	1	0	2	31	12	0	43	86
	B	9.30	17.44	0	5.81	0	1.16	0	2.33	36.05	13.95	0	50.00	100
	R	14	12	2	3	1	4	1	3	40	8	2		
6	A	49	33	3	1	1	2	0	16	105	9	0	235	349
	B	14.04	9.46	0.86	0.29	0.29	0.57	0	4.58	30.09	2.58	0	67.34	100
	R	14	12	2	3	1	4	1	3	40	8	2		
	T	1829	1087	144	284	104	311	78	547	4384	849	44	4470	9747
	B	18.76	11.15	1.48	2.91	1.07	3.19	0.80	5.61	44.98	8.71	0.45	45.86	100

Note A: Indicates number of employees

B: Indicates percentage to the total number of employees in that category

C: Indicates Category and for definition of category see Appendix I (c)

E: Ezhava, M: Muslim, N: Nadar, V: Viswakarma, D: Dheevara,

L.C: Latin Catholic/ Anglo Indian, OX: Scheduled Caste converted to Christianity

OBC: Other Backward Classes, SC: Scheduled Castes, ST: Scheduled Tribes

O: Others(forward community), R: Reservation quota, B.C: Backward Community

TBC: Total for Backward Communities, T: Total, GT : Grand Total

As the percentage is rounded in the 2nd decimal point, the totals may not tally in all cases.

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Group Total Summary

Staff of Group IV: Staff of Autonomous Institutions constituted by State Government

Category-wise details of employees as on 1.8.2000

C		E	M	N	V	D	LC	OX	OBC	TBC	SC	ST	O	GT
1	A	1208	380	135	90	112	123	53	387	2488	583	45	48.4	8000
	B	15.10	4.75	1.69	1.13	1.40	1.54	0.66	4.84	31.10	7.29	0.56	61.05	100
	R	11	17	3	2	2	4	2	6	40	8	2		
2	A	2399	903	192	328	131	287	80	646	4966	721	41	4626	10354
	B	23.17	8.72	1.85	3.17	1.27	2.77	0.77	6.24	47.96	6.96	0.40	44.68	100
	R	14	12	2	3	1	4	1	3	40	8	2		
3	A	342	217	41	90	19	82	12	170	1173	174	3	1030	2380
	B	22.77	9.12	1.72	3.78	0.80	3.45	0.50	7.14	49.29	7.31	0.13	43.28	100
	R	14	12	2	3	1	4	1	3	40	8	2		
4	A	71	15	10	4	6	5	1	26	138	11	1	209	359
	B	19.78	4.18	2.79	1.11	1.67	1.39	0.28	7.24	38.44	3.06	0.28	58.22	100
	C	14	12	2	3	1	4	1	3	40	8	2		
5	A	10	6	1	1	0	3	0	1	22	5	0	48	75
	B	13.33	8.00	1.33	1.33	0	4.00	0	1.33	29.33	6.67	0	64.00	100
	R	14	12	2	3	1	4	1	3	40	8	2		
6	A	27	11	3	1	5	3	1	6	57	6	0	103	166
	B	16.27	6.63	1.81	0.60	3.01	1.81	0.60	3.61	34.34	3.61	0	62.05	100
	R	14	12	2	3	1	4	1	3	40	8	2		
	T	4257	1532	382	514	273	503	147	1236	8844	1500	90	10900	21334
	B	19.95	7.18	1.79	2.41	1.28	2.36	0.69	5.79	41.45	7.03	0.42	51.09	100

Note A: Indicates number of employees

B: Indicates percentage to the total number of employees in that category

C: Indicates Category and for definition of category see Appendix I (d)

E: Ezhava, M: Muslim, N: Nadar, V: Viswakarma, D: Dheevara,

L.C: Latin Catholic/ Anglo Indian, OX: Scheduled Caste converted to Christianity

OBC: Other Backward Classes, SC: Scheduled Castes, ST: Scheduled Tribes

O: Others (forward community), R: Reservation quota, B.C: Backward Community

TBC: Total for Backward Communities, T: Total, GT: Grand Total

As the percentage is rounded in the 2nd decimal point, the totals may not tally in all cases.

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7. 15 The position in the four Summary Tables relate to the representation of the eight backward community groups in the services. The employees now in service were recruited over the last thirty years. One can reasonably assume that the extent of representation of backward classes would have shown a less satisfactory situation if similar Tables were compiled ten years ago. Even worse would have been the position twenty or thirty years ago. So the present position indicates progress which has to be acknowledged. This improvement is reflected in the data regarding PSC recruitment of recent eleven years given in Appendix VI. The exclusion of creamy layer in the matter of recruitment of backward classes is insisted in Kerala only from 16-2-2000. The impact of this is yet to be seen. It can be inferred that, as time passes, there will be further educational advancement among backward classes which would enable them to further improve their presence in public services. One community which has already made considerable progress is the Ezhava community. If leaders and voluntary organisations of other communities enlighten their members to emulate this example, they can also make rapid strides in future. However the present is the immediate reality and it cannot be wished away in the hope of bright future. Hence the level of inadequacy as of now has to be clearly assessed. With reference to Group Total Summary Tables given above, a quantitative assessment mentioned earlier has been worked out. In the case of each community which holds jobs less than their reservation quota in any group and category, the number of posts involved in that deficiency is worked out and shown in the tables given below.

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Tables quantifying deficiency in the number of posts actually held (in reservation quota and open merit competition together) compared to reservation quota entitlement only.

Table 1

Name of Community: Muslim

Group	Category -1	Category -2	Category -3	Category -4	Category -5	Category-6	Total
I	-	2926	790	15	11	26	3768
III	-	29	33	26	-	9	97
IV	420	340	69	28	3	9	869
XXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXX
II	649	13	1077	910	X	X	2649

Grand Total 7383 (Seven thousand three hundred and eighty three)

Note: 1. Deficiency in each column is calculated by the method illustrated below.

Illustration: (Group I - Category 2 Above)

- A: Number of posts held (in reservation and open merit competition) together) by Muslims in category 2 of Group I- Government Departments as per Group Total Summary Table:) = 23270
- B: Reservation quota for Muslims in that category = 12%.
- C: Total number of posts in category 2 of Group I – Government Departments, as per Group Total Summary Table = 218303.
- D: Number of posts Muslims should have got by applying only the reservation quota = 12 % of C, ie 12% of 218303 = 26196 posts.
- E: Deficiency = D minus A, ie. 26196 minus 23270 = 2926 posts.

Columns are left blank where A is higher than D, where the number of posts actually held (in reservation and open merit together) are higher than the number of posts as per reservation quota only. (In rare cases, A and D may be the same number)

- Normal method of rounding is used where decimals occur.
- Method of calculation is the same for all the eight Deficiency Tables.
- For definition of category refer Appendix I.
- Group II (Public Sector Undertakings) is shown at the bottom of the Table, as definition of categories is different from other Groups. Refer Appendix I (b).

Table 2

Name of Community: Latin Catholic/Anglo Indian.

Group	Category -1	Category -2	Category -3	Category -4	Category -5	Category -6	Total
I	546	1838	362	44	-	8	2798
III	8	26	15	15	2	12	78
IV	197	127	13	9	-	4	350
XXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXX
II	-	172	82	890	X	X	1144

Grand Total 4370 (Four thousand three hundred and seventy)

Table 3

Name of Community: Nadars

Group	Category -1	Category -2	Category -3	Category -4	Category -5	Category -6	Total
I	113	597	225	12	2	16	965
III	-	26	25	7	2	4	64
IV	105	15	7	-	1	-	128
XXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXX
II	159	193	80	1025	X	X	1457

Grand Total 2614 (Two thousand six hundred and fourteen)

Table 4

Name of Community: SC converted to Christianity.

Group	Category -1	Category -2	Category -3	Category -4	Category -5	Category -6	Total
I	425	709	197	28	3	9	1371
III	-	8	19	6	1	4	38
IV	107	24	12	3	1	1	148
XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXX
II	66	135	162	370	X	X	733

Grand Total 2290 (Two thousand two hundred and ninety)

Table 5

Name of Community: Dhevara.

Group	Category -1	Category -2	Category -3	Category -4	Category -5	Category -6	Total
I	226	-	-	13	-	1	240
III	11	-	9	-	1	3	24
IV	48	-	5	-	1	-	54
XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXX
II	37	191	36	674	x	X	938

Grand Total 1256 (One thousand two hundred and fifty six)

Table 6

Name of Community: Other Backward Communities.

Group	Category -1	Category -2	Category -3	Category -4	Category -5	Category -6	Total
I	-	-	-	-	-	-	-
III	-	-	-	-	1	-	1
IV	93	-	-	-	1	-	94
XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXX
II	-	-	-	365	x	X	365

Grand Total 460 (Four hundred and sixty)

Table 7

Name of Community: Viswakarmas.

Group	Category -1	Category -2	Category -3	Category -4	Category -5	Category -6	Total
I	-	32	-	3	-	3	38
III	-	-	8	7	-	10	25
IV	70	-	-	7	1	4	82
XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXX
II	2	-	-	-	x	X	2

Grand Total 147 (One hundred and forty seven)

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Table 8

Name of Community: Ezhavas.

Group	Category -1	Category -2	Category -3	Category -4	Category -5	Category -6	Total
I	-	-	-	-	-	-	-
III	-	-	-	-	4	-	4
IV	-	-	-	-	1	-	1
XXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXX
II	-	-	-	-	X	X	-

Grand Total 5 (Five)

7. 16 In the case of the group of 68 communities taken as OBC for the purpose of reservation, there is a special phenomenon that deserves notice. This OBC group, as a whole, occupies posts substantially in excess of its reservation quota. However that position is not typical of all the 68 communities. Many of them have poor or no representation in different categories of posts. But the extent of inadequacy cannot be quantified, because there is no separate quota for each of these communities. Nor is any other benchmark - like the population of every one of the 68 communities - available in order to assess how fair or unfair the position of each one is. Nevertheless, it needs to be pointed out that there should have been a more fair distribution of posts within this group, without any net addition to the number and percentage of posts held by the group in total. As long as the present condition prevails, some of these sixty eight communities are likely to continue with poor representation while others will have adequate (some of them, more than adequate) representation.

8. Conclusion

8.1 In chapter 7, the Commission has drawn inferences from a detailed analysis of Appendices II to VI. It is clear from this analysis that almost all the communities of the Backward classes have improved their position or are improving their presence in the public services. Even as per Appendix II Ezhavas, a major community among the Backward Classes have secured better representation in more than one category by securing posts in the merit quota over and above the reservation quota. At the same time Muslims another major community among the Backward Classes have not fared so well. The main reason for this is nothing but educational backwardness. Better educational standards of Ezhavas taken as a whole give them a good leverage in competing for Government jobs at least in the recruitment for lower categories. If the Muslim community and its leaders take more interest in the matter of education and make a concerted effort, this community can also reach a similar level of educational advancement in the not distant future. The other communities among the Backward Classes can also improve their presence in the public services by paying more attention for the education of their children.

8.2 The data included in Appendix II to VI and Annexures 25 to 106 to the report and especially the tables given in para 7.15 supra show the deficiency in the matter of representation of different communities among the Backward Classes in the representation in the services. The deficiency is calculated on the basis of their reservation quota. (We have noted the fact that, in some departments/institutions and some categories, different backward communities have got representation in excess of reservation quota; but that is what they have attained by their own merit). It is pertinent to note that, among communities which have substantial deficiency, the quantum of deficiency is higher for those with higher reservation quota. Whatever may be the reason it is for the Government to take appropriate action to minimise this deficiency in the years to come. All the communities in the backward classes who have deficiency should

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be benefited. In taking action to cure the deficiency, special care should be taken to avoid the incidence of unintended benefit mentioned in para 7. 3 as also to ensure that legitimate career aspirations of others are not trampled upon as pointed out in the closing part of para 7. 12.

8. 3 On the basis of all that is already stated in this report and on the strength of Appendices II to VI and Annexures 25 to 106, the Commission's conclusion on the terms of reference is as follows:

As per the data discussed by the Commission, as matters stand now, without the benefit of reservation, no community among the Backward Classes can have adequate representation in the services under the State Government, Public Sector Undertakings, Autonomous Bodies and Institutions under the State Government including Universities. Even with reservation, most of the communities are not getting adequate representation in all the categories of posts.

8. 4 We conclude the report by pointing out that reservation for Backward Classes is only a means to an end and not an end in itself. It cannot be a permanent feature.

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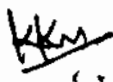
9. Acknowledgements

9.1 Through the report just concluded, we have referred to ourselves 'the Commission'. Now, we have a word or two to say, as three individuals constituting the Commission. The first is about the institutions and people who helped us to prepare this report.

9.2 The Commission was appointed by the Government headed by Shri. E.K.Nayanar. The new Government headed by Shri. A.K.Antony assumed office early this year. From both the Chief Ministers and their Governments, we received co-operation and support. We are grateful to both of them. In the course of our work, we had to seek detailed data from the High Court. We had to seek the help of two Chief Justices Shri. Justice A.V Savant and Smt. Justice.K.K.Usha. We received extremely generous and warm response and we are grateful to both these eminent persons. Another dignitary from whom we sought and got support and co-operation is Shri. M.Gangadhara Kurup, Chairman, Kerala Public Service Commission.

9.3 Then we have to mention the ready response and co-operation we received from the Chief Secretary, Secretaries to Government, Heads of Department and other organisations and the staff of all the big and small offices all over the State. Collection and compilation of such massive data, perhaps for the first time in the State, in such relatively short time, would not have been possible but for this major contribution made by our bureaucracy who are - perhaps occasionally - "more sinned against than sinning".

9.4 Then we come to the staff of the Commission. Headed by Shri. V. Sathyanesan, our energetic Secretary, the small band of dedicated men who constituted the staff of the Commission Secretariat, rose to the occasion and gave their very best to the work of the Commission. Everyone of them deserves the gratitude of the Members of





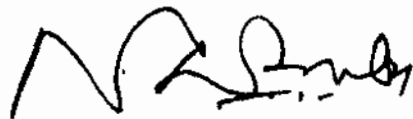


the Commission. We would particularly mention Shri. V. Muraleedharan Nair, Deputy Director, who handled the work of computerised compilations of the massive data with a remarkable degree of dedication and thoroughness, Shri. K. Sainulabdeen Kunju, Section Officer and Shri. P Haridasan, Accountant who attended not only to office work but also to checking, rechecking and editing the voluminous data.

9.5 Now let us have a word of introspection about ourselves. We, the Chairman and the two Members come from three different parts of the State, three different vocations and three different communities. We were handling a subject which has almost always raised conflicting views and social discomfort in the State. But, to our tremendous satisfaction bordering on a little pride, we can say that we worked as a team, never once having the need for any disagreement other than frank and mutually respectful discussion of differing views on some aspects. And we could always reach a consensus on such difference of opinion. This is perhaps because all the three of us are grandfathers; and we would like to believe that, in this wonderful State and country, where our grandchildren and their generation have the good fortune to live, there is absolutely no need for carrying differences of opinion on even the most sensitive issues to a point beyond the limit of healthy debate and generous consensus.

Justice K.K.Narendran (Rtd.)

Chairman



T.M.Savankutty

Member



K.V.Rabindran Nair

Member

