

REPORT
OF
THE KARNATAKA SECOND BACKWARD CLASSES
COMMISSION

Volume - I

NIEPA DC



SN1160

Government of Karnataka

1986

Sub. National Systems Unit,
National Institute of Educational
Planning and Administration
17-B, Sri Aurobindo Marg, New Delhi-110016
DOC. No.....S.N.S.-11.6^o.....
Date.....25/3/87.....

(I).

P R E F A C E

The Karnataka Second Backward Classes Commission takes this opportunity to express its grateful thanks to the Government of Karnataka for entrusting this onerous task of reviewing the existing list of Backward Classes in order to identify afresh the Backward Classes on the basis of a scientific survey and to recommend to the Government the list of Backward Classes under Art. 15(4) and 16(4) of the Constitution of India.

This task entrusted to the Commission was difficult, complex and challenging. The Commission has tried conscientiously, impartially and judiciously to the best of its abilities, to do justice towards this challenging work.

The Commission wishes to express its sincere thanks to the general public for responding to the Questionnaire; to the leaders and representatives of several organisations and caste sanghas and organisations who deposed before the Commission; to the Scholars, Social Scientists and academicians who participated in the Seminar and gave their valuable suggestions to the Commission; to those who met the Commission on various occasions with their opinions & suggestions; most important, the Commission thanks the Members of Parliament, Members of the Legislative Assembly and Members of the Legislative Council of Karnataka for their valuable suggestions. This Commission also thanks the Members of the State and District Bar Associations for their valuable remarks; Vice-Chancellors of the Universities of Bangalore, Mysore, Karnataka, Gulbarga, Mangalore and the University of Agricultural Sciences, Hebbal and their academicians for voicing their views on the matter; the Director and the academicians of

(II)

the Institute for Social & Economic Change and the Director and academicians of the Indian Institute of Management, for their valuable views; Members of the Karnataka Public Service Commission, Heads of Departments, for assisting the Commission in its work; the Deputy Commissioners and their staff in the district, the Commissioners of the City Corporations, Commissioners of the City Municipalities and the Executive Officers of the Town Municipalities and their staff and the army of teachers and the officials of the Revenue Department and others, for their devoted work in the conduct of survey; the Director and staff of the Bureau of Economics and Statistics for their valuable assistance in the computerisation of the survey statistics; and the Press in general for giving wide publicity to the work of the Commission from time to time.

KARNATAKA SECOND BACKWARD CLASSES COMMISSION

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"THE MAIN REPORT CONTAINING RECOMMENDATIONS"

Chairman's forwarding letter to Chief Minister, Karnataka.

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STATEMENT SHOWING THE ATTENDANCE OF THE MEMBERS
DURING THE FULL COMMISSION SITTINGS.

TOTAL SITTINGS - 122.

SI.NO.	Name		No. of sittings attended
<u>Sittings:</u>			
1.	T.VENKATASWAMY	Chairman	122/122 -
2.	Dr.S.BHEEMAPPA	Member	79/122
3.	Dr.K.H.CHELUVARAJU	"	93/122
4.	M.V.SOORACHARI	"	105/122
5.	VIDYADHARGURUJI	"	56/122
6.	PROF.JOHN.B.KUTINHA	"	108/122
7.	Dr.AMMEMBALA BALAPPA	"	113/122
8.	R.S.NAIK	"	61/122
9.	PROF.A.M.DHARMALINGAM	"	100/122
10.	M.L.MUTTENNAVAR,MLA	"	54/119
11.	PROF.B.PUTTAIAH	"	100/119
12.	V.VENKATARAMANA	"	78/119
13.	H.CHICKANNA	"	99/105
14.	M.S.HELAWAR	"	37/119
15.	V.D.VEERAKYATHAIAH, I.A.S., / Smt.SHANTHAKUMARI DEVARAJ I.A.S.,	Member Secretary	118/122

STATEMENT SHOWING THE ATTENDANCE OF THE MEMBERS
DURING THE SUB-COMMITTEES MEETINGS.

TOTAL SITTINGS - 68.

SI.NO.	Name		No. of sittings attended
<u>Sittings:</u>			
1.	T.VENKATASWAMY	Chairman	68/68
2.	Dr.S.BHEEMAPPA	Member	52/68
3.	Dr.K.H.CHELUVARAJU	"	51/68
4.	PROF.A.M.DHARMALINGAM	"	62/68
5.	H.CHICKANNA	"	62/68
6.	Smt.SHANTHAKUMARI DEVARAJ, I.A.S.,	Member Secretary	66/68

T. VENKATASWAMY
CHAIRMAN



PHONE: 71440
KARNATAKA II BACKWARD CLASSES
COMMISSION, 15TH FLOOR MAIN TOWER,
VISHVESWARAYYA CENTRE,
BANGALORE-560 001

DATED: March 31, 1986.

Dear Sri. Ramakrishna Hegde,

At the outset, I would like to thank you and your esteemed colleagues for having appointed me as the Chairman of the Karnataka II Backward Classes Commission. You know Sir, with humility, I accepted the heavy responsibility and had given an assurance that I would do my best to be of some use in resolving this problem of reservation to Backward Classes.

2. It was my earnest desire to bring about an unanimous report on this complicated and sensitive issue. Though I was able to carry all the Members till December 1985 on all vital issues, when the Commission on 2/3 Dec 85, took up the identified list of various castes and Communities on the basis of data received from the S.S.L.C. pass statistics, I could see some of the Members bring about a general consensus in respect of our recommendations. However, all my efforts to break-down the dissensions failed and I had to request them to contribute their dissenting notes, which, in my opinion would enhance the value of the main report. Five Members of the Commission were not able to agree with the majority opinion, and they have submitted their dissenting notes.

3. It was with great difficulty we were able to collect all the required data from various sources and I must mention that all the Departments of the Government extended their full co-operation in securing the data. With the assistance of the Department of Economics and Statistics, we were able to computerise and obtain various tables pertaining to the social, economical and educational survey data. I personally highly appreciate the sincere assistance rendered by the Divisional Commissioners, Deputy Commissioners and their staff and all the other District authorities. I will be failing in my duty if I do not mention specially the services and timely assistance and all-round help given by the Directorate of Backward Classes and Minorities and its Directors. The unstinted and sincere effort on the part of Sri. V. D. Veerakathai, I.A.S., the then Director of Backward Classes and Minorities and the then Member Secretary of this Commission, in arranging the District tours and other meetings and later Smt. Shanthakumari Devaraj, I.A.S., who

took over as Director, Backward Classes and Minorities Department and Member Secretary of the Commission after the former's retirement, and brought new life into the Commission's work with her enthusiastic, untiring effort in preparing the drafts of various Chapters of this report, requires special mention and I, as the Chairman of the Commission, on my behalf and on behalf of all the Members of the Commission, convey our grateful thanks to them.

4. I would like to recall the services rendered by Sri. Late. Lakshman Singh, Deputy Secretary of the Commission, whose untimely death took away in the midst of his sincere work and service to the Commission.

5. I would like to acknowledge the valuable help rendered by Sri. B.S. Gudi, Joint Director, Department of Economics and Statistics, who served as Deputy Secretary, of the Commission on deputation, on whose shoulders fall the responsibility of tabulating all the data collected from various sources in a State of 3 Crores and 61 Lakhs of population of our State. He, together with his able assistants helped the Commission to sort out this huge material into manageable & meaningful tables to determine the various decisions of the Commission. The other administrative staff members of the Commission have worked in all seriousness both during working hours, and at odd times and late hours to assist the Commission, and myself and all the Members of the Commission thank them in all sincerity.

6. I will be failing in my duty if I do not mention the help rendered by the Commissioner of Public Instructions with his staff in conducting the Socio-Economic-cum-Educational Survey and in collecting valuable data with regard to S.S.L.C. pass particulars of students for the year 1985 and the Director of Treasuries for collecting the particulars of the employees in Government service, throughout the State.

7. I would like to mention that the enumerators were able to collect data from all over the State braving variety of troubles and worked during holidays also. The Data pertaining to 3 Crores 61 Lakhs of population of the State consisting of 6092673 Lakhs of families collected at great cost and effort is now with the Commission which would be useful for the Government in ascertaining several vital statistics in respect of the above said families.

In my opinion, it is a very valuable material and Government may take necessary steps to preserve them either in the State Archives or at the Directorate of Backward Classes, wherever it is feasible, so that the same material may be made use of by the Governmental authorities or Academicians. In fact, when the Commission visited the Institute for Social and Economic Change, Nagarabhavi, Bangalore, the Director of the Institution requested the Commission to spare this material for Research purposes. You may kindly take a suitable decision in this matter.

8. You are aware Sir, the Supreme Court delivered its Judgement on May 1985 on Vasanthkumar's case which was meant specially for the guidance of our Commission. I am happy to mention that the entire Commission fully appreciated and utilised these guidelines in the process of identification and enumeration of the castes/communities in the State, according to their Social, educational and economical status. Thus, I was able to channelise the opinion of the majority of the Commission Members in the direction of arriving at a reasonable classification and grouping of communities. I am happy to say, majority of the members of the Commission have expressed themselves in favour of the recommendations.

9. At the cost of repetition, I would like to mention here that Chief Justice Chandrachud has unequivocally mentioned that two tests should be conjunctively applied for identifying Other Backward Classes for the purposes of reservation in employment and education:

1. that they should be comparable to scheduled castes and scheduled tribes in the matter of their backwardness and

2. that they should satisfy the means tests such as the State Government may lay down in the context of prevailing economic conditions. The guidelines given by other judges have also been followed by the Commission in this respect.

10. Of the five Members of the Commission who have expressed their dissent and given their dissenting notes, I would like to offer my comments as follows:-

1. Prof. K.H. Cheluvraju, Member have given a detailed note challenging that the Commission has exceeded in its recommendations in respect of Terms of Reference. He has also mentioned that the Survey conducted is not proper and the classification made is not done with a view to give benefit to the maximum number of castes. I am afraid, the view taken by

him is not accepted by the other Members. All the Commission Members had on every occasion detailed discussions on these issues which he raised and he was also one of the Sub-Committee Members who participated and whose objections were also properly considered by the Sub-Committee and ultimately by the full Commission from time to time. I do not like to dilate on all the points raised by him for the simple reason that he was present in most of the meetings and his objections at every stage of the proceedings of the Commission were more in nature of trying to stall the proceedings by harping upon procedural details and had little to suggest towards constructive alternatives.

2. Prof. John. B. Kutinha, Member, who had given his dissent on the Commission's recommendations, I would like to say, has concentrated only on Christian Community. His contention is that the Christians have retained the various caste groups from which originally they were converted. He wanted that as many castes/communities as they are in existence under Hindu-fold, to be kept also under the Religion Christianity and that they should be given the respective benefits as rendered to the Hindu Community. This looks to me a very strange idea because the very purpose of the conversion into Christianity was to escape the rigours of caste system and it would be incongruous to consider them as belonging to the original Hindu-fold. Anyway, the Commission took a view that only the Scheduled Caste converts to Christianity should be extended to the benefits of Backward Classes under Art.115(4) and 16(4) mainly due to their backward social and educational status in the society. I would have been very happy if Prof. Kutinha had spoken in respect of all the communities in the State and had given his valuable suggestions for improvement of the Commission's report. It looked as though he was representing the Backward Class Christian community only, which, I am sure, you will agree, is not the case.

3. Sri. M.L. Muttannavar, Member, has also presented a dissent note. It appears to me strange that Sri. Muttannavar who was the least active member in the Commission*, may be next only to Sri. M.S. Helawar and who was taking neither active part in the discussions nor giving any suggestions, either dissenting or consenting in respect of most of the matters, has come forward with a wild allegation that the Terms of Reference given to the Commission is not strictly followed by the Commission. He appears to simply uphold all the castes/communities classified in the Government Order based on Havanur Commission's report rather than exercise his independent judgement

* Statement showing the attendance of the Members during the full Commission and Sub-Committee meetings is enclosed.

over the recommendations made by this Commission. I find that his participation in the Commissions' Meeting has not helped him to discern as to who was the Chairman of the Sub-Committee, as he passingly mentions that Dr.S.Bheemappa, was the Chairman of the Sub-Committee which went into the caste details. His dissenting note is nothing but a virulent attack on Dr.S.Bheemappa, Member of the Commission. The very fact that Sri.M.L.Muttannavar, Member, has attached so much importance to Dr.S.Bheemappa and mounted a frontal attack on him, makes me doubt whether he has been a mouth-piece to someone else who may be bitter about Dr.S.Bheemappa. I would not like to venture to guess who that would be. I may mention here Sir, that over-emphasis was never given to any one individual Member of the Commission. Every recommendation and every important decision, though originated in Sub-Committee had been fully discussed and consensus was obtained in the full Commission Meetings as could be seen from the proceedings of the Commission. Full scope was given for discussion and many a time it used to be very hot discussion and the interests of the cause was always upheld by the majority of the Members. The proceedings of the Commission Meetings will bear testimony for this. His advocacy for inclusion of Nayaka Community and its synonyms for inclusion in Scheduled Tribes appears to be a replica of an advertisement given by the Organisation of Beda community in the Newspapers sometime ago. The Commission has dealt with this matter in their main recommendations adequately.

The judgement referred to by Sri.Muttannavar in respect of one Sri. Bheemappa Havanur, Petitioner, has no relevance for our purpose and hence I do not want to comment on that.

4. Sri.V.Venkataramana, Member has withheld his acceptance for the recommendations of the Commissions' Report on the ground that many poorer backward rural communities have been left out of the Backward Classes list. Since the Commission had to take up a decision on Scientific basis based on the data obtained in respect of S.S.L.C. pass and other socio-economic and educational indicators from the Survey, we had to bring in only those communities whose social and educational status was nearer to that of Scheduled Castes and Scheduled Tribes, as far as possible. The main idea is that the Backward Classes who have advanced, must gradually go out of the Backward Class list and that the list must go on shrinking, so that after a time, these communities learn to stand on their own and that all would have equal opportunity. Majority Members of the Commission have taken this view and it has been accepted by the Commission.

5. Sri. M.V.Soorchari, though has not presented any written dissent note, has signed stating he has objections. I had noted during the Commission meetings that he was not satisfied with the classification of castes. His intention was to set the Survey details of all sub-castes and decide their admissibility into the backward caste list. This was not possible because such details for all sub-castes were not forth coming.

11. Dr.S.Bheemappa, Prof.A.M.Dharmalingam, Sri.H.Chikkaanna and Sri.M.S.Helawar, who have given additional notes, are in agreement with all the recommendations of the Commission, but either differ on minor points or want to supplement the major recommendations by requesting for an addition of certain things. Dr.S.Bheemappa wants that additional riders should be applied for eliminating the affluent section from claiming benefits under Backward Classes. Sri.H.Chikkaanna wants the percentage stipulated to be increased in proportion to the population that has been identified as Backward Classes i.e., instead of 27%, he wants 32% of reservation to be recommended. Prof.A.M.Dharmalingam has given a small note in respect of "Agamudian" community which the Commission has included under Mudaliyar Community. His wish is that it should be included under Tewar community and thus kept in the Backward list. Since Thurston and other learned authors have mentioned that "Agamudian" is a community which is in other words a Mudaliyar Community and the Mudaliyar Community is not included in Backward Classes, this request of his could not be conceded to. Sri.M.S.Helawar wants the category of Backward Tribes to be retained to include the Semi-Nomadic, Nomadic Tribes and denotified tribes. Since the data collected by the Commission has been considered in detail and as the Commission has not recommended a separate category of Backward Tribe, such of those communities which were in the above said category have been classified under either Group 'A' or 'B' as per the new grouping recommended by this Commission according to their socio, economic and educational status.

12. I may passingly remark, that all these Members excepting one or two, have their own communities in mind when they were sponsoring these dissenting and supplementary notes.

13. Prof.A.M.Dharmalingam was very particular in requesting the Commission to include one of his notes titled "Distributive Justice in Merit Pool" as his personal opinion and that is also appended along with his

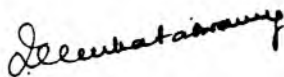
additional note. The opinion expressed by Prof.A.M.Dharmalingam is his personal opinion and not that of the Commission's.

14. Before closing, I would like to thank all the Members who have extended their sincere support in formulating the recommendations of the Commission and particularly the present Member Secretary who came in the middle of the Commission's work and took up in all seriousness the responsibility of co-ordinating the deliberations and the finalisation of the report.

15. I would like to express the appreciation of myself and the Members of the Commission to one and all, starting from the public, well-wishers, Judiciary, Government and their staffs, to every one who played an active part in the deliberations of the Commission, directly or indirectly and thus helped us greatly in completing this momentous and prestigious work successfully.

With kind regards,

Yours sincerely,



Sd/-
(T.VENKATASWAMY)

Sri. Ramakrishna Hegde,
Hon'ble Chief Minister of Karnataka,
Vidhana Soudha,
BANGALORE 560 001.

P.S: With great constraint I am referring to an unhappy incident which took place and unnecessarily perturbed my mind and gave rise to a controvertial discussion in the State Legislative Council on 18th March 1986, the alleged leakage of the contents of our report. I believe, it was subject matter of a short-notice question. It was reported in newspapers and I had seen in 'Indian Express' and 'Kannada Prabha' dated 18th March 1986, certain details supposed to contain in the recommendations of our Commission. I also learnt from Council proceedings that some Members wanted action against those who are responsible for such leakage. When I was seriously making enquiries in the office about any mischief, the doubts were cleared when I saw a report said to have been

given by Sri.M.L.Muttannavar by going to the press, mentioning that he had given a dissent note and practically explaining all the major points on which he has dissented. This appeared on 19.3.1986 in 'Indian Express', which explains that he may be the person who had given the alleged information which is the subject matter of leakage to 'Indian Express' and 'Kannada Prabha' dated 18th March 1986. It is open to the Government, Sir, to take such suitable action against the person who is responsible for the leakage and others who are connected with it as you deem fit in the circumstances of the case. Anyway, as the Chairman of the Karnataka Second Backward Classes Commission, nobody could attribute or impute any motives to me in this matter.

T. Venkataswamy
(T.VENKATASWAMY)

CHAPTER_I

I N T R O D U C T I O N

CHAPTER 1

LIST OF ANNEXURES

- 1.1. Government Order No.SWL 7 BCA 80, dated 18.4.1983.
- 1.2. Government Order No.SWL 7 BCA 80, dated 21.6.1983.
- 1.3. Government Order No.SWL 83 BCA 83, dated 2.7.1983.
- 1.4. Government Order No.SWL 132 BCA 83, dated 16.11.1983.
- 1.5. Government Notification No.SWL 72 BCA 84, dt.12.6.1984.
- 1.6. Government Notification No.SWL 76 BCA 83, dt.11.7.1983.
- 1.7. Government Notification No.SWL 33 BCA 84, dt.3.4.1984.
- 1.8. Government Notification No.SWL 125 BCA 84, dt.17.4.1985.
- 1.9. Government Notification No.SWL 115 BCA 85, dt.11.10.1985.
- 1.10. Government Notification No.SWL 115 BCA 85, dt.6.2.1986.

CHAPTER - I

INTRODUCTION :

Pursuant to the Supreme Court directions and the undertaking given by the Government of Karnataka in reply to the Writ Petition Nos:1297-98/79 and 1407/79 and S.L.P (Civil) No.6656 of 1979 and S.L.P.No.9854 of 1979, challenging the validity of the Government Order dated 4.3.1977, prescribing the reservation based on Havanur Commission's Report, the Government of Karnataka constituted the 'Karnataka Second Backward Classes Commission' on 18th April 1983 to review the existing list of Backward Classes in the light of the provisions contained in Article 15(4) and 16(4) and other relevant provisions of the Constitution and in the light of the various decisions of the Supreme Court bearing on the subject.

1.2 The composition of the Karnataka Second Backward Classes Commission as per Govt. Order No. SWL 7 BCA 80, dated 18.4.1983¹ is as follows:

Chairman

1. Sri T. Venkataswamy :: Retd. Secretary, Karnataka, Legislature.

Members

2. Dr. S. Bheemappa :: Professor of Surgery, Bangalore Medical College & Surgeon, Victoria Hospital, Bangalore.
3. Dr. K.H. Cheluvvaraju :: Professor & Head of the Department of Political Science, Bangalore University.
4. Sri. M.V. Soorachari :: Advocate, Bangalore.
5. Sri. Vidyadhar Guruji :: Ex-M.L.A., Gulbarga.

1. Annexure-1. - Govt. Order No. SWL 7 BCA 80 dt.18.4.1983.

6. Prof. John B. Kutinha : Professor of English, Davar's College, Bangalore.
7. Sri. M. Basheeruddin :: Advocate, Raichur.
8. Sri. Annambala Balappa :: Social Worker, Dakshina-Kannada District.
9. Sri. R.S. Naik :: Labour Leader, Dandeli, Uttara Kannada District
10. Prof. A.M. Dharmalingam:: Professor of Law, Bangalore.
11. Sri V.D. Veerakyathaiqah: Director, Backward Classes and Minorities Department, Bangalore.

1.3 The Government was pleased to appoint four more persons as Members of the Commission on 21.6.1983, as per Govt. Order No. SWL 7 BCA 80, dated 21.6.1983. They are:

1. Sri. M.L. Muttannavar :: M.L.A., Iranahatti, Gokak Taluk, Belgaum District.
2. Sri. V. Venkataramana :: Ex-T.D.B. P President, Sarjapur, Anekal Taluk.
3. Prof. B. Puttaiah :: Advocate & Professor of Law, Bangalore, and
4. Sri M.S. Helawar :: Advocate, Kadur.

1.4 Sri M. Basheeruddin tendered his resignation on 17.6.1983 to the Karnataka II Backward Classes Commission as he was concurrently appointed as Member of the State Minorities Commission and the Government was pleased to accept his resignation.²

1.5 Government was further pleased to appoint Sri H. Chikkanna, Ex-Controller, State Accounts Department as a Member of the Commission on 16.11.83, as per Govt. Order No. SWL 132 BCA 83, dated 16.11.1983.³

1. Annexure-1.2 - G.O. No. SWL 7 BCA 80, dt. 21.6.1983.
2. Annexure-1.3 - G.O. No. SWL 83 BCA 83, dt. 2.7.1983.
3. Annexure-1.4 - G.O. No. SWL 132 BCA 83, dt. 16.11.1983.

1.6 On retirement of Sri. V.D. Veerakyathaiiah from service on 30.6.1984, Smt. Shanthakumari-Devaraj, I.A.S., appointed as Director, Backward Classes and Minorities Department served as Member Secretary.

1.7 The Terms of Reference to the Commission were:

- i. The Commission shall review the existing list of Backward Classes as approved in G.O.No. SWL 12 TBS 77 dated 22.2.1977 and as amended from time to time and in the light of the provisions contained in Article 15(4) and 16(4) and other relevant provisions of the Constitution and in the light of the various decisions of the Supreme Court bearing on the Subject.
- ii. The Commission shall make a scientific and factual investigation of the conditions of the Backward Classes in the State and recommend specific measures for their advancement.
- iii. The Commission shall review the measures so far taken by the State Government for the welfare of the Backward Classes and the betterment of their conditions and assess the effectiveness of such measures in improving the conditions of backward classes and in particular in matters relating to education and representation in public services of the State.
- iv. The Commission shall examine and assess with reference to concessions, privileges and benefits given to them by the State Government, the improvement in the conditions of the "most backward classes" in education and other matters.

- v. The Commission may make recommendations as to the further steps that should be taken by the State Government to improve the conditions of the "Backward Classes" in respect of:
- a. Education, including reservation of seats in professional colleges and institutions of higher learning;
 - b. representation in public services;
 - c. trade, commerce and industry;
 - d. rural credit, marketing and co-operation;
 - e. housing;
 - f. grants; and
 - g. community development.
- vi. The Commission may make recommendations in respect of short-term and long-term measures to be taken by the State Government for raising the level of backward classes.
- vii. The Commission shall on the basis of relevant materials so gathered by it examine and recommend whether the reservation ordered in G.O.No. SWL 12 TBS 77 dated 22.2.1977 and as amended from time to time may continue or will need any modification.
- viii. The Commission shall cover all such questions and issues as have a bearing upon:
- a. the question of enumeration and classification of Backward Classes in the State;
 - b. the question of reservation in admission, in educational institutions including professional colleges and institutions of higher learning;

And

- c. the question of reservation of appointment of posts in favour of Backward Classes in the services under the State.

1.8 As per the Government Order, the Commission was empowered to obtain such information as it may consider necessary or relevant for their purpose in such form or any such manner as they may think appropriate from the State Government or any officer or authority subordinate to the State Government or any organisation or any individual as may in the opinion of the Commission be of assistance to them.

1.9 The Commission was authorised to visit any District or Taluk in the State for the purpose. The Commission was required to submit its report to the State Government within one year.

1.10 To ensure effective functioning of the Commission, Government appointed it as a Commission of Inquiry under the Commissions of Inquiry Act 1952 (Central Act 60 of 1952), as per Government Notification No. SWL 76 BCA 83, dated 11.7.1983.¹

1.11 Though some of the clerical and administrative staff were appointed by 12.5.1983, the statistical and other administrative staff were appointed only by 30.12.1983. The setting up of questionnaire to General Public, Heads of Government Departments, and the questionnaire for Socio-Economic-cum-Educational Survey, engaged the attention of the Commission immediately on constitution, and these were finalised and issued by November 1983.

1.12 At the request of the public, the time given for furnishing replies to the Questionnaire by the public was extended from time to time, till 30.4.1984.

1. Annexure 1.6 - G.O.No. SWL 76 BCA 83, dt.11.7.1983.

1.13 The Socio-Economic Survey was initiated by April 1984 and was almost completed by July 1984. However, compilation of the Survey Data so collected at the District level in Schedule-1.2 took longer time and in February 1985 only, it was more or less completed. The work of the Commission at the field level was delayed due to the intervention of General Elections for Lok-Sabha in December 1984 and the State Assembly Elections in March 1985. Meanwhile, preparations for computerisation were taken up and by September 1984, computerisation of the material so collected was initiated. This also consumed considerable time. As the Commission engaged itself in the up-hill task of collecting 100% data on households of Karnataka, it could not complete the work within the prescribed time limit. Though the Commission initially was to submit its report to the State Government within one year, it sought extension of time thrice, till 31 March 1986.¹

1.14 By May 1985, a sub-committee was constituted for preparing the draft chapters of the Report. As decided in the Commission sittings of 24th and 25th May 1985, the drafting sub-committee was constituted with the following Members:

- | | | | |
|----|------------------|-----|----------------------------|
| 1. | Chairman | ... | Sri. T. Venkataswamy |
| 2. | Member | ... | Prof. A.M. Dharmalingam |
| 3. | " | ... | Dr. S. Bheemappa |
| 4. | " | .. | Dr. K.H. Cheluvvaraju |
| 5. | " | ... | Sri. H. Chickanna |
| 6. | Member Secretary | ... | Smt. Shanthakumari Devaraj |

This Committee had about 70 sittings spread over from 19.6.1985 upto 25.2.1986 and drafted all

1. Annexure 1.7-Govt. Notification No. SWL 33 BCA 84, dt. 3.4.84.
 " 1.8-Govt. Notification No. SWL 125 BCA 84, dt. 17.4.85.
 " 1.9-Govt. Notification No. SWL 115 BCA 85, dt. 11.10.85.
 " 1.10-Govt. Notification No. SWL 115 BCA 86, dt. 6.2.86.

the chapters. These chapters were placed before the full Commission, discussed elaborately and adopted. After finalisation of the draft chapters, an editorial sub-committee consisting of the following members:

1. Chairman ... Sri. T. Venkataswamy
2. Member ... Prof. A.M. Dharmalingam
3. " ... Sri. Chickanna
4. Member Secretary ... Smt. Shanthakumari Devaraj

scrutinised and edited the report before it was sent for final typing.

1.15 The Commission completed its work and submitted its report to the Government finally by the end of March 1986.

CHAPTER 2

HISTORY OF BACKWARD CLASSES MOVEMENT AND
THE RESERVATION POLICY-THE STRUGGLE FOR
EQUALITY

CHAPTER - 2

HISTORY OF BACKWARD CLASSES MOVEMENT AND THE RESERVATION

POLICY - THE STRUGGLE FOR EQUALITY

The Hindu caste system built on hierarchy divided the people unequally, showering the good things of life on the top few and the worst of life on the many at the bottom, with an intermediate class of artisans, - workers, agriculturists etc., to whom also liberty, equality and mobility were denied. The reservation of education in Sanskrit for the Brahmins, as also of the respected avocations of purohita, priest, astrology, judgship, ministership and in general all white collared jobs from time immemorial, trained the upper caste people in intellect, resulting in higher IQ such as to enable them to worst all others in any intellectual competition. This advantageous situation enabled the Brahmins to learn Persian and take to government service under Muslim rule. Later when the British consolidated their power in India, and slowly began to introduce the liberal principles of the West through English education, maximum advantage was taken by the Brahmin community.

2.2. After displacing the Muslims from power, the British were faced with the problem of the language to be used for educating the people and running the administration. Persian could not be imposed on the Hindus, nor Sanskrit on the Muslims. The regional languages were not in a position to take an all-India character. The fierce controversy between the Orientalists who wanted to educate Hindus in Sanskrit and the Muslims in Persian and Arabic and the Occidentalists, who wanted to make English, the medium of instruction and administration, was finally resolved by Macaulay's famous Minute on Education of March 7, 1835, in favour of English. Thereupon, Lord William Bentick's government decided,

that "the great object of the British Government ought to be the promotion of English literature and science and all the funds appropriated for the purpose of education would be best employed in English education alone".¹

2.3 The decision on English was strongly supported by the great social reformer, Raja Ram Mohan Roy (1774-1833). In 1837 Persian was abolished as the court language and was substituted by English. The lingering prejudices against learning English vanished and English education began to be valued as a source of livelihood, advancement in science, development of democratic ideals of liberty and equality and national integration. To give encouragement to English education, Lord Hardinge issued a Resolution on October 10, 1844, which declared that "in every possible case preference shall be given in the selection of candidates for public employment to those who have been educated in the institutions thus established"². The schools were thrown open to all without regard to religion, caste and creed. Schools were started for girls and untouchables for the first time in Indian history, particularly, after the caste Hindus took objection to the admission of untouchables. The role of the Christian missionaries in educating the lower classes was great. It became possible for Sudras and women to open their eyes a little and visualise the thrills and advantages of education, and the opportunities available towards liberty and equality, thanks to the British and the English language.

2.4 **THE POONA MOVEMENT** : One of the first products of Christian missionary education was Jothiba Phule of Poona belonging to a humble and low Shudracaste of gardener. Phule (1827-1890) is acknowledged as the father of the Non-Brahmin movement in India. He wrote several books for the material and spiritual improvement of the lower classes

1. Rise and fulfilment of British Rule in India by Edward Thomson and G.T. Garrett, 1976, Page 315.

2. Social change in India by B. Kuppaswamy, 1975 page 269

in Marathi. The condition of the untouchables horrified him. He allowed the untouchables to use his well and opened schools for them. Irritated by caste iniquities, Jothiba felt an attraction for Islam and Christianity in which the principle of equality was uppermost. He called upon the people to revolt against Hindu casteist gods and the degrading religious practices. He preached for the abolition of false beliefs, meaningless rituals and irrelevant customs. He wanted the lower castes to form their own associations, create an 'esprit-de-corps' and work for their emancipation from the age-old degradation as Sudras in social status, education and religion.

2.5 The nationalist movement started by the upper caste Hindus under the leadership of Bal Gangadhar Tilak (1856-1920) with the propagation of festivals for Chatrapathi Shivaji Maharaj, God Ganapathi and Bharat Matha, diverted the attention of the people away from the revolutionary movement of Jothiba for a time. The nationalist leader Vishnu Shastri Chiplunkar in his book 'OUR COUNTRY'S CONDITION'¹, attacked the British rule on the one hand and Phule's non-brahmin movement on the other.² Undaunted by the machinations of the Brahmins to belittle the anti-brahmanic stance of the new movement, Jothiba founded the Satya Shodak Mandal to unite all the backward classes on a common platform. This movement was therefore also called as Brahmanetra Chaluvali. Further, Jothiba advocated the principle of adequate representation for members of all castes in the public services.

2.6 **THE KOLHAPUR AWAKENING** : The non-brahmin movement generated in Bombay province had its effect in Kolhapur,

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1. Our Country's condition by Vishnu Shastri Chiplunkar
 2. Religions & Communities of India by Dr. P.N. Chopra 1982, page 50.

a small Mahratha State under the control of the Bombay Government. An enlightened ruler, His Highness Sri. Chatrapathi Shahu, a man of great simplicity and courage of conviction, ascended the throne on the death of his father in 1894. "The Brahmin non-brahmin controversy in Bombay began", writes Dr. R.P. Paranjape "with the new claim of the Maharaja of Kolhapur, a descendant of the Great Shivaji, to Vedic rites, as his brahmin hereditary priest refused to allow this heterodox innovations, his WATAN (hereditary landed property and allowance) was confiscated and the dispute became more or less acrimonious until it acquired a first class political importance".¹ It is generally not known that Sanskrit is in two forms, one superior and the other inferior. "The older sacred books, called the vedas, are written in a very archaic form of Sanskrit, on whose correct interpretation even scholars are not always in agreement. The three twice-born castes have their religious ceremonies performed by means of Vedic Mantras, while the Shudra caste has its ceremonies in Puranic mantras."²

2.7 The Maharaja had known about the discrimination in the language used in rituals, and, resenting it, demanded the vedic Sanskrit to be recited in some ceremonies, on the alleged ground of his being a Kshatriya and a Dwija. "The stalwart Brahmins of the Deccan", writes Sir Valentine Chirol, "alleged, that in this Kali Yuga or Age of Darkness, there can be no Kshatriya, since there is no room for a warrior caste in the orthodox sense under an alien rule, and that therefore the Hindus, who are neither Brahmins nor pariahs can at best be Shudras, a 'Clean' caste, but not even entitled to wear the 'sacred thread' reserved for the highest castes."³ "The Maharaja remained firm, for, this insult, though aimed chiefly at him, affected equally all high caste Mahrattas, who were not Brahmins", continues Valentine Chirol," and some progressive Brahmins stood by

1. The Crux of Indian Problem by R.P. Paranjape 1931. Page 31
2. Ibid page 30.
3. Indian Unrest by Valentine Chirol 1910 page 66.

His Highness. The dispute was aggravated when the Rajpadya, the family priest of the ruling family, himself refused the Vedic ritual for His Highness". The Maharaja then took the case to Sankeshwar Shankaracharya, the highest religious authority with jurisdiction in such matters. Before he could give a decision, the High priest passed away and there being rival claimants for the post, the Maharaja's case got muddled up and the dispute was not finally settled. The Brahmins themselves got divided on this issue.

2.8 However, the Maharaja, displeased with the Brahmins devoted much of his time to the non-brahmin movement. He declared in 1902 that he would reserve at-least half the posts in the State for qualified men of the non-brahmin communities. Earlier, the Prince had appointed as his Prime Minister, a Kayastha Prabhu, Rao Bahadur Sabnis. Perhaps he was the first non-brahmin to be the Dewan. This appointment and the order to reserve half the posts were unpalatable to the Brahmins. The Poona Press under Tilak waged a war against the Maharaja for upsetting for the first time the Brahmin monopoly in the services. Firm in his conviction to give fair opportunities to all communities, the Prince started a hostel in Kolhapur City for educating Mahrattas, Muslims and Jain youths, who were students in the Rajaram College. Kolhapur may be said to be the first State to adopt the reservation policy, though there have been some ineffective attempts earlier by the British Government itself, in the context of democracy to break the monopoly by one community. Kolhapur, therefore, has been a landmark in the Backward Class movement towards equality.

2.9 **THE MYSORE STATE INITIATIVE :** During the days of the British Commission's rule in Mysore State between 1851 to 1881 reservations were made for non-brahmins, as the brahmins had monopolised the services and the professions. In 1895, appointments in police department were made reserving

posts in fixed proportions in favour of Brahmins, Musliims and other Hindu castes. But these early measures did not seriously affect Brahmin monopoly. The same year a circular was issued by the Mysore Government reserving some posts for the Backward Classes. In 1914, a system of recruitment by nomination was introduced by which the posts of Assistant Commissioners were filled with members of the Backward Classes, but their position did not improve.¹

2.10 About the year 1882, during the Dewanship of Rangacharlu (1881-1883) immediately after Rendition of the State to the Mysore Royal dynasty, the Mysore Representative Assembly was constituted on limited franchise to enable the people to voice their grievances and aspirations, but with no legislative powers. From then on, political consciousness was slowly built up amongst the people and particularly among the dominant castes like the Lingayats and Vokkaligas in the State. In 1905, the Mysore Lingayat Education Fund Association and in 1906 the Vokkaligara Sangha were founded in Bangalore and they started to take interest in education, the services and the professions of their community members. Their efforts were, however, feeble and little cared for by the ruling class. But the Representative Assembly was an effective new democratic forum for the people to express their grievances and pass resolutions.

2.11 From about 1875, mild controversies raged about the policy of recruitment to public services in Mysore State. From 1881 to 1910, the problem was about outsiders being brought into Mysore as Dewans and Officers. The conflict was actually one between Mysore Brahmins and Madras Brahmins, since the British Officers during the days of the Commission, brought with them the Tamil and Telugu Brahmins from the Madras service to assist them in the administration. "Thus, at that time, the Mysore Brahmins formed the backward classes in Mysore State."²

1 Karnataka Backward Classes Commission Report, 1975.
2 Backward Classes Movement in Karnataka by Prof. B. Kuppaswamy, 1978.P.41.

2.12 This controversy, however, ended with the appointment of M. Visweswarayya, a Mysore Brahmin, as the Dewan in 1912 and with him also ended the import of Madras Brahmins. The Mysore Brahmins succeeded in their cry of Mysore for Mysoreans; but at the same time, they had to meet the challenge of the non-Brahmins, particularly the Lingayats and the Vokkaligas; to the Brahmin monopoly in Mysore services.

2.13 "The rule of the Dewans can be looked upon as the most conspicuous component of the Brahmin power monopoly,"¹ says Bjorn Hettne in her study. With the Rendition of Mysore State to the Royal dynasty in 1881, power passed into the hands of Brahmins who held the Dewanship from 1881 to 1918. "But, it was only during the Dewanship of M. Visweswarayya that the Maharaja and the Court had reason to resent the Brahmin Dewan-power. We must keep in mind that the Dewan was only the apex of the power system firmly based upon the Brahmin hold of almost all important administrative posts."² To end the absolute Brahmin rule, "the non-Brahmin movement took up momentum and Visweswarayya was picked up as the target" for, he refused to accept any kind of reservation on communal grounds and opposed the appointment of a Committee to go into the question of distributive justice.

2.14 Visweswarayya stood for the age-old policy of "the best man should have the job," and this always happened to be a Brahmin. The Maharaja detested this policy and being influenced by the debates in the Representative Assembly and the representations made by the various caste and community organisations, declared firmly in unequivocal

1 Mobilization and political change in Karnataka, 1974. P.2 Bjorn Hettne.
2 Ibid Page . 7.

terms, "I refuse to believe that we are sacrificing efficiency by introducing non-Brahmins into the service. I am convinced that my policy in the matter is the correct one and I intend to pursue it." ¹ The Maharaja finally appointed a Committee under the Chairmanship of Sir Leslie Miller, the then Chief Judge of the Mysore Chief Court on 23rd August 1918. Being opposed to the whole policy of communal reservation, Sir M.Visweswarayya resigned his High office on December 9, 1918.

2.15 Referring to the Terms of References to Millers Committee, the Report says, "The Government order states that there is at present a large preponderance of the Brahmin Community in the public service, and that it is the desire of the Government that the other Communities in the State should be adequately represented therein. Our Committee was appointed to investigate and report on the question as to what steps should be taken to encourage the members of the important communities other than the Brahmin community to seek employment under the Government in large numbers."²

The Committee submitted its report in July 1919 in which it recommended the following measures to achieve the above end.

1. Grant of exemption from qualifying educational tests,
2. Preferential selection in the case of equal or nearly equal qualification.
3. relaxation of the severity of prescribed tests,, and
4. requiring the selection of a minimum proportion of backward Classes.

¹ Mokshagundam Visweswarayya - His life and work by V.S. Narayana Rao, Page 144.

² Reports of Sir Leslie Miller Committee. Page 1.

2.16 The Committee found that even as between 1916 and 1918, the position of the non-brahmins did not improve. "We find that the results obtained have not shown any progressive reduction of the inequality. each year, but on the other hand, have actually aggravated it year by year".¹ The table published in the Report shows that the Brahmin percentage in all grades of salary ranged from 67% to 82% and even 100% in grade of Rs. 100 to Rs. 200. The Committee defined the backward classes to include all communities other than the Brahmins, Anglo-Indians and Europeans.

2.17 Reference to some basic observations in the Miller's Report is made here as they are relevant and of current interest even today. The Brahmin community that was just 1/22 of the population enjoyed an overwhelming share in the services. "We recognise that population is not the only factor to be taken into consideration and that one important factor is the maintenance of the efficiency of the services. Efficiency, however, is not to be measured solely or even mainly by academic qualifications and it will not be denied that there are many important branches of the administration in which other qualities such as sympathy, honesty of purpose, energy and commonsense go as far to make an efficient officer as literary superiority. We do not wish to suggest that the Brahmin Community is deficient in these qualities, but it cannot and does not claim a greater share of them than other communities, while its superiority at present in the capacity to obtain academic distinctions can hardly be questioned."² The Report had significantly observed, "We think that a large increase in the proportion of officers drawn from communities other than the Brahmins may safely be advocated without any fear that the efficiency of the services as a whole will thereby be materially reduced".³

1 Report of Sir Leslie Miller Committee. Page 2.

2 Millers Report. Page 2.

3 Ibid Page 2.

2.18 The Miller Committee recommended that (1) within seven years the non-brahmin strength in the higher services must be raised to one half and in the lower services to two-thirds (2) there should be special schools for the Depressed Class pupils and that teachers must be drawn from the Backward Classes, (3) English must be made compulsory in secondary education (4) Scholarships should be granted to the backward pupils (5) hostels should be constructed with both vegetarian and non-vegetarian kitchens, (6) Anglo-Hindustani schools must be increased to help Mohamedans, (7) age limit for the backward class people must be raised from 25 to 28 years, (8) competitive exams must be abolished and backward class candidates taken to service by nomination and (9) that a Board of representative officers be appointed for selection of candidates. Two members of the Committee C. Srikanteshwara Iyer and M.C. Ranga Iyengar, gave dissenting notes disagreeing with most of the recommendations of the majority.

2.19 After accepting the Miller Report, Government passed orders in May 1921 and among others constituted the Central Recruitment Board and reserved 75% of the vacancies for the Backward Classes. As a result of this recruitment policy, and six years after, the position changed slightly for the better as the following table shows:

Service or Dept.	Year	Brahmins	Non-Brahmins
Amildars	1918	56	22
Amildars	1927	59	17
Dy. Commissioners	1927	8	-
Public Works Department	1924	62	3
Education Department	1926	81	14
Judicial Department	1927	45	13

1. Source : P.M.L.C. June 1927 PP 356-381 quoted by Lelah Dushkin in her paper 'The politics of Backwardness in Karnataka 1982, Page 18.

2.20 "It was several years before the Miller Order" writes Lelah Dushkin, "began to have a visible impact on the proportion of Brahmins in State Services, especially at the gazetted level". The change, over a period of forty years was as below.

Year	Gazetted posts		Non Gazetted posts	
	Total No.	Brahmins %	Total No.	Brahmins %
1918	370	64.86	13,946	69.64
1936	760	61.32	22,615	49.65
1947	1,298	46.89	37,820	37.5
1957	1,797	35.72	57,516	27.65

2.21 The percentage of posts in Karnataka Services held by the important and numerous communities, i.e., not less than 2 percent of the population at different levels in March 1972 as compiled by Lelah Dushkin was as below. ²

Community	% of Population	Class I & II Posts	Class III Posts	Class IV Posts
BEDA	5.06	1.15	1.70	2.27
BRAHMIN	4.23	30.10	17.81	4.41
CHRISTIAN	2.09	2.78	4.09	3.80
GANGAKULA	2.38	0.73	1.22	2.77
IDIGA	2.25	1.14	1.25	1.70
KURUBA	6.77	1.67	2.65	4.83
LINGAYAT	14.64	17.92	19.98	7.41
MAHRATTA	3.45	1.01	3.23	4.26
MUSLIM	10.63	5.85	10.65	12.96
SCHEDULED CASTE	13.14	4.58	8.46	20.84
VISHWAKARMA	2.30	1.12	1.96	1.12
VOKKALIGA	11.82	11.71	9.61	13.13
Total of above Communities	78.76	79.76	82.61	79.50
Karnataka total	30,008,050	7,396	190,619	43,483

1 Source : Files at the Mysore Public Service Commission and noted in Lelah Dushkin's paper, 1978. Page 27

2 Source : Backward Classes Commission Report Karnataka Population percentage as given in 1975 - other percentage computed.

2.22 In the table as a whole, the Lingayat and Scheduled Caste gains are conspicuous, as is the erosion in the Muslim position and the marked discrepancy between the Beda and Kuruba proportions of population and their proportions of middle and upper level employees. The reservation of 75% of the jobs and seats in old Mysore continued from 1927 to 1959 even after the decision of the Supreme Court in 1951 in the Champakam Dorairajan case of Madras over the famous Madras Communal Government Order.

2.23 **THE MADRAS COMMUNAL GOVERNMENT ORDER** : The position in Madras Province regarding reservations needs to be mentioned at this stage. The Madras Communal G.O. distributed the appointments from 1927 to 1947 as follows. For every 12 vacancies, the distribution of posts among communities was;

1. Non-brahmin Hindus	5	42%
2. Brahmins	2	17%
3. Muslims	2	17%
4. Anglo Indians	2	17%
5. Depressed Classes	1	7%
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	12	100% rounded

2.24 Though the order was passed by the Justice Ministry, the rule was not changed even when the Congress took power in 1937, defeating the Justice party. The method of distribution satisfied all communities except, of course the Brahmins, who saw their monopoly breaking down. However, the lower of the backward shudra castes did not fare well under the above distribution, as the forward castes amongst the shudras took away most of the positions. The government

1 The politics of Backwardness in Karnataka by Lelah Dushkin 1982 unpublished. Page 27.

and the political parties were not slow in recognising the injustice done to the more backward. Hence, in 1947 the Communal G.O. was revised altering the distribution for every 14 vacancies as below:

1. Non Brahmin Hindus	6	44%
2. Backward Hindus	2	14%
3. Brahmins	2	14%
4. Schedule Castes	2	14%
5. Anglo Indians & Indian Christians	1	7%
6. Muslims	1	7%
	<hr/>	
	14	100%

2.25 The Communal G.O. of Madras was challenged by two Brahmin students in 1950 soon after the Constitution of India came into force on 26th January 1950. These Brahmin students, were denied admission into the medical and engineering colleges inspite of their possessing the required qualifications, because of the communal G.O. They went to Court on the basis of Article 29(2) of the Constitution which provided:

'No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them'.

2.26 The Supreme court upheld the claims of the protesting students and quashed the Communal G.O. of Madras. It must be noted that while Art.16(4) provided that the State can make any "Reservation of appointments or posts in favour of any backward class of citizens, which, in the opinion of the State, is not adequately represented in the services under the State", Art 15 omitted to provide for such reservations in educational institutions, which alone train people for appointments or posts.

2.27 Periar E.V. Ramaswamy and his revolutionary party called the Dravida Kazhagam, mounted a big agitation against the quashing of the Communal G.O. as it seriously affected the prospects of the Backward Classes and the minorities. The agitation spread throughout Tamilnadu and also in other parts of India, and it was so severe and persistent, that the Government of India under the Prime Ministership of Jawaharlal Nehru, within two months of the Supreme Court's decision moved the First Amendment to the Constitution, which among minor changes, added Clause (4) to Art. 15 of the Constitution, to say:

" Nothing in Article 15 or Art. 29(2) shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the scheduled castes and scheduled tribes".

The Constituent Assembly after it converted itself into the Provisional Parliament, passed the above amendment "with little opposition on the ground that it was needed to empower the State to carry out the Directive Principles by ensuring that the Fundamental Rights guarantees of equality did not obstruct substantial equalization. Together with the provisions for special treatment that were in the original text, Art.15(4) forms the Constitutional basis for the subsequent governmental policy of compensatory discrimination." 1

2.28 The first amendment of the constitution in 1951 is therefore a significant and vital step in the march of the Backward Classes towards equality.

2.29 **RESERVATION UNDER BRITISH RULE:** The reservation made for education and jobs to the upper castes in the Hindu

social system put a premium on white collar jobs. After the advent of democracy, "in every range of Indian Society" says Andre Beteille, "a very high value is attached to non-manual work, and a white collar job is universally viewed as a passport to respectability. This view is sometimes held all the more keenly by the Backward Classes who have until recently been almost wholly excluded from such occupations. Now that the white-collar jobs are almost within reach, no price appears to be too high for them"

2.30 **HAPPENINGS AT THE CENTRAL GOVERNMENT OF INDIA:** Before dealing with the reservation policy in Karnataka after independence, it is necessary to note what happened at the Government of India level. The first challenge to Hindu monopoly in the Centre came from the Muslims, under Mintomrley Reforms of 1908, the Muslims obtained separate electorate and they demanded reservation in the government services in proportion to their population. The Government of India Act of 1919 (Montagu-Chelmsford Reforms) provided for separate representations in the legislatures for Muslims, Sikhs, Anglo-Indians and Indian-Christian. The Government of India act of 1935 also provided for separate electorate for Muslims and the Governor General and the Governors were put under the obligation to safeguard the interests of minorities in the Instrument of Instructions. But, it was not until about 1935 that the Muslims were able to secure reservation of 25% of the recruitment to the Central Services where there was direct recruitment. Sometime later reservation was made for the Muslims in the Civil Services through competitive examination and the best of the Muslims, to the extent of 25%, were taken.

2.31 Due to the ceaseless efforts of Dr. B.R. Ambedkar, the Depressed Classes first obtained 8 1/3 percent reservation in the Central Services in August 1943 and got it raised to 12 1/2 percent in June 1946 and further raised it to

16 2/3 percent after independence. About the same time the Scheduled Tribes also obtained some reservation.

2.32 Immediately after independence and the creation of Pakistan, the separate electorates for the Muslims and other minorities and reservations for them in education and the services were abolished. The depressed classes, however, because of the Poona act of 1932 and other assurances, were allowed to retain reservations in professional institutions and jobs, besides getting reservation in the legislatures under the joint electorate system.

2.33 THE KAKA KALELKAR BACKWARD CLASSES COMMISSION:

The Government of India appointed the First Backward Classes Commission in 1953 under the Chairmanship of Kaka Kalelkar in accordance with Art. 340 of the Constitution to identify the Socially and Educationally Backward Classes of citizens and to make recommendations for their improvement.

2.34 The Commission failed to find a proper criteria to identify Backward Classes of Citizens; yet made the following recommendations:

1. Reservation in technical Institutions - 70% of seats for qualified students of Backward Classes.
2. Reservation in Government Services for other Backward Classes to be as follows:

Class I	Posts	25 percent of the vacancies;
Class II	Posts	33 1/3 percent of the vacancies;
Class III & IV		40 percent of the vacancies;
3. The adequacy of representation of other Backward Classes should be reviewed after ten years.
4. A new Ministry by name 'Ministry for the advancement of the Backward Classes' to be created at the Centre and in the States.

5. The future census must obtain information about caste.

2.35 Realising the evils of the caste hierarchy and the attendant inequality and iniquity, the Chairman stated, "Following the analogy of the proverb, 'using the thorn to remove the thorn', we held that the evils of caste could be removed by measures which could be considered in terms of caste alone." ¹ As criteria, the Report stated, "We have taken into consideration the social position which the community occupies in the caste hierarchy, the percentage of literacy and its general educational advancement and its representation in government service or in the industrial sphere". Based on these criteria, the Commission prepared a list of about 2,400 castes as other Backward Classes on an All-India basis. However, on top of the excellent report and the reasonable recommendations, the Chairman, Kaka Kalelkar, blasted the Report in his covering letter, by saying, "But we cannot be oblivious to the dangers to the solidarity of the country. Communalism and casteism are bound to destroy the unity of the nation." And finally, he shattered the Report by concluding, "let us therefore, try and find criteria of Backwardness that could eschew ideas of caste or class." ² He further added, "My eyes were however opened to the dangers of suggesting remedies on the caste basis when I discovered that it is going to have a most unhealthy effect on the Muslim and Christian sections of the nation."

2.36 After examination of the Report, the Home Ministry addressed all State Governments stating, "The Government of India also consider that while the State Governments have the discretion to choose their own criteria for defining backwardness, in the view of the Government of India it would be better to apply economic tests than to go by caste."³

1. Kaka Kalelkar Commission Report.
2. Ibid.
3. Mandal Commission Report, Part II page 12.

2.37 **THE NAGAN GOWDA COMMITTEE:** As a result of the reorganisation of States in 1956, large areas of Hyderabad, Bombay, Madras and the Coorg territory were added to Mysore State so as to form an integrated Karnataka State. Consequent to the formation of the new State, the old lists of Backward Classes in the parent States were accepted. However, certain castes treated as backward in one State were treated as Scheduled Castes in another and in a few cases as non-backward. Hence, a new order was issued in July 1958, stating that all castes and communities, except the Brahmins, were backward, as was done earlier in 1921 by the Miller Committee. To avoid anomaly of the various lists from the integrated areas and to have a uniform list, a Committee of Officers were appointed in 1959 and on its recommendations, Government issued an order in May 1959. On challenge, this order was quashed by the Mysore High Court. Thereafter, the State government under the Chief Ministership of Sri.S.Nijalingappa, appointed a Committee under the Chairmanship of Dr. Nagan Gowda, M.L.A., in January 1960, the terms of reference being "(1) to suggest the criteria to be adopted in determining which sections of people in the State should be treated as socially and educationally backward and (2) to suggest the exact manner in which the criteria thus indicated should be followed to enable the State Government to determine the persons, who should secure such preference, as may be determined by Government, in respect of admissions to technical institutions and appointment to Government services."

2.38 In the Interim Report submitted by the Committee in February, 1960, after examining some criteria, it was stated, "Hence, the Committee after prolonged discussion, decided that Backward Classes should be listed only on the basis of their castes or communities and the backwardness judged on the basis of the percentage of literacy in the Community and their representation in Government service"¹. The Committee recommended 36% reservation for the castes listed by them as other Backward Classes against their

1 Nagan Gowda Committee Report. Feb. 1960. Page 3.

population of 35.34%. The Final Report was submitted in May 1961, in which some 214 castes under Art 15(4) and 185 castes under Art 16(4) were recommended and the communities were divided as Backward and More Backward, the former estimated to be 57% for the purpose of Article 15(4) and the latter 45% for the purpose of Article 16(4).

2.39. The reservations recommended were as below, apart from the reservations to Scheduled Castes and Scheduled Tribes.

	Backward	More Backward	Total
Technical Institutions under Article 15(4)	28%	22%	50%
Government Posts	21%	24%	45%

Together with the reservations already existing for the Scheduled Castes and Scheduled Tribes, the total reservation came upto 67% and 63% respectively.

2.40. The Nagan Gowda Committee treated the whole of the Lingayat Community as forward as their representation in the services and the education level were above the State average. Muslims were included as a whole for Article 15(4) only in the Backward List. The Lingayats bitterly resented their exclusion from the Backward Classes list and Government thought it fit to include them in the list as they were only slightly higher than the State average in education. Later the Government Order based on the Report was challenged and the Supreme Court struck down the 1962 Government Order in the famous Balaji's case in 1963, on the ground that caste has been treated as the only test for determining backwardness, though the fact was that literacy, educational standard and representation in services were conjunctively considered along with the status of caste. The Court also held the reservation total to be excessive and opined that "a Special provision should be less than 50%."

1. Balaji Vs. State of Mysore AIR 1963 S.C. 649.

2.41 **POST-BALAJI PERIOD :** Reacting to the judgement of the Supreme Court in Balaji's case, the Government Order that a student is backward if his parent's income is less than Rs. 1200/- per annum and if he is the son of an agriculturist, or petty businessman, or artisan or a menial servant. On analysis this order was found to contain many anomalies. However, the caste factor was abandoned in favour of the economic and occupation tests. This rule, though contrary to the spirit of the Constitution, which calls for the social and educational backwardness, held the field from 1963 to 1977 only to benefit the dominant castes in the State. Though there are poor in all communities, it must be noted that they are all not of the same I.Q. The Hindu caste system trained a few privileged castes in brain work and the rest in manual work, with the result that the poor of the upper castes easily beat the poor of the lower caste in any intellectual test. By this occupation-cum-income tests, the communities that benefitted most were the Brahmins, Lingayats and the Vokkaligas. "This ostensible scheme of reservation", states R.K. Hebsur of the Tata Institute of Social Sciences in May 1980, "Begun in 1963 continued till 1977, but in reality jobs and the seats went on the basis of the political dominance of the different communities particularly the Lingayats and Vokkaligas"¹

2.42 **MODIFIED RESERVATION IN TAMIL NADU AFTER 1951:** After the Supreme Court struck down the Madras Communal Government Order in early 1951, the Madras Government passed an order in September 1951 providing the following scheme of reservations.

Open competition	-	12 jobs	out of 20	i.e. 60
Backward Classes	-	5 jobs	out of 20	i.e. 25
The Scheduled Castes		3 jobs	out of 20	i.e. 15

1. Mandal Commission Report - Part II. page 153.

In light of population figures of the Scheduled Castes and Scheduled Tribes as per the 1951 census and after separation of Andhra Pradesh, the Madras Government promulgated in 1954 the following reservation scheme:

Open Competition	-	59%
Backward Classes	-	25%
Scheduled Castes & Scheduled Tribes	-	16%

2.43 "The non-brahmin forward castes did not feel any threat", says Hebsur, on being shunted to the open competition pool along with the Brahmins. They had consolidated their political power and sufficiently penetrated into the services with the help of these reservations. They could get more than their share even within open competition pool where even the Brahmins could not offer any kind of serious competition to them."¹ Following the recommendations of the Tamil Nadu Backward Classes Commission under the Chairmanship of Sattanathan in 1970, the following scheme was ordered both for Articles 15(4) and 16(4) in 1971.

Open Competition	-	51%
Backward Classes	-	31%
Scheduled Castes and Scheduled tribes	-	18%

The non-brahmin groups did not protest against this scheme. "Christian converts from the scheduled castes are backward; other Christians are forward. Labbai and Deccani Muslims are backward; Urdu speaking Muslims are forward. Audi Saiva, Karghatta and Kalaveli Vellales are forward; Tulava Vellalas, Sozhia Vellalas are backward. All Reddys are forward except Ganjam Reddys, Gavaru and Vadugar Naidus are backward; but the Kamma Naidus are forward. Similarly, the Chettiars are divided into forward and backward. Until 1975, the

the Goundars and Kongu Vellalas had been classified as forward but the Karunanadhi Government included them in the backward list.¹

2.44 In 1979, the Tamil Nadu Government under Sri.M.G.Ramachandran proposed to apply an income ceiling of Rs. 9000/- per year for being eligible for reservation and as this proposal would seriously affect the greater part of the backward classes, it was opposed by the people led by the Dravida Kazhagam and Dravida Munnettra Kazhagam parties. Bowing to the popular agitation, the M.G.Ramachandran Government dropped the income test and raised the percentage of reservation for the backward classes from 32% to 50%, raising the total reservation including that of the Scheduled Castes and Scheduled Tribes to 68% with effect from 1st February 1980. Against this order a writ was filed in the Supreme Court; but as the State Government undertook to look afresh into the policy of reservation, both as regards the caste list and the quantum of reservation, by the appointment of a new commission, the Court reserved its judgement. Thereupon a Backward Classes Commission was appointed under the Chairmanship of Sri Ambashankar, IAS., (Retd.) on October 1982. The Ambashankar Commission submitted its report to the Government of Tamil Nadu in February 1985. The Tamil Nadu Government however passed orders re-affirming the reservation of 50% for other Backward Classes in July 1985.

2.45 **THE HAVANUR COMMISSION:** Sri D.Devaraj Urs, who became the Chief Minister of Mysore State in 1969 was the first non-lingayat and non-vokkaliga legislator to become the Chief Minister, being a member of the small minority community of Urs. He continued as the Chief Minister till 1980. During his office, he sedulously cultivated the confidence of the minority backward communities without rousing the opposition of the dominant communities. He inaugurated and participated in several caste conferences and many castes organised

and founded their own associations. Sri Devaraj Urs encouraged many caste associations by granting liberal funds for the construction of their hostels to benefit poor students.

2.46. Finally in 1972, Devaraj Urs constituted the First Backward Classes Commission under the Chairmanship of Sri L.G.Havanur in response to the persistent demand of the people, as the existing occupation-cum-income test of backwards was most unsatisfactory. This Commission presented its voluminous Report in 1975, listing the Backward Classes under three categories - Backward Communities, Backward Castes and Backward Tribes and recommended compartmental reservations for each of these groups.

2.47. The Backward Classes were divided into three Categories on the basis of the education level. "The State average of students passing SSLC examination in April 1972 is 1.69 per thousand of State population.

The commission decided that a caste or community whose student average per thousand of its population passing at the April 1972 SSLC examination is below the State Average, should be treated as educationally backward.

After satisfying ourselves about their social backwardness by applying the multiple tests, castes and communities are categorised into three groups"¹

2.48. The said three categories whose students population is below state average are "(1) Backward Communities whose student average per thousand of population is below State average, but above 50 per cent of the State average (2) Backward Castes, whose student average per thousand of population is below 50 percent of the State average and (3) Backward Tribes whose student average is below 50% of State average, except Dombars and Voddars and who are Nomadic and Denotified Tribes"².

1. Havanur Commission Report Vol. I Page 131.

2. Havanur Commission Report Vol-I Page 315-316 & Vol-II Statement 9.

2.49 The population of the above three groups has been computed by the Commission as 45% of the State population on the basis of the educational test, though on the social basis as opined by the Mysore High Court in Viswanath's case¹ the majority of the population may be backward.

2.50 For purposes of Art 15(4) the distribution of reservation, recommended by Havanur is as below:

	of Population	Quota of Reservation
1. Backward Communities	22.03	16%
2. Backward Caste	14.49	10%
3. Backward Tribes	8.00	6%
Total	44.52	32%

2.51 For purposes of Art. 16(4) the distribution of reservation was recommended as below:

	% of population	Quota of Allotment
1. Backward Communities	19.20	16%
2. Backward Castes	14.47	10%
3. Backward Tribes	8.00	6%
Total	41.67	32%

The Commission recommended that seats/posts unfilled in anyone category, should be made over to the next higher category and if the Backward Classes as a whole are not able to fill the places, the unfilled quota should be made over to the general merit pool. In other words the carry over system was not recommended.

2.52 It must be noted that Lingayats, Muslims and Christians were not treated as backward by the Commission on the ground that the former viz. Lingayats were above the

1. AIR. 1964 Mysore 132.

State average in education and with adequate representation in employment, and the latter on the ground that in the opinion of the Commission, they are to be treated as religious minorities entitled to protection separately under other provisions of the Constitution. The Commission was of the firm opinion that backward classes has reference only to the Hindus, even as untouchability is a Hindu peculiarity. "However, finding that Muslim strength in the public services being not adequate, and the permissibility to treat the Muslims as a separate and distinct category of minorities", the Commission recommended, that in that event, "reservation to Muslims should not exceed six percent." ¹

2.53 While accepting the recommendations of the Havanur Commission, Sri Devaraj Urs then, Chief Minister, thought it fit to include the Muslims as a whole in the first category of Backward Communities. Similarly, he included the Scheduled Caste converts to Christianity upto the second generation in the second category of Backward Castes. The order on the Havanur Report was passed after considerable deliberation on 22nd February, 1977. Another change made in the order passed on 4th March 1977 was, that only such citizens of these Backward Classes, whose family income from all sources is Rs. 8000/- (subsequently raised to Rs. 10,000/-) and below shall be entitled to special treatment under the said Articles.

2.54 Making a further variation in the recommendations of Havanur Commission, Sri Devaraj Urs raised the quantum of reservation for the Backward Community from 16 to 20% and introduced a new category of backward classes called the Backward Special Group and reserved 5% (later raised to 15%) of the appointments and posts for them taking the total reservation to 68%. As regards the Backward Special Group, the Order stated, "The following five categories of citizens shall be considered as a Special Group and such citizens

¹ Havanur Commission Report 1975; Main Report, P.187.

of this Special Group whose family income is Rs. 4800/- and below per annum shall be eligible for special treatment under these Articles.

- i. An actual cultivator;
- ii. An artisan;
- iii. A petty businessman;
- iv. One holding an appointment either in Government or corresponding services under private employment including casual labour and
- v. One engaged in any occupation involving manual labour or self-employed. 1

2.55 The Special Group open to all people irrespective of caste and community was instituted obviously to satisfy the poorer sections of Brahmins, Lingayats, Sikhs, Jains etc. However, this special group based on poverty and low occupations, has been the most abused group, for, people not really poor and not given to low occupations, and mostly belonging to the upper castes, have benefitted the most by producing false Income Certificates.

2.56 The Government Orders on Havanur's Report dated 22nd February 1977 and 4th March 1977 were challenged before the High Court of Karnataka on many grounds by no less than 252 persons in 1978 and Justices K. Jagannatha Shetty and M.N. Venkatachalaiah delivered their judgement on 9th April 1979, which is historic for many reasons.

2.57 After elaborately quoting from the writings and speeches of Dr. B.R. Ambedkar, Swami Vivekananda, Julius Stone, Justice Brennan of America and E.F. Schumacher, regarding the plight and misery of the lower classes stricken by poverty, illiteracy and low social status, the Judgement says,

1. G.O. No. SWL 12 TBS 77 dated 22/2/1977.

"It is for these teeming millions, our Constitution promises justice, social economic and political and assures among others, equality of status and of opportunity with the dignity of the individual. The salvation of the weakest among the weaker sections, i.e. Harijans was the first charge on the Constitution and the advancement of socially and educationally backward classes was the second charge. The constitutional commitment for these classes is reflected in Article 38 which directs that the State shall strive to promote the welfare of the people by securing and protecting as effectively as it may, a social order in which justice, social, economic, and political, shall inform all the institutions of the national life. Article 46 directs that the State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation." The judgement further states, "How many of our weaker sections left to themselves, could rise in this manner? With the encumbrances of the past, it would well nigh be impossible without a head start in these days of acute competition in all walks of life, for these people to rise." 1

2.54 The great legal controversy as to whether Articles 15(4) and 16(4) are exceptions to clause 1 in each Article, or an independent illustrative provision, was settled in Thomas case (AIR 1976 S.C. 490). "The legal position as explained in State of Kerala V.N.M.Thomas may now be taken to be settled; that Article 16(4) is not an exception to Article 16(1) but is illustrative of one of the methods of achieving equality, that it is not exhaustive of the classifications necessary and therefore, permissible for achieving equality and that the general principles applicable to situations under Article 14 are equally applicable under Article 16(1)." 2 .

2.59 The Court refused to accept the Arasu community as backward for the purpose of reservation, for, they are

1 Writ Petition No. 4371; Somashekarappa & others Vs. State of Karnataka dated 9.4.1979, page 15.
2 Ibid. Page 21.

socially superior and respected in the society. While agreeing with the policy of dividing the Backward Classes into three categories, the Court felt that the inclusion of some seven communities including the Arasus for the purpose of Article 16(4) only was not correct as they are found to be adequately represented in the services. It is to be surmised that the court feels that representation in the services equal to the proportion of the caste or community in the population is the measure for adequacy. However, the Court agreed to the inclusion by the Government, of Muslims and the Christian converts from the untouchable class in the backward community and backward caste lists respectively, though, not recommended by the Havanur Commission. "The fact that they are a religious minority", says the judgement, "is no ground to exclude them from the list of Backward Classes. The Government in our opinion was perfectly justified in listing the Muslims in the list of Backward Classes."

2.60 The Court was satisfied that multiple tests had been applied to identify the Backward Classes based on data obtained on scientific basis. The methodology used to identify the other Backward Classes was also found to be satisfactory. The omission of some communities or castes from the list of the backwards, called for reducing the quota of reservation for the first category of Backward Classes. Government in accordance with the observation made by the Court subsequently by an order dated 1st May 1979, reduced the quota of reservation for the Backward Communities from 20% to 18%, since the population of the seven communities deleted, constituted about 2.83 percent of the total population. The Court also directed that some 13 castes added by the Government outside the scope of the Report, be deleted.

2.61 The judgement in the case of Somashekarappa and Others Vs. the State of Karnataka, is of great importance,

1. Ibid. Page 36.

since the Doctrine of Severability has been applied for the first time. After ordering the deletion of certain communities and suggesting the reduction in the quota of reservation consequent to the deletion of certain communities, the court validated the rest of the order, thus breaking the precedent of Balaji's case in which the whole of the order of reservation was quashed, which resulted in the deprivation of reservation for the real backward classes from 1963 to 1977. The Nagan Gowda Committee had bifurcated the Backward Classes into two groups as Backward and More Backward. The Supreme Court could have struck down the Backward list and validated only the more backward list. Likewise, the Court could have ordered the reduction of total reservation from 68% to 50%. But that was not to be .

2.62. Mr. Havanur, who was the Law Minister at the time this judgement was delivered by Justice Jaganath Shetty, told the Press that he was happy, "The High Court, had applied the Doctrine of Severability in invalidating only that part of the Government Order which went beyond the recommendation of the Commission. This, he called a unique feature of the Judgement. In a similar situation, in 1962, when the then Mysore Government Order was challenged before the Supreme Court in the Balaji Case, he recalled the State pleaded before the Supreme Court to apply the Doctrine of Severability and strike down the invalid portion of the Government Order. But, the Supreme Court had declined to apply the Doctrine." 1
Mr. Havanur further pointed out that, "Another equally important feature of the High Court judgement, was that, for the first time in the whole of India, it was this Court which had justified reservation beyond 50 percent. This has hitherto disapproved of by the Supreme Court and other High Courts." 2

2.63 THE MANDAL REPORT: The next important step in the history of the Backward Classes Movement is the appointment of a Second Backward Classes Commission under the Chairmanship of B. P. Mandal in December 1978 by the Central Government. The Centre, for the first time in the post-independence history of India, was ruled by Janata Party with Mr Morarji Desai as the Prime Minister. In the general elections to the Parliament in March 1977, the Janatha party swept the polls and formed the Government at the Centre. In the election manifesto the Janatha Party had pledged to implement the 'Kaka Kalelkar Report' and reserve 30% jobs for the Backward Classes. But, it failed to do so after coming to power. As an alternative, the Janatha Government appointed a new Backward Classes Commission on the plea that Kaka Kalelkar Report was already twenty years old and that a fresh investigation was necessary.

2.64 Before the Mandal Commission could submit its report, the Janatha Government fell and the Congress(I) under Mrs Indira Gandhi came back to power in March 1980. The Congress Government not only continued the Commission with the same personnel, but also extended the time for the submission of the Report. The Report was submitted in December 1980, but it was not placed before the Parliament till April 1982 and not until after the Backward Class Members of Parliament protested against the delay and performed 'Dharna' before the Parliament House.

2.65 When the Report was finally placed before the Parliament, it was without a memorandum explaining the action taken thereon by the Government as per clause 3 of Article 340 of the Constitution. When the Report was tentatively and partially discussed in the House, there was general approval of the recommendations of the Report. The Press and the public

mostly welcomed the Report. The Centre sent the Report to the States for their opinion. The Karnataka Government as also the Governments of Tamil Nadu, Kerala, Andhra Pradesh, Punjab, Assam and the North-Eastern States, Kashmir and Orissa welcomed the recommendations in the Report. The Centre called for a Chief Ministers meeting to discuss the Report. The meeting in general approved the Report. The Report was further referred to a Secretaries Committee and still later to the Cabinet Sub-Committee. The Report was next laid before the public for comments. By this time the anti-reservation agitation in Bihar and Gujarat was intensified and no decision has been taken on Mandal Commission Report, till today.

2.66 B.P. Mandal, avoided the pitfalls of the earlier Kalelkar Report by eschewing contradictions and inconsistencies and varying the conclusions in the covering letter to the President from the decisions embodied in the Report proper. He included the backward groups, of the Muslims, given to lowly and unclean occupations and practising endogamy in the backward list. So also he included the Christian converts from the Harijan community in the backward list. He dismissed as unwarranted talk of reservations being casteist, detrimental to national interests and lowering efficiency.

2.67 Getting replies to a questionnaire, from 10 Central Ministries/Departments, 31 attached and subordinate offices and public sector undertakings under the administrative control of 14 Ministries, the commission deduced the caste wise distribution of appointments in a part of the Central services. The break-up is as below:

Category of Employees	Total Number of Employees	Percentage of SC/ST	Percentage of O.B.Cs.
Class I	1,74,043	5.68	4.69
Class II	9,12,786	18.18	10.63
Class III & IV	4,84,646	24.40	24.40
All Classes	15,71,475	18.71	12.55

2.68 It will be seen from the above table that the position of the other Backward Classes is much worse than that of the Scheduled Castes and Scheduled Tribes and both the categories hold positions far less than what is warranted by their population. Further it will be clear that the few upper castes not even accounting for 15 percent of the population enjoy posts inordinately disproportionate to their population. They hold nearly 90% of Class I jobs, 71.19% of Class II jobs and 51.20% of Class III and IV jobs whereas the aggregate employment for SC/ST comes to 18.71 against their total population of 22.5%; the employment of OBCs works out to 12.55% against their estimated population of 52%.

2.69 With this background, the Mandal Commission recommended modestly and cautiously, 27% reservation for other Backward Classes although the Other Backward Classes are computed to be 52% of the population. The cautious and discreet approach was because, there has been no reservation for the other Backward Classes in the Central Services till-to-day and such reservation will be a fresh experiment. Moreover the Supreme Court had stipulated in Balaji's case of 1963 that reservation on all counts shall not go beyond 50% and the upper castes should not also be unduly affected.

The Mandal Report, says, "The Principle of equality is a double-edged weapon. It places the strong and the handicapped on the same footing in the race for life, while it is a dictum of social justice that there can be equality only

among equals. The humaneness of a society is determined by the degree of protection it gives to the weaker, handicapped and less-gifted member."¹

2.70 Mention must be made here of the other Commission Reports of the different States, namely, Kumara Pillai Commission Report of 1965 and Nettur P. Damodaran Commission Report of 1970 of Kerala State, Manohar Prashad Report of 1970 of Andra Pradesh Government, Bakshi Report of 1978 and Rane Report of 1983 of Gujarat State and A.N. Sattanathan report of 1970, of Tamil Nadu State, which our Commission has studied in detail.

2.71 **HAVANUR REPORT AND THE SUPREME COURT:** The Havanur Commission Report of 1975 and the Government Order on it in 1977, have been challenged before the Supreme Court in Writ petitions during 1979, 1980 and 1981. During the pendency of the case, K.C. Vasanth Kumar and another Vs. The State of Karnataka, the State Government undertook to appoint the Second Backward Classes Commission to examine the problem afresh. Accordingly, on the approval of the Court, our Commission was appointed in April 1983.

2.72 The Supreme Court delivered its judgement on the Vasant Kumar's case in May 1985. This has been analysed separately in Chapter Number 5:

1. Mandal Report, page 62 in the Chapter Summary of the Report.

CHAPTER 3

CONSTITUTIONAL PROVISIONS AND THE BACKWARD CLASSES

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CONSTITUTIONAL PROVISIONS AND THE BACKWARD CLASSES

3.1 **Constituent Assembly and Backward Classes:** The historic Resolution on the Aims and Objectives of the Constitution moved by Pandit Nehru was adopted by the Constituent Assembly on 22nd January, 1947. As a part of this Resolution, an assurance was given that "adequate safeguard" would be provided to the "depressed and other backward classes." The Resolution stated that:

"This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance, a Constitution":

XX XX XX
"Wherein shall be guaranteed and secured to all the people of India, justice, social, economic and political; equality of status and opportunity before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality; and

Wherein adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes".

3.2 The problems of Backward Classes including the policy of reservation and other benefits enjoyed by them till the attainment of Independence and the future of these policies were debated, before appropriate articles and provisions were incorporated in the Constitution. Despite the divergent opinions expressed as to the meaning of the term 'Backward Classes', there was a consensus that the term would include not only Scheduled Castes and Tribes, but also others who were economically, educationally and socially backward. 2

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1. Government of India, Constituent Assembly Debates Vol. VII, P. 304 (1947).
 2. Marc Galanter, Competing Equalities; Law & Backward Classes in India, Chapter 6.

3.3 The aims and objectives of the Constitution, the general agreement and the compromises arrived at in the Constituent Assembly¹ are reflected in the various Articles and provisions relating to Backward Classes - the preamble Articles 38 and 46 of the Directive Principles of State Policy, Articles 14, 15 and 16 of the Fundamental Rights, and Articles 338 and 340 of the Constitution of India.

3.4 As observed by Andre Beteille:

"A society has thus to be judged both for what is and for what it wishes to be. A written Constitution, and especially one that is written at a decisive turn in its history, has certain significance as an expression of what a society seeks to achieve for itself. A very striking feature of our Constitution is its stress on equality. It is present in the preamble; it is present in the part embodying the Fundamental Rights; and it is present in part laying down the Directive Principles of State Policy."²

3.5 **Preamble to the Constitution & Backward Classes:** The Preamble to the Constitution expresses the determination and aspirations of the people of India in the following terms:

We, the PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, Social, Economic and Political; LIBERTY of thought, expression, belief, faith and worship;

equality of status and of opportunity; and to promote among them all FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation.³

1 Constituent Assembly Debates, Vol.VII-Nos.1.36(1948-49)

2 Andre Beteille, The Backward Classes and the New Social Order, 1981 (Page 1).

3 Preamble, Constitution of India.

3.6 The above Preamble embodies the political ideas, aims and objects of the Constitution of India. Its political philosophy has inspired the shaping of many parts of the Constitution including the provisions relating to Backward Classes.

3.7 The two objectives - 'Justice, Social, Economic and Political' and 'Equality of status and opportunity' of the Preamble are specially relevant and related to the advancement of the Weaker Sections and Backward Classes. In brief, it promises not only political democracy, but also social democracy as explained by Dr. Ambedkar in his concluding speech in the Constituent Assembly:

"It means a way of life which recognises liberty, equality and fraternity which are not treated as separate items in a trinity. They form a union of trinity in the sense that to divorce one from the other is to defeat the very purpose of democracy. Liberty cannot be divorced from equality, equality cannot be divorced from liberty. Nor can liberty and equality be divorced from fraternity." 1

3.8 **Directive principles of State Policy and Backward Classes:** The directive principles enshrined in the Articles 38 and 46 of the Constitution enjoin the State to strive to promote the welfare of the people in general and weaker sections including the backward classes in particular.

Article 38 of the Constitution declares that:

1. "The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of National life.

1 Constituent Assembly Debates, Vol. X.P. 101.

2. The State shall in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations"¹

3.9 This directive principle of the Constitution indicates the political mind of the makers of the Constitution who visualised the creation of a new social order in India based on the foundation of social, economic and political justice, eliminating the evils of the existing socio-economic system. Though the nature of the 'Social order' is not defined in the Constitution, it has been interpreted to mean a 'welfare state' and a 'socialistic pattern of society'. As a part of this objective, the State is directed to remove the existing inequalities in income, status, facilities and opportunities among the individuals and groups in India.

3.10 Further, Article 46 of the Constitution directs that:

"The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation".²

3.11 As can be seen, this Article of the Constitution makes it an obligation of the State to take action to ameliorate the conditions of the weaker sections including the Backward Classes. They are two-fold: (1) to promote with special care the educational and economic interests by taking 'positive measures'; (2) to prevent social injustices and all forms of exploitation by taking 'preventive measures'.

1. Article 38, Constitution of India, as amended by the Constitution (Forty-fourth Amendment) Act, 1978.

2. Article 46, Constitution of India.

3.12 Although the above Directive principles of State Policy, among others, are not justiciable and not enforceable by the Courts, they are 'fundamental in the governance of the Country'. It shall be the duty of the Union and State Governments to apply them in making laws, policies and programmes.

3.13 **Right to Equality and Backward Classes:** Right to Equality is one of the Fundamental Rights that is enshrined in the Constitution of India. Having for its goal the establishment of a secular and democratic state, the Constitution guarantees to every citizen, under Article 14, equality before law or equal protection of laws; and under Article 16(1), equality of opportunity in matters of public appointment. The relevant Articles are as follows:

Article, 14: Equality before law -

"The State shall not deny any person equality before the law or the equal protection of laws within the territory of India."

Article 16(1) : Equality of opportunity in matters of Public employment -

"There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State" 1

3.14 In order to ensure the equality before law and equality of opportunity are more purposeful and to secure social justice to every citizen, the Constitution prohibits discrimination that is common to any traditional, hierarchical and compartmental society like India. Prohibition of discrimination is the first step towards the realisation of the right to equality. This is elaborated and made specific in the Articles 15, 16 and 29 of the constitution.

1] Articles 14 and 16, Constitution of India.

a. The Constitution, under Article 15(1) prohibits discrimination against any citizen on grounds only of religion, race, caste sex or place of birth either by the State or by any of its citizens:

b. Article 16(2), prohibits discrimination on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them in respect of any appointment or office under the State.

c. Article 29(2), also prohibits discrimination on grounds only of religion, race, caste, language or any of them in regard to admission into any educational institution maintained by the State or receiving aid out of the State funds.

The relevant Articles read as follows:

Article - 15.

1. "The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them".
2. "No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or conditions with regard to---"
 - a. access to shops, public restaurants, hotels, places of public entertainment or
 - b. the use of wells, tanks, bathing ghats, roads and places or public resort maintained wholly or partly out of State Funds or dedicated to the use of the general public."¹

¹ Article 15, Constitution of India.

Article - 16(2):

"No citizen shall on grounds only of religion, race, caste, sex, descent, place of birth, residence, or any of them shall be ineligible for or discriminated against in respect of any employment or office under the State". 1

Article 29(2) :

"No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State Funds on grounds only of religion, race, caste, language or any of them." 2

3.15 **Special provisions for other Backward Classes:** Notwithstanding the above general provisions, the Constitution of India provides separate and special provisions for the advancement of the Backward Classes.

3.16 The expression 'Backward Classes' is not defined anywhere in the Constitution. However, the term is used in the Articles 15(4), 16(4), 338(3) and 340. The Scheduled Castes and Tribes are no doubt backward classes. But the fact that the Scheduled Castes and Tribes are mentioned together with the expression backward classes in the aforesaid Articles of the Constitution clearly shows that there are 'Other Backward Classes', besides the Scheduled Castes and Tribes. In other words, the Constitution recognises three categories of backward classes; namely (1) Scheduled Castes (2) Scheduled Tribes and (3) Other Backward Classes.

3.17 The 'Other Backward Classes' are those, who are not as backward as the Scheduled Castes and Tribes, but who are backward as compared to the other advanced sections of the society. 3

1 Article 16, Constitution of India.

2 Article 29, Constitution of India.

3 Government of Andhra Pradesh, Report of the Backward Classes Commission, 1970, P.17.

3.18 Not satisfied with the making of special provisions for the Scheduled Castes and Scheduled Tribes who form a special category, the Constitution has made separate provisions for the advancement of these 'Other Backward Classes' also. These separate provisions are in the nature of 'protections' or 'safeguards' as indicated in the following Articles 15(4) and 16(4) of the Constitution:

Article 15(4):

"Nothing in this Article or in Clause (2) of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes".¹

Article 16(4):

"Nothing in this Article shall prevent the State from making any provisions for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State".¹

3.19 When the Constitution of India came into effect from 26th January 1950, Article 15 did not contain the Clause (4). Subsequently, as a result of the judgement of the High Court of Madras and the Supreme Court of India in the famous case 'Champakam Dorairajan Vs The State of Madras',² Constitution was amended. The Government of India realised that some special provision must be made for the educational advancement of the backward classes, as they could not claim the benefit under Article 16(4) of the Constitution. Hence an amendment to the Constitution was considered necessary to make it constitutional for the State to reserve seats for the citizens of backward classes, Scheduled Castes and Scheduled Tribes in public, educational institutions and also to take other measures for the advancement of the other

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1. Article 15 and 16, Constitution of India.
 2. Champakam Dorairajan Vs. The State of Madras, A.I.R. 1951, S.C. 226.

backward classes. Accordingly Clause (4) was added to the Article 15 by the First Amendment to the Constitution.¹ By this amendment Articles 15 and 29 are brought in line with Article 16(4) and 340 of the Constitution.

3.20 According to the observation made by the Supreme Court of India, the above special provisions of the Constitution are in the nature of 'an enabling provision' and a 'discretionary power' of the State under Articles 15(4) and 16(4) to adopt any measure for the advancement of socially and educationally backward classes.²

3.21 For a long time it had been the view that Articles 15(4) and 16(4) are 'exceptions' to Articles 15(1) and 16(1).³ According to this view, the claims of the backward classes could be projected only through exceptional clauses and not outside them. But in the case of State of Kerala Vs. N.M. Thomas,⁴ the Supreme Court, by majority rejected this notion of exception and has said that the State is free to choose any 'means' to achieve equality for these backward classes. "It is clear," says Dr. Parmanand Singh, "that the Supreme Court has discarded the old way of thinking that Articles 15(4) and 16(4) are exceptions to the equality guaranteed and declared that these articles are themselves aimed at achieving the very equality broadly proclaimed and guaranteed by Articles 14, 15(1) and 16(1)".⁵

3.22 The prevailing view now is that Article 15(4) of the Constitution authorises the State to make 'special provision' for the advancement of the socially and educationally

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1. Article 15, Constitution of India, as amended by the Constitution (First Amendment) Act, 1951.
 2. C.A. Rajendran Vs. Union of India, AIR 1968 S.C. 507.
 3. Balaji Vs. The State of Mysore, A.I.R. 1963 SC 649.
 4. The State of Kerala Vs. N.M. Thomas, AIR 1976 SC 490.
 5. Dr. Parmanand Singh, "Equality, Reservation and Discrimination in India", 1982, P. 30 and 35.

backward classes of citizens. So also Article 16(4) authorises the State to make 'any provision' for the reservation of appointment in favour of backward classes of citizens, 'which in the opinion of the State', is not adequately represented in the services under the State.

3.23 It is also evident from the decision of the Supreme Court in the case of 'Balaji Vs. The State of Mysore' that the action contemplated by the Articles 15(4) and 16(4) can be taken by the Union or the States.

3.24 Since the commencement of the Constitution in 1950, these 'special provisions' of two Articles have been serving as instruments of State Policy - Policy of Reservation ('preferential treatment' or 'protective discrimination' or 'compensatory discrimination') for the advancement of the other backward classes in India.² They have also become the basis for the appointment of the Commissions by the several States in India to inquire into the conditions of the backward classes, to suggest criteria, to identify them and to recommend measures for the advancement of socially and educationally backward classes.

3.25 **President of India and Backward Classes:** No less important is the fact that the Constitution provides for the appointment of a Commission by the President of India under Article 340 to investigate the conditions of socially and educationally backward classes within the territory of India and also to make recommendations to improve their conditions by the Union or any State; and also to the grants that should be made for the above purposes by Union or any State. The relevant Article 340 reads as follows:

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1. Balaji Vs. The State of Mysore, A.I.R. 1963 SC.649.
 2. Marc Galanter, Op.Cit., Part I. Dr. Galanter uses the word 'Compensatory Discrimination'.

1. The President may by order, appoint a Commission consisting of such persons as he thinks fit to investigate the conditions of socially and educationally backward classes within the territory of India and the difficulties under which they labour and to make recommendations as to the steps that should be taken by the Union or any State to remove such difficulties and to improve their conditions and as to the grants that should be made for the purpose by the Union or any State and the conditions subject to which such grants should be made, and the order appointing such a Commission shall define the procedure to be followed by the Commission.
2. A Commission so appointed shall investigate the matters referred to them and present to the President a report setting out the facts as found by them and making such recommendations as they think proper.
3. The President shall cause a copy of the report so presented together with a memorandum explaining the action taken thereon to be laid before each House of Parliament."

3.26 Till now two Commissions have been appointed by the President of India under the Article 340 of the Constitution. The First Backward Classes Commission under the Chairmanship of Shri Kaka Kalelkar was appointed in 1953 and the Second Backward Classes Commission was appointed under the Chairmanship of Shri B.P. Mandal in 1978.²

3.27 **Justification of the Special Provisions of the Constitution in favour of Backward Classes:** The inclusion of Special Provisions, under the Articles 15(4) and 16(4) and 340, in the Constitution has partly fulfilled the assurance given to the Backward Classes by the historic resolution moved by Pandit Nehru and adopted by the Constituent Assembly on 22nd January 1947.

1 Article 340, Constitution of India.

2 Government of India, Report of Backward Classes Commission, 1955.
Government of India, Report of Backward Classes Commission, 1980.

3.28 The Fathers of the Constitution realised that there were certain sections of our people who suffered from social, economic and political deprivations and whose conditions of life were not equal to that of the advanced sections. They were fully alive to the need for providing certain constitutional safeguards to protect their interests. As commented by the famous constitutional expert, D.D. Basu:

"It would have been a blunder on the part of the makers of our Constitution if, on a logical application of the above principle of equality, they had omitted to make any special provisions for the advancement of those sections of the community who are socially and educationally backward, for the democratic march of a nation would be impossible if those who are handicapped are not aided at the start. The principle of democratic equality, indeed can work only if the nation as a whole is brought to the same level with the rest of the nation."

3.29 These special provisions specially Articles 15(4) & 16(4) also contribute to the realisation of equality by removing inequalities, social and educational - suffered by the backward classes for centuries. It will free them, from the exploitation and bondage to which they have been subjected for so long. The doctrine of equality guaranteed under Article 14 cannot assume that all are equal in the existing socio-economic conditions and circumstances of the Indian Society. The Mandal Commission has observed that "on the face of it the principle appears just and fair, but it has a catch. It is a well-known dictum of social justice that there is equality only amongst equals. To treat unequals as equals is to perpetuate inequality".²

In the words of Justice K. Subba Rao:

"Unless the adventitious aids are given to the

1 D.D. Basu, Introduction to the Constitution of India, 1983. P. 342.

2 Government of India, Report of the Backward Classes Commission, 1980. P.21.

under privileged people, it would be impossible to suggest that they have equal opportunities with the more advanced people. This is the reason and the justification for the demand of social justice that the under privileged citizens of the country shall be given a preferential treatment in order to give them an equal opportunity with other more advanced sections of the community." 1

3.30 The special provisions of the Constitution, which are meant for the upliftment of the Backward Classes, will serve the Nation's interest by giving a new perspective. Marc Galanter, a distinguished social scientist in his monumental book, 'Competing Equalities', looks at this problem in two perspectives - horizontal and vertical. In the horizontal perspective, "the relevant time is the present" and equality is viewed "as identical opportunities to compete for the existing values among those differently endowed, regardless of structural determinants of the chance of success or of the consequences for the distribution of values". Whereas in the vertical perspective, the present is seen as "a transition from a post of inequality to a desired future of substantive equality"; and "the purpose of Compensatory discrimination is to promote equalization by off setting historically accumulated inequalities". According to Marc Galanter, "Thus compensatory discrimination does not detract from equality in the interest of the present fairness; rather it is seen as a requisite to the fulfilment of the Nation's long-range goal of substantive redistribution and equalisation". 2

3.31 This vertical view is brought out best by Justice Hegde in his observation in the case of Viswanath Vs. Government of Mysore, when he said that:

1 K.Subba Rao, Social Justice and Law, National, New Delhi.

2 Marc Galanter, Op. Cit., pp.379 and 380.

"the counsel did not appear to be very much alive to the fact that there can be neither stability nor real progress if predominant sections of an awakened nation lives in primitive conditions, confined to unremunerative occupations and having no share in the good things of life, while power and wealth are confined in the hands of only a few and the same is used for the benefit of the sections of the community to which they belong.

.....It is cynical to suggest that the interest of the Nation is best served if the barber's son continues to be a barber and a shepherd's son continues to be a shepherd.

.....We have pledged ourselves to establish a welfare state. Social justice is an important ingredient of that concept. That goal cannot be reached, if we over emphasise the 'merit theory'.

Advantages secured due to historical reasons cannot be considered as fundamental rights guaranteed by the Constitution. The nation's interest will be best served - taking a long-range view if the backward classes are helped to march forward and take their place in line with the advanced sections of the people". 1.

3.32 Lastly, these 'special provisions' ultimately will lead to the progressive realisation of the creation of a new and just social order -classless and casteless society as visualised by the architects of the Constitution, under the Article 38 of the Directive Principles of State Policy. In otherwords, if implemented faithfully, the special provisions and the action taken will accelerate the process of socio-economic change in India specially of improving the conditions of the weaker sections and backward classes who constitute majority of the population. The future of national progress and achievement of an egalitarian society depend on the rapid upliftment of these backward sections of the people. The Constitution has set its goal to achieve this social revolution. According to Granville Austin:

1. Viswanath Vs. Government of Mysore, A.I.R. 1964 Mys.132 and 136.

"The Indian Constitution is first and foremost a social document. The majority of its provisions are either directly aimed at furthering the goals of social revolution or attempt to foster this revolution by establishing the conditions necessary for its achievement. Yet despite the permeation of the entire Constitution by the aim of national renascence the core of the commitment to the social revolution lies in Parts III and IV, in the Fundamental Rights and in the Directive Principles of State Policy. These are the conscience of the Constitution." 1

1. Granville Austin, The Indian Constitution, Cornerstone of a Nation, 1966, P. 50.

CHAPTER 4

"THE BACKWARD CLASSES AND THE JUDICIARY"

CHAPTER - 4

THE BACKWARD CLASSES AND THE JUDICIARY

Measures for the upliftment of the Backward Classes have been made an obligatory function of the State and Central Governments by the Constitution. The States in India, both before and after independence have honestly and sympathetically striven to better the conditions of the Backward Classes in pursuit of social justice and the principle of equality. Prior to independence, executive orders of the Government sufficed to extend concessions like reservation of posts in the services and reservations of seats, in technical and professional colleges, on the basis of caste, religion and race. The situation changed completely after the commencement of the Constitution on 26th January 1950 which guaranteed the citizens certain fundamental rights.

4.2 As stated elsewhere, the State of Madras, like many other states in India had passed the Communal Government Order in 1927 and 1947 to distribute the posts and seats among the various communities to render distributive justice and also to break up the monopoly of a few communities. By the time independence was achieved, the services and the professions particularly in the southern States had become to some extent representative of all the important communities of the area. Through the Communal Government Order, it was intended to achieve fair, just and equal distribution of educational facilities and Government jobs; even the Brahmins got 15% of the vacancies reserved for them as against their population of 3%. Nevertheless, the Communal G.O. was attacked as being ultra vires of the Constitution in the famous case of Champakam Dorairajan V. State of Madras.¹

4.3 Two Brahmin students, Champakam Dorairajan and Srinivasan who were refused seats in the Medical and Engineering Colleges on the ground that the quota fixed for Brahmins, viz., 2 out of 14 had been filled up according to the Communal G.O., filed writs under Art.226 of the Constitution on 7.6.1950 challenging the Communal G.O. for "Protection of their fundamental rights under Art.15(1) and Art.29(2)" and prayed for a writ of Mandamus to restrain the State from following the Communal G.O. any longer, as it was based solely on caste and religion. The High Court of Madras allowed the applications of the two students. Thereupon, the State of Madras went in appeal to the Supreme Court.

4.4 This case is perhaps the first in which the judiciary came in contact with the reservation problem of the Backward Classes. This is also indicative of the starting of a phase wherein the forward Communities started fighting the reservation meant for Backward Classes in the Courts.

4.5 The learned Advocate General contended that Art.15(1) must be read along with other Articles in the Constitution, particularly Art. 46 which charges the State "to promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and Scheduled Tribes and shall protect them from social injustice and all forms of exploitation". It was pointed out that although Art. 46 finds a place in the Directive Principles of State policy, which are not enforceable, the principles laid down are nevertheless fundamental in the Governance of the country and it shall be the duty of the State to apply these principles in making laws as per Art.37. The communal G.O fixing proportionate seats for different communities therefore does not violate any fundamental right.

These contentions were rejected by the Court, which ruled that "the directive principles of State policy, by Art.37 are expressly made unenforceable by the court, and cannot override the provisions found in Part III which, notwithstanding other provisions, are expressly made enforceable by appropriate writs under Art. 32".¹ The Court further pointed out that reservations in appointments or posts could be made in favour of any backward classes of citizens, which are not adequately represented in the services under Article 16(4) by the State; but the "omission of such an express provision from Art. 29 cannot but be regarded as significant. It may well be that the intention of the Constitution was not to introduce at all communal considerations in matters of admission into any educational institutions maintained by the State or receiving aid out of State funds."² On these grounds, the Supreme Court dismissed the Madras Government's appeal with costs.

4.6 In another judgement delivered on the same day, 9.4.1951 - in the case of B. Venkataramana V. the State of Madras³, the same Bench declared that the denial of the post of Munsiff to the petitioner on the basis of the communal G.O. was unconstitutional. The Court said that as Art. 16(4) makes provision for reservation of appointments in favour of any backward class citizens, who are not adequately represented in the services of the State, reservation of posts in favour of any backward class citizens cannot be regarded as unconstitutional. The Communal G.O. itself makes an express reservation of seats for Harijans and Backward Hindus. But, the other categories, namely, Muslims, Christians, non-brahmin Hindus and Brahmins cannot be treated

1 Champakkam Dorairajan Case Vs. State of Tamil Nadu
AIR 1951. SC. 226.
2 A.I.R. 1951 S.C. 228
3 A.I.R. (38) 1951. 229.

as Backward Class of citizens. The contention that the non-brahmin Hindus are protected by the list of Backward Classes maintained by the State was not accepted. The Court held that Venkataraman was not recruited only because he happened to be a Brahmin, and ruled that the Communal G.O is repugnant to the provisions of Art. 16 and as such void and illegal.

4.7 The decisions in these two cases were in the nature h-blows to the backward classes all over India.

These two judgements and the strong agitation in Madras state led to the first Amendment of the Constitution in 1951.

4.8 Commenting on the Supreme Court Judgements, Dr. Ambedkar, remarked, that "it was utterly unsatisfactory and was not in consonance with the articles of the Constitution".¹ This remark created a storm in the House. When it died down Dr. Ambedkar explained that the Supreme Court overlooked the operative word "only" in Art. 29(2) which says, "No citizen shall be denied admission into any educational institution on grounds only of religion, race, caste, language, or any of them." He further stated that Art. 46 directed the state to protect the interests of weaker sections. In a later Judgement² the Supreme Court has stated that classification of people can be made under Art. 16(1), 29(2) and Art.14, in order to achieve equality through protective or compensatory discrimination.

4.9 In the debate on the first amendment to the constitution, the then Prime Minister Jawaharlal Nehru, remarked:

1 Dr. Ambedkar Life and Mission by Dhananjay Keer, 1951.P.42.

2 N.M. Thomas v. State of Kerala. A.I.R. 1976 SC.490.

"The House knows very well and there is no need for trying to hush it up, that this particular matter in this particular shape arose because of certain happenings in Madras. 1

Art.15 was amended by adding Clause (4) to it nearly in a similar way to Art.16(4). It says:

"Nothing in this article or in Clause (2) of Art.29 shall prevent the state from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes".

Jawaharlal Nehru, stressing the need for the amendment stated,

"We have to deal with the situation where for a variety of reasons for which the present generation is not to blame, the past has the responsibility; there are groups, classes, individuals, communities who are backward; They are backward in many ways economically, socially, educationally. Some times they are not backward in one of these respects and yet backward in another. The fact is therefore that if we wish to encourage them in regard to these matters, we had to do some thing special for them"2.

4.10 There was some debate about adding the word "economically" to the Clause 16(4) and when some members wanted this word added in clause (4), Pandit Jawaharlal Nehru stated,

"But if I added "economically" I would at the same time not make it a kind of a cumulative thing, but would say that a person who is lacking in any of these things, should be helped. "Socially" is a much wider word including many things and certainly including economically". 3

4.11 The Judiciary thereafter got thoroughly and intimately connected with the fortunes of the Backward Classes for better or worse and the fortunes of Backward Classes as it were, rose or fell with the judgements pronounced over State action. In fact, the Backward Classes have suffered as much under judicial interpretation as under any resistance from the entrenched privileged classes. In the process,

1. Parliamentary Debates. Vol.XII-13 Part II at Col.9815.

2. Ibid.

3. Parliamentary Debates, Vol XII-13, Part II.

the judiciary has added to the complexity and confusion of the problem by their contradictions through varying judgements.

4.12 Almost every step taken by the Government to implement the provisions of the Constitution to ameliorate the conditions of the Backward Classes ever since 1950 has been dogged by the Courts by the extreme step of striking down the full order of the Government on one reason or the other as being unconstitutional, or as affecting the general interests and rights of the other classes or as injuring the administrative efficiency of the State, or as being arbitrary. The Court has gone to the extent of condemning State action as a fraud on the Constitution.

4.13 Looking at the role of the judiciary in the State action to implement the Directive Principles of State policy, the Karnataka First Backward Commission under the Chairmanship of Havanur, says "Judicial pronouncements on any particular issue or aspect are not uniform, definite, consistent and certain, and when one looks at the Law Journals every month, one is apt to be bewildered at the large number of rulings either over-ruled or reversed or modified or explained. In some instances executive succumbed to political or communal pressures and ignored the interests of the weaker sections. In this situation, we have got to secure the desired social and economic justice to the weaker sections." ¹

4.14 However, it is necessary for us to take judicial decisions seriously and try to understand and follow the indications given in the judgements by way of suggestions, guidelines and instructions.

4.15 CASTE ALONE CANNOT BE A TEST : The first prominent judgement pronounced by the Supreme Court, in the wake of the order passed by the Mysore Government on the Nagan Gowda Committee on Backward Classes in 1963, is the case of Balaji
1. Karnataka Backward Classes Commission. 1975. Page 114.

Vs. State of Mysore¹ regarded as a landmark (Locus classicus), in the struggle for equality by Backward Classes. The principal points enunciated in the judgement may be briefly summarised as below :

i. The classification of Backward classes into Backward and more Backward is not permissible.

ii. Relative tests would result in identifying several layers or strata of backwardness and each of them may have to be included under Art.15(4).

iii. The backwardness must be both social and educational and not either social or educational.

iv. The bracketting of the Backward Classes with the Scheduled Castes and Scheduled Tribes in Art. 15(4) indicates that backwardness must be comparable to the Scheduled Castes and Scheduled Tribes.

v. Only such castes and communities that are well below the state average in education can be classified as educationally backward.

vi. The groups of citizens under Art.15(4) are classes of citizens and not castes of citizens. The term class showed the division of society according to status, rank and not based on caste.

vii. Special provisions are indicated for classes of citizens and not for individuals.

viii. The caste of the group of citizens may be relevant, but its importance should not be exaggerated.

ix. If the test of caste is emphasised, it may not be logical and may perhaps contain the vice of perpetuating the castes themselves.

x. Caste is a relevant factor in Hindu social structure, but it should not be the sole or dominant factor in determining backwardness.

xi. The Caste test would break down in respect

of communities that do not recognise the caste system. The exclusion of Muslims, Christians, Jains and even Lingayats from such test would hardly be justifiable.

xii. Social backwardness was in the ultimate analysis the result of poverty to a very large extent and likely to be aggravated by consideration of caste. This shows the relevance of both caste and poverty in determining backwardness.

xiii. Occupation followed by certain classes may also contribute to social backwardness.

xiv. Place of habitation may also be relevant for backwardness.

xv. Classes of citizens occupying a socially backward position in rural areas fall within the purview of Art. 15(4).

The problem of determining who are socially backward classes is undoubtedly very complex, and very difficult to resolve. It will need an elaborate investigation and collection of data and examining the said data in a rational and scientific way. That, however, is the function of the State which purports to act under Art. 15(4).

xvi. The Educational test has been put high by the Nagan Gowda Committee. However, it would not be justifiable to treat those whose educational average was slightly above, or very near, or just below the state average as educationally backward. Only communities which are substantially well below the State average that can properly be regarded as educationally backward.

xvii. The total reservation of 68 per cent is excessive. Reservations have the inevitable effect of lowering the quality of education and the services. Speaking generally and in a broad way, reservation should be less than 50 per cent; how much less than 50% would depend upon the relevant prevailing circumstances in each case.

4. 16 CAN CASTE BE ALTOGETHER OMITTED AS A TEST? As a result of the decision in Balaji's case, the Mysore Government passed orders on 26.7.1963, identifying backward classes

without reference to caste as Balaji's case seemed to bar caste as a test altogether. The order said that any person whose parent's income from all sources does not exceed Rs. 1,200/- and whose father or guardian is engaged as an (1) actual cultivator, or (2) artisan or (3) petty businessman, or (4) in inferior service or (5) in any occupation involving manual labour, shall be treated as belonging to Backward Class under Art.15(4). In other words, the criteria adopted to identify Backward Classes were low economic condition and low occupation only.

4.17 The order of 26.7.1963 was challenged in the High Court of Mysore in the case of Viswanath V. State of Mysore. 1 It was contended that the order was intended to exclude Brahmins, which was negated in the judgement as untenable. K.S. Hegde J. pointed that "it is dangerous to be blind to the appalling conditions of many sections of the people" and that "unaided many sections of the people who constitute the majority in the State cannot compete with the advanced sections of the people, who to-day have the monopoly of Education and consequently have predominant representation in Government services as well as in other important walks of life We have pledged ourselves to establish a welfare state. Social justice is an important ingredient of that concept. That goal cannot be reached if we over-emphasise the 'Merit theory.' 2

4.18 Sri. L.G. Havanur who appeared for some of the petitioners stated that the order of July 1963 is not in the interests of the really backward classes and that caste is the only true basis on which the Hindu backward classes can be classified and as the order has ignored the caste basis which has been declared to be an important or necessary factor, but not as the sole or the dominant factor in classifying people as backward, it is incorrect. Mr. Havanur further

urged that the word "class" has a historical meaning, and that it has always been equated with caste and cited two decisions of Mysore High Court - namely, Ramakrishna Singh Ram Singh V. State of Mysore¹ and S.A. Partha V. State of Mysore², as illustrations, wherein the Court held that the Classification of backward classes on the basis of caste was not invalid.

4.19 K. S. Hegde, J., admitted " I have no hesitation in agreeing with Sri. Havanur that the classification made by the State is a very imperfect classification. It is clear from the decision of the Supreme Court in Balaji's case that in the very nature of things, there can be no satisfactory classification of the backward classes, belonging to the Hindu religion, if we ignore the 'Caste' basis."³ The Judge, further made a very significant observation by saying, "There can be no dispute that most, if not all the castes that were classified as "most backward" in Dr. Nagam Gowda Committee's Report can and ought to have been taken into consideration in making the classification." If the doctrine of severability, pleaded for by the Mysore State in Balaji's case had been adopted and the "Most Backward" list validated, the benefit that would have accrued to the real backward classes from 1963 onwards would have been immense. This doctrine has been most beneficially observed in the case of Somashekarappa V. State of Karnataka dated 9.4.1979.⁴ It is unfortunate that Gajendragadkar, J. as he then was, chose to strike down the entire order on Nagan Gowda Committee Report, with the result that the real backward Classes that the Court had wished to benefit, have been the worst losers.

4.20 That the 'economic-cum-occupation' criteria ordered

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- 1 A. I. R 1960 Mys. 338.
 - 2 A. I. R. 1961 Mys. 220.
 - 3 A. I. R. 1963 S. C. 640.
 - 4 Mysore Law Journal.

after Balaji's case, has been disastrous to the real backward classes people and beneficial to the forward classes, has been explained by K.S. Hegde, J. in the following pregnant observations; "There is hardly any doubt that the scheme set out in Ex.or (the Order of 27.7.1963 based on Income-cum-occupation) has not helped the really backward classes amongst the Hindus. For example, out of the 142 seats reserved for the backward classes in Engineering Colleges, Kurubas who constitute 6.88% of the population of the State have obtained 2 seats in addition to 6 seats obtained in the merit pool. Bedars who constitute 4.7% of the population of the State, have obtained 1 seat in the backward class pool and 3 in the merit pool. We have earlier noticed the seats obtained by the Brahmin students," (of the 936 seats filled in the Engineering colleges of the State, 307 which is about 1/3rd of the filled-up seats, belonged to the Brahmin community which constitutes 4.28% of the population of the State). Lingayats who constitute 15.57% of the population have obtained 35 seats in the backward class pool. Vokkaligas who constitute 12.98% of the population have obtained 35 seats in the backward Classes pool. In addition, the Lingayats have obtained 111 seats and Vokkaligas 32 seats in the merit pool. The figures mentioned above support the contention of Sriyuts: Havanur and Mariappa that the classification made by the order has not helped the really backward Classes¹

4.21 K.S. Hegde, J. added "I agree with Sri Havanur that in addition to the 'occupation' and 'poverty' tests, the state should have adopted the 'Caste' test as well as the 'residence' test in making the classification."

Nevertheless, the court did not strike down the order of July 1963 to demand reclassification of B.C.s with the caste factor as one of the tests. The Court contented itself by saying: "The order cannot be struck down. But, I earnestly hope that soon the State will make a more appropriate classification, lest its bonafides should be questioned. As things

¹ A. I. R. 1964 Mys 132 Viswanath V. State of Mysore.

² A. I. R. 1964 Mys 132 Viswanath V State of Mysore

stand, I am unable to hold that the classification made in Ex. O¹ is an invalid classification." ² Yet this imperfect order, detrimental to the backward Classes ruled the state for 14 years from 1963 to 1977 and the colossal harm done to the backward classes because of this can better be imagined than described, and for nearly 9 years, the State did not choose to appoint a Backward Classes Commission. There was no agitation against the 1963 order as it benefited the upper classes. There was almost no litigation or agitation by the Backward Classes in the State because they were unorganised, the leadership feeble and awareness of the loss itself being meagre.

4.22 The conclusion arrived at by K.S. Hegde J. in the case of Vishwanatha V. Government of Mysore ³ namely that the state erred in not taking 'caste' as an important factor in the determination of backward classes, was held to be wrong by K. Subba Rao J. in the case of R. Chitralekha V. State of Mysore ⁴ when the former matter came in appeal to the Supreme Court. The High Court of Mysore, it was pointed out, had misconstrued the decision of the Supreme Court in Balaji's case, in as much as it thought that the caste factor is a necessary criterion in the determination of backward classes, while the truth is that though caste may be taken as an important factor, it is possible to determine backwardness without the caste factor on the basis of other factors. The Court held, "that caste is only a relevant circumstance in ascertaining the backwardness of a class and there is nothing in the judgement of this court which precludes the authority concerned from determining the social backwardness of a group of citizens, if it can do so without reference to caste. While this Court has not excluded caste from ascertaining the backwardness of a class of citizens, it has not made it one of the compe-

¹ Order of the State Govt. dated 27.7.63.

² Viswanath V. State of Mysore A. I. R. Mys 132.

³ AIR 1964 Mys 132 Viswanath V. State of Mysore

⁴ Chitralekha V. State of Mysore A. I. R. 1964 S. C.

lling circumstances affording a basis for ascertainment of backwardness of a class. To put it differently, the authority concerned may take caste into consideration in ascertaining the backwardness of a group of persons, but if it does not, its order will not be bad on that account, if it can ascertain the backwardness of a group of persons on the basis of other relevant criteria." }

4.23 The Court further held that the term 'Caste' is not synonymous with the term 'Class', for, Art.15(4) speaks not of castes but of classes on purpose. The word 'Classes' obviously covers castes, tribes, races, groups and communities. The Miller Committee in 1918 was to find "special facilities to encourage higher and professional education among members of backward classes." ² During the British period, the term used to describe the Untouchables was 'Depressed Classes'. The Court clarified, "If the makers of the Constitution intended to take castes also as units of social and educational backwardness, they would have said so as they have said in the case of Scheduled Castes and Scheduled Tribes. Though, it may be suggested that the wider expression 'Classes' is used in Clause (4) of Art.15, as there are communities without castes. If the intention was to equate classes with castes, nothing prevented the makers of the Constitution to use the expression "Backward Classes" or "Castes". The juxtaposition of the expression Backward Classes and Scheduled Castes in Art.15(4) also leads to a reasonable conclusion that the expression "Classes" is not synonymous with "Castes".³

4.24 In effect K. Subba Rao J. appears to have held the view that, low occupation-cum-low income criteria without the caste factor - the criteria adopted by the Mysore Government in Order Dated 26.7.1963 after Balaji's case

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|---|--------------------------------|---------------|--------|
| 1 | Chitralekha V. State of Mysore | A. I. R. 1964 | S.C. |
| 2 | Report of the Miller Committee | August 1919 | Page 1 |
| 3 | Chitralekha V. State of Mysore | A. I. R. 1964 | S.C. |

and challenged in the Viswanath's case, as valid, but did not say so in so many words.

4.25 It is made abundantly clear that Backward Classes by whomsoever designated, and according to any test, boil down to a list of castes or communities. The Rane Commission Report of Gujarat in 1983 tried to list the backward classes on the basis of occupation. Mr. Bhagat gave a dissenting note in which he has clearly opted for the caste basis as realistic and practicable. The Government of Gujarat rejected Rane's recommendation based on occupation and accepted the dissenting note. Before the recommendations could be enforced, the upper castes of Gujarat, rose in revolt and stalled the upward march in reservations.

4.26 CASTE IS NOT A COMPULSORY TEST : In Chitralekha's case, K. Subba Rao. J., remarked, "If we interpret the expression "Classes" as "Castes", the object of the constitution will be frustrated and the people who do not deserve any adventitious aid may get it to the exclusion of those who really deserve. This anomaly will not arise if, without equating caste with class, caste is taken as only one of the considerations to ascertain whether a person belongs to a backward class or not. On the other hand, if the entire sub-caste by and large, is backward, it may be included in the scheduled castes by following the appropriate procedure laid down by the Constitution." ¹

4.27 Chitralekha case was widely acclaimed by some academicians as outlawing entirely the use of caste as a unit of Classification but they were wrong. All that K. Subba Rao. J. said was that class cannot be equated with caste, but that caste as a factor among others can be used to ascertain

¹ Chitralekha case A. I. R. 1964 S. C. 1823

backwardness. However, ignoring the dictate of Balaji and Chitralekha cases, Wanchoo. C.J. ruled in P. Rajendran V. State of Madras:

"But it must not be forgotten that caste is also a class of citizens and if the caste as a whole is socially and educationally backward, reservation can be made in favour of such caste." ¹

4.28 In this case, the Rules made by the Government of Madras regulating admission to the First year integrated MBBS course were challenged as violative of Art. 14 and 15. Rule 5 had provided for reservation of seats for socially and educationally backward classes specified in Appendix that referred only to castes.

4.29 The Court explained, "In view, however, of the explanation given by the State of Madras, which has not been controverted by any rejoinder, it must be accepted that though the list shows certain castes, the members of those castes are really classes of educationally and socially backward citizens. No attempt was made on behalf of the petitioners/appellants to show that any caste mentioned in this list was not educationally and socially backward. We must come to the conclusion that though the list is prepared caste-wise, the castes included therein are as a whole educationally and socially backward and therefore the list is not violative of Art. 15. The challenge to R.5 must therefore fail." ²

4.30 CASTE IS CLASS AND CLASS IS GROUP OF CASTES : To identify Backward Classes, multiple tests are absolutely necessary as per the provisions in Art. 15 (4) and 16 (4). Caste alone or income alone cannot be the sole test. In

1 Rajendran V. State Madras A. I. R. 1968 S. C. 1012.

2 A. I. R. 1968 S. C. 1012.

the case of Laila Chacko V. State of Kerala¹, a Nair student with qualifications higher than the Ezhava students was denied a seat in the Medical College, though the income of his father was less than Rs. 6000/- per annum, a test applied in the case of Ezhava community also, Mathew. J. rejected the petitioner's contention that when Ezhava and other students had been admitted with lesser marks and with less than Rs. 6000/- annual income, he should also be admitted to avoid discrimination. The judge quoted the following observation in the Report of the Commissioner for reservation of seats in educational institutions,

"We, therefore consider that a means-cum/caste/community test had to be adopted for the classification so as to take only the poor and deserving sections and exclude the wealthier sections." 2.

The Nair student is obviously socially not backward, though economically so.

4.31 In Peria Karuppan V. State of Tamil Nadu, Justice Hegde observed, "It cannot be denied that unaided many sections of the people in this country cannot compete with the advanced sections of the nation. Advantages secured due to historical reasons should not be considered as fundamental rights. Nation's interest will be best served - taking a long range view - if the backward classes are helped to march forward and to take their place in line with the advanced sections of the people."³ Considering the total reservation of 41% of the seats for the listed backward classes as not excessive, the judge held, "Caste has always been recognised as a class."⁴

4.32 The learned Judge to strengthen his observation of status in caste, quoted a relevant passage from the Kalelkar Report,

1 A. I. R. 1967 Kerala 124
2 A. I. R. 1967 Kerala 124
3 A. I. R. 1971 S. C. 2303
4 Chapter V Page 10 - Kaka Kalelkar Report.

"We tried to avoid caste but we find it difficult to ignore caste in the present prevailing conditions. We wish it were easy to dissociate caste from social backwardness at the present juncture. In modern times anybody can take to any profession. The Brahmin taking to tailoring, does not become a tailor by caste, nor is his status lowered as a Brahmin. A Brahmin may be a seller of boots or shoes, and yet his social status is not lowered thereby; social backwardness, therefore, is not today due to the particular profession of a person; but we cannot escape caste in considering the social backwardness in India."

4.33. Finally, Justice Hegde held unitwise selection to be violative of Articles 14 and 15. Despite this conclusion, the selections already made were not set aside as the selected candidates were not made parties to the petition. The 24 seats unfilled were ordered to be filled according to the order of the Court. The 41% reservation was held to be not excessive. The classification of Backward Classes on the basis of castes was held to be within the purview of Art.15(4)

4.34 TEST OF BACKWARD AREAS NOT VALID : In the case of Gurinder Paul Singh V. State of Punjab regarding admission to medical colleges, M.R. Sharma. J. ruled that reservation for residents of backward areas is unconstitutional, for, the resident in the backward area may be a millionaire or a pauper. He may belong to the socially high caste or to a low caste. "Residence in a particular area in a State" said the Judge "qua the other citizens of the same State cannot form the basis of Art.15 of the Constitution ... I am of the considered view that reservation for backward areas in the absence of any yardstick with which social and educational backwardness of the citizens of the area can be determined, is violative of the constitution. This reservation

deserves to be struck down.¹

4.35 MERE RELIGION AND CASTE TEST-NOT VALID : The state of Jammu and Kashmir, in order to eliminate the monopoly of the services by the Hindu Pandits in the higher rungs of service in a State predominantly Muslim, ordered in 1961, promotion of teachers on purely communal basis, namely 50% to Muslims, 30% to Jammu Hindus and the remaining 20% to Kashmiri Pandits including one or two out of turn posts to Sikhs. This was challenged in the case Trilokhi Nath V. State of Jammu and Kashmir.² Holding the order void, Justice Shah in a bench of five judges, observed,

"The expression 'backward Class' is not used as synonymous with 'Backward Caste' or 'Backward Community'. The members of an entire caste or community may in the social, economic and educational scale of values at a given time be backward and may on that account be treated as a backward class, but that is not because they are members of a caste or a community but because they form a class. In its ordinary connotation, the expression 'Class' means a homogenous section of the people grouped together because of certain likenesses or common traits and who are identifiable by some common attributes, such as status, rank, occupation, residence in a locality, race, religion and the like. But for purposes of Art 16 (4) in determining whether a section forms a class, a test solely based on caste, community, race, religion, sex, descent, place of birth or residence, cannot be adopted, because it would directly offend the constitution."³

4.36 DO RESERVATIONS UNDER ART 15 (4) AND 16 (4) COVER CERTAIN GENERAL CATEGORIES OF NON-BACKWARD CLASSES? There has been some doubt as to whether the reservation for Backward Classes and the limit of 50% affect or cover reservations for certain categories other than Backward Classes category, like scholars from abroad or outside Karnataka

1. A.I.R. 1974 Punjab 125.

2. A.I.R. 1967 S.C. 1283 and AIR 1969 S.C. 1.

3. A.I.R. 1969 S.C. 1.

State. This was decided in the negative by Justice K.S. Hegde, in the case of Subhashini V. State of Mysore. ¹

4.37 The Mysore Government, by an order made in July 1963, reserved 121 seats in the Medical Colleges for candidates other than those falling under Art.15(4) in the following manner, against the total of 750 seats.

1. Cultural Scholars of India Origin domiciled abroad	3
2. Colombo Plan Scholar	2
3. Students of Indian Origin Migrating from Burma	4
4. Students from Asian & African Countries	4
5. Students from L. A. M. S, and L. U. M. S.	2
6. Students coming from Goa	5
7. Children of Defence Personnel	
2 1/2% of seats	19
8. Exceptional Skill in sports 1% of seats	7
9. Students from other states on Central Quota	75
	<hr/>
	121
10. For SC and ST - 18% of balance of 629	113
11. For OBCs 30% of balance of 629	188
12. For open merit pool 52% of balance of 629	328
	<hr/>
Grand Total	750

The order also stated that if any of the 121 seats went unfilled, it should be made over to the General Merit pool.

4.38 The Government order was challenged on the ground that more than 50% of seats had been reserved for Backward Classes violating Balaji Rule. It will be seen from the above distribution that only 18%, plus 30% had been reserved for Scheduled Castes, Scheduled Tribes and other Backward

Classes respectively. The other seats were distributed for special purposes not falling under Art. 15(4). Rejecting the above argument K.S. Hegde, J. ruled that "The validity of reservation of seats for socially and educationally Backward Classes have to be judged by the conditions laid down in Art.15(4). The validity of the reservation for classes other than those Socially, Educationally, Backward Classes had to be tested on the basis of the requirements of Art. 14. Such reservations should not be mixed up with the special reservations under Art.15(4). The upper limit laid down in Balaji has application only to the reservation to be made under Art.15(4). It does not include any reservation otherwise made." ¹

4.39 TEST OF COMPARABILITY TO SCHEDULED CASTES AND SCHEDULED TRIBES, & DIVISION OF BACKWARD CLASSES :

To the oft quoted principle that a backward class for being identified for benefits under Art.15(4) and 16(4) must be comparable to the Scheduled Castes and Scheduled Tribes, the case of Balaram Vs the State of Andhra Pradesh, ² is a moderating one. Vaidyalingam. J. has significantly observed in his judgement making a departure from the usual tone of the earlier judicial pronouncements, that for purpose of classification of backward classes under Art. 15(4) and 16(4), the conditions need not be exactly similar in all respects to that of the Scheduled Caste and Scheduled Tribes, although the conditions which justify the departure from Art. 15(1) and 16(1) must be strictly shown to exist. The case dealing with the reservation of 25% of the seats in the M.B.B.S. course for the Backward Classes was based on the Report of the Backward Classes Commission appointed by the State of Andhra Pradesh in 1970 under the Chairmanship of Manohar Pershad. In general, the court found satisfaction with the methodology used by the Commission to collect materials

¹ Subhashini Vs. State of Mysore. A.I.R.1966 Mys.40.

² A.I.R. 1972 S.C. 1375.

for determining the Backward Classes. Though the Commission recommended 30% reservation, the Government thought it fit to reserve only 25% apart from the reservation of 18% for the Scheduled Castes and Scheduled Tribes. The Commission classified the Backward Classes into four groups as below :

- A. Aboriginal Tribes -- Vimukta Jatis; Nomadic & Semi-Nomadic Tribes, etc.,
- B. Vocational Groups;
- C. Harijan Converts;
- D. Other Classes.

The percentage of reservation recommended by the Commission for these groups was 7%, 13%, 1% and 9% respectively making a total of 30% which the Government reduced to 25% divided as 7,10,1, and 7 respectively.

4.40 The Court dismissed the criticism of division of Backward Classes as more backward and less backward, as not well founded. "On the other hand, what the Commission has recommended was the distribution of seats amongst the reserved classes in proportion to their population. This is not a division of the Backward Classes as more backward and less backward as was the case which was dealt with by this Court in 1963".¹ It must be noted that the division as backward and more backward made by the Nagan Gowda Committee in 1961 was to prevent the forwards amongst the Backward Classes taking away all the benefits under reservation scheme.

Yet the division was struck down as unconstitutional. But in Balaram's case, the court justifies the division made by the State of Andhra Pradesh as reasonable and proper. The purpose of the Andhra Pradesh Government's division was also to prevent the forwards amongst the backwards from taking away most of the cake and to distribute the cake to the various groups in proportion to their population.

1 Balaji Vs State of Mysore, A.I.R. 63. S.C. 649.

The general complaint of the courts ever since the Constitution came into force, was that the better-off of the backwards were monopolising the benefits. It is clear that the Supreme Court, through experience and the recognition of realities, has now changed its view on the question of division of the backward classes into three or more categories. It must be noted that the Havanur Commission in Karnataka also had classified the backwards into three categories as Backward Communities, Backward Castes and Backward Tribes for the same purpose as above.

4.41. RESERVATION AND PARTIAL STATISTICS : While commenting favourably on the work of the Manohar Pershad Backward Classes Commission in 1970, and the collection of statistics in the absence of caste-wise census from 1931 onwards, the Judge said, "The difficulty was enhanced by the fact that no caste-wise statistics had been collected after 1931 census. For determining the educational backwardness of the Backward Classes, the Court approved the data collected of the students studying in the X and XI Classes, as was the case with the report of the Gajendragadkar Commission appointed by the State of Jammu and Kashmir. In spite of the fact that only about 50% of the Schools furnished figures and that the student averages were calculated on that 50% data, the Court found it fit to say, "Though the figures received from the schools show that certain groups showed a slightly higher level of education, the Commission felt in the light of their having personally seen their living conditions, the percentage supplied by the schools may not be accurate. In view of this, the Commission has held even those persons as really backward from the educational point of view."¹ This liberal attitude has established that even where the data collected is just 50% correct, it is possible and permissible to gauge the situation and arrive at conclusions.

¹ State of A. P. Vs. Balaram A. I. R. 1972 S. C. 1375.

4.42 Justice Vaidyalingam, has admitted, "But one thing is clear, that if an entire caste, is as a fact found to be socially and educationally backward, their inclusion in the list of socially and educationally backward classes by their caste name is not violative of Article 15(4)". The Judge went further and said, "There are two decisions of this Court where the list prepared of Backward Classes on the basis of caste has been accepted as valid. No doubt, this Court was satisfied on the materials, that the classification of caste as Backward Classes was justified."¹ The two decisions mentioned above are Periakaruppan V. State of Madras A.I.R. 1971 S.C. 2303 and Rajendran Vs State of Madras A.I.R. 1968 S.C. 1012.

4.43 The Judgement added, "After a perusal of the list of Backward Classes, which was under challenge, this Court held that though the list has been framed on the basis of caste, it does not suffer from any infirmity, because the entire caste was substantially socially and educationally backward. On this basis the list of Backward Classes was held to be valid. It may be mentioned that the list which was under challenge was more or less substantially the same as this Court held to be valid in the above two cases."²

4.44 BACKWARD NOT FOR ALL TIME : The Court further pointed out that a caste or class found to be backward should not be regarded as backward for all time. As soon as the group shows progress, for example by way of taking good number of seats in the merit pool, the classification must be reviewed and the progressive groups deleted from the backward list. "In fact it was noticed by this Court", in AIR 1971 SC 2303 - Periakaruppan V. State of Tamil Nadu - that, "candi-

1 & 2 State of Andhra Pradesh Vs. Balaram A.I.R. 1972
S.C. 1375

dates of Backward Classes had secured nearly 50% of seats "in the general pool". On this ground this Court did not hold that the further reservation made for the Backward Classes is invalid. On the other hand, it was held :

"The fact that candidates of Backward Classes have secured about 50% of the seats in the general pool does show that the time has come for a de-novo comprehensive examination of the questions. It must be remembered that the Government's decision in this regard is open to judicial review."

4.45 WHAT IS A FAMILY AND FAMILY INCOME ? While computing the income of the family for the purpose of seeing if the total income is below Rs. 1200/- and therefore eligible to be included in the List of Backward Classes as per the July 1963 order of the Mysore Government after Balaji decision, the question arose as to what constitutes a family and what the total income means. Narayan Pai, J. decided the point by saying, "the most obvious inference is that the reference is to the normal or natural family consisting of a husband, wife and their children living together, along with such other relatives as may be living with them." However, taking a broader view, the judge in this case of Ratnakara Shetty Vs. State of Mysore² held that an applicant may be regarded as backward if "the total earnings of the income from property, if any, belonging to the parents of the applicant, together with the earnings and the income from properties if any, belonging to the applicant, his brothers or sisters or other relations living with them available to the family does not exceed Rs. 1,200.00."

4.46 BACKWARDS CAN COMPETE IN MERIT POOL ALSO : That

1 A. I. R. 1971 SC 2303 - Periakaruappan Vs. State of Tamil Nadu

2 1969 (1) Mys. L.J. 149.

the Backward Classes listed as socially and educationally backward, and entitled to reservation facilities, are not prohibited from competing in the general merit pool, was decided by K. Subba Rao J. in the case of V. Raghuramulu Vs. State of Andhra Pradesh.

4.47 **RELIGIOUS MINORITIES AND BACKWARDNESS** : The controversy as to whether the Backward Classes are to be found in the religious minorities or treat social backwardness as one peculiar to the Hindu Society has long been in doubt. The Kalelkar Commission and the Havanur Commission kept the Muslims out of the purview of Articles 15(4) and 16(4) on the grounds that the religious minorities have separate provisions in the Constitution for their protection.

Jawaharlal Nehru when presenting the Kalelkar Report to the Parliament opined that backward groups, castes or sections are to be identified amongst the Muslims and Christians also and that it would be unjust to leave them out wholesale from the Backward Classes list.

In the case of Somashekarappa & others Vs. State of Karnataka J. Jagannatha Setty declared that inclusion of Muslims as whole in the Backward Community by the Government of Karnataka was perfectly justified. ²

4.48 Mandal, however, included certain sections of Muslims and the Christians converts from the Untouchables in the backward list. Though on the religious and scriptural planes both Islam and Christianity eschew caste as understood and practised by the Hindus, there are castes in both the religions and the castes or groups following low, unclean, and unprofitable occupations are being looked down upon in social life, and what is more, endogamy is strictly followed in

1 A. I. R. 1952 A. P. 129.

2 Somashekarappa & Others Vs. Karnataka State. ILR 1979 P.1497.

these communities. Since, however, there is the spirit of equality and commensality in these religions, the caste system is not as severe as it is amongst the Hindus. In the case of Jacob Mathew Vs. State of Kerala¹, M.S.Menon. C.J. held that the Ezhavas, Latin Christians, Muslims, and Backward Christians formed backward classes on the ground that if the whole or substantial portion of a caste or class is socially and educationally backward, then that caste or class can be considered as equivalent to socially and educationally backward classes.

4.49. Can poverty and Rural Base Be Tests for Backwardness!

In the case of State of U.P Vs. Pradip Tandon² the question arose whether candidates from rural areas, hill areas and Uttarkhand can be treated as SEBC. * A.N.Ray, C.J. stated that rural population accounts for 80.1% of the Indian population as per 1971 census and remarked, "It is incomprehensible as to how 80.1% of the people in rural areas can be treated as socially backward because of poverty. But in the case of hill areas and Uttarkhand of U.P. the population was only about 25 lakhs and 7 1/2 lakhs respectively and as the people in these areas suffer from serious disabilities the Court validated reservation for them, and negatived the claim of the rural people. The chief Justice referred to the case of Janki Prasad Parimoo Vs. State of Jammu and Kashmir³ wherein, the court remarked, "if poverty is an incidence of backwardness, a large population would becomed backward and further it cannot be said that the people in urban areas are not also poor"⁴

4.50. That the Backward Classes cannot be identified on the basis of living in rural areas, has been reiterated in the case of Sunil Jetley Vx. Punjab and Haryana states⁵

1. A.I.R. 1964, 39.

4. A.I.R. 1975 S.C. 563

2. A.I.R. 1975 S.C. 563.

5. A.I.R. 1984 S.C. 1534

3. A.I.R. 1973 S.C. 930.

* SEBC- Socially and Educationally Backward Classes.

The Court decided that the 25 medical seats allotted to students from rural areas by the Dayananda University at Rohtak was unsustainable on the ground of discrimination of students on the basis of rural background.

4.51 Socially and Educationally backward people are not necessarily to be seen amongst the poor only. In the Indian context of hierarchical caste system, sections of the people may be poor but not socially and educationally backward. Equally so, sections of the people may be economically better but not advanced in education or employment. The upper strata of the Sudra Community may be economically well placed, but backward in education and social status. Certain sections of the Brahmins are poor, but never socially backward. Poverty therefore cannot be a yardstick, at any rate the sole yardstick, for measuring backwardness in the social and educational spheres. There are many provisions both in the Fundamental Rights chapter and in the Directive Principles chapter of the Constitution to take care of the poor worker and the poor peasant. In India, social backwardness is attached to some infamy, degradation and disabilities based on birth, caste, status, residence and occupation, and Articles 15(4) and 16(4) are meant to attract them only. A.N. Ray, C.J. in the case of State of U.P. and others Vs. Pradip Tandon therefore rightly stated "That poverty cannot be a determining factor of social backwardness and rural element does not make it a class and to suggest that rural areas are socially and educationally backward is to have reservations for the majority which is impossible."¹ The same judge, however, in Kumari K.S. Jayashree and another Vs. State of Kerala,² while upholding the classification made be the State of Kerala based on the criterion of family

1 A. I. R. 1975 S. C. 563 at 567 Page 17.

2 A. I. R. 1976 S. C. 2381.

income upto Rs. 10,000 per annum has accepted poverty as one relevant factor in determining social backwardness. He said, "in ascertaining social backwardness of a class of citizens, it may not be irrelevant to consider the caste of the group of citizens." Caste cannot however be made the sole or dominant test.

4.52 Articles 15(4) and 16(4) are independent of Art. 15(1) & 16(1) : The case of State of Kerala Vs. Thomas ¹ is an important land mark in the struggle of the Backward Classes towards equality, in the efforts of the State to translate the provisions of the Constitution to uplift the backwards in the face of judicial interpretations and rulings. The case is important not so much for the facts of the case (approving the two years extra time allowed to S.C. and S.T. Class III Employees in Kerala to pass certain departmental examinations) as for the expressions of opinion on constitutional issues by eminent judges. Thomas case was not one dealing with the reservation of posts or seats for the Backward Classes. The High Court of Kerala invalidated the concession granted to the Scheduled Castes and Scheduled Tribes in accordance with Art.16(1) and Art.14. In appeal by the State of Kerala, the Supreme Court took the view that Art.16(1) permits reasonable classification just as Art.14 does and that Art.16(4) indicates the method for achieving equality embodied in the Fundamental Rights, which are there not to continue ancient and traditional inequalities but to create equality even though the privileged classes may be injured in the process. On this basis the Supreme Court validated the order of the Kerala Government by a majority of five out of seven judges.

Chief Justice A. N. Ray said :

"All the legitimate methods are available for

¹ A. I. R. 1976 SC 490.

equality of opportunity in services under Art.16(1). Art.16(1) is affirmative whereas Art.14 is negative in language. Art.16(4) indicates one of the methods of achieving equality embodied in Art.16(1)."

Mathew J. said :

"I agree that Art.16(4) is capable of being interpreted as an exception to Art.16(1) if the equality of opportunity visualised exception to in Art.16 (1) is a stricte one, geared to the concept of numerical equality which takes no account of the social, economic, educational background of the S.C.s and S.T.s. If equality of opportunity guaranteed under Art.16(1) means effective material equality, then Art.16(4) is not an exception to Art.16(1). It is only an emphatic way of putting the extent to which equality of opportunity could be carried viz., even upto the point of making reservations." 1

Krishna Iyer. J. said :

".....True, it may be loosely said that Art.16(4) is an exception, but closely examined, it is an illustration of constitutionally sanctioned classification." 2

Fazle Ali. J. said :

".....It is true that there are some authorities of this court that clause (4) is an exception to Art.16(1) but with due respect I am not in a position to subscribe to this view." 3

Chinnappa Reddy. J. speaking for the Full Bench of the High Court of Punjab and Haryana in Jagadish Rai and others Vs. State of Haryana, observed :

"The legal position as explained in State of Kerala Vs. N.V. Thomas (A.I.R.1976 S.C.490) may now be taken to be settled, that Art.16(4) is not an exception to Art.16(1), but is illustrative of the methods of achieving equality, that it is not exhaustive of the classifications necessary, and therefore, permissible for achieving equality and that the general principles applicable to situa-

1 A. I. R. 1976 S. C. 490.
2 A. I. R. 1976 S. C. 490.
3 A. I. R. 1976 S. C. 490.

tion under Article 14 are equally applicable under Article 16(1)." 1

.53 In this connection, it would be interesting to note that K. Subba Rao, J. in the case of T. Devadasan Vs. Govt. of India² twelve years earlier to Thomas Case 1976, in his dissenting judgement, declared that Art.16(4) "was not an exception to Art.16(1)." In this case, the majority of the judges (5 against 1) invalidated the carry forward rule in respect of appointments reserved for the S.C.s and J.T.s. Subba Rao, J. in his dissent, stated, "If Art.16(1) stood alone, all the backward communities would go to the wall in a society of uneven basic structure. They would not have any chance if they were made to enter the open field of competition without adventitious aids till such time when they would stand on their own legs. That is why the makers of the Constitution introduced clause (4) in Art.16. The expression 'nothing in this Article' is a legislative device to express its intention in a most emphatic way that the power conferred thereunder is not limited in any way by the main provision but falls outside it. It has not really carved out an exception, but has preserved a power untrammelled by the other provisions of the article." 3

.54 It will be seen that the Judiciary took twelve years, why 26 years after 1950, when the Constitution came into force, to change its view on fundamental issue affecting the interest of the long neglected and exploited backward classes including the STs and SCs. The harm thereby done to these weaker sections during the last nearly three decades can be better imagined than described.

.55 RESERVATIONS IN PROMOTIONS ARE VALID : A landmark in the history of the backward classes and the reservation policy and in the attitude of the Supreme Court, on these issues was

1 A. I. R. 1977 S. of Punjab & Haryana 56.
2 A. I. R. 1964 S. C. 179.
3 A. I. R. 1964 S. C. 179.

in the case of General Manager, Southern Railway V. Rangachari¹ in which a vital principle was settled. Rangachari in a writ petition under Art. 226 of the Constitution challenged the order of the General Manager reserving selection posts in Class III in favour of Scheduled Castes and Scheduled Tribes from persons already holding posts of Court Inspectors in Class III, one of which was held by Rangachari. The issues were whether reservation under Art. 16(4) can be made in the case of promotions or only at the initial stage of appointment and whether retrospective operation could be given to an order of reservation. The Madras High Court negatived both these orders. But the Supreme Court on appeal, by a majority of three to two judges reversed the decision of the Madras High Court and declared that Art. 16(4) covered both initial appointments and promotions and that reservations can be made both retrospectively and prospectively. The minority view expressed by Wanchoo, J. and Ayangar, J. disagreed with the majority and stated that reservation could be made only for the initial appointments and not for the promotions for men in service. The dissenting judgement further stated that reservation could only be made prospectively for future appointments. The majority decision in this case, was a signal victory for the Backward Classes, in which the term includes the Scheduled Castes and Scheduled Tribes also, for, there is no reservation for the Backward Classes in the Central Services. The rule about promotions for men in service has greatly affected non-scheduled castes and disaffection amongst them is so great that there is great agitation amongst the non-scheduled castes for scrapping this rule.

56 The Government of Karnataka, after accepting the

1 A. I. R. 1962 S. C. 36.

Report of the Karnataka First Backward Classes Commission under the Chairmanship of L.G. Havanur, passed orders with few changes in the recommendations. The orders were challenged in the High Court of Mysore in the case of Somashekarappa V.State of Karnataka.¹ The Court upheld most of the provisions in the orders, except for deleting from the lists of Backward Classes a few castes as being inappropriate. All these matters have been discussed earlier in the Chapter on the Backward Classes Movement and the Reservation Policy. Suffice it to say here that the judgement in the case of Somashekarappa is a milestone in the march of Backwards to equality through compensatory discrimination, embodied in Articles 15 and 16.

4.5/ CHALLENGE TO THE ORDERS ON THE KARNATAKA FIRST BACKWARD CLASSES COMMISSION REPORT IN THE SUPREME COURT

Disappointed by the verdict of the High Court of Karnataka in the Somashekarappa V.State of Karnataka case, the Veerashaivites, not included among others in the Backward Classes list and other upper caste individuals, went in appeal to the Supreme Court in Writ petitions Nos. 1297 and 1407 of 1979, 1995-97 of 1980 and 402 of 1981. A five judge Constitution Bench headed by Chief Justice Y.V.Chandrachud was constituted to hear this case of K C Vasanth Kumar and others V. the State of Karnataka in 1982. The court heard arguments on behalf of the petitioners by F.S. Nariman, Abdul Khader and L.G. Havanur on behalf of the State of Karnataka for 12 days, spread over five weeks. At the close of the arguments the State Government of Karnataka as stated elsewhere undertook to appoint a Commission to make a scientific and factual investigation of the conditions of the Backward Classes in the State, to which the Court agreed and in consequence reserved the judgement. The Karnataka Second Backward Classes Commission is the result of this decision.

1. I. L. R. Karnataka 1979 1497.

CHAPTER 5

MAY 1985 JUDGEMENT OF THE SUPREME COURT ON THE
SUBJECT - AN ANALYSIS.

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The Supreme Court pronounced its judgement on the Writ Petition of K.C. Vasant Kumar and others Vs. State of Karnataka on May 8, 1985. The Constitution Bench consisted of the following Judges:

1. Y.V. CHANDRACHUD, C.J.
2. D.A. Desai, J.
3. O. Chinnappa Reddy, J.
4. A.P. Sen, J.
5. E.S. Venkataramaiah, J.

All the five judges delivered separate judgements in this case.

5.2 Chandrachud, Chief Justice in a short two page judgement, said, "A somewhat unusual exercise is being undertaken by the Court in giving expression to its views without reference to specific facts". "But", he states "Institutions profit by well meaning innovations." He begins by saying, "We were invited by the counsel not so much as to deliver judgements but to express our opinion on the issue of reservation, which may serve as a guideline to the Commission which the Government of Karnataka proposes to appoint, for examining the question of affording better employment and educational opportunities to Scheduled Castes, Scheduled Tribes and Other Backward Classes". While expressing his opinion on the issue, the Chief Justice has said, "My learned brethren have expressed their respective points of view on the policy of reservations which, alas, is even figuratively, a burning issue to-day".

5.3 It may be stated at the outset that the long awaited judgement of the Supreme Court, is welcome, as it has come in right time for us, and especially for the important guideline it gives, that is, to identify the Backward Classes, CASTE-cum-MEANS test must be conjunctively applied. This lays at rest the principle of economic criterion as the main basis for the identification of the Backward Classes.

5.4 In the memorandum on the Kaka Kalelkar Backward Classes Commission Report in 1955, the Central Government by way of rejecting the recommendations of the Commission and relying on the adverse comments of the Chairman in his covering letter, categorically stated as follows:

- a. recognition of the specified castes as backward may serve to maintain and even perpetuate the existing distinctions on the basis of caste;
- b. some of the tests applied by the Commission were more or less of an individual character and even if they were accepted, they would encompass a large majority of the country's population. If the entire community, barring a few exceptions, has to be regarded as backward, the really needy would be swamped by the multitude and hardly receive any special attention or adequate assistance. The Commission, having failed to determine any objective criteria, the Government of India made further endeavours to devise some positive and workable criteria. As no acceptable conclusions could be arrived at, the Government of India decided not to issue any list of Backward Classes other than Scheduled Castes and Tribes. They also indicated that while the State Government have the discretion to choose their own criteria for defining backwardness, in the view of the Government of India it would be better to apply economic tests than to go by caste." 1

5.5 After rejecting the caste based identification of Other Backward Classes, and relying on the economic basis, if the Government of India had made some reservations in the Centre on economic basis itself, lakhs of Other Backward Classes would have been benefitted, both in education and in the services, even allowing for the upper caste poor carrying away a large percentage of the reservation. The Centre choose to maintain the status-quo under which the upper castes continue to monopolise the Central Services, in all the grades.

Table at P.42, Para 9.48.Mandal Commission Report, Part I.

Category of Employees	Total no. of Employees	Percentage of SC/ST	Percentage of OBC
Class I	1,74,043	5.68	4.69
Class II	9,12,786	18.18	10.63
Class III & IV	4,84,646	24.40	24.40
All Classes	15,71,475	18.71	12.55

5.6 Twenty five years later when the report of the Government of India Second Backward Classes Commission under the Chairmanship of B.P. Mandal was published in 1980, the attitude of the Government of India had not changed.

5.7 In the meantime, the strong agitations of the upper caste, anti-reservationists in Bihar, Madhya-Pradesh and Gujarat have stalled the progress of the reservation policy. The violent agitation in Gujarat against all kinds of reservation, the roster system and reservation in promotions have sufficiently vitiated the atmosphere and destroyed communal harmony, so much as to divide the people as anti and pro-reservationists and the Central Government have broached the idea of evolving a national consensus in the matter of reservation.

5.8 These developments have been narrated in order to appreciate the independent, logical and just approach of the Supreme Court. In spite of the Central Government's preference to the economic criteria and the agitation in some North Indian States, the Five Judge Bench of the Supreme Court have come forward to support the criteria of ~~CASTE-cum-MEANS~~ to identify the other Backward Classes. We laud and appreciate it as a vital landmark in the march of the Other Backward Classes towards social justice and social equality.

5.9 We shall now analyse the judgements of the five judges of the Constitution Bench: It has to be noted that arguments in the case of K.C.Vasanth Kumar and Other Vs. the State of Karnataka were heard in 1982 and the judgement was reserved on the undertaking of the Government of Karnataka to examine the question of reservation afresh through a new Commission. The Chief Justice states "Our opinion on the issue of reservations, may serve as a guideline to the Commission which the Government of Karnataka proposes to appoint for examining the question of affording better employment and educational opportunities to Scheduled Castes, Scheduled Tribes and "Other Backward Classes" "I cannot resist expressing the hope" adds the Chief Justice that, "the deep thinking and sincerity which has gone into the formulation of the opinions expressed by my learned brethren will not go waste". Stating that the facts of the case in question will appear before the Commission which will evolve suitable tests in the matter of reservations, the Chief Justice adds, "The proposed Commission should give its close application to their weighty opinions

5.10 The Karnataka II Backward Classes Commission was appointed in April 1983 and when the Commission was more than half way through its work, the Judgements were pronounced

coming as they did before the preparation of the Report, the opinions or judgements have served as guidelines to the Commission.

5.11 Except for the Chief Justice and A.P.Sen, J the other three judges have referred in great detail to the earlier case-law on the subject and covered cases from Keshava Vs. State of Mysore ¹ to Somashekarappa and Others Vs. State of Karnataka.² D.A.Desai, J, has gone so far back as 1951 to refer to the case of State of Madras Vs. Champakam Dorairajan ³ to emphasise the fact that religion and caste alone cannot be the basis for determining backward classes as per Art. 15(4) and 16(4) and he remarked that, "that case was decided in the hey-day of supremacy of fundamental rights over the Directive Principles of State Policy."

5.12 THE CASTE-CUM-MEANS TEST: The Judges have in general agreed on the Caste-cum-Means test. The Chief Justice has underscored this test by saying "In so far as the Other Backward Classes are concerned, two tests should be conjunctively applied for identifying them for the purpose of reservations in employment and education; One, that they should be comparable to the Scheduled Castes and Scheduled Tribes in the matter of their backwardness; and two, that they should satisfy the means test such as a State Government may lay down in the context of prevailing economic conditions." This is the key to the solution of the problem of Other Backward Classes.

5.13 Desai, J. is very critical of the judiciary for its uncertainty and ambivalence on the issue of criteria adopted to identify the Backwards. The brief review he has made of the earlier court decisions, has, he says "put into focus, the dithering and the vacillation on the part of the judiciary

1 A.I.R. 1956 MYS. 20
2 I.L.R. Karnataka 1979, 1497-1589.
3 A.I.R. (38) 1951 S.C. 226.

in dealing with the question of reservation", and revealed the fact that the "judiciary retained its traditional blindfold on its eyes and thereby ignored perceived realities". Further he finds that the Courts "act as a balance wheel channelling compensatory policies and accommodating the other commitments, but it is the political process that shapes the larger contour of those policies and gives them their motive force." Desai, J, has pin-pointed the "stratified society hierarchically fragmented," "the standard of purity and pollution", the "pure and not so pure occupations" that divide the castes from one another. Yet the determination of backwardness on these tests is not satisfactory to him. "This over-simplified approach", he says has "ignored a very realistic situation existing in each caste, "namely the existence of economically well-placed segments" in each and every caste that claims the backward label.

5.14 Litigation that has come to the Court so far, has been more for maintaining the status-quo of the upper castes than for improving condition of the lower castes. "The litigation" says Desai, J, "which came to the court was more often by those who relied on meritocracy and complained that merit is crucified at the altar of the mirage of equality". Support for this view is obtained from Marc Galanter, who has said:

"Summing up, we may surmise that the gross effect of litigation on the compensatory discrimination policy has been to curtail and confine it. Those who have attacked compensatory discrimination schemes in court have compiled a remarkable record of success, while those seeking to extend compensatory discrimination have been less successful".

5.15 Quoting Louis Dumont ¹, for the concepts of purity and impurity being the base for the hierarchic caste division and Ghanshyam Shah² for the essentials of the caste system and its homo hierarchicus, as 1. Hierarchy, 2. Commensality, 3. Endogamy and 4. Hereditary occupation, Desai J. States that Indian social structure is vastly different from the other systems. The onward movement of urbanisation has led many castes to abandon their traditional, impure and undignified occupations in preference to better avocations, helping to create a triple division based on economic resurgence among the members of the caste and establishing the fact that caste culture does not help economic interest. For this and other reasons, the caste structure is eroding though caste organisations are being built up for other considerations. If the transformation is accepted, Desai feels, that caste label for determining social and educational backwardness would be redundant. Quoting the noted sociologist, Mr. I.P. Desai, the judge pleads for the economic criterion.

5.16 Mr. I.P. Desai, the Social Scientist also overlooks the fact that in India intelligence quotient is dependent not only on economics but also on caste. The upper castes enjoying the 'good things of life' for millenniums, through superior heredity and excellent environment, are in a better position in competitive circumstances. Hence any competition between the poor of the upper castes and the poor of the lower castes would end in the perpetuation of inequality. Without adventitious aids like reservation, relaxation of qualifications to the minimum, scholarships, improved environment, etc., it would be impossible to improve the socially and educationally backward castes. The test must be therefore

1 Homo Hierarchicus 1970 - by Louis Dumont.

2 Caste in Contemporary India 1985 - Ghanshyam Shah.

both social and economic. "It is true that mere economic backwardness would not satisfy the test of educational and social backwardness under Art. 15(4) but the question is as to the criteria to be adopted. Economic backwardness is only one of the tests to determine social and educational backwardness. If that test were to be the sole criterion of social and educational backwardness, the reservation for the advancement of such classes or special treatment under Art. 15(4) would fail..." "In my considered opinion the predominant and the only factor for making special provisions under Art. 15(4) or for reservation of posts and appointments under Art. 16(4) should be poverty, and caste or a sub-caste or a group should be used only for purposes of identification of persons comparable to Scheduled Castes or Scheduled Tribes, till such members of backward classes attain a state of enlightenment and there is eradication of poverty amongst them and they become equal partners in a new social order in our national life."

5.17 On the other hand, Chinnappa Reddy, J. has correctly stated that "mere poverty is not enough to invite the constitutional branding, because the vast majority of the people of our country are poverty-stricken, but some among them are socially and educationally forward and others backward. In a country like India where 80% of the people live below the breadline, even the majority of the so called socially forward classes may be poor." Chinnappa Reddy, J. therefore asserts that "no one will think of describing Brahmins anywhere in the land as socially and educationally backward, however poor they might be. The idea that Brahmins may also be eligible for the benefits of Articles 15(4) and 16(4), is too grotesque even to be considered." On similar grounds, this Judge

would not regard the Patels of Gujarat, the Kayasthas of Bengal, the Reddys and Kammas of Andhra Pradesh, as socially backward classes, despite the fact the majority of them may be poor farmers and agricultural labourers.

5.18 Chinnappa Reddy, J. further notes that in reality, the rivalry in Karnataka is between the two dominant communities of the State, the Lingayats and Vokkaligas. "This is an unhappy and disquieting situation", says the Judge, "but it is stark reality. Whatever gloss one may like to put upon it, it is clear from the rival claims in these appeals and writ petitions that the real contest here is between certain members of two premier (population-wise) Caste/Community-classes of Karnataka, the Lingayats and the Vokkaligas, each claiming that the other is not a socially and educationally backward class and each keen to be included in the list of Socially and Educationally Backward Classes."

5.19 This conflict of interest between the two dominant communities is not unnatural. Both the communities still feel that they are not in a position to compete on equal terms with the upper castes, the Brahmins in particular, and wish to be together in the list of Backward Classes.

5.20 In a study made by R.K. Hebsur for the benefit of the Mandal Commission in May 1980, on the subject of "Reactions to the Reservations for Other Backward Castes", he says, "As a powerful backward class Minister in the then Cabinet stated, "the Lingayats had become apprehensive of competing against Brahmins in the open merit pool." ¹

COMPARABILITY WITH SCHEDULED CASTES AND SCHEDULED TRIBES:

5.21 : It is quite an obvious fact that not all Sudra in the Chaturvarna system are socially backward, though they may be so in education and are inadequately represented in the public services. In the interim report of the Nagan Gowda Committee dated 19th February 1960, it has been stated that the suggestion to consider all Sudra as socially backward, could not be accepted, "because it will be very difficult to justify such a stand at present especially when the Committee is aware that some sections of the so-called Sudras are socially well advanced today." As such, for want of better criteria, the Nagan Gowda Committee decided to go by the test of not Varna but Caste

5.22 This distinction between Varna and Caste has to be borne in mind in order to appreciate the stand of four out of five judges, that in order to qualify for the benefits under reservation, Castes, Communities, Group must be comparable to the Scheduled Castes and Scheduled Tribes. That there is difficulty and injustice in adopting this criteria, has been established by K. Subba Rao, J in the case of Chitralekha Vs. State of Mysore.² The Judge indicated that if a caste is so backward as to be near or similar to the Scheduled Castes or Tribes, it could as well be included in the list of Scheduled Castes or Tribes. He further elaborated by saying, "If we interpret the expression "classes" as "Castes", the object of the Constitution will be frustrated and the people who do not deserve any adventitious aid may get it to the exclusion of those who really deserve. This anomaly will not arise if, without equating caste with class, caste is taken as only one of the considerations to ascertain whether a person belongs to a backward class or not.

1 Nagan Gowda Committee Report Page 2.

2 A. I. R. 1964 S.C. 1823.

On the other hand, if the entire sub-caste, by and large, is backward, it may be included in the Scheduled Castes by following the appropriate procedure laid down by the Constitution." 1

5.23 To get over this difficulty and in order to honour the intentions of the Constitution makers, Chinnappa Reddy, J. has refused to narrow and delimit the definitions of Backward, to be similar, comparable, akin or near to the Scheduled Castes or Scheduled Tribes, as this is not the intention of the Constitution. The Scheduled Castes and Scheduled Tribes and the Other Backward Classes compendiously described as **WEAKER SECTIONS** that need, "aid, facility, launching and propulsion" have made their demands, avers the Judge and adds, "Their demands are matters of right and not of philanthropy. They ask for parity and not charity. The days of Dronacharya and Ekalavya are over. They claim their constitutional right to equality of status and of opportunities and economic and social justice."

5.24 In other words, the Backward Classes are entitled to demand and fight for their social and constitutional rights and not beg for concessions.

5.25 **APPROACH TO THE PROBLEM OF OTHER BACKWARD CLASSES.** Justice Chinnappa Reddy says, "Before we attempt to lay down any guidelines for the benefit of the Commission, we will do well to warn ourselves and the proposed Commission against the pitfalls of the 'traditional' approach towards the question of reservation which has generally been superior, elitist and therefore, ambivalent." The expressions borrowed from American jurisprudence like "Preferential Principle,

1 A. I. R. 1964 S. C. 1823.

Protective or Compensatory discrimination", are likely to make us forget the right to equality and the Constitutional rights of the weaker sections. The Judge is firm in asserting that it is wrong to view the reservation question as the conflict between the meritarian principle and the compensatory principle, so much stressed by E.S. Venkataramaiah, J. in his judgement. "The real conflict", says Chinnappa Reddy, J, "is between the class of people who have never been in or who have already moved out of the desert of poverty, illiteracy and backwardness and those who are entrenched in the oasis of convenient living and those who are still in the desert and want to reach the oasis. And "there is not enough fruit in the garden and so those who are in, want to keep out those who are out". The Judge further adds, "Unless we get rid of these superior patronising and paternalist attitudes, what the French call, "Le mentalite hierarchique", it is difficult to truly appreciate the problems involved in the claim of Schedule Castes, Scheduled Tribes and Other Backward Classes for their legitimate share of the benefits arising out of their belonging to humanity and to a country whose constitution preaches justice, social economic and political prob and equality of status and opportunity for all".

5.26 O. Chinnappa Reddy .J, criticises the meritarian principle, by saying "that a country that harbours and nurtures untouchability, with prevalence of graded and degraded castes, poverty and illiteracy, cannot be called meritorious. The Judge avers that a student belonging to Schedule Castes/Scheduled Tribes or Other Backward Classes, brought up in an atmosphere with no books, no news-papers at home no radio, no T.V., no helpmate in home work and who has illiterate parents and long distance to walk to reach the

or college, even if he is able to score the qualifying marks of 40% or 50% in any competitive examination, will have merit comparable to the other competitors from families enjoying all these facilities, plus education in Christain Convent Schools or Colleges that will enable them to score 70,80 or even 90% of the marks. Why then, asks the Judge, "should this backward boy be stopped on the threshold of an alleged meritarian principle? The requirement of efficiency may always be obtained by prescribing the minimum standards". Yet, "efficiency is very much on the lips of the privileged" says the Judge "whenever reservation for the backwards is mooted." The judge questions, - "mediocrity has always triumphed in the past in the case of the upper castes, But why should the so-called meritarian principles be put against mediocrity when we come to Scheduled Castes/Scheduled Tribes and Backward Classes only".

5.27. **IDENTIFICATION OF BACKWARD CLASSES:** Chinnappa Reddy, J, has his own opinion in regard to the criteria to determine socially and educationally backward Classes. He does not agree with the opinion of the other Judges that the backwardness of the Other Backward Classes must be comparable to or similar to that of the Scheduled Castes and Scheduled Tribes. Reverting to the case of Balaji of 1963, the Judge observes, "based on these observations and the juxta-position of the expressions Scheduled Castes and Scheduled Tribes and Socially, Educationally, Backward Classes in Art. 15 and Art. 338, it was suggested by the learned counsel for the petitioner that the socially Backward Classes of people were those whose status and standard of living were very much the same as those of the Scheduled Castes and Scheduled Tribes". Differing from this view, Chinnappa Reddy, J. says categorically, "We do not think that these observations were meant to

lay down any proposition that the socially backward classes were those classes of people, whose conditions of life were nearly the same as those of the Scheduled Castes and Scheduled Tribes. We say so, first because, of the inappropriateness of applying the ordinary rules of statutory interpretation to interpret constitutional instruments, which are 'suigeneris' and which deal with situations of significance and of consequence."

5.28 Anyone acquainted with the rural scene would quickly recognise the highly degraded condition of the Scheduled Castes. They are actually outcastes outside the pale of the caste Hindus. They are not in fact treated as humans. They are considered even worse than the animals. They were not even created by Lord Brahma, as is illustrated by the Purushasukta, wherein we are told that God created the four castes or Varnas from the four different parts of his body "in a descending scale to denote the grade in the hierarchy." The 20 per cent population of untouchables is not in the Hindu creation fable. "The most backward among the Sudras" says the Judge "shun them and treat them as inferior beings." The Constitution made special provisions for the untouchables and the tribes, because of their special degradation. "There is no point," says Chinnappa Reddy, J. "in attempting to determine the social backwardness of other classes by applying the test of nearness to the conditions of existence of the Scheduled Castes. Such a test would practically nullify the provision for reservation for Socially, Educationally Backward Classes, other than Scheduled Castes and Scheduled Tribes. Such a test would perpetuate the dominance of the existing upper classes. Such a test would take a substantial majority of the classes who are between the upper

classes and the Scheduled Castes and Scheduled Tribes out of the category of backward classes and put them at a permanent disadvantage. Only the 'enlightened' classes of the people will capture all the open posts and seats and the reserved posts and seats will go to the Scheduled Castes and Scheduled Tribes. The bulk of those behind the 'enlightened' Classes and ahead of the near Scheduled Castes and Scheduled Tribes would be left high and dry, with never a chance of improving themselves".

5.29 The forwards among the backward will have to go out of the backward list whatever the consequences may be, but those between the forwards and the Scheduled Castes and Scheduled Tribes cannot be thrown into the general merit pool, to fight the forwards or the upper castes. "Land and learning", comments Chinnappa Reddy, "two of the primary sources of economic power in India, have till recently been the monopoly of the superior castes. Occupational skills were practised by the middle castes and in the economic system prevailing till now they would rank in the system next only to the castes constituting the landed and learned gentry. The lowest in the hierarchy were those who were assigned the meanest tasks, the outcastes who wielded no economic power."

5.30 What makes people backward? Chinnappa Reddy, has summarised, to say, "Shared situation in the economic hierarchy, caste gradation, occupation, habitation, style of consumption, standard of literacy and a variety of such other factors appear to go to make towards social and educational backwardness." "Various customs like child-marriage, widow-marriage (practised long before the passing

of the Hindu Marriage Act, 1955), divorce by caste Panchayats, marriage without purohits, worship of Dravidian Goddesses like Sunkamma, Gangamma, Policheramma and Yellamma, all point to the social and educational backwardness of the castes." Again, Chinnappa Reddy, J says that some castes can be readily identified as socially and educationally backward by their primitive occupations that are unremunerative, burdensome and unclean.

5.31 **EDUCATIONAL BACKWARDNESS** : In order to identify people who are educationally backward, the last three classes in High School level and the State average in the S.S.L.C. class were taken into consideration by the Nagan Gowda Committee and the Havanur Backward Classes Commission respectively. In the matter of determining the Backward Classes in educational level, there is difference of opinion between Judges. E.S.Venkataramaiah, J, would like to treat castes far below the state level as educationally backward. He says:

"The Havanur Commission has taken the number of students passing at S.S.L.C. Examination in the year 1972 as the basis for determining backwardness. The average passes per thousand of the total population of the State of Karnataka was 1.69 in 1972. The average in the case of Scheduled Castes was 0.56 and in the case of Scheduled Tribes was 0.51. Even if we take all the castes, tribes and communities whose average is below 50% of the State average i.e., below 0.85% for classifying them as backward, large chunks of population which are now treated as backward, would go out of the list of Backward Classes".

5.32. Identifying the educationally backwards as those who are 50% below the state average, would be to find

the backwards that are comparable or similar to the Scheduled Castes and Scheduled Tribes. Chinnappa Reddy, J, sharply differs from E.S.Venkataramaiah, J., in this matter. The Nagan Gowda Committee in 1961 treated the castes whose average was below the state average as 'Backward' and those below 50% of the State average as 'More Backward'. Chinnappa Reddy, J, says, "It was not right to treat communities which were just below the average as backward. There can be divergence of views on this question. Where the state average is abysmally low, there is no reason why classes of people whose average was slightly above, or very near, or just below the State average, should be excluded from the list of backward classes. The adoption of the State average or the 50% of the State average test might lead to quite arbitrary results and this surely cannot be a matter in which the court should try to impose its views."

5.33 **EXPERT JOBS AND THE BACKWARD CLASSES** : Justice A.P.Sen wishes to close the doors to expert jobs, i.e., high technical and professional posts to the backward classes.

"There are some services where expertise and skill is of the essence. Medical services, for example deal with the health and life of the populace. Professional expertise born of knowledge and experience of high calibre is expected of Doctors. Similarly a high degree of technical knowledge and operational skill is required of pilots and aviation engineers. The lives of citizens depend on such persons."

Therefore, Judge Sen says, that in such posts there can be no room for reservation and that merit alone must be the sole and decisive consideration.

5.34 It is wrong to think that in the vast educated

population of the Backward Classes and Scheduled Castes and Scheduled Tribes there will not be people fit to take on expert jobs. Justice Chinnappa Reddy holds a liberal and democratic view in this matter of experts. He explodes the myth of backwards incompetence. He says:-

*We may perhaps mention here what a noted sociologist has to say: "So the leading anti-reservationists find nationalization for their campaign. One is to conjure up the image of a phoney on one side or 'merit' shown up by candidates in the open lists; and on the other side is 'incompetence' shown up by those on the reserved list. Hence - so the argument runs - if reservations are maintained, standards in medical professions (or in other professions and Government posts) will be depleted. Indeed (it is claimed) there is serious risk that patients will die if they are treated by backward class doctors who have reached positions through reservation. (Such allegations are constantly repeated, although they are patently false since in the finals at the post-graduate level, the minimum qualifying marks are identical for all candidates irrespective of their origin." 1.

"We should think that, that is a matter for experts in management and administration. There might be posts or technical courses for which only the best can be admitted and others might be posts and technical courses for which a minimum qualification would also serve," says Justice Chinnappa Reddy.

5.35 **MERITARIAN AND COMPENSATORY CONFLICT** : That the Meritarian principle should not cloud the issue of the reservation policy, is the burden of Justice Chinnappa Reddy's approach. "In view of Art. 15(4) and 16(4), the so-called controversy" says the judge, "between the meritarian and compensatory principles is not of any great signi-

1 Ruth Glass: Divided and Degraded; the Downtrodden people in India (Monthly Review - July, August 1982)

ficance, though of course, we do not suggest efficiency should be sacrificed." The problem is to identify the Backward Classes. The identification of the Scheduled Castes and Scheduled Tribes has been resolved by the Centre listing the castes in a Schedule, issued by the President. A similar exercise has not been done in the case of Other Backward Classes and this has been left to the State Governments to decide.

5.36 Chinnappa Reddy, J, has averred that "There can be no universal test; there can be no exclusive test; there can be no conclusive test. In fact, it may be futile to apply any rigid tests. One may have to look at the generality and the totality of the situation." Justice, Reddy allows adequate scope for deviations from the treaded path in order to meet local situations. He adds:

"In India, the matter is further aggravated, complicated and pitilessly tyrannised by the ubiquitous, caste system, a unique and devastating system of gradation and degradation which has divided the entire Indian and particularly the Hindu society horizontally into such distinct layers as to be destructive of mobility, a system which has penetrated and corrupted the mind and soul of every Indian citizen. It is a notorious fact that there is an upper crust of rural society consisting of the superior castes, generally the priestly, the landlord and the merchant castes; there is a bottom strata consisting of the 'Out-Castes' of Indian Rural Society, namely the Scheduled Castes and in between the highest and the lowest, there are large segments of population condemned to backwardness, social and educational, which prevents them from competing on equal terms to catch up with the upper crust."

5.37 Chinnappa Reddy, J. is quite frank in exploding

the myths about merit and efficiency. "The Truth is" says the Judge "that the civil service is no paradise and the upper echelons belonging to the chosen classes are not necessarily models of efficiency. That the efficiency of those who enter in the non-reserved pool will be better than that of those who enter through the reserved pool, is a 'vicious assumption', typical of the superior approach of the elitist classes, for, there is no statistical or expert evidence for the assumption." The Judge points out that "efficiency is not a Mantra which is whispered by the Guru in the Sishya's ear. All that we mean to say is that one need not make a fastidious fetish" of efficiency. What is necessary is that "different minimum standards and different modes of selection may be prescribed for different posts and for admission to different courses of study having regard to the requirements of the posts and the course of study." What is required in an expert surgeon is not required in a general medical practitioner, and general efficiency will not suffer on this account. "All that we mean to say", says the Judge, "is that efficiency cannot be permitted to be used as a camouflage to let the upper classes take advantage of the backward classes, in its name and to monopolise the services, particularly the higher posts and the professional institutions." "The disastrous consequences of the so-called meritarian principle to the vast majority of the under-nourished, poverty-stricken barely literate and vul-nearable people of our country are too obvious to be stated."

5.38 The views expressed by Chinnappa Reddy, J, in the matter of Backward Classes' conditions being not similar to Scheduled Castes, on the question of merit and efficiency, on the quota for reservation, on the carry forward rule and on promotions are wholly different from the views of the other judges. His approach is liberal, sympathetic and kindly. The criteria he suggests for determining back-

various are realistic and legitimate in the context of the unequal caste based Indian Society.

5.39: Though E.S. Venkataramaiah, J. is not attacking the merit theory as hard as Chinnappa Reddy⁷⁷, he is, however reasonable enough to aver, "those who argue in support of merit, contend that the State should remove all man-made obstacles which are in the way of an individual and allow him to attain his goal in an atmosphere of free competition. Those who argue for the compensatory principle contend that in order that the competition may be 'fair and just and free', it is the duty of the state to take note of the unequal situation of the individuals concerned, which has led to unequal capacity amongst them and to reduce the rigours of free competition which may, unless looked into by the State, lead to perpetual denial of equality of opportunity to the weak and the neglected sections of society." This argument, says the Judge, is based on the well founded assumption that "unequal conditions of cultural life at the time, cause unequal cultural development of children belonging to different strata of society." The Judge concludes by asserting that "the application of the principle of individual merit, unmitigated by other considerations, may quite often lead to inhuman results."

5.40 **SUB-CLASSIFICATION OF THE OTHER BACKWARD CLASSES:**
Sub-Classification of the Backward Classes has been given considerable attention both by MADRAS AND MYSORE States as far back as 1926/27.

5.41 The Nagan Gowda Committee of Mysore State, constituted in January 1960, sub-classified the Backward Classes into Backward and More Backward, but it was struck down by Justice Gajendragadkar in the case of Balaji Vs. State

of Mysore in 1963. Similarly, Havanur's Commission also recommended Sub-Classification of Other Backward Classes into 3 categories.

5.42. Chinnappa Reddy, J, disagreeing with the ruling in Balaji, in support of the principle of sub-classification has now held, "It was also observed in Balaji that the Sub-Classification made by the reservation order between Backwards and More Backwards did not appear to be justified under Art.15(4), as it appeared to be a measure devised to benefit all the classes of citizens who were less advanced when compared with the most advanced classes in the State, and that was not the scope of Art.15(4). A result of the sub-classification was that nearly 90% of the population of the State was treated as backward.

The propriety of such a course may be open to question on the facts of each case, but we do not see why on principle there cannot be a classification into Backward Classes and More Backward Classes, if both classes are not merely a little behind, but far far behind the most advanced classes. In fact, such a classification would be necessary to help the more Backward Classes; those of the Backwards might walk away with all the seats, just as, if reservation was confined to the More Backward Classes and no reservation was made to the slightly more advanced Backward Classes, the most advanced classes would walk away with all the seats available for the general category leaving none for the Backward Classes. All that we can say is that Sub-Classification may be permissible if there are classes of people who are definitely far behind the advanced classes but ahead of the very Backward Classes.

5.43. Among the five judges, it is Chinnappa Reddy, J, alone, who has endorsed the issue of sub-classification of the Backward Classes. It may be remarked that ~~sub-~~

Classification of Backward Classes made by Havanur Report and by the Mamohar Pershad Report of Andhra Pradesh in 1970 have since received the approval of the Judiciary. 1 & 2

5.44 SPECIAL GROUP FOR THE ECONOMICALLY BACKWARD:

Of the few changes made on Havanur's Report, by the then Chief Minister D. Devaraj Urs, the most important was the addition of the Special Group open to all castes and communities, whose family income is less than Rs.4,800/- per annum and who are engaged in the specified 5 occupations namely: 1. Artisan 2. Cultivator 3. Petty Business man 4. Casual Labourer 5. Government Servants of Class-IV. The Orders passed on February 22, 1977, May 1, 1979 and June 27, 1979 were all challenged before the High Court of Karnataka

In the case of Somashekarappa Vs. State of Karnataka, ³ except for deleting some castes added by the Govt., the High Court of Karnataka approved the above orders.

5.45 E.S. Venkataramaiah, J. says, "Even in the case before us now, there is a reservation of 15% of seats or posts in favour of members, falling under a classification styled as Special Group, which is based on similar occupation-cum-income considerations." The classification made in 1964 after Balaji case was that Backward Classes are those whose family income was Rs.1,200/- per annum and below and who were engaged in occupations such as agriculture, petty business, inferior services, crafts and other occupations involving manual labour. Even now, in the present case of Vasant Kumar, no serious objection was taken by any party to the said special group classification. The Judge observes, "It is apparent that this 'Special Group' is a creature of social, economic and political necessity".

1 & 3 Somashekarappa Vs. State of Karnataka ILR Kar. 1979 P.1497.

2 State of Andhra Pradesh Vs. Balaram AIR 1972 SC 1375.

The Special Group was created by the Government to serve as an escape valve for the poor of the upper castes.

5.46 E.S. Venkataramaiah further adds, "Since a classification made on the above said basis has received the approval of the Constitution Bench of equal strength and its correctness is not challenged before us, we treat this classification as a valid one even though a criticism of this kind of classification was made, not unjustifiably as we see now, by the Mysore High Court in D.C. Viswanath's case. This classification should include persons of all castes, groups and communities provided the two tests, namely; occupation test and income test are satisfied."

5.47 Alone among the five judges, Justice Venkataramaiah supports the Special Group. However as the special group cannot be accommodated either under Art. 15(4) or 16(4) which demand 'Social' and 'Educational' backwardness, it may be said that the Special Group is violative of Art.15(4) and 16(4). But it is contented by Venkataramaiah, that the 'Special Group' can be justified under Art.14, 16(1), and 46.

5.48 **EXTENT OF RESERVATION** : Balaji's case stated that any reservation made under Art.15(4) and 16(4) should not exceed 50% of the total number of seats or posts and that reservation of 68% as per Government Orders on Nagan Gowda Report, was excessive and invalid. The two judges that have commented upon this topic, are Chinnappa Reddy, and E.S. Venkataramaiah, J. In T. Devadasan's case ¹ Judge Mudholkar held that reservation in excess of 50% would not be constitutional. But in Thomas's case, ² quite a different stand was taken by Fazl Ali, Justice and Krishna Iyer, Justice, the former saying that 50%

1 A. I. R. 1964 S. C. R. 680.

2 A. I. R. 1976 SC 490.

is a rule of caution and does not exhaust all categories, for there may be a state in which if 80% are backward, 80% reservation would not be bad; and the latter saying "the arithmetical limit of 50% in any one year set by some earlier rulings cannot perhaps be pressed too far." After referring to the opinions expressed in Thomas's case, E.S.Venkataramiah, J. says, "After carefully going through all the seven opinions in the above case, it is difficult to hold that the settled view of this Court, that reservation under Art. 15(4) or Art. 16(4) could not be more than 50% has been unsettled by a majority on the Bench which decided this case." Further this Judge is of the opinion that if castes and communities comparable to the Scheduled Castes and Scheduled Tribes alone are put into the list of Backward Classes, the need for any reservation in excess of 50% may not arise, for a large chunk of the Backward Classes in the present list would go out.

5.49 It is of interest to note the views of Chinnappa Reddy, J. on this issue. He says, "the percentage of reservation is not a matter upon which a court may pronounce with the material on hand. For a court to say that reservations should not exceed 40%, 50% or 60%, would be arbitrary and the Constitution does not permit us to be arbitrary...". The Judge further adds:

"We are not prepared to read Balaji as arbitrarily laying down 50% as the outer limit of reservation. We must repeat here, what we have said earlier, that there is no scientific statistical data or evidence of expert administrators who have made any study of the problem to support the opinion that reservation in excess of 50% may impair efficiency. It is a rule of thumb and rules of the thumb are not for judges to lay down to solve complicated sociological and administrative problems. Sometimes it is obliquely suggested excessive reservation is indulged

in as a mere vote-catching device. Perhaps so, perhaps not. One can only say, 'Out of evil cometh good' and quicker the redemption of the oppressed class so much the better for the nation. Efficiency must be a guiding factor, but not a smoke-screen. All that a court may legitimately say is that reservation may not be excessive. It may not be so excessive as to be oppressive; it may not be so high as to lead to a necessary presumption of unfair exclusion of everyone else.

5.50 The Judge further finds support to his view in the same case in regard to the extent or quota for reservation. "Four out of seven judges" says Chinnappa Reddy, J. "Ray C.J., Beg. Krishna Iyer, and Fazl Ali, J.J., were also of the clear view that the so-called fifty percent rule would apply to the total number of posts in the service and not to the number of posts filled up at different times on different occasions. The reservation in appointments made on any single occasion, might well exceed 50 per cent. "The nature and extent of reservations," says Sen. J. "must be rational and reasonable. It may be, and often is difficult to draw the line which the state ought not to cross. But it is difficult for the Court, the State and its citizens to know that an invasion across the border, however ill-defined, has taken place." "The extent of reservation by the State under Art. 15(4) and Art. 16(4) must necessarily vary from State to State and from region to region within a state, depending upon the conditions of the Backward Classes of citizens prevailing in a particular State or region."

5.51 **THE CARRY FORWARD AND PROMOTION RULES** : Justice Chinnappa Reddy has made special references to the legitimacy of the carry forward rule. Quoting THOMAS case of 1976,¹ the Judge says, that "Fazl Ali, J.," considered the validity

1 A.I.R. 1976 S.CX. 490.

of the carry forward rule and upheld that rule also. He said that if in fact the carry forward rule was not allowed to be adopted, it might result in inequality to Backward classes of citizens"

5.52 As regards reservations in promotions, promotion to men in service, Justice Chinnappa Reddy agrees with the conclusions arrived at by the Constitution Bench in Thomas case that, "Art. 16 applied to all stages of the service of a civil servant from appointment to retirement including promotion."

5.53 **PERIOD OF RESERVATION** : Chandrachud, Chief Justice, is of the opinion that even the reservation for Scheduled Castes and Scheduled Tribes should be subjected to means test after 15 years, as it would have given them sufficient time, atleast for the upper crust of the oppressed classes to have overcome the disability. Though he does not fix any time limit for the reservation of Other Backward Classes to end, he is particular that the policy of reservation, employment, education and legislative Institutions be reviewed every 5 years or so, to enable the State to rectify any distortion arising out of particular facts of the reservation policy.

5.54 Desai, J, strongly feels that, the reservation must have a time span for, otherwise, he fears that the concessions may tend to become vested interests. Sen.J. also opines that the doctrine of protective discrimination embodied in Art. 15(4) and 16(4) and the mandate of Art. 29(2) cannot be stretched beyond a particular limit. However, he would want the reservation to continue till the members of the Backward Classes attain a state of enlightenment and there is eradication of poverty and they become equal partners in a new social order in our national life. This is a laudable approach indeed. "Equality before the law" said Sir Iver Jennings, "means that among equals, the

law should be equal and should be equally administered; like should be treated alike."

5.55 As such reservation in seats and posts and separate competition for equal groups are inevitable under democracy. The policy of reservation is to select the best from each group and not the best from the whole. Reservation is something like the tariffs that an industrially backward country imposes on competitive and superior foreign goods, with the sole purpose of protecting and saving the indigenous industries. There has therefore, to be reservation in India so long as the castes and communities are unequal and not therefore fit for open and free competition. Mere scholarships, freeships, free uniforms, free books and free meals may not suffice, though these facilities are absolutely necessary; but they must all be in addition to the reservation policy. The extra facilities will certainly help the Backwards to prepare themselves to take equal part in the development process of the country.

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CHAPTER 6

REVIEW OF THE LIST OF BACKWARD CLASSES AND THE ORDERS
RELATING TO RESERVATION IN THE STATE OF KARNATAKA.

CHAPTER - 6

REVIEW OF THE EXISTING LIST OF BACKWARD CLASSES AND 'THE GOVERNMENT ORDERS RELATING TO RESERVATION IN THE STATE OF KARNATAKA.

The Commission in its endeavours is expected to review the existing list of Backward Classes as approved and issued by Government, apart from investigating into the conditions of the Backward Classes and making suitable recommendations for the upliftment of Backward Classes. The terms of reference given to the Commission read as follows:

"The Commission shall review the existing list of Backward Classes as approved in Government Order No.SWL 12 TBS 77 Dated 22.2.1977 and as amended from time to time and in the light of the provisions contained in Article 15(4) and 16(4) and other relevant provisions of the Constitution and in the light of the various decisions of the Supreme Court bearing on the subject."

6.2 It is not the intention of the Commission to review or criticise the First Karnataka Backward Classes Commission's Report, but as the existing Government Orders enlisting the castes that are grouped and classified as Backward Classes are based on the said Report; while reviewing the list, this Commission is constrained to point out a few omissions and commissions that have come to our notice.

6.3 Mr. Havanur submitted his report to Government on 19th November 1975. The following is an account of the various Government Orders issued from time to time,

after the Government accepted the Commission's Report.

6.4 G. O. No. SWL 12 TBS 77 DATED 22.2.1977; In this Government Order, the Government approved the recommendations of the Havanur Commission and approved the three groupings recommended by him for the purposes of reservation under Art. 15(4) and 16(4) of the Constitution of India; these three categories being, BCM (Backward Community), BCT (Backward Caste) and BT (Backward Tribe).

6.5 In addition to the castes recommended by Mr. Havanur, Government included some communities viz., Muslim, Arasu, Ganiga, Devadiga, Rajput, Baliya and Satani under BCM category and Scheduled Caste converts to Christian Community upto to second generation under BCT category for purposes of Art. 16(4) & Muslims and SC converts to Christianity to BCM-BCT list respectively for purposes of Art. 15(4). Totally 16 castes were classified as BCM, 129 castes as BCT and 62 castes as BT. An income limit of Rs. 8,000/- was fixed for Backward Classes in general.

6.6 A new category, not recommended by the Commission was created with an income ceiling of Rs. 4,800/- per annum as Special Group, covering: (i) an actual cultivator; (ii) an artisan; (iii) a petty businessman; (iv) one holding an appointment either in Government service or corresponding services under private employment including Casual Labour; and (v) any person self-employed or engaged in any occupation involving manual labour, irrespective of caste and community.

6.7 The reservation fixed for these four categories was as follows:

<u>Category</u>	<u>Percentage of reservation</u>
BCM	20%
BCT	10%
BT	5%
BSG	5%

This reservation was to be enforced in Government offices and in all public and private institutions which were receiving aid from the State.

6.8 GOVT. ORDER NO. DPAR 1 SBC 77, DATED 4.3.1977:

This Government Order prescribed the roster system viz., the rotation per 100 vacancies in the light of the modified Government Order. This superceded the Government Order Dated 9.7.1975 giving 28% reservation for Other Backward Classes, and 3% reservation for the Backward Tribes.

6.9 Creation of the Department of Backward Classes & Minorities and Karnataka Backward Classes & Minorities Development Corporation Ltd.

A separate Department for implementation of specific schemes for the benefit of Backward Classes, and a 'Finance Corporation' to extend margin money loan for the economic benefit of Backward Classes, were among the major recommendations of Havanur Commission. The Government created a Department of Backward Classes and Minorities and 'The Karnataka Backward Classes and Minorities Development Corporation Ltd.,' as per G.O.Nos: SWL 224 TBS 77, dated 29.8.1977 and SWL 224 TBS 77, dated 29.9.1977 respectively. The Department staff and recurring and non-recurring expenditure were sanctioned in G.O.No.SWL 224 TBS 77, dated 29.9.1977 and the Articles of Association and the Memorandum of Association of the Corporation were approved

and issued in the G.O.No.SWL 238 TBS 77, dated 29.9.1977.

6.10 G.O. NO. SWL 236 TBS 77 DATED 15.11.1977: Government enhanced the family income ceiling from Rs.8,000/ per annum to Rs.10,000/- per annum for Backward Classes for the purpose of entitlement to special treatment under Articles 15(4) and 16(4) of the constitution.

6.11 G.O. NO. SWL 12 TBS 77 DATED 23.1.1978: Government deleted the following communities from the Government Order Dated 22.2.1977:
Under the category, Backward Communities: MEDA - (Shifted to SC list)

Under the Category, Backward Castes:

KANIYAN
KOTEGAR
MALA
MOGER

These have been shifted to Scheduled Caste list.

Under the Category, Backward Tribes:

BANJARA
LAMBANI
NAYAK, NAYAKA
GANTICHORE
HANDIJOGI
KORACHA
KORAGA
KORAMA
MADARI
SUDUGADUSIDDA
BHOVI
DOMBAR
SILLEKKKYATA/KILLEKYATHA,

These were shifted to Scheduled Tribe list.

These castes were declared as S.C. & S.T. as the case may be under Government of India Amendment to SC/ST Orders 1976 issued through Notification No. BC-12016/34/76-SCT-V dated 27.7.1977, by Ministry of Home Affairs, Government of India.

6.12 G.O.No. SWL 4 SNT 78 dated 12.5.1978: Nomadic, Semi-Nomadic and Denotified Tribes have been classified as B.T., and the general income limit of Rs.8,000/- as per G.O.no. SWL 12 TBS 77 Dated 22.2.1977 and later raised to Rs.10,000/- was applicable to them also. But earlier, there was no such general income limit for Semi-Nomadic and Denotified Tribes. However, such income limit was present for award of post-matric Scholarships, establishment of book-banks, and sanction of study tour and sanction of EBL charges. No income limit was in existence for reservation in appointments, admission to educational institutions, both professional and technical, and award of freeships (Fee concession).

6.13 In this Government Order No.SWL 10 SNT 78 dated 12.9.78, the concessions existing for the Nomadic Tribes, etc., were restored to the Backward Tribes, and the updated list of Backward Tribes including 58 castes was issued.

6.14 G.O.No. SWL 123 BCA 79 Dated 1.5.1979: The revised caste list after incorporating the instructions of the High Court Verdict(*) in the case of Somashekarappa Vs. State of Karnataka was issued.

The main features of this Government Order are:

- Deletion of Arasu (Urs) Community from BCM list under Article 15(4) and 16(4) of the Constitution of India;

(*) Writ Petition No.4371 of 1977 and connected writ petitions disposed of on April 9, 1979.

- Deletion of six communities namely: Bali ja, Devadiga, Ganiga, Nayinda, Rajput and Satani from the list of Backward Communities, for purposes of Article 16(4) of the Constitution of India.
- Reduction of percentage of reservation from 20% to 18% for BCM under Art.16(4), due to the deletion of these seven communities.
- Deletion of 13 castes viz., Banna, Gurkha, Jat, Konga, Kotari, Koyava, Malayali, Maniyani or Muniyani, Padarchi, Padiyar, Pandavakulam, Raval and Rawat for the purposes of Article 16(4) from BCT list.

The number of castes for purposes of reservation under 16(4) and 15(4) stood modified as follows:

Category	No. of Castes for Art. 16(4)	No. of Castes for Art. 15(4)	Modified percentage of Reservation	
			for 15(4)	for 16(4)
BCM	9	15	20%	18%
BCT	114	127	10%	10%
BT	58	58	5%	5%
BSG	--	--	5%	5% (*)

*(under Art 14 read with Art 15(1)&16(1))

6.15 G. O. No. SWL 131 BCA 79 Dated 27.6.1979: Govern-
ment enhanced the percentage of reservation to special
Group for purposes of Art.15(4) and 16(4) read with Art. 14,
15(1) and 16(1) from 5% to 15% in this Government Order,
dated 27.6.1979.

6.16 G. O. No. SWL 240 BCA 78 dated 28.9.1979: Concession
was extended to the Scheduled Castes converts to Christia-
nity, by removing the generation limit prescribed in Govern-
ment Order dated 22.2.1977.

6.17 G. O. No. SWL 169 BCA 79 dated 19/24 July 1979:
Chattada Srivaishnava and Vaishnava were deleted

from BCM list for purposes of Article 16(4) only.

6.18 G.O.No. SWL 285 SAD 78 Dated 27.3.1980: Government issued orders stating the following synonyms could be treated as same as the main caste included in SC/ST Schedule, on Government of India's approval.

<u>Synonyms</u>	<u>S.C.</u>
Lambada	Banjara, Lambani
Lambadi	
Lamani	
Sugali	
Sukali	
Od	Bhovi
Odde	
Vaddar	
waddar	
Voddar	
Woddar	
Korachar	Korachna
Korava]	Koranna
Koravar]	

6.19 G.O.No. SWL 104 SAD 81 Dated 6/11th January 1982: Of the 17 sub-castes and synonyms grouped as Beda, Nayaka was delated as it is included already under S.T. list. Three more communities, Bedaru, Barki and Parivara-Nayakas which were in the earlier G.O. dated 4.3.1977, but left out in the revised G.O. dated 1.5.1979, were included in the list by issue of the above G.O. dated 6/11th Jan.1982.

6.20 Govt. Circular No.SWL 51 BCA 82 Dated 24.6.1983:

Clarification with regard to Kaniyan caste was issued in this Circular.

First, Kaniyan caste was deleted from BCT list; it was found in ST list, vide G.O. dated 23.1.1978 dated 23.1.1978.

After referring the matter to Government of India, it was decided as per this Government Order to include the following synonyms of Kaniyan with area restrictions, in BCT Category.

- a) Kanisan
 - b) Kaniya
 - c) Kaniyan
 - d) Kanyan
- Other than Kollegal Taluk in Mysore District.

(in this taluk only, Kaniyans are Scheduled Tribes; Kaniyans of other Districts are retained under BCT)

6.21 G.O.No. DPAR 49 SBC 80 Dated 8.12.1981: This included the pensioners subject to the income ceiling of Rs.4,800/- under the category of BSG.

6.22 The above narrated sequence of Government Orders, deciding the position of the castes, either after public demands or after a court verdict or based on a reference made to Government of India, clearly shows the amount of confusion and contradiction prevailing in the grouping of castes for extending benefits under Articles 15(4) and 16(4). Such Government Orders and instructions, fixing and re-fixing the categories of communities was indeed a bother to the officials, especially to those who issue the caste certificates.

6.23 Copies of all these Government Orders are placed as Annexures to this Chapter, in Volume II of the Report.

6.24 Many cases of overlapping of castes in the three categories recommended by the first Backward Classes Commission, and many other discrepancies have come to the notice of our commission during our study. These have been raised again and again during our District level and State level sittings and during the discussions held with the field level and other officials of the State Government. The Commission has attempted to categorise and present these in an orderly manner under the following headings. However, these are not exhaustive.

6.25 Castes found in SC/ST list and also repeated in Backward Classes List:

<u>B.C.T.</u>	<u>S. T.</u>
KURUVAN	KURAVAN
(under Tigala)	

6.26 Castes deleted from SC/ST list, but synonyms, still retained in the Backward Classes list:

<u>Synonyms</u>	<u>S. C. - Main Castes</u>
	Bovi, Wodder

BT Wadda
Bovi
Girni-Waddar
Tudug-Waddar
Kallu-Waddar
Mannu-Waddar
Bhandi-Waddar.

BCM Medari	
Burud	S. T.
Gauriga	Meda
Medara	

S.T

BCT - Kanisan

Kaniyan, Kanyan
(With area restriction)

Kanyan

Kaniya

S.C

BCT - Kotegara

Kotegar

Kotekshatriya

Kottegara

S.T

BCT - Kurub

Kuruba (With area restriction
i.e. only in Coorg)

Kuruba

Kuruban

Kurumban

Kurumba

Halumatha

Dhangar

Bharwad

Gorava

S.C

B.T - Banjari

Banjara

Brinjari

Lambani

Vanjara

Wanjari

Gore or Gorla

S.T

B.T - Beda

Nayaka

Bedaru

Walmiki

Barki

Bedar

Parivara

Bendar

Berad

Boya

Nayak

Naik Makkalu

Naikwadi

Paleyagar

Ramoshi

Talwar

Valmiki

Valmiki Makkalu

Vedan

Parivara - Nayakas

B. T - Bhamta	S. C.
Bhompta	Ganti Chore
Paradeshi Bhompta	
Bhomtra	
Takari	
Uchillian	
Katabu	Killekkyatha
Katabar	

B. T - Korwar	S. C.
Korwari	Koracha
Kaikadi	Korama
Koragar	
Yerkala	
Erakala	
Kunchi	
Korva	
Korava	
Koramashetty	
Yerukala	

6.27 Names of Castes omitted from Backward Classes altogether:

B. T.
Sillekyatha
Chhetri

6.28 Synonyms left out:

Balebana jiga	Under Bali ja
Bana jiga	in BCM.

- 6.29 Statement showing the list of names, stated in the Karnataka I Backward Classes Commission Report as synonym to some of the main castes, but omitted in the recommended Backward Class list.

Sl. No.	Name of the Main Caste	Categories	Synonyms as stated in the Havanur Report but not included in the list recommended.
1.	Nayinda 8(a)	BCM	Bajanthri, Bajantri, Nayana ja Bhargava, Kasta Maduvava
2.	Vokkaliga 14(a)		Velama
3.	Muslim 15		Mapilla Pinjari Laddaf Dudekula Labbe Pindare Khoja
4.	Full Mali 42(b)	BT Nandiwala	Cuchi Menon Hanafi
	Phool Mali 49(g)	BCT Hoovadiga	Maliki Shafai Zaidya Akhabari Ullu
5.	Patvekari 10(a)		Somavamsha Sahasrarjuna Kshatriya Khatrri Kshatriya Shavuji

6.30 Names of Castes repeated in more than one category:

(1) B. T.

Golla
Gowli

B. C. T.

Hanabaru
Krishna Golla

Gopal	Anubaru
Yadav	Atanabaru
Asthana Golla	Hanabar
Yadava	Hanbar
Adavi Golla	
Gopali	
Gopala	

(2) Ambattan	In BCM as sub-caste of Nayinda	Under BCT as Main caste
(3) Bharki	In BCT as synonym to Gangakula	In BT, as synonym to Beda.
(4) Parivara	In BCT as Synonym to Gangakula.	In BT, as synonym to Beda.
(5) Joshi	In BT, as Synonym to Budubuduki	In BT, as main Caste.

31. SPELLING MISTAKES IN CASTE NAMES ;

	<u>In G. O. Dt:22. 2. 77</u>	<u>In G. O. Dt:4. 3. 77</u>	<u>In G. O. Dt:1-5.</u>
BCT	PANASA	PANASSA	PANASA Panssa
	MARTA (MERTA)		

32. Description and Names of Individuals, race, Country, and region presented as caste:

Individual Discriptions	Agnani, Aghori, Patra, Yogi, Vasudev, Balasanthoshi, Darveshu, Bahurupi, Banna, Murari, Sanyasi. Masenia Yogi, Nandival and Havgur
Race	Aryan
Regional Languages	Tuluva, Konkani, Malayali.

Regional Names: Malai, Konga, Gujar, Maleya
 Surnames: Ballala, Hegde, Bhat, Joshi,
 Char, Javeri, Bhatiya,
 Chembukutti (Nayara)
 Country Names: Malaya.
 Varna Sudra

6.33

Wrong Inclusions:/Glaring Mistakes:

Stanika -- a Brahmin Sect. included under BCT.
 Rajapuri - Vaishya Sect. included under BCT
 Kote-Kshatriya Kshatriyas -included under BCT
 Dogra

6.34

Main caste and a description of it under a different name listed separately as castes:

Lonari	Marathi names of Uppara
Charodi	
Chaptegar	Konkani name of Vishwakarma
Kamthi	
Bilapatar	Hindi name of Vishwakarma
Suthsali	Group.
Kannet	Hindi name of cultivating caste.
Gabit	Konkani term of fishermen community.
Kavadi	A Bedagu or Gothra in Uppara.
Kunubi and Kuluvadi	Sects of Maratha caste.
Kanabi	Advanced Gujarathi Caste i.e., Patils
Kurmi	Hindi version of Vokkaligas or cultivators.

Nador	Synonym of Bunt.
Anappan	A gotra of Komati
Andi	Beggars
Andeeran	Nayar Potters
Shikkaligar	Knife-grinder
Chapparaband	False coin makers, a Muslim
Chitara	Name for artists
Kadu Konkani	A Name opposed to the God or pure Konkani and not a Caste.
Dogra	Kshatriya
Gosavi	Devotee of any caste
Kalavant	Name for dancer and singers
Kanakan	Accountant from Tamil Nadu.
Padarti	A title of Pujaris by which Stanikas are called.
Ra japuri	Traders and advanced group.
Velluthedan	Washerman of Nayars and higher caste in Malabar.
Vettuvan	Hunter, may be a vedan
Bairagi	a class of religious mendicants
Pandaram,	Andi pandaran, a beggar
Maravan,	A Sect. of Agamudiyar
Ambalavasi	Tamil names of temple servants
Bazigar	Gambler
Darwesu	Beggars
Pullavan	Pullava
Komati	A Telugu Vaishya
Shanan	Sect. of Idiga
Jat	A forward community in North India.
Madari	A Sect of Muslim or spelling mistake of Madar.

Basavi	A devadasi
Bogad or Bogadi	A sub-sect of Jains
Chakkan	Tamil name of Ganiga
Cheliyan	Tamil name of Neygi
Bogar	Surname of Jain
Kavithiyan	Tamil name of Barbar
Mukkuvan	Tamil name of fisherman community
Panika	Abbreviation of Pannikar, the Malayali name of Barbers.
Panasa	A class of beggars in Telugu Country
Pandavakulam	A title of the Pandava Kings
Patramela	A name of a class of dancers
Picharti	A term for devil
Bestar	Bestha or Gangakula
Garudi	Budubuduki
Haranshikruti	Beda
Nathpanthi	Bava ji
Chembukutti	Nayar
Handervut	Lingayat
Handevazir	Lingayat
Ponniyar	Tigala
Raval	Bali ja
Ambattan	Barbar
Kasbin	Bali ja
Koddi	Brahmin
Reinudas	Bali ja
Jeenugara	Somavamsha Kshatriya
Ghadi	Kumbara
Giddadike	Halwakkivakkala
Gosavi	Bava ji
Gurav	Lingayath
Hanabar	Golla
Osthan	Satani

Padit	Uppara
Suthsali	Viswakarma
Maniyani	Golla
Rayaravat	Kshatriya
VIR	Lingayat
Padiyar	Temple Servant (Group of Devadiga)
Koyava	Kumbara
Kolayiri	Chaluvadi (SC)
Ghisadi (Kumbara)	viswakarma
Pagi	Gangakula
Bhampta	Rajput.

6.35 Castes listed by the Commission (IKBCC) but population not known: 396 castes have been listed but without the support of population figures, the list of which is placed at Annexure- 6.16

In our Survey we have got population for some of these castes.

6.36 Castes mentioned in the report of (I KBC) against which there is no population: 28 castes have been listed by the Commission and included in the list recommended, but with no population Statistics. They are as follows:-

1. Bajania
2. Baria
3. Bharadi
4. Budubuduki
5. Chitrakathijoshi
6. Dangadasar
7. Daveri
8. Dholi
9. Durgamurga
10. Dombidasa
11. Gondhali

12. Handi jogi
13. Helava
14. Johari
15. Kanjari
16. Kashikapdi
17. Kanjirbhat
18. Kelkari
19. Kolhagi
20. Pamlor
21. Panjinaval
22. Pardhis
23. Sania
24. Sarnia
25. Sarodi
26. Takankar
27. Vadi
28. Vaidu

6.37 Castes with population less than 10 persons in the State: The following six castes have been listed by the Havanur Commission which have population of less than 10 persons in the whole of the State.

Castes with population less than 10 persons in the State

1. Andi
2. Bingi
3. Chamboti
4. Karuva
5. Nalki
6. Pannekara Konkani

6.38 The following 8 castes have been enumerated by the Commission which are having less than a population of 100 persons, in the whole of the State.

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Castes with population less than 100 persons
in the State

1. Bawtar
2. Karikudumbi
3. Kichigara
4. Kutuma
5. Picheti
6. Pullavan
7. Tachayri
8. Yeralu

6.39 The following 12 castes have been enumerated by the I Backward Classes Commission having population less than 300 persons in the whole of the State, and have been listed as castes in the list.

Castes with less than 300 population

1. Banna
2. Pagi
3. Atari
4. Bathal
5. Bhavin
6. Binapatta
7. Ghadsi
8. Kolla
9. Kotari
10. Reinudas
11. Saniyar
12. Satarkar

6.40 The castes or synonyms shown in paras 6.32 to 6.34 and the castes which are included with almost negligible population, as shown in para 6.36 to 6.39 clearly shows that many castes and sub-castes have just been listed and included in the list recommended by the I Backward Classes Commission, without proper statistical support or clarification or proper classification. It will be seen that out of 205 castes listed as Other Backward Classes by the I Backward Classes Commission atleast 137 are superficial names, being just the synonyms or connected names of the castes which have already been listed or castes with insignificant population. If we take away these 137 castes from the list of 205 OBCs only 68 castes will result, having any relevant statistical information. However, the impression one gets from the I Commission Report is that large number of castes have been identified and enumerated. Moreover, out of the 205 castes presented by the I Commission Report, SSLC pass particulars have been furnished in respect of only 33 castes, and particulars regarding representation in services have been furnished in respect of 30 castes only. Thus the main and independent castes having population figures, and for which reasonable statistical support has been presented by the Havanur Commission are only 68 or so, (viz., 205-137) whereas the total number of castes listed under OBCs are 205.

6.41 Castes enumerated in the socio-economic survey of the Havanur Commission but found missing in classification or grouping in the recommended list of the Havanur Commission:

1. Agamudian
2. Aryani
3. Aryasamaj
4. Dadthi

- | | |
|---------------|----------------|
| 5. Begadi | 26. Markala |
| 6. Baggar | 27. Maror |
| 7. Bambag | 28. Munnar |
| 8. Bharathesh | 29. Natakarak |
| 9. Gavathi | 30. Navakar |
| 10. Ghayasade | 31. Navara |
| 11. Gondhati | 32. Padathi |
| 12. Gunagi | 33. Padiyar |
| 13. Gujarathi | 34. Patagi |
| 14. Gurugunta | 35. Potti |
| 15. Guddedar | 36. Suchdev |
| 16. Abalaru | 37. Sapalya |
| 17. Hailu | 38. Sarayadi |
| 18. Havmar | 39. Sourashtra |
| 19. Jatti | 40. Takur |
| 20. Joliyar | 41. Tamilian |
| 21. Katabar | 42. Sugandhi |
| 22. Kembatti | 43. Thandamari |
| 23. Kolia | 44. Talanga |
| 24. Korati | 45. Venar |
| 25. Kuspa | 46. Yelemaru |

42 It is of interest to briefly mention here, the appointment of the Karnataka Legislators Committee of Backward Classes consisting of sitting M.L.A.s and M.L.C.s under the Chairmanship of Sri.S. Muniraju, M.L.A., on 21.7.1980, as per G.O.No. DPAR 33 SBC 90(i), to examine the question of inclusion of certain communities/castes and tribes which have not been included in the existing list of Backward Classes.

6.43 This Committee was appointed mainly due to the large number of representations received by Government from social groups, voluntary organisations, members of the public and so on, demanding that certain castes/synonyms left out in the Government Order Dated 1.5.1979,

be included in the list and also for reclassification of categories. To examine such demands from public and to recommend remedial measures, Government constituted the said Committee. The Committee toured the districts, heard representations and even conducted a house-hold sample survey and collected data. Their first report was presented to Government on 3.10.1982. The Committee decided that the issue of assigning synonyms to certain castes appearing in the Government Order, classifying Backward Classes of citizens as of urgent nature and in its first report, prepared and presented, a list of 12 communities, 14 castes and 2 tribes for which corresponding equivalent names or synonyms have to be added to the Backward Classes list. The Committee hoped to present its final report as quickly as possible. It also presented a special Report on 'Nayinda' caste along with the first report, recommending re-inclusion of 'Nayinda' community in the list of Backward Classes for purposes of Art. 16(4).

6.44 However, due to certain developments and due to changes in Government, the Chairman Sri. Muniraju tendered his resignation on 21.1.1983. The Government abolished the Legislators Committee on 14.2.1983 and as per the undertaking given to Supreme Court, constituted the present full-term Commission to go into the Backward Classes question. The reports of the Legislature's Committee were referred to our Commission for consideration. It has been considered by our Commission in depth.

CHAPTER 7

METHODOLOGY ADOPTED

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The Commission soon after its inauguration by the Hon'ble Chief Minister of Karnataka, on 26.5.1983, set out to discuss the methodology to be adopted in collecting the relevant material from reliable sources.

7.2 One of the major terms of reference to the Commission, was to make a scientific and factual investigation of the condition of the Backward Classes in the State and to recommend specific measures for their advancement. The Commission was also empowered under the provisions of commissions of Inquiry Act, 1952 (Central Act 60 of 1952), to obtain such information as they may consider necessary or relevant for this purpose in such form and in such manner, as they may think appropriate, from the State Government or any officers or authority subordinate to the State Government or any organisation or any individual as may in the opinion of the Commission be of assistance to them.

7.3 With this in view, the following questionnaires and formats were set and finalised by the Commission.

- i. Questionnaire for General Public.
- ii. Questionnaire for Heads of Departments of State Government.
- iii. Formats for conducting socio-economic-cum-Educational survey.

7.4 The Commission with a view to elicit public opinion and opinions of experts on the subject, decided to conduct seminars and tours in the State. Accordingly the following were decided upon:

- i. To conduct a State Level Seminar.
- ii. District tours and visits to villages and hearings At District Headquarters;
- iii. State level sittings to hear representations from State level caste organisations, other groups, and individuals;
- iv. Visits and discussions with the faculties of the Universities and Research Institutions in the State.

7.5 Questionnaire for General Public: This Questionnaire was meant in general to elicit the opinion of the general public, as represented by Groups/Organisations interested in the question of reservation for Backward Classes and prominent citizens/individuals whose opinion was considered useful to have, for purview before the Commission. The Questionnaire was approved by the Commission in its 6th sitting held on 23rd and 24th August 1983. These Questionnaires were issued to the public on 10.11.1983.

7.6 The Questionnaire covered various aspects on which Commission wanted to elicit general suggestions and opinion, viz., on criteria for Backwardness, population of communities, their social status with reference to occupation, education, economic improvement, representation in service and employment, housing facilities, adoption of family welfare measures and drinking habits. Wide publicity was given to the distribution of this Questionnaire and 7000 questionnaires were issued to the public, 714 to Associations and 6,286 to individuals spread all over the State. The time limit fixed for receipt of the replies to the Questionnaire was extended three times, at public request and the last date set for receipt of the replies was 31.3.1984. The Commission received 686 filled-in questionnaires, 425 from Associations and 261 from individuals. A copy of the questionnaire to general public, the number of questionnaires distributed, district wise and the number of questionnaire for which replies were received, are at Annexures 7.1, 7.2 and 7.3.

7.7 Questionnaire for Heads of Departments: As Officers heading major administrative departments, the Heads of Departments are involved in policy making and in executing the policy of the Government once it becomes the law. Hence, the Commission thought it fit to collect the opinion of these senior officers on various aspects regarding reservation to Backward Classes. This questionnaire was approved by the Commission on 24.8.1983 and was circulated on 12.10.83, to 281 Heads of Departments, including Heads of Public Sector undertakings, Vice-Chancellors of Universities, Heads of Government Statutory Boards, Deputy Commissioners, and Heads of Cooperative Institutions.

7.8 The questionnaire itself was chiefly meant to get a first hand information from these senior administrators who are concerned with the day-to-day problems of the persons belonging to Backward Classes, about their opinion regarding the existing list of Backward Classes based on Havanur Commission Report, workable criteria to determine social and educational backwardness, utilisation of the reservation quota in jobs by the Backward Classes, areas of the District/State having high concentration of Backward Classes, the dominance or otherwise of various castes in the villages, remedial measures to avoid mis-use in the issue of income/caste certificates to the Backward classes and suggestions for spreading literacy, and for improvement of economic status and social status of Backward Classes all over the State. Replies were received from 205 Heads of Departments. A copy of the questionnaire for Heads of Departments, the list of officers to whom the questionnaires were issued and replies received are kept at Annexures 7.4 and 7.5.

7.9 Socio-Economic-cum-Educational survey: Sir Leslie Miller, the then Chief Judge of Mysore State, who was appointed as Chairman of Backward Classes Committee in 1918 had the advantage of having the Census figures of 1911 which

gave caste-wise information of the population of the State. Mr. Nagangowda, Chairman, Backward Classes Committee 1960 had to depend upon census figures of 1951, but he did not have the caste-wise population figures as the census ceased to collect caste-wise information by 1931. "The absence of caste-wise statistics in the census of 1941 and 1951 was a great handicap to the Committee" admits the Nagangowda Committee.¹ In the absence of these figures, the Committee relied upon the previous census figures and worked out the approximate population figures for most Communities in the State with the help of Census Department. Kaka Kalelka Commission set up by Government of India in 1952, also did not conduct caste-wise census and hence did not have the relevant data and faced difficulty in getting the correct information, though they issued a Questionnaire of exhaustive nature. Mandal Backward Classes Commission, 1980, of course, took up the task of conducting a socio-educational field survey. However, by the very nature, of the immensity of the work involved, the survey was restricted to few villages, 10 to 25 on an average and few towns in each state and was in the nature of a sample survey of 1% of the population of the country.²

7.10 The Havanur Commission of 1972 conducted a sample survey in Karnataka State, selecting at least one Village in each Taluka, one Division, or ward in each Town Municipality, two Divisions in each City Municipalities, and four or five Divisions in the City Municipal Corporations throughout the State. Every individual in the selected villages and Urban blocks/wards was covered under the said survey. The Commission had selected two hundred (200) villages at-least one village from one Taluka, and 204 Blocks from City/Town/Municipal areas. The number of villages surveyed

1 Nagan Gowda Committee, Final Report - Page 8.

2 Mandal Report, Vol. 1. Chapter XI. P.50 - Appendix 16 Vol.II.

was 193 and the number of Urban blocks was 185. About 63650 families with a population of about 3,55,000 were covered.

7.11 The community-wise population figures were not available from any of the Census documents after 1931 Census. The absence of caste-wise census figures is a big drawback. For any scientific analysis of the existing conditions of the various communities to-day, it is relevant that the Commission knows the population in extent of each such identifiable group of people and also work-out the socio economic and educational status of such groups on the basis of a survey. Hence, a decision was taken by the Commission on its 4th sitting to undertake socio-economic-cum-educational survey throughout the State of Karnataka on complete enumeration basis of House holds. After long deliberations and consultations with experts the sub-committee formed for the purpose, finalised the draft format for Socio, Economic-Educational survey and placed it before the commission on its 5th sitting held on 28th and 29th July 1983 and this was approved. The Commission started the work of collecting data from 16.4.1984.

7.12 The object of the survey was to enumerate the population of the State, religion-wise, caste-wise and sub-caste wise and to study the existing socio-economic and educational status of the communities. Enumeration was to be conducted by door to door visit to every house hold and for the purpose of house-hold listings, Schedule 1.1 was designed. All inhabited revenue villages, towns, cities and corporations in the State were to be covered by the survey. The services of the Director of Economics and Statistics were availed of, for the preparation of the Schedules and it was proposed to analyse the data so collected, with the facilities available with Department of Economics and Statistics Computer Centre.

7.13 At the Commission office, the Member-Secretary, being the Director, Backward Classes and Minorities and Deputy Secretary (Statistics) working in the Commission were involved in guiding and conducting of the entire survey and worked as State level Charge Officers. At the District level, the Deputy Commissioners were designated as the District Charge Officers and were involved in the collection of data. Similarly, Corporation Commissioners were the Charge Officers for the respective Corporation areas. The Headquarters Assistant to Deputy Commissioner was designated as the Additional District Charge Officer, empowered to coordinate the work at the level of District with the Commission Office. The District Statistical Officers were nominated as Additional District Charge Officers, so that, their technical knowledge could be made use of, in the collection of data. The District Officers of the Backward Classes and Minorities Department, District Planning Officers, District Social Welfare Officers and Assistant Directors of Statistics of the District Planning Unit, were made the ad-hoc District Charge Officers. The Assistant Commissioners of the Sub-Divisions were designated as the Sub-Divisional Charge officers of their respective sub-divisions. Similarly, the Tahsildars were the Charge Officers of the respective rural Taluks. The Chief officers of Municipalities, the Commissioners of City Municipalities and Chief Officers of the Notified Areas were the Charge Officers of their respective Municipalities and notified areas, covering the urban areas.

7.14 The primary and middle school teachers, Municipal staff wherever available, Agriculture Assistants, Anganvadi workers of Social Welfare Department, Health Visitors and Village level Health workers of the Health Department were drafted to work as Enumerators. Officers of Department of Economics and Statistics, High School Teachers and Head Masters of Primary and Middle Schools, Revenue Inspectors, Inspectors of Health Department, Statistical Assistant

working in other Departments were appointed as Supervisors for effective supervision of the work of enumerators.

7.15 On an average, each enumerator was assigned to collect data from 300 households. The primary data were collected by the enumerators during their field work in Schedule-1.1 placed at Annexure - 7.6. In all, 44,572 enumerators were engaged in the field work. For the purpose of survey, the Taluk was divided into charges, on the lines adopted by Census Department for census work. The Supervisors conducted 'rationalised supervision' as a random check. Training was given to Enumerators and Supervisors by the Taluk and District level Charge Officers. Detailed instructions to the enumerators, supervisors and the other charge-officers were issued on 29.2.84, in the form of a book 'Enumeration Guide', placed at Annexure 7.7. Chairman, Karnataka II Backward Classes Commission, Director, Backward Classes and Minorities Department and Joint Director, Bureau of Economics and Statistics who works as Deputy Secretary (Statistics), Karnataka II Backward Classes Commission, actively involved themselves in the Training Programmes. Training was conducted all over the State from 1st march 1984 to 14th April 1984. The whole process of survey and consolidating it in the village wise abstract was scheduled to be over by 31.5.1984. However, the work of enumeration was not over until July 1984, as the field work itself was delayed due to the regular Departmental programmes to be implemented by various Departments, in addition to the cattle survey conducted and summer vacation to the educational institutions in the state.

7.16 The data collected in Schedule 1.1 was compiled in Schedule 1.2, placed at Annexure -7.8 for each village/ Circle by the enumerator, for the circle by Supervisor,

and for the Taluk by the Taluk level charge officer. The compilation of Schedule 1.2 took considerable time as it had to be counter-checked at the District and State Level vis-a-vis the District wise population figures available in the last census of 1981. The completion of Schedule 1.2 compilation was over only by February 1985.

7.17 The statistical data collected at the field level and compiled at the taluka and district levels in the form of Schedule 1.2 were given for computerisation to Director of Economics and Statistics. Six proforma were designed for the purpose as follows:

1. Table No.1 : Particulars of households, with rural, urban split-up, containing population figures.
2. Table No.2 : Particulars of number of households having facilities like housing, electricity, latrines, drinking water facilities indicating their social status.
3. Table No. 3 : Particulars of land holdings by households.
4. Table No. 4 : Particulars of persons employed in State and Central services, Agricultural labourers, unemployed and self-employed.
5. Table No. 5A : Particulars of students studying from 1st Standard to Post-Graduate level.
6. Table No. 5B : Particulars of persons who are illiterate and drop-outs.
7. Table No. 6 : Particulars of households showing different income levels.

7.18 The district level tables and Statewise table continued to flow in and a Sub-Committee constituted for the purpose, sat from time to time, sometimes, 3 to 4 days a

week and scrutinised these lists. The final State level lists of these tables were received only by 3.9.1985.

7.19 State level Seminar: The Commission, contemplated a State Level Seminar to be conducted at Bangalore, State Headquarters, during its sixth sitting and the Seminar was held on 8th and 9th October, 1983. It was inaugurated by Sri. M. Raghupathy, the then Minister of Information and Smt. Chandraprabha Urs, the then Minister for Social Welfare presided.

7.20 The Seminar was on 'Problems of Backward Classes in Karnataka' and to it were invited renowned Social Scientists, Administrators, Jurists, Writers, Journalists, Economists, Educationalists, Social Workers, Political Scientists, Politicians, Statisticians, Mathematicians and other Eminent Public Men of Letters.

7.21 The Valedictory function was held on 9.10.83. Sri H.D. Deve Gowda, the then Minister for Public Works and Irrigation delivered the valedictory address and Sri. S.R. Bommai, the then Minister for Industries, presided.

7.22 List of participants and the major issues discussed during the seminar are placed at Annexure - 7.9 and 7.10.

7.23 District Tours: To get a first hand knowledge into the living condition of the various castes and groups, communities of the State, the Commission undertook tours in all the Districts. The decision was confirmed at its sitting held on 7th, 8th, 9th and 10th October 1983. The District tours presented an opportunity for the members of the Commission to know better about the present living conditions of various communities in the villages and also to hear the views and suggestions of caste organisations.

Many a prominent member of the society appeared and gave their evidence before the Commission and these included social workers, office-bearers of various caste organisations, a few Members of Parliament, Members of Legislative Assembly, Members of Legislative Council from the concerned Districts, retired officers and experienced administrators evincing a great deal of interest on the subject, journalists, lawyers and the like. During its tour, the Commission also sought the views of the Government Officers at the Divisional/District/Field levels.

7.24 The Members of the District Bar Council met the Commission on its district-tours and gave their views on the subject. The dates on which the various districts were visited and the number of persons/organisations who gave evidence before the Commission and the names of villages the Commission visited, are appended in the Annexures - 7.11 and 7.12. Totally 709 associations and 6,635 persons appeared before the Commission and tendered evidence. The Commission also took this opportunity to visit few of the Backward Community hostels and some Training Institutions giving training to the Backward Classes students at the District level.

7.25 Visit to Universities: During the District tours the Commission visited the Universities of the area and met the Vice-Chancellors, Registrars and faculty members of the Universities and had discussions on various aspects concerning the status of Backward Classes in the State, reservation policy and so on. The prominent Institutes in Bangalore, like the Institute for Socio and Economic Change, Indian Institute of Management and the University of Agricultural Sciences were also visited. The dates of visits to Universities and Institutes and the list of persons

who participated in these discussions are kept at Annexure 7.13 & 7.14. Chairman and the then Member Secretary, Mr. V.D. Veerakyaithaiah took time off to visit Madurai, Tamil Nadu, to attend a Seminar on Backward Classes conducted at the Kamaraj University, under the auspices of the Backward Classes Commission of Sri. Ambashankar, Tamil Nadu.

7.26 State level hearings: After completing all the District tours, the Commission sat in its office at Headquarters, Bangalore, and set itself to the task of recording the evidences from the State Level Organisations. Groups/Associations, Caste Organisations and Prominent members of the public appeared before the Commission and gave evidence on 9th, 10th, 11th & 12th July 1984. The evidences of 81 Voluntary Organisations and 405 individuals were recorded during these sittings. The list of Organisations and the number of Individuals who gave evidences before the commission during these sittings are kept at Annexure - 7.15.

7.27 Other Statistical information collected: In addition to the Socio-Economic-Survey and the Questionnaire issued to general public and administrators, the Commission collected the following particulars also, so as to spread its net wide and to have a broader basis to build its recommendations. These could be grouped as under:

a. Information with regard to public bodies:

1. Particulars of Chairman, Vice-Chairman and Members of Panchayats in the State.
2. Particulars of Members of Taluk Development Boards.
3. Particulars of Members of Corporations, Boards, Public undertakings and Co-operative Institutions of the state.
4. Particulars of Members of Legislative Assembly, Members of Legislative Council and Members of Parliament of the State.

b. Information with regard to education:

1. Particulars of students who appeared and passed in the S.S.L.C. Examination in April 1985, in the State.
2. Particulars of students in Professional Courses in the State, viz.,
 1. Medical Colleges
 2. Engineering Colleges
 3. Dental Colleges
 4. Agricultural University, Bangalore and
 5. Polytechnics
3. Particulars of students admitted in the Pre/Post-matric hostels in the State run by Director, Backward Classes and Minorities.

c. Information with regard to employment:

1. Particulars of employees/persons selected for 'C' Group of posts by Departmental Recruitment Committees.
2. Particulars of employees/persons selected for various posts by Karnataka Public Service Commission.
3. Particulars of candidates selected for Sub-Inspectors post by Police Department.
4. Particulars of candidates selected by the recent recruitment for Superintendents of Hostels by Department of Backward Classes and Minorities.
5. Particulars of persons already employed in the various Government Departments:
 - a. Through Heads of Departments and
 - b. Through District Treasuries.

7.28 In addition to these, the Commission invited experts on the subject, for the benefit of hearing their views, which included two foreign experts, who have done research into the problem of Indian Backward Classes, namely Marc Galanter (Author of the Book "Competing Equalities - Law and the Backward Classes in India, 1984") and Leah Dushkin (who has published Research Papers on Backward Classes Movement of Karnataka, 1982) and other prominent personalities like, Mr. J.A. Ambashankar who was the Chairman of Tamil Nadu II Backward Classes Commission, Prof. M.N. Srinivas and other distinguished persons.

The data collected by these various means have been presented in the Chapter No. 8, Data Presentation.

CHAPTER 8

DATA PRESENTATION AND ANALYSIS

CHAPTER 8

DATA PRESENTATION AND ANALYSIS

In this Chapter, the voluminous data collected from various sources for the work of the Commission, excepting the 17 indicators adopted from our Socio-Economic Cum-Educational Survey and the data relating to students passed in SSLC 1985 in the State are presented. The latter two are presented in the next Chapter, relating to Criteria Considerations. To compile these materials, to compare, analyse and arrive at a conclusion or decision based on the innumerable details thus collected and stored in the Commission Office, was itself a stupendous task.

8.1. QUESTIONNAIRE TO GENERAL PUBLIC : The Questionnaire for General Public was distributed to 6,286 individuals and 714 Associations. The questionnaire contained Sixty questions under the following headings.

1. General.
2. Criteria for Backwardness
3. Population.
4. Social Status.
5. Education.
6. Economic
7. Housing.
8. Family Welfare and
9. Drinking habit .

8.2. 686 questionnaires were received by the Commission duly filled in, 261 from individuals, 425 from Associations. An attempt has been made here to recapitulate, in brief, the replies on major issues.

8.3. 401 out of 686 respondents have stated that they are not satisfied with the present list of backward-Classes published by the Government and only 87 have stated that they are satisfied with the list. To a question

regarding the adequacy of reservation of seats for Backward Classes in education and technical institutions, 198 felt that it is adequate, whereas 387 stated that it is not adequate. 572 out of 686 felt that reservation for Backward Classes should be made in political bodies and 69 felt that it is not required.

8.4. Socio-economic and Educational criteria, as a multiple test was favoured by 403 out of 686, for determining backwardness. 551 out of 686 respondents have stated that Caste could be considered as one of the criteria for determining backwardness. Economic factor was considered as one of the important indicators for determining backwardness by 553 out of 686 respondents.

8.5. 347 out of 686 have stated that there is no substantial change in the traditional occupations of their communities, whereas 246 out of 686 have stated that there has been a change in their traditional occupation.

8.6. 606 out of 686 have stated that their households raised loans to improve their economic conditions; 444 out of 686 stated that they raised loans for domestic consumption; 563 out of 686 have answered in affirmative to a question regarding raising of loan for expenditure on social functions, like festival and marriage and have answered that there is chronic indebtedness among their people due to such extravagant expenditure on rituals.

8.7. For a question as to the existence of any financial institution for the economic improvement of their community, 576 out of 686 have replied in negative. 202 have replied in affirmative to the question about the existence of Educational Institutions by their caste organisations for the benefit of their communities, whereas 441 have replied in negative to this question.

8.8. 377 have stated that their communities suffer from social disabilities and social evils, whereas 234 have stated they are not suffering from such disabilities.

8.9. 544 out of 686 respondents have stated that they adopt voluntary measures for family planning and only 74 out of 686 have stated that their people are ignorant of such methods.

8.10. To a question on addiction to drinking habits, 440 have stated that their people are addicted and given to such a habit, whereas 216 out of 686 have stated that there is no such chronic problem in their communities.

8.11. The Commission has utilised the replies received from the General Public to these questionnaires, to understand the nature and extent of the Socio-Economical problems faced by the various Castes and Communities in general in Karnataka. However the evidence and the material available through this source was not quite accurate and authentic and often time overlapping and even contradictory. These questionnaires were a device meant for the general public to vent their views and grievances and to that extent we appreciated the replies received and these were highly valuable to the commission as supportive evidence to the criteria considerations adopted.

8.12. QUESTIONNAIRE TO HEADS OF DEPARTMENTS: This questionnaire was issued to 281 Heads of Departments to elucidate their views on matters concerning the reservation policy of the Government. Of the 281 Heads of Departments addressed, 205 Officers responded and sent their views on the various points raised in the Questionnaire. The Questionnaire carried 22 questions and the important ones could be broadly grouped as shown below :

1. Is the existing list of Backward Classes satisfactory?
2. What could be the acceptable and reasonable criteria to identify Backwardness, educationally, socially and economically?
3. How far the measures adopted by Government towards the betterment of Backward Classes in the State, have been successful in fulfilling their objectives?
4. What measures would you suggest to prevent misuse of caste and income certificates?
5. Which are the communities considered Backward and which are the communities considered Forward in the District where you are working?
6. What new measures would you suggest for the betterment of Backward Classes in the various fields?

The replies received were quite candid and open. The Commission was able to get a feel of the temperament of the bureaucracy towards reservation.

8.13. Out of 205 Officers, 104 officers replied that they are satisfied with the existing list; however 65 officers disagreed and expressed dissatisfaction towards the existing list, mainly because some of the Backward Castes and Communities have been left out of the list. Regarding the criteria to be adopted to identify backward communities, 64 officers wanted economic, social, caste, education, employment and living conditions to be taken into consideration; only 54 officers wanted economic backwardness to be the criteria. 156 officers voted

against caste alone being considered as a criteria. Many were for multiple tests to be applied. 113 officers felt that Backward Classes have utilised fully the reservation quota existing in their Departments, though they were not fully satisfied with the success of measures adopted by Government for the betterment of the prospects of BCs in other fields. Issue of caste certificates with duly affixed photographs and the identity card system was suggested by 117 officers to prevent misutilisation of caste certificates.

8.14. Many communities were described as dominant and forward or as backward in the Districts by the Officers. As these are not supported by facts and figures, it may not be worth-while to mention them here. Extending economic aid, grant of loan and subsidy, distribution of land to landless, subsidies in supply of agricultural inputs, introduction of modern techniques in agriculture, provision of infra-structural facilities in the rural areas, revival of cottage industries, opening up of more rural credit facilities and strengthening of co-operative movement and marketing, were some of the ideas suggested by the officers towards measures to be adopted for the betterment of Backward Classes.

8.15. **SOCIO-ECONOMIC-CUM-EDUCATIONAL SURVEY:**

The methodology adopted in conducting the Socio-Economic-cum-Educational Survey has been dealt in detail in the Chapter No.7, on 'Methodology' and we have indicated, there-in the consolidation of the material in Schedule No. 1.2 collected through Schedule No. 1.1, by door-to-door enumeration and also the breaking up of these material available in Schedule No. 1.2 into 6 State-wise compilations

in the form of six tables, viz., giving the particulars of communities with regard to population, house-hold basic amenities; land-holdings; employment including employment under State and Central Government; students studying from 1st Standard onwards; the illiteracy and drop-out rates; and the family income.

8.16 Based on the communities, reflected in the Scheduled No. 1.2, the Commission finalised the State-level caste list, with the help of a small Sub-Committee formed for the purpose, with Chairman, Dr.S.Bheemappa and Member Secretary Smt. Shanthakumari Devaraj as the Members, duly assisted by the Deputy Secretary (Statistics) Mr. B.S.Gudi, Karnataka II Backward Classes Commission. This Sub-Committee sat from 22.2.1985 to 6.5.1985 and prepared the State-level caste/communities list. The list so drawn-up, was placed before the full Commission on 24th and 25th May 1985 and it was approved tentatively with certain modifications. Few more corrections were made and the finalised list of caste groups and communities in the State as finally approved by the Commission, is placed at Annexure-8.1. The population of each of these caste groups or communities as per our Survey 1984 is placed at Annexure-8.2. A brief description of these castes and communities is placed at Annexure-8.3. On the format of this State - level Caste list, the Socio Economic-cum-Educational Survey particulars were cast in the form of 6 Statewise Tables mentioned earlier. For analytical purposes, these 6 tables were again broken-up into smaller Tables, numbering 26 in all. The list of these 26 Tables is placed at Annexure-8.4. Besides these the caste-composition of each of the Districts with population figures as per our Survey, 1984, were compiled and the statement showing the caste-composition, district-wise for the whole State of Karnataka is placed at Annexure-8.5.

The Commission has tried its utmost to bring in all these particulars, especially those in the 26 analytical tables at appropriate places to determine the criteria to identify the Backward Classes list. This has been dealt in detail in the next Chapter relating to Criteria Consideration.

8.17. STATE LEVEL SEMINAR : The main issues taken up for discussion at the Seminar held on 8th and 9th October 1983 were :

1. Criteria for determining Backwardness and the problem of identification of Backward Classes.
2. Concept of Merit - its advantages and disadvantages.
3. Caste Certificate - how to make it more effective?
4. Categorisation of Backward Classes, quantum and duration of reservation for Backward Classes in Educational Institutions and in the State Services.
5. Reservation for Backward Classes in local bodies, political bodies and so on
6. Reservation according to population and need for caste-wise enumeration in Census; and
7. Programmes of State Government including short-term and long-term measures for the advancement of Backward Classes.

8.18. The list of participants in the Seminar is placed at Annexure 7.9 to the Chapter on 'Methodology'

Almost all the speakers agreed on one principal factor: that caste cannot be ignored in a society like ours which is dominated by caste considerations for centuries, but caste alone should not become the sole criteria and other factors which lead to social and educational backwardness, should also be taken into account while determining the backwardness of a community. Factors like the occupation pattern, rural or urban based living, status in society as determined by occupation, the prevalent social taboos, sanitary condition, primitive ways of worship, primitive techniques adopted in their trades, addiction to vices, literacy of parents, representation in service, environment factors, political weight or importance attained, and so on, were recommended and suggested as factors that should be taken into account to arrive at castes or communities that are socially and educationally backward. Many suggested economic criteria, mainly to weed out the affluent among the Backward Classes from cornering all the benefits that the State would fix for Backward Classes.

8.19. Concept of merit found no advocate. On quantum of reservation, many felt that it should be within 50%, so that others get equal opportunity under open competition. However, at least one among the speakers wanted the percentage of reservation to synchronise with the percentage of BCs population in the State. If the Percentage of BC people in the State is more, the State may have to fix a higher percentage of reservation. 'Siddhis' were particularly recommended to be included under the most Backward List. The poorer sections and sub-groups of Christians, Muslims and also certain dominant communities like Lingayaths, Vokkaligas

and Marathas were recommended to be included under Backward Classes list by some. Some were for categorisation of the Backward Classes list into groups like Backward, More Backward and Most Backward.

8.20 To prevent the misuse of caste and income certificates, many participants spoke for stringent, deterrent punishment to be awarded. They suggested the up-keep or maintenance of a book, one per student, starting from primary classes, giving the bio-data including particulars regarding caste and trade or occupation of parents, of the boy or girl admitted to school and to update this every 5 years.

8.21. Some participants recommended reservation for Backward Classes in local bodies. Casteless people through inter-caste marriages were to be given incentives including a percentage of reservation. Caste-wise enumeration in census was stressed by almost everyone.

8.22. The lively and earnest participation of the eminent people who took part in the Seminar was greatly appreciated by the Commission.

8.23. DISTRICT TOURS : The Commission with Chairman and Members visited many houses of the different communities in villages during the district-tours, for example, Veerashaivas, Kurubas, Agasas, Christian, Visvakarma, Nayinda and so on and personally perceived the existing living conditions of the communities in these places. These visits proved beyond doubt the existence of caste feeling and caste system in our State which is an undisputed fact as seen in practice in these villages among the various communities.

8.24. To cite just one incident from among the experiences of the Commission during its village visits, the Chairman and Members who visited a Kuruba house in Belgaum District witnessed an old woman of about 70 years, rolling woollen threads on her thigh and they noticed to their dismay, that the region of her thigh had become so hard and stratified as a result of rolling the strands for years together. This is the type of experience that convinced the Commission that some means must be evolved by which the Government measures meant for the benefit of Backward Classes, must be made to percolate and reach the poorer section among the Backward Classes, as these are the ones who really need some help to lift them up from the deplorable and miserable existence in which they dwell-in presently, with seemingly no redemption from such inhuman existence.

8.25. The officers and leaders of communities who met the Commission on the district tours prayed that the reservation meant for Backward Special Group may be scrapped or abolished as it does not really help the Backward Classes and insisted that reservations for Backward Classes be introduced in promotions also. There was a persistent demand to raise the income ceiling for Backward Classes from the existing ceiling level of Rs. 10,000 per annum.

8.26. VISITS TO UNIVERSITIES AND INSTITUTIONS
 During the visits to the Universities of the State and the Institutions like, Institute for Social and Economic Change (ISEC) and Indian Institute of Management (IIM), Bangalore, the points placed before the Vice-Chancellors or the Faculty Members of the participating Institutions were similar to

the Agenda placed before the State Level Seminar participants. As the major points discussed and consensus evolved are also almost similar, it has not been dealt in detail here. However, it is worth mentioning that many felt, that the reservation kept for Backward Special Group should go, as it was helping only the upper castes and dominant castes of the State. They were quite vehement in condemning this 15% reservation to the Backward Special Group and requested the Commission to do away with it. They also stressed the need to inculcate self-respect among the Backward Class beneficiaries so that after some time, they will develop a pride in self-help and evolve the inclination to depend on their own efforts and not lean always on the clutches provided by the State., The question of issue of income certificates could be entrusted to the concerned Village Panchayat and to the local revenue official, to avoid corruption and mis-presentation of facts at that level. Many suggested the restriction of the benefits of reservation to one or two generations only and also to have a time-bound programme for implementation of reservation, may be 10 years, after which, the reservation should cease to exist.

8.27. These discussions and exchange of views, helped the Commission to have a glance or peep, as it were, into the minds of academicians who teach and train our younger generations.

OTHER STATISTICAL INFORMATION COLLECTED

PUBLIC AND LOCAL ELECTED BODIES

8.28. Village Panchayats : The Commission collected

information with regard to elected public and local bodies, starting from Panchayats onwards. The community-wise representation of the prestigious offices of Chairmen, Vice-Chairmen and also the Member of the Panchayats were collected for the year 1983. The Panchayats have been dissolved after the expiry of their terms, in 1983, in view of the proposal to introduced Zilla Parishad system. The total number of Panchayats in the State is 8,247. We have been able to collect the data in respect of 7,469 Panchavats.

8.29. The gradation of Caste and communities, in descending order who have secured representation of more than 1 per cent of the total number of seats available for the office bearers in the Panchayats and in the total number of membership in the State of Karnataka has been worked out separately and is given below at column 3 & 4 respectively of the Table-8.I.

TABLE-8.1

Sl. No.	Religion/ Caste	Percentage of seats of Chairman & Vice-Chairman occupied by the communities.	Percentage of seats of Members secured by the Communities.	Percentage of the Communities to the population as per Survey, 1984
1	2	3	4	5
1.	LINGAYATHA / VEERASHAIVA	30.17	21.72	16.92
2.	VOKKALIGA	23.82	17.40	11.68
3.	KURUBA	6.61	6.56	6.92
4.	SCHEDULED CASTE	5.42	18.24	15.86
5.	BRAHMIN	4.01	3.22	3.81
6.	MUSLIM	3.81	5.09	10.97

1. Karnataka at a Glance - 1983-84 by Director of Economics and Statistics.

1	2	3	4	5
7.	MARATHA	3.28	2.81	3.20
8.	SCHEDULED TRIBE	2.54	2.45	2.82
9.	IDIGA	2.22	2.42	2.54
10.	BEDA	1.80	2.58	2.75
11.	BUNT	1.72	1.41	0.83
12.	BESTHA	1.65	1.83	2.80
13.	UPPARA	1.34	1.09	1.31
14.	GOLLA	1.21	1.16	1.46

8.30. It will be seen from this statement that the Lingayatha and Vokkaliga communities have somewhat dominated the rural scene, with percentages more than their share while compared with their percentage to the total population of the State, with regard to the seats of Chairmen & Vice-Chairmen whereas communities like Kuruba, Maratha, Scheduled Tribe, Idiga, Uppara and Golla have shown a more or less comparable picture vis-a-vis their percentage to the State population and other communities like Scheduled Caste, Muslims, Beda and Bestha have captured seats much less than their percentage to the total population.

8.31. This statement reflects a more or less true picture of the castes and communities having better social and political status in rural area and thereby their dominance amongst the various castes. The detailed statements with regard to the Chairman and Vice-Chairman and Members of Village Panchayats in Karnataka are placed at Annexure 8.6 & 8.7 respectively.

8.32. Town Municipal Council, City Municipal Council and Corporations : The particulars of Presidents, Vice-Presidents and Members of Town Municipal Councils and City Municipal Councils and Mayors, Deputy Mayors and Members of Corporations were collected, caste or community-wise from the whole State of Karnataka. There are 211 Town Municipal Councils, 16 City Municipal Councils and 6 Corporations existing in the State of Karnataka. We were able to get information in respect of all these local bodies. The gradation in descending order of the communities having more than 1 per cent representation to the total number of seats, with all the 3 local bodies put together, as compared to their population percentage is given below :

TABLE - 8.2.

Sl. No.	Religion/Caste	Percentage of Membership to the Total number of representation in TMCs/CMCs/ Corporations.	Percentage to the population as per Survey 1984
1	2	3	4
1.	LINGAYATHA/ VEERASHAIVA	20.19	16.92
2.	MUSLIM	16.88	10.97
3.	SCHEDULED CASTE	10.78	15.86
4.	BRAHMIN	8.40	03.81
5.	VOKKALIGA	7.07	11.68
6.	KURUBA	4.89	06.92
7.	MARATHA	2.40	03.20
8.	VAISYA	2.04	00.77
9.	DEVANGA	2.01	00.74
10.	IDIGA	1.99	02.54
11.	BALIJA	1.92	01.33

1	2	3	4
12.	JAIN	1.84	0 . 8 4
13.	BEDA	1.79	2 . 7 5
14.	SCHEDULED TRIBE	1.65	2 . 8 2
15.	CHRISTIAN	1.43	1 . 8 9
16.	NEYGI	1.40	0 . 6 5
17.	UPPARA	1.21	1 . 3 1
18.	BESTHA	1.11	2 . 8 0

8.33. The position here is almost similar to the pattern of representation observed in the Village Panchayats Membership. Here also, Lingayatha Community which is the dominant community, population-wise, has done well by taking 20.19% of the seats. Muslims are also represented well. Communities like Brahmin, Vaisya, Devanga, Baliya and Neygi have secured much more than their percentage to the total population of the State. Communities like Scheduled Caste, Vokkaliga, Kuruba, Marathas, Idiga & Beda, Scheduled Tribe and Christians, though they have got a higher percentage of representation than other communities, have not secured adequate number of seats, while compared with their population proportions. It will be observed that communities like Vokkaliga and Kuruba which are predominantly rural-based are making a rapid entry into these urban bodies too. The statement giving a detailed picture of the Office bearers in TMC/CMC corporation and the membership in these bodies is placed at Annexure- 8.8 and 8.9 respectively.

8.34. Taluk Development Boards : There are 175 Taluk Development Boards in Karnataka. These have been dissolved after the expiry of their terms in 1983, in view of the proposal to introduce the

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new legislation regarding Zilla Parishad and Mandal Panchayats. However, while they existed with the elected members, the Taluk Development Boards were powerful locally, as all the local and Taluk level development schemes were approved and executed by them. We were able to get information from all the 175 Taluk Development Boards, with regard to community wise representation in the positions of Presidents, Vice-Presidents and also the Members.

The communities with 1 per cent and above representation to the total number of seats in these Boards, given in the descending order in Table 8.3, are as follows :

TABLE - 8.3

Sl. No.	Religion/ Caste	Percentage of representation to the total number of seats in Taluk Development Board of the Communities.	Percentage to the population as per SEE Survey 1984.
1.	LINGAYATHA	25.72	16.92
2.	VOKKALIGA	23.18	11.68
3.	SCHEDULED CASTE	17.17	15.86
4.	KURUBA	5.75	6.92
5.	BRAHMIN	4.86	3.81
6.	MUSLIM	4.71	10.97
7.	MARATHA	3.55	3.20
8.	IDIGA	2.02	2.54
9.	BESTHA	1.82	2.80
10.	BEDA	1.13	2.75

8.35. The Taluk Development Boards being

rural bodies, the pattern of distribution of representation of communities in these bodies reflect the rural scene quite faithfully. The communities like Lingayathas, Vokkaliga, Kuruba, Brahmin, Muslim and Maratha are the leading communities in the percentage to the total representation in these elected bodies. The other communities closely on heel are Idiga, Bestha, Beda and Baliya. Schedule Castes have done well with percentage of representation more than their percentage to the total population, may be due to the fixed number of seats reserved in their favour. Both Lingayathas, and Vokkaligas have exceeded in their representations, while compared with their percentage to the total population in the State. The complete statement containing the particulars in this regard, is placed at Annexure-8.10

8.36 M.L.A.'s/M.L.C.s/M.P.s : The community-wise representation in the elected body of legislative Assembly and Legislative Council of the State and the members of Parliament elected from the State were collected for the years 1978 onwards upto 1984 and the Statement is placed as Annexure 8.11. The list of different communities which have secured more than 1 per cent representation to the total number of seats in these elections, in the descending order is given below:

TABLE-8.4

Caste/ Religion	Percentage of representation of castes and communities in the Seats of MLAs/ MLCs & MPs for the 3 terms starting from 1978.	Percentage to the popul- ation of the State as per Survey 1984.
1. LINGAYATHA/ VEERASHATYA	26.02	16.92

1	2	3	4
2.	VOKKALIGA	20.30	1 1 . 6 8
3.	SCHEDULED CASTE	14.00	1 5 . 8 6
4.	BRAHMIN	8.17	3 . 8 1
5.	MUSLIM	5.02	1 0 . 9 7
6.	IDIGA	4.08	2 . 5 4
7.	KURUBA	3.27	6 . 9 2
8.	MARATHA	3.03	3 . 2 0
9.	BUNT	2.10	0 . 8 3
10.	SCHEDULED TRIBE	1.98	2 . 8 2
11.	CHRISTIAN	1.87	1 . 8 9
12.	BEDA	1.28	2 . 7 5

8.37. While communities like Lingayatha, Vokkaliga, Idiga, Bunt, and Brahmin are over represented in these State level and national level elected bodies, when compared to their percentage to the the total population, communities like Muslims, Scheduled Tribes, Scheduled Caste, Kuruba and Beda, though are having a better percentage of representation than many other communities, are inadequately represented when compared to their percentage to the total population. Here again, the politically dominant groups within the State seem to be Lingayathas and Vokkaligas and Brahmins. Many communities, including Agasa, Hugar, Tewar, etc., have not been represented at all. Small communities like Budu-Buduki, Helava, Sikkaligar, Kaniyan, Medara, Siddhis and many others have gone totally unrepresented.

8.38. CO-OPERATIVE INSTITUTIONS/CORPORATIONS AND BOARDS: Particulars were also collected from 18 Co-operative Sugar Factories, 28 Co-operative Textile and Spinning Mills, 28 State Government undertaking 27 State Level Development and Marketing Co-operatives

and Federations and 7 State Level Boards and the castewise representation of the members on the management bodies/Directors of the Boards, of these co-operative Institutions and other bodies were compiled with the view to find out as to which communities dominate the scene. The list of these bodies from which the material has been collected is placed at Annexure-8.12. The Statements showing the caste particulars of members of the management bodies of co-operative Sugar factories and Co-operative Textile and Spinning Mills are at Annexure-8.13; that of Co-operative Government Undertakings is at Annexure-8.14 and Corporations and Boards is at Annexure-8.15 and A.P.M.C.s is at Annexure-8.16.

8.39. The particulars of Members on the Board of Directors of the Co-operative Sugar Factories and Co-operative Textile and Spinning Mills, in descending order, according to the gradation of the castes and communities which have secured more than 1 per cent in the total membership in this regard, vis-a-vis their percentage to the total population of the State, is given below in Table 8.5.

TABLE - 8.5.

RELIGION/ CASTE	Percentage of the total number of seats occupied	Percentage to the total popul- as per Survey 1984
1. LINGAYATHA/ VEERASHIVA	39.82	16.92
2. VOKKALIGA	19.25	11.68
3. BRAHMIN	6.68	3.81
4. KURUBA	4.76	6.92
5. JAIN	2.86	0.84
6. MARATHA	1.52	3.20
7. DEVANGA	1.33	0.74
8. SCHEDULED CASTE	1.14	15.86

Here also, the Lingayathas have secured almost 39.82 per cent of seats and Vokkaligas 19.25% seats. All the other communities have represented very poorly with only Brahmins, Kurubas and Jains having taken 6.68% 4.76% and 2.86% respectively.

8.40. The Statements of the Members in the Boards of Government Undertakings (Company Ltd) in the State presents as shown at Table 8.6, the following picture. Here, the dominant caste is that of Brahmin, who have secured 29.67 per cent of seats followed by 9.34 percent secured by Lingayathas and 4.40 percent secured by Kshatriyas, Christians and Bunts ; 3.30 per cent secured by Vaisyas; 1.65 per cent secured by Baliyas; 1.10 per cent secured by Idigas, Scheduled Castes and Muslims respectively. The gradation of the castes which have secured 1 per cent and above in this respect, to the total number of such seats, in the descending order works out as follows :

TABLE - 8.6

SI. No.	Religion/ Caste	Percentage to the total number of seats occupation in Boards of Govt. Undertakings	Percentage to the total population as per Survey 1984
1.	BRAHMIN	29.67	3.81
2.	LINGAYATHA/ VEERASHAIVA	9.34	16.92
3.	VOKKALIGA	9.34	11.68
4.	KSHATRIYA	4.40	0.44
5.	CHRISTIAN	4.40	1.89
6.	BUNT	4.40	0.83
7.	VAISYA	3.30	0.77
8.	BALIJA	1.65	1.33
9.	MARATHA	1.10	3.20
10.	IDIGA	1.10	2.54
11.	S.C.	1.10	15.86
12.	MUSLIM	1.10	10.97

8.41. The statement of Members (Community-Wise) in the Govt. undertakings, Corporations and Boards in Karnataka, who have secured more than 1 per cent representation to the total number of seats, is as detailed below :

TABLE - 8.7

Sl. No.	Religion/ Caste	Percentage to the total no. seats occupied.	Percentage to the total population as per Survey 1984.
1	2	3	4
1.	BRAHMIN	19.62	3.81
2.	LINGAYATHA/ VEERASHAIVA	13.96	16.92
3.	SCHEDULED CASTE	9.43	15.35
4.	CHRISTIAN	7.92	1.89
5.	VOKKALIGA	7.55	11.68
6.	MUSLIM	3.02	10.97
7.	IDIGA	2.64	2.54
8.	BALIGA	2.26	1.33
9.	BESTA	1.89	2.80
10.	BUNT	1.51	0.83
	KSHATRIYA	1.51	0.44
	JAIN	1.51	0.84
11.	DEVANGA	1.13	0.74
	KURUBA	1.13	6.92

8.42. Here also, the Brahmins lead by taking 19.62 per cent of the total number of Memberships followed by Lingayathas who have secured 13.96 per cent of the seats; Scheduled Castes 9.43%; Christians 7.92 and Vokkaligas 7.55%.

8.43. The Agricultural Produce Marketing Committee (A.P.M.C.) Membership, presents the following picture :

TABLE -8.8

S1. No.	Religion/ Caste	Percentage to the total number of seats occupied in APMC.	Percentage to the total population as per Survey 1 9 8 4 .
1	2	3	4
1.	LINGAYATHA/ VEERASHAIVA	36.28	16.92
2.	VOKKALIGA	15.38	11.68
3.	SCHEDULED CASTE	13.48	15.86
4.	BRAHMIN	5.39	3.81
5.	KURUBA	4.28	6.92
6.	MARATHA	2.52	3.20
7.	VAISYA	2.25	0.77
8.	JAIN	2.04	0.84
9.	BEDA	1.65	2.75
10.	KODAGARU	1.65	0.23
11.	SCHEDULED TRIBE	1.65	2.82
12.	MUSLIM	1.56	10.97

The Castes/Communities with percentage more than their population percentages here are the Lingayaths, Vokkaligas, Brahmins, Vaishyas, Jains and Coorgis.

EDUCATION

8.44. The statistical data collected in respect of students, studying in Professional Courses, viz., Medical and Engineering Colleges, Agricultural Universities and other Technical Institutes are presented here, along with students admitted in the hostels run by the Department of Backward Classes & Minorities. The data with regard to students who appeared and passed the SSLC, Examination, 1985, in the State is presented in the next chapter, concerning criteria considerations.

8.45. **MEDICAL COLLEGES** : Particulars Of students admitted in Government and Private Medical colleges during 1984-85 in the State of Karnataka were collected from the four Government Medical Colleges situated at Mysore, Bangalore, Hubli and Bellary and eleven Private Medical Colleges spread throughout the State. The statement giving the particulars of the colleges from where the data was collected is given at Annexure No. 8.17. The particulars of the Communities which have secured more than 1 per cent to the total number of seats available in these Medical Colleges is shown in the table given below :

TABLE NO. 8.9.

Sl. No.	Religion/ Caste	Percentage to the total No. of seats in Medical college 1984-85	Percentage to total population as per Survey 1984.
1.	BRAHMIN	15.86	3.81
2.	VOKKALIGA	14.23	11.68
3.	S.C.	11.36	15.86
4.	MUSLIMS	9.92	10.97
5.	CHRISTIANS	7.90	1.89
6.	LINGAYATHA/ VEERASHAIVA	6.72	16.92
7.	VAISYA	3.52	0.77
8.	Kuruba	2.28	6.92
9.	S.T.	2.28	2.82
10.	IDIGA	2.21	2.54
11.	GOLLA	1.89	1.46
12.	BALIJA	1.63	1.33
13.	KAMMA	1.44	0.25
14.	BUNT	1.37	0.83

The Castes/Communities that have taken a major share of the Medical seats and much more than their population percentages are Brahmins, Vokkaliga, Christians, Vaisya, Kamma and Bunts.

The detailed statement showing the above particulars is placed at Annexure No. 8.18

8.46. The particulars of students studying in Medical Colleges at Bangalore, Mysore, Hubli, Bellary, Belgaum as well as J.J.M. Medical College, Davanagere; Kasturba Medical College, Mangalore, Dr.Ambedkar Medical College, Bangalore, were collected for the years 1977 to 1983., The statement is placed at Annexure 8.19 The castes and communities which have secured more than 1 per cent of the seats to the total number of seats available in these Medical Colleges is presented in the table below :

TABLE - 8.10

Sl. No.	Religion/ Caste	Percentage of seats secured to the total in the Medical Colleges, from 1977 ₃ to 1983	Percentage of the population as per Survey 1984.
1	2	3	4
1.	BRAHMIN	21.53	3.81
2.	SCHEDULED CASTE	12.32	15.86
3.	VOKKALIGA	9.37	11.68
4.	MUSLIMS	7.14	10.97
5.	LINGAYATHAS/ VEERASHAIYA	7.10	16.92
6.	CHRISTIAN	5.25	1.89
7.	VAISYA	2.83	0.77
8.	KURUBA	2.16	6.92
9.	BESTHA	2.10	2.80
10.	SCHEDULED TRIBE	2.00	2.82
11.	IDIGA	1.72	2.54
12.	BHUNT	1.55	0.83

1	2	3	4
13.	GOLLA	1.51	1.46
14.	BALIJA	1.47	1.33
15.	VISWAKARMA	1.39	1.96
16.	JAIN	1.39	0.84
17.	DEVANGA	1.15	0.74
18.	MARATHA	1.09	3.20
19.	NAYAR	1.02	0.16

The Castes/Communities having representation more than their population percentages, in a large way, are Brahmins, Christians, Vaisyas, Bunts, Jains, Devarga and Nayars.

The caste-wise distribution of MBBS seats in Government and private Medical Colleges under Government quota for the year 1985 has been collected and is placed at Annexure - 8.19 (a). As seen in this Brahmins have taken 153 seats out of 293 seats available under general merit category and BSG category is dominated by Brahmins and Lingayats.

8.47. ENGINEERING COLLEGES: The list of students admitted to Engineering Colleges in the State were compiled and the Commission collected the information from the Government Engineering Colleges, Aided and Private Engineering Colleges in the State during 1984-85. The list of the Engineering Colleges from which the particulars were collected is placed at Annexure No. 8.20 Annexure No. 8.21 shows the details of the particulars of the students admitted in these Engineering Colleges, for the year 1984-85. The descending order of the communities which have secured more than 1 per cent of seats to the total number of seats available in these colleges is presented in the Table given below :

TABLE 8.11

SI. No.	Religion/ Caste	Percentage to the total No. of seats in Engineering Colleges 1984-84	Percentage to the population, as per Survey 1984
1.	2	3	4
1.	BRAHMIN	20.09	3.81
2.	LINGAYATHAS/ VEERASHAIVA	14.91	16.92
3.	VOKKALIGA	13.45	11.68
4.	MUSLIMS	8.52	10.97
5.	S.C.	6.96	15.86
6.	CHRISTIAN	3.35	1.89
7.	VAISYA	2.14	0.77
8.	SIKHS	2.13	0.02
9.	BALIJA	1.98	1.33
10.	JAIN	1.97	0.84
11.	MARATHA	1.69	3.20
12.	KSHATRIYA	1.59	0.44
13.	KUBUBA	1.47	6.92
14.	S.T.	1.12	2.82

In the Engineering College admissions also the Caste/Communities that have obtained seats much more than their population percentages are, Brahmins, Vokkaligas, Christians, Sikhs, Jains, Baliyas, Vaisyas, Kshatriyas, Lingayaths and Muslims also have taken a large chunk of the available seats.

8.48 AGRICULTURE UNIVERSITY: BANGALORE: The particulars of candidates admitted to the various courses run by the University of Agriculture, Agricultural Sciences, Bangalore during the year 1984-85 were collected and these particulars are placed in the form of statements at Annexure No. 8-22 and No. 8-23. The table showing the communities which have secured more than 1 percent of the total number of seats available under the various courses in University of Agricultural Sciences, Bangalore during the year 1984-85 is shown, below:

TABLE NO. 8.12

SI. NO.	Religion/ Caste	Percentage to the total No. of seats in Agriculture University, B'lore 1984-85.	Percentage to the population as per Survey 1984
1	2	3	4
1.	LINGAYATHA/ VEERASHAIVA	20.19	16.92
2.	BRAHMIN	19.72	3.81
3.	VOKKALIGA	16.24	11.68
4.	S.C.	15.31	15.86
5.	S.T.	3.94	2.82
6.	KURUBA	2.78	6.92
7.	CHRISTIAN	2.55	1.89
8.	JAIN	2.32	0.84
9.	GOLLA	2.09	1.46
10.	BALIJA	1.39	1.33
11.	DEVANGA	1.39	0.74
12.	BESTHA	1.39	2.80
13.	GANIGA	1.39	0.45
14.	KODAGARU	1.16	0.23

The leading Castes/Communities as far as the admission to Agricultural Colleges are concerned are Lingayaths, Brahmins, Vokkaligas, Christians and Jains. Golla, Baliija, Devanga, Ganiga and Kodagas also have secure seats more than their population percentages.

8.49 **MEDICAL 'D' PHARMA:** The statement of students who secured admission to the course of Diploma in Pharmacy, for the year 1984-85, collected from Government and Private Pharmacy colleges in the State, is placed at Annexure No. 8.24. The graduation in descending order of the communities which have secured more than 1 per cent of the total number of seats in this course, in Karnataka during 1984-85 is given in the table below:

TABLE NO. 8.13

SI. NO.	Religion/ Caste	Percentage to the total No. of seats in D'Pharma 1984-85	Percentage to Population as per Survery 1984
1	2	3	4
1.	MUSLIMS	17.24	10.97
2.	LINGAYATHA/ VEERASHAIVA	11.56	16.92
3.	BRAHMIN	9.41	3.81
4.	VAISYA	8.94	0.77
5.	CHRISTIAN	7.74	1.89
6.	NAYAR	4.01	0.16
7.	IDIGA	3.73	2.54
8.	S.C.	3.36	15.86
9.	JAINS	1.49	0.84
10.	KAMMA	1.49	0.25
11.	DEVANGA	1.40	0.74
12.	BALIJA	1.40	1.33
13.	NEYGI	1.40	0.65
14.	KURUBA	1.21	6.92
15.	BUNT	1.12	0.83
16.	MARATHA	1.12	3.20

In the D'Pharma admissions, scrupulously Muslims take the lead, followed by Lingayaths, Brahmins, Vaisya, Christians and Nayars. Muslims, Brahmins, Vaisya, Christians, Nayars, Idigas, Jains, Kamma, Devanga, Baliija, Neygi and Bunts are the Castes/Communities having secured seats more than in proportion to their population.

8.50 · **DENTAL COLLEGES:** The particulars of students admitted to Dental courses in the Government and Private Dental Colleges during 1984-85 is given in the statement placed at Annexure No. 8.25. The gradation of communities in the descending order, which have obtained more than 5 percent of the total number of seats is given below in the table:

TABLE NO. 8.14

SI. NO.	Religion/ Caste	Percentage of the total No. of seats in Dental Colleges 84-85	Percentage to population as per Survey 1984.
1	2	3	4
1.	MUSLIMS	14.00	10.97
2.	CHRISTIAN	12.00	1.89
3.	BRAHMINS	9.00	3.81
4.	VOKKALIGA	6.00	11.68
5.	LINGAYATHA/ VEERASHAIVA	5.00	16.92

Muslims seem to lead here also followed by Christians, Brahmins, Vokkaligas and Lingayaths.

8.51 **INDIAN SYSTEM OF MEDICINE:** The particulars of the students studying in the various Medical Colleges and admitted to the courses in Indian System of Medicine in the State of Karnataka for the year 1984-85 have been collected and this statement is placed at Annexure No 8.26. The gradation of communities which have secured is given in the table below:

TABLE NO 8.15

SI. NO.	Religion/ Caste	Percentage of the total No. of seats in Indian System of Medicine 84-85	Percentage to population as per Survey 1984
1	2	3	4
1.	BRAHMIN	38.67	3.81
2.	LINGAYATHAS/ VEERASHAIVA	20.04	16.92
3.	MUSLIMS	4.95	10.97
4.	VOKKALIGA	4.70	11.68
5.	MARATHA	4.28	3.20
6.	JAINS	3.69	0.84
7.	BUNT	2.94	0.83
8.	VAISYA	2.43	0.77
9.	S.C.	1.93	15.86

The Brahmins and Lingayaths hve taken overwhelming number of seats here, viz., 38.67% and 20.04% respectively. Marathas, Jains, Bunts and Vaisyas have taken seats more that their population percentages.

8.52 POLYTECHNIC COURSES: The particulars of students admitted to Polytechnic Courses run by the Government, Aided and Private Polytechnic colleges in the State were collected and this statement is placed at Annexure No. 8.27. The gradation of communities which have secured more than 1 per cent of the seats to the total number of seats available is presented at the table below in the descending order.

TABLE NO. 8.16

SI. NO.	Religion/ Caste	Percentage to the total No. of seats in Polytechnic Courses 1984-85	Percentage to population as per Survey 1984
1	2	3	4
1.	BRAHMIN	15.08	3.81
2.	LINGAYATHA/ VEERASHAIVA	15.08	16.92
3.	MUSLIMS	9.83	10.97
4.	S.C.	8.65	15.86
5.	VOKKALIGA	8.60	11.68
6.	CHRISTIAN	2.83	1.89
7.	MARATHA	2.50	3.20
8.	IDIGA	1.76	2.54
9.	BALIJA	1.63	1.33
10.	BUNT	1.63	0.83
11.	BESTHA	1.61	2.80
12.	VISHWAKARMA	1.61	1.96
13.	KURUBA	1.59	6.92
14.	S.T.	1.38	2.82
15.	VAISYA	1.28	0.77
16.	JAIN	1.08	0.84
17.	DEVANGA	1.05	0.74

Here, though Lingayaths, Muslims, Scheduled Castes and Vokkaligas have secured more seats, Brahmins have secured seats very much more than their population percentages. Christians, Bunts, Vaisyas, Jains and Devangas have also secured marginally more than their population percentages.

8.53 The various professional/Technical courses in the State and the representation of the Communities in these courses, are very much indicative of the dominant groups among the Castes and communities in these courses. We have taken these as supportive evidence for determining the backwardness or otherwise of a caste or community in the State.

8.54 **HOSTEL ADMISSION:** The castewise representation of the students who are admitted into the pre-matric and post-matric hostels, run and maintained by the Directorate of Backward Classes and Minorities, were collected for the year 1984-85, with a view to assess the effectiveness of the programmes on the one hand and on the other to find out as to which of the communities are really reaping the benefits meant for other Backward Classes. The figures shown for pre-matric Hostels include the students admitted in Grant-in-aid Hostels run by voluntary organisations and Ashram Schools. The data has been collected from 642 Institutions and the detailed statement is placed at Annexure 8.28.

8.55 The descending order of communities with percentage of admissions more than 1 per cent to the total number of admissions is as follows:

TABLE NO. 8.17

Sl. No.	Religion/ Caste	Percentage of admissions to the total No. of admissions in pre & post-matric hostels for the year 1984-85	Percentages to the total population of the State as per Survey 1984
2	3	4	
1.	SCHEDULED CASTE	23.25	15.86
2.	LINGAYATHA/ VEERASHAIVA	12.23	16.92

1	2	3	4
3.	VOKKALIGA	14.20	11.68
4.	KURUBA	5.92	6.92
5.	MUSLIM	4.74	10.97
6.	BEDA	3.67	2.75
7.	SCHEDULED TRIBE	2.27	2.82
8.	IDIGA	2.82	2.54
9.	VISHWAKARMA	2.36	1.96
10.	GOLLA	2.32	1.46
11.	BESTHA	2.06	2.80
12.	AGASA	1.54	1.00
13.	MARATHA	1.49	3.20
14.	UPPARA	1.48	1.31

8.56. The forward communities like Lingayathas and Marathas have taken advantage of the reservation available under the category of Backward Special Groups and have secured 12.23% and 1.49% respectively of the seats in these hostels. Out of the 25% seats reserved for S.C./S.T.s in the hostels of the Dept. of Backward Classes and Minorities, 25.52% (23.25 + 2.27) of seats have been occupied by Scheduled Castes and Scheduled Tribes put together. Vokkaliga, Kuruba, Muslim, Beda, Idiga, Vishwakarma, Golla, Bestha, Agasa, and Uppara are the other communities which have benefitted largely under this Scheme of the Department. Here again, the lead is given by the two communities, Lingayats and Vokkaligas.

8.57. **EMPLOYMENT** : The Commission has collected the particulars of candidates recruited by the various Departments through the departmental Recruitment Committees, KPSC or other wise and the candidates who are already working in the different Government Departments. The caste particulars of candidates recruited by bodies like Karnataka Public Service Commission and Departmental Recruitment Committees are presented in this Chapter and the other statistics regarding the persons employed in services in the different Government Departments, is dealt in the next Chapter, relating to Criteria considerations.

8.58 **RECRUITMENT OF TYPISTS:** The State level Recruitment Committee for Stenographers and Typists, selects typists and Stenographers, maintains a Common Pool and distributes the candidates to different Departments, mainly based on the requests of the individual Government Departments. The Statement placed at Annexure 8.29 shows the particulars of the typists selected and appointed on 10.5.1985 by this Recruitment Committee. 1,639 persons have been selected as per this notification and their caste-wise break-up is also shown in the same statement. The descending order of major communities which have secured more than 1 per cent representation in this selection is given below:

TABLE NO. 8.18

SI NO.	Religion/ Caste	Percentage of selected candidates to the total NO. of selected candidates of Typists .	Percentage to the total population as per Survey 1984.
1	2	3	4
1.	BRAHMIN	28.37	3.81
2.	LINGAYATHA/ VEERASHAIVA	14.03	16.92
3.	VOKKALIGA	10.98	11.68
4.	SCHEDULED CASTE	8.48	15.86
5.	BESTHA	2.81	2.80
6.	KURUBA	2.68	6.92
7.	NEYGI	2.56	0.65
8.	MUSLIM	2.26	10.97
9.	GOLLA	2.07	1.46
10.	VAISYA	2.01	0.77
1.	CHRISTIAN	1.95	1.89
2.	VISWAKARMA	1.83	1.96
3.	IDIGA	1.65	2.54
4.	SCHEDULED TRIBE	1.59	2.82
5.	DEVANGA	1.34	0.74
6.	BALIJA	1.34	1.33
7.	MARATHA	1.16	3.20

8.59 It is obvious that the Brahmins who are only 3.81% to the total population of the State have taken 28.37% out of 1,639 posts of Typists recruited. All the other communities have fared less than their population percentages. Few communities like Bestha, Christian, Viswakarma and Baliya have managed to retain a comparable percentage of selection vis-a-vis their percentage to the total population. Only Vaisyas seem to have exceeded their percentage to the total population.

8.60 It will be noticed from the detailed statement placed at Annexure 8.29 that the General Merit Category, is dominated by Brahmins. They have secured 271 posts in a total of 529 posts available under General Merit Category. They are followed by Lingayats who have taken 101 posts under General Merit Category. Vokkaligas, Christians, Vaisyas, Baliyas and Marathas have entered General Merit Category by a very small margin, by getting 25, 17, 15, 11 and 10 posts respectively. Under Backward Special Group category, the major beneficiaries are again Brahmins and Lingayats with 170 and 113 posts secured respectively out of 363 seats reserved under BSG Category. Vaisyas and Christians also have secured 11 posts each under this category. The oft-repeated statement that the Backward Special Group reservation is a reservation for the forward and dominant communities seems almost proved true. Under Backward Communities category, it is the turn of Vokkaligas to dominate, having secured 143 posts to their credit out of 324 posts. The others having a better share under Backward Community category are Neygi, Muslims, Viswakarma, Idiga, Devanga and Darji, having secured 37, 34, 24, 20, 19 and 13 posts respectively. Under Backward Caste, Kurubas are the main beneficiaries with 41 posts to their credit and Agasa, Kumbara, Tigala, Bestha have secured 15, 14, 12 and 10 posts each out of a total of 143 posts. How Brahmins secured 11 seats under BCT category is a mystery! It may be by misutilising the reservation available for Stanikas in the Backward Caste category. Under Backward Tribe/Category, Bestha and Gollas have secured 35 and 33 seats respectively out of 86 posts reserved for Backward Tribes.

8.61 If this recruitment is any indication and serves as a sample, the conclusions to be drawn are too obvious to be stated.

8.62 RECRUITMENT OF STENOGRAPHERS: The same recruitment agency as that of typists has recruited 443 Stenographers on 29.5.84. The detailed statement is placed at Annexure 8.30. The descending order of communities with percentage more than 1 per cent to the total number of candidates recruited is as below:

TABLE 8.19

Sl. No.	Religion/ Caste	Percentage to the total No. of candidates recruited in Stenographers recruitment.	Percentage to the total population in the State as per Survey 1984.
1.	BRAHMIN	25.51	3.81
2.	LINGAYATHA / VEERASHAIVA	16.25	16.92
3.	VOKKALIGA	13.76	11.68
4.	SCHEDULED CASTE	6.32	15.86
5.	BALIJA	2.48	1.33
6.	NEYGI	2.48	0.65
7.	BEDA	2.26	2.75
8.	Viswakarma	2.25	1.96
9.	DEVANGA	2.03	0.74
10.	VAISYA	2.03	0.77
11.	KURUBA	1.81	6.92
12.	DARJI	1.58	0.33
13.	MARATHA	1.58	3.20
14.	MUSLIM	1.58	10.97
15.	CHRISTIAN	1.35	1.89
16.	BESTHA	1.13	2.80
17.	KOCAGARU	1.13	0.23

8.63. In this recruitment also, General Merit Category has been dominated by Brahmins and Lingayathas who have secured 52 and 16 posts respectively out of 92 posts reserved for General Merit; Backward Special Group also presents the same picture, with Lingayathas having secured 43 posts and Brahmins 37 posts out of 90 posts reserved.

8.64. **RECRUITMENT OF SUB-INSPECTORS :**

The State Level Recruitment Committee selects sub-Inspectors for the police department. The Statement placed at Annexure-8.31 shows the particulars of 50 sub-Inspectors selected vide notification dated 4-7-85, along with the caste-wise break up of these candidates. The descending order of the major communities which have secured more than 1% in this selection is given below :

TABLE - 8.20

Sl. No.	Religion/ Caste	Percentage to the total No. of candidates recruited in Sub-Inspectors of Police.	Percentage to the population as per Survey 1984.
1.	SCHEDULED CASTE	22.00	15.86
2.	LINGAYATHA/ VEERASHIAVA	16.00	16.92
3.	VOKKALIGA	10.00	11.68
4.	SCHEDULED TRIBE	6.00	2.82
5.	KURUBA	6.00	6.92
6.	KODAGARU	6.00	0.23
7.	IDIGA	6.00	2.54
8.	MUSLIM	4.00	10.97
9.	BEṬA	4.00	2.75
10.	JAIN	2.00	0.84
11.	DARJI	2.00	0.33
12.	UPPARA	2.00	1.31
13.	KUMBARA	2.00	0.70
14.	MARATHA	2.00	3.20
15.	Tigala	2.00	0.60

It may be noticed from the above Statement, that the Scheduled Castes have secured a dominant position by securing 22 percent of the posts. They are followed by Lingayathas and Vokkaligas, who have secured 16% and 16 percents respectively. Scheduled Tribes, Kuruba, Kodagaru and Idigas, stand next to them by securing 6% each out of 50 posts. The detailed statement is placed at Annexure 31.

8.65 RECRUITMENT OF CLASS III POSTS IN JUDICIAL

DEPARTMENT: The Recruitment Committees of judicial department have recruited 807 candidates under 'C' group during the years 77-78 to 83-84. The religion and Caste wise particulars of these candidates are furnished in Annexure 8.32. The descending order of the communities which have secured more than one percent in this selection is as detailed below:

TABLE - 8.21

Sl. No.	Religion/ Caste	Percentage to the total Number of candidates recruited.	Percentage to the -population as per Survey 1984.
1.	2	3	4
1.	BRAHMIN	18.34	3.81
2.	LINGAYATHA/ VEERASHAIVA	17.47	16.92
3.	SCHEDULED CASTE	11.91	15.86
4.	MUSLIM	9.18	10.97
5.	VOKKALIGA	7.06	11.68
6.	KURUBA	3.10	6.92
7.	BEDA	2.60	2.75
8.	MARATHA	2.23	3.20
9.	CHRISTIAN	2.11	1.89
10.	SCHEDULED TRIBE	1.74	2.82
11.	BESTHA	1.73	2.80
	VISWAKARMA	1.73	1.96
12.	BALIJA	1.61	1.33
13.	IDIGA	1.36	2.54
	NEYGI	1.36	0.65
	VAISYA	1.36	0.77
14.	DEVANGA	1.23	0.74

Here also Brahmins, Lingayaths lead.

3.66 DEPARTMENTAL RECRUITMENT COMMITTEES (D.R.C.)

There are 35 recruitment Committees appointed by Government on 24.6.1983 and 11.8.1983 to carryout recruitment for nearly 52 departments. The Commission was able to collect particulars from 30 of these Departmental Recruitment Committees, for the recruitments carried on from 1977-78 upto 1983-84 for 39 Departments. These figures have been consolidated in a single statement showing the castewise distribution of the selected candidates under group 'c' posts (Rs. 410/- 1650), and is placed at Annexure 8.35. Statement showing the 35 Recruitment Committees is placed at Annexure-8.33. The castewise representation of the various Departments, as reflected in the 30 recruitment committees is placed at Annexure 8.34. The descending order of the communities with percentage of selection above 1 per cent to the total number of candidates selected is as shown below

TABLE - 8.22

Sl. No.	Religion/ Caste	Percentage to the total number of candidates selected	Percentage to the total population in the State as per Survey 1984.
1	2	3	4
1.	SCHEDULED CASTE	19.47	15.86
2.	LINGAYATHA/ VEERASHAIVA	13.02	16.92
3.	VOKKALIGA	10.38	11.68
4.	BRAHMIN	11.32	3.81
5.	MUSLIM	5.21	10.97
6.	KURUBA	3.28	6.92
7.	SCHEDULED TRIBE	2.99	2.82

G.O.No. DPAR 40 SCR 83 dt 24.6.83
G.O.No. DPAR 40 SCR 83 dt 11.8.83

1	2	3	4
8.	CHRISTIAN	1.46	1.89
9.	VISWAKARMA	1.16	2.75
10.	GOLLA	1.09	2.80
11.	VAISYA	1.07	0.77
12.	BESTHA	1.03	2.80
13.	IDIGA	0.93	2.54
14.	DEVANGA	0.82	0.74
15.	BEDA	0.76	2.75
16.	JETTI	0.02	0.01

8.67. **RECRUITMENTS CARRIED BY GOVERNMENT DEPARTMENTS** ; The particulars of persons recruited under A, B, C and D Groups in the 116 State Government Departments in Karnataka from 1977-78 to 1983-84 by agencies like DRCs, KPSC and district level recruitment Committees were collected and shown in statement placed at Annexure-8.36. The consolidated statement for A, B, C and D groups in this regard is at Annexure 8.37. The descending order of castes and communities who have secured 1 percent and above to the total number of posts recruited is worked out and is presented below :

TABLE - 8.23

Sl. No.	Religion/ Caste.	Percentage to the total No. of posts secured.	Percentage to the population of State as per Survey 1984.
1	2	3	4
1.	SCHEDULED CASTE	20.40	15.8f
2.	LINGAYATHA/ VEERASHAIVA	13.22	16.92

1	2	3	4
3.	BRAHMIN	11.42	3.81
4.	VOKKALIGA	11.08	11.68
5.	MUSLIMS	6.34	10.97
6.	KURUBA	3.43	6.92
7.	SCHEDULED TRIBE	2.92	2.82
8.	CHRISTIANS	2.05	1.89
9.	Viswakarma	1.48	1.96
10.	MARATHA	1.43	3.20

8.68. **RECRUITMENT BY KARNATAKA PUBLIC SERVICE COMMISSION (KPSC)** : The recruitments carried out by Karnataka Public Service Commission from 1977 onwards upto 1984 were collected. In these recruitments by KPSC, Caste particulars of General Merit and BSG Category were not available. Hence the caste particulars of the other categories viz., BCM, BCT, BT, SC & ST only are presented in the Statements. The particulars for recruitment of posts by KPSC excluding the FDCs, and SDCs, are placed at Annexure 8.38 The descending order of communities with more than 1 percent representation in this, is given below :

TABLE - 8.24

Sl. No.	Religion/Caste	Percentage to the total No. of posts recruited	Percentage to the total population of State as per Survey 1984.
1.	SCHEDULED CASTE	14.55	15.86
2.	VOKKALIGA	12.01	11.68
3.	MUSLIM	5.09	10.97
4.	KURUBA	3.50	6.92
5.	GOLLA	1.26	1.46
6.	BESTHA	1.06	2.80

8.69. **RECRUITMENT OF FIRST DIVISION CLERKS**

(BY KPSC) : The recruitments conducted by the Karnataka Public Service Commission for the year 1982-83 in the State for the posts of First Division Clerks is placed at Annexure 8.39. The Communities which have secured more than 1% to the total number of candidates recruited, is shown below :

TABLE - 8.25

Sl. Religion/ No. Caste.	Percentage to the total No. of posts recruited.	Percentage with the total popu- lation as per Survey 1984.
1. Scheduled Caste	21.04	15.86
2. Scheduled Tribe	9.06	2.82
3. Vokkaliga	8.55	11.68
4. Muslims	4.18	10.97
5. Kuruba	4.11	6.92.
6. Viswakarma	1.44	1.96
7. Golla	1.37	1.46

8.70. **RECRUITMENT OF SECOND DIVISION CLERKS**

(BY KPSC) : The recruitments conducted by the Karnataka Public Service Commission for the posts of Second Division Clerks from the year 1979 to 1983 is placed in a Statement at Annexure 8.40. The Communities which have taken more than 1% of the total number of posts of Second Division Clerks recruited is shown in the table given below :

TABLE- 8-26

Sl. Religion/ No. Caste	Percentage to the total No. of posts recruited.	Pcentage with the total popula- tion as per Survey 1984
1	2	3
		4

1	2	3	4
1.	SCHEDULED CASTE	17.53	15.86
2.	VOKKALIGA	10.25	11.68
3.	MUSLIMS	3.63	10.97
4.	KURUBA	2.55	6.92
5.	DEVANGA	1.50	0.74
6.	IDIGA	1.25	2.54
7.	VISWAKARMA	1.23	1.96
8.	GOLLA	1.03	1.46

8.71. RECRUITMENT OF SUPERINTENDENTS OF HOSTELS BY THE DEPARTMENT OF BACKWARD CLASSES AND MINORITIES : The Department of Backward Classes and Minorities recently recruited Superintendents for the Pre-matric (Boys) Hostels, run by the Department. 312 candidates were selected by the Departmental Recruitment Committees in 1985 and were appointed in December 1985. The details of this recruitment is placed at Annexure-8.40. The descending order of communities which have secured more than 1 per cent of recruited posts is as shown below :

TABLE - 8.27.

Sl. No.	Religion/ Caste	Percentage to the total No. of posts recruited as Supp- orts of BCM Hostels	Percentage to the total popula- tion of State as per Survey 1984.
1	2	3	4
1.	LINGAYATHA/ VEERASHAIVA	18.27	16.92
2.	SCHEDULED CASTE	16.36	15.86
3.	VOKKALIGA	9.94	11.68
4.	BRAHMIN	6.41	3.81
5.	BEDA	5.13	2.75

1	2	3	4
6.	MUSLIM	3.86	10.97
7.	Viswakarma	3.21	1.96
8.	MARATHA	3.21	3.20
9.	IDIGA	2.56	2.54
10.	BESTHA	2.24	2.80
11.	SCHEDULED TRIBE	1.92	2.82
12.	UPPARA	1.92	1.31
13.	KUMBARA	1.60	0.70
14.	GANIGA	1.28	0.45
15.	AGASA	1.28	1.00

8.72. ALL INDIA SERVICES AND KARNATAKA ADMINISTRATIVE SERVICES :

The particulars of insiders i.e Kannadigas and those domiciled in Karnataka, selected under the Direct Recruitment held for All India Services of IAS, IPS and IFS, from the year 1972 onwards were collected and the statement is placed at Annexure-8.42. The statement shows 20 Brahmins and 11 Scheduled Castes as selected, out of 55 such insiders.

8.73. Particulars of K.A.S. Officers promoted under promotional quota in the All India Services is placed at Annexure 8.43. This statement shows that out of 115 such officers inducted into IAS, IPS and IFS since 1972, 27 Lingayathas, 24 Brahmins, 14 Scheduled Castes and 11 Vokkaligas have benefitted among small number of posts secured by other communities.

8.74. Particulars of officers selected by Karnataka Public Service Commission for Karnataka Administrative Services (Class-I) in the State are placed at Annexure^{8.44}. This statement shows that from 1977 onwards, 99 K.A.S. Officers have been selected and out of them 19 are

Vokkaligas, 14 Lingayathas, 13 Brahmins and another 13 Scheduled Castes and 8 Muslims among small number of posts secured by other communities.

FINANCIAL

8.75. BENEFICIARIES UNDER THE SCHEMES OF KARNATAKA BACKWARD CLASSES AND MINORITIES DEVELOPMENT CORPORATION ; The particulars of the communities that have availed the benefits under the 3 Major economic schemes implemented by this Corporation for the benefit of the Backward Classes is given in the Statement placed at Annexure 8.5 The major beneficiaries of these economic schemes are Muslims with 30.60 percent to the total number of beneficiaries. This is followed by Vokkaligas, who have taken 18.18 per cent, Viswakarma 7.97 percent and Kuruba 6.42 per cent and Bestha 5.38 per cent. The Gradation of these according to the castes and communities which have taken more than 3 per cent in the total number of beneficiaries is worked out and it is presented below :

TABLE - 8.28

Sl. Religion/ No. Caste	Percentage to the total No. of bene- ficiaries under KBC & MDC Ltd.,	Percentage of population as per Survey 1 9 8 4 .
1. MUSLIMS	30.60	10.97
2. VOKKALIGA	18.18	11.68
3. VISWAKARMA	7.97	1.96
4. KURUBA	6.42	6.92
5. BESTHA	5.38	2.80
6. AGASA	4.65	1.00
7. IDIGA	4.45	2.54
8. BEDA	3.40	2.75

CHAPTER 9

Criteria Adopted
PRESENTATION OF DATA,
CRITERIA CONSIDERATIONS AND
RECOMMENDATIONS ON RESERVATION.

CHAPTER 9
CRITERIA ADOPTED.

PRESENTATION OF DATA,

CRITERIA CONSIDERATIONS AND RECOMMENDATIONS ON RESERVATION.

I. SOCIO-ECONOMIC AND EDUCATIONAL SURVEY - DATA PRESENTATION.

The procedure adopted in the conduct of Socio-Economic-cum-Educational Survey, through-out the State of Karnataka, on enumeration basis of households, in Schedule 1.1 and the consolidation of the material so collected in Schedule 1.2, the break-up of these data in six State level Tables and also the final casting of these data on 26 State level analytical tables, have already been mentioned elsewhere in the chapters 7 and 8. In this chapter we have attempted to analyse the data so collected and finally made available in the form of 26 analytical tables.

9.2. Through the laborious and voluminous survey undertaken by us, we were able to cover 90.49 per cent of the projected population of 1984 in the State. We took the population of Karnataka as per the 1981 census, as the basis and projected the population to 1984, taking the average growth rate of 2.5 per cent per annum. To this projected population, the coverage of our Survey of 1984 was compared and the coverage works out to be 90.49 per cent, which is by any reasonable standards, a very satisfactory coverage. The gap in coverage is mainly due to the deficiency in the coverage in urban areas, especially in the Corporation areas of Mysore, Hubli-Dharwad, Mangalore and Bangalore. The statement at Annexure-9.1 shows the districtwise coverage of population by our survey, as compared to the projected population for 1984. The coverage of our Survey, for the rural population has been 94.42% and for the urban population 80.81 per cent. Statement placed at Annexure-9.2 shows the details with regard to this.

9.3. The various items of data collected by this survey compare very favourably to the census conducted by Government, in areas of the State total for Agricultural labourers, land holdings, total number of Government Employees in the State,

total number of SSLC students studying in the schools in the State, population of Scheduled Caste and Scheduled Tribes in the State and such other important areas. This comparison between the data collected through our survey and the data available through Government sources, in some of the important areas mentioned above, is presented in the form of a statement and is placed at Annexure - 9.3.

9.4. The 26 State-level analytical tables mentioned elsewhere give the particulars of the population of the State living in urban and rural areas, households living in 'Kachcha houses' and 'pakka houses', households with or without facilities of electricity, latrine and drinking water wells, households with land holdings less than one standard acre, from 1 to 2.5 standard acres, 2.5 to 5 acres, 5 to 20 acres and 20 acres and above persons working in Central and State Government establishments, separately for Class I, Class II, Class III and Class IV, persons who are self-employed, persons engaged as agricultural labourers, unemployed persons who are SSLC passed and non-SSLC, population of students studying in Primary Schools, Middle Schools and SSLC classes, students studying in PUC, in General courses and in Professional courses, population of drop-outs from schools below 7th standard, drop-outs from schools above 7th standard and below SSLC, illiterates in the population and households with annual income below Rs. 5,000/-, between Rs. 5,000/- and Rs. 10,000/-, between Rs. 10,000/- and Rs. 20,000/- and Rs. 20,000/- and above. Details have been worked out for the various castes and communities in the State, and the State averages under each of these socio-economic-educational and employment indicators were computed.

9.5. For the purpose of determining the backwardness or forwardness of the caste/communities in the State, we have taken 17 of these 26 indicators, as relevant and corroborative evidence in addition to the basic test of percentage of students who have passed SSLC in the examination held in April 1985 in the State:

I. CRITERIA CONSIDERATIONS:

9.6: The criteria to be adopted to determine the socially and educationally backward classes for the special benefits provided under Article 15(4) of the Constitution, and such socially and educationally backward classes which are inadequately represented in the Government Service, for the benefits under Article 16(4) of the Constitution, have occupied the mind of the Commission, since its inception. The most complex and challenging job before the Commission was the identification of the socially and educationally backward classes in the State. The Commission had been placing this persistent question, of what criteria is to be adopted, to almost everyone who came across it. The question was discussed in detail in the State level seminar where the intelligentsia put forth many options. The question was placed before the general public and the Heads of Departments of the State Government in the form of Questionnaires. The members of the Caste Organisations, eminent leaders, Social Scientists and members of the various Bar Associations and others who came to give evidence before the Commission, during its sittings at District Headquarters and State Headquarters, Bangalore, were confronted with this question. The academicians of universities and institutions were also confronted with this question. Various suggestions were placed before us on many forums. These have been dealt in brief in Chapter 8. We studied carefully the judgements of the courts on the subject, available before us. The court judgements, especially, that of May 1985 of the Supreme Court, in the case of Vasanth Kumar-V -State of Karnataka, which was meant specially to provide guidelines to our Commission, were objectively studied by us. We analytically studied in detail, the attempts of the various commissions which preceded us, to identify the Backward Classes, in Karnataka State and elsewhere. In spite of all these exercises the question did not have an easy answer.

9.7. As Venkataramaiah, J. in Vasanth Kumar's case states, "The question involved in these cases are delicate ones and have, therefore, to be tackled with great caution. They are indeed highly sensitive issues". Chinnappa Reddy, states, in the same judgement, "There can be no universal test; there can be no exclusive test; there can be no conclusive test. In fact, it may be futile to apply any rigid tests. One may have to look at the generality and the totality of the situation." Again as Fazl Ali, J. pointed out in Thomas case, regarding reservation within the permissible limits, that it will, "depend upon the facts and circumstance of each case and no hard and fast rule can be laid down, nor can this matter be reduced to a mathematical formula" We realise the truth in these statements:

9.8. "The determination of the question whether the members belonging to a caste or group or community are backward for the purpose of Article 15(4) and 16(4) of the Constitution" says Venkataramiah, J. "is no doubt left to the Government. But, it is not open to the Government to call any caste or group or community as backward according to its sweet will and pleasure and extend the benefits that are granted under those provisions, to such caste or group or community. The exercise of uncontrolled power by the Government in this regard, may lead to political favouritism leading to denial of just requirement of classes which are truly backward. The power of the Government to classify any caste or group or community as backward has to be exercised in accordance with the guidelines that can be easily gathered from the Constitution". Bearing the guidelines offered to us in the five judgements in Vasanth Kumar's case by the Supreme Court, we have proceeded very cautiously in this field.

9.9. It is of paramount importance to say that this question of determining backwardness of classes requires scientific investigation. "The state of backwardness of any class of citizens", says Sen, J. in Vasantha Kumar's case, "is a factual situation which needs investigation and

determination by a fact finding body which has the expertise and machinery for collection of relevant data". The investigation and study will consist of objective and subjective tests into the socio-economic and educational status of the castes/communities in the society. We have not left any stone un-turned, to collect relevant data and study these exhaustively so as to identify the really backward classes. While depending on the statistics, we have tried not to fall into the error of human judgement by depending solely on statistics, but have applied multiple tests, which go to indicate the socially, economically and educationally backward sections of the community. The personal experience and the personal knowledge about the conditions of the various castes/communities in the State, through long association of the members of the Commission, in the various affairs of the State and the evidences given before us regarding the actual social conditions of the castes/communities, and as witnessed by us personally during our tours, about their present status, religious and social customs, rituals and practices, have all been taken into account by us, while arriving at the list of castes/communities categorised as Backward Classes. We have the confidence that the time, money, energy and the effort spent on this exercise have been well spent and we trust that we were richly rewarded at the end of this exercise, by arriving at a very rational and reasonably correct list of the backward classes in the State.

9.10. C A S T E: Caste is a factor, which cannot be ignored in the present Indian context. In the case of Balaji and others-Vs-State of Mysore, it was observed that "though caste in relation to Hindus may be a relevant factor to consider in determining the social backwardness of groups or classes of citizens, it cannot be made the sole or dominant test"¹

However, there is no escape from caste. Though, in modern days, due to advancement in educational field and technological field, caste barriers are breaking down, to a certain extent, especially in urban areas, caste is still a major factor to be reckoned with, while determining the social status of a person especially in rural areas.

This has been amply proved during our field visits to villages and while recording the evidences from various castes groups and organisations."

9.11. Venkataramaiah, J. has stated in his judgement in Vasanth Kumar's case, "it is thus seen that Part XVI of the Constitution deals with certain concessions extended to certain castes, tribes and races which include Scheduled Caste and Scheduled Tribes and the Anglo-Indian community. In the above context, if Article 338(3) and 340 are construed, the expression 'Backward Classes' can only refer to certain castes, races and tribes or communities or parts thereof other than Scheduled Castes, Scheduled Tribes and the Anglo-Indian Community, which are Backward". He further quotes from the resolution regarding aims and objectives of the Constitution moved by Pandit Jawaharlal Nehru, in the Constituent Assembly on December 13, 1946, to support his view, wherein para 6 says "wherein adequate safeguard shall be provided to minorities, backward and tribal areas and depressed and other backward classes" Venkataramaiah, J. contends, "The above resolution and the history and enactment of Part XVI of the Constitution by the Constituent Assembly lead to the conclusion that backward classes are only those castes, races, tribes or communities, which are identified by birth which are backward. It is therefore, difficult to hold that persons or groups of persons who are backward merely on account of poverty which is traceable to economic reasons can also be considered as backward classes for purpose of Article 16(4) and Part XVI of the Constitution".

9.12. Though our Commission is fully aware of the role of caste which has led to social deprivation in many communities and thereby the resultant economic and social backward status, we have used caste, mainly to identify the groups/communities, especially based on their traditional occupations which could be grouped under a class, for purposes of listing the Backward Classes.

9.13 Justice Sen, in his judgement in the Vasanth Kumar's case, contends "In my considered opinion the predominant and the only factor for making special provisions under Article 15(4) or for reservation of posts and appointments under Article 16(4) should be poverty, and caste or a sub-caste or a group should be used only for the purpose of identification of persons comparable to Scheduled Castes or Scheduled Tribes."

9.14. Hon'ble Chief Justice Chandrachud, in his judgement in Vasantha Kumar's case laid down two tests, which "should be conjunctively applied for identifying" the Other Backward Classes, for the purpose of reservation in employment and education: "one, that they should be comparable to Scheduled Caste and Scheduled Tribe in the matter of their backwardness; and two, that they should satisfy the means test such as a State Government may lay down in the context of prevailing economic conditions". Desai, J. also opined in the same case, "Caste or a sub-caste or a group should be used only for purposes of identification of persons comparable to Scheduled Castes or Scheduled Tribes".

9.15. As it has clearly been laid down in the judgement in Vasantha Kumar's case, that caste cannot be ignored and that classes referred to in Article 15(4) and 16(4) are related directly to castes and that caste should be used mainly to identify the groups or communities which are closer to Scheduled Castes or Scheduled Tribes in their backwardness, our Commission is in a better position to take up a balanced view in this matter. The final list of the socially and educationally backward list has inevitably got to be a caste/community list, for, as observed by the Supreme Court also, backwardness cannot be traced to an individual or a family. The State level caste list was prepared with this attention and keeping these views in mind throughout. By his exercise the number of castes/communities listed in the State level caste list by our commission,

excluding SC/ST, came to be 65, with 358 sub-castes and related groups or synonyms under Hindu religion and 42 such sub-castes/synonyms/groups under the other religions.

9.16. P O V E R T Y: The other option before the commission, during our deliberations on criteria, was to adopt the economic criteria. Justice Gajendragadkar in his judgement in Balaji's case states, "social backwardness is in the ultimate analysis the result of poverty, to a very large extent"¹ Justice Desai, in his judgement in Vasanth Kumar's case, has supported the adoption of economic criteria and has stated that every caste claiming to be socially and economically backward has members who are economically well placed and that even grouping communities on caste basis will fall short of expectations and "in order to set up" "a classless casteless society", the Judge observes, "steps have to be taken to weaken and progressively eliminate caste structure"² After rejecting caste as a base for identifying social and educational backwardness, he advocates that the "only criteria which can be realistically devised is the one of economic backwardness", as according to him, social status is determined by the bank balance, property holding and money power. He slights the apprehensions on the dangers of adopting poverty as the only criteria, namely "the persons from the lower strata of lower castes will not be able to compete with their counterparts of the upper castes"³

9.17. Considering the economic criteria, especially in relation to the existing stratified and hierarchical system of caste, prevalent in society, our Commission strongly feels that, we will be doing injustice to many castes/communities, which are really backward, if we adopt poverty and

1. Balaji-Vs-State of Mysore 1963, S.C. 649

2. Vasanth Kumar - Vs - State of Karnataka

3. G. Ghah, IPW, January 17, 1983.

economic tests as the main criteria, as the poor of different castes are not of the same IQ. Justice Venkataramiah in the case of Vasanth Kumar, states, "Part XVI was not enacted for the purpose of alleviating the conditions of poorer classes, as such which was taken care of by the provisions of Part V of the Constitution and in particular by Article 46 and Article 14, Article 15(1) and Article 16(1) of the Constitution, which permitted classification of persons on economic grounds for special treatment in order to ensure equality of opportunity to all persons". He further quotes from the Backward Classes Commission's Report (Kaka Kalelkar's Report), stating "A Brahmin may be a seller of Boots and Shoes, and yet his social status is not lowered thereby". He contends, "Caste-cum-means test would be a rational test in identifying persons who are entitled to the benefit of those provisions". The aim should be to avoid the rich amongst the castes/communities enjoying the benefit of reservation, at the cost of really poorer castes/communities. He emphasises the relevance of caste and poverty in determining the backwardness of citizens.

9.18 Chief Justice, Chandrachud has also emphasised, his brief but pregnant judgement in Vasanth Kumar's case, the means test as only one of the two important tests to be applied to identify the backward classes.

9.19. Our Commission while admitting the fact that poverty does contribute, to a large extent, to the socio and educational backwardness of a caste/community, has not given primary or sole importance to the economic test, knowing full well the role played by caste in social deprivation. Social status of an individual is an ascribed factor and not an acquired factor, whereas economic and educational status can be acquired in one's life time. However, among the socio-economic indicators adopted by us, culled out from the survey conducted, we have utilised the economic tests like families with no house or house-site, with landholdings less than one standard acre, families living in

houses, number of persons engaged mostly in agricultural labour, families with annual income less than Rs. 5,000/- and number of persons in Class IV employment of State Government, as indicators among others to identify the economically backward among the different castes and communities in the State.

9.20. EDUCATIONAL BACKWARDNESS: We were left with an equally puzzling question, as to what should be the acceptable criteria to be adopted to determine the educational backwardness of the castes/communities for the purpose of Article 15(4) of the Constitution. Many were the suggestions offered to us. The earlier Commissions have used various yardsticks; Naganagowda Committee of 1960, applied the test of average student population in the last three High School classes in the State to determine the Educational backwardness of a caste/community. Havanur Commission of 1972, used the percentage of student population passed in the SSLC examination in 1972 as the test. Manohar Pershad Commission of Andhra Pradesh of 1972, used the average of student population per thousand of a caste in the 10th or 11th classes with reference to the State average, as the test.

9.21: Our Commission, after much deliberation decided to adopt the S.S.L.C. pass test as the basic factor to indicate the educational backwardness of a caste/community. The other option before the Commission was to adopt the U.C. pass statistics. However, as S.S.L.C. is still the basic and the minimum educational qualification required for recruitment to majority of the Class III posts in the State services, especially in KPSC and is still the basis from which the students diversify into professional and technical courses the Commission decided to adopt S.S.L.C. pass test as the basic indicator, to identify the educational backwardness of the castes/communities.

9.22. Our Commission has collected the statistical data with regard to the number of students, caste/community-wise, who have passed the SSLC Examination of April 1985, in the State, and has worked out the percentage of students passed to the population of different castes/communities and for the State. As per the SSLC Board of the State the total number of students who appeared for the examination conducted in April 1985, excluding repeaters, was 2,40,774. We were able to collect information with regard to 2,27,446 students, and the coverage works out to 94.46%. This data was collected from the Head Masters/Principals of High Schools/Junior Colleges through the Secretary, SSLC Board and the Commissioner of Public Instruction, Government of Karnataka, with the assistance of Deputy Directors of Public Instruction at the District level, working in the Department of Public Instruction. The total number of schools in the State are 3244 and out of this, we have collected statistics from 3017 schools. The districtwise, number of schools and the coverage in this connection is shown in the statement kept at ANNEXURE - 9.4. The caste/communitywise percentage of students studying in SSLC Class in the State as collected through our survey also largely agrees with the statistics collected through Department of Public Instruction, for students in the State who appeared and passed in the SSLC Examination in April 1985.

9.23. The State average of students in the State, who had passed SSLC, in April 1985 examination, worked out to 3.34 per thousand population. Annexure-9 shows the statement containing the particulars of the percentage of students passed caste/community-wise, in descending order, for the State of Karnataka.

9.24. With regard to adopting the State average in SSLC pass, various propositions were placed before the Commission. The main suggestion was to take the castes/communities well below the State average, atleast 25% below State average,

as the cut-off line for identifying the educationally backward classes.

However, we feel that with the present day educational advancement, the basic indicator of SSLC pass is quite moderate, because, as stated by the Manohar Pershad Commission of Andhra Pradesh,"¹ we strongly feel that, may be, by the time the next Commission comes into being, to review the list of Backward Classes in the State, after 5 or 10 years, the educational cut-off point may have to be raised higher, either to PUC or graduation level. With the introduction of free education, Mid-day meals scheme, free supply of books and dresses, and due to opening of large number of schools in the rural areas, and due to such other measures adopted by the State Government, the general educational level of students in the castes/communities has gone up and it will further go up in the years to come. The obvious evidence of this improvement, is seen, in the average of SSLC pass, which was 1.69 per thousand population, in 1972, has gone-up to 3.34 per thousand population in 1985, as per data collected by us.

9.25 . Hence the Commission decided to adopt the State average in the SSLC pass for the year 1985 as the cut off point and the castes/communities with the State average and above were considered as having progressed educationally and only the castes/communities below the State average, have been taken for purpose of indentifying the educationally backward classes for purposes of Article 15(4):

9.26: Keeping SSLC as the basic indicator, especially for educational backwardness, we have used the Socio-Economic, Educational and Employment indicators arrived at, through the survey conducted by the Commission for the year 1984, as corroborative evidences or indicators, to finally identify the castes/communities that could be scientifically listed as backward for the purpose of benefits available under Article 15(4) of the Costitution:

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1. Page 57-58 para 91. Report of BC Commission, Andhra Pradesh, 1970.
 2. I Karnataka Backward Classes Commission Report, 1975.

9.27: The major factors taken from the survey, for indicating educational backwardness of a caste/community were, percentage of illiteracy, and drop-out rate below 7th standard and the percentage of student's strength in SSLC in the State. To our satisfaction, we found that each of these basic and corroborative factors went hand in hand, as it were, in pointing out the castes and communities which are to be defined as backwards or otherwise. Though these methods and the factors adopted are not exhaustive, the Commission sincerely considers this method as more than adequate, in identifying and in grouping the castes/communities as Backward Classes or forward.

9.28: **SOCIAL BACKWARDNESS**: The 17 indicators derived from our survey 1984, were grouped under the categories of Social, economic, educational and employment. Some of these indicators were taken as negative, pointing towards backwardness of a caste/community and the others taken as positive, indicating the forwardness of a caste/community in that field. The list of such grouping of the 17 indicators taken from our survey for identifying the backwardness or otherwise of the caste/community, is kept at **Annexure-9.6**

The State level data, caste/community-wise, with regard to the 17 indicators from survey of 1984 are given in the form of a single statement with State averages against each of the indicators, at **Annexure-9.7** and the percentage of caste/communities as compared to the State average for each of these 17 indicators is placed at **Annexure-9.8**

INDICATORS :

I: Social :

9.29: **Houseless and siteless** : The number of families which are owning neither a house nor a house site, anywhere in the State and the percentage of such families to the total number of families in the caste/community has been worked out. The State average in this case is 13.11 per cent. If a caste/community has secured more than the State

average, in this connection, it is taken as an indicator of the backwardness of the community, as, the more number of households without a house or a house-site, is indicative of the poor economic condition of the community in the society.

9.30. Residing in 'Kachcha' Houses: The number of families in the State residing in 'Kachcha' houses which are, mud and thatched houses as against the brick or concrete houses has been worked out and the State average comes to 36.52%. The communities having more than the State average in this aspect are considered to have a backward indicator.

II. E C O N O M I C :

9.31. Landless: The number of families in the State having less than one standard acre of land has been taken and the average works out to 40.49%. Any community having more than the State average in this regard is taken to have a backward indicator.

9.32. Income: Income less than Rs.5,000/- per annum

The number of families in the State having an annual income from all sources less than Rs.5,000/- were tabulated and the State average works out to 70.79%. The communities having more than the State average in this respect, are taken to have the backward indicator.

9.33. Agricultural Labourers : The State average of Agricultural labourers works out to 13.02%. Any caste/-community having more than the State average in this regard is taken to have a backward indicator.

III. E D U C A T I O N A L :

9.34. Illiteracy : The persons who cannot read and write are treated as illiterates. As per our survey, 1984, the State average of illiteracy excluding the population of children below 6 years, comes to 40.97%. If any community has a higher percentage in this regard than the State

average, it is taken to have an indicator towards backwardness, as large illiteracy rate indicate educational backwardness.

9.35. Drop-out rate below 7th Standard;

The State average in regard to this, works out to 11.34%. The castes/communities with a higher percentage than the State average in this regard, are considered as having an indicator towards backwardness. Drop-out phenomena is seen more in castes/communities which are educationally backward.

IV: EMPLOYMENT :

9.36. Class IV Employees:

The average for the State, of the total Class IV employees, employed in State services worked out to 0.36%. wherever the communities average worked out to be higher than the State average, it is taken to have an indicator of backwardness.

9.37. The indicators described above are taken as negative, arising out of Socio-economic-educational survey, pointing out the backwardness of a community. The factors taken as positive indicators from the survey indicating the forwardness of a community, are as follows:-

I. S O C I A L :

9.38. Pakka House : The State average for the families owning pakka houses viz., a brick house or a RCC house worked out to 27.82%. If more number of families of any caste/community are residing in pakka houses than the State average, it is considered to have an indicator of forwardness.

9.39. Urban Population:

The percentage of people living in urban areas in the State was worked out and the State average for the urban population comes to 25.80%. The castes/communities having a higher percentage in this regard than the State average, are taken to have an indicator of forwardness.

II. ECONOMICS

9.40. Income of more than Rs.20,000/- p.a.

The percentage of families to the total number of families of the caste/community having a family income of more than Rs.20,000/-p.a. has been calculated. The State average works out to 3.11%. Where the percentage of caste/community in this regard is higher than the State average it is taken as an indicator of forwardness.

9.41. Land holding more than 20 acres;

The percentage of families to the total number of families of the caste/community having more than 20 standard acres of land holdings has been worked out and compared to the State average of 6.88%. The castes/communities having a higher percentage in this regard than the State average are considered to have an indicator of forward status.

III. EDUCATION:

9.42. SSLC Students: The total number of students studying in the SSLC Class in the State has been collected in our survey. The State percentage of the number of students studying in SSLC to the State population, works out to 1.68%. The castes/communities having more than the State average in this regard are considered to attract the forward factor. This indicator is derived from our survey, 1984 and thus separate and not to be confused with the SSLC pass indicator, treated earlier in this chapter.

IV. EMPLOYMENT :

9.43. Class I Employees: The State average for persons employed as Class I employees in the State works out to 0.08%. Any caste/community having more than the State average in this respect is regarded as having the Forward indicator.

9.44. Class II Employees : The number of persons employed as Class II employees for the State has been collected and the State average works out to 0.21%. The castes/communities having more than the State average in this regard are considered to have the forward indicator.

9.45. Class III Employees: The number of persons employed as Class III employees in the State have been computed and the State average works out to 0.83%. If a caste/community has more than the State average in this regard, it is taken as indicative of their forwardness.

9.46. Self-employment: Persons engaged in self-employment in the State have been computed and the State average works out to 16.39%. The castes/communities with a higher percentage than the State average in this regard are taken as indicative of their forwardness.

9.47. All these 17 indicators were taken as corroborative evidences to assess the backwardness or forwardness of the castes/communities. If a caste/community has taken more than 50 percent of these indicators viz., 9 and above, it is considered to be backward and less than 9 indicators is taken as indicative of their forward status among the caste/communities. The list so prepared indicating the forwardness or backwardness of the castes/communities measured through the 17 parameters or indicators, is placed in a statement at Annexure-9.9.

9.48. After taking the State average of students who have passed SSLC in 1985 in the State, along with the corroborative evidence derived from the 17 indicators from the socio-educational and economic survey 1984, we arrived at the list of socially and educationally backward classes. The combined statement of SSLC pass indicator and survey indicators, is placed at Annexure-9.10. On computing the SSLC data and the indicators derived from Survey 1984, it is observed that most of the castes/communities which are forward/backward as per SSLC students pass test, were also found to be forward/backward, as per the Survey 1984. However, in 13 cases there was a problem. The list containing such disputed cases is placed at Annexure-9.11. It may be observed from this statement that, in the case of **Buddhists** Gudigara,

Kamma, Kotekshatriya, Pategar and Satani, in so far as the SSLC pass average of these caste/communities was below the State average, these had to be considered as educationally backward. However, among the 17 social indicators of socio-economic-cum-educational survey 1984, they have scored less than 9 indicators and as such they had to be considered as forward. This situation was resolved by taking SSLC pass test indicators and computing the communities which have secured 10 or more backward indicators out of these 18 indicators as backward. As per this test, all these six castes/communities secured less than 10 indicators and thus went out of the list of backward classes.

9.49 Another seven castes/communities viz., Ambalavasi, Desha Bhandhari, Devadiga, Ganiga, Kanjir Bhat, Kottari and Gurka, have secured more than the State average in the SSLC pass test and thus had to be considered educationally forward. However, in as much as they have secured more than 9 indicators out of the 17 Social indicators of Socio-economic-cum-educational survey 1984, they had to be considered backward. This again was resolved by cubbing the SSLC pass test indicator along with the 17 indicators and treating the castes/communities with 10 or more indicators as backward. As per this test, the caste/communities Ambalavasi, Ganiga, Devadiga, Kanjir Bhat and Kottari are treated as Backward Classes, as they have scored less than 10 indicators. The castes/communities which are identified as Backward through these Socio-economic and Educational indicators correspond with our personal, subjective observations and personal knowledge. Not only that, but these socio-economic and education tests adopted by us, to a large extent helped us to identify the castes/communities which are closer to Scheduled Caste and Scheduled Tribe in their social and educational status.

Parsi, a very small community has secured less than the State average in SSLC pass test viz., 0.30 and 12 Backward indicators in the Socio-educational and economic indicators and thus statistically becomes backward. However, as everyone knows that this is a prosperous community, advanced socially, educationally and economically with progressive ideas, the Commission took a decision to treat this community as forward.

III. Recommendations on Reservation for purpose under Article 15(4) of the Constitution:

9.50. The Commission identified 35 castes/communities, along with their synonyms, sub-castes and related occupational groups as socially and educationally backward classes for the purposes of benefits under Article 15(4) of the Constitution.

9.51. GROUPING OF BACKWARD CLASSES

We have grouped the castes/communities which are below the State average in SSLC pass test viz., 3.34 per thousand but above 50% of the State average viz., 1.67 per thousand under Group 'A'. The following communities along with their synonyms, sub-castes and related occupational groups are kept under this category of Group 'A' :-

- | | |
|------------------------|-------------|
| 1) Deshbandhari | 8) Gondhali |
| 2) Kanjir Bhat | 9) Idiga |
| 3) Kottari | 10) Muslim |
| 4) Devadiga | 11) Hugar |
| 5) Sikkiligara - Hindu | 12) Kumbara |
| 6) Nayinda | 13) Agasa |
| 7) Jogi | 14) Bava ji |
| | 15) Golla |

9.52. Group- 'B' : All the other castes/communities along with their synonyms, sub-castes and related occupational groups, which have secured below 50% of the State average in the SSLC pass test, have been grouped under category 'B',

The main caste names are

- | | |
|-------------------|----------------|
| 1) Medar | 10) Rayarawat |
| 2) Katik | 11) Kudubi |
| 3) Kuruba | 12) Dasaru |
| 4) Bestha | 13) Ladar |
| 5) Halwakkivakkal | 14) Budubuduki |
| 6) Uppara | 15) Tewar |
| 7) Beda | 16) Goniga |
| 8) Thigala | 17) Siddi |
| 9) Helava | 18) Ambelkaran |
| | 19) Baanani |

9.53. Among these in our opinion the caste Medar reflected in our survey is the same as "Meda" indicated under ST list and as such we suggest that the State Government should recommend to the Central Government for their inclusion as synonym of "Meda" in the list of ST. However, till such time they are included in the Scheduled Tribes list they are to be kept in this list, so that they can get the Backward Class benefits. As the general level of the socio-economic and educational status of the Scheduled Caste converts to Christianity, was observed to be very low, the commission recommends that they be included under Group- 'B' so as to get the benefits under the provisions. The lists of castes/communities identified as Backward Classes and Group 'A' and Group 'B' are shown in the Statement placed at Annexure-1.

QUANTUM OF RESERVATION :

9.54. As per our survey the total population of the castes and communities identified as Backward Classes in the State, works out to 32.98 i.e., 33%. The percentage of population under Group 'A' and 'B' are as follows:-

Sl. No.	Group	No. of caste or community	percentage of population
1.	'A'	15	17.77
2.	'B'	20 *	15.21
	Total		32.98

* (including SC converts to Christianity)

9.55. The Commission decided that the percentage of reservation to be fixed should be based on their relative percentage of population to the total population of the State, and decided on 27% reservation for educational purposes, under Article 15(4). The reservation recommended groupwise is as follows:

Sl. No.	Group	Percentage of reservation under Article 15(4)
1.	'A'	14%
2.	'B'	13%
Total reservation		27%

RESERVATION UNDER: ARTICLE 16(4) OF THE CONSTITUTION OF INDIA.

9.56. Article 16(4) is an enabling provision and confers a discretionary power on the State to make the reservation on appointments in favour of Backward Classes of Citizens which, in its opinion is not adequately represented in services of the State.¹ The reservation contemplated by Article 16(4) for the Backward Classes would require two conditions to be fulfilled: (1) "a class of citizens who are backward socially and educationally and (2) the said class is not adequately represented in the services under the State"² "The expression 'BACKWARD CLASS' has the same meaning in Art. 15(4) and 16(4)" of the Constitution "though the phraseology used in Art. 15(4) is slightly different"³.

9.57. Hence it is clear that the Backward Classes referred in Art. 16(4) is nothing but the Socially and Educationally Backward Classes referred to in Art. 15(4). It is also necessarily means that the Backward Classes who could

1 Triloki Nath Vs. State of Jammu and Kashmir AIR 1967 SC 1283 (1285)

2 Shorter Constitution of India 1- Durgadas Basu, p.70

3 Janaki Prasad Vs. State of Jammu and Kashmir AIR 1973 SC 930 (937)

get the benefit under Art.16(4) for being inadequately represented in the State services will also have to be socially and educationally Backward Classes of citizens.

9.58. In this chapter we have dealt in detail, the criteria considerations we have adopted to identify the socially and educationally backward classes. The list of the Backward Classes so identified is placed at ANNEXURE-9.12

9.59. For determining the adequacy or inadequacy of representation of a caste/community in the State Government Services, the Commission decided to collect information from all the Heads of Departments of the State Government, in Proforma 'B', designed for the specific purpose. A copy of the Proforma 'B' is kept at Annexure-9.13. However, there was inordinate delay in collection of statistics directly from the Department Heads. A decision was taken to collect the information through the Treasuries, from where all the salaried officers/officials of the State Government draw their salaries. In consultation with the Director of Treasuries, Bangalore, instructions were issued to all the District Treasuries and the State Huzur Treasury, Bangalore, to collect and furnish the particulars of all persons who draw their salaries through the Treasuries, in Proforma 'B'.

9.60. The information so collected was fed to the Computer and the State level list of Castes/communities and the information regarding their representation in Class I, Class II, Class III and Class IV services under the State Government was brought out. These State level figures were compared with the statistics available with the Director of Economics and Statistics with regard to the total number of Government employees in the State as on 31.7.1984. This comparative statement is placed at Annexure -9.14. As could be seen from this statement, the total coverage of the information collected by the Commission works out to 87.87% of the total number of employees under the State for the Groups A,B,C and D.

However, for determining the adequacy or inadequacy of a caste/community, we used only the data with regard to groups A, B and C. Out of 2,69,089 employees in A, B and C groups in the State, the Commission has collected information in respect of 2,57,811 employees, the coverage being 95.81 percent. Group 'D' posts were omitted because this may not reflect the true picture of the adequacy or inadequacy of a caste/community in its representation in State Government services, as it is the lowest rung in the Government Services and thus has no voice in the decision making or policy making process of the various issues in the governance of the State. The Departmentwise figures for castes/ communities for the entire State is placed at Annexure-9.15. Annexure-9.16 shows the Departmentwise employees employed in the various class groups in the State and Annexure 9.17 shows the caste-wise details of persons employed in the State in the various class groups.

9.61. The percentage of representation of the castes/ communities in the Government services in the Groups A, B and C was compared with their population percentages as against the total population of the State, as determined by our Socio-economic-cum-educational survey 1984. The castes/communities having percentages same as more than their percentage to total population, were identified as having adequate representation in the State services. The list of all the castes/communities showing their adequacy or inadequacy in State services vis-avis their population percentages is placed at Annexure-9.18.

9.62. It could be seen that all the castes/communities which have been identified as forward or backward in the list under Art. 15(4) have also remained adequately represented or inadequately represented in the State services as per this list. However, there was a problem in 13 castes/communities. The list of 13 castes/communities is placed at Annexure-19. In the case of the following castes/communities, viz., Meghar, Hindu Sadar, Buddhist, Jain, Pariaes and Sikhs, they were forward in the list under Art. 15(4), but were

found to be inadequately represented for purpose of the Art. 16(4). As these were not socially and educationally backward classes, the Commission took a decision to leave these 6 castes/communities out of the list for purposes of Art. 16(4).

9.63. In case of Baandhi, Kanjir Bhat, Budubuduki, Devadiga, Goniga, Hindu Hugar and Kottari, another problem arose. These castes/communities have been identified as Socially and Educationally backward for purpose of Article 15(4). However, as per the statistics collected regarding their representation in State services, these were either on the margin, having secured the same percentage as that of their population percentages or more than their population percentages. As such, a decision had to be taken in these cases. As Baandhi and Kanjir Bhat have representation in services more than their population percentages, the Commission decided that they have adequate representation and left them out of the list for purposes of Art. 16(4). In the case of Budubuduki, Devadiga, Goniga, Hindu Hugar and Kottari, they had representation equal to their population percentages.

9.64. While further examining the position of these five castes, it was found that the castes Devadiga, Kottari and Kanjir Bhat had secured more than the State average in SSLC pass test, and that while determining the backward classes for purposes of Art. 15(4), we had classified them as backward after taking into consideration the overwhelming number of backward indicators. As these have also been adequately represented, having secured representation in Government service same as that of their population percentage, the Commission decided to consider them as forward and adequately represented and thus left these out of the list under Article 16(4). The other three communities, viz., Budubuduki, Goniga, Hindu Hugar were retained in the list for benefits under Art. 16(4). The final list of Backward Classes identified as having inadequate representation in the State services and recommended for the benefits under Art. 16(4) is placed at Annexure 9.20.

9.65. The Commission recommends the grouping of these castes/communities also into 2 groups as in the case of the list for the purpose of Art. 15(4) viz., Group 'A' and Group 'B', and the same percentage of reservation viz., 14% and 13% for purpose of Article 16(4) also. The Commission decided not to reduce the percentage of reservation for Article 16(4), even though 4 castes viz., Baandhi, Devadiga, Kanjir Bhat and Kottari were deleted from the list, because the total population percentage of these 4 castes comes only to 0.33% which is less than 0.5% and did not warrant any reduction in the percentage of reservation.

9.66. Regarding reservation in promotions, the Supreme Court guidelines are very clear. The reservation contemplated by Art. 16(4) applies not only to initial recruitment but also to promotions. In case of Thomas Vs. State of Kerala, Chief Justice Ray observed "Art. 16(4) indicates one of the methods of achieving equality embodied in Art. 16(1). Art. 16(1) using the expression "equality" makes it relatable to all matters of employment, from appointment through promotion and termination to the payment of pension and gratuity". This has been quoted approvingly by Venkataramaiah, J. in Vasanth Kumar case. The Commission recommends reservation in promotions also for the Backward Classes that are listed as inadequately represented in Government Services, as in the case of SC/ST. Government, in Karnataka has issued an order³ wherein while considering in service candidates for direct recruitment, their pay and allowances relatable to the post held by him/her will not be considered, for the purpose of computing family income for availing the benefit of reservation. This step is appreciated by the Commission and it is recommended that the same may be followed while considering reservation for Backward Classes in promotions also.

1 Trilokinath Vs. State of Jammu & Kashmir AIR 1967 SC 1283.

2 State of Kerala Vs. N.M. Thomas 1976 (I) SCR 906.

3 G.O.No: DPAR 21 SBC 85, dated 19th September 1985.

9.67. The unfulfilled quota of reservations for employment, if left to go without consolidation will go against the interest of the backward classes. Hence, the Commission recommends that there should be carry-forward system, so that unfilled quota under recruitment could be filled-in, in the next three succeeding years. Every effort should be made to fill-in this reserved number of seats with the caste/community belonging to the two groups. If this is not possible within the period of three years, the number of seats so kept will lapse and it could be commuted to the merit pool.

9.68. It is further recommended that the Government Departments should take up mass recruitments as far as possible, after taking into consideration, the expected vacancy position for the next 5 years atleast, so that all castes and communities within the groups of BCs will get a chance for recruitment. As far as possible bulk recruitment may be made. In the roster system, as far as possible the Backward Class castes/-communities may be given priority, at the stage of preparation of the roster itself.

9.69. Income Ceiling: To ensure that the economically affluent sections of these castes/communities do not walk away with most of the reserved seats and posts, the Commission recommends, the fixing up of an income ceiling of Rs. 15,000/- per annum, taking into consideration the increase the cost of living. The members of the castes/communities identified as Backward Classes, whose annual income from all sources is below Rs.15,000/- only will be eligible for the facilities available under Article 15(4) and 16(4) of the Constitution. This has been done mainly, keeping in view the fact that even castes/communities identified as backward classes and recommended to get the benefit under these provisions, have an affluent section, which might take advantage of reservation available under these categories and walk away with the major share of the cake. The income ceiling recommended, we are sure, will take care of this.

9.70. **Other restrictions:** In order to eliminate the affluent among the backward classes from cornering the benefits under reservation, both under Articles 15(4) and 16(4), the Commission, after much deliberation, decided to insist on certain other informations with regard to family income in the income certificate, in the form of a declaration. The income certificate should include a declaration consisting of the following:

1. Profession/occupation of the parent/guardian/family
2. Annual income of parent/guardian/family, from all sources;
3. Extent of Agricultural land owned by parent/guardian/family;
4. Extent of urban property owned by parent/guardian/family;
5. Number of transport buses/lorries or tourist taxies owned by parent/guardian/family;
6. Extent of turn-over per month, in case the parent/guardian/family, owns an industry or engaged in business, trade and commerce.

Income certificate so issued to be notified in the concerned issuing offices or Panchayats so that aggrieved persons can challenge the bonafides of the certificate issued.

9.71. In addition to the income ceiling and other restrictions on income, the Commission decided that a generation limit should also be applied. Hence it was decided that if the parent and grand-parent of the candidate had enjoyed the benefits of reservation in education or employment, such candidate will not be eligible for benefits of reservation under Article 15(4) or under Article 16(4), as the case may be.

9.72. **Income Certificates:** We recommend that the provision for issue of income certificates be very strict and stringent and a mere declaration in the last minute should not be accepted by the college authorities. The SSLC cumulative record should contain a column for entering the caste/sub-caste or synonym of the student and also indicate the annual

income from all sources of the parents or guardian (when parents are not alive) of the student." This actually could be started from the 1st standard itself. Once the caste has been declared along with the birth certificate, given by the Tahsildar, or any other authority authorised by the State Government, at the time of entry into the school and as entered in the SSLC Cumulative Record of a student, there is no need to demand that the students produce the caste certificates, again and again. The only certificate that the student may have to produce before admission into colleges or while seeking employment under the State, will be an income certificate from the Tahsildar or the authorised authority of the jurisdiction. If this is made known to all the students and applicants, there may not be a rush at the time of admissions to the schools and colleges. Stringent punishment must be awarded to those who produce false certificates and to these authorities who have issued such certificates, without proper verification. Proper provision may be made by Government, to enable any person to challenge a false certificate produced in this connection, even if he is not an affected party."

BACKWARD SPECIAL GROUP :

9.73. The question of the relevance or justification of the existence of the Backward Special Group in the present list of Backward Classes in Karnataka and the 15 per cent reservation existing for this category for purpose of Article 15(4) and Article 16(4) of the Constitution was considered in depth by the Commission. Time and again it has been brought to our notice that this group is the widely abused category of reservations, wherein by producing spurious and false income and occupation certificates, even well-to-do members of the forward communities obtained the reservation benefits under this category. This type of reservation has not helped the poor persons belonging to Backward Classes, but only the poor persons, according to the income certificates produced, belonging to forward and dominant castes and communities.

This has been proved beyond doubt by the statistics presented by us elsewhere.* Unfortunately, this was not the purpose of the special provisions under the Chapter XVI of the Constitution.* Chinnappa Reddy, J.* in Vasanth Kumar case states, "the idea that poor Brahmin may also be eligible for the benefits of Article 15(4) and 16(4), is too grotesque even to consider".*

9.74. As seen blatantly from the data collected by us and presented in this report, especially in the Chapter 8-Data Presentation, the socially, and economically better off communities like Brahmins and Lingayats, and Vokkaligas to some extent, have taken the major portion of the benefits under this category of Backward Special Group, whether it is admission to professional courses or in securing employment under the State.* We would like to keep in mind the caution sounded by Justice Chinnappa Reddy in this connection, in the same case, about the existence of "an unhappy and disquieting situation", in Karnataka, wherein "the two premier (populationwise) caste-community-classes of Karnataka, the Lingayats and Vokkaligas each claiming that the other is not a socially and educationally backward class and each keen to be included in the list of socially and educationally backward classes.* To them, to be dubbed a member of the socially and educationally backward classes is a passport for entry into Professional Colleges and State services".

9.75. We have practically experienced this peculiar situation during our State level and District level sittings, where, to our surprise we noticed that even socially and economically better off communities claiming to be backwards and wanting to be included in the list of Backward Classes.* For that matter, every community who appeared before us wanted to be included in the Backward list. We have tried to look into this matter impartially and do not recommend any category like this Special Backward Group where economic test is the only criteria and which ultimately becomes a sort of double reservation for the forward classes, which

dominate not only the merit group, but also take the major share of the cake available under Backward Special Group category of reservation, as amply proved through statistics collected by us and presented in Chapter No. 8 on Data presentation.

9.76. Backward Tribes: As per the Government Order No. PHS 262 SEW 65 dated 1st February 1966, forty-nine castes/communities were listed as Nomadic and Semi-Nomadic Tribes in the State and the Government Order No. P&D 148 SAD 60 dated 27th January, 1962 listed five as Denotified Tribes in Ex-Hyderabad area, in the State and 39 as Notified and Denotified Tribes in Ex-Bombay area in the State and one caste, viz., 'Valmiki' was declared as Denotified Tribe in the erstwhile Mysore area, in Bellary District in the State. It will further be seen that Havanur Commission grouped all these Denotified, Nomadic and Semi-Nomadic Tribes, among others, under the third category of Backward Classes, namely Backward Tribes. These tribes were treated as having characteristics of tribal population and as mentioned elsewhere in this Report, they were also given exemption from the income ceiling which existed for the other categories of Backward Classes and the benefits which were existing earlier for the Nomadic, Semi-nomadic and Denotified Tribes were extended to them.

9.77. In our Socio-Economic-cum-Educational Survey of 1984, out of this list of 88 Nomadic, Semi-Nomadic and Denotified Tribes, grouped as Backward Tribes, many castes/communities were not even reflected. Thirty communities listed as Nomadic Tribes and Semi-Nomadic Tribes and 25 communities from the list of Denotified Tribes were not even returned in our Survey of 1984. The list of these communities for which population was not reflected in our survey, is placed as Annexure - 9.21.

9.78. The Nomadic Tribes and Semi-nomadic Tribes, namely Dholi and Sudugadusidda, Killekyatha and Handijogi have already been included under Scheduled Tribes and Scheduled Castes lists respectively by the Government as per the instructions of Government of India. The Denotified Tribes from Ex-Hyderabad area, namely Lambani or Lambada and Woddara/Waddars have also been included under Scheduled Castes list, as also the Denotified Tribes of Ex-Bombay area, namely Korcha, Korwar, Lamani and Lambada.

9.79 The following Nomadic and Semi-nomadic Tribes which were reflected in our Survey have been treated either as a major caste or a sub-caste or a synonym, as the case may be, and have been grouped accordingly. The list of the Nomadic and Semi-nomadic Tribes reflected in our Survey and the category in which they have been placed is presented below in Table No. 1.

T A B L E - 1

List of Nomadic Tribes and Semi-Nomadic Tribes reflected in the Survey, 1984 and considered and included under different castes/groups in the present Caste-list.

SL No.	Nomadic Tribe & Semi-nomadic Tribe	Caste Group in the present caste list under which included	Category Group 'A' / Group 'B'
1	2	3	4
1	Bairagi (Bava)	Bava ji	A
2	Gopal	Golla	A
3	Gondali	Gondhali	A
4	Helava	Helava	B
5	Jogi	Jogi	A
6	Nathapanthi, Dauri, Gosavi	Bava ji	A
7	Sikkaligar	Hindu Sikkaligar	A

1	2	3	4
8	Golla	Golla	A
9	Durgamurga (Burburcha)	CNK*	-
10	Howdga (Howadiga)	CNK*	-
11	Pichaguntala	Helava	B
12	(Bestar) Bunda- Besta	Besta	B
13	Darwesh	Muslim	A
14	Dombidasa	Dasaru	B
15	Bailapatar	Vishwakarma	-

*CNK = Caste not Known.

9.80 The list of Denotified Tribes reflected in our survey and the caste-group or category under which these have been included is presented in Table - 2, shown below:

T A B L E - 2

List of Denotified Tribes reflected in Survey, 1984 and considered and included under different castes in the present Caste-list.

<u>SL No.</u>	<u>Denotified Tribes</u>	<u>Caste-Group in the present caste-list in which included</u>	<u>Category Group 'A' / 'B'</u>
1	2	3	4
<u>I. Ex- Bombay Area Districts of Dharwar, Bijapur, Belgaum & North Kanara:-</u>			
1	Berad	Beda	B
2	Bedar	Beda	B
3	Talwar	Beda	B
4	Walmiki	Beda	B
5	Naikmakalu	Beda	B
6	Bestar	Besta	A
7	Harinshikari	Beqa	B

1	2	3	4
8	Chigarebetegar	Beda	B
9	Kanjir Bhat	Kanjirbhat	A
10	Kanjiri	Kanjirbhat	A
11	Kanjar	Kanjirbhat	A
12	Nat	CNK*	-

SL No	Denotified Tribes	Caste-group in the present list in which included	Category Group 'A'/ Group 'B'
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II Erstwhile Mysore Area - Bellary District.

1	Valmiki	Beda	B
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*CNK = Caste not known.

9.81 As most of these caste/communities grouped as Backward Tribes, and reflected in our Survey, happened to be either a synonym or a subcaste of the main caste, our Commission has not recommended a separate category for them. However, as could be seen, all of these Backward Tribes have come to be grouped in Group 'A' or 'B', along with other castes/Communities having similar Socio-economic-Educational status.

NO DOUBLE BENEFITS:

9.82 It is observed that Government have recently constituted a Minorities Corporation for extending economic benefits to the Minorities. However, it must be kept in mind that the Backward Classes Corporation which extends loans to the Other Backward Classes also have Muslims, a minority community, in the list of Backward Classes. As per our recommendations also, Muslims are there in Group 'A' as one of the Backward Classes. However, as there is a separate Economic Corporation for Minorities and as Muslims will be taking benefits thereunder, the Government should

make necessary arrangements to see that community is deleted from the list of Backward Classes for purposes of such economic benefits, so that one community does not avail benefits from two sources. This will apply to any other benefit that may be extended by the Government. Such deletion or addition of castes in the Groups, should also correspondingly warrant readjustment in the quantum of reservation prescribed group-wise. This restriction shall apply to other religions minorities also.

9.83 This will apply also to the Nayakas of Beda Community including Nayak, Naik, Beda, Valmiki, Pariwara and Talwara, who have been declared recently vide G.O. No. SWL. 63. SAD 85 dated 23rd January 1986, that they would get all benefits that would accrue to the Scheduled Tribes under the State. If this is so, these Castes/Communities should not be allowed to continue in the Other Backward Classes list and thus get double benefit. Such double benefits should not be availed of by any Caste/Community and Government is well advised to make suitable arrangements to ensure the same.

9.84. Conclusion: It is an eye-opener for the Commission and it will be to others when the Commission's report is published, to notice that progressively, as an evolutionary step as it were, castes/communities who have been reaping the benefit under reservation for decades are progressively going out of the list of Backward Classes. As per Nagangowda Committee Report of 1960, the Lingayats were found to be forward and were not included in the list of backward classes. That they were brought into the list by the Government, is another story altogether. However, the whole order was struck down by the Court in the Balaji case. In the Havanur Commission's recommended list of Backward Classes, the Lingayats were left out. In our recommended list of backward classes, a few more castes/communities, including Vokkaligas have gone out of the list of Backward Classes, having secured exactly or more than the State average of the student pass in SSLC Examination of 1985. Not only that, but out of the 17 Social indicators the Vokkaligas have scored only three indicators, which indicates their overwhelming forward status in the society as corroborated by the data presented by us in Chapter 8 and 9 of this Report.

9.85 May be when the next Commission is appointed, to investigate and review the status of Backward Classes, may be after 10 years, few more communities will go out from the list of Backward Classes. This is an indications of the right direction in which te State is moving, as the spirit of reservation is that the deprived classes should be supported only till such time they learn to and get the capacity to stand on their own legs. It is the dream of the Consitution makers and the emineny policy makers of the State a day will come when there will be no need for any reservations for any caste or community at all. Such a situation will arise when the B.C.s have lifted themselves above the deplorable condition in which they are found today, by utilising the benfits provided by the State and through their own efforts and acquire the capacity to face open competition with the forward castes/communities in any given situation May be that time is still far off, but the goal is clear, and the steps taken are in the right direction.

CHAPTER 10

REVIEW OF MEASURES TAKEN BY GOVERNMENT FOR THE UPLIFTMENT
OF THE BACKWARD CLASSES -- DEPARTMENTAL SCHEMES AND SUGGESTIONS
FOR IMPROVEMENT"

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REVIEW OF MEASURES TAKEN BY GOVERNMENT FOR UPLIFTMENT OF THE BACKWARD CLASSES - DEPARTMENTAL SCHEMES AND SUGGESTIONS FOR IMPROVEMENT.

I. SCHEMES AND PROGRAMMES OF THE DEPARTMENT OF BACKWARD CLASSES AND MINORITIES.

The Havanur Commission, recommended among others, the establishment of a separate Directorate for Backward Classes to look after the effective implementation of measures intended for them. It further suggested that a Minister of Cabine: rank should independently hold the portfolio relating to Backward Classes. The other related recommendations include the setting up of a Finance Corporation, similar to the one incorporated for the economic upliftment of Scheduled Castes and Scheduled Tribes, for the economic upliftment of the Backward Classes and the setting up of an Advisory Committee on Backward Classes. ¹

10.2. Government, after due consideration accepted the recommendations of the Commission, and a Directorate of Backward Classes was set up at a total estimated cost of Rs.15 Lakhs as per G.O. No.SWL 224 TBS 77 dated 29.8.1977. This was to be designated as "Directorate of Backward Classes and Minorities". The same Order approved the establishment of a Backward Classes and Minorities Development Corporation, with an initial Government share-investment of Rs.40 Lakhs. The Directorate of Backward Classes and Minorities, is a major department, headed by a Senior Scale I.A.S. Officer as Director, assisted by one Joint Director, four Deputy Directors and four Assistant Directors at Headquarters with District Officers of the rank of Junior scale K.A.S. (Class-I) Officers in the Districts. The District Officers

¹ p.319.Vo..I, Part I. Havanur Commission Report.

~~assist~~ the Deputy Commissioners of the Districts in the implementation of the Departmental Schemes at the field level.

10.3. The Development Corporation for Backward Classes and Minorities was registered on 28th October 1977, under the Companies Act as a Government Company, under the name 'The Karnataka Backward Classes and Minorities Development Corporation, Limited.'¹ The authorised share capital of the Company was Rs.100 Lakhs.

10.4. The Department, in the beginning was mainly meant to run hostels and to award scholarships to the Backward Class students, studying in pre-matric and post-matric courses. Later, other schemes like administering of orphanages, award of compensation to Educational Institutions for loss of fee income, due to fee concession, etc., were added. Along with the creation of the Department, 240 hostels for Backward Classes were sanctioned. During 1978-79, that is, the first year of the department, there were 200 pre-matric hostels and 40 post-matric hostels situated throughout the State, covering 10,000 pre-matric students and 3,250 post-matric students respectively. In addition, 56,452 students were awarded pre-matric scholarships and 9,844 students awarded with post-matric scholarships in the State during the year. 149 orphanages with 15,090 inmates were maintained during the year and a total sum of Rs. 4 Crores was spent in the reimbursement of Fee income. The 1978-79 Annual-Plan Outlay was Rs.250 Lakhs.

¹ With the creation of a separate 'Minorities Corporation' on 30.10.1985, this has been modified to 'The Karnataka Backward Classes Development Corporation Limited.'

10.5. From the time of establishment of the Department during 1977-78 onwards, the Department has grown, with addition of hostels every year and covering more number of students under scholarships. The schemes of the Department themselves have expanded covering many other aspects besides running of hostels and sanctioning of scholarships.

10.6. The table given below shows in a nut-shell, the Plan and Non-Plan allocations of the Department since 1977-78 to the current year.

TABLE 1
DEPARTMENT OF BACKWARD CLASSES & MINORITIES -- BUDGET
ALLOCATIONS - YEARWISE.

(Rupees in Lakhs)

Sl. No.	Year	PLAN	NON-PLAN	TOTAL
1.	1977-78	353.20	-	353.20
2.	1978-79	250.00	436.00	686.00
3.	1979-80	104.59	1557.65	1662.24
4.	1980-81	226.00	879.46	1105.46
5.	1981-82	256.41	924.76	1181.17
6.	1982-83	337.66	938.98	1276.64
7.	1983-84	383.78	987.89	1371.67
8.	1984-85	556.48	1061.36	1617.84
9.	1985-86	165.00 ⁺	1499.26	1664.26

An additional provision of 7 Crores has been made, towards free supply of dresses and books to students.

10.7 The schemes of the Department for the benefit of Backward Classes, could be grouped under 3 or 4 major categories, as shown below:

1. EDUCATION:

a) Institutions:

- 1) Maintenance of Hostels for boys and girls - pre-matric and post-matric hostels.
 - (a) Supply of books and equipment to post-matric students.
 - (b) Payment of Extra study tour charges to post-matric students.
 - (c) Incentive awards to hostellers.
- 2) Sanction of Grant-in-Aid to voluntary Organisations for running pre-matric hostels for boys and girls.
- 3) Construction of hostel buildings:
 1. Under P.W.D;
 2. Under N.R.E.P./Sub-Plan;
 3. Grant-in-Aid to voluntary organisations for construction of hostels;
- 4) Maintenance of Orphanages;
- 5) Maintenance of Ashram Schools.

b) Scholarships

- 1) Award of scholarships - Pre-matric and post-matric scholarships.
- 2) Cash award to merited students.
- 3) Extra boarding and lodging charges to Backward Tribes.
- 4) Fee concession.

2. TRAINING

- 1) Tailoring Training Centres For Denotified tribes and Backward Classes.
- 2) Carpentry-cum-Production Centre
- 3) Women Welfare Centres - For Denotified tribes, Nomadic & Seminomadic tribes.

- 4) Stipend to trainees in Typewriting/Stenography.
- 5) Training for Law Graduates.
- 6) Occupational Institute for Women, Gowribidanur.
- 7) Training for self-employment in vehicle driving.
- 8) Coaching Centres.

3. ECONOMIC

- 1) Margin Money Loan Scheme - Chaitanya Scheme.
- 2) Chaitanya Subsidy Scheme for Rural Artisan.

4. EMPLOYMENT

Guidance Bureau-cum-Employment Enforcement Cell.

10.8 Description of the Schemes:

1. Educational Facilities.

Institutions

Hostels: The intention of maintaining these hostels is to provide opportunity to those students who come from remote villages with no educational institutional facilities, to have free boarding and lodging in these Government run hostels which are situated in District and Taluk Headquarters, closer to schools and colleges, to pursue their studies. This has greatly helped those backward class students who are interested in continuing education and has helped them to further their prospects in life.

10.9 The Pre-matric hostels admit students from middle and high schools. The local hostel committee selects students belonging to Backward Classes, in the following ratio -

BCM	-	30%
BCT	-	15%
BT	-	7.5%
BSG	-	22.5%
SC/ST*	-	25%
<hr/>		
Total	-	100%
<hr/>		

25% of S.C./S.T. students are admitted so as to have intermixture of communities. The same regulation is followed in hostels run for SC/ST Students, where 25% of BCM students are admitted. The hostel committees at the District levels have the Deputy Commissioner of the concerned District as Chairman, the High School Head-Masters, Medical Officer and Dy. Director of Public Instruction as Members and the District Officer, Backward Classes & Minorities Department as Member Secretary; at the taluk level, the committee has a similar composition with Assistant Commissioner as Chairman and the Block Development Officer as the Member Secretary.

10.10 The Government provides the following facilities in these pre-matric hostels:

1. Food charges at Rs.100/- per month per boarder for 10 months;
2. Supply of dress at Rs.120/- per boarder per annum;
3. Supply of Text Books and stationery at Rs.65/- per boarder per annum.
4. Supply of bedding articles at Rs.100/- per boarder (once in 3 years);
5. Free medical aid;
6. Supply of sports material;
7. Special coaching classes during the academic year.

TABLE - 2

DEPARTMENT OF BACKWARD CLASSES & MINORITIES
PRE-MATRIC HOSTELS FROM 1978-79 TO 1984-85.

Sl. No.	YEAR	No. of Hostels			No. of Boarders			Amount Spent (Rs. in lakhs)
		-BOYS	GIRLS	TOTAL	BOYS	GIRLS	TOTAL	
1	2	3	4	5	6	7	8	9
1.	1978-79	184	16	200	9200	800	10000	56.54
2.	1979-80	265	22	287	13581	988	14569	98.32
3.	1980-81	276	22	298	14131	988	15119	103.88
4.	1981-82	286	24	310	14881	1098	15979	155.34
5.	1982-83	379	31	410	19531	1448	20979	243.44
6.	1983-84	470	40	510	21856	1673	23529	270.82
7.	1984-85	566	44	610	24256	1773	26029	376.69

10.11 These hostels also include 28 hostels run for O.B.C. (Other Backward Classes) boys and 32 hostels run for D.T.s (Denotified Tribes) which were transferred to Backward Classes and Minorities Development on 1-4-1979 from SC/ST Welfare Department. The years 1982, 83 1983-84 and 1984-85 saw a big leap in the hostel programme with 100 hostels sanctioned every year.

The usual unit strength of each hostel is 25 or 50 students. However, this number is also enhanced periodically by the Director, Backward Classes and Minorities Department due to pressure of applications and local demands. As on today, there are 610 pre-matric hostels run by the Department, with 566 hostels for boys and 44 for girls, accommodating 26,029 students in all, in their pursuit of studies with Rs.474,63,000 as the Budget allotment for the year 1985-86.

10.12 The food charges admissible per boarder per month itself has been enhanced from time to time. In the beginning,

it was only Rs.50/-P.M. from 6. 12.1980 and enhanced to Rs.65/-P.M. and then, to Rs.75/-P.M. from 1.4.1982 and to Rs.100/-P.M. from 1.4.1984.

10.13 In the post-matric hostels, Backward Class students who would like to continue their studies beyond S.S.L.C. are admitted and are provided with free boarding and lodging. The boarding charges here are Rs.125/- per month per boarder.

TABLE - 3
DEPARTMENT OF BACKWARD CLASSES & MINORITIES
POST-MATRIC HOSTELS FROM 1978-79 TO 1984-85

Sl. No.	Year	No. of Hostels		TOTAL	No. of Boarders		TOTAL	Amount spent (Rs. in Lks)
		BOYS	GIRLS		BOYS	GIRLS		
1	2	3	4	5	6	7	8	9
1.	1978-79	25	15	40	2,500	750	3,250	40.69
2.	1979-80	34	19	53	2,950	850	3,800	55.08
3.	1980-81	39	20	59	3,200	875	4,075	53.84
4.	1981-82	44	21	65	3,535	900	4,435	78.64
5.	1982-83	44	21	65	3,595	875	4,460	90.41
6.	1983-84	44	21	65	3,610	875	4,485	74.51
7.	1984-85	44	21	65	3,610	875	4,485	75.31

10.14 As shown in the Table above, the post-matric hostels also registered a growth from 40 in 1978-79 to 65 in 1981-82. The boarding charges have remained unchanged from the beginning at Rs.125/- per boarder per month. However there has been no growth in this sector, as no new post-matric hostels have been sanctioned from 1981-82 onwards.

10.15 In the study tours organised by the college authori-

ties, the post-matric Backward Tribe students holding scholarships are sanctioned Rs.500/- per person to cover their expenditure on conveyance. Book Banks are established in colleges for the benefit of Backward Class students. During 1985-86 the budget provision for meeting the expenses on study tour is Rs.11,000/- and for establishing book banks Rs.1,99,000/-.

10.16 INCENTIVE AWARDS are given to hosteliers who secure First Class in public examinations. The award ranges from Rs.75/- to Rs.250/-, according to the classes, from VII Standard and SSLC to Post-Graduation Courses. Rs.50,000/- is the Budget provision for meeting this expenditure during 1985-86.

10.17 Merited students belonging to Backward Classes who secure highest marks in post-graduate examinations and professional courses conducted by the six Universities in the State are awarded with a Cash Incentive of Rs.2,500/- each. Rs.1 lakh is kept in the budget for 1985-86 for this scheme.

10.18 VOLUNTARY ORGANISATIONS who would like to run general hostels for the benefit of BCM students in the rural and urban ares are encouraged to do so, by extending Grant-in-Aid, limited to Rs.65/- per boarder per month, for 10 months. This amount was Rs.50/- upto 31.3.1980 and was enhanced to Rs.65/- on 1.4.1980.

The details of the scheme are as shown in Table below:-

TABLE - 4
DEPARTMENT OF BACKWARD CLASSES & MINORITIES
GRANT-IN-AID TO PRE-MATRIC HOSTELS RUN BY VOLUNTARY
ORGANISATIONS

Sl. No.	YEAR	No. of Institutions	No. of Students	Amount Spent (Rs. in Lakhs)
1	2	3	4	5
1.	1979-80	246	10,667	40.53
2.	1980-81	260	9,830	55.10
3.	1981-82	310	11,458	75.72
4.	1982-83	278*	10,627	73.43
5.	1983-84	277	10,580	64.35
6.	1984-85	272	10,398	44.63

*The decrease in the number of hostels is due to derecognition of mismanaged and badly run hostels.

10.19 As the running of these pre-matric and post-matric hostels in private buildings and payment of rent will be a drain on Government resources, the Department has launched a programme to construct its own buildings, either departmentally through public works Department or with the co-operation of Deputy Commissioners of the Districts by utilising the amount allocated under N.R.E.P. and sub-plan. For the Departmental buildings, the department bears the entire cost. For NREP building, the department releases its contribution as a share to supplement the district contribution through N.R.E.P. in the rural areas. If the estimated cost of a building taken under NREP is Rs. 1 lakh, the department releases Rs. 25,000/- as its share; for buildings from Rs.1 lakh to 2 lakh estimates, the departmental share is Rs. 37,500/- and for buildings with estimates above Rs. 2 lakhs, the Departmental share is Rs. 50,000/-. These buildings are prototypes for accommodating a unit of 25 students each. Deputy Commissioners are requested to take

up buildings under sub-plan allocation in the town areas, where NREP amount cannot be utilised. Agencies like Block Development Officers, and Land Army are entrusted with the responsibility of executing these works.

So far, 89 hostels have been taken-up for construction under NREP and sub-plan schemes.

TABLE - 5
DEPARTMENT OF BACKWARD CLASSES & MINORITIES
NO. OF HOSTEL BUILDINGS TAKEN UNDER N.R.E.P.

Y E A R	Number	Amount released (in Rs.)
1982-83	29	4,35,000
1983-84	--	--
1984-85	60	19,17,500
1985-86	*50	15,00,000 +

*Proposed to be taken up
+budget provision

P.W.D. has constructed 3 buildings so far for the Department, and 8 buildings are under various stages of construction. Budget provision during 1985-86 for this item of capital expenditure under N.R.E.P. and P.W.D. is Rs.15 Lakhs, each.

10.20 Voluntary Organisations also get Government grant, limited to 50% of the estimated cost of buildings subject to a maximum of Rs.50,000/- for construction of their own buildings, to accommodate pre-matric hostels run by them. The Department has extended such assistance to 33 Organisations so far and has released an amount of Rs.11,54,880/- towards the same.

The table below gives the details:

TABLE - 6
DEPARTMENT OF BACKWARD CLASSES & MINORITIES
GRANT RELEASED FOR GENERAL HOSTEL BUILDING-CONSTRUCTIONS
BY VOLUNTARY ORGANISATIONS

S1. No.	Y E A R	Amount Released (In Rs)
1	2	3
1.	1979-80	30,891.00
2.	1980-81.	1,77,528.50
3.	1981-82	1,90,387.50
4.	1982-83	4,01,800.00
5.	1983-84	2,13,472.50
6.	1984-85	1,03,361.50
7.	1985-86	37,439.00
TOTAL:		11,54,880.00

(GRANT-IN-AID INSTITUTIONS = 33)

10.21 **ORPHANAGES**

Orphanages are meant to provide food and shelter to destitute children from 5th Standard onwards, to pursue their education upto S.S.L.C. Orphans or destitutes whose parental annual income is less than Rs. 3,600/- irrespective of caste and creed can avail this facility. This is mainly a grant-in-aid scheme, where private organisations are encouraged to extend such facility to economically poor students and Government sanctions a boarding grant of Rs.50/- per month for 12 months. The boarding grant has steadily risen from Rs.30/- in 31.3.1980 to Rs.40/- from 1.4.1980 onwards and to Rs.50/- from 1.4.1982 onwards.

TABLE - 7
DEPARTMENT OF BACKWARD CLASSES AND MINORITIES
STATEMENT SHOWING THE PARTICULARS OF ORPHANAGES
IN THE STATE

Sl. No.	YEAR	No. of Orphanages	No. of Inmates	Amount spent (Rs. in Lakhs)
1	2	3	4	5
J.	1978-79	149	15,090	32.72
2.	1979-80	149	15,223	37.23
3.	1980-81	156	16,305	44.47
4.	1981-82	164	16,867	47.60
5.	1982-83	159	16,789	57.94
6.	1983-84	146	15,978	60.89
7.	1984-85	141	15,514	60.40

10.22 The number of sanctioned orphanages shows decrease, especially in 1983-84 and 1985-86. This was due to the exhaustive inspection drives taken up by the department in these two years and steps taken to derecognise mismanaged orphanages.

10.23 **ASHRAM SCHOOLS**

Ashram Schools accommodate children of denotified tribes, nomadic and semi-nomadic tribes now categorised as Backward Tribes, to enable them to attend classes from primary school level upto 4th Standard. These are run by the Department where children are taught and provided with food, shelter, dresses, books and note-books. Rate of boarding charges are Rs.75/- P.M. per boarder. It has been enhanced from Rs.40/- in 1.4.1981, to Rs.65/- in 18.2.1984 and to Rs.75/- from 19.7.1984 onwards.

TABLE - 8

DEPARTMENT OF BACKWARD CLASSES & MINORITIES
STATEMENT SHOWING THE PARTICULARS OF ASHRAM SCHOOLS

Sl. No.	YEAR	ASHRAM SCHOOLS		
		No. of Institutions	No. of Children	Amount Spent (Rs. in lakhs)
1	2	3	4	5
1.	1981-82	53	2,635	32.96
2.	1982-83	53	2,635	37.87
3.	1983-84	53	2,635	40.25
4.	1984-85	53	2,635	48.44

10.24. SCHOLARSHIPS

These are scholarships paid to students belonging to Backward Classes, who do not get admission to the hostels run by the Department, with a view to help them pursue their higher studies.

10.25 Pre-matric scholarships are sanctioned to students studying in Standards 5 to 10 (S.S.L.C.) at the rate of Rs. 75/- per annum for middle school students and Rs.100/- per annum to high school students. These rates have been fixed on 1.10.1984. Earlier to that, the amount payable was Rs.50/- and Rs.75/- respectively. These are sanctioned on means-cum-merit basis and also subject to availability of funds.

10.26. Post-matric scholarships are awarded to Students studying in P.U.C. and above at the rate of Rs.300, 400, and 500 per annum per student, for courses of 1st and 2nd year P.U.C., diploma and degree graduates, post-graduates, technical and professional course students respectively. These rates have been fixed in 1979-80.

10.27. Both the Scholarships and the hostel admission will be denied to students who fail to pass their annual examination. BT students are exempted from this rule.

TABLE - 9
DEPARTMENT OF BACKWARD CLASSES & MINORITIES
SCHOLARSHIPS

Sl. No.	YEAR	Pre-Matric Scholarship		Post-Matric Scholarship	
		No. of Students	Amount Spent (Rs.in Lks)	No. of Students	Amount Spent (Rs. in Lks)
1	2	3	4	5	6
1.	1978-79	56,452	35.00	9,844	39.37
2	1979-80	85,763	53.16	21,441	85.76
3.	1980-81	127,839	79.26	28,186	112.74
4.	1981-82	150,127	93.07	30,149	120.59
5.	1982-83	167,168	103.64	30,390	121.56
6.	1983-84	183,317	113.65	33,048	132.19
7.	1984-85	195,146	146.36	37,108	148.43

10.28 There has been a steady increase in the number of students covered both under pre-matric and post-matric scholarships. During 1985-86, it is proposed to cover 2,40,933 students under pre-matric scholarships and 37,550 students under post-matric scholarships and the budget provision is Rs.1,80,70,000 and Rs.1,50,20,000 respectively.

10.29 **E. B. L. CHARGES:**

Extra boarding and lodging charges are sanctioned only to scholarship holding students belonging to Backward Tribe categories in post-matric courses, staying in general hostels or hostels run by voluntary organisations. The student is sanctioned Rs.150/- per month for 10 months, so that he can take care of his boarding and lodging. The amount admissible earlier to 1981-82 was Rs.125/- per month; the new rates have come into existence from 25.1.1982.

The particulars are given in the Table-10. The Budget provision for sanction of EBL charges during 1985-86 is Rs.26,00,000/- for approximately 2365 B.T. students.

10.30 **FEE CONCESSION**

This is extended to students studying in colleges including Professional colleges run by aided or un-aided managements whose parent's annual income is less than Rs.3,600/-, irrespective of caste and creed. There is no income limit to B.Ts. The loss of fee is reimbursed to the management of the Institutions at the single standard rate per annum being, Rs.400/- for Medical students; Rs.300/ for Engineering students; Rs.90/- for P.U.C. classes; Rs.126/- for Degree Classes and Rs.200/- for LL.B students. The budget provision for fee concession during 1985-86 is Rs.3,50,00,000 to cover approximately 1,75,000 students.

TABLE - 10
DEPARTMENT OF BACKWARD CLASSES & MINORITIES
E. B. L. AND FEE CONCESSION

Sl. No.	YEAR	FEE CONCESSION		E. B. L. CHARGES	
		No. of Students	Amount spent (Rs. in lakhs) (Non-Plan)	No. of Students	Amount spent (Rs. in lakhs) (Plan & Non-plan)
1	2	3	4	5	6
1.	1979-80	1,69,048	338.09	1,527	12.97
2.	1980-81	1,49,165	298.33	1,670	14.20
3.	1981-82	1,50,615	301.23	1,507	16.58
4.	1982-83	1,48,574	297.15	1,708	18.79
5.	1983-84	1,13,594	227.19	1,712	26.08
6.	1984-85	1,75,338	350.67	2,166	23.82

10.31 **TRAINING PROGRAMMES** aim at equipping the students belonging to Backward Classes with vocational and competitive skills to enable them to compete in recruitment exami-

nations.

10.32 **TAILORING TRAINING CENTRES**: Under this scheme, women belonging to Denotified Tribes and Backward Classes are trained in tailoring course. Free sewing machines are distributed to the successful candidates of the 5 Training centres for denotified tribes at the end of the course. There are 12 Tailoring Training Center for Backward Classes and 5 for Denotified Tribes. Each training centre will train approximately 20 women per year. A stipend of Rs.75/- per month for 12 months is sanctioned to each of the trainees. Yearwise figures of the number of women trained and the amount spent is given in the Table below:-

TABLE - 11
DEPARTMENT OF BACKWARD CLASSES & MINORITIES
TAILORING TRAINING CENTRES

Sl. NO.	YEAR	No. of Centres	No. of Beneficiaries	Amount Spent (Rs. in Lakhs)
1	2	3	4	5
1.	1979-80	3	60	0.35
2.	1980-81	6	120	0.91
3.	1981-82	14	280	1.06
4.	1982-83	17	340	3.74
5.	1983-84	17	340	4.45
6.	1984-85	17	340	3.57

10.33 At the end of the course spread over a year, an examination is held in collaboration with the Department of Technical Education. Stiperd at the rate of Rs.2 per andidate per month for 12 months is paid to trainees undergoing training in private recognised Institutions.

CARPENTRY-CUM-PRODUCTION CENTRE

10.34 There is only one such Institution in the State under the Department which offers training in carpentry to the boys belonging to Backward Classes. They are paid a stipend of Rs.40/- per month for 10 months. This Institute was first situated in Hubli and was transferred to Gadag in 1984. The budget provision for the maintenance of this Institute is Rs.10,000/- per year and 20 boys get trained in Carpentry craft.

WOMEN WELFARE CENTRES

10.35 These are actually pre-primary Centres where Children of nomadic tribes of pre-primary school age are provided with mid-day meals at the rate of 70 Paise per day, for 12 months and they are provided with 3 sets of clothes per annum. The rate of 70 Paise per child was fixed on 26.7.1983. Earlier to that, the provision was 50 Paise per head. The Budget provision under the Scheme for 1985-86 is Rs.15,08,000/-. There are 44 such Women Welfare Centres, all transferred from Scheduled Castes/Scheduled Tribes Welfare Department on 8.1.1981. The table given below shows the details of the Scheme.

TABLE - 12

DEPARTMENT OF BACKWARD CLASSES & MINORITIES
WOMEN WELFARE CENTRES IN THE STATE

Sl. No.	YEAR	No. of Centres	No. of Children	Amount Spent (Rs. in Lakhs)
1	2	3	4	5
1.	1981-82	32	1,600	3.82
2.	1982-83	46	2,300	7.51
3.	1983-84	46	2,300	9.37
4.	1984-85	44	2,200	8.57

STIPEND IN TYPEWRITING AND STENOGRAPHY

10.36 Trainees who are undergoing training in typewriting and stenography in recognised commerce institutions are sanctioned with a stipend of Rs.50/- per month for 10 months. A selection committee at the district level, selects applicants with SSLC as the basic qualification and the stipend is awarded subject to availability of funds. Total number of trainees benefited under the Scheme and the amount spent on the scheme, yearwise, since inception is given in Table-12.

TABLE - 13

DEPARTMENT OF BACKWARD CLASSES AND MINORITIES
TYPEWRITING AND STENOGRAPHY

Sl. No.	YEAR	No. of beneficiaries	Amount spent (Rs. in Lakhs)
1	2	3	4
1.	1979-80	192	0.99
2.	1980-81	396	1.70
3.	1981-82	400	2.40
4.	1982-83	398	2.48
5.	1983-84	396	1.98
6.	1984-85	390	1.95

The Budget provision for 1985-86 is Rs.2,10,000.

TRAINING FOR LAW GRADUATES

10.37 Law graduates belonging to Backward Classes, who have studied the 3 years LL.B. Course continuously and as selected by Advocate General are paid a monthly stipend of Rs.500/- for 4 years. This helps them to maintain themselves during their attachments to Government Counsel, Senior Counsel and the Law Secretariat in the beginning

of their career . Annually, Rs.5 Lakh is budgetted by the Department, towards this Scheme.

OCCUPATIONAL INSTITUTE FOR WOMEN, GOWRIBIDANUR

10.38 There is only one such Institute at Gowribidanur, Kolar District wherein women belonging to Backward Classes are given training in Typewriting/Stenography, tailoring, embroidery and Secretarial course. The girls get a stipend of Rs.100/- per month for 10 months. A hostel is run for their benefit and the mess charges are met out from the stipend. The budget provision for 1985-86 is Rs.3,44,000/-. This is a transferred Institution from S.C./S.T. Welfare Department, transferred on 20.1.1983. 125 girls are undergoing 2 year certificate courses at present.

TRAINING FOR SELF EMPLOYMENT IN VEHICLE DRIVING

10.39 Karnataka Backward Classes and Minorities Corporation implements this scheme where training is imparted to Backward Class Candidates in driving auto-rickshaws, light and heavy vehicles, through recognised driving training institutes. The Candidates also get a stipend of Rs.75/- for one month i.e., for the period of training in Bangalore and District Headquarters and Rs.50/- per month in Taluk Headquarters. This amount has been revised to Rs.200/- per month from September 1984 onwards. Rs.550/- is admissible as fees for autorickshaw driving, Rs.600/- for light vehicle training, Rs.750/- for heavy goods vehicle driving training and Rs.850/- for heavy vehicles passenger driving training. Rs.50/- per head for the trainee is also sanctioned on successful completion of the course, to obtain driving licence. Table-14 gives the year-wise details of the Scheme:-

TABLE - 14
DEPARTMENT OF BACKWARD CLASSES & MINORITIES
TRAINING FOR SELF-EMPLOYMENT - MOTOR DRIVING

Sl. No.	YEAR	Number of beneficiaries	Grant in aid received from the Govt. under Budget	EXPENDITURE (in Rs.)
1	2	3	4	5
1.	1982-83	--	--	--
2.	1983-84	275	2,00,000	1,58,000
3.	1984-85	364	2,00,000	2,58,000
4.	1985-86 (As on October 1985)	125	2,00,000	1,13,000
GRAND TOTAL:		764	6,00,000	4,29,000

COACHING CENTRES

10.40 In these centres, candidates belonging to Backward Classes are given coaching to prepare them for the various Competitive Examinations conducted by recruiting agencies like UPSC/KPSC and Banking Service Recruitment Board. The duration of each course will be 4 months and selected candidates from rural areas are paid Rs.100/- per month as incidental charges and local candidates Rs.40/- per month to meet their daily expenses. There are 5 coaching centres, nearer to the five Universities in Karnataka namely: Bangalore, Mysore, Gulbarga, Managalore and Dharwad. The centres were started in 1982-83. The particulars of the total number of candidates offered coaching are given in the table below:-

TABLE - 15
DEPARTMENT OF BACKWARD CLASSES AND MINORITIES
COACHING CENTRES

	Number of candidates admitted			
	1982-83	1983-84	1984-85	TOTAL
BANGALORE	Nil	62	205	267
MANGALORE	Nil	50	140	190
MYSORE	Nil	62	213	275
DHARWAD	Nil	46	150	196
GULBARGA	Nil	49	131	189
	Nil	269	839	1,108

The Budget Provision is Rs.5 Lakhs per annum from 1983-84 onwards and so also for the year 1985-86. There is a move to transfer the administration of these centres to the concerned Universities, while bearing the budgetary provision, rather than conduct the classes departmentally.

MEASURES FOR ECONOMIC WELFARE

10.41 The Karnataka Backward Classes and Minorities Corporation was established with the purpose of assisting the Backward Class people to better their prospects and improve their living conditions and to achieve self-reliance through self-employment by encouraging economic enterprises in them. The share-capital released to the Corporation since inception and the amount utilised are shown in Table-16. The authorised share-capital of the Corporation now is Rs.3Crores. However, the share released by Government so far is only Rs.2 Crore.

TABLE - 16

**THE KARNATAKA BACKWARD CLASSES AND MINORITIES
DEVELOPMENT CORPORATION LTD., BANGALORE**

**STATEMENT SHOWING THE SHARE-CAPITAL INVESTMENT OF GOVERNMENT
LOAN SECURED AND RECOVERIES OF MARGIN MONEY MADE**

Sl. No.	Year Ending March	Total Share Capital Released by Govt.	Margin Money Loan Sanctioned	Bank Loan Sanctioned	Total Loan Secured	No. of beneficiaries	Recovery of Margin Money
							(Rupees in Lakhs)
1	2	3	4	5	6	7	8
1.	1977-79 (For 2 Years)	23.01	-	-	-	-	-
2.	1979-80	5.00	1.32	5.92	7.24	189	0.05
3.	1980-81	6.00	3.55	7.26	10.81	245	0.45
4.	1981-82	13.00	18.04	40.98	59.02	1124	1.68
5.	1982-83	61.00	50.32	86.12	136.44	3103	4.96
6.	1983-84	55.10	58.70	100.67	159.37	3114	8.33
7.	1984-85	35.00	64.68	103.68	168.36	3284	18.35
8.	1985-86	5.00	36.61	57.47	94.08	1911	13.28
TOTAL:		203.11	233.22	402.10	635.32	12970	47.10

10.42 The Corporation implements 3 important economic development schemes, including the Training in self-employment in driving, which has been described earlier in this chapter.

10.43 CHAITANYA MARGIN MONEY LOAN SCHEME The purpose of this scheme is to provide loans to people of Backward Classes to start small scale industries, allied agricultural

industries, service centres and business on felt-need basis. The Backward Class people (categories: BCM, BCT and BT only) whose annual family income is Rs.6,000/- and below, are entitled for the benefits of the Scheme. The Corporation with the help of Nationalised Banks arranges for sanction of loans for taking up small enterprises and releases Margin Money ranging from 20% to 50% at 4% rate of interest, as follows:-

1. For a loan of Rs.15,000/-, Margin money admissible is 20% i.e., Rs.3,000/-
2. For a loan of Rs.10,000/-, Margin money admissible is 30% i.e., Rs.3,000/-
3. For a loan of Rs. 5,000/-, Margine money is admissible is 50% i.e., Rs. 2,500/-

10.44 Many petty businessmen, cottage and small scale industrialists belong to Backward Classes and Minorities have benefited from this Scheme and have improved their living conditions. The following Table gives the details of amount released as margin money, bank-loan secured and the number of beneficiaries, year-wise since inception.

TABLE - 17
THE KARNATAKA BACKWARD CLASSES & MINORITIES
DEVELOPMENT CORPORATION LTD.-
MARGIN MONEY LOAN SCHEME (YEARWISE STATEMENT)

YEAR	No. of benefi- claries	Margin Money Loan Sanctioned	Bank Loan Sanctioned	Total Amount	Recoveries
1	2	3	4	5	6
1977-79	-	-	-	-	
1979-80	189	1,31,539.00	5,91,937.00	7,23,476.00	5,011.87
1980-81	245	3,55,184.00	7,26,425.95	10,81,209.95	45,248.49
1981-82	1124	18,03,723.20	40,98,074.34	59,01,847.54	1,67,785.02
1982-83	3103	50,32,475.75	86,12,009.85	136,44,485.60	4,95,523.18
1983-84	3114	58,69,998.55	100,67,216.66	159,37,215.21	8,33,158.36
1984-85	3284	64,67,890.37	103,68,385.92	168,36,276.29	18,35,014.25
1985 (Upto Oct.85)	1911	36,61,000.00	57,47,000.00	94,08,000.00	13,28,000.00
TOTAL	12970	233,21,860.87	402,11,049.72	635,32,510.59	47,09,741.17

10.45 CHAITANYA - CRASH PROGRAMME FOR RURAL ARTISANS:

The Corporation implements this scheme with the assistance of District Industries Centres in the Districts. Traditional Rural artisans belonging to Backward Classes, whose family annual income is less than Rs.6,000/- are identified in the rural areas and the following assistance is extended to them:

1. Distribution of improved tool-kits to Rural Artisans; and
2. Provision of electricity to Rural Artisans' Houses, --both subject to a maximum of Rs.500/- per head, per house and
3. Training of Rural Artisans and Women;

TABLE - 18

**THE KARNATAKA BACKWARD CLASSES DEVELOPMENT
AND MINORITIES CORPORATION LIMITED**

**STATEMENT SHOWING THE GRANT-IN-AID RECEIVED AND THE
EXPENDITURE MADE**

CHAITANYA CRASH PROGRAMME FOR BACKWARD CLASS RURAL ARTISANS

YEAR	Total G. I. A. received from the Govt. (Rupees in lakhs)	<u>NO. OF BENEFICIARIES</u>			Total Expenditure
		Subsidy (Supply of impro- ved tool kits to rural artisans)	Electri- fication of rural Artisans' Houses	Total	
1982-83	12.00	931	--	931	2.40
1983-84	10.00	3055	144	3199	11.24
1984-85	30.00	5349	269	5618	18.00
1985-86 (Upto Oct. 85)	5.00	1547	265	1812	6.60
GRAND TOTAL	57.00	10882	678	11560	38.24

EMPLOYMENT

GUIDANCE BUREAU-CUM-EMPLOYMENT ENFORCEMENT CELL

This cell has been created in the Backward Classes and Minorities Department on 23.1.1980 with a view to verify adherence to instructions and orders regarding reservation of vacancies for Backward Classes as far as employment is concerned in the various unit offices under the State Government. The cell actually started functioning from 1983 only. This cell inspects the State Government Departments, Corporations, Co-operative Institutions, Companies, Aided Institutions and State Government undertakings and points out the lapses in the adherence to existing rules with regard to reservation for Backward Classes and sends these observations in the form of inspection notes to the Heads of Offices, with a request to remedy the shortfalls. The Cell also guides the unit officers at the time of inspection regarding proper implementation of the reservation rules and maintenance of vacancy registers as per prescribed roster. A review of the compliance undertaken on the inspection notes, is taken up after 8 or 12 months in many unit offices. Publicity is given regarding the employment opportunities available for Backward Classes candidates in the State, as advertised by the various State Government Department and the other offices. So far the Cell has inspected 399 unit offices out of 930 existing unit offices in the State. The year-wise inspection of unit offices carried out the cell is given in the Table below.

TABLE - 19

DEPARTMENT OF BACKWARD CLASSES & MINORITIES
GUIDANCE BUREAU-CUM-EMPLOYMENT ENFORCEMENT CELL

NUMBER OF UNIT OFFICES INSPECTED

Sl.No.	Year	No. of Unit Offices Inspected
1.	1983-84	153
2.	1984-85	116
3.	1985-86 i. e. ,till Nov. '85	130
TOTAL:		399

10.47 The description and a review of the Progress of each of the schemes run by the Department of Backward Classes and Minorities and the yearly budget provision for the same has been taken up, to understand and assess the impact of the programmes meant for the benefit of Backward Classes in the State, administered by the Department created specially for the purpose in 1977, based on the recommendations of Havanur Commission Report. Having had a fair measure of knowledge into the objectives of the schemes, the types of benefits available under each scheme, the coverage and the financial commitment towards these schemes and the progress achieved, we are in a better position to advocate certain improvements in the schemes.

II. RECOMMENDATIONS ON THE SCHEMES

1. INSTITUTIONS

10.48 HOSTELS

The Commission recognises the importance of these Government run free hostels in educating the students belonging to Backward Classes groups. The Department runs nearly 610 pre-matric hostels and 65 post-matric hostels for the Backward Classes and Minorities all over the State. The intake in respect of pre-matric hostels has registered an average increase of 10000 to 30000 students per year. The number of new hostels added itself is around 60 - 68 per annum on an average. However, in one or two years there has been no additions and in the following years a large number, amounting to 100 hostels have been added.

10.49 To have a uniform and reasonable growth, and to meet the growing needs of the OBCs students, the Commission recommends sanction of 75 hostels per year continuously for the next 10 years, with a minimum sanctioned strength of 50 students each. Wherever there is demand for girls hostels, these could be set up as girls hostels. The aim at present should be to cover all taluk headquarters with atleast one pre-matric hostel and in the long run, to cover all places, either village or Hobli Headquarters, wherever there is a high school and local demand and need for such a hostel exists. During admissions, preference may be given to students coming from remote areas.

10.50 Post-matric hostels have not registered growth as much as the pre-matric hostels. After 1981-82, there has been a virtual stagnation in the number of new hostels sanctioned and students admitted. The 65 existing hostels are totally inadequate to meet the growing needs of the

Backward Class Communities. Keeping in mind the vital role these hostels' play in providing higher education with better environment, to the interested students who would not otherwise be able to pursue their studies and fulfil their ambitions, the Commission recommends that at least 15 post-matric hostels with 50 minimum strength of students be sanctioned every year for the next ten years. The administrative problems in running the hostels should not come in the way of extending the benefits to more number of students. The ultimate aim should be to have a post-matric hostel wherever there is a college or polytechnic unit, and local felt-need for such hostel and availability of adequate number of Backward Class students. Girls hostels could be established in places having adequate number of girl students, may be for even a minimum of 25 students.

10.51 The Commission had the opportunity of coming to know of the existence of a merit hostel, by name, Backward Class Hostel in Hubli run by Scheduled Castes/Scheduled Tribes Welfare Department. Here, applications from the 4 nearby districts are called for from Scheduled Castes/Scheduled Tribe students and the boys who have scored high marks are selected and exposed to a good hostel atmosphere, where Government provides all facilities of books, clothes and good balanced diet based on caloric requirements of a growing boy without restriction of Rs.125/per boy per month as in the case of post-matric hostels. Such hostels do become a sort of coveted places which attract best talent among the SC/ST students. This also induces a competitive spirit or urge in the SC/ST students to do well in their studies so as to get admission in such hostels. The Commission sincerely feels that Government should establish such hostels for Backward Classes, at least one in each division for the immediate purpose and later one in each

district. A few of these could be set up as girls hostels and these hostels could serve both the pre-matric and post-matric students, with a minimum strength of 50 students each.

10.52 The rate of food charges admissible per student, both in pre-matric and post-matric hostels has undergone periodical revision upwards. However, it does not seem to have been done on any basis or relevant cost-price index. The Commission feels it will be better if the rate is revised once in 3 or 4 years and the rate refixed based on the consumer-price index. This applies to the grants given to voluntary organisations running pre-matric hostels also.

10.53 Investing money on construction of buildings to accommodate these hostels is a wise step taken in the right direction. Here also, a standard number of hostels could be taken up for construction every year, may be 50 Government hostel buildings per annum with N.R.E.P. funds. Commission also recommends that the existing building grants to Grant-in-aid institutions be enhanced from Rupees 50,000 to Rs.1 lakh in taluk areas and to Rs. 1.5 lakhs at District Headquarters and Rs.2 lakhs for a place like Bangalore City.

10.54 The officials running the hostels, i.e., Superintendents of Government Hostels and private grant-in-aid hostels must be exposed to a good training in hostel management. They must be motivated in the services of the students coming from Backward Class communities and must be capable of inculcating discipline, sense of purpose and hard-work in these students.

10.55 The hostels run by Voluntary Organisations have shown only a marginal improvement. Voluntary Organisations should be encouraged by Government for the purposes of establishing private hostels. Government could be very strict in selection of such Organisations which could be given Grant-in-aid, but the growth of such Institutions should not be curbed for want of better control and management. The Commission recommends that at least 25 such Grant-in-aid hostels with a minimum strength of 50 each, be sanctioned every year, for the next ten years.

10.56 Among the other Institutions, the Commission finds that the Orphanages accommodate students who are orphans belonging to any creed and caste and not restricted to Backward Classes. These may be transferred either to Social Welfare Department as the Government may think fit, or alternatively, these could be made as orphanages only for Backward Classes Orphans.

10.57 Ashram schools are in a very bad shape and there is no meaning in running these Institutions in such a manner. The department at present is teaching these students by running Primary School classes in these Ashrams, as well as giving free boarding and lodging. It will be much better, if these children are admitted to nearby schools run by Education Department, private or Government and the children attached to the nearby pre-matric hostels, if in existence, for boarding and lodging purpose and the Ashram Schools disbanded completely. If no pre-matric hostel is available nearby, these Ashrams could be run only for boarding and lodging of these children for the present and later upgraded to pre-matric hostels.

10.58 Women Welfare Centre is another Institution that had started with good intentions but now suffering almost total neglect. What was envisaged to be a welfare centre for women and their children has become today just a balawad.

centre where children of nomadic tribes are given mid-day meals and taught some nursery rhymes. To bring them back to healthy institutional status, the Commission recommends that all these existing Women Welfare Centres be upgraded with other support programmes like pre-primary education for children, health and nutritious food coverage for children and mothers, vocational training and adult education for women, on the lines of Anganwadi Centres of I.C.D.S. programmes run by Social Welfare Department. Trained teachers should be recruited and appointed to maintain these Centres. With such improvement in the quality of services rendered, more number of Centres should be opened in remote areas to cover the entire population of the Backward Classes.

10.59 **SCHOLARSHIP** The Commission finds that the children of primary schools are not covered by scholarship or hostel programme. The rate of school drop-outs also is heavy among primary school children. Even if it is only to induce the parents to send their young children to schools, it is worthwhile to have a scheme of granting Rs.15/- per month to the parents as compensatory educational allowance. This allowance could be restricted to 2 children per family, with an income ceiling of Rs.3600 per annum.

10.60 Pre-matric scholarship has shown, in its coverage, an increase of 24,000 students per year roughly, on an average. Scholarship holder is akin to a merit student and it is prestigious to hold a State scholarship. Hence the Commission recommends that the annual coverage of new students be atleast 50,000 number of students, every year for pre-matric scholarships and 5000 students per year for post-matric scholarships.

10.61 Extra Boarding and Lodging charges is sanctioned to post-matric scholarship holders of the communities who are termed as B.Ts. as per G.O. dt. 1-5-1979. The demand for the same is heavy, especially in districts like Chitradurga and Kolar. Subject to the condition that the voluntary organisations accommodating these students run a **separate** full-fledged hostel for their benefits. Extra Boarding and Lodging charges could be sanctioned to students now it will be to all the Backward Classes, who get 40% of the marks and above and even if they stay in private run Community hostels.

10.62 The Commission recommends that sanction of fee concession from the department be continued to Backward Class students only.

10.63 The annual income limit fixed by Government for different schemes varies, for example - For sanction of scholarship, the annual income limit is Rs. 4,800/- for Backward Special Group, Rs.10,000/- and below for other Backward Classes and Rs. Nil for Backward Tribes. For the sanction of fee concession, the annual income ceiling is Rs. 3,600/- for all Backward Classes excepting Backward Tribe who are not constrained by any such income limit. Such different rates create lot of anomalies and confusion. Hence Commission recommends that there may be an uniform income limit of Rs. 6,000/- for all these benefits of scholar-ships and fee.

2. TRAINING INSTITUTIONS

10.64 The existing Tailoring Centres are not really rendering any useful purpose because the course run is for 12 months only and it is not recognised by award of diploma, as done in poly-technic courses. Hence the Commission recommends that 2 years course on the syllabus

Similar To the diploma course run by polytechnic institution be introduced in all these centres and after 2 years of introduction of this Course, these Centres could be converted into Training-cum-Production Units similar to the ones run by Scheduled Caste/Scheduled Tribes Welfare Department. The Department spends lot of money every year in stitching uniforms and distributing these to the hostel students. At present it is learnt that this is being done either through Tailoring Production Units of Scheduled Castes/scheduled Tribes Welfare Department or through Societies or private contractors at district levels, as the Tailoring Production Units of Scheduled Castes/Scheduled Tribes Welfare Department are busy with the work of their department. With the introduction of Tailoring Training-cum-Production Units in Backward Classes and Minorities Department, the Department work could be entrusted to these units. The scheme itself could be expanded to establish more Tailoring Training Centres, ultimately to cover each of the taluks in a phased manner.

0. 65 OCCUPATIONAL INSTITUTE FOR WOMEN There is only one such Institute for Women in Gowribidanur at present. As it is a good scheme for girls, it is worth-while to start such Institutes in all the districts in a phased manner, and also modernise the courses being run here.

10. 66 CARPENTRY TRAINING CENTRE This also is restricted to only one Centre in the State. The Commission feels that not only Centres for Training in Carpentry, but also in many other crafts, traditional and otherwise, could be started for boys, all over the State, atleast one per district in a phased manner. These could be converted slowly into production units. The staff, training and marketing could be arranged in close co-operation with the District Industrial Centres existing in each district.

10.67 COACHING CENTRES To encourage mofussil students coming from villages to join the classes conducted by Coaching Centres for competitive examinations, the Commission recommends that residential hostels may be started along with these centres.

10.68 FINANCE CORPORATION SCHEMES The Finance Corporation during its existence of 5 or 6 years, has released a margin money of Rs. 233.22 lakhs and secured Rs.403.15 lakhs of loan through nationalised banks to 12,970 Backward Class people to set up small enterprises. Though laudable, it compares very poorly with the working of its counter-part in Scheduled Castes/Scheduled Tribes Department where the Finance Corporation by name, 'Karnataka Scheduled Castes/Scheduled Tribes Development Corporation Limited', has sanctioned Rs.904 lakhs as Margin-money and secured Rs.2678 lakhs as Bank Loan to 1,27,270 S.C./S.T. people. The Government released share capital of SC/ST corporation is Rs. Ten Crores so far and that of Backward Classes and Minorities Development Corporation is only Rs.1 Crores. S.C./S.T. Corporation gets additional financial support from Government of India; but still, when the State Government has come forward to open a Financial Corporation for Backward Classes, the Commission is not able to comprehend the non-provision of adequate funds, even to cover minimum number of beneficiaries especially when nearly 45% of the population of the State had been declared as Backward. The complaint received over and over again by the Commission during its District tours was that the Corporation has even stopped selling application forms and large number of processed applications are pending for sanction for want of money. Given adequate money, the Corporation will serve more number of people belonging to Backward Classes and enable them to stand on their own legs. The Commission recommends considerable increase in the share capital released to Corporation. Commission also recommends the 50% of the Board of Directors of the Corporation may be selected from among

the Backward Communities, appointed on rotation basis.

10.69 Under the subsidy scheme to rural artisans, the scheme envisages at least 12 programmes to be implemented. But the Corporation has taken up only two of these activities, namely supply of tool kits and electrification of houses, due to paucity of funds. Commission is fully convinced that adequate funds should be released to the Corporation so that it can take up among other schemes, the following:-

1. Training of rural artisans;
2. Subsidy to rural artisans to modernise their traditional occupation;
3. provide work-sheds to groups of artisans;
4. Establishment of raw material depots;
5. Developing marketing facilities and
6. extend financial assistance to rural artisans who wish to expand their working area.

Commission recommends that the list of schemes or Small Scale Industries entitled to get loan under the Margin-money scheme, to also include irrigation wells, pump-sets and plough-bullocks.

10.70 The Commission also recommends the establishment of a Technical Training Institute for running appropriate courses for traditional occupations, preferably in each district. We further recommend that 25% in the allotment of industrial sheds by Industries Department at district level be reserved for applicants from Backward Classes communities.

10.71 To enforce the adherence to reservation percentage provided in employment, there is a Guidance Bureau-cum-Employment Enforcement Cell in the department at present. This is absolutely inadequate, as it conducts only inspections and lacks any power towards actual enforcement of the

Government rules, Moreover the verification is limited to reservation in employment and nothing is being done to verify

adherence of rules with regard to reservation in education. Hence the Commission suggests the creation of a Special Officer with adequate powers, vested with necessary staff, independent of the Department, for monitoring and enforcing the reservation policy of Government with regard to both education and employment. To this agency all Departments/institutions will report regarding the recruitments or admissions made by them.

10.72 In general the Commission observes that creation of a separate department has helped greatly the cause of Backward Classes. However the schemes run presently by the Department have been shifted on ad-hoc basis from either Scheduled Castes/Scheduled Tribes Welfare Department or from Education department and hardly anything has been done to improve the existing facilities or modernise the training centres or develop new schemes. May be, one of the constraints is money. The Commission recommends that adequate budget provision be made to accommodate and facilitate the growth of the Department by way of expansion of coverage under various schemes and starting of new schemes.

10.73 Another major draw-back felt, inspite of the existence of a full-fledged department for Backward Classes and Minorities is the communication gap, between the Department and the beneficiaries. The Schemes and programmes of the Department, the benefits extended by Government to the Backward Class population should be periodically brought out, either in the form of advertisements or programmes on All India Radio, Television and Newspapers, and also spread through printing of pamphlets, posters, hand-outs and booklets.

10.74 With these improvements and provision of adequate financial support by State Government, this Department can definitely work better for the advancement of Backward Classes.

CHAPTER 11

RECOMMENDATIONS ON SHORT TERM AND LONG TERM MEASURES

CHAPTER 11

RECOMMENDATIONS ON SHORT TERM AND LONG TERM MEASURES

EDUCATION : To equate the Backward Classes in course of time with the forward castes or classes, two things have to be kept in view, namely education and wealth, which are considered as the two 'eyes' of mankind, which again are the qualities that distinguish the human from the animal. Deprive any individual, or group or caste or class, of these two eyes, the result will be to convert the party into slaves. This is exactly what had been done wholly for the untouchables and partially for the Sudras for millenniums, which, however, entrenched the upper castes with all the good things of life based on education and wealth. Next to status, fixed inexorably by the hoary hierarchic caste, comes literacy and therefore, education stands out as the step for the liberation of the Backward Classes from subjection to the upper castes.

1.2. It is well known that education in Sanskrit was a reserved subject for the Brahmins in India from time immemorial. This total reservation continued in India from ancient times, except for the Lingayats who broke the rule, from about the twelfth century, and started to teach Sanskrit to their protestant religious group. Rich in knowledge, philosophy and content, Sanskrit education gave the learners a complete and monopolistic lead in scholarship, the public services, the priesthood, astrology and primacy in human society. The low social status of the Backward Classes coupled with illiteracy, made their life miserable, contemptible and worthless. Self respect and human worth were lost to the backward classes and it is no easy task to rouse the Backward Classes to their legitimate human rights, particularly because the loss of rights has been buttressed by doctrines like Karma, rebirth, contentment in inferiority, inequality

and poverty.

11.3. "The power of education in forming character and opinion is very great and very generally recognised," said Bertrand Russel, "The genuine belief, though not usually the professed precepts, of parents and teachers are almost unconsciously acquired by most children. Education is essentially constructive, and requires some positive conception of what constitutes a good life".¹

11.4 To give primary education - making it compulsory and universal - is a basic duty of the State and Society. The Constitution of India, has provided for it in Article 45. The State was enjoined to "provide, within a period of ten years from the commencement of the Constitution, free and compulsory education for all children until they complete the age of fourteen years". Though 35 years have passed, we are in no way near to this objective. The children affected by the State's indifference to this Article are the Backward Classes and they can never hope to take their share in the affairs of the government services, the industries, the arts and other creative activities in the absence of primary education. The Commission recommends that this social and educational objectives be attained by stages within a period of twenty years by way of starting primary schools at the rate of _____ secondary schools at the rate of 500, every year for the benefit of all children. The required funds may have to be found by the Government as this issue has to be treated on priority. Compulsory primary education must be pursued on war-footing, for obtaining full benefits and abolishing illiteracy especially in the rural areas.

11.5 The Social, educational and economic survey made by the Commission has disclosed that about 65.78 percent

1. Bertrand Russell on EDUCATION - Basic Writings, pag 402.

of the people are illiterate and the overwhelming part of these illiterates are Backward Classes. Adult Education is a prime necessity if the Backward Classes are not to remain ignorant, superstitious, and obscurantist.

Private agencies that engage in adult education in the evening hours must be helped financially, both to house the schools and teach the adults and State Government must step up its Adult Education Programme.

11.6. There is a great debate now going on regarding the role of education and the changes to be brought about in the educational system. Whatever shape the new educational policy may take, it is very necessary that education must be freed from the clutches of superstition and dogmas. Legendary fantasies are treated as history in our history books. Social reform is still being obstructed by obsolete ideas, supersititious suggestions and traditional practices.

11.7. The booklet issued by the Education Ministry in Delhi to serve as a guideline for the new education policy says, "Thus perceived, education can be the most effective means for equalising opportunities and reducing disparities between human beings. In a democratic society, it is considered as a fundamental right of the citizens. In the ultimate analysis, therefore, the aim must be to enlarge the coverage and improve the quality of education in our institutions, so that, a person, belonging to any religion, caste, creed, sex or economic strata, would have the chance of developing his or her potentialities to the full".¹

11.8. In a multi-religious, multi-racial and multidenominational country like India, secularism is a desideratum to maintain peace and contentment. Our Constitution has wisely provided for the secular nature of the Government by inserting the term SECULAR in the Preamble to the

¹ Challenge of Education, a Policy Perspective, 1985.

Constitution. To enable the State and the society to fight crude superstitions, blind beliefs, primitive practices and unscientific rituals and ceremonies, the new chapter, FUNDAMENTAL DUTIES added on to the Constitution has provided under clause 8, that it is the duty of every citizen of India "to develop the scientific temper and spirit of inquiry".¹ In accordance with these ideals, the State must so revise the educational system and the content of education as to eliminate superstition and obscurantism and inculcate scientific approach and rational inquiry in the study of all subjects. The Commission therefore recommends that an expert Committee be appointed to scrutinise the text books prescribed for the students at all levels to see if the contents are in accordance with the said Fundamental Duties. H.G.Wells averred that "species which fail to adapt themselves to the natural conditions in which they have to live, and to change their habits as these conditions change, are doomed".

11.9. "The most staggering of our failures to change our institutions synchronically" said George Bernard Shaw, "with the changes in the social and natural facts is our school system" and added, "Ignorance can be instructed; it is easy to write on a clean slate. But the slates in our schools are not clean; they are scrawled all over not only with sham Latin verses, but with fubulous history, barbarous superstitions, and obsolete slogans and codes; for these slates are never cleaned; and anyone attempting to clean them is punished, or, if out of reach, is denounced as an enemy of God and Man. It is therefore of cardinal importance that the citizen should know the facts as far as they are known or knowable".²

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1. Everybody's Political What's What, 1944- The Educated, page 146, 147, 153.
 2. Part IV-A of "Constitution of India".

11.10. Vocational education at the higher secondary and pre-university levels is being stressed by social scientists and educationists as the panacea for the growing unemployment amongst the educated of the traditional academic system. But while vocational education is welcome, care has to be taken to see that the artisan's son is not compulsorily pushed into the traditional handicraft of his parent, as the aim of all craftsmen is to make some of their children abandon the low, unprofitable and undignified vocations and gravitate into the white collar jobs so much prized by the children of the upper castes. The serious objection taken to the vocational education system, experimented in Madras Province in the early forties has to be kept in view and suitable scientific methods adopted in vocational education. The drop-outs from the schools are about 70% in rural areas. For them, as an alternative, vocational education may be instituted, by opening a series of special schools separately on the pattern of Industrial Training Institute, in rural areas.

11.11. Private schools that are started require five years of functioning before being entitled to grants from Government, as per the existing regulations. This long period of five years has discouraged many Backward Class educationists from starting schools or maintaining the schools after the starting period. It is therefore recommended that the period of functioning be reduced to two years for entitlement to recognition and aid.

In this connection it may be noted that in the case of Scheduled Castes and Scheduled Tribes managements, the aid is being given from the beginning. The deposit money fixed for starting such aided schools and colleges, may be waived for the Backward Classes as in the case of Scheduled Castes and Scheduled Tribes.

11.12. The pupils of the Backward Classes may be provided with text books, note books and writing materials and

also uniforms, free of cost. As small children are put to household or field work by the poor backwards in rural areas, it is necessary, in order to encourage the parents to send their children to schools, mid-day meals are to be provided to the school children as is being done in some States. The sanction of compenstory allowance to parents has already been recommended in Chapter No.10.

11.13. The backward Class pupils whose parent's income is less than Rs. 6,000 may also be exempted from payment of application fee and examination fee at all levels.

11.14. The anxiety and the need on the part of the Backward Classes to go abroad for higher studies is great and the Commission recommends that foreign scholarships, atleast two from each of the five universities in the State, be awarded to suitable and competent students belonging to Backward Classes, every year.

11.15. To improve general knowledge and intensify the reading habit amongst the rural people, libraries and reading rooms may be started in rural areas, wherever there is a high school. The library may be located to start with in the high school premises, until separate buildings are made available. The supply of library books may be free, subject to a small deposit to cover the cost of books as is being done in Corporation libraries in Bangalore City. Radio and T.V. facilities may also be provided in rural areas for educational purposes.

11.16. SOCIAL ENGINEERING AND SOCIAL REFORM : The population explosion in India is not merely a quantitative one. The qualitative aspect of the problem, the problem of making the people healthy, strong, creative, purposeful, all saturated with hope, faith and courage, are far more important. India is a country of death, poverty and disease. There is great need to raise the standard of

living. India needs badly a 'life through joy movement'. The national income of India is about the lowest in the world. The Infant mortality and death rate are still high, though the average age of the Indian has risen from about 23 years in 1921 to 56 in 1984. The need of the hour is therefore strict family planning and population control. Incentives for limiting the family to one or two children and disincentives for breakers of this rule must be provided on a national scale. The Backward Classes are the people suffering under the burden of unwanted and over-crowded children. Short of compulsion, every effort must be taken to limit the family.

11.17. Dr. S.Chandrasekhar, a great demographer and former Union Minister, has said "In a world, we cannot have a 20th century death rate and a 17th century birth rate. We are demographically running so fast that economically we are forced to stand still. In other words, our population problem is simply a question of our perpetual poverty".¹

11.18. **THE DRINK EVIL AND PROHIBITION :** Fully conscious of the evils of drink, the founding fathers of our constitution provided in Art 47, a fundamental duty for the State to bring about prohibition of intoxicating drinks and drugs, which result in unhappy marriages, broken homes, desertion, divorce and deprived and displaced children. The major part of the excise revenue comes from the backward classes and other weaker sections of the society. Prohibition is as much necessary as reservation, to improve the lot of the Backward Classes. Temperance propaganda requires to be intensified, side by side.

11.19. **THE CASTE EVIL AND INTER-CASTE MARRIAGES :**If the age old hierarchic, divisive, discriminative and destructive caste system of Hinduism, which has also

1. Science & Population control by Dr.S.Chandrasekhar in Science, Society & Scientific Attitude, Bangalore University 1976 Page 171.

permeated into the protestant sects like Veerasaivism, Sikhism, Jainism and Christianity, is ever to be abolished, the only sovereign remedy is universal and large scale inter-caste marriages and the government must do everything possible to encourage such marriages.

11.20. HOUSING : Food, clothing and shelter are the three basic needs of man. Proper housing, exercises a profound influence on people's health, behavioral pattern, education and character. Dark, congested and insanitary houses or huts are no places for the development of a healthy people. Housing conditions in industrial towns and rural areas are the worst. The State has to pay the greatest attention to housing to raise the moral and material conditions of the people, particularly of the Backward Classes who are now steeped in poverty and misery. The Commission therefore recommends :-

1. Under the Janatha Housing Scheme 30 percent of houses must be reserved for the Backward Classes.

2. In the allotment of houses and sites in B.D.A., C.I.T.B. and K.H.B. a quota must be reserved for the Backward Classes in proportion to their population in the area concerned.

3. Loan facilities must be made available through the nationalised banks for the Backward Classes to enable them to buy or build houses.

4. Special housing schemes must be devised for the wandering or nomadic tribes to encourage them to settle down in a suitable place, as otherwise their conditions of living and way of life will not improve.

11.21. **LAND REFORMS AND RURAL DEVELOPMENT** : Effective implementation of land reforms is a principal ingredient in the rehabilitation and upliftment of the Backward Classes. Absentee landlordism must be wholly abolished and the excess land distributed to the landless poor and a certain percentage of the land reserved for the Backward Classes in this. Equally so, the land grant schemes must make provision for a proper share for the Backward Classes.

11.22. Beneficent schemes have been introduced into the economy of the State, but the implementation is not found to be effective. Corruption and delays in the working of the schemes must be eliminated. The anti-poverty-cum-employment oriented schemes like the I.R.D.P. (Integrated Rural Development Programme), the N.R.E.P. (National Rural Employment Programme), the R.L.E.G.P. (Rural Landless Employment Guarantee Schemes), are all good and useful schemes for the upliftment of the rural poor and they must be honestly and properly implemented. Exploitation of poor people by private money lenders may be brought down, by opening more rural branches of Nationalised banks and co-operative Banks. The grant of loans and the procedures may be simplified.

11.23. Where communication and transport are poor, there is little or no improvement in the condition of the remote villages. Education, living conditions, housing and sanitation - all suffer for want of proper communication. All weather roads, and easy access to bus stops, will help school children to find their way to schools and the adults to find the market for trading their goods and buying goods for their own consumption or use.

11.24. Electrification of all villages and hamlets

will improve the living conditions of Backward Classes in the villages as much as it will the others.

11.25. Absence of potable drinking water is a health hazard, and every effort must be taken to provide this benefit to every village, if ill health and disease are not to spread.

11.26. In order to bring down infant mortality and improve health conditions of the mother, Women and child welfare schemes have to be extended to cover the entire rural area.

11.27. PARTICIPATION IN SPECIAL BENEFITS

1. Licences, permits, contracts, leases, electric power supply and land may be distributed to the other Backward Classes upto a certain percentage and no monopoly allowed to any caste or community.

2. Earnest Money Deposits while applying for the above benefits may be waived for Other Backward Classes.

3. Backward Classes may be encouraged by Government to form Co-operative Societies by providing a portion of the share capital, managerial assistance and loans at subsidised interest rates.

4. The benefits of the Industrial Development Corporations may be extended to the Other Backward Classes atleast to the extent of 30%.

5. In all private entrepreneurship training centres proper reservation may be made for the Other Backward Classes.

6. Indigenous technology like, Gobar gas

Solar Energy, may be encouraged and popularised in the rural areas.

7. A scheme similar to 'Ganga Kalyana' for Scheduled Castes and Scheduled Tribes may be introduced for the Other Backward Classes.

8. Integrated development schemes for backward classes, may be started and implemented by the Dept. of Backward Classes and Minorities. Projects could be prepared for groups of very backward communities in each district, may be confined to a village in that district, for offering a package of schemes under Animal Husbandry, Agriculture, Health, Nutrition, Co-operative Marketing, Rural Industries, Housing and so on. Special projects must be prepared separately and specially for each district, according to local needs.

11.28. BOARDS, COMMITTEES AND CORPORATIONS

1. A legislative committee to monitor the benefits to the backward classes is already existing; its functions and powers may be extended.

2. An Advisory Board for betterment of Backward Classes with the Chief Minister as the Chairman may be constituted at the State level and this board may be asked to meet once in three months, to review the progress made in the various schemes, meant for the benefit of the Other Backward Classes and to advise the Government on related policy matters.

3. Seats may be reserved for the Backward Classes in all local bodies, whether by election or nomination, as has been done in the case of women and Scheduled Castes and Scheduled Tribes.

4. In all Government, Semi-Government institutions/ Boards/committees/corporations, there should be adequate representation to Backward Classes, not less than 25% of the seats.

5. Karnataka Public Service Commission and other recruitment bodies of the State Government should have adequate representation of the backward classes and membership in such boards or commissions may be given to all communities of the backward classes by rotation, so that injustice is not done to the communities that are not represented in the recruitment body, as it might happen otherwise.

11.29. MANDAL COMMISSION REPORT : The State Government has already expressed its support for the implementation of the recommendations of the Central Government's Commission for Backward Classes under the Chairmanship of B.P.Mandal. The Commission recommends that the State Government should urge the Central Government for the early implementation of the recommendations, particularly in the matter of reservation of the jobs and seats in the Central Government establishments both in education and employment. It is a tragedy that the Centre has not made reservations for the Backward Classes so far, though two Commissions have given favourable Reports in 1955 and 1980.

11.30 All cottage and village industries like handloom, silk industry, sericulture, spinning and weaving, oil making, pottery, bamboo and cane industry, coir making, paddy husking, beedi making, snuff-production are mostly being carried on in primitive, unorganised, unscientific conditions. Most of these industries require to be enlarged, modified, and modernised in order to economise expense, increase profits, and improve the quality of products. By and large, the Backward Classes own and run these cottage industries, and eke out a precarious existence

with little or no chance of earning adequate income to improve the living conditions and compete with the upper castes on an equal basis. People engaged in these industries are really hard working, skilled workers. They are the back bone of the society, producing consumer goods absolutely necessary for the daily life of the society. Hence these industries require all help. Government may appoint expert committees to examine every industry and recommend suitable measures for improving each industry.

11.31. CASTE & CENSUS : The Supreme Court has repeatedly directed that the identification of Backward Classes must be made on scientific and statistical basis. In order to fix the quota of reservation for groups of castes and communities, it is necessary to know their population. Sample survey made by the states covering just one or two percent of the populations have been objected to, by the judiciary.

11.32. It is therefore the fundamental duty of the Central Government to enumerate the caste particulars in the national census in order to properly uplift the backward and depressed classes as per the various measures taken by the State. In the absence of the Central Government enumerating caste particulars it becomes a duty of State Governments to obtain these particulars by their own efforts. Some States especially Karnataka, have conducted, such social, educational and economic survey of all the house holus in the State on cent percent basis, at enormous cost. These efforts and costs have only duplicated the census work and the Central Government could be well advised to undertake caste enumeration in the national census to avoid duplication of work, cost and time.

11.33 The Commission recommends that the subject of reservation to backward classes and their status be review by the State once in every 10 years along with Census.

CHAPTER 12

TOWARDS A CASTELESS SOCIETY

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"Caste comes in the way of the growth of a healthy nationalism, and works against development in other ways; it produces hostility between the various segments of our society and lowers efficiency and honesty in the administration and public life", M.N.Srinivas, in the Article, "THERE IS A VESTED INTEREST IN BACKWARDNESS".¹

12.2. British rule and English education, brought with them to India, western democratic ideas and institutions that were hostile to and inconsistent with the hoary Hindu caste system, that divided the people vertically into graded castes and horizontally into separate compartments. When India became free, democratic institutions were incorporated into the Constitution. Democracy does not tolerate privileged Classes, based on birth, wealth and race. Democracy is committed to equalise people and to take measures to help the people that are disadvantaged on the basis of religion, caste and race, by making special provisions for their upliftment, including reservations in the services and professions, for correcting their inadequacy.

12.3. How much farther away is the caste system from democratic principles, has been expressed by Dr. Ambedkar, who wrote, "Take the Hindu Social System and examine it from the point of social utility and social justice. It is a religion which is not intended to establish liberty, equality and fraternity. It is a gospel which proclaims the worship of the superman - the Brahman, by the rest of the Hindu Society".²

12.4. Jawaharlal and the casteless : Jawaharlal Nehru, had always decried caste for its evils. Writing between 1942 and 1945, in Ahmadnagar fort prison, Nehru says, "It is curious and significant that throughout the long

1 Published in The Statesman, October 9 and 10, 1961.

2 Ranade, Gandhi and Jinnah, by Dr Ambedkar 1943 Page 26.

span of Indian history there have been repeated warnings given by great men against priest-craft and the rigidity of the caste system, and powerful movements have risen against them; yet slowly, imperceptibly, almost, it seems, as if it were the inevitable course of destiny, caste has grown and spread and seized every aspect of Indian life in its strangling grip. Rebels against caste have drawn many followers, and yet in course of time their group has itself become a caste".¹

12.5. Jawaharlal Nehru, declared in Parliament in 1951 by way of interpreting the constitution, "After all, the whole purpose of the constitution as proclaimed in the directive principles, is to move towards what I may call a casteless and classless society. It may not have been said precisely in that way, but that is, I take, its purpose, and anything that perpetuates the present social and economic inequalities is bad".²

Dr. S. Radhakrishnan, both as Vice-President of India and as President, often used to stress on the importance and the imperative need to create a casteless society in India through intercaste marriages, subject to some restrictions. "Marriages should be", wrote Radhakrishnan, "not necessarily in one's own caste, but among members of approximately the same level of culture and social development".³

12.6. Steps towards castelessness : Knowledgeable people have agreed that the sovereign remedy to destroy caste is inter-caste marriage, not on a small scale, but on a large scale. Inter-Caste marriages have taken place from ancient times, but they have been few and far between and frowned upon as anuloma and pratiloma. The progeny of the inter-caste unions, so long as they are sparse, can only result in the progeny taking to the religion,

1 Discovery of India, Jawaharlal Nehru, 1945, Page 9

2 Parliamentary Debates, 1951, Part 2 Vol. 12.

3 The Hindu View of Life Dr. Radhakrishna, 1926, Page 104.

language and caste of the father. It is only when such marriages are on a large scale, there can be effective, destruction of the caste system. There should be not only inter-caste marriages, but also casteless social life. All peculiar rituals, habits, symbols and behaviours of individual castes must give place to general, modernist, socialist and cosmopolitan tendencies. But at the same time, it must be noted that shedding of caste symbols, like the sacred thread, or the omission of caste suffix or prefix to proper names, or unorthodox behaviour, do not abolish caste, though they may be preliminary steps.

12.7. "It appears to me that co-education at all stages of instruction," said Prof. G.S.Ghurye of Bombay University an ardent advocate of Inter-caste marriages, "is the best method of bringing together young people of opposite sex, apart from its being the best prophylactic for sex morals. The enthusiasm of youth will surely transcend the artificial bounds of caste. Thus while caste would be ignored and caste patriotism actively denounced, the people who marry without reference to caste would not only create a casteless atmosphere for the management of civil affairs, but would rear up a generation, which would be still more hostile to caste".¹

12.8. Dr. S.Chandrasekhar, former Union Minister for Health and Family Planning, Government of India, and an expert on demography, pleaded, "May I suggest that the Government launch an active nation-wide campaign against caste, particularly in our schools and colleges where young and impressionable minds can be taught democratic attitudes to counteract the undesirable influences of the home in this matter. Since the only effective solution to the caste system is inter-caste marriage on the widest scale, the education of our youth in demo-

1. Caste and Class in India by G.S.Ghurya, 1950, Page 207.

cratic attitudes and ideals is a necessary prerequisite.

Once we create public opinion in favour of inter-caste marriages, we can even propose legislation, barring marriage in one's own caste. It may not be possible to initiate such a radical legislation at the present juncture. But most certainly, incentives and encouragement can be given to youths to prefer inter-caste marriages.

12.9. Reservation of posts or appointments for the couple of casteless inter-caste marriages, and their progeny with proper safeguards against misuse, may be the best remedy to the caste-ridden society.

12.10. Efforts of Reformers : Great reformers in India have striven to bring about some equality but have signally failed. Raja Ram Mohan Roy, in order to do away with hierarchy, idol worship and caste, started the Brahmo Samaj in 1827. It is noted that many Brahmos had later reverted to orthodox Hinduism. Yet, India owes it to the Brahmo-Samaj for initiating the first attempt to legalise inter-caste marriages. The Arya Samaj that Swami Dayananda Saraswathi started in 1873 in Punjab, with the same purpose of abolishing caste, failed to make much progress. But the Arya Samaj also has to its credit popularity and many inter-caste marriages. The Jat Pat Todak Mandal started in Lahore in 1930 was an organisation of caste Hindu Social Reformers with the aim of eradicating the caste system.

12.11. Keshab Chandra Sen, President of Brahmo Samaj, led a delegation to Simla to Sir, Henry Summer Mains, the Law Member of the Government of India, to impress upon him the urgent need to validate Brahmo marriages. Main's successor, Fitz James Stephen, introduced the Brahmo marriage Bill in the Legislative Assembly and amidst controversy and opposition from the orthodox Hindus, it became law in March 1872.

12.12. As a result of this Act, early marriage was abolished, polygamy was made penal, and inter-caste and widow-marriages, made valid for the first time in India for

the Brahmos. Earlier, due to the ceaseless efforts of Easwar Chandra Vidyasagar, the Hindu Widow's Remarriage Act, 1856 was passed to validate widow marriages that had been encouraged by the Brahma Samaj. In the same year of 1872, the Government passed the Special Marriage Act to provide for civil marriages before the registrar, between persons of different castes or religions. The bride and the bridegroom, had however, to declare before the marriage, that they did not profess any religion.

"The basic object of the Act was to make legal provision for marriages celebrated in repudiation of personal laws". "All who wished to marry under the Special Marriage Act were therefore compelled to renounce their religion in order to escape the restrictive provisions of their personal laws." The renunciation of religion was only formal and a fiction. The Special Marriage Act, 1954, that replaced the 1872 Act, in a sense, is a uniform civil code in embryo. Prime Minister, Jawaharlal Nehru described it as a first step towards uniformity. It is not necessary for the spouses under this Act to say that they do not belong to any religion. It is a permissive piece of legislation which people may or may not accept.

12.13. Inter-caste marriages are regarded as an insurance against dowry which is a social evil. So far, inter-caste marriages are based on love between individuals, it is a hope, that it will be free from the dowry evil. Inter-caste marriages will attract young men and women, if concessions are extended in getting jobs, etc. The inter-caste unions could be made popular through incentives, besides reservation in the services, with sanction of cash grants, and commercial loans.

12.14. The greatest achievement of Free India is the passing of the new Hindu Code in four separate Acts,

1. India as a Secular State - by Donald Eugene Smith, 1963, Page 178

in 1955 and 1956. The Hindu Marriage Act, 1955 brought about some fundamental and statutory changes in the law of marriage. "Even if the Act seems to break violently with the past, it has to be conceded that it is characteristic of the age which is one of great ideals and fast changing social, economic and political theories."¹ The act has abolished the infamy and illegality attached to the anuloma and pratiloma marriages. "Inter-caste marriage between persons of different castes - Brahmin, Kshatriya, Vaisya and Sudra - or persons professing the Hindu, Buddhist, Jain or Sikh religion is not prohibited"². Monogamy is made the rule and bigamy is rendered punishable.

12.15. "Among the Hindus inter-marriage", said Dr. Ambedkar, "must necessarily be a factor of greater force in social life than it need be in the life of non-Hindus. Where society is already well-knit by other ties, marriage is an ordinary incident of life. But where society is cut, as under caste, marriage as a binding force becomes a matter of urgent necessity. The real remedy for breaking caste is inter-marriage. Nothing else will serve as the solvent of caste"³.

12.16. Gandhiji and Caste : There is a wrong impression that Gandhiji wholly supported the Chaturvarna system. He declared "The caste system as we know it, is an anachronism. It must go if both Hinduism and India are to live and grow from day to-day." Gandhiji was never against inter-caste marriage. He adopted a Harijan girl and brought her up in the Sabarmati Ashram and later got her married to a Brahmin. In fact, he advised all Congressmen to adopt a Harijan child. Replying to a young Patidar, he wrote in 'Young India', dated April 11, 1928, "He should consider it a virtue to marry outside his sub-caste or to marry a widow subject to necessary limitations".

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1. Principles of Hindu Law - Mulla, I Edition, 1970 Page 607.
 2. Ibid Page 607.
 3. Annihilation of Caste-1975, 3rd Edition, Page 83-84 -by Dr. Ambedkar.

12.17. India is slowly changing. The abhorrence with which inter-caste marriage was looked upon is now disappearing. Most of the inter-caste marriages that have taken place may be on the basis of love and attraction of individuals. In many cases where youths decided on their own to marry outside the caste, parents have co-operated and performed the marriage according to traditional rites. The urban people have lost their aversion and distaste for intermixing.

12.18. Dr. C.B.Mamoria, Professor of Basic Sciences and Humanities, University of Udaipur¹ in his Magnum Opus, has deduced three features regarding inter-caste marriages :

1. When a person outside the caste is wealthy and had a social prestige there has been a general approval.
2. Persons with higher education and who are older, marry outside the caste.
3. Marriages within the caste are still the rule and these are arranged by the parents. Marriages within the sub-castes of the main caste are now pretty common among the educated in urban areas."

12.19. The Indian outlook on inter-caste marriages is therefore not wholly hostile. Given some incentives by the Government both to the individuals and the organisations interested in reform, the pace for inter-caste marriages is bound to be faster and popular and the demon of caste stands the chance of being beaten, if not immediately, at least within the next four or five decades.

12.20. Voluntary organisations, promoting such inter-caste marriages deserve full support of the Government and liberal grants could be extended to them.

1. Social Problems and Social disorganisation in, India, 1981, by Dr. C.B.Mamoria, Page 227 & 228.

12.21. The Self Respect (1926) and the Dravida Kazhagam (1944) Movements that were started in Tamilnad by Periar E.V.Ramaswamy encouraged inter-caste marriages, as much as Self-Respect marriages. Destruction of the caste system was the principal aim of these movements. The D.M.K. Government instituted a fund to award gold medals to couples of inter-caste marriage and defined inter-caste marriage as one between the Savarnas and the Avarnas. Similar schemes were introduced by the Kerala Government, in which cash grants were given. The Karnataka Government has also encouraged inter-caste marriages between Sarvanas and Avarnas by cash grants in Dept. of SC/ST Welfare. Incentives provided for inter-caste marriage with the number of beneficiaries under the scheme, run by the Department of SCs/STs welfare is given below in the Table.

TABLE

Sl. No.	Year of Grant	No. of couples benefitted	Amount released as incentive in the grants.
1.	1975-76	3	6,000
2.	1976-77	2	4,000
3.	1977-78	11	22,000
4.	1978-79	13	26,000
5.	1979-80	22	44,000
6.	1980-81	18	69,000
7.	1981-82	36	1,80,000
8.	1982-83	48	1,83,000
9.	1983-84	57	2,73,000
10.	1984-85	67	3,14,000

One speciality of Karnataka is that it has a special scheme to encourage marriages with Devadasis under Department of Social Welfare.

12.22. Though caste continues to be an impregnable institution, because of the force of tradition, antipathy to change has weakened and the concept of inter-caste marriage has surfaced to solve some problems arising

of the caste system. Already the enlightened youth, including those in the higher strata of Sudra groups are experiencing frustration and dis-appointment in the race for life, and seem to be ready to shed caste, if it can open opportunities for the good things of life. To such youth, provision must be made both by society and the Government, through the escape-valve of inter-caste marriages.

2.23. Social attitude in the educated and urban sectors have a bearing on radicalism, particularly in the matter of breaking caste barriers and restrictions. Prejudice against the lower caste is natural and inevitable. It will require greater courage and sacrifice to marry one from the lower caste and particularly from the Harijan class. But with adventitious aids from the State, the resistance is bound to go down. More education and more jobs for the Backward Classes and Harijans will open the doors for greater commensality and inter-mixtures. Aware of the repulsion of the caste-Hindu to marry a Harijan, the Governments of Tamilnadu, Kerala and Karnataka, have deliberately and wisely defined an intercaste marriage as one in which one of the parties is a Harijan and this condition has not been in vain.

2.24. THE SUPREME COURT AND CASTE : The ideal of the inter-caste and inter-class marriages to solve the problem of the lower classes and the resultant reservation policies, have reached the portals of the Supreme Court of India. In the case of N.M.Thomas Vs. Government of Kerala¹, Justice V.R.Krishna Iyer stated, perhaps for the first time in a judgement :

"A lasting solution to the problem comes only from improvement of social environment, added educational facilities and cross-fertilisation of castes by inter-class and inter-caste marriages sponsored as a massive State Programme".

O.Chinnappa Reddy. J., one of the five judges on the Constitution Bench in the case of K.C.Vasanth Kumar Vs. State of Karnataka, has approvingly quoted the above remarks of V.R. Krishna Iyer J, in his judgement delivered on 8th May 1985.

12.25. Justice D.A.Desai, another judge on the Constitution Bench in the same case of Vasanth Kumar, has strongly expressed his view on the evils of caste and the urgent evolution of a casteless society. He said,

"No one is left in any doubt, that the future Indian society was to be casteless and classless. Pandit Jawaharlal Nehru said that Mahatma Gandhi has shaken the foundations of caste and the masses have been powerfully affected. But an even greater power than Gandhi is at work, the conditions of modern life and it seems at last that this hoary and tenacious relic of past times must die."

12.26. People will observe caste isolation, only so long as it pays in one way or the other. Reservations have already affected the prospects of advanced castes and they are beginning to be restive. It will not be long for them to disown caste and its attendant difficulties under the stress of modern democracy.

12.27. It is desirable that the inter-caste marriages between Backwards and Forward Classes may also be recognised for State benefits, as in the case of marriage between Harijans and Caste Hindus and incentive grants sanctioned to them through the Department of Backward Classes and Minorities. The numerous private caste-hostels all over the State, receiving aid or concession from the State, may be asked to make forty to fifty percent

of the seats, available to other caste students, preferably to pupils of traditionally treated as lower than themselves. Independent and separate Harijan or other caste colonies or streets now existing in all villages and within towns, must be progressively abolished and converted into mixed habitations. As far as possible Harijans and the Backward Classes must be encouraged to find habitations within the village or town proper.

SUMMARY OF RECOMMENDATIONS

SUMMARY OF RECOMMENDATIONS

1. Thirty five castes/communities along with their synonyms, sub-castes and the related occupational groups have been identified as socially and educationally backward classes for the purposes of benefits under Article 15(4) of the Constitution. The list is placed at Annexure- 19.12 to Chapter-9.

2. The Backward Classes so identified have been categorised into two groups viz., Group 'A' containing fifteen castes/communities and Group 'B' having 20 castes/communities, including the Scheduled Caste converts to Christianity.

3. It is recommended to have 14% reservation for Group 'A' and 13% reservation for Group 'B' and thus a total of 27% reservation for both the groups for the benefits under Article 15(4) of the Constitution.

4. For purpose of benefits under Article 16(4), 31 castes/communities have been identified as inadequately represented in the State Services. The list is placed at Annexure - 20 to chapter 9. These are also categorised into 2 groups, viz., Group 'A' with 12 castes/communities and Group 'B' with 19 castes/communities and with 14% and 13% percentages of reservation respectively.

5. Reservation for Backward Classes to be made applicable to promotions in service also and to exempt the candidates' pay and allowances from computing family income for purposes of such reservation.

6. An income ceiling of Rs. 15,000/-P.A. is recommended to be applied to all these Backward Classes who would get the benefits under Article 15(4) and 16(4) of the Constitution.

The income certificate to contain a declaration about the income of the family from all sources and the income certificate to be notified in the issuing office or Panchayat office as the case may be.

7. If the benefit of reservation under Article 15(4) and 16(4) had been available both by grand parent and parent of a candidate, he will not be eligible for reservation benefits.

8. No castes/communities be allowed to take double benefits, either under reservation provisions or for economic benefits under more than one classification or categories.

9. The Backward Special Group as it exists today with 15% reservation, be abolished.

10. The caste 'Medar' to be recommended by the State Government to the Central Government to be included as synonym of 'Meda' in the list of Scheduled Tribes.

11. Fifty pre-matric hostels for Backward Classes to be sanctioned every year with the minimum sanctioned strength of 50 students each, totally for boys and girls.

12. Fifteen post-matric hostels for Backward Classes to be sanctioned every year with 50 minimum sanctioned strength of students, totally for boys and girls.

13. To establish hostels for Backward Classes, at least one in each Division for immediate purposes and later one in each District, on the model of the Backward Classes Hostel, Hubli, run by Scheduled Castes/Scheduled Tribes Welfare Department, where merit is given priority.

14. The rate for food charges admissible in the hostels be reviewed once in three or four years and the rate re-fixed based on the consumer price index. This applies to the grants given to voluntary organisations running pre-matric hostels also.

15. Every year, fifty Government Hostel Buildings be taken up for construction with the assistance of N. R. E. P. funds to accommodate Government Hostels.

16. The existing grants to Grant-in-aid institutions for construction of buildings for General Hostels, be enhanced from Rs.50,000/- to Rs.1,00 Lakh in Taluk areas and to Rs.1.5 Lakhs at District Headquarters and to Rs.2,00 Lakhs for places like Bangalore City.

17. The Superintendents of Government hostels and private grant-in-aid hostels be exposed to good training programmes in hostel management.

18. Voluntary organisations be encouraged by Government for establishing private hostels for Backward Classes. At least 25 such grant-in-aid hostels with a minimum strength of 50 each be sanctioned every year.

19. Orphanages run by the Department of Backward Classes and Minorities be transferred to Social Welfare Department or Education Department.

20. Ashram Schools be abolished by upgrading these into pre-matric hostels in a phased manner.

21. Women Welfare Centres be upgraded with other support programme, like pre-primary education for children, health and nutritious food coverage for children and mothers, and Vocational training, adult education and economic programmes for women and more number of such centres to be opened.

22. A scheme for granting Rs.15/-per month to parents of poorer income groups among the Backward Classes, as compensatory educational allowance be sanctioned to serve as an incentive to parents to sending their children to school regularly.

23. Pre-matric scholarship to cover annually an additional number of 50,000 new Backward Class students

24. Post-matric scholarships be sanctioned to cover an additional number of 5,000 new Backward Class students per year.

25. E.B.L. charges to be extended to the students of Backward Class Communities upto 40 per cent mark as cut-off point.

26. Fee Concession Scheme run by the Backward Classes Department to be continued only for Backward Class students.

27. A uniform income limit be fixed by Government for benefits under various schemes in the Department of Backward Classes. The Commission recommends a ceiling of Rs. 6,000/- P.A.

28. Tailoring Training Centres to run the 2 year Diploma Course on tailoring on the lines of polytechnic institutions and these centres be converted into Tailoring cum-Production Units, in a phased manner.

29. Occupational Institutes for Women on the pattern existing in Gowribidanur be extended to all the Districts in a phased manner.

30. Carpentry Training Centre on the pattern existing at Hubli be extended to other Districts in a phased manner and the scheme made to cover other crafts besides carpentry.

31. In all the five coaching centres attached to Universities, residential hostels be started.

32. Adequate amount to be provided to the Backward Classes Finance Corporation so as to enable the Corporation to distribute loans.

33. The Board of Directors in the Backward Classes Corporation to be constituted from among the Backward Class communities, appointed on rotation basis.

34. The following schemes to be taken up by the corporation :

- 1 Training of rural artisans;
- 2 Subsidy to rural artisans to modernise their traditional occupation;
- 3 Providing work-sheds to groups of artisans;
- 4 Establishment of raw material depots;
- 5 Developing marketing facilities; and
- 6 Extending financial assistance to rural artisans who wish to expand their working areas.

35. The Schemes of sanction of irrigation wells, pump-sets and plough-bullocks be included in the list of schemes entitled to get loan under margin money scheme.

36. A Technical Training Institute be opened in every District for running appropriate courses for traditional occupations.

37. Proper propaganda of the Schemes of the Department be arranged through media, to enable the people to take full advantage of the schemes.

38. Creation of a special officer with adequate powers and necessary staff, independent of the Department of Backward Classes for effective monitoring and enforcement of the reservation policy of Government with regard to both education and employment.

39. Starting of primary schools at the rate of 1,000 and secondary schools at the rate of 500 every year for children of all castes and creeds in the State by the Government, so that universal primary education is attained within a period of next 20 years.

40. Adult education be encouraged to increase literacy rate in the State. Private voluntary organisations engaged in adult education be helped financially.

41. An expert committee to be appointed to scrutinise the text books prescribed for the students in schools

at all levels, so as to eliminate lessons which foster superstitious, obscurantist beliefs and to add lessons which will inculcate scientific approach and rational inquiry in students.

42. Vocational education at higher-secondary and pre-university levels to be fostered to help the drop outs in rural areas.

43. The five years period of functioning required for private schools before they are entitled to grants from Government be relaxed.

44. Children be provided with text-books, notebooks, writing material and uniforms free of cost.

45. Mid-day meals to be provided to all school-children by the State.

46. Pupils, whose parent's income is less than Rs 6,000/- P A be exempted from application fee and examination fee at all levels.

47. Two foreign scholarships from each of the five Universities in Karnataka be awarded to competent backward classes students every year.

48. Libraries and reading rooms be started in rural areas attached to the High School premises.

49. Radio and Television facilities be extended to rural areas for educational purposes.

50. Family Planning and population control be intensified through persuasive measures.

51. Prohibition be brought into force and temperance propaganda intensified.

52. Intercaste marriages be encouraged by Government as a means for destroying caste system.

53. Thirty per cent of houses to be reserved for Backward Classes in Janatha Housing Scheme.
54. A quota be reserved for Backward Classes in proportion to their population in allotment of houses and sites by B D A , C I T B , and K H B .
55. Loan facilities be extended through Nationalised Banks to Backward Classes population to enable them to buy or build houses.
56. Special housing schemes be devised to the wandering and unsettled communities to encourage them a settled life.
57. Land Reform to be effectively implemented and a certain percentage of land reserved for Backward Classes in the distribution of excess land.
58. In land grant scheme also, a proper share to be extended to the Backward Classes.
59. The anti-poverty schemes be implemented efficiently.
60. Exploitation of poor in the rural areas by private money lenders be brought down by opening more rural branches of Nationalised Banks and by encouraging Co-operative Banks.
61. All-weather roads to be built in rural areas.
62. Electrification of all villages and hamlets to be speeded up.
63. Potable drinking water to be provided in all the villages in adequate number, as per the prescribed scale.
64. Women and Children Welfare Schemes to be extended to cover the entire rural area.

65. Licences, permits, contracts, leases, electric power supply and land may be distributed to the other Backward Classes upto a certain percentage and no monopoly be allowed to any caste or community.

66. Earnest Money Deposits while applying for the above benefits be waived for Other Backward Classes.

67. Backward Classes be encouraged to form co-operative Societies by providing a portion of the share capital, managerial assistance and loans at subsidised interest rates.

68. The benefits of the Industrial Development Corporation be extended to the Other Backward Classes, at least to the extent of 30%.

69. In all private entrepreneurship-training centres, proper reservation be made for the Other Backward Classes.

70. Indigenous technology like Gobar gas, Solar Energy, be encouraged and popularised in the rural areas.

71. A scheme similar to 'Gangā Kalyana' for Scheduled Castes and Scheduled Tribes be introduced for the Other Backward Classes.

72. Integrated development schemes for backward classes be prepared, initiated and implemented by the Department of Backward Classes and Minorities.

73. The powers of the Legislators' Committee for Backward Classes be extended.

74. An Advisory Board for the betterment of Backward Classes with the Chief Minister of the State as Chairman be constituted at the State level.

75. Seats may be reserved for Backward Classes in all local bodies and co-operative institutions.

76. 25% of seats to be reserved for Backward Classes in all Government, semi-Government institutions/ Boards/ Committees/Corporations.

77. K P S C and other Recruitment bodies of the State Government to have adequate representation of Backward Classes on rotation basis.

78. State Government to urge the Central Government for the implementation of the recommendations of Mandal Commission.

79. All Cottage and Village Industries to be modernised and improved. An expert Committee may be appointed to examine every industry and recommend suitable measures for improvement.

80. Central Government to enumerate caste particulars in the National Census.

81. The problem of Backward Classes be reviewed once every 10 years. If possible co-terminous with National Census.

Shri. T. Venkataswamy, Chairman. *Ullennakataw any*

MEMBERS

Members

1. Dr. S. Bheemappa *S. Bheemappa*
2. Dr. K.H. Cheluva Raju *Subject to my Minutes of Dissent 21/3/86*
3. M.V. Soorchari *Subject to my Minutes of Dissent 21/3/86*
4. Vidyadhar Guruji *V. G. L*
5. Prof. John B. Kutinha *Subject to my Minutes of Dissent*
6. Dr. Ammembala Balappa - *Malappuram 21-3-86*
7. R.S. Naik *Minut!*
8. Prof. A.M. Dharmalingam *Subject to my two separate Notes*
9. M.L. Muttannavar, M.L.A. *Muttannavar*

Prof. B. Puttaiah

B. Puttaiah

V. Venkataramana

Subject is matter of dissent
by Venkataramana 21/3/56

M.S. Helawar

Helawar

H. Chickanna

(Chickanna)

Smt. Shanthakumari Devaraj, I.A.S.,
Member Secretary.

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**NOTES OF DISSENT
AND
SUPPLEMENTARY NOTES .**

MEMBERS WHO HAVE SUBMITTED DISSENTING AND SUPPLEMENTARY NOTES.

NOTES OF DISSENT BY,

MEMBERS:

1. Dr. K.H. Cheluva Raju
2. Prof. John. B. Kutinha
3. Sri. M.L. Muttannavar, M.L.A.
4. Sri. V. Venkataramana

SUPPLEMENTARY NOTES BY,

MEMBERS:

1. Dr. S. Bheemappa
2. Prof. A.M. Dharmalingam
3. Sri. M.S. Helawar
4. Sri. Chickanna

Minute of Dissent
by
Dr.K.H.Cheluva Raju.

Introduction

I have no regrets whatsoever to submit this Minute of Dissent and to express my disagreement from the views of the majority of the Karnataka II Backward Classes Commission. I do so as a Member of the Drafting Committee constituted by the Commission for the purpose of drafting the Report and also as a Member who has taken keen interest in the deliberations of the Commission. As can be seen from the proceedings of the Commission, and as made known to the Chairman through my letters while commenting on the Draft Chapters of the Report, I have differed from the approach, methodology, criteria and procedure adopted by the majority of the Commission.

A few factors have influenced me to take a different stand on the issues of the Backward Classes : My own insight gained as a Co-opted Member of the Central Backward Classes Commission, Government of India (Mandal Commission) with whom I toured the whole State of Karnataka in 1980, and as a Member of this Commission, to see the conditions of the Backward Classes; my own social origins in a Backward Class which suffered poverty and privation; my faith in the values of social justice, equality and fraternity as enshrined in the Constitution of India; my belief that the advancement of India would depend upon the faster progress of the Backward Classes who constitute a majority of the population; and, lastly, my conviction, as a freedom-fighter, that the future of secular, socialist and democratic India would depend upon the upliftment of Backward Classes in all the castes and communities.

This Minute of Dissent consists of Four Parts.

PART I

Backward Classes :

The majority of the Commission have recommended a list of Backward Classes - about 34 castes/communities with a reservation of 27 per cent for benefits under Article 15(4), and about 31 castes/communities with a reservation of 27 per cent for benefits under Article 16(4) of the Constitution.

According to me, the Karnataka II Backward Classes Commission has not been successful in identifying the 'socially and educationally backward classes' out of about 400 castes and communities - 358 sub-castes, groups and their synonyms under Hindu religion, and 42 sub-castes groups and their synonyms under six other religions - as revealed by the Socio- Economic-cum-Educational Survey conducted by the Commission itself in 1984, and out of 65 main castes and communities grouped together by the Commission. The main causes for this failure in the identification of Backward Classes can be analysed as follows:

I Approach

(1) The approach of the majority of the Commission can perhaps be described as Negative - to eliminate certain castes and communities especially the major castes from the existing list of Backward Classes rather than identifying the proper and deserving Backward Classes found in all castes and communities. This narrow and limited approach of the Commission seems to have vitiated the whole process.

By the recommendations presently made by the Commission, about 31 castes/communities under Article 15(4) and 34 castes/communities under Article 16(4) including the two major castes are eliminated as Backward Classes out of about 65 main castes and communities grouped for this purpose by the Commission.

Further, the present quantum of 50 per cent reservation (including that of the Backward Special Group), intended for all Backward Classes is reduced to 27 per cent by the Commission for benefits under Articles 15(4) and 16(4) of the Constitution.

As a result, more than 25 per cent of the population, who are living below the poverty line in Karnataka, have gone unidentified as Backward Classes for benefits under Articles 15(4) and 16(4) of the Constitution.

It is relevant to note that the Karnataka Backward Classes Commission (Havanur Commission) Report of 1975 has identified about 205 Backward Communities, Backward Castes and Backward Tribes for benefits under Article 15(4), and about 185 Backward Communities, Backward Castes and Backward Tribes for benefits under Article 16(4) of the Constitution. Subsequently, the Central Backward Classes Commission, Government of India (Mandal Commission) of 1980 has identified in Karnataka in all 333 castes and communities including sub-castes, groups and their synonyms, even including the backward sections of the two major castes, as 'Other Backward Classes' for the purpose of benefits under Articles 15(4) and 16(4) of the Constitution.

(2) Instead of giving equal importance to multiple factors such as the social status of a caste, income, occupation and habitation, the Commission has given greater importance to the factor of Caste. As stated in the Report, "Our Commission, while admitting the

fact that poverty does contribute, to a large extent, to socio and educational backwardness of a caste/community, not given primary or sole importance to economic test knowing full well the role played by caste in social deprivation." Thus, caste has been adopted as the main factor for the identification of the Backward Classes. This violates the judgement of the Supreme Court in the case of Balaji and Others Vs. the State of Mysore (A.I.R., 1963, S.C. 649), where it is observed by Justice Gajendragadkar, "Though caste in relation to Hindus may be a relevant factor to consideration in determining the social backwardness of groups or classes of citizens, it cannot be made the sole or dominant test."

(3) The basic distinction between 'Caste' and 'Class' has been ignored by the Commission while identifying Backward Classes out of about 400 castes, sub-castes, groups and their synonyms, as revealed by the Survey. The 'class-structure' that exists in all castes and communities has not been taken as the basis for the determination of social backwardness, though the Supreme Court has made several pertinent observations on this issue. As observed by Justice K.SubbaRao in the case of Chitralakha Vs. the State of Mysore (A.I.R., 1964 S.C., 1823), "The important factor to be noticed in Article 15 is that it does not speak of castes, but only speaks of classes. If the makers of the Constitution intended to take castes also as units of social and educational backwardness, they would have said so as they have said in the case of Scheduled Castes and Tribes." Hence total exclusion of certain castes and communities without identifying their 'class-structure' is unwarranted and goes against the doctrine of socio-economic justice enshrined in the Constitution.

Further, the Commission has committed a basic error in using 'Caste' to identify 'Class' in

the traditional occupations. As stated in this Report, "Though our Commission is fully aware of the role of caste which has led to social deprivation in many communities and thereby the resultant economic and social backward status, we have used caste mainly to identify the groups and communities especially based on their traditional occupations which could be grouped under a class, for purpose of listing the Backward Classes." Thus, instead of using 'class-structure' within the backward castes and communities for the identification of social backwardness, the Commission has erred in using 'Caste' to identify 'Classes'.

4. The Commission has no justification in grouping about 400 castes/communities, sub-castes, groups and their synonyms of the Survey into 65 main castes for the purpose of determination of social and educational backwardness. This kind of "Macro-approach" has resulted in nothing but social injustice to many backward castes and communities, sub-castes, groups and their synonyms.

If the "Micro-approach" had been adopted by taking each of the above 400 castes/communities, sub-castes, groups and their synonyms of the Survey as the unit for the determination of socio-educational backwardness, more castes/communities, sub-castes, groups and their synonyms would have benefited.

So far as the Hindus are concerned, there are only four traditional castes - Brahmin, Kshatriya, Vaisya and Sudra. Other castes that have emerged within the Hindus are only sub-castes of these four traditional castes. If the Commission had grouped the Hindu sub-castes, groups and their synonyms into four traditional castes for the identification of social and educational backwardness, there would have been no objection. But the grouping of the Hindu castes, sub-castes, groups and their synonyms into 65 main castes and communities, is arbitrary and questionab

II Methodology

The Commission's collection of statistics and other forms of data and their interpretation for the determination of social and educational backwardness suffer also from certain methodological deficiencies.

1) Socio-Economic-cum-Educational Survey: The basic data for the identification of social and educational backwardness was collected through the Socio-Economic-cum-Educational Survey conducted in 1984, for which purpose the Government of Karnataka sanctioned Rs.50 lakhs and extended the term of the Commission by one year. Yet a detailed separate 'Project Report' of the above Survey giving the details of population, education, economic conditions and employment of about 400 castes, communities, sub-castes, groups and their synonyms as revealed by the Survey, has not been prepared or placed before the Commission.

Even under the existing conditions, the 17 indicators derived from the above Survey under the categories of social, economic, educational and employment are not comprehensive enough or fully satisfactory. The distinction between urban and rural population is not made; and the rural population which includes the largest number of Backward Classes have neither been given the necessary weightage as a part of the above 17 indicators, nor considered in the determination of social and educational backwardness.

It is obvious that no scientific or genuine effort has been made by the Commission in arriving at its findings.

2) Statistics of Population: The Socio-Economic-cum-Educational Survey reveals the existence of about 400 castes, communities, sub-castes, groups and their synonyms of Hindus, Muslims, Christians and others.

Instead of taking the population of each of the 400 castes/communities, sub-castes, groups and their synonyms as the unit for the determination of social and educational backwardness, the above 400 castes/communities, sub-castes, groups and their synonyms have been grouped or aggregated into about 65 main castes/communities by the Commission.

The major criticism of a few members of the Commission has been that certain sub-castes, groups and their synonyms have been excluded or included or kept independent while grouping the above main 65 castes and communities, palpably to the advantage and disadvantage of certain castes and communities.

Hence, grouping of the above 65 main castes and communities and taking the population of each of them to derive the State average in education and adequacy of representation in State services, is arbitrary and unscientific.

Further, as admitted in the Report, the Survey was not well-conducted and did not cover fully the entire population in certain urban areas like Bangalore Metropolitan Area, and the municipal areas of cities like Mysore, Hubli-Dharwar and Mangalore, and many other towns. Consequently, the small castes, communities, sub-castes, groups and their synonyms concentrated in urban areas are the worst sufferers in not getting their total population reflected correctly in the Survey. This has done positive harm to small castes and communities, sub-castes, groups and their synonyms in deriving their State average in education and the adequacy of representation in the State services.

3) Statistics of Education: There is conflict between the caste-wise statistics of the population of the Survey and the caste-wise statistics of the passes in the S.S.L.C.

examination of April 1985 collected by the Commission from the S.S.L.C. Board and High Schools.

The Caste-wise statistics of the population of the Survey reveal the details of about 400 castes/communities, sub-castes, groups and their synonyms, whereas the caste-wise statistics of passes in the S.S.L.C. examination of April 1985 reveal only that of 65 main castes/communities, and not that of various sub-castes, groups and their synonyms.

It is also important to note that complete caste-wise statistics of the students who passed the S.S.L.C. examination in April 1985 are not officially maintained either at the office of the S.S.L.C. Board or in High Schools, but collected only for this purpose by the Commission.

The method adopted to reconcile the above two types of statistics received from the two sources to derive the State average of 3.34 per thousand population in the passes of the S.S.L.C. examination of April 1985, and the percentage of passes of the various castes and communities, sub-castes, groups and their synonyms in the same examination, is arbitrary and unscientific.

Hence, it cannot be the sound basis for the determination of educational backwardness of castes/communities, sub-castes, groups and their synonyms for reservation in education under Article 15(4) of the Constitution.

4) Statistics of Employment: In the field of employment in State services also, there is conflict between the caste-wise statistics of the population of the Survey and the caste-wise statistics of employment in the State services collected by the Commission in 1985 from the Government Departments and Treasuries.

The caste-wise statistics of the population of the Survey reveal the details of about 400 castes/communities, sub-castes, groups and their synonyms, whereas the caste-wise statistics of employment in State services reveal only that of 65 main castes/communities, and not that of various sub-castes, groups and their synonyms.

It is also significant to note that complete caste-wise statistics of employment in State services are not officially maintained in the Government Departments and Treasuries, but collected only for this purpose by the Commission.

The method adopted to reconcile the above two types of statistics received from the two sources to determine the percentage of representation of various castes/communities, sub-castes, groups and their synonyms in proportion to their population in the State services, is again arbitrary and unscientific.

Hence, it cannot be the sound basis for the determination of adequacy of representation of castes/communities, sub-castes, groups and their synonyms in proportion to their population in the State services for the purpose of reservation under Article 16(4) of the Constitution.

5) Tabulation of Statistics: The entire gamut of tabulation of statistics and other forms of data including the exercise of deriving the State average in education and employment, has been conducted at the office of the Commission. Obviously there has been a lurking fear and suspicion among a few members of the Commission whether the statistics have not been adjusted to favour or disfavour certain castes/communities.

In the interest of objectivity and impartiality, the tabulation of statistics and other forms of data should not have been done at the office of the Commission.

It would have been fair and just if it had been entrusted to an expert or specialist agency independent of the Commission.

To make the situation worse, the data-analysis and finalisation of statistics have been done without the assistance and guidance of experts and specialists like sociologists, anthropologists, economists and statisticians. As a result, the norms followed by the Commission in establishing the criteria of social and educational backwardness have been ridden with doubts and deficiencies. Hence they are not satisfactory for the determination of benefits under Articles 15(4) and 16(4) of the Constitution.

6) Finalization of Statistics: Finalization of statistics and other forms of data and their sources has been made without circulating or supplying the Annexures including Tables and Schedules of statistics to the members of the Commission, either as a part of the Draft Chapters or Draft Report. This has prevented in-depth study of the Annexures including Tables and Schedules of statistics by the members of the Commission. Hence, the members of the Commission were rendered ineffective to offer suggestions or corrections vis-a-vis the many imperfections in the data analysis or presentation of the statistics in the Report.

III Criteria and Classification of Backward Classes

The criteria adopted as well as the list of Backward Classes as recommended by the majority of the Commission fail to conform fully to the criteria of caste and means as laid down by the Supreme Court in its judgment in the case of K.C. Vasanth Kumar and others Vs. the State of Karnataka delivered on 8 May 1985.

The Supreme Court has directed that the castes and communities to be classified as 'Other Backward Classes' should be comparable to the Scheduled Castes and Scheduled Tribes in matters of their backwardness. Many castes and communities presently recommended in the list of Backward Classes do not conform to this criterion.

Further, the criteria suggested by the Supreme Court have not been applied properly to the two Minority communities-Muslims and Christians. The whole Muslim community has been recommended for inclusion in the list of Backward Classes, whereas the whole Christian community (excepting the Scheduled Caste converts) is declared as forward-though there are many backward castes and weaker sections within both the Muslim and Christian communities.

The other test laid down by the Supreme Court is the means test such as a State Government may lay down in the context of prevailing economic conditions. The income ceiling or limit of Rs.15,000/- recommended by the Commission for the identification of Backward Classes is too high for the State of Karnataka. When the per capita income is about Rs.2,000/- in Karnataka, where about 50 per cent of the population live below the poverty line, the income limit of Rs.15,000/- goes to favour the richer sections and it will not help the poorer sections much to get the benefits under Articles 15(4) and 16(4) of the Constitution.

IV Quantum of Reservation and Grouping of Backward Classes

Though the total population of the recommended Backward Classes in this Report is about 33 per cent of the total population in Karnataka, the majority of the Commission have recommended 27 per cent of reservation for purpose of Article 15(4) and 27 per cent reservation for purpose of Article 16(4) of the Constitution. The recommended quantum of reservation is excessive considering

their population and it should be less than 25 per cent for benefits under Articles 15(4) and 16(4) of the Constitution.

The recommended grouping of Backward Classes into 'A' and 'B' groups and the quantum of reservation for each group under Articles 15(4) and 16(4) of the Constitution is not fair. The degree of backwardness of the recommended castes/communities is ignored making the above 'A' and 'B' groups. As the castes and communities are not equal in these two groups, and as they differ in their social and educational backwardness, much harm will be done to the weaker and smaller castes and communities, some of which are now enjoying the status of 'Backward Tribes'.

V Certification of Backward Classes

The majority of the Commission have not recommended any radical measure to prevent false declaration of income and occupation and issue of false Caste Certificates. The issue of income, occupation and Caste Certificates should not be left exclusively to the officials like Tahsildar and his subordinates or to the satisfaction of the ritual of filing an affidavit before a court of law. It is high time that non-officials belonging to Backward Classes are associated with the process of certification of Backward Classes by constituting either Village-level or Taluk-level Committees before which declarations of income, occupation and caste must be made compulsory for the certification of the Backward Classes.

Backward Special Group

Having dealt with the first part of my dissent from the Commission's Report vis-a-vis the 'Backward Classes', now let me highlight my disagreement with the Commission's Report vis-a-vis yet another vital aspect, that is, the question of abolition of the 'Backward Special Group'.

The Commission's recommendation for the abolition of the 'Backward Special Group', introduced by the Government of Karnataka in 1977, is a retrograde step. It is a violation of the judgment of the Supreme Court pronounced in the case of Chitralkha Vs. the State of Mysore (A.I.R., 1964 S.C. 1823). In making this recommendation, the Commission has gone beyond its terms of reference.

The Commission has not conducted any special study to come to the conclusion that this Group has been abused by false and spurious certificates or that the maximum benefits have been cornered by the forward castes and communities.

The very fact that the original quantum of reservation of 5 per cent was raised to 15 per cent on popular demand in 1979, with an income limit of Rs.4,800/- justifies its continuation.

Since the introduction of this classification of Backward Classes in 1977, based on low income and inferior occupations open to all castes and communities, it has found acceptance among the people of Karnataka, though there are a few criticisms regarding the distribution of benefits under this category. This category of Backward Classes has been intended to ameliorate and uplift the poorer sections of all castes and communities, who otherwise may not get socio-economic justice. This will also

contribute to the promoting of casteless, secular and socialistic objectives of the Constitution.

This kind of classification of Backward Classes, that is, Backward Special Group, has also been upheld as valid one by the Supreme Court in the case of Chitralekha Vs. the State of Mysore. Justice E.S. Venkataramaiah, as a part of the judgment of the Supreme Court delivered on 8 May 1985 in the case of K.C. Vasanth Kumar and Others Vs. the State of Karnataka has opined that the creation of the 'Backward Special Group' is a valid classification, by observing: "There is one other basis on which a classification made for the purpose of Article 15(4) or Article 16(4) of the Constitution has received the approval of this Court in Chitralekha's case. In that case the Court was concerned with a list of backward classes prepared on the basis of economic conditions and occupations. According to that Government order, persons whose family income was Rs.1,200/- per annum or less and who were engaged in occupations such as agriculture, petty business, inferior services, crafts or other occupations involving manual labour were treated as belonging to backward classes. The petitioner who had filed the petition in the High Court did not challenge the validity of the said classification. But on a submission made on behalf of the State Government, the Court expressed its general approval to the method of classification. Even in the case before us now, there is reservation of 15 per cent of seats or posts in favour of members falling under classification styled as 'Special Group' which is based on similar occupation-cum-income considerations. Even here, no serious objection is taken by any party to the said classification treating person who satisfied the prescribed tests as being eligible for reservation. It is apparent that this Special Group is a creature of social, economic and political necessity. Since a classification made on the above said basis received the approval of the Constitution Bench of equa

strength and its correctness is not challenged before us, we treat this classification as a valid one even though a criticism of this kind of classification was made, not unjustifiably as we now see, by the Mysore High Court in D.G. Viswanth's case. This classification would include persons of all castes, groups and communities provided the two tests, namely, occupation test and income test are satisfied."

After reviewing and considering all aspects of the 'Backward Special Group', I strongly recommend its continuation with the following changes:-

The seven categories of citizens mentioned below whose family income from all sources is Rs.7,200/- and less per annum may be considered as 'Backward Special Group' and be made eligible for special treatment under Articles 15(4) and 16(4), read with Articles 14, 15(1) and 16(1) of the Constitution:-

- i) An actual cultivator;
- ii) An artisan;
- iii) A labourer;
- iv) A petty businessman (whose investment does not exceed Rs.2,000/-);
- v) One holding an appointment either in Government service or corresponding service under private employment including casual labour;
- vi) Any person self-employed or engaged in any occupation involving manual labour;
- vii) Pensioners after retirement from the appointments mentioned in category (v) above.

The total reservation under this Group may not exceed 25 per cent. In order to prevent monopoly or excessive benefits being cornered by a few categories of citizens, the total reservation under this Group may be distributed among all the seven categories on the principle of distributive justice.

PART III

Commission's Procedure

Having so far concentrated on the substantial issues, now let me deal with some of the glaring deficiencies in the style, working and procedural aspects of the Commission.

To the best of my knowledge, the Karnataka II Backward Classes Commission has committed the following procedural lapses and errors in its functioning and conduct of its business, as can be seen from its proceedings;

- 1) The Karnataka II Backward Classes Commission has been constituted under the Commissions of Inquiry Act, 1952. As per provisions of this Act, the Commission should have framed certain Rules, Regulations and Procedures for the conduct of its business, exercise of its powers and performance of its duties. However, no Rules, Regulations and Procedures have been framed or made known to the Members. In spite of the suggestions of the Members, no reference was made to the Government of Karnataka nor guidelines were sought from the Government, on the subject.
- 2) The absence of Rules, Regulations and Procedures has affected adversely to a considerable extent the proper conduct of its business with respect to Quorum, Voting, Decision-making, Recording and Despatching of the Proceedings and the Working of the Committee of the Commission.
- 3) Full information on various issues and items of business affecting the Backward Classes has not been provided to the members of the Commission. The members of the Commission have not been supplied with the Annexures including Tables and Schedules of statistics which contain the basic data. Though the Draft Chapters were given

to the members, the Annexures were not given, in spite of their requests. As a result, the members of the Commission have experienced several difficulties in comprehending and verifying the correctness of the data, conclusions and recommendations relating to finalization of the data to be presented as a part of the Report.

4) The proceedings of the Drafting Committee of the Commission entrusted with the drafting of the Report, of which I had the privilege to be a member, have not been recorded and placed before the Commission as a part of the Agenda. Consequently, the discussions and differences among the members were not brought to the notice of the members of the Commission.

5) The members of the Commission have not been supplied with "the confirmed proceedings of the meetings of the Commission", in spite of the requests made.

6) The proceedings of the meetings of the Commission do not fully reflect the correctness of points raised, discussions that took place and decisions that were made. A few members have even complained that the recording of the proceedings of the meetings of the Commission have not been recorded faithfully.

7) In spite of requests, all the letters written by the several members of the Commission to the Chairman or Secretary on many issues have not been placed before the Commission as a part of the Agenda, and they have not been brought to the notice of the other members of the Commission. Hence many members of the Commission remain unaware of the details of the letters and the issues raised.

8) As pointed out in my letter dated 4.3.1986 to the Chairman and Secretary of the Commission, that the Report

is finalised without supplying its copies with Annexures including Tables and Schedules to the members of the Commission, and without even giving reasonable time to the members of the Commission to study the Report before its formal approval for submission to the Government of Karnataka.

9) As per official letters dated 5.3.1986 and 6.3.1986 respectively, sent to the members of the Commission, the copies of the Draft Report with Annexures were kept at the office of the Chairman on working days during official hours from 3.3.1986 to 15.3.1986 "to enable the Members to go through the Report" calling it as a "continuous sitting of the Commission".

As pointed out in my letter dated 4.3.1986, these constitute violations of the provisions of the Commissions of Inquiry Act of 1952 and the established procedures, conventions and practices.

PART IV

Conclusion

After presenting reasons for my Dissent as cogently as possible, I would now like to conclude with this humble submission of mine:

Whereas the Report of the Karnataka II Backward Classes Commission consists of many deficiencies - methodological, procedural and substantive;

Whereas the Commission has not been successful in identifying the socially and educationally backward classes as per its terms of reference for the purposes of Article 15(4) and 16(4) of the Indian Constitution;

Whereas the Commission has not provided satisfactory criteria and classification of Backward Classes as per directions of the Supreme Court of India;

Whereas the recommendations of this Report on the criteria and the list of Backward Classes go against the social, economic and educational interests of the vast majority of the Backward Classes in all castes and communities in Karnataka;

I reject therefore the list of Backward Classes for purpose of Articles 15(4) and 16(4) of the Constitution as recommended presently by the majority of the Commission, and I also feel that the recommended list of Backward Classes is a fraud on the Supreme Court and on the Constitution.

The following suggestions are respectfully submitted to the Government of Karnataka for its kind consideration and needful action:

To appoint an Expert Committee consisting of social scientists, statisticians, administrators and legislators under the Chairmanship of the Judge of the High Court of Karnataka, or a Judge of the Supreme Court of India, to review the data and materials collected, the data analysis done and to make recommendations de novo;

2) To publish the Report immediately to elicit public opinion on several aspects of this Report, as it affects the interests of all castes and communities in Karnataka;

3) To postpone the decision on this Report till a national consensus is reached at the national level, realising that the national policy on Backward Classes is

an urgent political necessity if the nation has to be saved from threats of disintegration and threats to democracy.)

4) To hand over the materials and the data collected by this Commission to an institute like the Institute of Social and Economic Change, Bangalore, with a liberal grant to continue research and studies on the problems of Backward Classes in Karnataka from a development perspective, or to hand over the materials and data collected by this Commission to the State Archives to preserve carefully and to make available to the research scholars for further research and reflection.

Lastly, I wish to express my sincere thanks to the Chief Minister and Government of Karnataka for appointing me as a Member of the Karnataka II Backward Classes Commission; for giving me an opportunity to enhance my understanding of the problems and issues of the Backward Classes in Karnataka, and to offer my suggestions in the best interests of the State and the Nation.

Date: 17 March 1986

Place: Bangalore

(K.H.Cheluva Raju)
Professor & Head
Dept. of Political Science
Bangalore University

and

Member
Karnataka II Backward Classes
Commission

NOTE OF DISSENTBYJOHN B. KUTINHA

At the outset I wish to state that I disapprove of the classifications arrived at and the number of castes and communities included in the list of Backward Classes as recommended by the Karnataka II Backward Classes Commission for socio-economic and educational benefits under Articles 15(4) and 16(4) of the Constitution of India.

Before I begin listing my reasons and arguments for dissenting from what the majority of the Members of the Commission have recommended, and make my own humble suggestions for the amelioration of millions of downtrodden and deprived people of Karnataka, I consider it to be only fitting that I express my gratitude to Shri Ramakrishna Hegde, the Hon'ble Chief Minister of Karnataka and his Cabinet Colleagues for nominating me, a Christian, as a Member of the Karnataka II Backward Classes Commission.

It is indeed very gratifying that the Janatha Government in Karnataka thought it fit to include a backward caste Christian so that the Commission could have the benefit of the view-point on the problem of the weaker sections in the State from an angle different from the Hindu Members of the Commission.

A few words about myself in this context, I hope, may not be redundant and irrelevant since as a Member of this august body one is expected to have some special qualifications to sympathise with the backward classes and to discharge the duties entrusted effectively and efficiently.

I am a backward caste Christian and I am born in a remote village in South Kanara. I have experienced

all the hurts and humiliations of being a backward caste man at the hands of all upper caste people. The marks of those hurts are very much present still in my mind though I have reached some very high positions in my community in the country. My work, both in the social and the educational fields, has brought me in contact with a large number of people of all castes and creeds.

As Vice President of All India Catholic Union, the representative body of the Catholic Community in the country, and as a member of a five-men National Committee on backward class Christians, constituted by the AICU, I have been brought still closer to the problems of the backward christians throughout the country. As President of Karnataka Backward Christians Welfare Association, I am daily thrown into the midst of these people. As General Secretary of the Karnataka Backward Classes Federation and as an invitee to the Executive Committee of the National Union of S.Cs, S.Ts, B.Cs and Minorities, I have had many opportunities of getting a State as well as a national perspective on the problem of backward classes. All this, I am sure, should suffice to qualify me, to look at the problem of backward classes from a less partial and more disinterested point of view.

Speaking about the Commission's work during the last three years, I have read much on the subject, perhaps heard and seen more than I have read during the visits to the 19 districts in the State. I have come in contact with thousands of poor and ignorant people who just manage to eke out a living. They appeared before us expectantly pleading with their sunken tear-filled eyes and diffident tremulous voice. They belonged to all castes, communities and creeds. They were hoping for justice at least

from the Second Backward Classes Commission. Some pleaded for themselves, some for their less privileged brethren and some others pleaded for all that deserved to be included in the B.C. list irrespective of what caste, creed or religion they belonged. My observations and conclusions are a result of my knowledge gained through some of these exercises.

The Karnataka II Backward Classes Commission constituted three years ago with great expectations and fond hope, after all the expenditure of huge amounts of money and great efforts put in by a large number of people in one of the greatest exercises on socio-economic study in the State, has finally, proved to be quite a disappointing affair.

One of the biggest mistakes committed by the Commission right from the beginning has been the error of adopting a very dubious methodology. This methodology, as the days went by became the very cause of friction and mistrust among the members of the Commission. The last sittings of the Commission turned out to be meetings full of bitterness and anger. This went to such an extent that some Members even wished that it would have been better if they had not been nominated to the Commission. One of the main reasons for this state of affairs has been the patronising attitude of the Members of the Sub-Committee for drafting the report. The Sub-committee in course of time began acting like the Managing Committee of the Commission. They refused to listen to any of the suggestions made by some of the Members of the Commission. Even suggestions on minor changes and corrections would be turned down. Some Members meekly submitted and some others countered them. But those who countered became the targets of greater attacks. I became one such a

target. It was clear that the sub-committee Members wanted the others to sign blindly on the dotted lines.

When the draft report was ready, the annexures were not provided and when provided, all were not available.

The whole thing looked strange and suspicious. Consequently the reading of the draft report without the annexures and the tables had actually become a meaningless and futile exercise. I am sure, some of the Members could not have fully understood, what exactly was going on and what implications the recommendations of the Commission were going to have on the large number of simple people of Karnataka.

The methodology adopted for the working of the Commission seems to have been deliberately employed with an intent to mislead and confuse and consequently deprive some castes and communities the socio-economic benefits. The entire survey seems to have been conducted in a very haphazard manner and complaints started pouring in right from the beginning. The Members of the Commission also raised these points in the Commission Meetings again and again. Though perfunctory answers were given to console the Members nothing substantial was done to rectify the errors. The enumerators were not given proper and timely instructions to enumerate all the Communities, whether Hindu, Christian Muslim or Lingayat, caste-wise and even when some of the castes reflected in the Socio-Economic and Educational Survey, they were clubbed with other general names in the same community to confuse the figures and the names of castes. The following extracts from some of the proceedings of the Commission's sittings and the letters written to the Chairman of the Commission to set things right at the appropriate time, would make a heart split without any doubt.

Proceedings of XI Sitting on 16.5.1984
 (Page-2, Para: 6 & 7, Page-3 and Para:2)

"It was brought to the notice of the Commission that certain places are not enumerated by the field officers. Such being the cases, if the Survey work has not so seriously been taken the Commission could not have the correct picture on the data so collected. In view of the above facts expressed by a few members, it was suggested to direct the Deputy Secretary(Statistics) or concerned officers to pursue the matter in detail, and watch the progress of work in the State and submit report in the matter to the Commission after visit of various Districts."

"A few Members strongly urged that some instances are coming to their notice that some of the enumerators are filling up the Schedule 1.1 without visiting the households in the village/Enumeration Block allotted to them. If this is the case, the false information so furnished, would lead to controversy. The amount of energy spent for the purpose would go waste and which would give room for criticism".

It was brought to the notice of the Commission that the enumerators are not collecting full caste particulars of the Christians during the enumeration. It was suggested that the enumerators should collect the caste and sub-caste of Christians about their earlier caste prior to conversion to the Christianity, so as to enable to have a clear picture on a particular caste. The suggestion was agreed to and accordingly instructions clarifying the same is to be issued".

Subsequently on the request of the Chairman, a list of castes among Christians as reflected from the representations received from nearly 50 Christian Organisations,

in the State as well as from individual representations, I prepared a list of castes among Christians and submitted the same to the Chairman on 12.11.1984.

"Subject: List of castes among Christians in Karnataka"

As requested by you, I am giving below a list of caste names among the Christians in Karnataka as represented by the various Christians, individually and in groups before the Commission during the last fifteen months. Christians, as they claim, are known either by some caste names peculiar to their community depending upon the language they speak or by the same names as such people are known in the Hindu Community or from whichever Community they are converted.

Adi Karnataka, Adi 'Dravida, Adi Andhra, Holey, Madiga, Koracha, Korama, Koraga, Mahar, Devor, Billava, Idiga, Golla, Ooru Golla, Kadu Golla, Soliga, Achari, Kuruba, Kadu Kuruba, Jenu Kuruba, Kumbara, Agasa, Madivala Hajama, Nayinda, Kumbar, Modvol, Siddi, Rendher, Kharvi, Gavdi, Meet Gavdi, Goudi, Sudhir, Sarodi, Charodi, Bamon Vokkaliga, Reddy, Bali ja, Banajiga, Vodda, Pillai, Vellala, Nadar, Kallar, Gounder, Iyer, Iyengar, Mudaliar, Tea, Pulaya, Ezhava, Thigala, Syrian Christian, Latin Christian, Anglo Indian, Cheddai (Mestha), Nayak, Harijan, Charod, Gowdis, Gowdas, Parayas, Bedas, Tulus, Saklies and others.

Since these are the only names that have been mentioned by various Christian groups in their representations to us, I feel, that it should suffice if we give code names to these names.

Sd. John. B. Kutinha"

Proceedings of the XVI Sitting on the 19th and 20th Nov. 84
(Page-3, Para-2)

"Prof. John B. Kutinha, Member stated that the original caste names among the Christians depending upon their language they speak or by the names as such people are

known in the Hindu Community or from whichever community they are converted to Christianity would have been recorded in the Census reports and necessary instructions to the enumerators should have been given. The letter addressed by Prof. John B. Kutinha to the Backward Classes Commission dated 12.11.1984 on this issue was read out for information of the Members and this issue was discussed in detail.

The Members were of the opinion that there may be no need even by enumerators to ask for the original caste from which they were converted to Christianity if the citizen after declaring himself/herself as Christian did not come forward with their original caste from which they were converted as Christians. The Chairman informed that necessary instructions were also issued to the enumerators to seek the particulars of original caste of Christian converts and all the particulars so far received are found in the records. Not it may not be possible to take fresh steps in this regard as the enumeration work is over".

Some of the decisions taken in this sitting seem to go contrary to some of the decisions taken in XI sitting on 16.5.1984. The argument put forward that " there may be no need even by enumerators to ask for the original caste from which they were converted to Christianity if the citizen after declaring himself/herself as Christian did not come forward with their original caste from which they were converted as christians". May I ask how does the "citizen " know for what information the enumerator has come and what question he should answer unless the specific questions are put to him. I suppose the "citizen" is not a god to divine what the enumerator requires to know. Proceedings of the XXVI Sitting on 12th & 13th August 1985 give what Rev. Fr. I Anthappa, a Catholic Priest from Bangalore committed to the cause of the Backward Classes has to say about the survey. Page-2, Para:3 etc.

"Rev. Fr. I. Anthappa appeared before the Commission on 12th August 1985 at 4.00 p.m. He read out and submitted a Memorandum on behalf of the Christians of the State. The representation submitted by him is self explanatory and is kept in the concerned file for consideration at an appropriate time. Rev.Fr.Anthappa further requested that he may be permitted to conduct a Census/Survey of this Community through the Church Authorities. Chairman explained that while the Commission has no objection to the Church conducting a Survey on its own it cannot be assured that such census figures could be made use by the Commission for its deliberations.

"Fr. Anthappa stressed the fact that there exist caste barriers such as Christian Agasa, Christian Kuruba, Christian Kumbara etc. in the Christian community. He said that there is the sense of high and low and even untouchability among christians even today. He prayed the Commission to consider this aspect and render justice to the socially degraded groups among Christian Community apart from converts from SCs & STs.

This fact of there being castes among christians has been asserted by over a thousand Christians that appeared before the Commission. Even the Bishop of Chickmagalur, Bishop Alphonse Mathias admitted this fact. Two Vicar Generals, Msgr. Manuel Alvares of Karwar diocese, and Msgr.Alexander D'Souza of Mangalore diocese have reiterated this fact of casteism among Christians. A large number of priests, nuns, responsible and important Christian leaders have also spoken about the existence of castes among Christians and that they are easily identifiable. But, unfortunately, the majority of Members of the Commission tried to reason out again and again whenever I raised this most important point affecting the Christian Community, that "Christianity has no caste" and so "Christians have no caste". It is indeed very sad that the pain of this cancerous disease called casteism

among the Christians has to be assessed by the non-Christians. The pain is experienced by the suffering sick person alone and not by his friends or not even by the doctor that treats him.

I have made strongly a case for proper inclusion of all the castes and sub-castes of Christians as made out at the meetings held on 10th, 20th & 27th February 1986. The extracts of which are given below:-

IV. Proceedings of the XXXIX Sitting on 10th February
(Page-2; Para-6, Page-5; Para-1)

"Prof. John B.Kutinha expressed that like Hindu Community, though Christian Community is also having many sub-castes, no data has been collected about these sub-castes belonging to Christian Community. He also referred to the statement made about the backward classes by the Chief Minister of Tamil Nadu and said that there is no difference between Christian Backward Classes and Hindu Backward Classes in Tamil Nadu State."

"Again, Prof. John B.Kutinha reiterated that Christian community is often wrongly considered as a single caste. But Christianity is a religion. In the Christian Community there are as many castes as there are among Hindus. There are Hindu converts to Christianity from almost all the castes. He felt that proper timely instructions were not given to the Enumerators in the matter of recording castes and sub-castes among Christians inspite of his requests to the Commission. He further said that this fact was brought to the notice of the office of the Commission when the survey was in progress. He said that the Chairman subsequently issued Circular Notice to all the concerned in the matter to record the castes and sub-castes among Christians but inspite of it, there was no improvement in the Survey. He stressed that some of the castes and sub-castes among the Christian Community

that were reflected in the survey were not codified and some of the sub-castes were clubbed with general names of the like Chakli, Sarodi, Gavadi etc. This will adversely affect the Christian Community. Even with regard to the S.C. converts, he said that their number reflected is just a few hundreds. He said that this definitely proves that the Socio-Economic-cum-Educational Survey (S.E.E.) in respect of Christian Community has completely gone wrong. He said the same thing holds good with regard to Lingayats, Muslims and other Non-Hindu Communities.

V. Proceedings of XXXX Sitting on 20th February 1986
Page-1, Para-2.

"Referring to the proceedings of the previous sitting Prof. John B.Kutinha said that at page 5, para 2, his statement should be corrected as "He stressed that some of the castes and sub-castes among the Christian Community that were reflected in the survey were not codified and some of the sub-castes like Chakli, Sarodi, Gavadi etc., were clubbed with general names of the Christian Community". He suggested that the benefits accrued to Scheduled Castes should also be extended in full to the converts from Scheduled Castes to Christianity as has been done in Tamil Nadu State.

VI. Proceedings of the XXXXI Sitting on 27th February
1986 (Page-3, Para-2)

"Referring to Chapter 9 on Recommendations, Prof. John B. Kutinha sought clarifications about the exact position of schedule caste converts to Christianity and Siddi Christians in respect of Articles 15(4) and 16(4). The Chairman clarified that both these are included in Group 'B' for purposes of both the Articles.

Prof. Kutinha then suggested that the Backward Castes among Christians and the Anglo-Indians should also be included in the Backward Classes list since their conditions

are not better than those that are included in the BCs list. Speaking about other Backward Castes, he also said that as there are very poor and Backward among the major communities like the Lingayats and the Vokkaligas, the Backward Sections among them should also be included in the BCs list.

With regard to the Backward Special Group, he said that this group should be retained perhaps with a slightly lower percentage of reservations as this group is the only saving factor for the deserving poor like the poor Christians that do not come under the Backward list. The arguments put forward for abolishing this group that the benefits under this group have been obtained mainly by the upper castes is illogical since the very purpose of this group is for helping the poor among the forward that do not come under the Backward list.

Speaking on the reference made to the observations of Justice O Chinnappa Reddy regarding the Lingayats and Vokkaligas in Karnataka, he said that the Commission seems to be taking a negative approach of trying to keep the Vokkaligas out in order to placate the Lingayats who are already out. This, he said is certainly a retrograde step and that the Social Reformers are bound to consider the Recommendations of II Backward Classes Commission more as obstacles rather than as means of help for the cause of the Backward Classes in the State.

With regard to the clubbing of the population of some of the Backward Castes among the Christians that were reflected in the Socio-Economic-cum-Educational Survey, he demanded to know why and at whose instance they were clubbed with the general groups in the Christian Community.

With regard to issuing of certificates, Prof. Kutinha suggested that regarding Christians who are included in the BC list, the Parish Priests and the pastors may be authorised to issue caste certificates as is being done in Tamil Nadu and Kerala.

In conclusion, I wish to state that:

1. Castewise statistics of those who passed SSLC Examination in April 1985 is officially not maintained. The whole statistics seems to be improvised by collecting from SSLC Board and High Schools. Therefore, the state average of 3.34 per thousand population arrived at by the Commission is not reliable for benefits under Article 15(4) of the Constitution.
2. Even in the case of Statistics relating to employment in State services the statistics also seems to be improvised by collecting from Government Departments and Treasuries. Therefore, statistics thus obtained is not reliable for the determination of adequacy of representation in proportion to population for benefits under Article 16(4) of the Constitution.
3. Denial of full information and statistical data to the Members regarding annexures, Tables etc. impeded the detailed study of the data by some Members. Therefore, the finalisation of data by the Commission is arbitrary and questionable.
4. I have revised my earlier stand with regard to 17 indicators adopted to identify the social and educational backwardness. The entire thing seems to be highly misleading without meaningful indication to justify its purpose.
5. The Commission did not evolve any specific procedure and rules for the conduct of its business and other functions.

Therefore, I am forced to reject the recommendations

made by the Commission, especially the list of Backward Classes including the grouping of castes and communities.

1. I suggest that a real survey is made to identify backward classes in all castes and communities in general and the christian community in particular.

2. I recommend that the Secheduled Caste converts to Christianity in the State be treated on par with scheduled castes for all State benefits as it is done in Tamilnadu.

3. I recommend that all backward castes and those who follow inferior occupations among Christians be treated on par with their counterparts in the Hindu fold without any religious restrictions.

4. I recommend that the Anglo-Indians in Karnatka be included in the backward classes list.

5. I recommend that the identifiable weaker sections among the Vokkaligas and the Lingayats be also included with Backward Classes.

6. I recommend that the Backward Special Group which has been helping the poorer sections among those who do not come under backward classes, may be retained.

Date : 17.3.1986

Place: Bangalore.

JOHN B. KUTINHA
Member
Karnatka II Backward Classes
Commission.

DISSENTING NOTE BY SHRI M.L. MUTTENAVAR, M.L.A.
&
MEMBER, KARNATAKA II BACKWARD CLASSES COMMISSION.

Our Commission came to be appointed by Government Order dated 18.4.1983 as a result of the State Government giving an undertaking before the Supreme Court that it would appoint a Commission to 'review' the existing list of Backward Classes prepared on the basis of the recommendations made by the 1975 Commission Report popularly known as the Havanur Commission Report. I believe the State Government had to inform the Supreme Court as a result of one of the recommendations of the Havanur Commission for reviewing the lists of Backward Classes after a period of 10 years.

Without my asking for Membership on this Commission I was appointed, along with three others, as a Member on 21.6.1983.

The important terms of reference to the Commission for the purpose of substantiating this dissenting note are:-

- i) The Commission shall review the existing list of Backward Classes as approved in G.O.No.SWL 12 TBS 77 dated 22.2.1977 and as amended from time to time and in the light of the provisions contained in Articles 15(4) and 16(4) and other relevant provisions of the Constitution and in the light of the various decisions of the Supreme Court bearing on the subject:
- ii) The Commission shall make a scientific and factual investigation of the conditions

of the Backward Classes in the State and recommend a specific measure for their advancement.

vii) The Commission shall on the basis of the relevant materials so gathered by it, examine and recommend whether the reservation order in G.O.No.SWL 12 TBS 77 dated 22.2.1977 and as amended from time to time, may continue or will need any modification.

It is pertinent to note the language employed by the Government in the terms of reference to this Commission and the language used in the terms of reference to the Havanur Commission. The Havanur Commission was required "(1) to 'suggest the criteria' to be adopted for determining whether any class of persons in the State other than the scheduled castes and Scheduled Tribes may be treated as socially and educationally backward classes;

"3 Making list of all classes which may be regarded as Backward Classes in the State;" The Government while constituting our Commission has nowhere suggested to it for suggesting the criteria to be adopted in the identification of the socially and educationally Backward Classes and making their list. The terms of reference of our Commission specifically say that we have got only to "review" the existing lists of Backward Classes. We were also asked to recommend whether the existing lists should "continue or will need any modification." The requirement of making scientific and factual investigation of the conditions of the already identified Backward Classes in the State was for the purpose of this Commission making recommendations for taking up by the Government any "specific measures for their advancement." This speaks

of the intention of the Government that the already adopted criteria by the Havanur Commission should not be departed from by us. The validity of the lists of Backward Classes, amended from time to time, came to be challenged in the High Court of Karnataka and the Division Bench upheld the criteria adopted by the Havanur Commission.

In fact when the then Government went beyond the recommendations of the Havanur Commission and included certain communities in the list of Backward Classes under Article 16(4), the same came to be struck down. The validity of the said Government Orders again came to be challenged in the Supreme Court, and after the arguments were heard and the judgement reserved, the State Government filed a memorandum undertaking to appoint a Second Backward Classes Commission. However the Supreme Court has laid down certain guidelines for our Commission to follow. None of the five Judges who constituted the Constitution Bench has disagreed with the criteria adopted by the Havanur Commission in the identification of Backward Classes. None of the Judges has suggested any new criterion. It would not be inappropriate to quote here the complimentary observation of the Supreme Court on the Havanur Commission Report.

"The report of the Commission is full of tabular statements and it refers to a number of writing by sociologists, demographers, jurists and persons well versed in social sciences. The work of the Commission deserves to be commended as such an extensive investigation into the conditions of backward classes had not been conducted in the State so far. Perhaps till then in no other part of India, such an elaborate investigation had been carried out with reference to so many minute details".

Prof. Marc Galanter in his book entitled "Competing Equalities".. Law and the Backward Classes in India, Oxford University Press, 1984 has referred to Havanur's Report on Backward Classes, and in about 50 places commending his earlier writings and the Report using superlative terms. He states on page 240 :

"The Havanur report, the most comprehensive and thoughtful of the Backward Classes reports, is marked by a conceptual mastery of the subject that has so far evaded the courts. The Commission moved beyond the confusions imparted by the inability to separate caste as a unit and caste as a status. It set a challenging agenda for conceptualization and measurement of backwardness that may help to address the real and perplexing questions of whether, how, and at what cost disparities among communities can be dispelled".

Similarly , Andre Beteille in his Ambedkar Memorial Lectures entitled "The Backward Classes and the New Social Order" published by the Oxford University Press, 1985, states:

"Some students of the Indian Constitution have argued that the only reasonable classification in the Indian context is the classification into castes and communities. This point of view has recently been put forward most forcefully by L.G. Havanur as Chairman of the Karnataka Backward Classes Commission..... Much as one waydisapprove of the categorical manner in which Mr.Havanur presents his

case, one cannot ignore the wealth of legal, historical and sociological material he has presented in support of it.

Prof. M.N.Srinivas, eminent Indian Sociologist, Dr.G.Thimmaiah, Dr.S.Seshaiah, Prof.M.D.Nanjunda Swamy, Mr.V.T.Rajasekhara Shetty, Prof.A.M.Dharmalingam (one of the Members of our Commission), Dr.M.A.Khan, Prof.V.K.Nataraj, Prof.K.T.Lakshman, Prof.K.S.Sharma, Lelah Dushkin, University of Pennsylvania, U.S.A. and Gregory H.Stanton, University of Chicago, U.S.A. who are eminent economists, sociologists, jurists and journalists have all appreciated the methodology adopted by the Havanur Commission in the identification of Backward Classes. Unfortunately our Commission, perhaps in its zeal to excel the recommendations of the Havanur Commission, has wandered hither and thither far from the chartered course assigned to it by the terms of reference and by the judiciary. Our Commission has tried to evolve certain criteria for identification of Backward Classes, though it was not its job, but those criteria are irrelevant, unacceptable to the judiciary, vague and unintelligible. To repeat, the Havanur Commission criteria have come to be universally accepted by social scientists, sociologists, economists and above all by the highest judiciary in the country. They, having stood the test of judiciary, should have been adopted by our Commission when it intended to identify the Backward Classes. I very much doubt whether the criteria adopted by this Commission and the lists prepared on the basis of those criteria would be accepted by the State Government, the public and the judiciary. I do not wish to belittle the efforts that have been put in by the Commission in the collection of the Socio-economic and educational survey data, but my anxiety in writing this dissenting note is on account of the apprehension

in my mind that what has been done by the Government on the basis of the Havanur Commission recommendations may come to be nullified or abandoned in the event of the Government accepting the recommendations of our Commission, and thus depriving the legitimate rights now enjoyed by the Backward Classes. It is common knowledge that Nagana Gowda Committee Report (1961) and the Kalelkar Commission Report (1955) appointed by the President of India came to be adversely commented upon by the Supreme Court, and it would be no wonder that our Commission Report would also receive the same fate at the hands of the judiciary.

In the socio-economic and educational survey conducted by our Commission an effort has been made to show that the total population of the State and the population of each caste and community as ascertained in 1984 is approximately correct with the inflated population of the State and the castes and communities taking 1941 census figures as the basis. The Havanur Commission Report has stated thus:

The Commission is handicapped for want of upto date particulars of castewise population figures, since castewise population figures are not available after 1941 census. Even in the Census of 1931 and 1941, population figures are not available for some castes and communities. In such cases the 1911 Census Reports wherein more number of castes are enumerated, have been adopted for the base year population. In the case of some not found even in 1911 Census, earlier census reports where they are found, adopted.

"For Old Mysore area, census figures of 1941 have been adopted as the base year population, except for Scheduled Castes and Scheduled Tribes for whom 1961 census figures are available and the same are adopted. In the case of Madras - Karnataka area 1941 Census Report does not give details of castes. Even in the Census of 1931 for Madras area, castewise figures were given only for the major communities, i.e., where the population of a caste in a district was not less than one in thousand of the district population. Castewise figures for Madras-Karnataka area are not available even for half the Hindu population in 1931 census. Hence, 1911 and 1901 census figures are adopted for Madras Karnataka area as the base year population. For the same reason 1911 census figures are adopted in the case of Coorg District also. As regards the Bombay-Karnataka area, 1941 Bombay Census Reports are not fully published due to war conditions. The Registrar General of India intimates us in his D.O. letter No.9/19/73-CTU(CEN), dated 17th/18th April 1974 that "The 1941 Census Report of erstwhile Bombay State does not contain castewise and sub-castewise population of Hindus". Hence, 1931 Bombay Census figures are adopted for most of the castes and communities. In the case of Gangakula, Idiga, Korama, Uppara and Vaishya communities,

1911 Bombay Report is adopted for the base year population as the 1931 Bombay Census does not contain population of these communities. The 1941 Census Report for Hyderabad, Karnataka area gives only population of religious communities and Tribes separately, but the castewise particulars of Hindus are not available.

Hence 1931 Hyderabad Census figures have been adopted as the base year population for several castes and communities except for Virashaivas, and Tribes such as Banjaras, etc., for whom 1941 Hyderabad Census figures are available and the same are adopted as the base year population. In respect of Devangas, Kurubas, Neygis and Yadavas, 1911 census figures of Hyderabad are adopted as the base year population since separate figures are not available for them in 1931 Hyderabad Census Report.

Some of the castes are specified by the President of India as scheduled Castes or Scheduled Tribes in relation to some parts of the State, whereas they are not so treated in other parts. They are, for instance, Banjara(Lamani), Vodda (Bhovi), Korama, Meda, etc. For such castes or tribes the census figures of those areas, where they are not treated as Scheduled Castes or Scheduled Tribes, have been taken for estimating the non-Scheduled Castes/Tribes population. (Volume II, Page 1 and 2).

Again on page sixteen and page seventeen of Volume I, Part-I, it is stated:

"9. Complaints were received that the Mysore Backward Classes Committee (1961) had not properly estimated the population of castes. The said 1961 Committee had adopted the population figures estimated to 1951 by the 'Census Department'. When the Commission went through the Book-let purported to have been published by the 'Census Department' about 20 days after the appointment of the said committee, it was found that estimation had been made on 'arbitrary' assumptions. Certain communities like Agasa, Gangakula, Kuruba and Lingayat had been given the benefit of increase of their population by 0.9 per cent in the District of South Kanara. Certain statements contained in the book-let to the effect that the population figures of certain castes were not available appeared to be incorrect. Even so, population figures of only 30 non-scheduled Hindu castes had been mentioned in the book-let. The book-let did not contain the name of the author, nor did it contain the name and designation of the Officer who published it. So, the Director of Census Operations in Karnataka was addressed a letter to let the Commission know the authorship of the book-let, the authenticity of the population figures and the correctness of the assumptions. The Director of Census Operations replied: 'as to the authorship of the book-let I regret to state that there are no records available in this office relating to the preparation, printing and publication of the above book-let'. He added 'that in case discrepancies of any kind are noticed between the Census data, as published by this Department for the relevant censuses and those mentioned in the above book-let, it is only the published figures incorporated in the regular authorised census publications for the concerned Censuses that are to be treated as authentic'. The said book-let stated that for the four districts of Bombay Karnataka area, viz., Belgaum, Bijapur, Dharwar and North Kanara,

1941 Census figures had been adopted. The Registrar General, Ministry of Home affairs, New Delhi, was requested to furnish caste-wise particulars from the 1941 census Report relating to the said four districts of Bombay Karnataka area. But he said 'the 1941 Census report of erstwhile Bombay State does not contain castewise and sub-castewise population of Hindus. It only gives the break-up of Hindus into scheduled castes and other Hindus'. The replies the Commission received from the Director of Census Operations in Karnataka and the Registrar General, India, New Delhi, were in the month of April 1974, and so the Commission had to search for the old Census Reports from the Legislature Library, Secretariat Library, Public Library, High Court Library and the Library of the Census Department".

The ascertainment of the backwardness of a caste or community - social, economic or educational and its inadequacy of representation in the services under the State depends upon the percentage of the population of that caste or community in relation to the State population and its relative backwardness with reference to the other castes and communities. Since the Commission has taken 1941 census figures as the basis, it is impossible to say their backwardness or otherwise in relative terms.

Our Commission should have adopted different census population figures for different areas of the state and for different castes as had been done by the Havanur Commission.

Even in applying the 17 indicators our Commission has not strictly adopted those indicators to all the castes and communities uniformly, but it has made deviation arbitrarily in giving weightage to some castes and communities or not assigning the weightage to others on the subjective opinion of Dr.S.Bheemappa, Chairman of the Sub-Committee formed for the purpose of finalising the

lists of castes.

The Member secretary of the Commission, viz., the Director of Backward Classes and Minorities, was only a part-time Member Secretary of the Commission whose services could not be utilised fully by the Commission.

The total reliance of the Commission on the personal knowledge of Dr. Bheemappa has resulted in many of the deserving communities and castes being excluded from the list of Backward Classes.

The Members of the Commission, at least to speak for myself, were not taken into confidence by the Chairman and Dr. Bheemappa in not furnishing us the various Annexures and Tables said to be the compilations of the socio-economic and educational survey materials and the statistics relating to education and services. It is possible for the Government, the public and the judiciary to suspect that the materials and figures were manipulated. This method should not have been adopted to avoid adverse criticism.

The Supreme Court in Balaji case had in specific terms stated that the "Social backwardness" of a class is ultimately relatable to its poverty and in determining the poverty or otherwise of a caste the occupational inferiority and its unremunerative character should be the guiding factors. Similarly, the test of habitation in rural and inaccessible areas was one of the other tests suggested by the Supreme Court in Balaji case.

Our Commission has totally ignored the said two relevant and important tests in determining the economic poverty which results in social backwardness of a caste.

The Havanur Commission had listed some readily identifiable backward castes among the Lingayat community by applying the said tests and our Commission has excluded the Lingayat community in its entirety.

The Commission (I should say, Dr.S.Bheemappa) has made some obvious mistakes to the disadvantage of some of the communities in equating them either as synonyms or as groups of certain castes. For example Bunts (Bants) of South Kanara District are quite different from Nadavas (Nadors) in the matter of their culture, language and residence. Bunts follow the Aliya Santhanam Law (matriarchal system) and their mother-tongue is Tulu. Whereas the Nadavas (Nadors) follow Hindu Law (Patriarchal System) and speak Kannada, and they cannot be equated with Bunts or cannot be considered to be a Sub-division of Bunts.

Like Lingayat community, Vakkaligas are also a community consisting of a number of castes. Our Commission should have identified atleast such of the castes of the Vakkaliga community which should be treated as backward instead of condemning the entire community as forward.

The provisions of Articles 15(4) and 16(4) are intended for the Social, economic and educational advancement of the Scheduled Castes and Scheduled Tribes and other Backward Classes. After Balaji case, umpteen judgements came to be delivered by the Superme Court regarding the quantum of reservation which is permissible under Articles 15(4) and 16(4). Departing from the observations made in Baliiji case, the Supreme Court in Thomas case had to say in categorical terms that the reservations could be to the extent of 80%. The High Court of Mysore (now Karnataka) had made an observation in Viswanatha case that the Backward Classes in Karnataka are in a majority. Therefore, our Commission should not have restricted the quantum of reservation to 45% including the 18% already made for Scheduled Castes and Scheduled Tribes. Measures under Articles 15(4) and 16(4) being beneficial in their nature, our Commission should have adopted a broader and generous view and included some more castes and communities and recommended reservation

exceeding 50%. Even the identified population of Backward Classes by our Commission being 32.98%, reservation should have been more than the proportion of their population in view of the observation of Justice Chinnappa Reddy in Vasantha Kumar case.

The Havanur Commission report had separately categorised the former Criminal Tribes and the Nomadic Tribes which are similar to Scheduled Castes and Scheduled Tribes in the matter of their backwardness, but our Commission has attempted to degrade some of the non-Denotified and non-Nomadic tribes to the level of denotified and nomadic tribes and upgraded some of the denotified and nomadic tribes to the level of other communities, which according to me is impermissible. The obvious reason for this is that castes and communities which are clubbed with Denotified and Nomadic tribes intend to knock off the benefits that are available to Denotified and Nomadic tribes and such benefits are the same as are being extended to Scheduled Castes and Scheduled Tribes.

Now coming to our community, namely, Nayaka tribe, I must at the outset say that Dr. S. Bheemappa has deliberately, calculatedly and mischievously suppressed certain things from the Commission and in a vindictive mood he has claimed to have made a very deep research and investigation into the cultural, geographical and ethnic conditions of our community. I say at the outset that he has suppressed certain important materials from the Commission. Dr. S. Bheemappa was the Member-Secretary of the Selection Committee for admission to the Government Medical Colleges during 1977-78 and onwards. Mr. Bheemappa Havanur, son of Mr. L.G. Havanur, Chairman of the Karnataka Backward Classes Commission, 1975, was selected for the I year MBBS course in the private Davanagere Medical College against the quota reserved for Scheduled Tribes by a committee constituted by the Government

He had also sought admission in any of the Government Medical Colleges. But he was not selected by the Committee of which Dr. S. Bheemappa was the Member-Secretary. Bheemappa Havanur caused a Lawyer's notice served on Dr. S. Bheemappa for giving reasons as to why Mr. Havanur was not selected, and Dr. S. Bheemappa did not give any reply to Mr. Havanur. Mr. Havanur filed a writ petition bearing No. 6964/77 challenging the action of the Selection Committee in denying a seat for him in the Medical College when he had secured 443 marks while the selected candidates had secured less number of marks, one of whom securing as low as 273 marks. Dr. S. Bheemappa appeared in the court through the Government Advocate and said that Havanur did not belong to Nayaka by birth and that the Nayaka community to which Havanur claims to belong is nothing but a surname of Bedar community and that there are so many other castes where such surname or title is commonly used. Mr. Havanur was interviewed by Dr. S. Bheemappa on 1-8-1977. In the course of the hearing of the writ petition Dr. S. Bheemappa has stated thus -

"Interview No.719

Sri Bheemappa Havanur

Father Advocate born in Ranebennur, relatives are doing agriculture and Community generally permanently settled in villages. He has always been paying fees, and had not claimed scholarships. Social Welfare Department, who assisted the screening of SC & ST applications have opined that this candidate is a Bedar and not a Nayaka. Only a Backward Community.

S. Bheemappa
18-11-1977
Member-Secretary
Selection Committee"

It is apparent from this that although Havanur was interviewed on 1-8-1977, Dr. S. Bheemappa came to make the observation as above in the High Court for the first time after more than 100 days when the case was being actually heard by His Lordship Mr. Justice K. Jagannatha Shetty (now Acting Chief Justice of Karnataka). The learned Judge after hearing both the sides, referred the case to a larger Bench of two Judges for careful scrutiny whether Bedas are also called as Nayakas and whether Nayaka is a sub-division of Bedas. The Division Bench consisting of His Lordship Mr. Justice V.S. Malimath (who later became the Chief Justice of Karnataka and who is presently the Chief Justice of Kerala) and His Lordship Mr. Justice M.N. Venkatachalaiah, observed:

"It is necessary to note that the certificate of the Tahsildar, Remebennur, who is one of the authorities prescribed to issue such a certificate has in categorical terms stated that the petitioner (Mr. Bheemappa Havanur) belongs to the Nayaka Tribe which is recognised as a Scheduled Tribe under the Constitution (Scheduled Tribes) Order, 1950, as amended by the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956, and that the petitioner (Bheemappa Havanur) and his family ordinarily reside in Renebennur Town of Dharwar District in the State of Karnataka. The other certificate produced by the petitioner is from the District Social Welfare Officer, Bangalore Urban District, Bangalore, which is to the effect that the petitioner (Havanur) belongs to Nayaka Tribe which is recognised as a Scheduled Tribe under the Constitution (Scheduled Tribes) Order 1950 as amended, in the District of Dharwar from which the petitioner hails".

The Hon'ble Judges realising that injustice would be done to some of the selected Scheduled Tribes candidates who were impleaded as respondents and who did not dispute the claim of Mr. Havanur, suggested to the Selection Committee of which Dr. S. Bheemappa was the Member-Secretary, to provide Mr. Havanur a seat in any of the Government Medical Colleges after he completes the I year MBBS course in Davanagere college. The Division Bench observed:

"We made the suggestion having regard to the fact that if the petitioner is able to secure seat in pursuance of the directions given in this writ petition, the seat already given to one of the members of the Scheduled Tribes in the Government Medical Colleges will have to be cancelled to accommodate the petitioner (Mr. Havanur). We felt that if the cancellation of a seat already given to one of the members of the Scheduled Tribes could be avoided without causing any inconvenience or hardship to anybody, such a course should merit acceptance at the hands of any public authority whose function is to advance the cause of public interest."

The Hon'ble Judges further observed:

"We hope that the concerned authority, having regard to the fact that the suggested action will avoid avoidable hardship and inconvenience, will find it possible to persuade itself to offer transfer as indicated above."

Accordingly Mr. Havanur was provided a seat in the Government Medical College, Bangalore, treating him as Nayaka, a member of the Scheduled Tribe.

That Dr.S.Bheemappa appears to have developed an innate hatred towards our community is substantiated

by the fact that as Member-Secretary of the Selection Committee for admission to Government Medical Colleges has shown consistent hatred towards our community students. In more than a dozen cases the candidates belonging to Nayaka community were not given seats in the Medical Colleges by the Selection Committee of which Dr. S. Bheemappa was the Member-Secretary, and those who were disappointed had to approach the High Court of Karnataka to get the reliefs. I mention here only some of the cases in which the High Court had to give directions in the nature of writ of Mandamus to the Selection Committee (Dr. S. Bheemappa) to consider the cases of the candidates who had approached the High Court and to admit them to the Medical Colleges under the ST quota. The cases bear writ petition Nos. 8997/78, 9780/78, 8919/78, 8920/78, 9181/78, 16795/80 and 16796/80. In all those cases Dr. S. Bheemappa had to obey the High Court direction and accommodate them in the Government Medical Colleges under the ST quota.

In fairness, Dr. Bheemappa should have declined to participate in the deliberations of the Commission concerning the status of our community. But he deliberately participated by suppressing all these facts before the Commission only to do an inestimable harm to our community. It is because of this I had to write such a lengthy dissenting note so far as our community is concerned. His prejudice against our community is established beyond any reasonable doubt. I cannot say what type of prejudice or hatred he entertains against other communities.

I am enclosing herewith a certified copy of the judgement of the High Court of Karnataka in W.P.No. 6964/77 between Bheemappa Havanur and The Selection Committee for admission to Government Medical Colleges, by its

Member-Secretary, Office of the Director of Health and Family Planning Services, Ananda Rao Circle, Bangalore-560 009 and 8 others, rendered by His Lordship Mr. Justice K. Jagannatha Shetty referring the case on 25th day of November 1977 to a Division Bench and the judgement of His Lordships Mr. Justice V.S. Malimath and Mr. Justice M.N. Venkatachalaiah, dated 18/19th Day of January 1978.

In supprt of my claim that Nayaka is a Scheduled Tribe in Karnataka and that it is the synonym of Beda, etc., I have the following to say:

1. Whether NAYAKA is a Scheduled Tribes in Karnataka?
2. Whether a community called NAYAKA & all exists in Karnataka?
3. Whether NAYAKA is only an honorific name adopted by all communities?
4. If it is found in the list of Scheduled Tribes, whether its inclusion in the list by the President of India earlier, and by successive Parliamentary enactments later is open to question by our Commission?
5. If it is not in existance could the President and Parliament be imputed with the ignorance of mentioning a non-existant Tribe in the list? Or mentioning even the titles of honorific names?
6. Can the State or the Central Government accept synonymous names for a SC or ST taking into account facts as they exist in a particular State?
7. If it does, could it be said that such an action amounts to amendment or modification of the lists?

I am furnishing for your persual the relevant portions from various treatises on castes and tribes of Southern India, Mysore and Bombay, State and District Gazetteers, writings by eminent authorities, such as M.A.Sherring,

Buchanan, Wilks, Lewis Rice, Venkata Ranga Katti, Edgar Thurston, K. Rangachari, R.E. Ethnowen, H.V. Nanjundayya, L.K. Ananthakrishna Iyer and many others from 1800 to 1972. Registration Certificates of NAYAKA community Associations from 1927 to 1972, and State Government Order till 1986. From these it is clear that NAYAKA, Naik, Nayak, Valmiki, Beda, Parivara, etc., are referable to one and the same Tribe and every one of the names is a synonym for the other. After delimitation of the Assembly Constituencies, Gokak in Belgaum District came to be reserved for members of the Scheduled Tribes for the first time in 1967. The undivided Congress Party selected Mr. L.S. Naik as its candidate and he was elected. His election was challenged on the ground that he was Bedar by caste & not a NAYAKA. L.S. Naik admitted that NAYAKAS are called BEDARS.

Counsel for the challenger, urged certain points and the Supreme Court answered by saying that the community was to be found not only in the "Districts of Mysore but also in Maharashtra and Rajastan. This Tribal Community is, therefore, quite widespread. He (L.S. Naik) claimed to be Nayaka and it is significant that he was not an independent candidate, but one chosen by Party. This Party would not have been easily imposed upon and would have taken care to select the right person to the seat. There were two others who also came forward as NAYAKAS". The Supreme Court also said that these Tribal communities "are autochthonous in the respective areas" (AIR 1968 SC 929).

On 2.7.1977 the State Government corrected the Backward Classes G.O. issued earlier on the basis of Havanur Commission Report by which certain castes and tribes

which in fact were Scheduled Castes and Tribes were deleted from the OBCs list and NAYAKA was one, so far as Belgaum Area was concerned.

A similar order was issued on 23-1-1978 by Order and in the name of the President of India deleting NAYAKA, NAWAK from the entire list of OBCs consequent upon the coming into force of the Parliamentary enactment, popularly known as the Removal of Area Restriction Act, 1976, from 27-7-1977 (SCs and STs Order Amendment Act, 1976).

In a certain judgement the Karnataka High Court suggested modification of lists of the OBCs and accordingly, they were modified. And synonyms for certain of the Scheduled Castes and Scheduled Tribes were issued on 1-5-1979. Synonyms of some Scheduled Castes only were sent to the Central Government and the same were accepted. They are Lamani, Voddar etc. By its G.O. No. SWL 63 SAD 85, dated 23-1-1986 the State Government has accepted Nayak, Naik, Beda, Valmiki, Parivara and Talwar as synonyms for Nayaka, a Scheduled Tribe.

From Gokak reserved (ST) constituency only Beda (NAYAKA) got elected in 1967, 1972, 1978, 1983 and 1985. Undivided Congress, Congress(R) after the split, Congress(O) and Jana Sangha selected Beda (NAYAKA) candidates. At the subsequent elections also Congress(I), Janatha and Bharateeya Janatha Party selected Beda (NAYAKA) candidates. I am elected twice from the said constituency on Janatha Party Ticket in 1983 and 1985 elections. And no political party has ever selected a non-Beda (NAYAKA) candidate. As rightly observed by the Supreme Court, could all these national and regional parties be accused of not taking care to select the right persons on all the five occasions?

Officers belonging to Brahmin, Lingayat, Vakkaliga, Scheduled Castes, Muslim, Christian, Jain and other communities have been issuing the certificates, being aware of the fact that Nayaka is a synonym for Beda.

RELEVANT PORTIONS FROM GAZETTEERS AND TREATISES
ON

NAYAK - NAYAKA - BEDAR - BARDA-BHIL-VALMIKI-etc

Source material	Synonyms/Sub-divisions
1. Hindu Tribes and Castes by M.A.Sherring, Vol.II,1879	He notices the existence of a tribe called 'BEDA' in Punjab and its frontiers (page 8), and the 'Naik', the 'Bheel' tribes in Central Provinces and Berar (pages 95 and 128). Similarly in the then province of Bombay, which consisted of Sind, Gujarat, Maharashtra, he notices the existence of 'Bedar' tribe similar to Ramasis in the Deccan and the Vasis in Northern India. They are also called Naiks (Page 321).
2. The Wild Tribes of India by Horatio Bickerstaffe Rowney, 1882..	There are some Bheel tribes....who are named Baria, Karit, Paggi, Kotwal and Naikra (page 32)

3. Gazetteer of Bombay Presidency, Volume XV Part I, Kanara, 1883, Refers to various writers on Tribes and Castes such as Buchanan (1800), Wilks (1810), Rice (1876) and Gazetteers.
- "Depressed Classes" include 'Beda' (page 359), Beda-Talvar -Vyadaru-Bedar-Nayak-Kirataka -Barika-Kannaiya-Ramushi-Baidar (page 362)..... The name Baiders probably includes many early tribes who differed from each other in origin appearance and position. They are found in Maisur, Telangana or Andhra, Karnataka and above Sahyadri (page 362).
4. Gazetteer of Bombay province, Karnataka Part, Dharwar, Belgaum, Bijapur, Canara (kannada version), 1893.
- Bheels. In Maharashtra region Bedars are called Romoshis. Margi, Dasa and Nayaka Makkalu are the Divisions of Bedars (Page 199).
5. Mysore, A Gazetteer compiled for Government by B.Lewis Rice, Vol, I, 1897.
- The Beda or Nayaka (page 255)
6. The tribes and Caste of the Madras Presidency, M.A. Sherring, (together with Mysore, Nilgiri and Travancore etc.. etc) 1909
- Bedar-Nayak-Kirataka-Barika-Kannaiya. He names twelve clans amongst Bedars and refers to 'Sketch of the Tribes and Castes of Mysore' By Mr. B.S.Krishnaswamy Iyengar (Page 153).
7. Caste and Tribes of Southern India, by Edgar Thurston & K. Rangachari, Vol, I-A & B, 1909.
- "According to the Mysore Census Reports, 1891 and 1901, the Bedas have two distinct divisions, the Kannada and Telugu, & own some twenty subdivisions of which the following are the chief-Halu,

- Machi or Myasa, Nayaka, Paligar, Barika, Kannayana jati and Kirataka (page 185)
8. The Tribes and Castes of Bombay, by R.E. Ethnoven, Vol. I, 1920
- BARDA-a sub-division of Bhils (page 59) Berads have the following sub-divisions:
- 2) Bhil or Kirata....(page 81) Berads-Bedars-Beda-Naiks-Valmikas -Vedan-Boya-Naik Wadi-Ramoshi-Dorbiddas-Nayaka-Kirataka Barika-Kanniyas (page 80 and 81).
- BHIL: A sub-division of Berads (Page 178).
9. -dq- Vol.III, 1922
- RAMOSHI: A sub-division of Berads (page 297). There are five endogamous divisions of the caste.
- 2.Berad, 5.Mang (Page 298)..
10. The Mysore Tribes and Castes, vol.II, by the Late H.V.Nanjundayya and LK Anantha-krishna Iyer, 1928.
- The Nayaka or Nayakana Makkalu is sometimes applied to the Tribe Beda (Page 197)
- The authors mention many groups amongst the tribe (Page 205).
- 11.Mysore State Gazeetter, Chitradurga dist.1967
- The Bedas are called Nayakas (Page 109)

12. -do--Kolar Dist 1968 They (Bedas) are also called Nayakas (page 120)
13. -do- Tumkur 1969 They (Bedas) are called Nayakas (Page 91)
14. -do- Hassan 1971 They (Bedas) are also called Nayakas (page 110)
15. -do- Bellary 1972 Beda or Boya...are also called Nayakas (Page 117)
- 16.. Chitradurga District Nayakara Sangha Certificate of Registration, dated at Bangalore 22-4-1927.
- 17.. Walmiki Nayak Samaj Hitabhivridhi Sangha, Hubli - Certificate of Registration, dated at Bombay 1-7-1927.
- 18.. Nayaka Vidya Seva Sangha, Bangalore City, dated at Bangalore 11/3/1946. Certificate of Registration.
- 19.. The Bellary Dist. Valmiki Nayakara Vidhyabhivridhi Sangha, Bellary dated at Bellary 2/12/1949. Certificate of Registration.
- 20.. Walmiki naik Hitabhivridhi Sangh, Hubli-certificate of Registration of Public Trust, Belgaum, dated 25/5/1953 issued to Shri Mall Naik Bhim Naik Bilgi, Hubli.
- 21.. CITB Mysore allotted site to Nayak's Hostel-Letter by Chairman dated 16/3/1961.
- 22.. The General Nayakara Sangha Hostel, Chitradurga - Certificate of Registration dated at Bangalore 4/5/1968
- 23.. All India Nayaka Sangha, Bangalore, Certificate of Registration dated at Bangalore 1972.

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24. Karnataka Government - Social Welfare & Labour Department Order No. SWL 86 SAD 77 dated 2/7/1977 making correct classification of the G.O. based on Ravanur Commission - Nayaka community being treated as Scheduled Tribe in Belgaum area.
 25. Social Welfare and Labour Department Order No. SWL 12 TBS 77 dated 23/1/1978 issued by order and in the name of the President of India- Nayaka, Nayak community being treated as ST throughout the State after the coming into force of Parliamentary enactment from 27/7/1977.
 26. Government of Karnataka - Social Welfare and Labour Department Order No. SWL 123 BCA 79 dated 1/5/1979, amending the list of OBCs after the High Court Judgment and also accepting the synonyms for Nayaka and other communities.
 27. Government of Karnataka - Social Welfare and Labour Secretariat- Order No. SWL 63 SAD 85 dated 23/1/1986.

From this it is clear that what has been stated in the Report concerning Beda (Nayaka) community is far from truth and it is concocted and motivated.

Dated at Bangalore this day the 14th March 1986.

sd/-

M. L. MUTTANNAVAR

M. L. A.

Gokak, Belgaum Dist.

ಡಿ.ವೆಂಕಟರಮಣ
 ವ್ಯವಸ್ಥಾಪಕರು,
 ಕರ್ನಾಟಕ ಹಿಂದುಳಿದ ವರ್ಗಗಳ
 ಎರಡನೇ ಆಯೋಗ.

ಅನುಮೃತಿ ಬಿಟ್ಟಿ

1975ನೇ ಸಾಲಿನಲ್ಲಿ ಆಗಿನ ಸರ್ಕಾರ ಹಿಂದುಳಿದ ವರ್ಗಗಳನ್ನು ಗುರುತಿಸಿ ಅವರಿಗೆ ಸಾಮಾಜಿಕ ನ್ಯಾಯ ಕೊಡುವ ದೃಷ್ಟಿಯಿಂದ ಮಾನ್ಯ ಶ್ರೀ ಹಾವನೂರು ರವರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ಆಯೋಗ ರಚನೆಯಾಯಿತು. ಈ ಆಯೋಗ ಶಿಫಾರಸ್ಸು ಮಾಡಿದ ಅನೇಕ ಸಲಹೆಗಳನ್ನು ಸರ್ಕಾರ ಕಾರ್ಯಗತಗೊಳಿಸಿತು. ಈ ಶಿಫಾರಸ್ಸುಗಳಲ್ಲಿ ಒಂದು ಕೋಮಿನವರಿಗಾದ ಅನ್ಯಾಯಗಳನ್ನು ಕುರಿತು ಸರ್ಕಾರದ ವ್ಯಾಜ್ಯಾಲಯದಲ್ಲಿ ದೂರು ಸಲ್ಲಿಸಿದ ಕಾರಣ ಇದನ್ನು ಪುನರಾವೇಶಿಸಬೇಕೆಂದು ಸರ್ಕಾರದ ವ್ಯಾಜ್ಯಾಲಯವು ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಅರ್ಜಿ ನೀಡಿತು. ಈ ಒಂದು ತೀರ್ಮಾನದ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಆಧಾರದ ಮೇಲೆ ಜನತಾ ಸರ್ಕಾರದ ಹಿಂದುಳಿದ ವರ್ಗಗಳ ಎರಡನೇ ಆಯೋಗವನ್ನು ರಚನೆ ಮಾಡಿ, ಹಾವನೂರು ವರಿಯಲ್ಲಿ ಕಂಡುಬರುವ ರೋಗ-ದೋಷಗಳನ್ನು ಪುನರ ಪರಿಶೀಲನೆಯ ನಡವಳಿಯಲ್ಲಿ ಅರ್ಜಿ ನೀಡಿತು.

ಈ ಹಿಂದುಳಿದ ವರ್ಗಗಳ ಎರಡನೇ ಆಯೋಗದಲ್ಲಿ ನನ್ನನ್ನು ಒಬ್ಬ ಸದಸ್ಯನನ್ನಾಗಿ ನೇಮಕ ಮಾಡಿದ ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೂ, ಮಾನ್ಯ ಮುಖ್ಯ ಮಂತ್ರಿಗಳು ಮತ್ತು ಅವರ ಸಹ ಸಂಮುಖದ ಸಹೋದ್ಯೋಗಿಗಳಿಗೂ ನಾನು ಆಭಾರಿಯಾಗಿದ್ದೇನೆ.

ಈ ರಾಷ್ಟ್ರದಲ್ಲಿ ನೂರಕ್ಕೆ ಎಪ್ಪತ್ತೈದರಷ್ಟು ಜನ ಗ್ರಾಮಾಂತರಗಳಲ್ಲಿ ವಾಸ ಮಾಡುತ್ತಿದ್ದಾರೆ. ನಾನು ಗ್ರಾಮಾಂತರ ಜನತೆಯ ನಿತ್ಯ ಜೀವನಕ್ರಮದಲ್ಲಿ ಹಾನಿಗೊಳಗಾಗಿ ಬಿಡಬಾರದು. ಸಾಮಾಜಿಕ ಕಾರ್ಯಕರ್ತನಾಗಿ, ಸಾಮಾಜಿಕ ಜೀವನ ಕ್ರಮ ಉತ್ತಮ ಪಡಿಸುವ ಅಂಗಗಳಾದ, ತಾಲ್ಲೂಕು ಅಧ್ಯಕ್ಷರ ಮಂಡಳಿ ಹಾಗೂ ಹತ್ತಾರು ಸಂಘ ಸಂಸ್ಥೆಗಳಲ್ಲಿ, ಮುಖ್ಯ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಅನೇಕ ವರ್ಷಗಳ ಅವರುಗಳ ಉನ್ನತಿಗೆ ಕೆಲವು ಮಾಡುತ್ತಾ ಬಂದೆನು. ಮುಂದುವರಿದ ಕೋಮುಗಳಿಂದ ಈ ಆಯೋಗ ಗುರುತಿಸಿರುವ ಬ್ರಾಹ್ಮಣರಲ್ಲಿ, ರಂಗಾಯತ, ವಕ್ಕರಗ, ಮರಾಠ,

ಬಂಕು, ದಿಶ್ವರಮಠ ಇತ್ಯಾದಿ ಕೋಶಮುಗಳಲ್ಲಿಯೂ ಕೂಡ ಸಾಮಾಜಿಕವಾಗಿ, ಶೈಕ್ಷಣಿಕವಾಗಿ ಹಾಗೂ ಆರ್ಥಿಕವಾಗಿ ಕಷ್ಟ ಪರಿಸ್ಥಿತಿಯಲ್ಲಿರುವವರನ್ನು ಕಂಡಿರಲಾಗಿದೆ.

ಕರ್ನಾಟಕದಲ್ಲಿ ನುಮಾರು 4 ಕೋಟಿ ಜನಾಭಿವೃದ್ಧಿ - ಈ ಅಂದಾಜಿಗೆ ಭಿನ್ನಾಭಿಮತಗಳಿರುವುದರಿಂದ ಈ ನಾಲ್ಕು ಕೋಟಿ ಜನತೆಯ ಸಾಧಾರಣ, ಶೈಕ್ಷಣಿಕ ಮತ್ತು ಆರ್ಥಿಕ ಕ್ರಮದ ಕೈಗೊಳ್ಳುವುದಾಗಿದೆ. ಈ ಕೈಗೊಳ್ಳುವುದರಲ್ಲಿ ನಮೂನೆಯಲ್ಲಿಯೂ ರೂಪರೇಖೆಗೆ ಸಾಮಾಜಿಕ ಮತ್ತು ದೇಶೀಯ ಅಭಿವೃದ್ಧಿಯನ್ನು ಕಂಡುಬಂದಾಗ, ಅವರಿಂದ ಉದ್ಭವವಾಗುವ ಪ್ರತಿಕ್ರಿಯೆ, ಅಂದಾಜಿನ, ಅದೇ ಮೊದಲಾದ ನಮೂನೆಗಳಿಗೆ ಸದಾಸದಾ ಸ್ವಾಮ್ಯ ಯಾವ ವಿಧದಲ್ಲಿಯೂ ಪರಿಶೀಲಿಸಲಾಗಿದೆ.

ಹಾವನೂರು ವರದಿಯ ಶಿಫಾರಸನ್ನು ಕೋಶಗಳ ಮೂಲಕ, ಹಾವನೂರು ನುಮಾರು 205 ಜಾತಿ, ಉಪಜಾತಿಗಳನ್ನು ಗುರುತಿಸಿ, ಏರಿ 15(4)ರ ಪ್ರಕಾರ ಶೇಕಡ 32ರಷ್ಟು ಶೈಕ್ಷಣಿಕ ಸೌಲಭ್ಯಗಳನ್ನು ಹಾಗೂ 185 ಜಾತಿ, ಉಪ ಜಾತಿಗಳನ್ನು ಗುರುತಿಸಿ, ಏರಿ 16(4)ರ ಪ್ರಕಾರ ಶೇಕಡ 32ರಷ್ಟು ಉದ್ಯೋಗದ ಮೀಸಲಾತಿ ಸೌಲಭ್ಯಗಳನ್ನು ಒದಗಿಸಿದರೆ, ಎರಡನೇ ಅಂದಾಜಿನ ವರದಿಯ ಪ್ರಕಾರ ನನಗೆ ತಿಳಿದ ಹಾಗೆ, 34 ಜಾತಿ ಉಪಜಾತಿಗಳನ್ನು ಗುರುತಿಸಿ, ಏರಿ 15(4)ರ ಪ್ರಕಾರ ಶೇಕಡ 27ರಷ್ಟು ಶೈಕ್ಷಣಿಕ ಸೌಲಭ್ಯಗಳನ್ನು ಹಾಗೂ 31 ಜಾತಿಗಳನ್ನು ಗುರುತಿಸಿ, ಏರಿ 16(4)ರ ಪ್ರಕಾರ ಶೇಕಡ 27ರಷ್ಟು ಉದ್ಯೋಗದ ಮೀಸಲಾತಿ ಸೌಲಭ್ಯವನ್ನು ಶಿಫಾರಸು ಮಾಡಲಾಗಿದೆ. ಈ ಕ್ರಮದಿಂದ ಹಾವನೂರು ಶಿಫಾರಸಿನಲ್ಲಿ ಇಷ್ಟಾದ ಸೌಲಭ್ಯ ಪಡೆಯುತ್ತಿದ್ದ ಹಿಂದುಳಿದ ಕೋಶಮು ಮತ್ತು ಪಂಗಡಗಳಿಗೆ ಅನ್ಯಾಯವಾದಂತಾಗಿದೆ.

ಇಷ್ಟಾದುದರಿಂದ, ಹಾವನೂರು ವರದಿಯ ಶಿಫಾರಸಿನಲ್ಲಿ ಅನೇಕ ಹಿಂದುಳಿದ ವರ್ಗ ಮತ್ತು ಕೋಶಮುಗಳಿಗೆ ಅನ್ಯಾಯವಾಗಿದೆ ಎಂಬುದನ್ನು ಅರಿತು, ಈ ಅನ್ಯಾಯಗಳನ್ನು ಸರಿಪಡಿಸಿಕೊಡಲು, ಅಗಿನ ಸರ್ಕಾರ ಹಿಂದುಳಿದವರ ವಿಶೇಷ ಪಂಗಡ

— ముఖ మూరు —

(బ్రాకవర్జ్ కాన్వేన్షన్ల గ్రూప్) వన్ను రక్షణలాగిత్తు.

ప్రారంభించు-ఆ విశేష పంజరే, శీకణ 50000 హెల్థ్‌వెము, తుదంత
 శీకణ 150000 హెల్థ్‌వెన్ను ఒదిగిపలాంతుకు (1979000). నాచ
 నెర్ననరువ వరదింతు, ఆ అంజవన్ను మూజ్‌పాగి ఠేగిణి, శీకణలు
 ఠిఫోసూ మూజ్‌లాగిది. ఆ విశేష మిసలాతింతు పంజర అశ్రయంబర్లు
 ఇమ్ము దిన హెల్థ్‌వె వేంతుక్తి, దం ఎల్లా కుకలము మక్తు, పంజరగ
 ఠకూబువరిగి అన్యంతు మూడిదంతుగిత్తు.

అంతులగి తంతుదిసిరువ ఠక్తు భీగగలం, అల్లం
 లుల్లంతువారింతు అన్తుంభ మక్తు అంకి అంజగ పంతుంతు నన్గి
 సిల్లిం. ఆ రూలపది వరదింతు మూజ్ అంజ తిశంతులు నన్గి కమ్ము
 వంతుంతు. దినంక 27.2.1986000 నన్గి నన్గింతు కంకు ప్రతిగంతు
 నన్గి అంకివ అన్గంతు మూజ్‌లు కంకుసికూజ్‌దేకంతు నూజ్‌దింతు
 నన్గి, ప్రతిగంతు బరదే అదం కారు, దినంక 13.3.1986000 వక్తు
 బరదే ప్రతిగంతు కంకుసికూజ్‌లు దినంకికూజ్‌లాంతు. అదరూ
 నన్గి ప్రతిగంతు తుక్తింతు ఎంతు దిష్టాదింతు దేకదేకాగిది.

అంతులగి 19 జిల్లగలం ప్రవాప శీగూంక నంబ్‌దం
 ఒంతు జిల్లంతు దిన, ఎల్లా 18 జిల్లగలం ప్రవాపదంతు నాను భీగింతుగిదేంతు.
 జిల్లా శీకంతుగలం నంబ్‌నద వేకంతుంతు వక్తువార అనేక అన్గంతు
 గగంతు నాను గంతుసిదేంతు. అతి నన్గి కులంతుగంతు అతర జనబాకుక్కు
 విరువ కులంతుగలం జూకేగి నేరిసిరువరదింతు, శీకణపాగి మక్తు,
 నామూజ్‌పాగి దూరంతుబుదాదంభ సవలంతుగంతు దీక్తు జనంతుక్కు
 అంతువరు కంకుసికూజ్‌క్తింతువరదింతు, నమ్మున్ను నాన్గిపాదరే నిమ్ము వగ్‌ద
 పంజరల్లాదరూ నేరిసి ఎంతు తమ్ము నూలవన్ను వక్తుపతిదింతు.
 ఆ ఒంతు తారంతువన్ను నరిపతింతు అంతులగి దిష్టలాగిది.

- ಮುಖ ನಾಲ್ಕು -

-ಈ ಆಯೋಗ ಮತ್ತೂ ಕರತು ಸಮಿತಿ ನಡೆದು ಬಂದ ದಾರಿ, ಅವರು ತಯಾರಿಸಿದ ಅಂಶಗಳ ಕಂತೆ, ಇವುಗಳನ್ನು ಕುರಿತು ಸಾಕಷ್ಟು ದಿರೋಧ ವ್ಯಕ್ತಪಡಿಸುವ ಅಂಶಗಳಿವೆ. ಇವುಗಳೆಲ್ಲದರ ಹಿನ್ನೆಲೆಯಲ್ಲಿ, ಕರ್ನಾಟಕ ಹಿಂದುಳಿದ ವರ್ಗಗಳ ಎರಡನೇ ಆಯೋಗದ ವರದಿಯು (ಕರತು) ಖಳಿಖಳಾಗಿ ಸ್ವಾಮ್ಯ, ನಮ್ಮ ದಿರೋಧವನ್ನು ವ್ಯಕ್ತಪಡಿಸುತ್ತೇನೆ.

ಪರಿಷ್ಕಾರ:

ಮೇಲೆ ಸೂಚಿಸಿರುವ ಎಲ್ಲಾ ಕೋಮು:ಪಂಗಡಗಳಲ್ಲಿಯೂ, ಕ್ರೋಧವಾಗಿ, ಸಾಮಾಜಿಕವಾಗಿ ಮತ್ತು ಆರ್ಥಿಕವಾಗಿ ವಂಚಿತರಾದವರಿದ್ದಾರೆ. ಅಂತಹ ಕೋಮುಗಳ ವಿಶೇಷ ಪಂಗಡವನ್ನು ನಿರ್ಮಿಸಿ, ಸೌಲಭ್ಯಗಳನ್ನು ಅವರೂ ಪಡೆಯಲು ಅವಕಾಶ ಕಲ್ಪಿಸಿಕೊಡಬಹುದು.

ದಿನಾಂಕ:17.3.1986
ಸ್ಥಳ: ಬೆಂಗಳೂರು.

ಶ್ರೀ ಹಿ
(ವಿ.ವೆಂಕಟರಮಣ)
ಸದಸ್ಯರು
ಕರ್ನಾಟಕ ಹಿಂದುಳಿದ ವರ್ಗಗಳ
ಎರಡನೇ ಆಯೋಗ.

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SEPARATE NOTE SUBMITTED BY DR. S. BHEEMAPPA
Member of the II Backward Classes Commission

I am a party for the main report of the Commission. I have also a signatory for the major recommendations of the Commission though I have some reservations about certain detailed criteria used for identifying Backward families among Backward Castes/Communities.

I have actively contributed my knowledge and experience as a member of the Commission as well as member of the drafting Sub-committee which prepared all the Chapters of the report before they were submitted to the full Commission which accepted these chapters with modifications wherever required either unanimously or by consensus or by majority decisions. I only differ from the main Commission in the matter of fixing the riders to eliminate the affluent class of people in all the Castes/Communities declared to be included as Backward Classes. My heart goes with the lowest of the low in all the Communities specially backward communities and also people living in the rural areas handicapped by many things missing to them in life. Before I venture to write a separate note highlighting certain of my view points which deserved to be considered by the Welfare Government, I would like to express my appreciation of all the Members of the Commission for their Co-operation and earnestness, specially the Member Secretary Smt. Shanthakumari Devaraj who joined the Commission in the middle as god sent. Though she hails from Tamil Nadu, the Castes & Communities of Karnataka are very new to her knowledge but still she could able to understand every one of them so well by reading expert books on them and by discussing in greater detail with social scientists and using her own administrative knowledge of 10 to 12 years in the State in this line within a short span of time. Her administrative capacity of getting

the voluminous statistical data of 75 main Communities of the State involving nearly 62 lakhs of families in 27 readable tables, her objective outlook and undeterred decisions on various matters made the Commission work easier. Her contribution to the Commission work is immeasurable. I fail in my duty, if I do not say a few words about Mr. B.S. Gudi, Deputy Secretary (Statistics) who is responsible to compile statistics flown from socio-economic survey, different Government Departments, various Caste organisations and individuals etc. Without a good and honest statistics, no good opinion could be formed on any issues specially the matters concerned to castes and communities. He is a man of integrity, honesty and intelligence.

The following few pages contain my view points on the issue which I mentioned above.

I am happy to mention here that the Supreme Court in their historical Judgement in the case of Vasantha Kumar Vs. State of Karnataka on May 1985 have laid down certain criteria for the determination of Backward Classes of citizens. One of the important criteria was caste cum means test. I hope their judgement will give rest to those people who harp upon the income criteria only (means test) for the determination of Backward Classes. In the same judgement the judges have cautioned that the elite or affluent class in all the Backward Communities should not be allowed to knock away most of the reservation benefits, leaving the most deserving lots high and dry. With a purpose of avoiding the affluents from among the backward caste/communities the Commission has recommended the income ceiling of Rs.15,000/- per annum. In my opinion except the salaried persons specially the Govt. Servants, most of the other people including the self employed people in Urban areas and landed gentry in the rural areas will furnish the false income certificates wherever.

it is required. Thus experience has been acknowledged by all the concerned in this State and in other States. Relying on income certificate for means test amounts to accepting false statement. This situation makes means test a dubious criteria. In other words though the means test is necessary but it is not sufficient and the way it is tested makes it even more unreliable. This is a frustrating experience, as far as the actual administration is concerned.

A family with an income marginally above the ceiling fixed for qualifying for reservation benefits may be socially, educationally and culturally backward and living in a remote rural areas, can the children of such family be denied the backward classes reservation benefits? In contrary a family which is educationally, socially and culturally forward but whose earning members who are self employed get an income certificate to satisfy the means test, be given the reservation benefits? This unfairness will expose the hollowness of pure income criteria to public criticism. The above mentioned paradox arises mainly because of the adoption of one single criteria i.e., income. The income of a family is not easily ascertainable and also provable. Even in the case of Government servants expect the income from the salary, the other sources of income are not ascertainable. Therefore instead of using the income as a sole criteria, a set of multiple and objectively determinable criteria should have been used for eliminating the better off among the backward classes. Accordingly I am suggesting the following multiple criteria for eliminating better off among the backward classes for the purpose of providing the reservation benefits under 15(4) and 16(4).

1) The parents of the candidates, any one of them are graduates or diploma holders or trained in any trades after acquiring a basic education of SSLC who have been

employed by Govt. or any other agencies or self employed in useful professions should not be allowed to make use of the reservation benefits to their children.

2) The parents of candidates who have sufficient means to bring up their children to a reasonable level in life i.e. the parents possess more than 60 acres of dry lands and its equivalent in other category of lands and plantations more than 25 acres & its equivalent in garden lands have to be excluded from the reservation category.

3) The parents of candidates who are industrialists owing. Small scale, medium or large scale industries according to norms of industrial classification have to be excluded from the BC category.

4) The parents of candidates who are engaged in business whose turnover is more than 10,000/- rupees per month have to be excluded from the category of BC.

5) The parents of the candidates who possess moveable property such as busses, lorries, cars, fishing boats etc., have to be excluded from the list of BCs.

6) The parents of the candidates who come under urban property ceiling and those who have rented out the house with a built plinth area of above 10 Sqs have to be excluded for BC benefits.

7) The children of Ministers, Jilla parishad Presidents, Mayors and Municipal Presidents and other elected leaders holding similar and equivalent positions carrying monetary and other benefits should be barred from the reservation benefits.

8) The parents of candidates who have minimum one's in their life utilised the reservation benefits to improve their living conditions either under 15(4) or 16(4) have

to be excluded. This criteria may be waved off if such beneficiary in the family is not alive.

9) It is alright the commission applied the multiple objective tests to determine the Backward Castes/Communities. What I want is that the multiple objective tests are also necessary to weed out the affluent families from among Backward Classes.

There is also fear expressed by the vested class in Backward castes/communities that if the affluent families from among backward castes/communities are excluded from the ambit of reservation, the very purposes of reservation policy fails because there will not be sufficient candidates available from the non-affluent families to utilise the reserved quota in full.

In my opinion it is unfounded fear. The facts from 1977 onwards speak otherwise. There are now nearly 20 lakh families in all backward Castes/communities in the State. The families qualify themselves under the above mentioned categories may not exceed 2 to 3 lakhs, still 17 to 18 lakhs of families are left to utilise the reserved benefits. After all the reservation in education is sought in technical educations like medical, Engineering, Pharmacy, Nursing, Agriculture, Veterinary etc. and not in B.A. and B.Sc.s. There are about 15,000 seats in total available in these courses for filling-up every year. The reservation quota for BCs may not exceed more than 4 to 5 thousand in a year. There are 7 lakhs of jobs in the State Government including the Government controlled and aided establishments. Even granted 27 thousand persons are retiring every year, only 7 to 8 thousand jobs will be available for BCs every year. In total under 15(4) and 16(4) about 12 thousand candidates from Backward Castes/Communities are required to fill up 12,000 seats and posts that may be available every year. I am sure

17 to 18 lakhs families after excluding the affluent families will be able to contribute the required number without any difficulty. There may not be enough candidates with 80% and above marks but there will be enough or more candidates possessing the requisite minimum prescribed qualifications. If any body expects high percentage of marks from the candidates coming from poor, illiterate and socially low background families, they either misconstrued the idea or practising sophisticated hypocrisy. What is more we must remember that in the long run the number of backward class of people seeking reservation benefits should come down. The others who enjoyed the benefits should be in a position to compete with others on equal terms, leaving the reserved quota of seats and jobs for the most deserving families. If the authorities find the reserved quota of seats or jobs are not fully filled by the eligible candidates, the above mentioned criteria may be relaxed with in the Backward Caste/communities so as to enable others if any available in the same group to utilise the benefits. If no one is available, these lapsed seats may be filled by SC or ST candidates.

Merit in terms scoring marks in competitive examinations largely depends upon the environment in addition to the heredity, which also play a considerable roll in shaping the individuals, in determining the I.Q. and efficiency of individuals. The good environment keep on transform or modify the heredity factors. Man is an evolved and sophisticated animal. To reach the stage of human being the life has gone through the stages of amoeba, Amphibia, Mammals monkey and Apes. It has taken millions and billions of years for the life to be evolved as man. The early man was a jungle man, beastly in character, lived in jungle like any others animals. He was cruel, languageless, less intelligent and did not possess any skill of productivity and creativity in the sense of acquisition of moral and material wealth. The present civilised man evolved through improvisation in the social and cultural life in the course of long history. Human

being inhabited the whole of mother earth. The density may vary from place to place. More than 50% of the human beings live in Asia. Nearly 1/6 of the human being live on the soil of Indian sub continent. The human beings live in groups. The different groups had and have different characteristic features and they were described as different tribes. Depending upon the climate and other environmental factors the human beings acquired particular colour and features. These are described as races. There are four well known races in the world i.e., Aryans or white race, caucasian or brown race, negroid or black race and Mongoloid or yellow race. In the dark age of the history, the white human beings mainly or wholly lived in the northern and western hemisphere, the caucasian lived in between the northern and southern hemisphere in Asia minor, part of northern africa and part of upper India, where as mongoloids lived in the eastern hemisphere; Even among these people there are different groups or tribes or species. It is interesting to note that the subcontinent of India have all racial people who are intermingled but not amalgamated even to day. India offers ready soil for all types of physology, religions, languages, and livings. It is a miniature world by itself. That is what our leaders emphasize that there is unity in diversity in India. That means this country has got diversified ways of livings. At the same time one will not miss to note that the racial domination, linguistic domination, ethnic domination, group domination and intragroup domination prevail in abundance in this country even today. The groups or different tribes are transformed into different castes in the course of time. The castes stayed in spite of onslaught on them by newer religions like Islam and Christianity, of course in subdued form. The exploitation became a rule in this

country because people are conscious of their racial or ethnical or religious origins. The Superior ones have always dominated the inferior lots. As Darwin stated, the struggle for existence and survival for the fittest, the only fittest and strongest people possess all good things in the life and also they had and have easy and leisurely life, which made them to read, write and enlighten themselves more and more about the earthly things. The weak people relegate themselves to the lives of least interference from the elite class. Manual hard labour is shunned by the privileged and civilised class, which became part of the lots of all the weak people. The weak people professing low occupations are clubbed and grouped as castes by those occupational names. Their labour and their produce however so essential for the existence of elite class of people are least remunerative. Even the entire family including women and children work day and night will not get them two, square meals daily and cloths to cover their bodies. When such is the case, where is the question of getting leisure for them and their children to engage themselves either in religious study or literary study. More over sudras were prohibited to read and write specially the sanskrit literature which was the one developed in the past. There were stringent punishments stipulated for those who transgress these laws. Because on account of these things and also low life and poor environment, majority of the people did not improve in their brain capacity. Of course they were and are experts in their own trades like agriculture, weaving, smithy, pottery and sculptures etc. which involves Hand skill and manual labour. British rule in India opened the gate of education to all people irrespective of religion, race, castes or languages inspite of staff opposition from the upper class. Even though the elite class opposed the English education in the beginning

but they were the first to acquire that knowledge and there by the Government jobs. The others either due to their ignorance and indifferent nature or due to their poverty did not acquire the English education which was requisit factor for getting the Government jobs. This could be well understood by reading the Millor's committee report which was submitted to the then Maharaja of Mysore in the year 1918. This report gives the beautiful picture of all castes/communities in the princly State of Mysore in the Second decade of this century. In that report it is mentioned that Brahmins with less than 3% population formed 25% of all the literate population 52% of all and English knowing population and 52% of the SSLC population. 70% of Class I, II and III of State services. This shows the vast differences existed between Brahmins and non-Brahmins then. Now the Brahmins percentage even in State services has come down to less then 20%. Ofcourse the Central Government jobs are not taken into account in this Commission report. It is the general opinion that Brahmins have a lion share in Central jobs which are not earmarked for reservation for Backward Classes all these years. The Central Government jobs are not at all small in number. They are nearly more than 5 lakhs in the State itself. The marked reduction of Brahmins in State service are due to the reservation policy adopted by Sri. Krishna Raja Vadeyar the IVth in the year 1926. He reserved most of the seats in educational institutions and jobs in Government services for the non-Brahmin castes and communities. In the begining the non-Brahmin communities were very slow in utilising these reserved benefits. A few caste only could able to utilise to some extent the reserved benefits and improved themselves when this country got independence. The constitution came into force in 1950. But many caste people still remained in the background during 50s. Though the consti-

tution makers recognised the state of affairs of Indian communities in pre-independent years, and redesignated the depressed classes of people as SC and STs, the backward classes of people as other Backward Classes and incorporated certain benefits like reservations in educational institutions and Government services for these class of people in the constitution under various articles ie. 15(4), 16(4), 46, 340 etc. An account of misreading and mis-interpretations both by the elite class and judiciary, the pre-independent days of benefits of reservations based on castes/ communities were shelved in many states. Due to persistent effort of people and some of the benavalent Governments reservation policy for BCs, have ben continued in one form or the other in some states particularly Southern States. It is necessary to know the impact of reservation policy pursued, by some States particularly Mysore State, on the whole society in general and the people of BCs in particular. When reservation for backward castes/communities was made for the 1st time in the princly state of Mysore, there were hardly few candidates available with requisite qualification from among non-Brahmin castes/communities. Even as late as 1950 many seats and jobs reserved for many backward and depressed castes used to be lapsed for want of qualifying candidates. The students, belong to SC and St castes with just 35% marks scored in intermediate were able to get admission to MBBS course upto 1955. Even then many seats used to be lapsed. Even among many backward castes, the students with 45% marks were able to get admission to MBBS course. Even there also many seats used to be lapsed. It was same with other courses and also jobs in Government services.

The cut off marks obtained by candidates belong to various categories sought for admission to MBBS course from 1980 onwards upto 1985 are as follows:

Year	G.P	B.S.G	B.C.M	B.C.T	B.T	S.C	S.T
1984-86 Rank Nos.	462	2475	3289	7441	7967	6660	7106
1984-85 Rank Nos.	369	2049	2542	4890	4671	6258	4833
1983-84	276	253	247	212	226	195	183
1982-83	272	256	240	211	221	191	210
1981-82	265	253	235	227	216	191	182
1980-81	263	242	234	180	193	172	186

The above table shows there is a steady increase in merit from year to year. Even among SC and ST category there is lot of competition now. The candidates less than 65% among SCs cannot think of MBBS course. The backward tribes less than 75% has not place. The Backward Community candidates need at least 82% marks. The bridge between merit pool and reserved category is reducing every year.

There is no comparison between the marks range of 50s and 80s in all the categories. The range has increased from 35% to 65% in case of SCs, from 45 to 71% in case of very backward castes, from 50% to 82% in backward communities. This clearly shows the candidates in 50s belonged to 1st generation and the candidates in 80s belonged to second and third generation. Now the first generation people both in Backward classes and SCs. and STs have no place at all in any competitive fields, because they are unable to compete with the neo-brahmins among

their own communities. Unless second and third generation people are prevented or avoided it has become impossible to help the first generation children not only among backward castes/community even among SCs and STs. The first generation students come from poor, illiterate or semiliterate families with low social background of rural or urban slumlife. With that background how could any one expect from them the high merit. When marks are the merit, naturally these less merited children will not find their places in any selections. If the affluents i.e., second and IIIrd generation people are avoided by suitable criteria, naturally the marks range will come down considerably with in the reach of deserving lots. The corolary is if the marks range is high, largely undeserving, better off sections who come from second and third generation will knock away all the reserved benefits and if the marks range is less the more people from the deserving first generation will have their due share. There is vested neo-brahmin class in all the castes, having no remes and reasons, selfish to the core, no feeling towards their unfortunate brothers oppose tooth and nail, the very theory of affluent or first generation if it comes in the way of their grabbing. If the Government yields to their pressure it will only encourage polarisation of each community into affluent and most backward. Such polerisation of BCs. will create conflicts leading to voilence and threatening the very existance of an orderly society. Therefore the Government should filter the affluent among the backward classes and provide the reservation benefits. to backward classes only the most neglected sections with in the backward classes. The Commission recommendation in this regard are not sufficient in filtering these better off from the backward classes. My main contention is that if only the income criterian is used to eliminate the better

off in the backward classes, the second and third generation will knock away these benefits by producing the false income certificates. Therefore we have to use the above mentioned multiple criteria to eliminate them to give reservation benefits to only the first generation among the backward classes. The very meaning of the reservation becomes meaning less when we do not recognise the unequals among the various castes/communities. It is better to remove more equals from competition with unequals so as to enable the unequals to have their due share. The struggle for existence and survival for the fittest principle not only apply to strong and weak communities but also within the communities for that matter all beings. During our tour throughout the state we have repeatedly told by various representatives of various communities/castes organisations and individuals, that the rural children are handicapped and not able to compete with the Urban elights in all communities and therefore they stressed the need for giving weightage to the rural children. The statistics also prove this amply. Where I was a member secretary for MBBS. selection committee in the year 1977, I collected the vital informations from all the applicants who were selected for the 1st year MBBS course. The following data culled out from the applications are as follows;

Total no. of seats available in Govt. Medical Colleges during that year	Bangalore City	Bangalore Rural Dist	Mysore City	South Canara Dist
353	178	4	27	46
	Coorg	Hassan	Chick-magalue	Shimoga
	nil	3	3	12
	Chitradurga	Tumkur	Mandya	Kolar
	11	5	3	9
	Bellary	Raichur	Gulbarga	Bidar
	3	3	7	nil
	Dharwar	Belgaum		
	22	9		

From other States through Govt. of India nomination etc. 8.

During this year, total number of seats reserved for SC were 50, out of these about 42 seats were taken away from the candidates from Bangalore City and KGF alone. The same thing may be true for other communities also. Bangalore City has knocked away more than 50% of the total seats. Including the students from other urban areas, the total urban percentage might have exceeded 80%, what was left over for 75% of the rural people was so meagre, which requires serious attention of all those who think about the rural people upliftment. If we look at the backward districts we find that no single seat had gone to Coorg, Karwar and Bidar Districts, in that year. Only 3 seats each had gone to Mandya, Chickmagalur, Hassan, Bellary and Raichur Districts. The same thing may be true in all other fields also. If the facts are properly collected and compiled from all the selection committees and recruitment bodies, it would have thrown much light on the real facts. Unfortunately the Commission was not able to get all the important vital data, not only from the selection committees, recruitment bodies but also even from the public service Commission. When constitutions and Courts have accepted the caste means for identification of backward classes, why the caste particulars from all candidates who seek entry in the Government Institutions, are not noted by the concerned authorities. I feel it must be made mandatory to all selection committees and recruitment bodies to note down all the vital facts and return the same to the Director of Backward Classes for recording and preservations. There is a fear often expressed by the vested class of people that by mentioning caste names in the application forms, the caste system perpetuate in the country. The castes remained in this country for millianum inspite of all reformation attempts made by phlosphers and revolutionaries. They will remain so in future also.

It will be naive if any body imagins otherwise. Without encouraging the large scale intercaste marriages how on earth the castes entrenched so deeply, will be destroyed in this country. The society must accpet what is reality and find out measures to bring about among all castes/communities so as to enable them to be amalgamated in due courses. In the absence of these measures if one thinkof casteless and secular society, is only a myth and far from the truth. The reservation policy in this State has brought a considerable change in the society. Unlike the one's existed in the North-India where vast population of Backward Classes have yet to open their eyes. I feel strongly the rural people irrespective of castes/communities should be given weightage of at least 10 to 15% marks to compensate, which may help at least some reasonable number of them to get into technical education and to Govt. services.

The main purpose of my submitting the separate note is to convince the Commission and the Govt. that single means test alone is not sufficient to eliminate the better off among the backward castes from cornering the benefits of reservation and therefore it is absolutely necessary to use set of multiple objective criteria as suggested above. Further, it is also my contension that some weightage to be given to the rural children of all Communities irrespective of categories, if that is not possible atleast in case of reserved categories.

I once again make it clear I am in full support off the Commission's report and its major recommendations. My separate note should not be treated as descenting. Om the other hand it is only a suppliment. If by chance my separate note come in the way of accepting the report by the Government, this note stand cancelled by inference.

Dr. S. BHEEMAPPA

A NOTE BY PROF. A.M. DHARMALINGAM, MEMBER, KARNATAKA

II BACKWARD CLASSES COMMISSION

I agree with the Report of the Commission and have signed the Report. There is disagreement on one matter, which I am pointing out here.

In the State Level list of castes and sub-castes, there is no one group as below headed by the caste- Mudaliar..

Caste	Sub-caste	Population	Percentage to the total population
MUDALIAR	Mudaliar	1,65,288	0.45
"	Agamudi	6,715	0.02
"	Karunika Pillai	14,440	0.04
"	Vellala	1,219	0.00

This caste group has been declared forward as per the 17 social indicators and the SSLC passed students indicator. The addition of the caste Agamudian to this group is incorrect for they form one of the three castes group, the Mukkulathore. The Sattanathan Backward Classes Report of Tamil Nadu of 1970, has recognised the Agamudians, Tewars and Maravars as the three belonging to the Mukkulathores. Mukku means three; Kulathores means castes. All these castes are agriculturists.

Of these 3 castes, Agamudians and Tewars have been reflected in the State Level Cent Per cent socio-economic and educational Survey conducted by the Commission. The caste Maravar is not reflected obviously because they are only a few or none in our State. The Tewars population in the State is 5,170 forming 0.01% of the whole population.

I had requested that it is wrong and unjust to attach the Agamudians to the group of castes under the main caste of Mudaliar and deprive them of the benefits under Articles 15(4) and 16(4).

The Mudaliars and Tuluva Vellalas are rightly kept in the forward classes and out of the Backward list as they showed themselves as forward as per the social indicators and the SSLC pass list.

It was represented to the Commission that the Agamudians and Tewars and Maravars must be kept together, as there are only Agamudians and Tewars existing in Karnataka these two castes of the Mukkulathore group, must be kept together. These two castes have been declared backward as per the Survey. This point was not appreciated by the Commission and hence this separate note.

The caste Agamudian may be omitted from the main caste of Mudaliars and added on to the caste of Tewar. There is no justice in taking a backward caste like Agamudi of a different group to the forward caste group of Mudaliars. This mistake requires to be corrected and benefits under Articles 15(4) and 16(4) extended to the Agamudians. It is baseless to think that Mudaliars may try to obtain certificates as Agamudians. The Commission has suggested enough safeguards to prevent false caste and income certificates. As such the imaginary fear of Mudaliars claiming to be Agamudians should not allow injustice to be done to the latter. The Agamudians are not Mudaliars.

A. M. DHARMALINGAM

DEMOCRACY, DISTRIBUTIVE JUSTICE AND THE MERIT POOL

- by Professor A.M. Dharmalingam

1. The Backward Classes Movement in India and the resultant Reservation Policy in education and the services, aims at removing inequalities in opportunities among castes/classes. The reservation policy is mainly because the Backward Classes are unable to compete on equal terms with the forward castes/classes owing to historical reasons. The Supreme Court among other things has stated that reservation for certain classes cannot go on for ever, and that the castes/communities/groups that have progressed under the reservation policy must cease to be in the list of Backward Classes. India, being a Welfare State, the Central and State Governments have been taking keen interest to raise the general level of all weaker sections, under the successive Five Year Plans, besides observing the reservation policy.

2. In the sphere of education in Karnataka State, it is seen that the average level of SSLC passes that was 1.69 per thousand in 1972¹, has risen to 3.34 per thousand in 1985². Some castes/communities that were listed as backward in 1975 in the Havanur Commission Report, have now moved into the forward category. As a result of this movement into the forward class, it has become necessary for these erstwhile Backward Classes, to compete with the traditional forward castes on equal terms, score the highest marks, and succeed in taking places in education and the services. It is apparent that their chances of winning over the traditional advanced castes are meagre and therefore a great apprehension would set in the mind of the backwards among forwards.

1 Havanur Commission Report, 1972

2 Karnataka II Backward Classes Commission.

3. It is well known that the I Q is the result of heritage and environment. "Of all human factors", writes A.M. Winchester of Colorado State College, U S A, "influenced by heredity, one of the most important for the future of mankind is intelligence. Moreover, enough evidence has been accumulated to show that the extreme variations in mental capacity among human beings are partly hereditary and partly environmental³. In ancient India, the ruling class and their advisers took particular care to maintain environmental excellence for the top sections of the population, to ensure that the transmission of physical and mental characters by heredity is not impaired. The closed and isolated caste groups, ideas about purity and pollution, allocation of specific occupations for each caste, prohibition of commensality and inter-marriage, were all steps in genetic engineering with an eye on Eugenics. The Agraharas around the temple in the centre of the village or town, provided for the inmates not only the best environment for spiritual and intellectual enlightenment but also ensured the benefits of excellent heredity. No wonder therefore the Brahmins of the Agraharas inherited and maintained the best I.Q. that stood them well in any competitive test where intellect counts.

4. "The idea that the gene is just responsible only for the transmission of hereditary characteristics is an old one. Today we know that genes do much more than transmitting traits over generations. They in fact, control all the functions of the cell and body growth. Gene is the all in all, for the life process to operate. Gene is the quintessence of life. It is the gene that is the driving force for the development of life forms and the transmission of hereditary traits and other biochemical reactions for sustaining life". I.

3. GENETICS - A Survey of the Principles of Heredity 3rd edition, 1966 page - 464.
 I. GENES ? WHAT THEY ARE AND WHAT THEY DO - by Mr. V.S. Venkataradan of the Tata Institute of Fundamental Research Published in Manorama Year Book 1978 - Page 797 to 825.

5. Many judges, and more particularly the judges of the Constitution Bench in the recent case of *Vasanthakumar, Vs. State of Karnataka*, have laid special emphasis on bestowing benefits through reservations on the Backward Classes by carefully preventing the forwards among the backwards taking away all the benefits, because of their affluence, better, I.Q., Political influence and discreet lobbying, recognising the fact that inequality among the Backward Classes, is a blatant fact. In order to obviate the unequal competition between the backwards and the more backwards, the Supreme Court that earlier frowned upon the division or classification of the backwards as backward and more backward, has now changed its stand and has approved the division as necessary and suitable vide *Balaran's case* and *Someshekarappa's case*.

6. Justice O Chinnappa Reddy clarified the classification by saying.

"We do not see why on principle there cannot be a classification into Backward Classes and more Backward Classes. In fact such a classification would be necessary to help the more Backward Classes; otherwise these of the Backward Classes who might be a little more advanced than the more Backward Classes, might walk away with all the seats. Just as, if reservation was confined to the more Backward Classes and no reservation was made to the slightly more advanced Backward Classes, the most advanced Classes would walk away with all the seats available for the general category, leaving none for the Backward Classes. All that we can say is that subclassification may be permissible if there are classes of people who are definitely far behind the advanced classes but ahead of the very Backward Classes".

7. Justice E.S. Venkataramaiah has not been less emphatic in recognising the inequality between different classes of the Backward Classes. He says, in the same case,

"It is the duty of the State to take note of the unequal situation of the individuals concerned, which has led to unequal capacities amongst them, and to reduce the rigours of free competition, which may, unless looked into by the State, lead to perpetual denial of equality of opportunity to the weak and neglected sections of society. This argument

is based on the well founded assumption that unequal conditions of cultural life at home cause unequal development of children belonging to different strata of society. The application of the principle of individual merit, unmitigated by other considerations may quite often lead to inhuman results".

8 Justice D.A. Dasai, has corroborated the need to restrain the forwards among the backwards, by observing, also in the same case,

"If a survey is made with reference to families in various castes considered to be Socially and Educationally Backward Classes, about the benefits of preferred treatment, it would unmistakably show that the benefits of reservation are snatched away by the top creamy layer of the Backward Classes. This has to be avoided at any cost".

all the arguments advanced by the above three judges in the matter of there being inequality amongst the backwards entitled to reservation under Article 15(4) and 16(4), and their anxiety to keep out the forwards amongst the backwards apply with equal force or perhaps more forcefully in regard to competition in the General Merit Pool. In this context also, the castes/communities like the Vokkaligas and the Vishwakarmas, the Darjis, the Devangas and the Ganigas now promoted to the forward category will have to compete with the Brahmin in open competition on equal terms. The "top creamy layer" in the forward group will undoubtedly walk away with most if not all the benefits and this situation has also to be "avoided at any cost".

9.. The advantages position of the upper castes traditionally given for millenniums, to education, vegetarianism, teetotalism, fasts, religious vows and hygienic living cannot be ignored, particularly when they are placed on equal terms with those denied or not habituated to these high principles of life. Yet all these situations

go to make up an excellent environment in which heritage flourishes. "Critics point out," write J. Ben Hill and Helen D. Hill of Pennsylvania State University, U.S.A.

"that the important factor would be the environment provided by the fathers, such as scholarly attitudes resulting in academic application by the sons. These who believe inheritance important in the cause of such correlation say that the fathers and sons inherited a similar innate mental makeup, which expresses itself in them and in the environment which fathers provide for their sons".

10. That the majority of eminent men come from families well above the average and in India from the higher castes, has been established. That both heredity and environment interact has been accepted, though it is difficult to fix the proportions of each. A good heredity may be rendered infructious by bad environment after birth and equally so a bad heredity may be countered by good environment Hence J Hill stated, "There must be some explanation for the unusual preponderance of exceptional ability in kinship of noted persons. It is hard to believe that a mere chance of better environment, independently of the superior ability to furnish a superior environment could be the explanation. A superior environment alone cannot make a noted or highly celebrated person out of an individual lacking in superior capacities. A superior environment can only assist in the expression of the potentialities an individual has"².

11. Aware of the fact that for millenniums. India is being ruled by the top few castes, Jawaharlal Nehru, categorically stated, in his address to the Congress Parliamentary Party on 2nd November 1954, quoted in Kalelkar Report 1955³.

1. GENETICS AND HUMAN HEREDITY, 1955 page 506 J. BEN HILL & HELEN D HILL.

2. Ibid - page 507.

3. KALALKAR Report, 1955, Vol. I, Page 138.

"We talk about casteism, and we condemn it as we should. But the fact remains that half a dozen or may be ten, so-called superior castes, dominate the Indian scene among the Hindus. There is no doubt about it. And if I talk about the removal of casteism, don't understand by that, I want to perpetuate the present classification, some at the top, the other people at the bottom. If we don't equalise, or tend to equalise, undoubtedly casteism will flourish in a most dangerous way".

12. Membership in government services means participation in the governance of the State, and all sections of the people wish for participation and require to be represented in fair proportion to their population if there is to be a government of the people by the people for the people. If no restraints are placed or some kind of discreet division not made in the recruitment and selection of candidates, the traditional forward ruling class of "six or ten castes" as indicated by Jawaharlal Nehru, will take away all the benefits through open competitive examinations and other tests, leaving the others high and dry. Democracy will then have no meaning in India.

13. That the government in a democracy must be representative of all sections of the people, however differently endowed for historical and sociological reasons, has been stressed by eminent political scientists. "Modern democracy", wrote Woodrow Wilson, the great American professor of history, political economy and jurisprudence, who later became the 28th President of the United States,

"Democracy wears a very different aspect and rests upon principles separated by the whole heaven from those of the Roman or Grecian democrat. Its theory is of equal rights without respect of blood or breeding. It makes the general Welfare of society the end and object of law and declares that no class, no class, no aristocratic minority, however numerous, however capable, however enlightened, can see broadly enough or sufficiently free itself from bias to perceive a nation's needs in their entirety or guide its destinies for the benefit of all. The consent of the governed must at every turn check and determine the action of those who make and execute the laws".

It need hardly be added that the backward classes of India, who form the backbone of the country in the production of consumer goods, food products, the construction of houses and the transportation and communication trades, form about 50% of the population. Enlightened by the principals of democracy, brought to India by the British rulers, they legitimately demand their share in the higher educational institutions and in all grades of the public services.

14. Mahatma Gandhi, has never been slow to recognise the supreme importance of democracy to the people of India.

"My notion of democracy is" wrote Gandhiji, "that under it, the weakest should have the same opportunity as the strongest. That can never happen except through non-violence".

Further he said, "Democracy disciplined and enlightened is the finest thing in the world. A democracy prejudiced, ignorant, superstitious will land itself in chaos and may be self destroyed". Connecting freedom with democracy, Gandhiji wrote, "I hope to demonstrate that real Swaraj will come not by the acquisition of authority by a few but by the acquisition of the capacity by all to resist authority when abused. In other words, Swaraj is to be attained by educating the masses to a sense of their capacity to regulate and control authority".

15. Whenever the British Writers and Politicians asserted that the Indians were unfit to govern themselves, Gandhiji used to say that good Government is no substitute for self Government one must have the freedom to err and improve.

Thomas Jefferson wrote in 1823,

"And true it is that the people, especially when moderately instructed, are the only safe, because the only honest, depositories of the public rights, and should therefore be introduced into the administration of them in every function to which they

1. "All men are Brothers-Life and thoughts of Mahatma Gandhi" compiled and edited by Krishna Kripalani, pages, 180, 183 & 191.

are sufficient. They will err sometimes and accidentally, but never designedly and with a systematic and persevering purpose of overthrowing the free principles of the government. Hereditary bodies, on the contrary, always existing, always on the watch for their own aggrandisement, profit of every opportunity of advancing the privileges of their order and on the rights of the people"².

116. In a country like India, multi religious, multi lingual and multi racial topped by the hierarchic caste system, 'graded and degraded', there are castes specially trained for ages in brain work under excellent and exclusive environment and other castes trained only for manual and menial labour for the benefit of the upper castes. In such a social set up, the absolute principle of equality and free competition cannot be applied as it would not serve the ends of justice. It is not enough if there is equal protection of the laws and equality of opportunity for all citizens of India; there must be equality of results.

117. Justice O. Chinnappa Reddy in the case of Vasanthkumar, commenting on Art. 16(4) being not an exception to Art. 16(1), has said,

"It is illustrative of what the State must do to wipe out the distinction between egalite de droit (formal or legal equality) and egalite de fait (practical or factual equality). It recognises that the right to equality of opportunity includes the right of the under privileged to conditions comparable to or compensatory of those enjoyed by the privileged. Equality of opportunity, must be such as to yield 'Equality of Results' and not that which simply enables people, socially and economically better placed, to win against the less fortunate, even when the competition is itself otherwise equitable. John Rawls in 'Theory of Justice' demands the priority of equality in a distributive sense and the setting up of the social system, so that no one gains or loses from his arbitrary place in the distribution

2.. The Political Writings of Thomas Jefferson, 1955 - Forum Books, Page 90.

of natural assets of his own initial position in society without giving or receiving compensatory advantages in return. His basic principle of social justice is: All social primary goods—liberty and opportunity, income and wealth and the bases of self-respect are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favoured". "Society must", therefore, treat more favourably those with fewer native assets and those born into less favourable social position".

The statement that equality of opportunity must yield equality of results was the philosophical foundation of the fulfilment of Art. 16(1).

18. In these circumstances, if justice is to be done and all sections of the population in Karnataka are to be kept in contentment and happiness, the only remedy, as pointed out by justice O. Chinappa Reddy, is distributive justice. It must be noted that every weak caste/community under the three categories of Backward classes in the G.O. of 2nd Feb. 1977, have all along felt that this had not helped them as their chances of competing with the larger and stronger castes/communities within the category have been slim.

19. The need for proper and fair representation of all castes, communities, and groups even in the unreserved general merit pool, has assumed great importance and such a demand cannot be resisted under democracy. "From these accumulated considerations, it is evident", wrote John Stuart Mill, "the only Government which can fully satisfy all the exigencies of the social state, is one in which the whole people participate; that any participation even in the smallest public function is useful; that the participation should everywhere be as great as the general degree of improvement of the community will allow; and that nothing less can be ultimately desirable than the admission of all to a share in the

sovereign power of the State".¹ In the same treatise, John Stuart Mill, declared that. "The pure idea of democracy, according to its definition, is the government of the whole people by the whole people, equally represented. In a really equal democracy, every or any section would be represented not disproportionately, but proportionately"².

20. The ingredient of equality is paramount in democracy. It does not mean, that all men are really equal or could be equal. The principle is that all men must be treated equally and made equal as far as possible. Harold J Laski, the eminent English political economist, wrote,

"Equality does not mean identity of treatment, it is an insistence that there is no difference inherent in nature between the claims of man to happiness. It is therefore an argument that society shall not construct barriers against those claims which weigh more heavily upon some than upon others. The idea of equality is obviously an idea of levelling. It is an attempt to give each man as similar a chance as possible to utilise what powers he may possess. Equality so regarded seems to me inescapably connected with freedom. For equality, so regarded, seems in the first place to mean the organisation of opportunities and in the second place, it means that no man's opportunities are sacrificed, except on terms of social principle, to the claims of another"³.

21. In these circumstances, the merit pool in a democracy cannot be allowed to be monopolised by the traditionally upper crust of the caste system. The one great objection to the reservation policy, compensatory discrimination, preferential treatment and distributive justice, is the

1.. REPRESENTATIVE GOVERNMENT - 1861, World Classics page-66.

2.. IBID pages 126-127.

3.. LIBERTY IN THE MODERN STATE, 1937 Pelican Books, pages 53-54.

merit theory warranting the intellectually best to be chosen regardless of caste, religion, population, place of birth, etc., It must be noted that merit obtained by the few at the cost of denial of education to the vast many for millenniums, is nothing to be proud of, even as Justice O. Chinnappa Reddy has said in the case of Vasanth Kumar, that, "the disastrous consequences of the so-called meritarian principle to the vast majority of the undernourished, poverty stricken, barely literate and vulnerable people of our country are too obvious to be stated. The Judge questioned, "What is Merit? and answers, "There is no merit is a system which brings about such consequences" and affirms that the backward class boy who takes 40% is equal to the forward class boy who takes upto 90% "When mediocrity has triumphed in the past when the upper class alone manned the services, why is it so much stressed now-a-days when the backward classes wish to find their place under the sun". The Judge pertinently observed, "Efficiency is very much on the lips of the privileged, whenever reservation is mentioned".

22. Merit is an unruly horse that requires to be kept under control, as otherwise, it will be used to exploit and enslave the weaker people. Merit should not be allowed to destroy the principle of democracy and social justice. It is desirable that Government takes positive action to prevent pure merit from monopolising the general merit pool and thus arousing the disappointment and frustration of the less merited people.

23. The measures recommended to achieve this democratic goal of distributive justice are noted hereunder.

1) Treat all applicants with 60% and above as meritorious and treat them on an equal basis for benefits under the general merit pool.

This approach is not without support from the highest judiciary. Justice O. Chinnappa Reddy in Vasanth Kumar's Case said in his judgement.

"We do not mean to say that efficiency in the civil service is unnecessary or that it is a myth. All that we mean to say is that one need not make a fastidious fetish of it. It may be that for certain posts, only the best may be appointed and for certain courses of study only the best may be admitted. If so, rules may provide for reservation for appointment to such posts and for admission to such courses. The rules may prescribe a high minimum qualifying standard and an appropriate method of selection. Different minimum standards and different modes of selection may be prescribed for different posts and for admission to different courses of study. All that we say is that efficiency cannot be permitted to be used as a camouflage to let the upper classes take advantage of the backward classes in its name and to monopolise the services".

Commenting on Art. 14, Justice E.S. Venkataramaiah in the same case has pointed out,

"The concept of equal protection required the State to meet out differential treatment to persons in different situations in order to establish an equilibrium amongst all. This is the basis of the rule that equals should be treated equally and unequals must be treated unequally if the doctrine of equality, which is one of the corner stones of our Constitution, is to be duly implemented. In order to do justice among unequals, the State has to resort to compensatory or protective discrimination".

- 2) The principle of selection must be - the best from each group/caste/community and not the best from the whole. Then only can monopoly by the traditionally upper intellectual castes/communities can be prevented.
 - 3) No community or caste should be allowed to taken more than its percentage share in the population.
- 24.. Recruiting or Selection Committees including the Public Service Commission must be representative of the various sections of the population. The Socially and Educationally backward castes/communities must invariably

be represented in all such committees. In particular the castes and communities now identified as Socially and Economically Backward Classes and grouped into two categories as 'A' and 'B', must invariably be represented in all such committees. It is well known that the traditionally privileged castes are scarcely ever sympathetic to the needs and aspirations of the Backward Classes. Authorities who are anxious that the forwards among the backwards should not walk away with the whole cake, in the reserved pool, should also be anxious not to allow the most forwards to take away the whole cake in the general merit pool.

25. Justice O. Chinnappa Reddy is fully aware of this problem and has hinted that the upper castes cannot be trusted to do good by the Backward Classes. Standing on the merit theory, they have only strengthened themselves at the cost of the weaker sections. As already noted earlier, merit in intellect is not the only consideration for efficiency and democratic administration. Apart from merit in marks a candidate should have leadership abilities, sympathy for the downtrodden and a sacrificing spirit.

"Efficiency" says Justice O. Chinnappa Reddy, is not a Mantra which is whispered by the Guru in the Sishya's ear. The mere securing of high marks at an examination may not necessarily mark out a good administrator. An efficient administrator, one takes it, must be one who possesses among other qualities, the capacity to understand with sympathy and therefore, to tackle bravely the problems of a large segment of the population constituting the weaker sections of the people". The Judge pertinently, poses the question, "Why 35 years after Independence, the position of the Scheduled Castes, etc, has not greatly improved? Is it not a legitimate question to ask whether things might have been different had the District Administrators and the State and the Central bureaucrats been drawn in large numbers from these classes".

26. That the doctrine of proportional representation is an essential ingredient of democracy, has been stressed by the Supreme Court in its latest Judgement in the case of Wasanthkumar, May 1985.

Justice O. Chinnappa Reddy in the above case has stated.

"Reservation must, therefore, be aimed at securing adequate representation. It must follow that the extent of reservation must match the inadequacy of representation. There is no reason why this guideline furnished by the Constitution itself should not be adopted for the purpose of Art. 15(4). For example, the extent of seats in professional colleges may conveniently be determined with reference to the inadequacy of representation in the various professions. Similarly, the extent of reservation in other college, may be determined with reference to the inadequacy in the number of graduates, etc., Naturally, if the lost ground is to be gained, the extent of reservation may even have to be slightly higher than the percentage of population of the Backward Classes."

27. The proposal made here that even the benefits under the merit pool should not be monopolised by a few upper castes, but that all sections of the population must be adequately represented, has the support of all democrats. Justice O. Chinnappa Reddy further clarified.

"Article 14 and 16(1) would not be violated by the rule which ensure equality of representation in the service for unrepresented classes, after satisfying the basic needs of efficiency of administration. A rule giving preference to an unrepresented backward community would not contravene Arts 14, 16(1) and 16(2). Art. 16(4) merely removed any doubt in that respect".

28. The Judge further clarified in the next page of his judgement,

"All legitimate methods were available to strive for equality of opportunity in services under Art. 16(1). Art. 16(4) enacted one of the methods for achieving equality embodied in Art. 16(1)."

Quoting Justice Mathew in the famous case of *N. S. Thomas Vs. State of Kerala*, Justice O.Chinnappa Reddy observed,

"Mathew J. who agreed with the conclusions of Ray, C.J., observed that resort to some sort of proportionate equality was necessary in many spheres to achieve justice. Equality of opportunity was not simply a matter of legal equality, if depended not merely on the absence of disability, but on the presence of abilities. The Government has an affirmative duty to eliminate inequalities and to provide opportunities for the exercise of human rights and claims."

Proportionate representation and reservation even in the merit pool can therefore be justified under Arts. 14, 16(1) and 46.

29. It is imperative, therefore that the recruiting and selection committees must be representative in character. The minor communities that are many in number should get representation by turns in rotation, so that the claim of no caste/community is neglected or ignored.

Art. 16(1) states, "There shall be equality of opportunity for all citizens in matters of employment or appointment to any office under the State", in clause one and in clause 4, it states that the State may "make any provision for the reservation of appointment or posts in favour of any BC citizens, which in the opinion of the State, is not adequately represented in the services under the State. As regards equality of opportunity, it has been

sufficiently established that there can be equality only amongst-equals, and that unequals must be treated unequally in order to bring about equality.

There can be some difference of opinion about the term "adequate" used in clause 4 of Art. 16. To all intents and purposes, the term can only mean equal to the population of the caste/community concerned. The dictionaries also state that the term means "equal to", "sufficient", "made equal".

(Quoting decided cases, Marc Gallanter has stated,

"The relationship between the percentage of seats reserved and the percentage of population who enjoy the reservation is a puzzling one. It seems to be generally assumed that a reservation should be at about the same level as the representation of the group in the population - thus for example, seats or posts are normally reserved for the SCs and STs roughly in accordance with their percentage in the population. In Pandit Vs.State of Bombay ((AIR 1972 Bombay 243), the High Court found the beneficiaries percentage of the State's population "an objective and just test for determining the proportion of seats to be reserved in the medical colleges". There is perhaps no better basis for such reservation of the population of the BCs to the whole population of the State.

To stress the point that adequacy means equal to population, Marc Gallanter further states,

"Many reservations for the BCs are much smaller than the population percentage of those classes. Courts have responded differently to such discrepancy. In Jacob Mathew, the fact that the reservation was smaller than the population of the group impressed the judge as evidence that the selection was a prize of caste politics rather than a genuine attempt to assist the backward. On the other hand in Vistwamath, the Mysore Court found the fact that 30% of the seats were reserved for 50% of the population, a warrant for the reasonableness and moderation of the measure".

((COMPETING EQUALITIES, 1984, pages 439-40) .

In the case of T. Devadasan v India (AIR 1964 SC 79) Justice Mudholkar, delivering the judgement on behalf of the majority (Subba Rao J dissenting), stated,

"equality in Art 14 meant equality among equals. The purpose of Art. 16(4) was to ensure that BICs which included SCs and STs should not be unduly handicapped in matters relating to employment in the States. The provision therefore contemplates reservation of posts in favour of such classes where they are not adequately represented in the services in the State. As such a rule providing for such reservation cannot be said to have violated article 14. However, if such reservation was excessive so as to deny a reasonable opportunity for employment to members of other communities any member of the later could then complain of denial of equality by the State.

By way of comment on the important terms, 'equality' and 'adequacy' Justice Mathew J, in the case of N.M. Thomas v State of Kerala, AIR 1976 SC 490, declared,

"Compensatory State action is in addition to reasonable classification". He was of the view that "though complete identity of equality of opportunity is impossible. Measures compensatory in character and which are calculated to mitigate surmountable obstacles to ensure equality of opportunity can never incur the wrath of Art 16(1). "To ensure "equality of opportunity", the State could adopt any measure to enable members of the SCs and STs to have adequate representation in the services "and justify it as a compensatory measure" provided it did not dispense with the consideration of efficiency of administration.

In view of the above, proportional reservation and representation in all spheres of life are guaranteed by the Constitution and will have to be implemented as much in the reserved pool as in the unreserved general merit pool in order to satisfy the claims of all sections

of the people whether highly trained by past unequal traditions or less trained, in a democracy committed to equality of opportunity both in the measure and in its results. (Mandial Report Part II page 88)

TABLE - I

Sl. No.	(Caste	Population	Percentage
1.	Balija	4,79,905	1.33
2.	Darji	1,17,872	0.33
3.	Devanga	2,68,146	0.74
4.	Ganiga	1,62,412	0.45
5.	Neygi	2,34,882	0.65
6.	Pategar	15,472	0.04
7.	Rajput	55,851	0.15
8.	Satani	20,934	0.16
9.	Wiswa Karma	7,08,886	1.96
10.	Wokkaliga	42,17,520	11.68
		62,83,832	17.39

NOTE: SUBMITTED BY SHRI M.S. HELAWAR
Advocate, Kadur

Thanks to Prof. M.N. Srinivasa, World Famous Social Scientist who pointed out that the nomadic tribes are the primitive tribes having Microscopic Minority population needs a special attention by the Government even compared with the communities listed as Scheduled Caste and Scheduled Tribes and he also pointed out that the economic status may not have so much affect on the social status of these tribes as they do not know how to live. This two principles have not taken into consideration by the Commission.

Even at the time of British Rule in the country, the communities having a nomadic character were listed as nomadic tribes and a special department was there and there was a District officer at the District called as "District Nomadic Tribes welfare Officer."

After independence, while drafting the constitution Law of India, some of these communities were listed as Scheduled Caste or Scheduled Tribes. The Communities whose population was known were included in the list.

At l.æst stage the Government came to know that though the population of certain tribes was shown as nil in the census report, still some population was available and then the erst-while Bombay Government prepared a list as nomadic tribes and special schemes like Housing, Economical Aid, etc., were introduced.

The very same list was accepted by the Government of India and some funds were ear-marked by the Centre for the State specially the Government of India scholarship

etc., The British Government had published some communities as Criminal Tribes in the Gazette and later it was de-notified and called as Ex-criminals or de-notified tribes. This de-notified tribes and the nomadic tribes were clubbed together listed as Backward Tribes and Shri L.G. Havanur called them as Beggary Tribes and three percentage of reservation was given to these tribes both under Article 15(4) and 16(4) Constitution and later it was increased to 5%.

After organisation of the State the communities classified as denotified tribes were continued for some time by the Government of Mysore and after passing of the bill, removal of area restriction by the Parliament, all the de-notified tribes were included in the list of Scheduled Caste and Scheduled Tribes except one or two.

Out of the list of the nomadic tribes, we find very few communities in Karnataka and most of them may be either from Gujarat or from Maharashtra. The names of certain communities like Sikkaligar, Sudagada Sidda, Killikytha and Syllekatha, Handi Jogi - Dombur, the few communities like Helaw or Holava, Durgamurga (Burburcha) Pichaguntala, Dombidas are not included either in the list of SC., only for the reason that the population in the census was shown as nil, the population of these each community is not more than 20,000 in Karnataka and totally it may be 50,000 (half lakh), I requested the members of the commission to have a separate list as 'C' Group and to propose some facilities to these group, because they cannot compete with the major communities, but the commission did not agree for it., only for the reason that there is no sufficient population to propose percentage of reservations.

The nomadic tribes remained in the list and classified in 'B' Group by the Commission, not only they need a separate reservation under Article 15(4) and 16(4), the special assistance to improve their social and economical standard is most important.

So far as Holva community is concerned, this community is being called by different names in different parts of the State. In erst-while Bombay it is called as Halva, in Bellary and Kollegal Area, is being called as Holva and in Old Mysore area is being called as ANACHI & PICHAGUNTALU. Dr. Kaka Kalelkar in his report has stated that, it is a Wandering tribes, the men are the religious beggars and the women are the religious prostitutes and Dr. Nagana Gowda classified them as most backward classes, in case of this Beggary Tribes, the question of untouchability does not arise.

The Holva community was classified as Schedule Tribes in erst-while Tamilnadu by the Government of India and the people from Bellary, Kollegal and Mangalore (South Canara) were getting the facilities, but most unfortunately the name of this community was dropped at the time off the re-organisation of Lingustic states vide letter No. BC 12016/9/78-SCT v. dated 20-7-1978 written by Shri M.M.K. Sardana, Deputy Secretary, Ministry of Home Affairs, it is stated that the 'Holva' Community was deleted from the list of Scheduled Tribes of Madras state by the Scheduled Caste and Scheduled Tribes orders (Amended) Act 1956 (Act. NO. 63 of 1956). The re-organisation Act is very clear that the status of the community will be continued as it is even after re-organisation but I could not understand how this community was deleted, this is against the very Act of re-organisation.

I request the Government of India to correct this illegality and to publish the name of this community in the list of Scheduled Tribe.

Shri Y.K. Hebbali the then Director for Scheduled Caste and Scheduled Tribes, Government of India, Bangalore, has stated that the Holva community possesses the tribal characteristics and the Government of India and the Registrar of India is examining to re-include this community in the list of Scheduled Tribes vide his letter No.28/5/81-RUJ, dated 10-2-1982, but still, it is being examined.

The nomadic tribes are not limited to Karnataka alone, they are all over India, and it is a part of Indian culture specially Hindu culture and every state is having the list of nomadic tribes. There was an All India Organisation called as Bharatiya Ghumanthu Jana Sevaka Sangha, Delhi, and Shri U.N. Dhebar was the Chairman and then the Hon'ble Chief Minister of Uttar Pradesh, Shri Maniklal Varma, was the General Secretary and the then Hon'ble Prime Minister Morarji Dasai was taking active part in serving this nomadic tribes to the organisation. Even in Karnataka the then Hon'ble Minister Smt. Yashodara Dasappa was a Convenor for Karnataka and she had constituted a State Level Committee i.e. State Advisory Committee for the Welfare of nomadic tribes, de-notified tribes, and Scheduled Tribes and for all these years the Government of Karnataka is giving all the facilities on par with Scheduled Caste & Scheduled Tribes to this nomadic tribes i.e. backward tribes except political reservation and it was adopted by other states.

I personally feel that this commission should have formed one more group as 'C' Group for this permissive

tribes and should have recommended to the Government to give a special attention to improve these communities apart from the reservation under article 15(4) and 16(4) and the commission should have recommended to the Government of Karnataka to move the Government of India to include these few tribes in the list of Scheduled Tribes and I personally feel these are the real backward classes as per the observations of the Supreme Court, as they are akin to Scheduled Caste and Scheduled Tribes in all respects and in fact their condition is more worse than of a Scheduled Caste in all respects.

Shri L.G. Havanur, was a really wise in not putting the economical limit to these tribes. This Commission did a mistake in putting the economical limit to these tribes by including them in 'B' Group.

I humbly request the Government of Karnataka to have a separate list of these microscopic minority population primitive tribes and give them all assistance and representation in all the committees including the recruitment committees and the Legislators and see that these people should also come up in life on par with other sections of the society.

M.S. HELAWAR

NOTE BY SHRI H. CHICKANNA

Member, Karnataka II Backward Classes Commission

I have high appreciation for the uniqueness of the report in that, that a complete socio-educational-cum-economic survey of the population of the State has been conducted and the data collected in the survey have been scientifically and objectively applied to identify the Backward Classes. I fully agree with all the recommendations of the Commission except with regard to the quantum of reservation and its distribution between the A & B Groups.

While the percentage of the Backward Classes population has been declared as 33% the quantum of reservation has been fixed at 27%. The rationale behind this fixation is not understandable. The Havanur Commission recommended 32% reservation for a Backward Class population which it declared as 45%, and it was accepted by Government. The reason for allotting 32% quota then was that, together with the percentage of reservation for Scheduled Castes and Scheduled Tribes, the total reservation should not exceed 50%. The Mandal Commission fixed 27% reservation for other Backward classes which it computed at 52%, for the same reason. Now the reservation can be increased to 32% as the total reservation will not exceed 50%. By fixing the reservation at 27% even the quota allowed by the Court is not being availed of. In fact this results in the surrender of 5% to the forward classes. There is no justification for depriving the Backward Classes who have suffered so long of this benefit. Hence I suggest that the quantum of reservation may be enhanced from 27% to 32%.

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The Backward classes have been grouped into two classes, A & B. Group A consist of those castes/communities whose average of SSLC passes are below the State average but above 50% of the State average and 'B' Group consists of the Castes/Communities whose SSLC passes are below 50% of the State average. The 'A' Group has been allotted a reservation of 14% and the 'B' Group 13%. This apportionment has been made on the basis of the total population of each of the Groups. The purpose of the categorisation is to ensure that there is competition among candidates belonging to communities which have reached a particular level of educational advancement. Beyond facilitating interse competition among candidates of each of the groups which are treated as more or less equal, the distribution does not serve the purpose of making more facilities available to the more backward in the 'B' Group. Even though there has been disparity between the two Groups in respect of education and employment, both have been treated on an equal footing from the point of view of conferring the reservation benefits.

The deficiency in the educational advancement of Group 'A' as compared to State average of students passing SSLC is 0.05% and the deficiency of 'B' Group is 0.199%. Similarly the deficiency of 'A' Group in the representation in the services is 4.21% while it is 7.82% in the 'B' Group. The proper course for the distribution of the quota would be to take the degree of backwardness and the population of each Group as the basis and distribute the quota accordingly. If this is done the Groups would get the quota as follows:

	Under 15(4)	Under 16(4)
'A' Group	12	12
'B' Group	15(*)	15(*)

If 32% is conceded the distribution between 'A' & 'B' would be as stated below.

'A' Group 17 and 'B' Group 15(*)
 (*) Limited to population.

H. CHICKANNA